

STATE OF NORTH CAROLINA
TOWN OF WALLACE



ORDINANCE 25-05

AN ORDINANCE AMENDING CHAPTER 92: HEALTH AND SANITATION; NUISANCE UNDER
SECTION 92.99 PENALTY

WHEREAS, under N.C.G.S. § 160A-174, a Town may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town, and may define and abate nuisances; and

WHEREAS, Section 92.99 Penalty under this Chapter is a criminal penalty which is not as effective as a civil penalty in getting prohibited acts abated more quickly; and

WHEREAS, the Town Council finds that adoption of this ordinance would enhance the public health, safety, and welfare of the Town of Wallace and its citizens.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Wallace, North Carolina:

1. That **Title IX: GENERAL REGULATIONS** of the Wallace Code of Ordinances be amended to repeal Sections 92.99 Penalty, **CHAPTER 92: HEALTH AND SANITATION; NUISANCE** to be replaced with the following section:

92.99 PENALTY

- A. Any violation of the provisions of this chapter shall be subject to a civil penalty of \$50 for the first offense and \$100 for a second and any subsequent offenses. Each day of violation shall constitute a separate offense. If the person fails to pay the civil penalties set forth within thirty (30) days after being cited for a violation, the town may seek to recover the penalty by filing action in the nature of debt.
2. **Severability** - If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

3. **Inclusion in code** - It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town of Wallace Code of Ordinances; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word “Ordinance” may be changed to “Section”, or “Article” or other word.
4. **Effective Date** - This ordinance shall be effective upon adoption on this 12th day of June, 2025.

Adopted this the 12th day of June 2025.

Adopted by motion of Council Member _____, seconded by Council Member _____, and approved by vote of ____ in favor and ____ against.

Jason Wells, Mayor

Attested to:

Jacqueline Nicholson, Town Clerk