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PUBLIC NOTICE

Public notice is hereby given that the Town of Warrenton will hold a public hearing at 6:45 PM on Monday, November 14, 2022, at the Town Hall, 113 S. Bragg Street, to receive comments pertaining to a variety of proposed ordinance changes and a Special Use permit for short term rental on Brehon Street. A regularly scheduled meeting of the Warrenton Board of Commissioners will be held at 7:00 pm or immediately following the public hearing for consideration and/or approval of the ordinances and other business that may come before the Board.

Amend §151.046 Regulations for Commercial and Industrial Districts – Table Of Permitted Uses by adding Axe Throwing, Indoor to the list of Permitted Uses

Amend §151.113 Conditions Which Must Be Met By Special Uses by adding:

24. Indoor Axe Throwing as a Special Use in C-2

Indoor axe throwing may be permitted as a special use provided that:

1. Facilities shall have individual throwing lanes only, built to the following standards:
 - (a) Lanes shall be between 5ft and 7ft wide.
 - (b) A lane divider wall shall be placed between lanes with a minimum length of 12ft measured from the target.
 - (c) The divider wall shall be at least 8ft tall or the height of the ceiling whichever is shorter.
 - (d) The divider wall shall be constructed of wood, chain fencing, or other material capable of stopping an axe from entering the adjoining lane.
2. A Safety Zone at least 5ft long and the same width as the lane shall be clearly marked beginning 12ft from the target.
3. The back wall surrounding the wood target shall be constructed of wood, chain fencing, or other material capable of stopping an axe from entering the adjoining lane, and shall be designed in such a manner as to absorb the energy from the axe and prevent axes from bouncing back and. Such designs may include heavy rubber suspended and free-floating from a structure.
4. Hours of operation shall be from 10:00 A.M to 10:00 P.M.
5. Waivers must be signed by patrons before they participate
6. Safe use of the establishment shall be according to regulations of the World Axe Throwing League of which the operator shall be a member.
7. Alcoholic beverages shall not be served or consumed on premises.
8. At least 50% of the gross square footage is designated for axe throwing operations

CHAPTER 110: BUSINESS REGISTRATION

Section

110.01 Purposes

110.02 Definitions

110.03 Business Registration Required

110.04 Annual Registration and Notice of Change

110.05 Separate Locations and Multiple Businesses

110.06 Issuance of Certification

110.07 Duty to Post Certification

110.08 Effect of Registration

110.09 Enforcement

§110.01 Purpose

The purpose of this article is to require businesses located within the town limits of Warrenton to register with the town in order for the town to have up-to-date records for the uses of property and buildings within the town, the commercial purposes of business, to assist with fire and police protection, and for the general health, safety, and welfare of the citizens of Warrenton. This chapter is for regulation purposes only. Complying with registration requirements of this chapter does not excuse a person from any other requirements or regulations placed upon them or their business by any other ordinance or statute.

§110.02 DEFINITIONS

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Business - Any trade, occupation, profession, business, franchise, or calling of any kind, subject by the provisions of this chapter for registration.

Engaged (Or Engaging) In Business Within This Town - When a person engages in business activity of any type, either as owner or operator of such business in a definite place

- (1) By maintaining a business location within the town;
- (2) By setting up and selling goods on a piece of property provided the property owner has given permission, provided it is not seasonal in nature

Person Any individual, trustee executor, other fiduciary, corporation, association, partnership, company, firm, or other legal entity or agent thereof.

Seasonal In Nature A business is Seasonal In Nature when it is operated within the

town for less than six months of the year.
(’63 Code, Ch. L, §1) Ord. passed 8-8-77)

§110.03 Business registration required.

Every person operating a business, trade, employment, profession, or seeking to do so through an agent operating within the town, unless otherwise provided by law, shall make application in writing to the Town Administrator, in which shall be stated the definite place where the business, trade, employment, or profession is to be exercised; the mailing address for the business, if different; the name and resident address of the applicant and applicant’s relationship to the business; the nature of the business, trade, employment, or profession; and such other information as may be required by the Town Administrator.

§110.04 Annual Registration and Notice of Change

- A. Each place of business located in the town shall complete an annual application. An application shall cover the 12-month period beginning July 1, of each calendar year and ending June 30 of the subsequent calendar year.
- B. The business shall notify the Town Administrator of any changes in ownership, emergency contacts, phone numbers or other contact information contained on the application.

§110.05 Separate Locations and Multiple Businesses

If a person operates businesses at two (2) or more separate locations, a separate registration for each location of the business shall be required.

§110.06 Issuance of Certification

- (A) Upon receipt of an applicant’s registration form, the Town Administrator, if satisfied that the information is correct and complete, shall issue a town registration certification to the applicant and shall register the business in the name of and at the place set out in the application.
- (B) The Administrator shall refuse to issue a registration certification to an applicant if the information provided is incomplete or inaccurate.

§110.07 Duty to post certification; permit inspection.

A business shall post the registration certification conspicuously in the place of business registered. Each person who conducts business in the town shall permit an agent of the town to inspect the business premises during normal business hours to determine the nature of business conducted and compliance with registration requirements.

§110.08 Effect of Registration

Issuance of a registration certification under this chapter does not authorize the carrying on of a business for which additional licenses or qualifications are required by state or local law. Nor does the issuance of a registration certification prevent the town from enacting additional regulations applicable to the business operator or location.

('63 Code, Ch. L, §12) Ord. passed 8-8-77

§110.11 Enforcement

A violation of any provision in this Chapter may subject the offender to a civil penalty of fifty dollars (\$50.00). If a person fails to pay this penalty within ten (10) days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of a debt or by debt set-off. Each day that a person engages in a violation constitutes a separate offense.

CHAPTER 15___ TREES
(or "TREE PROTECTION"??)

*(To be inserted into Code of Ordinances potentially as new Chapter 152 after Chapter 151 Zoning Code.
Subsequent chapters to be renumbered.)*

Sec. 15_ _01. Purpose.

- a) The purpose of this Chapter is to provide for maintenance and protection of trees on town property, rights-of-way and easements in order to promote the public health, safety, and welfare. It expresses the Town's intent to use trees to create a more natural and amenable human environment. This Chapter is not intended to be punitive nor to cause hardship to any person who uses the utmost care and diligence to protect trees within the Town or on Town property.
- b) In order to protect and conserve trees on public property and rights-of-way, this Chapter:
- 1) regulates the planting, maintenance and removal of trees on Town-owned public property and rights-of-way wherever located;
 - 2) provides for pruning, treatment and removal of trees and their root systems and shrubs as is deemed necessary by the Town Board of Commissioners or a person acting under the authority of the Board of Commissioners; and
 - 3) provides for trimming or removal of trees on public land when they obscure traffic lights, interfere with surface and subsurface utility lines or constitute a hazard to pedestrian or vehicular traffic or otherwise endanger the public health, safety or welfare.
- c) In order to enhance the quality of life in Warrenton, this Chapter also provides for maintenance and replacement of tree canopy for new residential and commercial development according to standards set forth herein.

[Cross reference: Warrenton Design Guidelines, Warrenton Historic District Commission, in particular Guidelines: Plantings and Site Features](#)

~~d) This Chapter further provides for the establishment of a Town tree advisory committee which shall be responsible for promoting trees and tree care throughout the Town and for developing and recommending a Town tree plan.~~

Sec. 15_ _02. Definitions.

As used in this Chapter, the following words and terms shall have the meaning ascribed thereto:

~~Adjacent shall mean a parcel of land or development that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street, waterbody, or right-of-way divides the parcels.~~

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CHAPTER 15___ TREES
(or "TREE PROTECTION"??)

(To be inserted into Code of Ordinances potentially as new Chapter 152 after Chapter 151 Zoning Code.
Subsequent chapters to be renumbered.)

Administrator shall mean the Town Administrator or his designated representative.

Drip line shall mean a vertical line running through the outermost portion of the crown of a tree and extending to the ground.

Park trees shall mean trees, shrubs and bushes in public parks having individual names and all areas owned by the Town or to which the public has free access as a park.

Right-of-way shall mean that property located within and adjoining the streets, roads and highways within the Town, which rights-of-way are owned by the Town or the state or are otherwise maintained by the Town or the state.

Street trees shall mean trees, shrubs and bushes on land lying within rights-of-way on either side of all streets, roads or ways within the Town.

Sec. 15___03 Tree Advisory Committee

~~a) **Appointment**—The Board of Commissioners shall appoint a Town Tree Advisory Committee comprised of at least three (3) [five??] members. The Tree Advisory Committee may be appointed as a separate committee, or it may be a subcommittee of the Town _____ board.~~

~~b) **Purpose**—The Tree Advisory Committee shall foster the preservation, planting, replacement and removal of trees without denying the reasonable use and enjoyment of real property.~~

~~c) **Term, officers and meetings**—Members of the Tree Advisory Committee shall serve three-year terms. Alternatively, terms shall be concurrent with the terms of the members of the _____ Commission designated to serve as the Tree Advisory Committee.~~

~~The Tree Advisory Committee shall choose its own officers, adopt rules for conduct of meetings and keep minutes of its proceedings. A majority of the members shall be a quorum for the transaction of business.~~

~~The Committee shall meet as often as necessary to carry out its duties and responsibilities.~~

~~d) **Duties and Responsibilities**—The Tree Advisory Committee shall provide for or prepare an annual written plan or update for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs on public property within the Town including public rights-of-way and parks. The plan shall also document historic trees within the town and provide for their~~

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CHAPTER 15__ TREES (or "TREE PROTECTION"??)

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~~protection. The plan will be presented annually to the Board of Commissioners and upon their acceptance and approval shall constitute the official tree plan for the Town of Warrenton.~~

Sec. 15_-034 Recommended Street Trees

~~The Tree Advisory Committee~~ **Town Administrator** shall develop and make available a list of Recommended Street Tree Species using the N.C. Forest Service **Recommended Street Trees for North Carolina** as a resource. No species other than those included in the list may be planted as street trees without written permission of the ~~Tree Committee~~ **Town Administrator**. The ~~Tree Committee~~ **Town Administrator** may add or delete species from the list annually with approval from the board of Commissioners. If changes are made, the revised list shall be published in a manner such that the public shall be informed of the acceptable species.

<https://ncforestservice.gov/Urban/pdf/NCUrbanTreeList.pdf>

Sec. 15_-04 Policies

Policies for size and spacing of trees; distance from curb, sidewalk and fire hydrants; distance from overhead and underground utilities and other specifications shall be recommended by the Town Administrator and adopted by the Board of Commissioners. (Reference to Policies was buried under the Public Tree Care section in previous version. It needs its own section. A few towns put these in the ordinance, but most have policies that can include more info and are easier to change.

Sec. 15_-055. Public tree care.

~~a) The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the right-of-way lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.~~

~~a) Policies regarding the spacing and set-back of trees and recommended species shall be recommended by the Tree Advisory Committee Town Administrator and adopted as policy by the Town Board of Commissioners.~~

~~b) Trees planted at intersections shall comply with Code §151.023 Visibility At Intersections such that on a corner lot nothing shall be left erected, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and ten feet in a triangular area formed by a diagonal line between two points on the right-of-way lines 20 feet from where they intersect. (Your choice. Cite the Code Section? Or write it out?)~~

~~b) _____~~

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CHAPTER 15__ TREES (or "TREE PROTECTION"??)

(To be inserted into Code of Ordinances potentially as new Chapter 152 after Chapter 151 Zoning Code.
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- c) The Town Administrator may cause or order to be removed any publicly owned tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, gas lines, water lines or other public improvements or is affected with any injurious fungus, insect or other pest, or which otherwise endangers the public health, safety or welfare.

This section does not prohibit the planting of street trees in the right-of-way by owners of adjacent property adjacent to the right-of-way. ~~owners.~~ However, before planting, any such owner shall request and be granted a permit by the ~~Tree Advisory Committee Town Administrator.~~ Selection and location of trees shall be in accordance with the Recommended Tree Species and adopted policies~~guidelines~~ for planting and spacing. ~~developed by the Town Tree Advisory Committee Town Administrator.~~ (What "adjacent" means is clarified. Also in Definitions section, I've added definition of "adjacent." Some towns allow adjacent property owners, with approval, to plant trees in right-of-way. Some don't.) ~~d)~~

Sec. 15_-066. Public tree harm.

It shall be unlawful for any person, firm, or Town employee to abuse, destroy or mutilate any tree, plant or shrub on public property or any public place or right-of-way or to attach or place any rope, wire (other than to support a young or broken tree), sign, poster, advertisement or notice on any tree growing in a public place or to allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with their roots, trunks or leaves.

Sec. 15_-077. Tree topping or rounding off.

- a) It shall be unlawful as a normal practice, except as described in this section, for any person, firm or Town staff or contractor to top or round off any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and to disfigure the tree.

- b) Trees severely damaged by storms or other causes, or certain trees that interfere with or are an imminent threat to utility wires or other obstructions where other pruning practices are impractical may be exempted from this Chapter at the determination of the administrator.

Sec. 150_.089 Pruning, Corner Clearance

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CHAPTER 15___ TREES (or "TREE PROTECTION"??)

*(To be inserted into Code of Ordinances potentially as new Chapter 152 after Chapter 151 Zoning Code.
Subsequent chapters to be renumbered.)*

Every owner of any tree overhanging any street or right-of-way shall prune the branches so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection and so that there shall be a clear space of twelve feet (12") above the street surface except truck routes which shall be sixteen feet (16'), or eight feet (8') above the surface of the sidewalk. Owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign or intersection visibility.

Sec. 150_ -098. Shrubs

The Town will maintain shrubs planted on the right-of-way by the Town but shall not be responsible for maintenance of privately planted shrubs. After the adoption of this ordinance, ~~shrubs planted on the right of way of any public street and not properly maintained in a safe, healthy and attractive condition~~ shall NOT be planted in the right of way and may be removed by the Town.

~~Sec. 150_09 Pruning, Corner Clearance~~

~~Every owner of any tree overhanging any street or right-of-way shall prune the branches so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection and so that there shall be a clear space of twelve feet (12") above the street surface except truck routes which shall be sixteen feet (16'), or eight feet (8') above the surface of the sidewalk. Owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign or intersection visibility.~~

Sec. 15_ - 1010. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground, and the surface will be restored to its original condition as reasonably practical.

Sec. 15_-111. Permits and Review Required – Town Property

CHAPTER 15____ TREES (or "TREE PROTECTION"??)

(To be inserted into Code of Ordinances potentially as new Chapter 152 after Chapter 151 Zoning Code.
Subsequent chapters to be renumbered.)

- a) Permits shall be obtained from the administrator for all activity involving planting , grading, removal and replacement of trees on town property. Permits are also required for the removal and replacement of any historic trees [as provided in the Warrenton Design Guidelines, Warrenton Historic District Commission.](#)
- b) The administrator shall review all requests for permits for any of the above activities. If the planting, grading, removal and replacement of trees on town property complies with the Town Guidelines for planting and spacing ~~developed by the Town Tree Advisory Committee~~, the administrator shall issue a permit and may attach reasonable conditions to the permit. If the plan does not comply with the guidelines, the permit shall be denied.
- c) A permit is not required for trimming or pruning necessary to remove dead, broken or injured branches of trees on town property. Lower branches less than two inches in diameter in size which pose an obstacle to vehicle or pedestrian traffic may be removed without a permit upon approval of the administrator.
- d) Permits are required of public or private utility companies which install overhead or underground utilities (including CATV and internet installations or water and sewer installations by or at the direction of the Town staff), provided that such public or private utility companies have written pruning and trenching specifications that have been first approved by the administrator.

Utility companies requesting removal of a tree shall seek a permit as provided in Paragraph a) of this Section.

Sec. 15 -12. Removal of Trees and Mature Ornamentals – Private Property

- a) A permit issued by the Town Administrator is required for the removal of mature ornamentals as well as other trees over 8 inches in diameter at 4 feet off the ground. Per request. Note there has been a movement in the General Assembly to prohibit local governments from regulating tree removal on private property – but it has not passed – (yet?) <https://www.ncleg.gov/Sessions/2021/Bills/House/PDF/H496v3.pdf>
- b) Dead trees shall be removed when it can be determined by the Town Administrator that they are substantially diseased or dead. Per request. Will you/the Town obtain expert help to make the determination that the tree is diseased/dead and merits removal? What about liability if the Town says the tree can't be removed since it is not dead/diseased, and the tree later splits or falls over?

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CHAPTER 15___ TREES (or "TREE PROTECTION"??)

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Example of language from Chapel Hill:

https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXAL_AUSMA_ART5DEDEST_5.7TRPR

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Sec. 15__-131. Appeal to Review by Town Board of Commissioners.

- a) ~~The Town Board of Commissioners Town Administrator shall have the right to review the acts and decisions of the Town tree advisory committee Town Administrator.~~ Any person may appeal from any ruling or order of the ~~the Town Administrator Town tree advisory committee~~ to the Town Board of Commissioners, which may hear the matter and make a final decision. Verify this matches your edits.
- b) During emergencies, such as windstorms, ice storms, fire or other disasters, the requirements of this Chapter may be waived by the administrator for the purpose of restoring order in the Town. This section shall not be used to circumvent the tree ordinance.

Sec. 15__- 13.2 – Sec. 15__ -19. Reserved.

Sec. 15__-20 Tree Canopy for Certain New Development

~~(b)a)~~ Activities that require a zoning compliance permit for purposes of tree canopy:

~~1—~~All work impacting trees on lots designated for new Commercial development.

1)

~~2—~~All work impacting trees on lots ~~designated~~ for single, two-family and multifamily residential use where total land disturbance exceeds five thousand (5,000) square feet.

2)

- (b) *Emergency waiver.* The provisions of this section are waived if compliance would impede the rescue of life or property from immediate danger or the repair of utilities in the event of emergencies such as windstorms, ice storms, or other disasters. Any emergency work shall follow as closely as possible the standards outlined in the town's landscape standards and specifications.

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Sec. 15__-21 Tree Canopy Coverage Standards.

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CHAPTER 15__ TREES
(or "TREE PROTECTION"??)

*(To be inserted into Code of Ordinances potentially as new Chapter 152 after Chapter 151 Zoning Code.
Subsequent chapters to be renumbered.)*

a) Minimum canopy coverage standards. The town desires to maintain the maximum practical tree canopy on new commercial and ~~new~~ residential development that disturbs more than five thousand square feet (5000 sq. ft.) of land within the town's jurisdiction. Residential includes single family, two-family and multifamily.

a) In light of the minimum zoning lot size within the town's jurisdiction, each single and two-family residential lot must maintain a 40% tree canopy regardless of land disturbed.

b)

c) When tree canopy is subject to the provisions of this section, the following minimum tree canopy coverage percentages are required within the zoning lot boundaries exclusive of public right-of-way:

(a)

Minimum Tree Canopy Coverage Standards

Land Use	Minimum Canopy Coverage
Commercial	30%
Multi-Family Residential <u>where total land disturbance exceeds 5000 sq. ft.</u>	30%
Residential (single family and two family) where total land disturbance exceeds 5000 sq. ft.	40%

(b)d) Modifications to canopy coverage standards. The ~~Tree Advisory Committee Town Administrator~~ may allow a modification to these regulations when public purposes are met and canopy removal supports other goals of the town, including but not limited to:

- Goals of the Comprehensive Plan
- Affordable housing
- Stormwater management
- Community character of adjoining property, or established managed landscapes, or established streetscapes

Sec. 15_~~2230~~. Violations and penalties.

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CHAPTER 15__ TREES
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A violation of any provision of this chapter shall subject the violator to payment of a civil penalty of five hundred fifty dollars (~~\$50050~~) per occurrence. Each tree, shrub or other planting is considered one occurrence.

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Amend Chapter 95 Streets and Sidewalks of the Warrenton Town Code

Amend Chapter 95 Streets and Sidewalks by adding a new Section 95.10

§95.10 Parking, maintaining, repairing commercial or industrial vehicles and equipment in residential zoning districts

- A. It shall be unlawful to park, maintain, or repair commercial/industrial vehicles and equipment within residential zoning districts whether such vehicles are located on private or public property.
- B. Commercial/industrial vehicles are defined as vehicles with more than 2 axles; vehicles exceeding 12,000 lbs. GVWR; a vehicle used to transport hazardous materials; construction equipment to include but not limited to backhoes, tractors, excavators, skid-steers, etc.; any trailer or semitrailer used for transporting commercial equipment whether or not such trailer or semitrailer is attached to another vehicle; and vehicles requiring the driver to have either a Class A or Class B North Carolina Driver's License, or the equivalent.
- C. This shall not be construed as preventing the temporary parking of delivery trucks, construction vehicles working on-site during normal business hours, moving vans, church vans or buses, emergency vehicles and vehicles which deliver goods or services. Nor shall it be construed to prevent commercial vehicles associated with an active construction or maintenance project for which building trades permits have been issued or which are otherwise approved by governmental units, provided no parking takes place beyond a period of forty-eight (48) hours within a thirty-day period.
- D. Violation of this section may subject the offender to a civil penalty of fifty dollars (\$50.00). If a person fails to pay this penalty within ten (10) days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of a debt. Each day that a person engages in a violation constitutes a separate offense

Amend TITLE IX: GENERAL REGULATIONS by adding a new Chapter 95 and
renumbering subsequent chapters

Chapter 95 PUBLIC PANHANDLING, BEGGING, CHARITABLE AND POLITICAL SOLICITATION

Section 95.01. Purpose.

The purpose of this chapter is to regulate certain behavior to preserve the public order, to protect the residents of Warrenton and to insure the safe and uninterrupted passage of both pedestrian and vehicular traffic, without unconstitutionally impinging upon protected speech, expression or conduct.

Section 95.02 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

a. Areas With Heightened Personal Security Concerns means:

1. Areas within, or within twenty (20) feet of a public parking lot;
2. Areas within twenty (20) feet of access to any building entrance or exit, a vehicle, public events venues, public accommodations or commercial businesses where a reasonable individual would have a reasonable, justified concern for his or her personal security due to congestion and close proximity to others;
3. Areas within a designated commercial district in which a high volume of pedestrian traffic or narrow sidewalks and streets give a reasonable person a justified, reasonable concern about his or her personal security due to congestion and close proximity to others;
4. Other areas in which congestion could give a reasonable person justified concern his or her personal security due to congestion and close proximity to others; or
5. At any location between sunset and sunrise as provided by the National Weather Service.

b. Areas With Heightened Personal Privacy Concerns means:

1. Locations within twenty (20) feet of an automated teller machine or financial institution in which an automated teller machine is located;
2. Locations within twenty (20) feet of a sidewalk cafe during operating hours unless the solicitor's presence is authorized by the proprietor;
3. Other locations where a reasonable person would have a reasonable concern about whether congestion and close proximity to others could compromise one's interests in privacy.

c. Areas With Heightened Public Safety Concerns means:

1. Streets and highways; and

2. Traffic medians, where soliciting poses risk of injury to solicitors and drivers and may endanger vehicular safety.

d. Panhandling, Begging, Charitable or Political Solicitation means: actions that are conducted in the furtherance of the purpose of immediately collecting contributions for the use of one's self or others. As used in this ordinance, the word, "solicit," and its forms, includes requests for funding arising from begging, panhandling, charitable or political fundraising initiatives.

1. *Aggressive begging, panhandling, or solicitation* means:

- a. Confronting someone in a way that would cause a reasonable person to fear bodily harm;
- b. Accosting an individual by approaching or speaking to the individual or individuals in so as to cause a reasonable person to fear imminent bodily harm or commission of a criminal act upon his or her person, or upon property in his or her possession;
- c. Touching someone without his or her consent;
- d. Using obscene or abusive language toward someone while attempting to panhandle or solicit him or her;
- e. Forcing oneself upon the company of another by engaging in:
 - i. Continuing to solicit in close proximity to the individual addressed after the individual has made a negative response, either verbally, or physically by attempting to leave the presence of the solicitor by other negative indication;
 - ii. Blocking the passage of the individual solicited;
 - iii. Otherwise engaging in conduct that could reasonably be construed as intending to compel or force a person to accede to a solicitation.
- f. Acting with the intent to intimidate someone into giving money;
- g. Obstructing pedestrian or vehicular traffic as defined herein so as to block the passage by another person or vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact; or
- h. Other conduct that a reasonable person being solicited would regard as threatening or intimidating in order to solicit a contribution or donation.

2. *Passive panhandling, begging, charitable or political solicitation* means: conduct described in the definition of "begging, panhandling and charitable or political solicitation" that is verbal and not aggressive as described in subsection (1) above, or presented in writing,

e. Obstruct Pedestrian Traffic or Vehicular Traffic means walking, standing, sitting, lying or placing an object in a manner so as to block the passage by another person or vehicle, or to require another person or a driver of a vehicle to take evasive action to

avoid physical contact.

- f. **Public Place** includes streets, sidewalks, alleys and other public property, as well as town- owned and town-controlled property and private property open to the public unless permission to solicit has been obtained from the town or from the private property owner or other person in authority.

Section 95.03 Passive begging, panhandling, charitable and political solicitation permitted except in prohibited areas.

Passive panhandling, begging, charitable or political solicitation as defined in Section 95.02(d)(2) shall be treated as speech protected under the First Amendment. It is prohibited only in the following areas:

- (1) Areas with heightened personal security concerns defined and listed in section 95.02(a);
- (2) Areas with heightened privacy concerns defined and listed in section 95-02(b); and
- (3) Streets, highways and medians defined in section 95-02(c) as areas with heightened public safety concerns.

Section 95.04. Aggressive panhandling, begging, charitable and political solicitation prohibited.

Aggressive panhandling, begging, charitable or political solicitation as defined in section 24-2(d)(1) of this article is prohibited throughout the Town of Warrenton.

Sec. 95.05. Penalty.

Any person in violation of this Article shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50.00) or imprisoned for not more than seven (7) days.

PROPOSED NEW ALCOHOLIC BEVERAGES CHAPTER INCLUDING SOCIAL DISTRICT ORDINANCE

1. Amend Chapter 116 Sale of Alcoholic Beverages on Sundays

To rename Chapter 116 "Sale of Alcoholic Beverages on Sundays" to "Alcoholic Beverages"

2. Create new §§116.01 - §116.09 pertaining to Social Districts as follows:

§116.01 Purpose

- A. Pursuant to the provisions of North Carolina General Statute 160A-205.4, *et seq.* and amended Chapter 18B one or more social districts may be created within the town and the Town hereby creates and designates the following social district: Downtown Warrenton Social District which is designated as shown on a map dated _____, such map available in the office of the Town Administrator, and signage and/or markings shall be posted clearly delineating the boundaries of the Social District.
- B. The Downtown Warrenton Social District shall be created, designated, and managed in accordance with the requirements contained in North Carolina General Statute 160A-205.4 and Chapter 18B.

§116.02 Definitions.

Social district means and refers to a defined outdoor area in which a citizen may consume alcoholic beverages sold by a permittee. This term does not include the permittee's licensed premises or an extended area allowed under North Carolina General Statute 18B-904(h).

Permittee means and refers to a person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission established under North Carolina General Statute 18B-200:

1. An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1).
2. An on-premises unfortified wine permit issued pursuant to G.S. 18B 1001(3).
3. An on-premises fortified wine permit issued pursuant to G.S. 18B- 1001(5).
4. A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
5. A distillery permit issued pursuant to G.S. 18B-1100(5).

Person means and refers to an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.

Premises means and refers to a fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee has control through a lease, deed, or other legal processes.

§116.03 Application

- A. The provisions and terms contained in this Article shall be applicable between the hours of _____ (Oxford and Greensboro have 12:00 p.m. and 9:00 p.m. Wednesday through Sunday). At all other times, the provisions and terms contained in this Article are not in effect and all provisions of State and local laws concerning the possession and consumption of alcohol shall be in full force and effect.
- B. Any alcoholic beverage purchased for consumption in the Downtown Warrenton Social District shall (i) only be consumed in the Downtown Warrenton Social District and (ii) be disposed of before the person in possession of the alcoholic beverage exits the Downtown Warrenton Social District unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

§116.04 Requirements for Sale of Alcoholic Beverages

- A. A permittee located in or contiguous to the Downtown Warrenton Social District may sell alcoholic beverages for consumption within the Downtown Warrenton Social District if it is located in or contiguous to the Social District in accordance with the following requirements:
 - 1. The permittee shall only sell and serve alcoholic beverages on its licensed premises.
 - 2. The permittee shall only sell alcoholic beverages for consumption in the Downtown Warrenton Social District in a container that meets all of the following requirements:
 - a. The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - b. The container clearly displays the Downtown Warrenton Social District logo.
 - c. The container is not comprised of glass.
 - d. The container displays, in no less than 12-point font, the statement, "Drink Responsibly - Be 21."
 - e. The container shall not hold more than 16 fluid ounces.
 - 3. The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.

§116.05 Requirements for Possession and Consumption of Alcoholic Beverages

The possession and consumption of an alcoholic beverage in the Downtown Warrenton Social District are subject to all of the following requirements:

- 1. Only alcoholic beverages purchased from a permittee located in or contiguous

to the Downtown Warrenton Social District may be possessed and consumed.

2. Alcoholic beverages shall only be in containers meeting the requirements set forth in this ordinance.
3. Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in this ordinance.
4. Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in North Carolina General Statute 18B-1010.
5. A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the Downtown Warrenton Social District unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

§116.06 Exceptions.

When a Special Event is held pursuant to the issuance of a Special Event Permit, the terms of the Special Event Permit supersede the provisions of this ordinance within the boundaries of the Special Event. Any alcohol purchased within the boundaries of the Special Event may not be taken outside of the Special Event, even if the alcohol is to be taken from the boundary of the Special Event into the boundary of the Social District.

§116.07 Penalty

Any person who violates the provisions of §§ 116.01-116.06 this Article shall be guilty of a Class 3 misdemeanor and subject to a fine of fifty dollars (\$50), pursuant to G.S. 14-4(a).

§116.08 Severability.

If any section, phrase, sentence or portion of this ordinance is held void, invalid, unconstitutional or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

§116.09 Effective

That this ordinance shall become effective _____.

§116.10 - §116.14 Reserved

3. **Renumber §116.01 through §116.03 pertaining to Sunday Sales as § 116.15 through 116.18 Severability.**

**Amend Chapter 51 Water and Sewer Service by adding new Paragraph (C) to §51.027
Connections and Meters Property of Town; Maintenance of Meters**

**§51.027 CONNECTIONS AND METERS PROPERTY OF TOWN; MAINTENANCE OF METERS;
DAMAGE OR TRESPASS**

- (A) All meters, meter boxes, pipes and other equipment furnished and used by the town in installing any water or sewer connection shall be and remain the property of the town. ('63 Code, Ch. Q, Art. I, §11)
- (B) All meters shall be kept in good repair and working order by the town.
- (C) It shall be unlawful for any person, not having authority to do so, to open any water hydrant or tamper with any meter or utility service furnished by the town to consumers, or to in any other way molest, damage or trespass upon any equipment or premises belonging to the town connected with any utility service. Violators are subject to being charged with a Class 1 misdemeanor or any other penalty provided for in G.S. 14-151.
- (D) The Town shall charge a Reset Fee of two hundred fifty dollars (\$250) plus repair costs for reconnection of any meter, hydrant, or utility where damage or trespass has diverted, prevented or otherwise interfered with the provision of service.