



CAROLINA BEACH
TOWN COUNCIL MEETING
MINUTES • AUGUST 9, 2016

Council Chambers

Regular Meeting

6:30 PM

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

1. CALL MEETING TO ORDER WITH INVOCATION BY REVEREND MOLLY PAINTER

Mayor Wilcox called the meeting to order. Invocation was led by Reverend Molly Painter followed by the Pledge of Allegiance.

Attendee Name	Title	Status	Arrived
Dan Wilcox	Mayor	Present	
LeAnn Pierce	Mayor Pro Tem	Present	
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

Mayor Wilcox made a motion to adopt the agenda to include the following change:

Item 6b (Public Hearing on Breweries) tabled until the following meeting.

Motion carried unanimously.

3. SPECIAL PRESENTATIONS

a. Employee Recognition

(Requested by Kim Ward, Town Clerk)

Chief Spivey introduced two new police officers Justin McDade and William Menendez.

Chief Sprivey recongized Officer Erik Tello for 5 years of service.

Michael Cramer recognized Sheila Nicholson for 5 years of service.

Mark Meyer, Gil DuBois and Mayor Wilcox recognized Gene Gurganious for 25 years of service in the utilities department.

b. New Hanover County ABC Board Presentation

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

New Hanover County ABC Board representative presented the quarterly distributions check in the amount of \$57,963.00 and an additional check for \$29,400.

c. Electronic/Digital Display Presentation

(Requested by Sheila Nicholson, Town Manager's Office)

Bill Benham with Champion Outdoor gave a presentation for the use of electronic/digital displays on municipal property. They would fund all costs and obtain all permits. Displays will be donated to the town for a perpetual lease agreement. Champion Outdoor will operate, maintain and sell advertising and receive all profits until the initial cost of the investment is met then profits will be shared 50-50 with the town less fees, sales costs and insurance. Signs can be used for public service announcements. Town will receive 8 free ads or 8 seconds free every 60 seconds. Recommended locations are one at the south end and one at the north end. LED screen size would be 6'x12' low to the ground, monument style. Approximate revenue would be about \$70,000 per year. The contract is for 10 years.

d. August and September Special Events

(Requested by Brenda Butler, Planning & Development)

Brenda Butler reviewed the special events for August and September.

e. Project Update from Gil DuBois

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

Gil DuBois gave an update on the following:

Boardwalk northern extension - The pre-bid meeting was held on August 2nd. We had six contractors show up. The bid opening will be on August 15th at 2:00. Hopefully we will have a contract for consideration on September 13th and start construction in October with completion in February, 2017.

Greenway - The project is pending the NCDOT final approval and MOTSU lease agreement. We are expecting a response in September. If approved, we would send it to bid in late September with bids back in October/November; start construction in January with completion in June 2017.

Cape Fear south side from Fifth Street to Dow - We still have the multi-use path going in; construction documents submitted to NCDOT for final approval; bid out in September/October; start construction in late December with completion in February 2017.

Lake dredge project - We have Army Corps of Engineers, State Stormwater permits and the 411 Water Quality certification; we are awaiting final DENR permits; send to bid September/October; start construction in December.

We are seeking a water/sewer grant through the state for the northern end of the beach areas (Georgia, Florida, and Delaware) to submit in September. Phase C would be on the same timeline as the grant submittal. We will have another round sometime in January/February for the next two phases of infrastructure completed at that time so we could apply for additional funds.

We started a sewer project on St. Joseph this week. We sent flyers to all residents on Yacht and St. Joseph. This will be a 10 day project and will be completed in next 2 weeks.

We have some stormwater work on St. Joseph next to Hidden Hills. It has been very successful.

Phase 1A and Phase 1D state utilities contract - All the water and sewer components

are completed; ongoing storm drain project on Sixth Street (completed between Cape Fear and Harper) and should be completed by September 9th.

Phase B along Atlanta - We currently have 608' of 6" waterline installed. The pressure testing started today and the sterilization process starts tomorrow. Service to begin hopefully on Monday. We will begin storm drain work on Atlanta tomorrow at Fifth Street proceeding east. Target date is August 18th.

Lake discharge project - The directional drill is scheduled from Driftwood under 421 into the lake on September 19th. The public will be noticed the first week of September.

Directional drill at Birmingham - We put in 2,475' of 16" pipe; about 600' of 16" pipe to install on east side (half installed at this time); pipe replacement around pumps and connections; 850' of 16" pipe on west end in next 10 days; scheduled completion by September 15th.

Sewer cleaned and evaluated on Third Street between the pump past Birmingham. Upon finishing, we will pave from the intersection at Third and Birmingham to entrance going into the lake pump and the edge of Columbia and Third Street.

EQ basin/wastewater treatment plant pre-construction meeting is today on site with TA Loving; Best Sand and Gravel will be starting construction/removal of debris and material and grading tomorrow. Expected completion on September 19th.

4. OLD BUSINESS

a. Lake Park Crosswalks

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

Michael Cramer gave an update on Lake Park crosswalks. We are looking at adding walk signs with blinking lights with push button activation powered by solar; adding additional crosswalks; reconfiguring some intersections; and partnering with police and state in their Watch for Me NC educational program. Six intersections to improve: (2 are within the Phase B project underway) Hamlet Avenue and Lake Park - change intersection to have 4 crosswalks with flashing pedestrian signs on each side of the intersection. Atlanta - close down eastern most access point to the intersection from Atlanta to Lake Park and connect that with a sidewalk, dual crosswalks at that location and additional crosswalk where it crosses over to the lake area and add flashing signs. This area will be tested first during late summer/early fall. Other four locations: Carolina Sands, Tennessee, Ocean and Alabama - flashing signs/pedestrian access will be added at crosswalks. The cost is approximately \$60,000. Directional signage at Fayetteville and Lake Park as well as Woody Hewitt and Lake Park into the parking lots. We will be using contingency funds through a budget adjustment out of the Phase B project for two of them. The rest we have put in for a TAP grant through the state.

5. PUBLIC DISCUSSION

Lucy Sears, 716 Glen Avenue, spoke against the solid waste facility on Bridge Barrier Road (rat problem, loud noise).

Patrick Boykin, 712 Glen Avenue, also spoke against the solid waste facility (eliminate last 10% of solid waste).

Michael Cramer gave an update on the status of the facility. Yard waste is being picked up on a monthly basis for each quarter which is stored in the knuckle boom truck or

dumpster. It stays a day or two then it is transferred off the island by Waste Industries. Estimates for disposal of that in other ways seem cost prohibitive. Bulk waste falls in the same rotation schedule. It is put in the compactor or into other open containers which are transferred off the island every day or so depending on the volume. Electronic waste is stored on pallets wrapped in plastic and taken off the island monthly. The exterminator comes out on a monthly basis to check traps/bait stations. To date, there have been limited catches. We can go outside of our property if council chooses. Smell issues - staff has checked for issues, also cleaned the entire property and all water runoff lines going to the sewer system are clean. Mayor Wilcox urged staff to continue to look at the issue to see what improvements can be made.

Mark Goddard, 311-A Atlanta Avenue, spoke against the proposed sidewalks in the Phase B Project.

Paul Wicker, 812 Monroe Avenue, spoke against the proposed sidewalks.

Tom Ingram, 311-B Atlanta Avenue, spoke against the sidewalks. He is concerned about the tree in that location. It is approximately 80 years old and he does not want to see it come down.

Oscar Cleaveland, 418 Hamlet Avenue, spoke against the sidewalks as well.

Mayor Wilcox called for a 5 minute break.

6. PUBLIC HEARINGS

- a. Consider amending Chapter 4 Animals and Fowl to create an allowance for hens as pets. Applicant: James Wind.

(Requested by Ed Parvin, Planning & Development)

Ed Parvin made a presentation for a code amendment to allow chickens. He reviewed criteria for limiting different types of pets allowed/not allowed. Domestic fowl language was updated recently to include chickens because of complaints against chicken coops being placed in yards. Mitigation strategies used by communities for allowing chickens were looked at and listed in the packet. Mitigating concerns were reviewed. Staff went to residences where chickens were being kept prior to creating amendment to the code. Staff recommends the amended ordinance if hens are allowed. Enforcement of bringing current coops into compliance within 60 days, if approved, would be to have an inspection followed up with a \$50 a day violation.

Mayor Wilcox opened the public hearing.

James Wind, 519 Birmingham Avenue, (applicant) - spoke about the positive, sustainable aspects of having chickens as useful pets. Current code does not disallow chickens as pets. He submitted a text amendment in May to allow chickens as useful pets. Staff reviewed sanitation, noise, property values, etc., as being non problematic.

Noel Fox - The town's position when the new code was adopted, was that chickens were not allowed under the existing code. The town was advised from a legal standard that the code prohibited chickens and that is why they took that position. Citizens always have the right to appeal a determination as to whether or not the town is properly enforcing code. It was made clear in the most recent update to the code because of the confusion. The town's code currently does not allow for chickens.

Donna Sloan, 607 Atlanta Avenue - has a chicken coop, spoke for the allowance.

Patrick Boykin - asked if there is a limit towards the number of other pets.

Ed Parvin - There is not a lot of specific regulations. In most codes there are for chickens but we do not have a limit for the number of dogs or cats or other types of animals now.

Betty McKenzie, Fifth Street - spoke for the allowance.

Dianne Wind, 519 Birmingham Avenue - spoke for the allowance.

Paul Whitaker, 812 Winner Avenue - spoke for the allowance.

Mayor Wilcox closed the public hearing.

Council Member Shuttleworth made a motion to adopt Ordinance 16-1020 with the modification to restrict to single-family residential properties and a maximum of a 60 square foot chicken coop and run. Motion carried 3-2 with MPT Pierce and Council Member Doetsch voting no.

- b. Consider amending Chapter 40 Article III, Sec 40-172 Table of Permitted Uses; Article V Off-street parking and loading requirements; Article IX Development standards for particular uses, Sec. 40-261 and Article XVIII Definitions to address standards for Breweries. Applicant: Richard Jones

(Requested by Jeremy Hardison, Planning and Zoning)

This item has been tabled to the September 13, 2016 meeting.

- c. Consider amending Chapter 40 Article III, Sec 40-172 Table of Permitted Uses; Article V Off-street parking and loading requirements; Article VI Landscaping and Development Specifications Standards Sec 40-176 Buffer yard landscaping; Article IX Development standards for particular uses, Sec. 40-261 and Article XVIII Definitions to permit Marinas permitted by right in the MB-1 zoning district and to review associated standards. Applicant: David Pierce

(Requested by Jeremy Hardison, Planning and Zoning)

Jeremy Hardison presented the text amendment for marinas being permitted by right. Petition was received from David Pierce, owner of Carolina Beach Marina and Boatyard. Marinas are currently permitted in the Marina Business District (MBD), R1, C and the CBD. The amendment is to change by conditional use to allow for a permitted by right in the MBD (location on map shown on overhead). The MBD has historically been developed as residential due to close proximity of the sound. Carolina Beach Marina and Boatyard received a CUP in 2012 as a marina including boat launch, slips, services, repair, retail, fuel and dry stack facilities that was later amended in the ordinance. The town currently has two commercial marinas in the MBD. Applicant would like to expand definition to include all those services that encompass the marina and with it being permitted by right, develop standards they must make provisions for versus a CUP which is reviewed by town council. Proposed standards: eliminate the required landscaping buffer yard if an 8 ft. fence is erected; boats shall not be used for living, sleeping or housekeeping purposes; junk boats or parts associated with commercial marina shall not be visible from the street, shall have some screening; all access and internal circulation shall be designed to provide adequate maneuverability within the site, parking design and surfacing shall be constructed in accordance with Article 7.1(e); no outdoor storage or display area shall located within the required site triangle; all loading and unloading of watercraft

shall occur on site; all applicable state and federal agency including local health and fire requirements shall be met; travel lift shall be used only from 7:00 am to dusk or in case of an emergency; if a structure (dry stack) is being utilized to store boats it must meet the setback and height requirements for that zoning district. Planning and Zoning recommended marinas be permitted by right in the MBD and that it is consistent with the Land Use Plan as well as the following changes: 1. Marinas can provide an 8 ft. fence in lieu of providing a landscaping buffer yard. 2. Separate out RV storage from boat storage in the table of permitted uses and allow boat storage in the MB-1 zoning district. 3. Provide the same wording as the condition of the original CUP as a standard in the ordinance to limit the travel lift to 7am to dusk only except during emergencies.

Mayor Wilcox opened the public hearing.

David Pierce, 917 Basin Road (Applicant) - submitted a text amendment request due to a CUP being required each time he wanted to enlarge his marina. All of his requests are currently allowed in the zoning district. His intent is not to change the uses currently allowed but to clean up the ordinance and not have to go through a CUP. Issues - it is impossible to work on a boat and not be seen; fence issue - two lots on the south side, doesn't make sense to put up a fence and then put up landscaping on the other side when no one can see it but him. It is not helping the development next door to put up landscaping, 5' high behind a 6' or 8' fence. It serves no purpose. There needs to be a reason behind it. He is not trying to do away with setbacks. He is only addressing the front part where it does address Federal Point Yacht Club. There is a section there and now there is a 6' fence. I am asking that inside the 6' fence, where I currently have trees planted, they do no good and can't be seen by the yacht club. I don't think it helps to put buffer (beautification) inside a fence where it can't be seen. Dry stack would be built primarily in front of the Federal Point Yacht Club. He agrees with fitting with the neighborhood and beautification being done in alignment with the neighborhood.

Council Member Shuttleworth - Getting rid of the 10' buffer by putting a fence up doesn't achieve a separation of the intensity of the uses between residential and commercial. I'm saying put up a fence and stay out of the 10' or landscape the 10'.

David Pierce - The property that I own, if Federal Point Yacht Club were not there and Tom's Marine had bought the lot those two houses sit on and then I would have bought the marina, I would have no setbacks or buffer zone, but because it was bought by a residential in a business district I now have a buffer. I don't think it's fair. If they don't see what is on the other side of the fence and it is kept quiet and within the rules, I don't know why the buffer on the other side of the fence would matter. It's a business district. It has created a unique situation that I think we need to work together on. A 10' buffer on waterfront property is very expensive.

Jerry Byrd, President Federal Point Yacht Club Homeowner's Association - I have lived there since 1997 on Grand Bahama Drive. It is immediately adjacent to the Carolina Boatyard. There are 90 members with 110 boatslips, 18 private home sites (15 developed), 16 primary residences, home values \$600,000 to over \$1M. I am not opposed to further development of the boatyard and dry stack storage facility and we have a good relationship with the owner. Concerns: location of main entrance into facility once expanded, 8' fence issue (what kind of fence), elimination of landscaping buffer. We would like clarification on the plans for fencing. To eliminate traffic congestion on Basin Road, the main entrance to the facility should be off St. Joseph Place. We feel a landscaping buffer is needed and would add much to appearance and appeal in the community and would conform to existing

landscaping at Federal Point. A buffer of 4'-5' with a proper wall would lend much to the appearance. Federal Point has a 6' stucco wall and landscaping from the street back to the wall which varies 15'-20'.

Noel Fox - This is a text amendment that will apply to all properties within this district. Though we are talking about a very specific property with staff's presentation, the relationship between these two properties are not the only properties that are going to be affected.

Sonja Powell, 101 Rougue Cove Road - (Read a letter from Clive Kelly, resident in Federal Point Yacht Club, 903 Grand Bahama Drive) - The letter states his property looks directly into the property owned by Mr. Pierce. Mr. Kelly is an active real estate developer/broker, concerned about monetary impact Mr. Pierce's changes will have on homes in Federal Point. It is imperative that proper and similar landscaping/buffer zones be required to protect homes there. The entrance of the boatyard facility should be made on St. Joseph Street instead of access on Basin Road which has no parking. The traffic there has increased as well as illegal parking on the street. He is in support of the business growing but proper landscaping and setback/buffer is needed and will be beneficial to both parties. Pictures were given to council showing there is no fencing or landscaping. Ms. Powell would like for the town to require standards to protect adjacent properties by addressing those things that impact them.

Howard Fineman, 910 Basin Road, board member of Federal Point Yacht Club - Dry stack storage does not use a travel lift, it uses a forklift. He suggested when the regulations are put in place that the same hours of operation be held to task. He said to David Pierce that if he would be willing to table this temporarily they would be happy to meet with him and town staff to come up with a plan that is acceptable to everyone. We are in favor of his business as long as it's an attractive nuisance rather than unattractive. A buffer is definitely needed. The house for sale talked about putting up a 6' or 8' fence behind their house but their deck looks right into the boatyard and the price has dropped approximately \$150,000 and that is a concern.

Steven Harlem, member and resident of Federal Point Yacht Club - He was told at the last hearing that there would be absolutely no boat storage there which was changed ten days after it opened up and it is getting bigger and bigger. Two of his neighbors have huge boats up on lifts 10'-15' from their kitchen window and this affects the general value of his own property. It looks like a junk boatyard. Promises were not fulfilled and it could affect him.

David Pierce - The legal entrance is off Basin on his CUP but, to be a good neighbor, the entrance will come in beside Mona Black.

Noel Fox - This is a text amendment not a modification to the CUP. Council is determining for all property owners in this district whether or not these proposed amendments will be applicable. The modification of the CUP is a different process. There is a CUP for one parcel that is being utilized within this area. I don't think it is applicable to all of it. I think the applicant could go through the process to modify that but right now the conditions of the CUP are not being met. This is not a modification to the CUP. Council cannot address their concerns about where the entrance is during this hearing. They will either approve the text amendment as written, revise it through discussion or deny the applicant's text amendment.

David Pierce - I understand that these things don't apply to this meeting. If this is

approved then I will go to staff and say I want to change the entrance. As it stands now, if I want to change the entrance I have to modify my CUP and it makes it very hard for me to do business. Fence style - I will be glad to meet with Federal Point but will not be dictated to. I want to work with them. If they want stucco and I am between stucco and wood, I will go with stucco. Landscaping and fence - landscaping does no good behind a fence. As far as the house that is for sale - the people in the green house always say very positive things about our business. Other house prices go down that are not next to him. It is not fair to say our business is responsible.

Council Member Shuttleworth - It appears we have a serious issue going on with the CUP. I recommend tabling this entire ordinance and come back and deal with David's CUP modifications that he needs. Talking about the fence, where it belongs on his CUP is not what's in the ordinance. We're asking to change an ordinance here.

Ed Parvin - The CUP required around the residential area, council did waive but it still required the fence. Council does have the ability to waive those landscape buffers under a CUP.

David Pierce - My request is very simple, the town take all the stuff that is already legal and put it in Marina Business District. I believe a marina should be approved by right in the district.

Mayor Wilcox closed the public hearing.

Noel Fox - One of the issues with this particular situation which I don't want to delve just into this CUP but the applicant is not in compliance with the CUP based on my discussions with Mr. Parvin and the use of the entire property that is owned by the applicant has changed which this draft of a text amendment is geared towards addressing this applicant's use of the property, not the entire Marina District. This isn't about one particular CUP, it is not about one particular property, it is about all property in the Marina Business District and whether or not the proposed text amendments if council determines that these proposed text amendments fit the entire Marina Business District.

Mayor Wilcox made a motion to table the text amendment until the next meeting. Motion carried unanimously.

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 date for September 13, 2016 to consider amending Chapter 40 Article XIV Section 40-424 - Non-conforming lots and Article III. To address newly approved development line with non-conforming lots.

Set a public hearing date for September 13, 2016 to consider amending Chapter 40 Article XIV Definitions and Chapter 18 Article III Section 18-77 Abandoned or Junk Vehicles.

Set a public hearing date for September 13, 2016 to consider amending the Town Code Chapter 10, Section 10-06 Town Marina to accommodate the modification to the Town Marina License Agreement.

Set a public hearing date for September 13, 2016 to consider amending the Town's Rates and Fees schedule to include an option for quarterly or annual payment of Town Marina dockage fees.

Budget amendments and transfers as presented by the finance director.

Minutes from July 12, 2016 and July 26, 2016.

8. NEW BUSINESS

a. Phase B Sidewalks

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

Michael Cramer presented. This item has been discussed on several occasions including the last workshop in July. We had a public process on whether or not to have sidewalks, which to repair and which to replace. Council voted to continue putting in sidewalks in designated locations stipulated in our plans. A map was shown on overhead with areas in green having existing sidewalks and areas in red having no sidewalks. The bulk of sidewalks reside in the Phase B area which goes from Harper in the north to Atlanta in the south, from Fifth Street to the ocean. Some areas in red are not proposed for sidewalks such as the other side of Third (currently sidewalks on one side). Double sidewalks are proposed on the east/west streets, not north/south streets. Fourth Street we would be adding on the west side the last three small segments to connect with existing sidewalk all the way to Harper. Fifth would be the same way, put in three segments to connect Cape Fear all the way down to Harper. Most of the other east/west streets in this corridor have the uniformity of double sidewalks which is why staff recommended continuing on and putting those sidewalks in place. Currently in the Phase B area we have 38 segments of sidewalks and 15 new segments we would like to put in, making the entire area uniform with our current infrastructure. We are talking about using the DOT standard of 5 feet and have enough right-of-way to do so and continue that pattern with the new segments. Where we do repair and replace on underground infrastructure - water/sewer lines/stormwater lines - those areas around that infrastructure will be disturbed. Sidewalks will be taken out and replaced. There were very few substantial trees in the 400 to 500 block that we would need to curve around. Many plantings there can be moved. On Atlanta there are some substantial trees that will have to be removed or will end up dying during the process. We will contact each property owner who have issues or brought those concerns to us and will try and manipulate the infrastructure so we don't have to damage the trees. We can't guarantee there will be enough room on the property to put all of the infrastructure in the right-of-way without damaging trees but it is our goal to work with the property owner to save them. Some will end up having to go. Current cost of existing sidewalks, ADA ramps, driveway aprons, etc., is \$800,000. Cost to remove and replace sidewalks is \$525,000. If we don't add additional sidewalks you could save approximately half. Places where there is limited parking, residents can park on the street or use their driveway cuts to get on their property. Streets will be made a standard 20 feet wide, center of the right-of-way. Staff recommendation is to leave the plan as is and continue as is.

Council Member Bridges made a motion to reconsider the sidewalks to just one side at 5 feet and reduce the scope of the sidewalk project. Motion denied 1-4 with Mayor Wilcox, MPT Pierce, Council Member Doetsch and Council Member Shuttleworth voting no.

Mayor Wilcox made a motion to leave the plan as is but reduce the

sidewalks to 4 feet. Motion 4-1 with Council Member Bridges voting no.

Mayor Wilcox called for a 5 minute break.

b. Through Street and Stop Sign Regulations

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

Mayor Wilcox called the meeting back to order.

Michael Cramer presented item discussed previously at workshop. This issue developed from concerned residents on Tennessee Avenue who wanted stop signs. After review of the ordinance and inventory of all stop signs in the town and their locations, it was determined that stop signs on 5 of the through streets that intersect with Tennessee Avenue were placed on the wrong side of the street. Staff is recommending a change in the code that states where there are two through streets or highways that intersect, we may erect stop signs at one or all of those approaches to that intersection and would be determined by council in changing the ordinance. Also add in stop signs at the following locations:

New Stop Signs

Tennessee Problem:

- 5 Intersection are backwards

Annie Drive:

- No stop signs following paving

Solution

- Add 10 stop signs to make 5 new four-way stops
- Add 2 individual stop signs on Annie Drive and Risso Lane

Council Member Bridges made a motion to adopt Ordinance 16-1019. Motion carried unanimously.**c. Appoint new member to fill vacancy on the Marketing Committee**

(Requested by Kim Ward, Town Clerk)

All 5 council members voted unanimously to appoint Amy Snider from the Hampton Inn to the Marketing Advisory Committee. She will be filling a vacant term left by Jeanne Fitzpatrick ending 6/30/2018.

9. NON-AGENDA ITEMS

MPT Pierce asked the town manager if we addressed the parking lot signage issue.

Mr. Cramer said that staff is reviewing the ordinance and the consistency with the state statute and he and the town attorney are dealing with areas of interpretation. It will be brought back to council.

Staff recommended changing the meeting date in November from the 8th as it is election day to November 1st.

Mayor Wilcox made a motion to change the regularly scheduled council meeting on November 8, 2016 to November 1, 2016. Motion carried unanimously.

Mayor Wilcox said we met with Chance Lambeth at David Rouser's office about three weeks ago requesting a sit down with Congressman Rouser regarding the MOTSU

situation and for some assistance providing some latitude on a number of areas. We now have a meeting with David scheduled for this month and will report back.

Council Member Doetsch asked the town manager for a timeline of events on MOTSU.

10. CLOSED SESSION IF NEEDED

Mayor Wilcox made a motion to go into closed session to discuss an attorney/client matter in accordance to NCGS 143-318.11(a)(3). Motion carried unanimously.

Mayor Wilcox announced that no action was taken during the closed session.

11. ADJOURNMENT

Mayor Wilcox made a motion to adjourn at 11:30 p.m. Motion carried unanimously.

Kimberlee Ward
Kimberlee Ward, Town Clerk

9.13.2016
Date Approved

Ordinance 16-1019

Town of Carolina Beach
Town Council



Ordinance 16-1019

Sec. 16-10. - Stop signs; location; design.

- (a) Whenever the official map designates and describes a through street, there shall be a stop sign on each street intersecting the through street or intersecting a portion thereof described and designated on the official map unless traffic at any intersection is controlled at all times by traffic control signals. However, at the intersection of ~~a two through streets or a through street and a highway and a heavy traffic street not so designated~~, stop signs shall may be erected at all or any of the approaches of either of the streets.
- (b) The town council may determine and designate intersections where a particular hazard exists upon other than through streets and may determine whether vehicles shall stop at one or more entrances to any stop intersection and shall erect a stop sign at every place where a stop is required.
- (c) Every sign erected pursuant to this chapter shall bear the word "stop" in letters not less than eight inches in height and the signs shall at nighttime be rendered luminous by steady or flashing internal illumination, or by a fixed, floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop sign shall be located as near as practicable at the nearest line of the crosswalk on the side of the intersection or, if none, at the nearest line of the roadway.

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

Sec. 16-45. - Same—At certain intersections.

Those intersections designated on the official map are declared to be stop intersections when entered from the streets first named. When stop signs are placed, erected, or installed at the intersections, every driver of a vehicle ~~or streetcar~~ shall stop in obedience to the signs before entering the intersections and shall not proceed into or across the through street until he has first determined that no conflict with traffic will be involved.

(Code 1986, § 9-41; Ord. No. 97-403, 8-12-1997; Ord. No. 98-416, 1-13-1998)

Sec. 16-205. - Schedule B, stop intersections.

The following schedule, shall establish the stop intersections throughout the corporate limits of the town, except for those identified in Sec. 16- 10 (a):

All street intersections with Dow Road shall be stop intersections.

Ordinance 16-1019

Town of Carolina Beach
Town Council

Dow Road shall stop at intersection with US Highway 421 (Lake Park Boulevard).
All street intersections with US Highway 421 (Lake Park Boulevard) shall be stop intersections.
All street intersections with Canal Drive shall be stop intersections.
All street intersections with Carolina Beach Avenue North shall be stop intersections.
All street intersections with Carolina Beach Avenue South shall be stop intersections.
All street intersections with Spartanburg Avenue shall be stop intersections.
All street intersections with Cape Fear Boulevard shall be stop intersections.
All street intersections with Harper Avenue shall be stop intersections.
All street intersections with St. Joseph Street shall be stop intersections.
All street intersections with Lewis Road shall be stop intersections.
All street intersections with Bridge Barrier Road shall be stop intersections.
All street intersections with Spencer Farlow Drive shall be stop intersections.
All street intersections with Georgia and Delaware Avenues shall be stop intersections. (Why Delaware?)
2nd Street shall stop at intersection with Greenville Avenue and Spartanburg Avenue. (Redundant)
3rd Street shall stop at intersections with Greenville Avenue, Spartanburg Avenue (Redundant), Lake Drive (Does Not Intersect), Atlanta Avenue, Cape Fear Boulevard (Redundant), Harper Avenue on north and south side (Redundant), Lumberton Avenue (four way stop), Wilson Avenue (four way stop), and Goldsboro Avenue. All other street intersecting with 3rd Street shall stop.
4th Street shall stop at intersections with Greenville Avenue, Spartanburg Avenue (four way stop) (Redundant), Wilson Avenue (four way stop), Clarendon Avenue (four way stop), Atlanta Avenue (four way stop), Cape Fear Boulevard (Redundant), Harper Avenue (Redundant), Wilson Avenue, and Goldsboro Avenue. All other streets intersecting with 4th Street shall stop.
5th Street shall stop at intersections with Atlanta Avenue (four way stop), Birmingham Avenue (four way stop), Cape Fear Boulevard (Redundant), Clarendon Avenue (four way stop), Greenville Avenue, Harper

Ordinance 16-1019

Town of Carolina Beach
Town Council

Avenue (Redundant), and Spartanburg Avenue (four-way stop) (Redundant). All other streets intersecting with 5th Avenue shall stop.

6th Street shall stop at intersections with Harper Avenue (Redundant), Cape Fear Boulevard (Redundant), Atlanta Avenue, Spartanburg Avenue (four-way stop) (Redundant), and Clarendon Avenue (four-way stop). All other streets intersecting with 6th Street shall stop.

7th Street shall stop at intersections with Sumter Avenue, Clarendon Avenue, Atlanta Avenue, Cape Fear Boulevard (Redundant), and Harper Avenue north and south side (Redundant). All other streets intersecting with 7th Street shall stop.

8th Street shall stop at intersections with Sumter Avenue, Clarendon Avenue (four-way stop), Atlanta Avenue, Cape Fear Boulevard (Redundant), and Harper Avenue north and south side (Redundant). All other streets intersecting with 8th Street shall stop.

Carolina Sands Drive shall stop at intersections of Whitecaps Lane (three-way stop), Searidge Lane (three-way stop), Riptide Lane (three-way stop), Seafarer Drive (two-way stop), 6th Street (three-way stop), and US Highway 421 (Lake Park Boulevard). All other streets intersecting with Carolina Sands Drive shall stop.

Seafarer Drive shall stop at intersections with Carolina Sands Drive (west end), Whitecaps Lane (three-way stop), Riptide Lane (three-way stop), Coastwalk Lane (three-way stop) and Carolina Sands Drive east and west side. All other streets intersecting with Seafarer Drive shall stop.

Augusta Avenue shall stop at intersection with 6th Street.

Sumter Avenue shall stop at intersections with US Highway 421 (Lake Park Blvd.) (Redundant), 3rd Street, 4th Street, 5th Street, 6th Street, and Dow Road.

Greenville Avenue shall stop at intersections with US Highway 421 (Lake Park Boulevard) (Redundant) and 6th Street.

Spartanburg Avenue shall stop at intersections with US Highway 421 (Lake Park Boulevard east and west side) (Redundant), and Dow Road.

Birmingham Avenue shall stop at intersections with 3rd Street, 4th Street, 5th Street, 6th Street and 7th Street.

Columbia Avenue shall stop at intersections with 3rd Street, 4th Street, 5th Street, 6th Street, 7th Street, and 8th Street.

Ordinance 16-1019

Town of Carolina Beach
Town Council

Clarendon Avenue shall stop at intersections with 4th Street (four-way stop), 5th Street (four-way stop), 6th Street (four-way stop), 7th Street, 8th Street (four-way stop).

Lake Drive shall stop at intersection with US Highway 421 (Redundant) (Lake Park Boulevard).

Atlanta Avenue shall stop at intersections with Carolina Beach Avenue South, Woody Hewett Avenue, US Highway 421 (Lake Park Blvd.) (Redundant), 4th Street (four-way stop), and Dow Road (Redundant).

Fayetteville Avenue shall stop at intersections with Woody Hewett Avenue, US Highway 421 (Lake Park Boulevard) (Redundant), 3rd Street, 4th Street, 5th Street, 6th Street, 7th Street, 8th Street, and Dow Road (Redundant);.

Hamlet Avenue shall stop at intersections with Woody Hewett Avenue (Woody Hewett stops not Hamlet), US Highway 421 (Lake Park Boulevard) (Redundant), 3rd Street, 4th Street, 5th Street, 6th Street, 7th Street, 8th Street, and Dow Road (Redundant).

Charlotte Avenue shall stop at intersections with Woody Hewett Avenue (No Intersection), US Highway 421 (Lake Park Boulevard) (Redundant), 3rd Street, 4th Street, 5th Street, 6th Street, 7th Street, 8th Street, and Dow Road (Redundant).

Cape Fear Blvd. shall stop at intersections with Woody Hewett Avenue (No Intersection), US Highway 421 (Lake Park Boulevard) (Redundant), 3rd Street, 4th Street, 5th Street, 6th Street, 7th Street, 8th Street, and Dow Road (Redundant).

Raleigh Avenue shall stop at intersections with Woody Hewett Avenue (No Intersection), US Highway 421 (Lake Park Boulevard) (Redundant), 3rd Street, 4th Street, 5th Street, 6th Street, 7th Street, 8th Street and Dow Road (Redundant);.

Monroe Avenue shall stop at intersections with 4th Street, 5th Street, 6th Street, 7th Street, 8th Street, and Dow Road (Redundant).

Magnolia Avenue shall stop at intersections with 7th Street, 8th Street, and Dow Road (Redundant).

Rocky Mount Avenue shall stop at intersections with 7th Street, 8th Street, and Dow Road (Redundant).

Tarboro Avenue shall stop at intersections with 7th Street, 8th Street, Dow Road (Redundant) and 8th Street on Harper Avenue (Redundant), as aligned.

Searidge Lane shall stop at intersections with Carolina Sands Drive and Seafarer Drive.

Ordinance 16-1019

Town of Carolina Beach
Town Council

Coastwalk Lane shall stop at intersections with Carolina Sands Drive and Seafarer Drive.
Saltwater Lane shall stop at intersections with Carolina Sands Drive and Seafarer Drive.
Riptide Lane shall stop at intersections with Carolina Sands Drive (three-way stop) and Seafarer Drive (three-way stop).
Tidewater Lane shall stop at intersections with Carolina Sands Drive and Seafarer Drive.
Whitecaps Lane shall stop at intersections with Carolina Sands Drive and Seafarer Drive.
Oceanward Lane shall stop at intersections with Carolina Sands Drive and Seafarer Drive.
(Lake Dr) Unnamed street, east of the Lake, running from US Highway 421 (Lake Park Boulevard) east to Carolina Beach Avenue South, shall stop at all intersections.
Colonial Circle shall stop at intersection with (Bennet Ln) Settler's Lane.
(Bennet Ln) Settler's Lane shall stop at intersection with US Highway 421 (Lake Park Boulevard).
Winner Avenue shall stop at intersections with US Highway 421 (Lake Park Boulevard) (Redundant), and St. Joseph Street.
Fern Creek Lane shall stop at intersection with Goldsboro Avenue.
Green Court shall stop at intersection with Fern Creek Lane.
Bay Court shall stop at intersection with Fern Creek Lane.
Goldsboro Avenue shall stop at intersections with Harper Avenue (Redundant) and US Highway 421 (Lake Park Boulevard) (Redundant).
Wilson Avenue shall stop at intersections with Harper Avenue (Redundant) and US Highway 421 (Lake Park Boulevard.) (Redundant). (Missing 4 way stops at 4 th and 3 rd)
Lumberton Avenue shall stop at intersections with Harper Avenue (Redundant), 4th Street, and US Highway 421 (Lake Park Boulevard) (Redundant). (Missing 3 rd 4 way stop)
Florence Avenue shall stop at intersections with Harper Avenue, 3rd Street, and US Highway 421 (Lake Park Boulevard)(Redundant).

Ordinance 16-1019

Town of Carolina Beach
Town Council

Myrtle Avenue shall stop at intersections with Harper Avenue and Carl Winner Avenue.
Lee Lane shall stop at intersection with St. Joseph Street. (Not a Town Street)
Yacht Road shall stop at intersection with St. Joseph Street.
Waterview Court shall stop at intersection with St. Joseph Street.
Waterview Place shall stop at intersection with St. Joseph Street.
Marina Street shall stop at intersection with Oceana Way.
Marina Street shall stop at intersection with (Georgia Ave) Marina Street.
Oceana Way shall stop at intersections with Marina Street and Virginia Avenue.
Summer Salt Lane shall stop at intersection with St. Joseph Street.
Merchant Lane shall stop at intersection with St. Joseph Street.
Otter Road shall stop at intersections with Lewis Road and Teakwood Road.
Lewis Road shall stop at intersection with (Access Rd) US Highway 421 (Lake Park Boulevard). (No Intersection)
Access Road shall stop at intersections with Lewis Road (No) and Spencer Farlow Drive.
Peninsula Drive shall stop at intersection with Access Road.
Tahiti Court shall stop at intersection with Peninsula Drive.
Teakwood Drive shall stop at intersection with Peninsula Drive.
Whelk Lane shall stop at intersection with Peninsula Drive and Spencer Farlow Drive.
Drill Shell Lane shall stop at intersections with Spencer Farlow Drive.
Pagoda Lane shall stop at intersections with Spencer Farlow Drive. (No Intersection)
Risso Lane shall stop at intersections with Spencer Farlow Drive.

Ordinance 16-1019

Town of Carolina Beach
Town Council

Annie Drive shall stop at intersection with Spencer Farlow Drive, as intersected by 90° turn at Boat Ramp Road, and Rizzo Lane. (Changed)

Spencer Farlow Drive shall stop at intersection with Bridge Barrier Road.

Old Dow Road shall stop at intersection with Bridge Barrier Road and road to State Park.

Road to State Park shall stop at intersection with Dow Road (Redundant).

Hiram Avenue shall stop at intersections with Old Dow Road and Blanche Avenue.

Elton Avenue shall stop at intersection with Dow Road (Redundant).

Glenn Avenue shall stop at intersection with Dow Road (Redundant).

Risley Road shall stop at intersection with US Highway 421 (Lake Park Boulevard) (Redundant).

Moorefield Drive shall stop at intersections with Risley Road and Houch Avenue.

Florida Avenue shall stop at intersection with Canal Drive (Redundant).

Georgia Avenue shall stop at intersection with Canal Drive (Redundant).

Virginia Avenue shall stop at intersections with Canal Drive (Redundant) and Maryland Avenue.

Delaware Avenue shall stop at intersections with Florida Avenue, Georgia Avenue, and Virginia Avenue. (?)

Maryland Avenue shall stop at intersections with Florida Avenue, Georgia Avenue, and Virginia Avenue. (?)

Unnamed street running east and west between Florida Avenue and Georgia Avenue shall stop at said intersections. (This is Georgia)

Bonita Lane shall stop at intersection with South Carolina Avenue.

Bonita Lane shall stop at intersection with Texas Avenue.

Mackerel Lane shall stop at intersection with South Carolina Avenue.

Mackerel Lane shall stop at intersection with Texas Avenue.

Ordinance 16-1019

Town of Carolina Beach
Town Council

~~Spencer Farlow and Access Road shall be a three-way stop (Redundant).~~

<u>Designation</u>	<u>Location</u>
Four Way Stop	
	Intersection of Georgia Avenue and Delaware Avenue.
	Intersection of 3rd and Wilson Avenue.
	Intersection of 4th and Wilson Avenue.
	Intersection of 3rd and Lumberton Avenue.
	Intersection of 6th and Hamlet Avenue.
	Intersection of 4th and Atlanta Avenue.
	Intersection of 5th and Atlanta Avenue.
	Intersection of 7th and Atlanta Avenue.
	Intersection of 5th and Clarendon Avenue.
	Intersection of 6th and Clarendon Avenue.
	Intersection of 8th and Clarendon Avenue.
	Intersection of 5th and Birmingham Avenue.
	Intersection of 4th and Spartanburg Avenue.
	Intersection of 5th and Spartanburg Avenue.
	Intersection of 6th and Spartanburg Avenue.
	Intersection of Searay Lane and Texas Avenue.
	Intersection of Searay Lane and South Carolina Avenue.
	Intersection of Pinfish Lane and Texas Avenue.
	Intersection of Pinfish Lane and South Carolina Avenue.
	Intersection of Pinfish Lane and North Carolina Avenue.
	Intersection of Mackerel Lane and Texas Avenue.
	Intersection of Mackerel Lane and South Carolina Avenue.
	Intersection of Mackerel Lane and North Carolina Avenue.
	Intersection of Bonito Lane and Texas Avenue.
	Intersection of Bonito Lane and South Carolina Avenue.
	Intersection of Bonito Lane and North Carolina Avenue.
	Intersection of Swordfish Lane and South Carolina Avenue.
	Intersection of Swordfish Lane and North Carolina Avenue.
	Intersection of Snapper Lane and South Carolina Avenue.
	Intersection of Snapper Lane and North Carolina Avenue.
	Intersection of Bowfin Lane and Texas Avenue.

Ordinance 16-1019

Town of Carolina Beach
Town Council

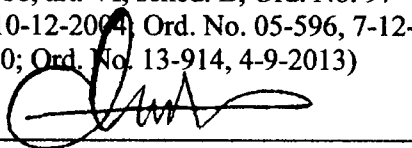
	Intersection of Bowfin Lane and South Carolina Avenue.
	Intersection of Bowfin Lane and North Carolina Avenue.
	Intersection of Tennessee Avenue and Bowfin Lane.
	Intersection of Tennessee Avenue and Snapper Lane.
	Intersection of Tennessee Avenue and Swordfish Lane.
	Intersection of Tennessee Avenue and Bonito Lane.
	Intersection of Tennessee Avenue and Mackerel Lane.
Three Way Stop	
	Intersection of Spencer Farlow Drive and Access Road.
	Intersection of 4th Street and Clarendon Avenue.
	Intersection of 5th Street and Greenville Avenue.
	Intersection of Carolina Sands Drive and Seafarer Lane and 6th Street.
	Intersection of Seafarer Lane and Coastwalk Lane.
	Intersection of Seafarer Lane and Riptide Lane.
	Intersection of Seafarer Lane and Whitecaps Lane.
	Intersection of Carolina Sands Drive and Searidge Lane.
	Intersection of Carolina Sands Drive and Riptide Lane.
	Intersection of Carolina Sands Drive and Whitecaps Lane.
	Intersection of Carolina Sands Drive and Seafarer Lane.
	Intersection of Texas Avenue and Swordfish Lane.
	Intersection of Texas Avenue and Snapper Lane.
Individual Stop	
	Otter Road shall stop at the intersection with and Teakwood Drive.
	Old Dow Road shall stop at the intersection with Bridge Barrier Road and State Park Road.
	Hiram Avenue shall stop at the intersections with Old Dow Road and Blanche Avenue.
	Bertram Drive shall stop at the intersection with Jarrett Bay Drive.
	Mainship Court shall stop at the intersection with Bertram Drive.
	Donzi Court shall stop at the intersection with Bertram Drive.
	Cabo Court shall stop at the intersection with Bertram Drive.
	Moorefield Drive shall stop at the intersections with Risley Road and Houch Avenue.
	Annie Drive shall stop at the intersection with Risso Lane.
	Risso Lane shall stop at the intersection with Spencer Farlow Drive.
	Blanche Drive shall stop at the intersection with Elton Avenue.
	Kenneth Avenue shall stop at the intersections with Elton Avenue and Glen Avenue.
	Glen Avenue shall stop at the intersection with Blanche Avenue.

Ordinance 16-1019

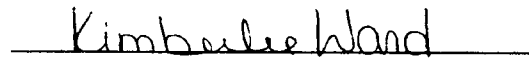
Town of Carolina Beach
Town Council

	Hidden Hills Drive shall stop at the intersection with Oak Outlook Way.
	Olde Mariners Way shall stop at the intersection with Olde Mariners Way.
	Colonial Circle shall stop at the intersection with Bennet Lane
	Island Mimosa Drive shall stop at the intersection with Bennet Lane
	Birch Court shall stop at the intersection with Bay Court.
	Beech Court shall stop at the intersection with Bay Court.
	Fern Creek Lane shall stop at the intersection with Goldsboro Avenue.
	Green Court shall stop at the intersection with Fern Creek Lane.
	Bay Court shall stop at the intersection with Fern Creek Lane.
	Florence Avenue shall stop at the intersections with 3rd Street
	Myrtle Avenue shall stop at the intersections with Harper Avenue and Carl Winner Avenue.
	2nd Street shall stop at the intersection with Greenville Avenue.
	Carolina Sands Drive shall stop at the intersections of Seafarer Drive
	Seafarer Drive shall stop at the intersections with Carolina Sands Drive
	Searidge Lane shall stop at the intersections with Seafarer Drive.
	Coastwalk Lane shall stop at the intersections with Carolina Sands Drive.
	Saltwater Lane shall stop at the intersections with Carolina Sands Drive and Seafarer Drive.
	Tidewater Lane shall stop at the intersections with Carolina Sands Drive and Seafarer Drive.
	Oceanward Lane shall stop at intersections with Carolina Sands Drive and Seafarer Drive.
	Atlanta Avenue shall stop at intersections with Woody Hewett Avenue
	Fayetteville Avenue shall stop at intersections with Woody Hewett Avenue
	Woody Hewett Avenue shall stop at intersection with Hamlet Avenue
	Florida Avenue shall stop at intersection with Georgia Avenue

(Code 1986, art. VI, sched. B; Ord. No. 97-403, 8-12-1997; Ord. No. 98-432, 9-8-1998; Ord. No. 04-568, 10-12-2004; Ord. No. 05-596, 7-12-2005; Ord. No. 08-754, 8-12-2008; Ord. No. 10-849, 9-14-2010; Ord. No. 13-914, 4-9-2013)



Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk

8-9-2016

Date Approved



Amend Chapter 4 to create an allowance and regulations for hens.

Chapter 4 - ANIMALS AND FOWL

Sec. 4-1. - County ordinance adopted; enforcement.

The current provisions of the county animal control ordinance are hereby adopted and shall apply within the corporate limits of the town.

(Code 1977, § 8-2001; Code 1986, § 3-1; Res. No. 86-325, 12-9-1986)

Sec. 4-2. - Harboring and keeping of animals and fowl; term defined.

(a) As a result of the location and density of residential and commercial developments, and the seasonal influx of population, and the general seasonal weather and insect conditions encountered, and in protection of the lifestyles and business investments of the citizenry, and as protection to the community's tourist industry alike, it shall be unlawful for any person, business, firm and/or corporation to keep or harbor any animal or fowl not considered a commonly accepted domestic animal or fowl within the jurisdictional limits of the town.

(b) For the purpose of this chapter, the term "commonly accepted domestic animal or fowl" means any animal and/or fowl which can be kept or harbored within or outside a residential dwelling and which requires reasonable and minimal attention and/or maintenance and shall include generally accepted animals and fowl such as dogs, cats, caged birds, rabbits, miniature Vietnamese pigs, gerbils, hamsters, ferrets, hens, and other animals and fowl of similar size and type and generally accepted reptiles such as turtles and small nonpoisonous lizards. The term "commonly accepted domestic animal or fowl" shall not include goats, sheep, pigs, hogs, cows, bulls, horses, mules, ostriches, chickens, roosters, ducks or geese or other similar types of large size animals and fowl or other reptiles or snakes, poisonous or nonpoisonous.

(Code 1977, § 8-5015; Code 1986, § 3-2; Ord. No. 93-322, 6-8-1993)

Sec. 4-3. - Running at large.

No person owning or having control of any animal or fowl shall permit it to run at large within the corporate limits.

(Code 1986, § 3-4; Ord. No. 01-473, 2-13-2001)

Sec. 4-4. - Riding, leading or driving animals on sidewalks, boardwalk, and roads.

Except as allowed elsewhere in this chapter, it shall be unlawful to ride, lead or drive any animal upon the sidewalks, boardwalk, or roads within the corporate limits.

(Code 1986, § 3-5; Ord. No. 01-473, 2-13-2001; Ord. No. 08-719, 1-8-2008; Ord. No. 13-915, 6-11-2013)

Ordinance 16-1020

Town of Carolina Beach
Town Council

Sec. 4-5. - Keeping hogs, swine, horses, cattle or any other animal not defined as a commonly accepted domestic animal. It shall be unlawful to keep, maintain or enclose hogs, swine, horses, cattle or any other animal not defined as a commonly accepted domestic animal within the corporate limits.
(Code 1986, § 3-5; Ord. No. 01-473, 2-13-2001)

Sec. 4-6. - Cleaning and sanitation of areas harboring animals and fowl.
All areas of keeping and harboring of animals and fowl, whether within a residential dwelling or outside, within the property limits of the residential dwelling, shall be kept clean and sanitary at all times. No keeping or harboring of animals and fowl within a residential dwelling or other facility shall be such as to cause odors or the breeding and increase of animal or fowl associated with insects or diseases. Exterior areas of keeping or harboring shall be limited to the confines of the property of the dwelling where such animals and fowl are kept or harbored. No animals or fowl shall be allowed to be kept or harbored within businesses serving and/or selling food to the public or on the exterior of businesses serving the public.
(Code 1977, § 8-5016; Code 1986, § 3-7; Ord. No. 93-322, 6-8-1993; Ord. No. 01-473, 2-13-2001)

Sec. 4-7. - Bird sanctuary.

(a) The territory within the corporate limits of the town is hereby declared to be a bird sanctuary.

(b) It shall be unlawful for any person to hunt, kill, trap or otherwise take any bird within the corporate limits of the town except pursuant to G.S. 160A-188.

(Code 1977, § 8-2012; Code 1986, § 3-8; Ord. No. 01-473, 2-13-2001)

Sec. 4-8. Specific Regulations for hens

(a) No person shall keep hens unless they will be on a tract of land maintained as follows:

(1) No more than one hen per 1500 square feet. The maximum number of hens shall in no instance exceed 4.

(2) The tract of land shall be developed with only one single family residence.

(b) Coop and Run Standards

1. A coop is a roofed-housing structure where hens are kept. The coop shall be fully contained.

2. A run is an enclosed pen located in conjunction with the coop structure.

3. A coop and run are required to enclose hens and shall meet the following:

(i) Zoning setback requirements for the principal structure

(ii) The combined size of the coop and run shall be limited to 60 square feet in area.

(iii) Located behind the principal structure

(4) Hens shall not be utilized for commercial purposes.

Ordinance 16-1020

Town of Carolina Beach
Town Council

Sec. 4-9. - Dogs and other commonly accepted animals and fowl on public rights-of-way, public lands, and property.

(a) Use of terms.

(1) Commonly accepted domestic animals or fowls, as defined in section 4-2 and hereby referred to as "animals," shall be subject to the provisions as specified herein.

(2) For the purpose of this section, the boardwalk shall be defined by the following boundaries: the rights-of-way east of Woody Hewett/Canal; and from the north side of Harper Avenue up to and including Cape Fear Blvd., also to include the oceanfront wooden municipal walkway, as may be extended from time to time. All boardwalks operate as pedestrian walkways.

(3) A service animal is any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

(b) Leash required. Animals on the municipal beach strand, public rights-of-ways, public lands, and property within the jurisdictional limits shall be restrained by a leash. The following additional regulations shall apply:

(1) No animals shall be allowed on the boardwalk at any time.

(2) Animals are prohibited from entering any park building (i.e., restrooms, concession stands and score towers). Animals are prohibited within 100 feet of any concession or vending areas. Animals are prohibited from any established athletic field or court (i.e., baseball fields, football/soccer fields, tennis courts, basketball courts). Animals are prohibited within 50 feet of any children's playground except on designated walking paths. Animals are prohibited from any mass gathering, identified as any planned event of 200 or more people, unless otherwise approved by the town.

(3) Service animals shall be exempt from this subsection (b).

(c) Animal owner responsibilities. The owner or keeper of animals who harm or cause offenses or damages to the public, or who deposit waste upon public land or property, shall be held responsible for such action and shall be held responsible for cleanup or have cleaned up said waste immediately following the occurrence. An owner or custodian of an animal will have on or near their person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to fully clean up and contain animal waste until it can be disposed of in an appropriate container. Such a device must be produced and shown, upon request, to anyone authorized to enforce this chapter.

(Code 1986, § 3-9; Ord. No. 82-58, § 8-2006.1, 7-13-1982; Ord. No. 93-322, 6-8-1993; Ord. No. 95-359, 4-11-1995; Ord. No. 98-434, 11-10-1998; Ord. No. 01-473, 2-13-2001; Ord. No. 03-547, 9-9-2003; Ord. No. 06-623, 2-14-2006; Ord. No. 14-925, 1-14-2014)

Sec. 4-10. - Impoundment.

Any animal may be impounded when found at large. The town official shall notify and turn over any animals to county animal control.

(Code 1986, § 3-10; Ord. No. 93-322, 6-8-1993; Ord. No. 94-353, 10-11-1994; Ord. No. 01-473, 2-13-2001; Ord. No. 14-925, 1-14-2014)

Ordinance 16-1020


Town of Carolina Beach
Town Council

Sec. 4-11. - Violations.

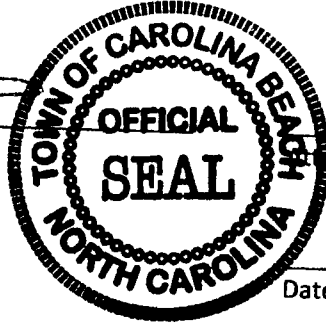
Any person violating any provision of this chapter or who shall violate or fail to comply with any order made under these sections may be subject to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule.

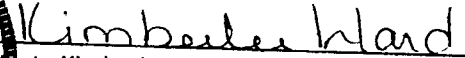
(Code 1986, § 3-11; Ord. No. 94-353, 10-11-1994; Ord. No. 01-473, 2-13-2001)

Adopted this 9th day of August, 2016.



Dan Wilcox, Mayor





Town Clerk: Kimberlee Ward, Town Clerk

8-9-2016

Date Approved