



STAFF REPORT

Agenda Title: Public Safety Ordinance Amendments

Presenter: Chief Michael J. Dykes

Staff Contact: Chief Michael J. Dykes

Meeting Date: September 20, 2022

Summary:

Revisions to existing public safety ordinances to comply with changes made by Session Law 2021-138.

Background:

In September of 2021, Governor Roy Cooper signed into effect Session Law 2021-138, commonly referred to as S.B. 300, which brought several changes and reforms in law enforcement. Included in this bill was a provision that decriminalized certain ordinances which had been adopted by counties and municipalities across North Carolina. It also required for language to be provided within the specific ordinance if an ordinance was still to be considered a Class 3 Misdemeanor or if the fine was to exceed \$50.00. Failure to include such language removed the ability to arrest for an offense and automatically capped fines at \$50.00.

Staff Analysis:

The proposed changes made to the attached ordinances return them to their previous enforcement provisions.

Process and Timeline:

N.C.G.S. 160A-175 states that no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced. It is staff's position this includes revisions to an existing ordinance as well as proposing a new ordinance. Therefore, this report introduces the recommended changes with a vote scheduled to occur at the next regular meeting of the Woodfin Town Council.

- Introduction of Ordinance Amendments September 20, 2022
- Vote on Ordinance Amendments October 18, 2022

Budget Impact:

No impact to budget.

Staff Recommendation & Requested Action:

It is the recommendation of staff that these changes be presented and reviewed for adoption at the next regular meeting of the Woodfin Town Council.

Attachments:

(1) Draft Code Changes

Chapter 6 ANIMALS

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal shelter means the place provided and operated for the restraint, care, and disposition of animals, whether such animal shelter is public or private in nature.

At-large means off the premises of the owner and not under the control of the owner, a member of his immediate family, or other responsible person, either by leash, cord, or chains.

Dog means both male and female, more than six months old.

Head of household means the person who maintains the household or, if no one person maintains the household, the head of the household shall be the eldest person residing in the household.

Impounded means having been taken or received into the custody of the animal control officer or any authorized representative thereof.

Owner means any person, firm, association or corporation owning, keeping, or harboring a dog. For the purpose hereof, the head of a household shall be deemed to be the owner in respect to any dog owned, kept, or harbored on the premises by any person residing in said household.

Stray means any dog which does not wear proper identification tags; collar and ID tag, rabies tag and owners name and number.

Vicious dog means any dog which has bitten one or more persons without provocation, or one in which a propensity to attack humans exists, and such propensity is known or ought to reasonably be known to the owner.

(Code 1995, § 91.01; Ord. of 8-19-1980)

Sec. 6-2. Nonapplicable.

This chapter shall not be intended to apply to dogs whose owners are nonresidents temporarily within the town for not more than 30 days, nor to dogs brought into the town for the purpose of participating in any dog show; nor to Seeing Eye dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place.

(Code 1995, § 91.02; Ord. of 8-19-1980)

Sec. 6-3. Tag and collar.

No owner of a dog shall own, keep or harbor a dog over the age of six months unless it is identified as herein provided. Every owner of a dog over six months shall cause the dog to wear separate identification in the form of an identification tag containing the name of the dog, the dog's owner's name, address, and telephone number. Every owner is required to see that the tag is securely fastened to his dog's chain, collar, or harness, which the dog must wear at all times unless it is accompanied by its owner or is engaged in hunting or some other sport in which a collar might endanger its safety.

(Code 1995, § 91.03; Ord. of 8-19-1980)

Sec. 6-4. Animal control officer.

The mayor is authorized, in his discretion, to appoint one or more animal control officers. This authority shall include the right to contract with the county for the enforcement of this chapter. This includes the county animal control officers and director of the animal shelter or his agents.

(Code 1995, § 91.04)

Sec. 6-5. Running at large prohibited.

It shall be unlawful for any owner or keeper of any dog to permit such dog to run at large.

(Code 1995, § 91.05; Ord. of 8-19-1980)

Sec. 6-6. Impoundment of unidentified dogs.

Any dog found running at large within the town, which dog does not have an identification tag affixed to a collar worn by the dog, shall be deemed to be a stray dog and shall be taken by the animal control officer or his agent and delivered to the county dog shelter. The dog then becomes the responsibility of the county and its further disposition shall be under the applicable county or state law.

(Code 1995, § 91.06; Ord. of 8-19-1980)

Sec. 6-7. Impoundment of identified dogs.

Any dog found running at large within the town, which dog is wearing a collar displaying the proper identification tags, shall be apprehended by the animal control officer or his agent and impounded in a pound. The official impounding the dog shall make a complete registry of the dog including breed, color, sex, rabies tag number, and the name and address of the owner.

(Code 1995, § 91.07; Ord. of 8-19-1980)

Sec. 6-8. Notice to owner.

As soon as he impounds a dog whose owner is known to the animal control officer, the animal control officer or his agent shall mail a certified letter, with return receipt requested, to the owner informing him that his dog has been impounded and how he may regain custody of the dog. In the event the certified letter is returned as undeliverable, the county shall be relieved of all responsibility of contacting the owner of the dog.

(Code 1995, § 91.08; Ord. of 8-19-1980)

Sec. 6-9. Redemption of impounded dog.

The owner of any dog impounded which contains the proper identification tags of this chapter may redeem such dog by:

- (1) Having the dog duly vaccinated for rabies if it has not been currently vaccinated before the redemption date.

-
- (2) Paying to the county an apprehension and notice fee imposed by the county.
 - (3) Paying an impoundment fee as imposed by the county per day for each day, or portion thereof, which the dog has been impounded.
 - (4) Paying such other costs and charges which may, from time to time, be imposed by the county board of aldermen.
 - (5) Complying with such rules, regulations, and procedures as may, from time to time, be established by the animal control officer, or his agent, for the orderly operation of the pound.

(Code 1995, § 91.09; Ord. of 8-19-1980)

Sec. 6-10. Unclaimed dogs.

If at the expiration of five days from the date notice is given to the owner of a dog, or five days from the date that the letter is returned undelivered, the dog has not been claimed or redeemed by the owner, the dog shall either be placed for adoption in a suitable home or humanely euthanized.

(Code 1995, § 91.10; Ord. of 8-19-1980)

Sec. 6-11. Protection in lieu of impoundment.

In addition to impounding a properly identified dog found running at large, the animal control officer or his agent may issue to the known owner of the dog a notice of violation of this chapter. The notice shall cite its owner to appear in court to answer to charges of violating this chapter and subject to a fine no less than \$10.00 minimum and cost of court.

(Code 1995, § 91.11; Ord. of 8-19-1980)

Sec. 6-12. Dangerous, fierce, or vicious dogs.

When, in the reasonable judgment of the animal control officer or his agent, it is determined that any dog found running at large is dangerous, fierce, vicious, or represents a threat to the safety or health of members of the public, the dog may be slain by the animal control officer or his agent or by any police officer or other designated official forthwith.

(Code 1995, § 91.12; Ord. of 8-19-1980)

Sec. 6-13. Vaccination.

It shall be unlawful for the owner of any dog to keep, harbor, or maintain any dog unless it shall be vaccinated by a licensed veterinary surgeon or through the county rabies clinic with anti-rabies vaccine as required by the General Statutes of North Carolina and proof of inoculation shall be attached to the collar of the dog.

(Code 1995, § 91.13; Ord. of 8-19-1980)

Sec. 6-14. Barking, howling or whining dogs.

It shall be unlawful for the owner of any dog to keep, harbor, or maintain within the town any dog that habitually or repeatedly barks, howls, or whines in such a manner or to such an extent that it is a public nuisance.

No dog over six months old may run at large at night unless accompanied by its owner, a member of the owner's family, or a person who has the owner's permission.

(Code 1995, § 91.14; Ord. of 8-19-1980)

Sec. 6-15. Teasing and molesting.

It shall be unlawful for any person to tease, molest, or in any way bother any dog not belonging to such person or legally under his control.

(Code 1995, § 91.15; Ord. of 8-19-1980)

Sec. 6-16. Dog care.

It shall be unlawful for any owner to fail to provide his dog with sufficient, good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse any dog.

(Code 1995, § 91.16; Ord. of 8-19-1980)

Sec. 6-17. Abandonment of dogs.

No owner of any dog shall abandon the dog within the town.

(Code 1995, § 91.17; Ord. of 8-19-1980)

Sec. 6-18. Confinement of female dogs in heat.

The owner of any female dog shall, when such is in heat, confine the dog in a building or secure enclosure in such manner that she will not be in contact with another dog or create a nuisance by attracting other dogs; provided, however, that this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal being bred.

(Code 1995, § 91.18; Ord. of 8-19-1980)

Sec. 6-19. Muzzling.

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia (i.e., rabies), the mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine the dog on the owner's premises unless the dog shall be muzzled with a muzzle of sufficient strength to prevent its biting any person.

(Code 1995, § 91.18; Ord. of 8-19-1980)

Sec. 6-20. Leashing.

All dogs are required to be secured on a leash when taken off of the owner's premises.

(Code 1995, § 91.19; Ord. of 8-19-1980)

Sec. 6-21. Responsibility of owners.

Owners of dogs are responsible for the acts of their dogs.

(Code 1995, § 91.20; Ord. of 8-19-1980)

Sec. 6-22. Spaying and neutering requirements; unaltered animals permit required.

No person shall own or harbor any dog or cat over the age of six months that has not been spayed or neutered unless such person holds an unaltered animal permit issued for such animal by the town, or any successor agency authorized by law to issue such a permit, except:

- (1) Persons who own or harbor service dogs or police work dogs;
- (2) Individuals who are non-residents of the county and reside temporarily therein for a period not to exceed 30 days;
- (3) Animal shelters and veterinary hospitals; and
- (4) Persons who own or harbor a dog or cat and who are in possession of a certification signed by a licensed veterinarian stating that such animal is unfit to be spayed or neutered because such procedure would endanger the life of such animal.

(Code 1995, § 91.21; Ord. of 12-16-2014, § 90.21)

Sec. 6-23. Obtaining an unaltered animal permit.

- (a) Applicants must apply for permits required by section 6-22 with the town administrator or his designees. The fee for an unaltered animal permit shall be \$100.00. A tag will be issued identifying the animal as an unaltered animal and must be displayed at all times.
- (b) Citations will be issued to owners of unaltered animals not holding a permit. If the animal is altered within 30 days, the citation will be waived. A citation will only be issued under this section if the animal is in violation of another provision of this chapter.

(Code 1995, § 91.22; Ord. of 12-16-2014, § 90.22)

Sec. 6-24. Animal care.

It shall be unlawful for any person to hoard animals. An owner, a keeper, possessor, or caretaker shall be guilty of this offense if he possesses five or more animals; fails to provide suitable care for such animals as prescribed by this chapter; keeps the animals in a severely overcrowded or unsanitary environment; and displays an inability to recognize or understand the nature of or has a reckless disregard for the conditions under which the animals are living and the deleterious impact such conditions have on the animals' health and well-being.

(Code 1995, § 90.21; Ord. of 1-20-2015, § 90.21)

Sec. 6-25. Bird sanctuary.

The entire area embraced within the corporate limits of the town is hereby designated as a bird sanctuary.

(Code 1995, § 91.35)

Sec. 6-26. Hunting, shooting and the like.

- (a) It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests; provided, however, if pigeons, crows, starlings, or English sparrows are found to be congregated in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the county health officer, the health officer shall meet with the representatives of the Audubon Society, bird club, garden club or Humane Society, or as many of such clubs as are found to exist in the city, after having given at least three days' actual notice of the time and place of the meeting to the representatives of such clubs.
- (b) If, as a result of the meeting, no satisfactory alternative is found to abate such nuisance, the birds may be destroyed in such numbers or in such manner as is deemed advisable by the board, and shall be done under the supervision of the chief of police.

(Code 1995, § 91.36)

Sec. 6-27. Keeping of livestock.

It shall be unlawful to keep or maintain any cow, bull, calf, hog, pig, horse, mule, pony, goat, or sheep, or other livestock, on any parcel of land less than one acre in area within the town, except as provided in section 6-30; provided this section shall not prohibit the assembling of livestock for shipment or from the unloading of the same within the city; provided, further, section 6-30 shall not apply to livestock assembled for fairs and expositions, or to the keeping of household pets on the premises of the owner. Any parcel of land one acre or more in area is allowed two animals per acre.

(Code 1995, § 91.37)

Sec. 6-28. Wild animals or dangerous insects.

It shall be unlawful for any person to keep any live reptiles, wild animals or insects likely to be dangerous or injurious to human life, within the city, except as provided for in sections 6-30 and 6-32.

(Code 1995, § 91.38)

Sec. 6-29. Keeping fowl.

- (a) *Required.* It shall be unlawful for any person to own, keep, have, or maintain any chickens, turkeys, ducks, guineas, geese, pheasants, pigeons or other domestic fowl in the town without first receiving from the town a permit to do so or to continue to have any of such fowl after a permit has been denied. This section shall not apply to, and no permit shall be required for, any agricultural operation within G.S. 106-700, which pertains to nuisance liability of agricultural operation, or to any fowl or bird that is kept exclusively inside its owner's residence. The permit shall be valid for one year from the date of issuance and shall be renewed annually. The annual fee for such permit shall be \$0.00 per household. The application shall list all such animals and fowl on the premises. Before a permit is issued an employee of the town shall inspect the premises to determine if the keeping of the fowl on the premises will endanger or is likely to endanger the health, safety, peace, quiet, comfort, enjoyment of or otherwise become a public nuisance to nearby residents or occupants or places of business.
- (b) *Denial.* When a permit is denied for any reason, the applicant shall be given a written explanation of the reason for denial.

(Supp. No. 3)

Created: 2022-08-30 12:58:06 [EST]

-
- (c) *Compliance required prior to issuance.* An owner or possessor of such fowl shall comply with the following applicable subsections before a permit is issued. Compliance with the following applicable subsections will create a rebuttable presumption that a permit shall be issued. That presumption may only be rebutted by specific findings supported by competent evidence that, despite compliance with the following, the presence of such fowl is still likely to endanger the health, safety, peace, quiet, comfort, enjoyment of or otherwise become a public nuisance to nearby residents or occupants or places of business:
- (1) *Fowl and other birds.* The keeping of chickens, turkeys, ducks, guineas, geese, pheasants or other domestic fowl shall be in compliance with the following:
 - a. Such fowl must be confined in a coop or fowl house not less than 18 inches in height. The fowl must be kept within the coop or fowl house between sunrise and sunset and must be confined to the property of the owner at all times when not actively being transported in a cage or similar device. Failure to confine fowl to the property of the fowl owner will constitute a violation of this chapter for which the permit may be revoked by the town.
 - b. The coop or fowl house must be used for fowl only, and both must be well ventilated.
 - c. The coop or fowl house shall have a minimum of four square feet of floor area for each fowl.
 - d. The run must be well drained so there is no accumulation of moisture.
 - e. The coop or fowl house shall be kept clean, sanitary and free from accumulation of animal excrement and objectionable odors. It shall be cleaned daily, and all droppings and body excretion shall be placed in a flyproof container and double-bagged in plastic bags or composted in accordance with good practices and state and local ordinances.
 - f. The coop or fowl house shall be a minimum of 25 feet from any property line.
 - g. No more than 20 such fowl shall be kept or maintained per acre. The number of fowl should be proportionate to the acreage.
 - (2) *Pigeons.* Pigeons, while allowed to fly to and from the premises, must be provided with adequate space on the premises, and sanitary conditions must be maintained.
 - (3) *Slaughter.* Any slaughter of any poultry not regulated by state law or otherwise forbidden or regulated shall be done only in a humane and sanitary manner and shall not be done open to the view of any public area or adjacent property owned by another.
 - (4) *Annexation.* An owner or possessor of fowl on property that is newly annexed has 90 days from the date of annexation to bring the property into compliance and to have obtained permits required by this section.
 - (5) *Exceptions.* A permit shall not be required for animals of any kind if the animals are kept by a governmental authority or other appropriately certified and recognized academic institution, museum, raptor center, etc.
- (d) *Revocation.* The town may revoke any permit:
- (1) When the permit has been mistakenly issued without compliance with this section;
 - (2) When the applicant has submitted false information;
 - (3) For a violation of any of the sections of this chapter;
 - (4) When, in the opinion of the town administrator, the health, safety or welfare of any person or property is menaced by the keeping of such animals; or
 - (5) When the birds or fowl become a nuisance.

If a permit is revoked, the applicant shall be given a written explanation of the reasons for the revocation. Upon the determination of a violation of this section, and if the violation pertains to a correctable condition on the property, the owner shall have 30 days in which to bring the property or condition into compliance with this chapter. All appeals to permit denial or revocation shall be made to the board of aldermen whose determination shall be final.

(Code 1995, § 91.39; Ord. of 10-18-2011)

Sec. 6-30. Special permission to keep animals.

Special permission may be granted by the town administrator for the keeping of any animals, fowl or insects prohibited by this chapter for temporary periods for exhibition, demonstration or experimental purposes, provided that, before granting such special permit, the administrator shall require written approval from the county health department, that the animals, fowl or insects may be kept within the city, with any conditions to be made a part of such special permit.

(Code 1995, § 91.40)

Sec. 6-31. Sale or giving of baby fowl or rabbits.

It shall be unlawful for any person to sell, offer for sale, barter, or give away any baby chickens, ducklings, or other fowl under three weeks of age, or rabbits under two months of age, as pets, toys, premiums or novelties, or to color, dye, stain or otherwise change the natural color of baby chickens, ducklings, or other fowl, or rabbits, or to bring or transport the same into the town; provided, however, this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings, or other fowl, or such rabbits, in proper facilities by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising.

(Code 1995, § 91.41)

Sec. 6-32. Bees.

- (a) It shall be unlawful for any person to locate, construct, reconstruct, alter, maintain or use on any lot or parcel of land within the corporate limits of the town, any hives or other enclosures for the purpose of keeping any bees or other such insects unless every part of such hive or enclosure is located at least 75 feet from a dwelling house located on the adjoining property.
- (b) On lot sizes of 15,000 square feet or less, no more than four hives (colonies of bees) will be permitted. The hives shall be no closer than 15 feet from any property line. On lots larger than 15,000 square feet, additional hives will be permitted on the basis of one hive for each 5,000 square feet in excess of 15,000 square feet.
- (c) This section shall pertain only to honey bees maintained in moveable frame hives and it does not authorize the presence of hives with non-moveable frames or feral honey bee colonies (i.e., honey bees in trees, sides of houses and the like).
- (d) The hives (colonies) of bees may not be manipulated between the hours of sunset and sunrise unless the hives are being moved to or from another location.

(Code 1995, § 91.42)

Sec. 6-33. Penalty.

- (a) Any person who violates any provision of this chapter ~~for which no other penalty is set forth~~ shall be ~~subject to a criminal penalty of not more than guilty of a Class 3 misdemeanor and punished by~~ subject to a fine not exceeding \$500.00. If the violation is continued, each day's violation shall be a separate offense.
- ~~(b) Any person who violates any provision of sections 6-1 through 6-21 shall be deemed guilty of a misdemeanor and punished by a fine not exceeding \$50.00. If the violation is continued, each day's violation shall be a separate offense.~~
- ~~(c)~~(b) Any person who violates section 6-5 shall be given a warning upon the first offense, but shall be subject to a fine of not more than \$500.00 upon a second offense.

(Code 1995, § 91.99)

Chapter 22 MISCELLANEOUS OFFENSES

ARTICLE I. IN GENERAL

Sec. 22-1. Discharge of gun.

The firing or discharging of a gun, squibs, crackers, gunpowder or other combustible substance in the streets or elsewhere for the purpose of making noise which annoys or disturbs humans or is unwanted or which causes or tends to cause an adverse psychological effect on human beings, or which endangers or injures the health of humans or disturbs a reasonable person of normal sensitivities, except by permit from the town administrator, is declared to be loud, disturbing and unnecessary and is in violation of his chapter.

Any person who violates this section shall be guilty of a Class 3 misdemeanor and subject to a fine not exceeding \$500.00.

(Code 1995, § 130.01; Ord. of 11-15-1977)

Sec. 22-2. Public possession, consumption of alcoholic beverages.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Malt beverage means beer, lager, malt liquor, ale, porter, stout, and any other brewed or fermented beverage containing at least 0.06 of one percent, and not more than six percent alcohol by volume.

Open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container.

Public street means any highway, road, street, avenue, boulevard, alley, bridge or other way within and/or under the control of the town and open to public use, including the sidewalks of any such street.

Unfortified wine means wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet or dextrose sugar, and that has an alcoholic content of not more than 17 percent alcohol by volume.

-
- (b) *Consumption on the public street and on municipal property prohibited.* It shall be unlawful for any person to consume malt beverages and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to consume malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied or controlled by the town, including, but not limited to, public buildings and their appurtenant grounds, municipal parking lots, and public parks and playgrounds.
 - (c) *Possession of open containers on the public streets and on municipal property prohibited.* It shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied or controlled by the town, including, but not limited to, public buildings and their appurtenant grounds, municipal parking lots, and public parks and playgrounds.
 - (d) *Possession during special events prohibited.* It shall be unlawful for any person to possess malt beverage and/or unfortified wine on public streets, alleys or parking lots that are temporarily closed to regular traffic for special events, unless operators of the event have been issued a special event license specifically permitting the sale or possession of alcohol by the town's board of aldermen.
 - (e) Any person who violates this section shall be guilty of a Class 3 misdemeanor and subject to a fine not exceeding \$500.00.

(Code 1995, § 130.02; Ord. of 7-15-2003)

State law reference(s)—Authority to regulate or prohibit the consumption and possession of malt beverages and unfortified wine, G.S. 18B-300(c).

Sec. 22-3. Presence of registered sex offender on or about public parks.

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - Public park* means any publicly-owned or maintained land which is designated by the town as a park or recreational facility.
 - Registered sex offender* means an individual who is registered by any state or federal agency as a sex offender and whose name is published on any state or federal registered sex offender listing, including, but not limited to, the sex offender registry established in G.S. 14-208.5 et seq.
- (b) It shall constitute a general offense against the regulations of the town for any person registered as a sex offender with the state and or any other state or federal agency to knowingly enter into or on any public park owned, operated, or maintained by the town. Each and every entry into the park, regardless of the time period involved shall constitute a separate offense under this chapter.
- (c) The town administrator shall be charged with posting this regulation at the main entrance of each park within 30 days of the passage of this chapter.
- (d) Any person who violates this section shall be guilty of a Class 3 misdemeanor and subject to a fine not exceeding \$500.00.

(Code 1995, § 130.03; Ord. of 4-19-2005)

Sec. 22-4. Begging and soliciting.

- (a) No person shall stand in a roadway or median strip for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.
- (b) No person shall stand in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway parking lot.
- (c) It shall be unlawful for any person to stand, sit or loiter in any street or highway, including the shoulders or median strip but excluding sidewalks, and to stop or attempt to stop any vehicle for the purpose of soliciting or accepting contributions from the occupants of any vehicle or for the purpose of distributing merchandise to the occupants of any vehicle. It also shall be unlawful for any person to stand, sit or loiter in any street or highway, including the shoulders or median strip but excluding sidewalks, and to solicit or accept contributions from the occupants of any stopped vehicle or to distribute merchandise to the occupants of any stopped vehicle.
- (d) If any person is found to have violated any provision of this chapter, such person shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.00. Each violation shall constitute a separate offence.
- (e) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accosting means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession.

Ask, beg and solicit mean and include, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining alms.

Forcing oneself upon the company of another means continuing to request, beg or solicit alms from a person after that person has made a negative response, blocking the passage of the individual addressed or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

- (f) It shall be unlawful for any person to solicit money or other things of value:
 - (1) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;
 - (2) Within 15 feet of the entrance to or exit from any public toilet facility;
 - (3) Within 15 feet of an automatic teller machine, provided that, when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
 - (4) Within 15 feet of any pay telephone, provided that, when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
 - (5) In any public transportation vehicle, or in any bus or subway station, or within 15 feet of any bus stop or taxistand;
 - (6) From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;
 - (7) From any persons who are waiting in line for entry to any building, public or private, including, but not limited to, any residence, business or athletic facility; or

-
- (8) Within 15 feet of the entrance to or exit from a building, public or private, including, but not limited to, any residence, business or athletic facility.
- (g) It shall be unlawful for any person to solicit money or other things of value:
- (1) By accosting another; or
 - (2) By forcing oneself upon the company of another.
- (h) Any person who violates this section shall be guilty of a Class 3 misdemeanor and subject to a fine not exceeding \$500.00.

(Code 1995, § 130.04; Ord. of 3-20-2007)

Sec. 22-5. Loitering.

- (a) It shall be unlawful for any person within the corporate limits of the town to commit the offense of loitering or prowling.
- (b) A person commits the offense of loitering or prowling when one is in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.
- (c) Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure, or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.
- (d) Any person who violates this section shall be guilty of a Class 3 misdemeanor and subject to a fine not exceeding \$500.00.

(Code 1995, § 130.05; Ord. of 1-20-2009)

Sec. 22-6. Feeding of bears.

It shall be unlawful to feed or bait bears in the town in any manner.

Any person who violates this section shall be guilty of a Class 3 misdemeanor and subject to a fine not exceeding \$500.00.

(Code 1995, § 130.06; Ord. of 3-16-2010)

Sec. 22-7. Alarm management.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alarm permit means a permit issued by the police department allowing the operation of an alarm system within the town.

Alarm signal means a detectable signal, either audible or visual, generated by an alarm system being monitored or designed to exteriorly annunciate, requiring the police department to respond.

Alarm system means any single device or assembly of equipment designed to monitor and/or exteriorly annunciate the occurrence of an illegal entry, robbery or other activity requiring police response or designed to signal the detection of fire, or products of combustion, in a building, structure, or premises, or to signal an actual fire or initiate a response for medical assistance regardless of whether the call for response comes from a monitoring service, the alarm user, a neighbor, or results from a police officer or firefighter hearing the alarm system.

Alarm systems coordinator means an employee of the police or administration department designated to administer this section.

Alarm user means a person, corporation, partnership, proprietorship, association, governmental or educational entity or any other entity owning or leasing an alarm system or on whose premises an alarm system is maintained for the protection of such premises.

False alarm means:

- (1) Any signal communicated by any means that solicits a response from the police department to which the responding units find no evidence of fire or products of combustion or medical emergency or no evidence of unauthorized intrusion, robbery, or other such crime in or on premises. False alarms include, but are not limited to:
 - a. *Error or mistake.* Any action by any person, firm or corporation, association, or other entity or agency thereof, owning or operating any dwelling, building or place, which results in the activation of any alarm system when no emergency exists.
 - b. *Malfunction.* Any activation of any alarm system caused by a flaw in the normal operation, design, installation, or maintenance of the system, by faulty equipment, or by a change in the environment or premises upon, or within which the alarm system is operating.
 - c. *Intentional misuse.* Any activation of an alarm system when one knows, has reason to know, or should have known no fire or other emergency is in progress.
 - d. *Failure to notify alarm-monitoring service of testing.* Any alarm transmitted to the police while alarm is being tested by personnel without notifying the alarm service of test results.
- (2) An alarm will not be considered to be a false alarm if it is determined by the responding officer in charge that the alarm was caused by:
 - a. Natural or manmade catastrophe, or an act of God. Such events include, but are not limited to, tornadoes, floods, earthquakes, or other similarly violent conditions or adverse weather conditions.
 - b. The testing of a local/audible alarm system by a licensed alarm business, agent, or employee who is present at the premises servicing, repairing or installing the alarm when the agent or user has contacted the alarm company and informed them of the test.
 - c. Activation by other circumstances not reasonably subject to control by the alarm user.

(b) *Alarm permit required.*

- (1) An alarm user must obtain an alarm permit from the alarm systems coordinator. It shall be unlawful for any alarm user to operate an alarm system, as described in subsection (a) of this section, within the corporate limits of the town, without obtaining a permit within ten business days of initial operation or within 30 business days from the effective date of the ordinance from which this chapter is derived, whichever comes last. No person shall use an alarm system when the alarm permit for that system has been revoked by the alarm systems coordinator.
- (2) The police department will establish standard operating procedures for the administration of this chapter.
- (3) The alarm user must provide complete, accurate information on the alarm permit application, including his name, the address of the premises upon which the system has been or will be installed, the mailing address, the telephone number, the type of alarm system and the business selling, monitoring, inspecting, responding to, and maintaining the alarm system. The alarm user must also provide two persons as means of contact who can respond to the location of the alarm.
- (4) The alarm user must provide any changes from the information provided on the alarm permit application to the alarm systems coordinator within ten business days of the change.
- (5) When possession of the alarm system protected premises changes, the person obtaining possession of the property shall file an application for an alarm user permit to the alarm systems coordinator within ten business days of obtaining possession of the property. Alarm permits are not transferable.
- (6) An alarm user, maintaining multiple alarm systems, whether in the same or different locations, shall be required to obtain an alarm permit for each system.

(c) *Alarm reset feature.*

- (1) An alarm user may not install, maintain, or use an audible alarm system which can sound for more than 15 minutes when activated. All alarms must have an automatic reset feature that resets the alarm within 15 minutes.
- (2) The reset feature does not apply to fire alarm systems.

(d) *False alarms.*

- (1) *Response.* Whenever an alarm is activated in the town and the police department does respond, an officer on the scene of the activated alarm system shall determine whether the alarm was a false alarm as defined in subsection (a) of this section. Such notification should be given to the chief of police and the alarm systems coordinator by the officer responding to the alarm.
- (2) *Notification.* In the case of false alarms, the officer will leave a written notice of the false alarm at, or attached to, the alarm system premises.

(e) *Appeal of false alarm determination and charges.* When requested in writing by the alarm user within ten business days of response to a false alarm, the alarm systems coordinator will review the basis of the officer's determination that an alarm was false. The written request for review of a false alarm determination by the alarm systems coordinator shall include the following information:

- (1) Alarm user name;
- (2) Address at which the alarm is installed;
- (3) Date and time of the false alarm that is being contested;
- (4) Alarm user permit number; and
- (5) Facts to establish that the alarm was not false.

(f) *Civil penalty for false alarms and failure to obtain applicable alarm permit.*

- (1) *Excessive false alarms.* Four or more false alarms within a permit year is excessive.
- (2) *Failure to respond.* If a key holder does not respond within 30 minutes of the alarm, this failure to respond will be considered a false alarm.
- (3) *Civil penalties.* Excessive false alarms for any alarm system within a permit year shall subject the alarm user to a civil penalty according to the following schedule:

<i>Number of Police False Alarms</i>	<i>Civil Penalty</i>
Four or five	\$50.00 each
Six or seven	\$100.00 each
Eight or nine	\$250.00 each
Ten or more	\$500.00 each

- (4) *Notification invoice.* Upon determination that a permit has exceeded any of the above number of false alarms, the alarm systems coordinator, or his designee, shall issue and deliver, by mail, a notification invoice of the civil penalty to the alarm user. Each civil penalty must be paid within 30 days of notification. Each civil penalty, which is not paid, when due, may be recovered by the town in a civil action in the nature of debt.
- (5) *Failure to obtain applicable alarm permit.* Any person or firm who fails to register their alarm system with the town alarm systems coordinator shall be subject to a civil penalty in the nature of a debt in the amount of \$100.00.
- (6) *Discontinuance of alarm permit.* In addition to any and all legal remedies, including the costs associated with an action for collection, if the alarm user fails to pay civil penalties imposed under this section within 30 days of notification to alarms that may occur at the premises where the alarm user is in arrears for fees incurred, the alarm systems coordinator will notify the police department when such a situation arises, and the police department will cease to respond to any alarm signal with the exception of robbery, hold-up alarms and panic alarms.
- (7) *Revocation of alarm user's permit.* The alarm systems coordinator is authorized to revoke the alarm user's permit after the tenth false alarm within a consecutive 12-month period. Police response will be discontinued thereafter with the exception of robbery, hold-up alarms and panic alarms.
- (8) *Reinstatement of alarm permit.* An alarm user whose eligibility for police response to alarm calls has been revoked will be reinstated only after payment of all prior unpaid civil penalties assessed and compliance with notification provisions as provided for under this chapter. In addition, permits revoked after the tenth false alarm may be reinstated by the alarm systems coordinator by providing documentation showing the alarm system has been inspected by an individual who is licensed by the state licensing board certifying that the alarm system is in proper working condition.

(Code 1995, § 130.10; Ord. of 1-20-2015; Ord. of 2-17-2015)

Secs. 22-8—22-32. Reserved.

ARTICLE II. ABANDONED VEHICLES¹

Sec. 22-33. Abandoned vehicles.

It shall be unlawful for any person to abandon any motor vehicle on a public street or on public or private property within the town. Removing and disposing of junked or abandoned motor vehicles shall be according to the procedures prescribed in this article.

(Code 1995, § 90.01)

Sec. 22-34. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means a vehicle that:

- (1) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking 24 hours after being cited;
- (2) Is left on property owned or operated by the town for longer than 24 hours;
- (3) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or
- (4) Is left on any public street or highway for longer than seven days.

Junked motor vehicle means a motor vehicle that:

- (1) Is partially dismantled or wrecked;
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move;
- (3) Is more than five years old and worth less than \$100.00; or
- (4) Does not display a current license plate.

Motor vehicle means all machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

(Code 1995, § 90.02; Ord. of 2-20-1990)

Sec. 22-35. Private property.

- (a) Any junked or abandoned motor vehicle found to be in violation of this article may be removed to a storage garage or area, but no such vehicle shall be removed from private property without the written request of the owner, lessee or occupant of the premises unless the commission or a duty authorized town official or

¹State law reference(s)—Authority as to abandoned vehicles, G.S. 160A-303; removal of abandoned and derelict motor vehicles by the state department of transportation, G.S. 20-137.6 et seq.

employee has declared it to be a health or safety hazard. The town may require any person requesting the removal of a junked or abandoned motor vehicle from private property to indemnify the town against any loss, expense or liability incurred because of the removal, storage or sale thereof. When an abandoned or junked motor vehicle is removed, the town shall give notice to the owner as required by G.S. 20-219.11(a) and (b).

(b) Hearing procedure. Regardless of whether the town does its own removal and disposal of motor vehicles or contracts with another person to do so, the town shall provide a prior hearing procedure for the owner. For purposes of this subsection, the definitions in G.S. 20-219.9 apply.

(1) If the person who tows the vehicle is responsible for collecting towing fees, all provisions of G.S. 20-219.9 et seq. apply.

(2) If the town is responsible for collecting towing fees, it shall:

- a. Provide by contract or ordinance for a schedule of reasonable towing fees;
- b. Provide a procedure for a prompt fair hearing to contest the towing;
- c. Provide for an appeal to district court from that hearing;
- d. Authorize release of the vehicle at any time after towing by the posting of a bond or paying of the fees due; and
- e. Provide a sale procedure similar to that provided in G.S. 44A-4, 44A-5, and 44A-6, except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the town may destroy it.

(Code 1995, § 90.03)

Sec. 22-36. Exceptions.

Nothing in this article shall apply to a vehicle in an enclosed building or any vehicle on the premises of a business enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Code 1995, § 90.07)

Sec. 22-37. Penalty.

Violation of any provision of this article or of any obligation imposed by it shall constitute a misdemeanor, in addition to and separate from any of the remedies set forth by this article. Any person cited under the provisions of this article shall be assessed a criminal penalty of up to \$500.00 for each day, and every day during which such violations shall continue. Each day shall be a separate and distinct violation of this section.

(Code 1995, § 90.99)

Secs. 22-38—22-62. Reserved.

ARTICLE III. NUISANCES²

DIVISION 1. GENERALLY

Sec. 22-63. Prohibited.

It shall be unlawful for any person to cause, permit, maintain, allow or create a nuisance.

(Code 1995, § 92.01)

Sec. 22-64. Illustrative enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property any of the following items, conditions or actions are declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be exclusive, limiting or restrictive:

- (1) Any condition which is a breeding place or harborage for mosquitoes or a breeding place or harborage for rats or other pets;
- (2) Any place of heavy growth of weeds or other noxious vegetation over 24 inches in height;
- (3) Any open place of collection of water where insects tend to breed;
- (4) Any open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires or tubes, garbage, trash, refuse, brush, old clothes, rags or any other combustible materials or objects of like nature;
- (5) Any open place of collection of garbage, food, waste, animal waste or any other rotten or putrescible matter of any kind;
- (6) Any dilapidated furniture, appliances, machinery equipment, building materials, or any similar items not enclosed in a building with functional doors;
- (7) Any furniture, appliances or other metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement;
- (8) Any motor vehicle located on private property, which is wholly or partially dismantled and any related motor vehicle parts and tools not enclosed in a garage with functional doors or covered with a tarp or canvas when not actively being repaired;
- (9) Any improper or inadequate drainage on private property which causes flooding, interferes with the use of, or endangers in any way the streets, sidewalks, parks or other public property of any kind;

²State law reference(s)—Authority to abate nuisances, G.S. 160A-193; authority to regulate garbage and trash, G.S. 160A-303.1; solid waste management, G.S. 130-166.16 et seq.

-
- (10) Any condition which blocks, hinders or obstructs, in any way, the natural flow of branches, streams, creeks, surface waters, ditches or drains to extent that lots or properties are not free from standing water; and
 - (11) Any other conditions specifically prohibited in this article, or any other conditions specifically declared to be a nuisance or a danger to the public health, safety, morals and general welfare of inhabitants of the city and a public nuisance by the board of aldermen.

(Code 1995, § 92.02)

Sec. 22-65. Investigation of conditions.

The town administrator, upon notice from any person of the existence of any of the conditions described in this article, shall make or cause to be made such investigation as may be necessary to determine whether, in fact, the conditions constitute a public nuisance as declared.

(Code 1995, § 92.03)

Sec. 22-66. Initiation of proceedings.

Proceedings to declare any condition a nuisance under the provisions of this article may be initiated by the town administrator after giving written notice by personal delivery from the town administrator or other designated personnel, or by certified mail, return receipt requested, to the owner and occupant of the premises upon which the condition exists.

(Code 1995, § 92.04)

Sec. 22-67. Order of abatement; notice.

Upon a determination by the town administrator that such conditions constitute a public nuisance, the administrator shall notify, in writing, the owner and occupant or person in possession of the premises in question of the conditions constituting such public nuisance and shall order prompt abatement thereof.

(Code 1995, § 92.05)

State law reference(s)—Authority to abate health nuisances, G.S. 160A-193; abatement by local health director, G.S. 130-20.

Sec. 22-68. Contents of notice; order to abate.

The notice to abate a nuisance issued under the provisions of this article shall contain:

- (1) A statement that conditions exist on the property which constitute a public nuisance;
- (2) The condition existing;
- (3) The location of such condition; and
- (4) A statement ordering the owner and the occupant or person in possession of the premises to abate the public nuisance, and that unless the condition is abated within 15 days from the mailing of the notice as specified in section 22-67, which shall be sent by certified mail, return receipt requested, the conditions constituting a nuisance will be abated by the town and the cost of abatement shall constitute a lien against the premises.

(Code 1995, § 92.06)

Sec. 22-69. Appeal notice.

Within the time period stated in the notice to abate, the owner or occupant of the property where the nuisance exists may appeal the findings of the town administrator to the board of aldermen by giving written notice of appeal to such officer, such appeal to stay the abatement of the nuisance by the town until a final determination by the town board of aldermen. In the event no appeal is taken, the town may proceed to abate the nuisance.

(Code 1995, § 92.07)

Sec. 22-70. Hearing.

The town board of aldermen, in the event an appeal is taken as provided herein, may, after hearing all interested persons and reviewing the findings, determine that a nuisance exists in the town. If the board of aldermen shall determine that the findings of the town administrator are correct and proper, it shall adopt an ordinance specifically declaring the condition existing on the property to be a danger and hazard to the health, safety, morals and general welfare of the inhabitants of the town and a public nuisance and direct the town administrator to cause the conditions to be abated.

(Code 1995, § 92.08)

Sec. 22-71. Right of entry.

The town administrator and other designated personnel are hereby given full power and authority to enter upon premises upon which a nuisance is found to exist under the provisions of this article for the purpose of abating the nuisance as provided in this article.

(Code 1995, § 92.09)

Sec. 22-72. Cost of abatement declared lien.

After the abatement of a nuisance as provided in this article, the cost of such abatement may become a lien against the premises upon confirmation of the cost thereof by the town board of aldermen, which confirmation shall take place only after ten days' written notice to the owner of the premises where the nuisance existed, of the proposed confirmation. Upon confirmation, the cost of abatement shall be a lien against the premises from which the nuisance was abated, the same to be recorded as provided in G.S. 160A-216 et seq. and to be collected as unpaid tax.

(Code 1995, § 92.10)

Sec. 22-73. Legal action may be taken.

The town board of aldermen may direct the town administrator to pursue the matter of collection of the assessed penalties in a civil action court case.

(Code 1995, § 92.11)

Secs. 22-74—22-104. Reserved.

DIVISION 2. CLEANLINESS OF PREMISES, LITTERING

Sec. 22-105. Prohibited conditions, generally.

It shall be unlawful for any owner, occupant, agent or person in control of any lot or premises within the town to permit to remain thereon any empty bottles, empty cans, abandoned motor vehicle bodies or parts, household appliances, furniture, trash, or filth of any kind whatsoever; and it shall be the duty of any owner, occupant, agent or person in control of any lot or premises within the town to keep the same in a clean, healthy, wholesome and sanitary condition at all times.

(Code 1995, § 92.25)

Sec. 22-106. Littering.

It shall be unlawful for any person to cast, place, sweep or deposit anywhere within the town any refuse on any public property or on the property of another, without authority, or in such a manner that it may be carried or deposited by the elements, upon any street, sidewalk, alley, sewer, parkway or other public place, or onto any premises of another within the town.

(Code 1995, § 92.26)

State law reference(s)—Littering, G.S. 14-399.

Sec. 22-107. Matter not to be ~~burned~~buried.

It shall be unlawful for any person to fill any land with or dump upon any land within the town garbage, dead animals, decaying vegetable or animal matter or any offensive material, nor shall any of the aforesaid offensive materials be buried within the town, but shall be disposed of as provided by law.

(Code 1995, § 92.27)

Sec. 22-108. Penalty.

Violation of any provision of this article or any obligation imposed by it shall constitute a misdemeanor, in addition to and separate from any of the remedies set forth by this article. Any person cited under the provisions of this article shall be assessed a criminal penalty of not more than \$500.00 for each day, and every day during which such violations shall continue. Each day shall be a separate and distinct violation of this section.

(Code 1995, § 92.99)

Secs. 22-109—22-129. Reserved.

ARTICLE IV. NOISE

Sec. 22-130. Unnecessary noise.

It shall be unlawful for any person, firm, or corporation to create or assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the town. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

(Code 1995, § 93.01; Ord. of 11-15-1977)

Sec. 22-131. Noises expressly prohibited.

Subject to the provisions of this section, the creation of any unreasonably loud, disturbing and unnecessary noise is prohibited, as is also noise of such character, intensity and duration as to be detrimental to the life or health of others. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section but said enumeration shall not be deemed to be exclusive, namely:

- (1) Vehicle noises while not in motion; signal devices.
 - a. The sounding of any whistle, horn or signal device or any device on any locomotive, automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after brakes are being applied and deceleration of the vehicle is intended;
 - b. The creation by means of any such signal device of any unreasonably loud or harsh sound; and
 - c. The sounding of such device for an unnecessary and unreasonable period of time.
- (2) The use of any gong or siren upon any vehicle, other than a police, fire, or other emergency vehicle.
- (3) The use or operation of any piano, manual or automatic, phonograph, radio, loudspeaker, or any other instrument, or sound-amplifying devices in such a manner or with such a volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to disturb the quiet, comfort or repose of a reasonable person.
- (4) The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any reasonable person.
- (5) The use of an automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling, or other noise.
- (6) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.
- (7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (8) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.
- (9) The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 8:00 p.m., on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the building inspector, which permit may be renewed for a period of three days or less while the emergency continues.

-
- (10) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or within 150 feet of any hospital which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, court or hospital street.
 - (11) The creation of any excessive noise on Sunday on any street adjacent to any church which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such street adjacent to churches indicating that the same is a church street.
 - (12) The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
 - (13) The sounding of any ball or gong attached to any building or premises which disturbs the quiet and peace of reasonable persons.
 - (14) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quiet and peace of reasonable persons.
 - (15) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noises to any performance, show or sale or display of merchandise.
 - (16) The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

Sec. 22-131. Penalty.

Violation of any provision of this article or any obligation imposed by it shall constitute a Class 3 misdemeanor, in addition to and separate from any of the remedies set forth by this article. Any person cited under the provisions of this article shall be assessed a criminal penalty of not more than \$500.00 for each day, and every day during which such violations shall continue. Each day shall be a separate and distinct violation of this section.

(Code 1995, § 93.02; Ord. of 11-15-1977)

Chapter 42 STREETS AND SIDEWALKS³

ARTICLE I. GENERAL PROVISIONS

Sec. 42-1. Board approval of new streets.

Before any new street offered for dedication to the town is accepted as such, and officially recognized as a town-maintained street, the board must give its approval, finding that the street complies with engineering standards set by the board, and that the best interests of the town would be served by accepting the street as a town street.

³State law reference(s)—Establishment and control over town streets, G.S. 160A-296.

(Code 1995, § 51.01)

Secs. 42-2—42-20. Reserved.

ARTICLE II. EXCAVATION AND REPAIR

Sec. 42-21. Excavation; permit required.

No person shall make any excavation or opening or dig a ditch, trench, tunnel, or hole in, along, across, or under any street, sidewalk, or other public place for the purpose of laying or placing therein any pipe, wires, or poles or for any other purposes unless a written permit therefor has been issued by some officer of the town vested with proper authority, provided that a permit shall not be required where the work is performed under contract with the town, but in the event the work requires a sidewalk or street to be wholly or partially obstructed, the party performing the work shall notify the town at least two hours before obstructing the sidewalk or street, unless prevented by sudden emergency.

(Code 1995, § 51.15)

Sec. 42-22. Application; fees.

All persons desiring a permit to make an opening in any street or sidewalk, as set forth in section 42-21, shall make written application therefor, which application shall show the location of the proposed opening, the purpose therefor and the approximate number of square yards of surface to be cut. A fee may be required by the board for such permit.

(Code 1995, § 51.16)

Sec. 42-23. Street repair; after excavation.

When any part of any street, sidewalk, alley, or other public place of the town shall be torn or dug up for any purpose, the person making the excavation or opening shall have the duty of refilling the excavation or opening, and the refilling shall be done in accordance with the standards and specifications of the town.

(Code 1995, § 51.17)

Sec. 42-24. Excavations; leaving unprotected.

It shall be unlawful for any person, firm, or corporation who obtains a permit under the sections of this article to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk, or public space of the town without placing and maintaining proper guard rails three feet from the ground and signal lights or other warnings at, in or around the same, sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care from injuries on account of the excavation or work.

(Code 1995, § 51.18)

Sec. 42-25. Streets not to be damaged by tractors or harrows.

- (a) It shall be unlawful for any person, firm or corporation to drag, or run or cause to be dragged or run any harrow or other implement, engine, machine, or tool on any asphalt or other type of permanently paved street of the town which shall be likely in any way to injure or cut the surface thereof.
- (b) Any person violating subsection (a) of this section shall be liable to the town for the cost of repairing any and all damage caused.

(Code 1995, § 51.19)

Sec. 42-26. Sidewalk construction.

No sidewalk of any description shall be built by any individual, firm, or corporation of any brick, wood, or other material without a written permit from the town.

(Code 1995, § 51.20)

Sec. 42-27. House moving.

No person shall move any house or building on or across the public streets or sidewalks without the written consent of the board and the deposit of a good and sufficient bond to cover damage done to any street or sidewalk or to any property of any person.

(Code 1995, § 51.21)

Sec. 42-28. Damage to town property.

No person shall injure, tamper with, remove, paint on, or deface any bridge, culvert, ditch and drain, sign, sign post, street light, traffic signal, bulletin board, or other town property on the streets and sidewalks or elsewhere except employees of the town in the performance of their duties.

(Code 1995, § 51.22)

Sec. 42-29. Driveways; permit required.

No person shall begin to construct, reconstruct, repair, alter, or grade any driveway on the public streets, unless a written permit therefor has been issued by the town.

(Code 1995, § 51.23)

Secs. 42-30—42-46. Reserved.

ARTICLE III. PUBLIC SIDEWALK ADMINISTRATION

Sec. 42-47. Public sidewalks.

- (a) This article shall be applicable to all public sidewalks within the town. All sidewalks within the right-of-way expressed or implied of public roadways shall presumptively be considered public sidewalks. All sidewalks previously constructed by, or dedicated for public use to the town shall presumptively be considered public sidewalks and the area upon which they are constructed shall be subject to such easement and right-of-way as shall be sufficient for the town to repair, construct, and replace such sidewalk.
- (b) Any area lying between public roadways and public sidewalks lie within the sidewalk easement and right-of-way and are subject to the regulation of public sidewalks. Any vegetation or other covering such as decorative pavers on such area shall not exceed six inches in height.
- (c) As the context requires, the definition of the term "public sidewalks" includes all public parks and walkways.

(Code 1995, § 51.24; Ord. of 11-20-2012)

Sec. 42-48. Structures, merchandise, equipment or other objects on sidewalks.

- (a) Except as may be specifically otherwise provided in this article, no structures, merchandise, equipment, or other objects of any kind may be placed on or upon public sidewalks except as specifically permitted by the town as set forth in a duly executed encroachment agreement.
- (b) This prohibition shall not apply to loading, unloading, moving, or transportation of such merchandise, equipment, or other objects, provided that such activity does not unduly inconvenience the citizens of the town in the estimation of the town administrator or his agents.
- (c) This prohibition shall not apply to solid waste garbage cans and recycling containers approved or issued by the town when placed on the public sidewalks at times and in specific areas designated by the director of public works. This prohibition shall also not apply to tree trimmings, grass, leaves, and similar materials when placed on or near public sidewalks in accordance with this Code and policies adopted by the town.

(Code 1995, § 51.25; Ord. of 11-20-2012)

Sec. 42-49. Community events and festivals.

- (a) Notwithstanding the provisions of this article to the contrary, the town administrator is hereby authorized to permit certain types of community events or festivals to take place upon the public streets and sidewalks of the town.
- (b) The sponsor of the event or festival shall submit to the town administrator a written application for a permit prior to the opening of the community event or festival for which a permit is desired. Such application shall be submitted no less than seven days prior to the opening of any festival and no less than 30 days prior to the opening of any festival for which the closing of roadways is requested.
- (c) In deciding whether to issue a permit, the town administrator or designee shall consider:
 - (1) The number of persons to participate;
 - (2) The anticipated traffic conditions at the time and date proposed for the activity;
 - (3) The schedule of other similar activities for which permits may have been issued;
 - (4) The adequacy of adult supervision for any minor scheduled to participate;

-
- (5) The availability of town personnel whose presence on duty may be required by the activity and by the necessity to protect the general public; and
 - (6) The adequacy of public facilities in the location proposed for the activity to accommodate the proposed activity and the normal public use of public facilities in the proposed location.
- (d) The terms of the permit shall take into consideration the costs of the town in connection therewith, including the costs of cleaning services necessary to rid the festival area of all debris and litter created as a result of the event or festival. The permit may provide that the sponsor be responsible for payment to the town, of the costs incurred or to be incurred by the town, in connection with the event and may also provide for the assumption of certain responsibilities by the event sponsor, such as cleaning, as determined by the town administrator. Such payment of costs shall not apply to town-sponsored events.
- (e) The issuance of a permit to a sponsor shall authorize only that sponsor and participants specifically authorized by the sponsor to participate in that community event or festival.
- (Code 1995, § 51.27; Ord. of 11-20-2012)

Sec. 42-50. Awnings, overhangs, signage.

- (a) No awning, overhang, or signage, including supporting structures thereof, may be located in or over the traveled portion of any public right-of-way, including sidewalks, unless attached to a structural element of the building and an encroachment agreement has been obtained.
 - (b) In addition to all other requirements as may be necessary for consideration of an encroachment permit, no portion of any awning, overhang, or signage shall be less than seven feet above the surface of the sidewalk.
- (Code 1995, § 51.28; Ord. of 11-20-2012)

Sec. 42-51. Bicycles, skateboards and similar apparatus on sidewalks.

No person shall ride or operate a bicycle, skateboard, scooter, skates, or similar apparatus upon the sidewalks.

(Code 1995, § 51.29; Ord. of 11-20-2012)

Sec. 42-52. Central business district.

- (a) The central business district, as used herein, shall be defined as set forth by the board of aldermen as amended from time to time.
- (b) It is acknowledged that use of public spaces within the central business district significantly affects the image of the town and determines whether the central business district is conducive for the conduct of businesses therein and the use and enjoyment of the public. To this end, this article specifically regulates the conditions under which encroachment agreements may be granted for such central business district.
- (c) It is the policy of the town to strictly limit encroachments on the public sidewalks in the central business district. Encroachment permits must be obtained for any type of vending machine, newspaper rack, or similar device, whether dispensed at a charge or for free, within the central business district.
- (d) The town reserves the right and privilege to place planters, seating areas, and decorative objects upon the public sidewalks in the central business district. Encroachment agreements with property owners will be considered for planters, seating, and other objects consistent with the planters and seating areas maintained upon such public sidewalks by the town.

-
- (e) Merchandise and structures or devices holding or displaying the same may be allowed on the sidewalks in the central business district only upon the execution of an encroachment agreement. In the event such an encroachment agreement is issued, the following restrictions shall apply:
- (1) Merchandise and the fixtures or devices on which they are displayed shall be located so that a minimum of three feet of passage for pedestrian traffic shall be provided at all times.
 - (2) No fixtures or devices on which outdoor merchandise is displayed shall be attached to the sidewalk without the specific permission of the town in the encroachment agreement.
 - (3) Outdoor merchandise display areas will be permitted only adjacent to the building or structure in which the retail business is located. Outdoor merchandise areas shall not be permitted next to the curb of the street or in the middle of such sidewalks without allowing such minimum clearance for passage of pedestrian traffic as above provided. (Note: this section shall apply to display of merchandise. Sale of merchandise on town sidewalks are governed by other regulations of the town.)
 - (4) Merchandise and the fixtures or devices on which the merchandise is displayed must not block regulatory signs, crosswalks, or intersections.
 - (5) All merchandise located within an outdoor merchandise area shall be placed so that the merchandise and the fixtures or devices on which the merchandise is displayed are stable and not easily tipped and do not include sharp edges, protrusions, or other features which may be hazardous to the public.
 - (6) All displays of merchandise must be of sufficient size, height, and position so that safe pedestrian traffic is not impeded.
 - (7) Generally, encroachment permits shall provide that all merchandise and the fixtures or devices on which the merchandise is displayed shall be moved inside the building or structure wherein the retail business is located during the hours the retail business is not operated. However, encroachment permits may allow the display of merchandise and the use of such fixtures or devices during the hours the retail business is not operating, including overnight, on a seasonal basis.
 - (8) All merchandise and the fixtures or devices on which the merchandise is displayed must be secured so that it may not be dislodged during windy or stormy weather prior to being moved inside the building or structure wherein the retail business is located.
 - (9) All such merchandise, fixtures, and devices shall be removed from the sidewalk when directed to do so by a law enforcement officer, fire official, administrative personnel of the town or emergency medical personnel in the event of an emergency or a situation in which exigent circumstances arise.
 - (10) The permit holder for the outdoor merchandise area shall be responsible for the maintenance, upkeep, and security of the fixtures or devices on which the merchandise is displayed and the town shall not have any responsibility for the same.
 - (11) The permit holder shall be responsible for keeping the outdoor merchandise area clean of garbage, trash, paper, cups, cans, or litter associated with the operation of the outdoor merchandise area.

(Code 1995, § 51.30; Ord. of 11-20-2012)

Sec. 42-53. Spaces under sidewalks.

- (a) No person, firm, or corporation shall use or appropriate any space under a sidewalk for a cellar or other underground uses without first obtaining a permit from the town council, which permit shall be revocable at the will of the council with or without notice. In the event that the board of aldermen shall grant such a permit, the permit holder must agree to indemnify and hold harmless the town from any and all liability

which may arise out of or in connection with the use of such space under the sidewalk by the permit holder. The permit holder shall also provide such other insurance coverage as shall be required by such permit.

- (b) In the event such a permit is granted, the permit holder shall be responsible for such modifications as shall be necessary to make the sidewalk over any underground space of such construction so as to permit travel over the same by pedestrians free from danger.

(Code 1995, § 51.31; Ord. of 11-20-2012)

Chapter 50 TRAFFIC

ARTICLE I. IN GENERAL

Secs. 50-1—50-18. Reserved.

ARTICLE II. PARKING REGULATIONS

Sec. 50-19. Unlawful parking.

No person shall stand or park a vehicle upon any street for the principal purpose of:

- (1) Displaying it for sale.
- (2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.
- (3) Storage of any detached trailer or van when the towing unit has been disconnected or for the purpose of transferring merchandise or freight from one vehicle to another or parking for any purpose a vehicle of one-ton capacity or greater for a period longer than two hours.
- (4) Storage thereof by garages, dealers or other persons when such storage is not incident to the bona fide use and operation of such automobile or other vehicle.
- (5) Advertising any goods or merchandise for sale.

(Code 1995, § 70.01; Ord. of 11-15-1977)

Sec. 50-20. Stopping, standing or parking.

No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device in any of the following places:

- (1) On the sidewalk.
- (2) Within 30 feet of an intersection.
- (3) On a crosswalk.
- (4) Within 30 feet of any flashing beacon, stop sign, or traffic control signal located at the side of a street or roadway.
- (5) Along or opposite any street excavation or obstruction, when such stopping or standing or parking would obstruct traffic.

-
- (6) Upon any bridge or other elevated structure, or within any underpass.
 - (7) Within 15 feet in either direction of the entrance to a hotel, theater, hospital, sanatorium, or other public building.
 - (8) Upon any area designated as a no parking area when said areas are appropriately marked.

(Code 1995, § 70.02; Ord. of 11-15-1977; Ord. of 3-18-2003)

Sec. 50-21. Parallel parking.

Where not otherwise directed by law, and where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb and not more than 12 inches therefrom.

(Code 1995, § 70.03; Ord. of 11-15-1977)

Sec. 50-22. Vehicles backed up to curb.

In no case shall a vehicle remain backed up to a curb except when actually loading or unloading.

(Code 1995, § 70.04; Ord. of 11-15-1977)

Sec. 50-23. Left side to curb not permitted.

No vehicle shall stop with its left side to the curb, and all vehicles shall stop, stand, or park so as to be headed in the direction of traffic.

(Code 1995, § 70.05; Ord. of 11-15-1977)

Sec. 50-24. Parking within lines.

On any street which is marked with lines indicating the parking space for a vehicle, all vehicles shall be parked within said lines as directed.

(Code 1995, § 70.06; Ord. of 11-15-1977)

Sec. 50-25. Removal of vehicles.

The owner of any vehicle parked or left standing in violation of the law shall be deemed to have appointed any investigating law enforcement officer or his agent:

- (1) For the purpose of removing the vehicle to the shoulder of the street or to some other suitable place; and
- (2) For the purpose of arranging for the transportation and safe storage of any vehicle which is interfering with the regular flow of traffic or which otherwise constitutes a hazard, in which case the officer shall be deemed a legal possessor of the vehicle within the meaning of G.S. 44A-2(d).

(Code 1995, § 70.07; Ord. of 11-16-1990)

Sec. 50-26. Power to designate no parking zones.

The town administrator or his designee shall have the authority to declare any street frontage within the town a "No Parking" zone, at the request of the property owner, should he determine that on- or off-street parking in that area is a threat to the health or safety of the citizens of the town.

(Code 1995, § 70.08; Ord. of 3-18-2003)

Sec. 50-27. Penalty.

- (a) Any person, firm, or corporation violating any of the provisions of this article, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a ~~misdemeanor and subject to a fine in accordance with section 1-13-Class 3 misdemeanor and subject to a fine not exceeding \$500.00~~
- (b) Failure to remove an illegally parked or inoperable vehicle within 24 hours of initial citation may result in towing or immobilization of said vehicle and an additional \$25.00 fine. Any vehicle with three or more unpaid parking violations may be towed or immobilized and fined an additional \$25.00. If immobilized, the owner must pay all outstanding fines and a fee of \$100.00 for the removal of the device. Once towed, a vehicle shall not be released until all outstanding fines are satisfied including the ~~\$25.00~~\$35.00 impound release fee.

(Code 1995, § 70.99; Ord. of 11-15-1977; Ord. of 6-16-2015)

Sec. 50-28. Public parking division.

The town hereby establishes a public parking division within the parks and recreation department. The purpose of the public parking division is to provide convenient, safe, clean, and accessible public parking for the selected areas.

(Code 1995, § 70.10; Ord. of 8-21-2018)

Sec. 50-29. Payment.

All municipal parking facilities are considered to be metered 24 hours a day unless otherwise posted. During these times, customers may pay for hourly parking through whatever device or manner currently employed by the town. Payment of parking citations may also be made by placing cash, check or money order along with a copy of the citation firmly attached or enclosed within a sealed envelope into specifically posted collection boxes or in person at the town hall during normal business hours.

(Code 1995, § 70.11; Ord. of 8-21-2018)

Sec. 50-30. Parking rules.

It shall be unlawful for any person to refuse to comply with any of the parking or traffic rules and regulations prescribed by the town in any municipal facility or to park or attempt to park any vehicle in any area or space in a park, except in such places as are designated for parking and plainly marked as a parking space unless otherwise directed to do so by appropriate municipal officials in the official execution of their duties.

(Code 1995, § 70.12; Ord. of 8-21-2018)

Sec. 50-31. Failure to pay parking fee.

It shall be unlawful for any person to park for any purpose other than in the event of a true and actual emergency in an area designated as fee-based parking, without paying the parking fee provided therefor.

(Code 1995, § 70.13; Ord. of 8-21-2018)

Sec. 50-32. Penalty.

The town may, at its sole discretion, exercise any or all of the following remedies to address illegal parking within posted and designated municipal parking facilities: towing and storage of the unlawfully parked vehicle, immobilization by device of the unlawfully parked vehicle, the issuance of a citation to the owner of the unlawfully parked vehicle. Fees collected in connection with this article will be used to defray operation costs of municipal parking facilities; any funds raised in excess of such costs shall be deposited in the general fund.

(Code 1995, § 70.14; Ord. of 8-21-2018)

Sec. 50-33. Appeal of citation.

- (a) Citations may be appealed within 15 days of the citation issue date, by completing and submitting an appeal form by mail or in person.
- (b) Additional late fees will not accumulate during the appeals process, but will restart again immediately depending on the final outcome.

(Code 1995, § 70.15; Ord. of 8-21-2018)

Secs. 50-34—50-54. Reserved.

ARTICLE III. TRAFFIC REGULATIONS⁴

Sec. 50-55. Traffic and parking regulations.

- (a) Town traffic and parking regulations will be established by ordinance and the board. When a new traffic or parking ordinance is adopted, the chief of police shall make certain that the appropriate sign, traffic-control signal, or other markings are made to give proper notice of the regulation.
- (b) A list of all town traffic and parking regulations shall be maintained in the office of the clerk. The current list of regulations is incorporated by reference into this article.

(Code 1995, § 71.01)

Sec. 50-56. Obedience to signs, markers, or devices.

Any person failing or refusing to comply with the directions indicated on any sign, marker, or device for control of direction of traffic or regulation of parking erected or placed in accordance with the provisions of this

⁴State law reference(s)—Regulation of traffic on streets and public ways, G.S. 160A-300.

article, when so placed or erected, shall be guilty of an infraction or misdemeanor. This section shall not be construed to apply when the driver of a vehicle is otherwise directed by a police officer, or when an exception is granted to the driver of an authorized emergency vehicle under section 50-61.

(Code 1995, § 71.02)

Sec. 50-57. Signs as prerequisite to enforcement.

No provisions of this article for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to an ordinarily observant person.

(Code 1995, § 71.03)

Sec. 50-58. Display of unauthorized signs.

- (a) No person shall place, maintain or display on or in view of any street or highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device, sign, or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device, sign, or signal.
- (b) No person shall place or maintain, nor shall any public authority permit on any street or highway any traffic sign or signal bearing thereon any commercial advertising.

(Code 1995, § 71.06)

Sec. 50-59. Authority of police officials.

It shall be the duty of the officers of the police department to enforce traffic and vehicle laws.

(Code 1995, § 71.08)

Sec. 50-60. Obedience to police officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer.

(Code 1995, § 71.09)

Sec. 50-61. Authorized emergency vehicles.

The provisions of this article regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, as defined in this article, except as provided under state law.

(Code 1995, § 71.10)

State law reference(s)—Emergency vehicles, exceptions to right-of-way rules, G.S. 20-156.

Sec. 50-62. Clinging to moving vehicles.

No person riding upon any bicycle, motorcycle, coaster, sled, roller skates or any toy vehicle shall attach himself or his vehicle to any moving vehicle upon any roadway.

(Code 1995, § 71.11; Ord. of 9-18-2007)

Sec. 50-63. Use of skateboards, roller skates, coasters or toy vehicles on roadways.

No person upon any skateboard, roller skates, or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway, except while crossing a street on a crosswalk and except upon streets set aside as play streets when and as authorized by this article.

(Code 1995, § 71.12; Ord. of 9-18-2007)

Sec. 50-64. Bicyclists to ride in single file.

- (a) All persons operating a bicycle upon any road in the town shall ride in single file only, and as near to the cyclist's right side of the road as is reasonably safe under the existing conditions, and exercising due care when passing a standing vehicle, being passed by a moving vehicle, or one proceeding in the same direction.
- (b) Every person operating a bicycle upon a highway or bikeway shall be subject to the provisions of article 3, Motor Vehicle Act of 1937, as found in G.S. 20-38.100 et seq., except those provisions of such sections of the General Statutes which, by their own nature, can have no application.

(Code 1995, § 71.13; Ord. of 8-18-2009)

Sec. 50-65. Penalty.

Violation of any provision of this article or any obligation imposed by it shall constitute a Class 3 misdemeanor, in addition to and separate from any of the remedies set forth by this article. Any person cited under the provisions of this article shall be assessed a criminal penalty of not more than \$500.00 for each day, and every day during which such violations shall continue. Each day shall be a separate and distinct violation of this section.

~~Any person, firm, or corporation violating any of the provisions of this chapter, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of an infraction and subject to a fine in accordance with section 1-13.~~

(Code 1995, § 71.99)