

TOWN OF WALLACE
MONTHLY TOWN COUNCIL MEETING
September 9, 2021
6:00 pm

The Wallace Town Council held its regularly scheduled monthly meeting in the Council Chambers at the Town Hall.

The following Governing Body members were present:

- Charles C. Farris, Jr., Mayor
- Council Member/Mayor Pro-Tem Wannetta Carlton
- Council Member Jeff Carter
- Council Member Frank Brinkley
- Council Member Francisco Rivas-Diaz

The following member of the Governing Body was absent:

- Council Member Jason Wells

Also Present were:

Larry Bergman, Town Manager	Anna H. Herring, Town Attorney (via Zoom)
Jackie Nicholson, Town Clerk	Georgia Farris, Depot Commission
Jimmy Crayton, Police Chief	Harriet Farris, Depot Commission
Brent Dean, Public Services Director(via Zoom)	David Godwin
Sharon Robison, Library Director	Warren Hepler, Depot Commission
Rod Fritz, Planning Director	John Knapp, Depot Commission
Twig Rollins, Zoning & Code Enforcement	Verna Mansfield, Depot Commission
Rob Taylor, Finance Director	Joseph Merritt, Depot Commission
Mark D. Bardill, Zaccheus Legal Services	Steve Paes, Depot Commission
Davs Carr, Depot Commission	Carol Paes
Marlane Carcopo (via Zoom) WallaceNCWeekly.com	Claudette Varner
Jason Davis	Curtis West, Sr., Empact Ministry
	Curt Simpson, <i>Duplin Times</i>

Mayor Charley Farris called the regular meeting to order with a quorum of the governing body members present and Bishop Curtis West gave the invocation.

The Pledge of Allegiance was recited.

Presentations

Mark D. Bardill, P.C., Zaccheus Legal Services, discussed the process for delinquent tax foreclosures. Mr. Bardill said that there are approximately 30-40 cases in progress and the majority of those were assigned in the last 12 to 18 months. He anticipates that 5 or more will proceed to the judgement phase in November.

Depot Commission Chair Davis Carr introduced the members of the Depot Commission and spoke about the proposed Garden Train project. Georgia Farris explained the origin of the project and John Knapp provided details about the layout and displayed one of the train cars.

Council Member Wannetta Carlton made a motion to approve the Garden Train project at the Depot that was seconded by Council Member Frank Brinkley and approved by unanimous vote.

Adoption of the Agenda

Mayor Farris called for discussion of the agenda. there being no changes or additions Council Member Francisco Rivas-Diaz made a motion to adopt the agenda as proposed. The motion was seconded by Council Member Carlton and approved unanimously.

Public Comment Period

Bishop West asked if the Council would consider changing the landscaping around the Welcome sign on the north end of Town near his church. He said less shrubbery would help with their parking situation.

Consent agenda

Mayor Farris called for discussion of the minutes. Council Member Carlton said that Helen Satchel was at the meeting and the word street was misspelled on page 4. There being no other corrections or additions Council Member Rivas-Diaz made a motion to approve the minutes as corrected. The motion was seconded by Council Member Brinkley and approved by unanimous vote.

Finance Director Rob Taylor said that Duplin County has billed taxes for this year. Mr. Taylor stated that \$231,296.64 in past due property tax is outstanding and collection of delinquent taxes increased by 34% over last year.

The following tax releases/refunds were presented for approval:

Account #	Name	Reason	Amount
2718	First Baptist Church	Tax exempt	\$289.43

3339	Michael G. Redd	Out-of-Town	\$1,638.52
1366	Pontus Farms, LLC	Partially out-of-town	\$338.02

Bold denotes refund

Council Member Brinkley made a motion to release First Baptist Church for the tax liability and to refund that amount which was seconded by Council Member Rivas-Diaz and approved unanimously.

Council Member Carlton made a motion to release Michael G. Redd of this tax liability. The motion was seconded by Council Member Brinkley and approved unanimously.

Council Member Carlton made a motion to release this tax liability for Pontus Farms, LLC which was seconded by Council Member Brinley and approved by unanimous vote.

Mr. Taylor presented for approval the Annual Tax Settlement Report along with a list of unpaid taxes and a list of taxpayers found to be insolvent. Included with the insolvents list are taxpayers that owe less than a dollar or have over paid less than a dollar.

Council Member Brinkley made a motion to approve the Annual Settlement Statement and insolvents list. The motion was seconded by Council Member Rivas-Diaz and approved by unanimous vote.

PUBLIC HEARINGS

Council Member Jeff Carter made a motion to open the public hearings that was seconded by Council Member Carlton and approved unanimously.

Updating UDO (Unified Development Ordinance) Chapter 4 Flood Damage Prevention Section 4.9 A 1. and 4.9 C 2. General Provisions

Town Manager Larry Bergman said that this is a text amendment related to State mandated changes to NCGS 160D Local Planning and Development Regulation. It was not included when the UDO was updated earlier this year.

Rezoning Public Services Property

Manager Bergman stated that this property is currently zoned R-10 (residential, minimum lot size 10,000 sq. ft.) because government buildings can be in any zoning district and this was formerly the National Guard Armory. Environmental testing has determined that residential use is not permitted and the plan is to sell the site for a similar use by another (non-governmental) entity.

Rezoning Property Near the Intersection of NC Hwy 11 and Old Wilmington Road

Manager Bergman said that this property is located within the ETJ (Extra Territorial Jurisdiction) and the applicant is requesting the property be rezoned from R-6 (residential, minimum lot size 6,000 sq. ft.) to R-6MH (residential, minimum lot size 6,000 sq. ft., mobile homes allowed) in order to place a mobile home on the property.

Council Member Brinkley made a motion to close the Public Hearings which was seconded by Council Member Carlton and approved by unanimous vote.

Action on Public Hearing Items

Council Member Brinkley made a motion to adopt AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE TOWN OF WALLACE UNIFIED DEVELOPMENT ORDINANCE CHAPTER 4.9 FLOOD DAMAGE PREVENTION. The motion was seconded by Council Member Carter and approved unanimously.

Council Member Carter made a motion to adopt AN ORDINANCE TO AMEND THE TOWN OF WALLACE, NORTH CAROLINA OFFICAL ZONING MAP, Case No. RZ-2021-02 (parcel 09-E109, PIN 330617222257) from R-10 (residential, minimum lot size 10,000 sq. ft.) which was seconded by Council Member Brinkley and approved by unanimous vote.

Council Member Brinkley made a motion to adopt AN ORDINANCETO AMEND THE TOWN OF WALLACE, NORTH CAROLINA OFFICAL ZONING MAP, Case RZ-2021-01 (parcel 09-4887-1, PIN 330500551461) from R-6 (residential, minimum lot size 6,000 sq. ft.) to R06MH (residential, minimum lot size 6,000 sq. ft., mobile homes allowed). The motion was seconded by Council Member Carlton and approved unanimously.

Old Business

Discussion of Prohibition of Smoking in Town Parks – Ordinance Amendment

Manager Bergman stated that some citizens had asked the Town to consider banning or restricting smoking in Town parks. The Parks & Recreation Commission agreed and an amendment to Chapter 97: Recreation adding use of tobacco products is prohibited, including smoking cigars, cigarettes, electronic vaping devices and chewing tobacco as an additional “prohibited act” was presented. Council Member Carter recommended adding dipping snuff.

Council Member Carlton made a motion to adopt said ordinance amendment which was seconded by Council Member Carter. The vote was tied at 2-2 and Mayor Farringham broke the tie with a yes vote. The ordinance amendment was approved.

Discussion and Adoption of Nuisance Vehicle Ordinance

Manager Bergman said that after discussion of this item at the last meeting staff and the town attorney opted to draft an ordinance modeled after the Winston-Salem version. Mr. Bergman added that this will replace the current ordinance and includes multiple sections that target a specific type of vehicle, abandoned vehicles, junked vehicles and health and safety vehicles. This provides code enforcement tools and methods based on circumstances. They reference the General Statutes and the language adheres to or mirrors those statutes.

Council Member Carter made a motion to adopt An Ordinance Approving An Amendment To The Town Of Wallace Code Of Ordinances Chapter 96: Nuisances, Abandoned Vehicles which was seconded by Council Member Brinkley and approved by unanimous vote.

Financial Reports

Finance Director Rob Taylor asked if there were any questions regarding the foreclosures? There were none.

Council Reports

There were no Council items.

Mayor's Report

Mayor Farnior asked for a second meeting this month and the Council agreed to continue the meeting on September 23, 2021 at 6:00 pm.

Department Head Reports

Rod Fritz, Planning Director, referenced his report and said that he had a busy month. He added there is a lot of activity with Zoning and Code Enforcement. He added that Tom Spencer, Building & Maintenance Mechanic was working on the exterior of the Library.

Rob Taylor, Finance Director stated that he was creating forms for the website that can be filled out online and he was going to work on the online payments next..

Sharon Robison, Library Director, reported that *The Wallace Enterprise* newspapers from 1938-1951 have been digitized and are available on digitalnc.org, "Home Sweet Home" by Mary Anne Russ is available, there is a reference copy and a copy for checkout. Ms. Robison added that the new back door has been installed.

Brent Dean, Public Services Director said that they are moving equipment and supplies into the Armory and referenced his report.

Town Manager's Report

Manager Bergman reported that the surveying for the 830 project is done and the design may be complete in approximately thirty (30) days, followed by permitting and bidding. Mr. Bergman said that both the Town and Duplin County showed significant decreases in the Census Date and he has spoken with the County Manager regarding an appeal.

Council Member Brinkley made a motion to go into a closed session (G.S. 143-318.11(a)(5)) to discuss just compensation for the acquisition of real property. The motion was seconded by Council Member Carlton and approved by unanimous vote.

The Council discussed three (3) parcels of property owned by two (2) individuals. The proposed just compensation for fair market values have been approved by NCDOT.

Council Member Carter made a motion to end the closed session that was seconded by Council Member Brinkley and approved unanimously.

Council Member Brinkley made a motion to offer the property owners the amounts discussed in closed session. The motion was seconded by Council Member Rivas-Diaz and approved by a unanimous vote.

Manager Bergman asked the Council to establish a public hearing at the next meeting to receive comments on a CDBG-NR grant (Community Development Block Grant Neighborhood Revitalization Program) for redevelopment of the Clement Street School building.

Council Member Brinkley made a motion to establish a public hearing for a CDBG-NR Grant Application on Thursday, September 23, 2021 after 6:00 pm in the Council Chambers at Town Hall. The motion was seconded by Council Member Carter and approved unanimously.

With there being no other business to discuss at this time, Council Member Brinkley made a motion to continue the meeting on Thursday, September 23, 2021 at 6:00 pm in the Council Chambers. The motion was seconded by Council Member Carter and approved by unanimous vote.

Respectfully submitted,

Charles C. Fariior, Jr., Mayor

Jacqueline Nicholson, MMC, NCCMC
Town Clerk



AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE TOWN OF WALLACE UNIFIED DEVELOPMENT ORDINANCE CHAPTER 4.9 FLOOD DAMAGE PREVENTION

THAT WHEREAS, the Town of Wallace has enacted a set of development regulations that control land development and construction within the Town's incorporated and extraterritorial jurisdiction areas; and

WHEREAS, in order to promote the public health, safety and general welfare and to promote the best interests of the Town and community, it is necessary from time to time for the Planning Board and Town Council to consider appropriate revisions, modifications and updates to the Town's Regulations; and

WHEREAS, the Town staff identified a need to amend *Chapter 4.9 Flood Damage Prevention* to in order to comply with Chapter 160D updates; and

WHEREAS, the Planning Board hereby recommends adoption of the proposed UDO Text Amendments to the Town Council and finds that the amendments are (i) consistent with the Town's 2011 Land Use Plan (Land Use Plan 2011-2030), which states "Utilize a thorough development review process to ensure that future growth is of the highest quality," and (ii) are in the public's interest because it will advance the public health, safety, and/or welfare of the Town of Wallace through updated statutory procedures and requirements for development within the Town's planning jurisdiction; and

WHEREAS, pursuant to N.C. General Statutes and Town ordinances, a public hearing, properly noticed, was held on September 09, 2021, where public comment was heard and considered by the Town Council regarding this issue; and

WHEREAS, the Town Council for the Town of Wallace hereby finds that proposed UDO Text Amendments are (i) consistent with the Town's 2011 Land Use Plan (Land Use Plan 2011-2030), which states "Utilize a thorough development review process to ensure that future growth is of the highest quality," and (ii) are in the public's interest because it will advance the public health, safety, and/or welfare of the Town of Wallace through updated statutory procedures and requirements for development within the Town's planning jurisdiction.

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

1. The *Chapter 4.9 Flood Damage Prevention Section A.1 and C.2* is hereby adopted and amended to as indicated in **bold**:
 - A. Statutory Authorization, Findings of Fact, Purpose and Objectives
 1. Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7,9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local government units the authority to adopt regulations designed to promote public health, safety and general welfare.

C. General Provisions

2. Basis for Establishing the Special Flood Hazard Areas

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated June 20, 2018 for Duplin County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.

2. **Repeal of Conflict Ordinances** - All parts of the UDO of the Town of Wallace conflicting or inconsistent with the provisions of this ordinance Amendment are hereby repealed.
3. **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
4. **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 Unified Development Ordinance of the Town of Wallace, North Carolina; 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.
5. **Effective Date** - This ordinance shall be effective upon adoption this 9th day of September, 2021.

Adopted this the 9th day of September 2021.

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

Charles C. Farrior, Jr., Mayor

Attest:

Jacqueline Nicholson, Town Clerk



AN ORDINANCE TO AMEND THE TOWN OF WALLACE, NORTH CAROLINA OFFICIAL ZONING MAP

Rezoning Case No. RZ-2021-02

THAT WHEREAS, in order to promote the public health, safety and general welfare and to promote the best interests of the Town and community, it is necessary from time to time for the Planning Board and Town Council to consider appropriate revisions, modifications and updates to the Town of Wallace Official Zoning Map; and

WHEREAS, the Town of Wallace Administration Department has requested amendment of the Zoning Ordinance of the Town of Wallace by rezoning of the property located at 311 East Murphy Street, Wallace North Carolina from R-10 Residential to HB-Highway Business; and

WHEREAS, the property has been used since approximately 1962 by the Town in a government capacity similar to other surrounding commercial uses, and prior to that it was used as a NC National Guard Army;

WHEREAS, pursuant to N.C. General Statutes and Town ordinances, a public hearing, properly noticed, was held on September 09, 2021, where public comment was heard and considered by the Town Council regarding this zoning amendment; and

WHEREAS, the Planning Board hereby recommends adoption of the proposed UDO Text Amendments to the Town Council and finds that the amendments are consistent with the Town's 2011 Land Use Plan (Land Use Plan 2011-2030), for the following reasons:

- The **HB district** is a district designed for high density commercial development, accounts for the largest percentage of the Town's land area zoned for commercial purposes. Currently, there are approximately 316 acres of land zoned as HB within the Town limits and approximately 369 acres zoned HB outside of the Town limits, for a combined acreage of approximately 685 acres.
- This represents 19.5% of the total land within the Town, 7.1% of the land in the ETJ and 10% of land within the Town's entire zoning jurisdiction.
- Large areas of HB zoning are found along US 117, on NC 41 at Tin City and at the interchanges of I-40 and NC 41 and NC 11.
- The majority of HB zoned properties also are adjacent to residentially zoned properties.
- If approved for rezoning and development, the property will be sold with a use that will be less intense than the current use.
- The proposed zoning map amendment is consistent with the adopted Wallace Land Use Plan 2011 – 2030 and the Unified Development Ordinance as described in this report, because the primary asset in this area is the Commercial

corridor adjacent to lower density residential. The applicant is requesting the rezoning to have the entire property zoned HB Highway Business District which would be consistent with the other properties on N. Norwood Street.

WHEREAS, the Town Council for the Town of Wallace hereby finds that the proposed Zoning Map is consistent with the Town's 2011 Land Use Plan (Land Use Plan 2011-2030) for

the reasons stated above;

WHEREAS, the Town Council for the Town of Wallace hereby finds that the proposed Zoning Map is consistent with the Town's 2011 Land Use Plan (Land Use Plan 2011-2030) in that it would facilitate the redevelopment of older commercial areas to ensure their future vitality, as well as enhancing the ability of the Town to attract and retain high quality commercial and industrial growth.

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

1. The Town of Wallace Official Zoning Map is hereby amended by rezoning the following described tract from R-10 Residential to HB-Highway Business;

Located in the Town of Wallace, Island Creek Township, North Carolina and beginning at a point in the northern right of way line of East Murphy Street (50 foot right of way, formerly known as Westbrook Street, see Town of Wallace tax map recorded in Map Book 3, Page 71 for name changes) that is North 76 degrees 10 minutes East – 141.00 feet from the point of intersection of the northern line of East Murphy Street and the eastern line of North Norwood Street (US Hwy 117, now 88 foot right of way). The point of beginning is also located at the southeastern corner of Lot 20 as shown on a map of the Graham and Marcellus Pope subdivision recorded in Map Book 216, Page 269, Duplin County Registry. Running thence from the point of beginning and with the eastern line of Lots 20, 19, 18, and 17 of the Graham and Marcellus Pope subdivision, North 13 degrees 50 minutes West – 202.00 feet to a point; thence, with the southern line of that property conveyed to Jeffrey Scott Ramsey in Deed Book 1929, Page 48, Duplin County Registry, North 76 degrees 10 minutes East – 250.00 feet to a point in the western right of way line of North Graham Street (50 foot public right of way); thence with the western right of way line of North Graham Street, South 13 degrees 50 minutes East – 202.00 feet to a point at the intersection of the western right of way line of North Graham Street and the northern right of way line of East Murphy Street; thence, with the northern right of way line of East Murphy Street, South 76 degrees 10 minutes West – 250.00 feet to the point of beginning, containing 1.16 acres more or less and being a part of that property conveyed to the Town of Wallace in Deed Book 560, Page 270, Duplin County Registry. This property is a part of the lot known as the NC National Guard lot shown on the Town of Wallace tax map.

Property Address: 311 East Murphy Street, Wallace, North Carolina 28466

2. This action shall be shown on the Official Zoning Map for the Town of Wallace.
3. **Effective Date** - This ordinance shall be effective upon adoption this 9th day of September, 2021.

Adopted this the 9th day of September 2021.

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

Charles C. Farrior, Jr., Mayor

Attest:

Jacqueline Nicholson, Town Clerk



**AN ORDINANCE TO AMEND THE TOWN OF WALLACE, NORTH CAROLINA
OFFICIAL ZONING MAP**

Rezoning Case No. RZ-2021-01

THAT WHEREAS, in order to promote the public health, safety and general welfare and to promote the best interests of the Town and community, it is necessary from time to time for the Planning Board and Town Council to consider appropriate revisions, modifications and updates to the Town of Wallace Official Zoning Map; and

WHEREAS, the Ronald Kenan has requested amendment of the Zoning Ordinance of the Town of Wallace by rezoning of the property directly behind 938 Old Wilmington Road, Wallace, North Carolina 28466, from R-6 Residential to R-6MH Residential; and

WHEREAS, the applicant is seeking to develop the property for a Mobile Home rental income; and

WHEREAS, pursuant to N.C. General Statutes and Town ordinances, a public hearing, properly noticed, was held on September 09, 2021, where public comment was heard and considered by the Town Council regarding this zoning amendment; and

WHEREAS, the Planning Board hereby recommends adoption of the proposed UDO Text Amendments to the Town Council and finds that the amendments are consistent with the Town's 2011 Land Use Plan (Land Use Plan 2011-2030), for the following reasons:

- The R-6MH district, which is similar to the R-6 district in terms of overall development density, allows manufactured housing in addition to other residential uses.
- Within the town limits there are 44 acres zoned R-6MH, and 283 acres zoned this way in the ETJ for a total of 327 acres in the Town's entire zoning jurisdiction.
- This accounts for slightly less than 3% of the land within the Town limits, over 5% of the land in the ETJ, and slightly less than 5% of the land in the Town's zoning jurisdiction as a whole.
- Areas zoned R-6MH currently include an area on NC 41 south of the mill pond, an area straddling the southern Town limits between US 117 and Old Wilmington Road, and a large area west of the Town limits along NC 41.
- The proposed zoning map amendment is consistent with the adopted Wallace Land Use Plan 2011 – 2030, because the primary asset in this area is the industrial complex. The applicant is requesting the rezoning to have the entire property zoned R-6MH Residential District which would be consistent with the other properties on

Old Wilmington Road.

WHEREAS, the Town Council for the Town of Wallace hereby finds that the proposed Zoning Map is consistent with the Town’s 2011 Land Use Plan (Land Use Plan 2011-2030) for the reasons stated above.

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

1. The Town of Wallace Official Zoning Map is hereby amended by rezoning the following described tract from R-6 Residential to R-6MH Residential: Located in Island Creek Township, Duplin County, North Carolina. Being all of that 2.12 acre tract as shown on a map entitled “Boundary Survey for: James Earl Rich – Kenan Tract” as recorded in Map Book 27, Page 227 of the Duplin County Registry. BEING a part of that land described in a deed to James Earl Rich and wife, Linda Rich as recorded in Book 1697, Page 178 of the Duplin County Registry.

Property Address: located directly behind 938 Old Wilmington Road, Wallace, North Carolina 28466

2. This action shall be shown on the Official Zoning Map for the Town of Wallace.
3. **Effective Date** - This ordinance shall be effective upon adoption this 9th day of September, 2021.

4.

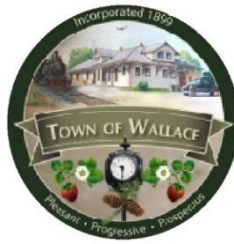
Adopted this the 9th day of September 2021.

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

Charles C. Farrior, Jr., Mayor

Attest:

Jacqueline Nicholson, Town Clerk



AN ORDINANCE APPROVING AN AMENDMENT TO THE TOWN OF WALLACE CODE OF ORDINANCES CHAPTER 97: RECREATION

THAT WHEREAS, the Town of Wallace has enacted a set of ordinances in order to promote the health, safety, and welfare of the citizens within the Town’s incorporated and extraterritorial jurisdiction areas; and

WHEREAS, pursuant to N.C.G.S. § 160A-353, The Town of Wallace is authorized to operate, and maintain parks, playgrounds, recreation centers, and recreation facilities as well as establish and conduct supervised athletics; and

WHEREAS, in order to further promote the public’s best interest and promote the public health, safety, and/or welfare of the citizens of the Town of Wallace, the Town Council wishes to amend the *Town of Wallace Code of Ordinances, Chapter 97: Recreation*

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

1. The attached text amendments to the *Town of Wallace Code of Ordinances, Chapter 97: Recreation* is hereby adopted and amended to make the following addition as set forth in the attached document labeled “Exhibit A.”
2. **Repeal of Conflict Ordinances** - All parts of the Town of Wallace Code of Ordinances conflicting or inconsistent with the provisions of this ordinance Amendment are hereby repealed.
3. **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
4. **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.
5. **Effective Date** - This ordinance shall be effective upon adoption this 9th day of September, 2021.
- 6.

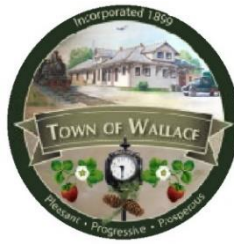
Adopted this the 9th day of September, 2021.

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

Charles C. Fariior, Jr., Mayor

Attested to:

Jacqueline Nicholson, Town Clerk



AN ORDINANCE APPROVING AN AMENDMENT TO THE TOWN OF WALLACE CODE OF ORDINANCES
CHAPTER 96: NUISANCES, ABANDONED VEHICLES

THAT WHEREAS, the Town of Wallace has enacted a set of ordinances in order to promote the health, safety, and welfare of the citizens within the Town’s incorporated and extraterritorial jurisdiction areas; and

WHEREAS, pursuant to N.C.G.S. § 160A-193, 160A-303, and 160A-303.2, the Town is authorized to regulate, restrain, or prohibit abandoned, junked, and health or safety hazard vehicles on public and private property within the town’s ordinance-making jurisdiction, and may enforce any such ordinance by removing and disposing of junked, abandoned, health or safety hazard motor vehicles according to the procedures prescribed in said statutes;

WHEREAS, in order to further promote the public’s best interest and promote the public health, safety, and/or welfare of the citizens of the Town of Wallace, the Town Council wishes to amend the ***Town of Wallace Code of Ordinances, Chapter 96: Nuisances, Abandoned Vehicles.***

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

1. The attached text amendments to the ***Town of Wallace Code of Ordinances, Chapter 96: Nuisances, Abandoned Vehicles*** is hereby adopted and amended to make the following changes as set forth in the attached document labeled “Exhibit A.”
2. **Repeal of Conflict Ordinances** - All parts of the Town of Wallace Code of Ordinances conflicting or inconsistent with the provisions of this ordinance Amendment are hereby repealed.
3. **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

4. **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.

5. **Effective Date** - This ordinance shall be effective upon adoption this 9th day of September, 2021.

Adopted this the 9th day of September, 2021.

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

Charles C. Farrior, Jr., Mayor

Attested to:

Jacqueline Nicholson, Town Clerk