

Significant Edits Made To The Washington City Code As Part Of The Proposed Recodification

Below is a list of significant differences between the proposed recodification and the current version of the Washington City Code. Language has been edited to address consistency in style and format, rearrange sections where it makes sense to do so, update legal citations and references (such as references to locations), clarify intent, and conform with actual practice. In a few places, substantive changes have been made to make the City Code consistent with the City Charter, clarify procedures or make descriptions of procedures consistent with practice and, in one case, remove a provision deemed as onerous.

Global

Re-numbering

Chapters have been renumbered. Except for Chapter 1, all odd-numbered chapters are reserved for future expansion as needed. Chapters 2 onward are sequenced in alphabetical order and conclude with Chapter 40, which is now the Zoning Ordinance. In addition, sections within chapters have been reserved for future expansion.

Global

Deletion

Specific dollar amounts for fees, rates and charges have been removed from all chapters and are now listed together in a Fees and Charges Schedule as an Appendix to the City Budget. Specific dollar amounts for locally established fines, rewards, penalties, insurance, options, and bonds have been retained.

Sec. 1-7

Revised as follows:

“Except where otherwise stated, the Council shall set all fees annually in conjunction with the adoption of the City budget by reducing said fees to a schedule to be adopted as part of and included in the City budget. ~~and a Said~~ schedule thereof shall be kept on file in the office of the City Clerk. Any reference in this Code to a fee or other monetary term where the amount is not given shall refer to an amount set from time to time by the Council, pursuant to this section.”

[NOTE: In accordance with this revision, specific dollar amounts for fees, rates and charges were removed from later chapters of the City Code. Specific amounts of locally established fines, rewards, penalties, insurance, options, and bonds have been retained.]

Sec. 2-97

Revised the Powers and Duties of the City Manager as follows:

~~(h) Adjust fees and charges for services rendered, up to \$2,500.00~~ Implement and administer the fees and charges established by Council in accordance with Section 1-7.

(i) Set or delegate the authority to set fees and charges, other than those set by council, for services rendered, up to \$2,500.00.

Ch. 2, Article V

Revision

Article VI, Finance Director (formerly entitled City Treasurer) of Chapter 2, Administration, has been revised to remove language requiring the City Council to appoint a City Treasurer. This revision makes the language of the City Code consistent with the language of the Charter following its amendment in 1996. The 1996 Charter amendment, among other things, had removed a provision that required the City Council to appoint a City Treasurer, who served as Finance Manager, and replaced it with the following language: “The City Manager shall appoint a Finance Director to perform the duties designated in G.S. 159-25 and such other duties as may be prescribed by law or assigned by the Manager.”

The revision is as follows:

~~ARTICLE VI. CITY TREASURER~~ FINANCE DIRECTOR

Sec. 2-149. Appointment.

The ~~City Treasurer~~ Finance Director shall be appointed by the City ~~Council~~ Manager.

Sec. 2-150. Duties.

It shall be the duty of the City Treasurer to:

~~(1) Sign, with the Mayor or Mayor Pro Tem, and Finance Manager or City Manager, all warrants or orders for the payment of any public funds.~~

~~(2) Reconcile the bank statements from the city's depositories.~~

~~(3) Advise the Finance Manager on the status of the city's depositories.~~

The Finance Director shall perform the duties designated in G.S. 159-25 and such other duties as may be prescribed by law or assigned by the City Manager.

Sec. 2-31

Revised as follows:

~~The Mayor, the Mayor Pro Tem of the City Council or any two (2) members thereof may at any time call a special meeting by causing a written notice, stating the time and purposes of holding such meeting and signed by a person calling the same, to be delivered in hand to each member or left at his usual dwelling place at least six (6) hours before the time of such meeting. Meetings of the City Council may also be held at any time when all the members of the Council are present and consent thereto. The Council may consider at such meetings only those matters mentioned in the notice of the special meeting.~~

The Mayor, the Mayor Pro Tem or any two (2) members of the City Council may at any time call a special council meeting by signing a written notice stating the time and place of the meeting as well as the subjects to be considered. Said written notice shall be delivered in hand to each member or left at each member's usual dwelling place at least forty-eight (48) hours before the time of such special meeting called in this manner. Only those matters of business specified in said notice may be transacted at a special meeting called in this manner. In addition to the procedures set forth herein, a person or persons called a special meeting in this manner shall cause the notice requirements of Article 33C of General Statutes Chapter 143 to be complied with.

**Sec. 2-215
Sec. 2-251
Sec. 2-501**

Revised

These sections describing the Planning Board, Housing Authority and Animal Control Appeals Board have been revised to remove outdated references to dates establishing the lengths of initial terms in order to set up staggered terms.

Sec. 2-551

Reorganization

The chapter on purchasing (formerly Chapter 14) has been deleted and provisions regarding purchasing have been incorporated into Chapter 2, Administration.

Ch. 26

Deletion

A section listing the duties of police officers was removed from Chapter 26, Police to reduce potential legal exposure to the City.

Ch. 36

Reorganization

Regulations governing taxicabs (formerly in the Licenses and Business Regulations chapter) and horse-drawn carriages (formerly part of the Miscellaneous Provisions chapter) and been relocated to a new Chapter 36, Vehicles for Hire.

Sec. 40-8

Revision

Sec. 40-8. Reduction or change in lot size prohibited.

No lot shall be reduced or changed in size so that such that it creates a lot or lots that do not meet the requirements of these regulations, including but not limited to the total area; minimum frontage; front, side, or rear setbacks; lot area per dwelling unit; or other dimensions, areas, or open spaces required by the regulations are not maintained. No lot shall be subdivided so as to produce an additional lot which is not in conformity with these or other applicable regulations,

unless such lot is combined with other land to produce a conforming lot or unless said lot is deeded, dedicated, and accepted for public use.

Sec. 40-149

Revision

Chapter 40, Zoning, Article VI, Dimensional Standards, Modifications, And Special Standards, Section 40-149, Special standards for permitted uses, Subsection o has been revised as follows:

(o) *Public school maintenance facilities in residential zoning districts.*

(1) Minimum lot size: twenty thousand (20,000) square feet.

(2) External peripheral yard setback: fifty (50) feet.

~~(3) The maintenance facility is allowed, provided the general offices of the Beaufort County School Board are located on the same parcel of land.~~

(4) Operation of the facility is Monday through Friday, 7:00 a.m. through 5:00 p.m., or when emergency situations arise, i.e., hurricanes/tornadoes.

~~(5) No outside storage of materials shall be permitted.~~

[NOTE: The provision in subsection (o)(3) is not being followed in regard to the school system's Pennsylvania Avenue maintenance facility.]

Sec. 40-355

Deletion

Due to the abolishment of the Airport Commission Article XIV, Telecommunication Towers and Antennas of Chapter 40, Zoning, has been revised to remove the requirement that an applicant for a special use permit applicant receive approval from the Airport Commission. Sec. 40-355 has been revised as follows.

(e) All telecommunications towers existing on the effective date of the ordinance from which this article

~~(f) An applicant must receive approval from the Washington Airport Commission before requesting a special use permit from the Board of Adjustment.~~

~~(g) An applicant shall ensure in a signed and notarized document~~

Sec. 40-386

Revised

Sec. 40-502

These sections describing the Historic Preservation Commission and Board of Adjustment have been revised to remove outdated references to dates establishing the lengths of initial terms in order to set up staggered terms.

Sec. 40-502(b)

Revision

Chapter 40, Zoning, Article XIX, Board of Adjustment, Sec. 40-502 Subsection (b) has been revised as follows:

“The Council may, in its discretion, appoint and provide compensation for alternate members to serve on the Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member.”

Sec. 40-512

Revision

Chapter 40, Zoning, Article XIX, Board Of Adjustment, Section 40-512, Subsection (d) on special and conditional uses permits has been revised as follows:

"These regulations may also provide that the Board of Adjustment, ~~the Planning Board, or the City Council~~ may issue special use permits or conditional use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified therein and may impose reasonable and appropriate conditions and safeguards upon these permits."

Sec. 40-584**Deletion**

This section on violations in Article XXI, Administration, of Chapter 40, Zoning has been revised to remove subsection (b) regarding repeat violations. This subsection stated: "If an owner or occupant repeats the same violation within a five (5) year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies." The legal opinion is that this requirement is onerous.