

**AN ORDINANCE TO ADD A DEFINITION OF DRUG PARAPHERNALIA SALES TO
THE ZONING CHAPTER OF THE TOWN CODE**

Ordinance 23-08

WHEREAS, § 156.040, Permitted and Prohibited Use Table, of the Town Code of Ordinances, contains a reference to “drug paraphernalia sales” as a regulated use; and

WHEREAS, the Town desires to add a definition of “drug paraphernalia sales” to its list of definitions contained in § 156.002 of the Town Code of Ordinances.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Duck Town Council of the Town of Duck, North Carolina, as follows:

1. § 156.002, DEFINITIONS, of the Town Code of Ordinances, shall be amended to add the following new definition (with additions and deletions indicated):

DRUG PARAPHERNALIA SALES. The term “drug paraphernalia” is defined in § 90-113.21(a) of the General Statutes. In addition to the list of factors or evidence enumerated in § 90-113.21(b) of the General Statutes that may be considered in determining whether an object is drug paraphernalia for purposes of this Chapter, the Town may also consider the following “other relevant evidence,” as expressly referenced in § 90-113.21(b) of the General Statutes, in determining whether an object is drug paraphernalia and whether a business enterprise is engaging in drug paraphernalia sales:

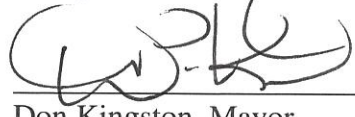
(1) Direct or circumstantial relevant evidence of the ratio of sales of the objects to the total sales of the business enterprise; and

(2) Direct or circumstantial relevant evidence of the ratio of the quantity of the objects physically on display and physically in stock at or in the physical location of the business enterprise located in the Town, to the total quantity of all merchandise physically on display and physically in stock at or in the location of the business enterprise physically located in the Town.

2. Comprehensive & Land Use Plan Consistency Statement. In enacting this Ordinance, the Town Council is aware of and considered the Planning Board's recommendations and any relevant portions of the Town’s adopted Comprehensive & Land Use Plan. The Town Council finds that this Ordinance is consistent with the Town’s adopted Comprehensive & Land Use Plan.


3. It is the intention of the Duck Town Council and it is hereby ordained that the provisions of these Ordinances shall become and be made a part of the Code of Ordinances for the Town of Duck and to accomplish such intention, sections of these Ordinances may be renumbered, captions added, sections retitled, section references corrected and repealed provisions deleted.

Adopted and made effective on this the 2nd day of August, 2023.



Don Kingston, Mayor

Attest:


Lori Ackerman, Town Clerk