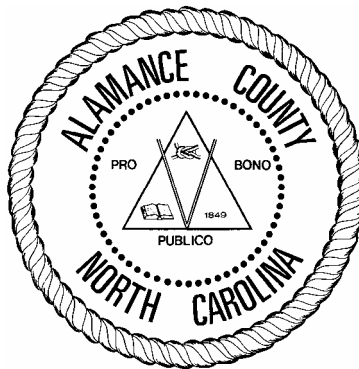


ALAMANCE COUNTY HEIGHT RESTRICTION ORDINANCE



Originally adopted by
THE BOARD OF COUNTY COMMISSIONERS
January 21, 1985

Last Amended by
THE BOARD OF COUNTY COMMISSIONERS
January 20, 1998

HEIGHT RESTRICTION ORDINANCE

ARTICLE ONE AUTHORITY AND ENACTMENT CLAUSE

SECTION 1

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY AFFECTING AIR TRAFFIC, IN THE VICINITY OF THE BURLINGTON-ALAMANCE REGIONAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE BURLINGTON-ALAMANCE REGIONAL AIRPORT HEIGHT RESTRICTION DISTRICT MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS; AND IMPOSING PENALTIES.

1.1 **WHEREAS**, Chapter 63, Article 4, of the Laws of the State of North Carolina authorize political subdivisions of the State of North Carolina to adopt, administer, and enforce under the police power airport zoning regulations; and

1.2 **WHEREAS**, the Board finds that obstruction to air navigation have the potential for endangering the lives and property of users of the Burlington-Alamance Regional Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Burlington-Alamance Regional Airport; and that obstructions may reduce the size of areas available for the landing, take-off, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Burlington-Alamance Regional Airport and the public investment therein. Accordingly, it is declared:

1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Burlington-Alamance Regional Airport;
2. That it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
3. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

1.3 It is further declared that the prevention of the creation, or establishment or hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

1.4 NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALAMANCE COUNTY, NORTH CAROLINA, AS FOLLOWS:

**ARTICLE TWO
ESTABLISHMENT OF AIRPORT DISTRICTS**

SECTION 2

2. AIRPORT DISTRICTS. For the purpose of this ordinance, a portion of Alamance County is hereby divided into an Airport District. The purpose of this Ordinance is to regulate the height of objects in the vicinity of the airport to assure compatibility with aviation activity and maintain clear zones and approach zones in accordance with Federal Aviation Administration requirements.

2.1 ESTABLISHMENT OF THE DISTRICT MAP.

(A) Alamance County is hereby divided into a district, as shown on the Height Restriction District Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.

(B) An official copy of the Height Restriction District Map of Alamance County shall be filed in the Offices of the County Clerk. This map shall bear the seal of Alamance County under the following words: "This is to certify that this is the Height Restriction District Map referred to in Article Two of the Height Restriction Ordinance adopted by the Alamance County Board of Commissioners on January 20, 1998".

2.2 INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists with respect to the boundary of any district shown on the Official District Map the following rules shall govern:

(A) Where any district boundary is indicated on the district map as following approximately the County boundary line or the corporate limits line of any incorporated place within the County, then such County boundary line or corporate limits line shall be construed to be such district boundary.

(B) Unless otherwise indicated, the district boundaries follow natural features such as marsh edges and stream banks.

(C) Where indicated, district boundaries are parallel to the center lines of streets, highways or railroads, or the rights-of-way of same; property lines; streams or other bodies of water; or said lines extended at such distance therefore as indicated on the district map. If no distance is given, such distance shall be determined by the use of the scale on said district map.

(D) Where district boundary lines are so indicated that they approximately follow

property or lot lines, such property or lot lines shall be construed to be such boundary lines.

(E) Where a district boundary line divides a parcel or lot, the location or any such district boundary line, unless indicated by dimensions shown on the district map, shall be determined by the use of the scale on said district map.

2.3 AIRPORT DISTRICTS. This district is established for two purposes: (1) to minimize safety, noise and light conflicts between airport users and property owners in the area; (2) to adequately protect valuable public facilities upon which large amounts of public monies have already been spent. Protection will be accomplished to the extent legally possible by the exercise of the police power without compensation.

2.3.1 DEFINITIONS. As used in this Ordinance, unless the context otherwise requires:

(A) Airport. Means the Burlington-Alamance Regional Airport.

(B) Airport Elevation. Means the established elevation of the highest point on the usable landing area, (617.0' MSL).

(C) Approach Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 2.3.2 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

(D) Airport Hazard. Means any overhead powerline, not constructed, operated and maintained according to standard engineering practices in general use which interferes with radio communication or navigation between a publicly owned airport and aircraft approaching or leaving same, or any structure of tree or use of land which obstructs the airspace required for the landing or takeoff of aircraft.

(E) Airport Reference Point. Means the point established as the approximate geographic center of the airport landing area and so designated.

(F) Board of Adjustment. A board made up of five members appointed by the County Board of Commissioners in accordance with N.C.G.S. 63-33 with the powers and duties set forth in Chapter 63, Article 4 of the North Carolina General Statutes.

(G) Burlington Safety Surface. A horizontal plane one hundred feet (100') above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

(H) Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of four thousand feet (4,000').

(I) Hazard to Air Navigation. An obstruction determined to have a substantial adverse affect on the safe and efficient utilization of the navigable airspace.

(J) Height. For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

(K) Horizontal Surface. A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

(L) Horizontal Zone. The horizontal zone is established by swinging arcs of ten thousand feet (10,000') radii from the center of the end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(M) Landing Area. Means the area of the Airport used for the landing, takeoff or taxiing of aircraft.

(N) Non-Conforming Use. Means any structure or tree which is lawfully in existence at the time the regulation is adopted and does not then meet the provisions of this regulation, or an amendment thereto.

(O) Non-Instrument Runway. Means a runway other than an instrument runway.

(P) Non-precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

(Q) Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Ordinance.

(R) Person. Means an individual, firm, partnership, corporation, company, association, joint stock association or body politic, and includes a trustee, receiver, assignee, administrator, executor guardian, or other representative.

(S) Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 2.3.2 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(T) Runway. Means the paved or stable turf surface of an airport landing strip.

(U) Runway 6 - Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The

approach zone expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.

(V) Runway 24 - Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of three thousand five hundred feet (3,500') at a horizontal distance of ten thousand feet (10,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.

(W) Structure. Means an object constructed, or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

(X) Transitional Surfaces. These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extend at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for the portions of the precision approach surfaces, which project through and beyond the limits of the conical surfaces, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

(Y) Transport Runway. A runway that is constructed for and intended to be used by aircraft weighing in excess of 12,500 pounds including jet aircraft.

(Z) Tree. Means any object of natural growth.

(AA) Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

(BB) Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures.

2.3.2 AIRPORT ZONE HEIGHT LIMITATIONS. Except as otherwise provided in this Ordinance, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limitation herein established for each zone in question as follows:

(A) Non-Precision Instrument Approach Zone.
Slopes thirty-four feet (34') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline.

(B) Precision Instrument Runway Approach Zone. Slopes fifty feet (50') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline; thence slopes upward forty feet (40') horizontally for each foot vertically to an

additional horizontal distance of forty thousand feet (40,000') along the extended runway centerline.

(C) Transitional Zones - APT. Slopes seven feet (7') outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty feet (150') above the airport elevation which is seven hundred sixty-seven feet (767') above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides and at the same elevation as the approach surfaces, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending a horizontal distance of five thousand feet (5,000') measured at ninety degree (90°) angles to the extended runway centerline.

(D) Horizontal Zone - APH. Established at one hundred feet (100') above the airport or at an elevation of seven hundred seventeen feet (717') above the mean sea level.

(E) Conical Zone - APC. Slopes twenty feet (20') outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to an elevation of nine hundred sixty-seven feet (967') above mean sea level.

2.3.3 HEIGHT RESTRICTIONS. Except as otherwise provided or as necessary to airport operations, no structure or tree shall be constructed altered, maintained, or allowed to grow in any airspace zone created in Section 2.3.2 so as to project above any of the imaginary airspace surfaces described. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

2.3.4 USE RESTRICTIONS. Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the Airport, impair visibility in the vicinity of the Airport, create bird strike hazards or otherwise endanger or interfere with the landing, taking-off, or maneuvering of aircraft intending to use Airport.

(A) There shall be free and unobstructed passage of aircraft in, through and across the air space above the glide angle of 20:1 on runway 9-27 and 34:1 on runway 6-24 and on extension of all runways over and across so much of the property and lands situated in Alamance County, North Carolina, and lying adjacent to the runway approaches hereinabove set out.

(B) The Burlington-Alamance Regional Airport Authority shall have the right to remove underbrush, trees and other obstacles in the pathways of said runways, so as to prevent interference with the slopes hereinabove set out, and no buildings or other structures shall be constructed of a height so as to interfere with such slopes.

2.3.5 NON-CONFORMING USES.

(A) Regulations not Retroactive. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require change in the construction, alteration, or intended use of any structure, the construction or alteration if which was begun prior to the effective date of this Ordinance, and which is diligently prosecuted.

(B) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon so such markers and lights as shall be deemed necessary by the Director, Building Inspection Department to indicate to the operators of aircraft in the vicinity of the Burlington-Alamance Regional Airport, the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Burlington-Alamance Regional Authority.

ARTICLE THREE CONSTRUCTION PERMITS

SECTION 3

3. PERMITS. The Director, Building Inspection Department shall not issue a building permit within the “**Precision and Non-precision Instrument Runway Approach Zone**” or the “**APH**”, “**APT**” or “**APC**” area until it has been determined that the proposal upon which he is requested to act is in compliance with the terms of these regulations.

Except as specifically provided in (A), (B), and (C) hereunder, no structure shall be erected or otherwise established, and no tree shall be planted which violates any zone hereby created unless a permit therefore shall have been applied for and granted. Each application permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section 3.3.

(A) In the area lying within the limits of the horizontal zone (APH) and conical zone (APC), no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(B) In areas lying within the limits of the approach zones (**Precision and Non-precision Instrument Runway Approach Zone**), but at a horizontal distance of not less than 4,200 feet

from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(C) In the areas lying within the limits of the transition zones (**APT**), no permit shall be required for any tree or structure less than seventy-five feet above the ground, except when such tree or structure because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions, shall be construed as permitting or intending to permit any construction, alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in Section 3.3.

3.1 EXISTING USES. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3.2 NON-CONFORMING USES ABANDONED OR DESTROYED. Whenever the Director, Building Inspection Department determines that a non-conforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the Height Restriction Ordinance.

3.3 VARIANCES. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Director, Building Inspection Department; Chairman of the Burlington-Alamance Regional Airport, the FAA and N.C. Dept. of Aviation for advice as to the aeronautical effects of the variance. If the above organizations do not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

3.4 OBSTRUCTION MARKING AND LIGHTING. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain at the owner's expense such markers and lights as may be necessary

to indicate to pilots the presence of an airport hazard. If deemed proper by the Board of Adjustment this condition may be modified to require the owner to permit the Burlington-Alamance Regional Airport at its own expense, to install, operate or maintain the necessary markings and lights.

3.5 DENIAL OF PERMIT. The Board of Adjustment shall deny approval of a construction permit only if it finds that the proposed construction does not comply with the provisions of this Ordinance.

3.6 RIGHTS ATTACHING TO CONSTRUCTION PERMITS.

(A) Changes in the Height Restriction Ordinance which become effective after an application for a construction permit has been filed but before the permit has been granted will not apply to the pending application unless the Ordinance provides otherwise.

(B) The expectation that a construction permit could be obtained does not create any rights that prevent change of the Height Restriction Ordinance. A change in the Height Restriction Ordinance which becomes effective after a construction permit has been granted will not affect the builders right to begin or complete construction in accordance with the permit.

(C) A construction permit is assignable but an assignment does not discharge any assignor from any obligation owned to the local government in connection with the construction, unless the Alamance County Board of Commissioners consent to the discharge of the obligation.

3.7 EXPIRATION OF CONSTRUCTION PERMIT. Any permit approved under the provisions of this Ordinance shall become invalid one (1) calendar year from the date of its issue unless:

(A) Otherwise specified by the permit;

(B) Construction is commencing in accordance with the approved permit.

The Director for the Building Inspection Department may grant one (1) extension for a period of one (1) calendar year upon request of the applicant.

ARTICLE FOUR
ADMINISTRATION, ENFORCEMENT APPEAL, COMPLAINTS AND REMEDIES

SECTION 4

PURPOSE. This Article establishes an official responsible for the administration and enforcement of this Ordinance; specifies the powers of the agency; sets forth procedures for the filing of construction applications and the issuance of permits including the establishment of time limits; establishes the foundation and procedures for the appeal of the rulings made under this Ordinance; and sets forth remedies and penalties for violation.

4. ENFORCEMENT. It shall be the duty of the Director, Building Inspection Department to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Director, Building Inspection department upon a form published for the purpose. Applications required by this Ordinance to be submitted to the Director, Building Inspection Department shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Director, Building Inspection Department. Further this ordinance may be enforced in the General Court of Justice of North Carolina by injunction and order for abatement upon application of the County of Alamance as permitted by North Carolina General Statues 63-35 and 153A-123 or any successor statute permitting such enforcement.

4.1 BOARD OF ADJUSTMENT.

A. There is hereby created a Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Director, Building Inspection Department, in the enforcement of this Ordinance; (2) to hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass; and (3) to hear and decide specific variances.

B. The Board of Adjustment shall consist of five members and shall be appointed and serve in accordance with North Carolina General Statute 63-33 or successor statute.

C. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public and comply with the North Carolina Open Meetings Law. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall immediately be filed in the office of the Board of Adjustment and on due cause shown.

D. The Board of Adjustment shall make written findings of facts and conclusions of laws giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Ordinance.

E. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Director, Building Inspection Department or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect variation to this Ordinance.

4.2 APPEALS.

A. Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, Board, or Bureau of the political subdivision affected, by any decision of the administrative agency.

B. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Director, Building Inspection Department a notice of appeal specifying the grounds thereof. The Director, Building Inspection Department shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

C. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Director, Building Inspection Department, certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Director, Building Inspection Department, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, and on nature to the Agency from which the appeal is taken and on due cause shown.

D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

E. The Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

4.3 JUDICIAL REVIEW. Decisions of the Board of Adjustment are reviewable by the Superior Court by proceedings in the nature of certiorari. Appeals shall be preferred within the time prescribed by the North Carolina General Statutes.

4.4 PENALTIES. Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than thirty (30) days or both; and each day a violation continues to exist shall constitute a separate offense.

ARTICLE FIVE AMENDMENTS

SECTION 5

5. Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more

stringent limitation or requirement shall govern and prevail.

5.1 Severability. If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

5.2 Effective Date. **WHEREAS,** the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, and this Ordinance shall be in full force and effect from and after its passage by the Alamance County Board of Commissioners.

Adopted by the Alamance County Board of Commissioners this 20th day of January, 1998.

This Ordinance shall be effective on and after January 20, 1998.

This is the 20th day of January, 1998.

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The foregoing ordinance was adopted by the Board of Commissioners for the County of Alamance during regular session on January 20, 1998. See Minute Book No. 33, Page 57.