

## **City of Asheville List of Ordinances Provided Pursuant to Session Law 2018-69**

### **Sec. 1-5. - General penalty; civil remedies; enforcement of ordinances; continuing violations.**

Violations of all provisions of this Code, unless otherwise specifically provided in this Code and/or specifically enumerated in appendix B of this volume, shall be a misdemeanor and punishable as provided by N. C. Gen. Stat. sec. 14-4.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH1GEPR\\_S1-5GEPECIREENORCOVI](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR_S1-5GEPECIREENORCOVI)

### **Sec. 2-2. - State of emergency; authority of mayor; imposition of restrictions.**

During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this section.

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### **Sec. 3-20. - Penalties.**

(d) A violation of subsections [3-8\(b\)](#), [3-8\(c\)](#), [3-12\(c\)](#), [3-13\(b\)](#), or [3-30\(b\)](#) shall constitute a criminal offense and may be punished as set forth in N.C.G.S. § 14-4.

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### **Sec. 3-8. - Inspection, interference, or concealment.**

(b) *Interference.* It shall be unlawful for any person to interfere with, hinder, resist, or obstruct the animal control officer while the animal control officer is carrying out any duty created under this chapter.

(c) *Concealment of animal.* It shall be unlawful for any person to conceal any animal for the purpose of evading any federal, state or local law.

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### **Sec. 3-12. - Animal care.**

(c) It shall be unlawful for any person to cause, instigate, permit, organize or attend any dogfight, cockfight or other combat involving animals

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### **Sec. 3-13. - Animal bite.**

(b) The victim of a bite and the animal owner shall immediately report the incident to the Asheville Police Department. It shall be unlawful for any person to withhold accurate information revealing the location of the bite animal. A physician who attends the victim of a bite shall report the bite within 24 hours.

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### **Sec. 3-30. - Seizure and disposition of animals.**

(b) *Obligation of owner to comply with seizure order.* When the animal control officer serves the owner with a written order of seizure, it shall be unlawful for the owner to fail to comply with the order or to interfere with the animal control officer. A sworn officer shall accompany the animal control officer to seize the animal.

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### **Sec. 4-34. - Violations.**

Any person who shall violate any of the provisions of this article, other than failure to obtain the permit required prior to commencing work, or who shall fail to correct any defects within a reasonable specified time, after having been notified in writing by the electrical inspector, shall be guilty of a misdemeanor as provided under the North Carolina State Building Code.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH4BUBURE\\_ARTIIELCO\\_DIV1GE\\_S4-34VI](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH4BUBURE_ARTIIELCO_DIV1GE_S4-34VI)

### **Sec. 4-157. - Violations and penalties.**

Any person failing to comply with any order or notification issued and served in accordance with this article within the time specified therein shall be in violation of this article and shall be subject to the penalty of a fine of \$50.00 or 30 days imprisonment or both such fine and imprisonment. Each day in violation of this article shall be a separate offense.

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### **Sec. 4-190. - Willful failure or refusal to comply with order.**

It shall be unlawful for any person to willfully fail or refuse to comply with any final order or direction of the building inspector or city council made by virtue and in pursuance of this article. Any person violating this article shall, upon conviction, be punished as provided by [section 1-5](#) for the violation of municipal ordinances. Every day such person shall willfully fail or refuse to comply with any final order or direction of the building inspector or city council made by virtue and in pursuance of this article shall constitute a separate and distinct offense.

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### **Sec. 4-217. - Enforcement.**

(e) *Action upon failure to comply with order.*

- (1) If the owner of a dwelling fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the housing code coordinator may cause the dwelling to be repaired, altered, or improved, or to be vacated and closed; the housing code coordinator may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words:

"This dwelling is unfit for human habitation; the use or occupation of this dwelling for human habitation is prohibited and unlawful."

Occupation of a dwelling so posted shall constitute a misdemeanor.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH4BUBURE\\_ARTVIIIHOCO\\_S4-217EN](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH4BUBURE_ARTVIIIHOCO_S4-217EN)

#### **Sec. 4-220. - Other unlawful acts.**

(a) It shall be unlawful for any person, firm, or corporation to remove or permit the removal of, damage or deface any complaint, notice, order or certificate posted in accordance with the provisions of this Code, unless the code enforcement officer consents in writing to such action.

(b) It shall be unlawful for the owner of any dwelling or his agent or any person to lease, re-lease charge or accept rent for occupancy of any dwelling which does not have a housing certificate in accordance with the requirements of this Code.

(c) It shall be unlawful for the owner or owner's agent(s) of any dwelling subject to the provisions of this Code to fail to furnish to the buyer a copy of any required inspection findings or report prior to closing or other property transfer of such dwelling.

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#### **Sec. 5-1. - Burials prohibited except in specified cemeteries.**

No human body shall be buried within the corporate limits of the city except in established cemeteries licensed by the state cemetery commission or in church cemeteries.

#### **Sec. 5-2. - Excavations.**

No person shall excavate any earth in any cemetery or remove any earth therefrom, except by the consent or under the direction of the city council or of some other officer legally authorized in the premises.

#### **Sec. 5-3. - Depth of graves.**

All graves in any cemetery in the city over 4½ feet in length shall not be less than five feet deep.

#### **Sec. 5-4. - Interment of additional body in grave.**

No person shall open any grave in any cemetery within the city and inter therein any additional body.

#### **Sec. 5-5. - Permit to exhume body.**

No person shall exhume any human body in any cemetery in the city without a written permit from the duly authorized representative of the state or county.

#### **Sec. 5-6. - Interfering with walks, decorations or general arrangement.**

No person shall perform any work in a cemetery in such manner as to interfere with the walks, decorations or general arrangement of the cemetery, except with the permission of the duly authorized representative of the state or county.

#### **Sec. 5-7. - Use as playground.**

No person shall use any part of any cemetery within the city as a playground.

#### **Sec. 5-8. - Vehicles.**

No person shall drive any vehicle in any cemetery, except on driveways or roadways provided for that purpose.

#### **Sec. 5-9. - Sale of merchandise or food.**

It shall be unlawful for a person to sell or offer for sale any article of merchandise or any fruit, drink or beverage or any other thing of value within the limits of any cemetery in the city.

#### **Sec. 5-10. - Disturbing graves or injuring or removing cemetery property.**

It shall be unlawful for any person to:

(1) Destroy, mutilate, deface, injure or remove any of the following:

- a. Tomb, monument, gravestone or other structure or thing placed in any cemetery in the city;
- b. Fence, railing or other structure or thing placed in any cemetery; or
- c. Fence, railing or other work for the protection or ornamentation of any tomb, monument, gravestone or other structure or for the ornamentation or protection of any cemetery;

(2) Willfully destroy, cut, break, remove or injure any tree, flower, shrub or plant planted or growing in any cemetery; or

(3) Commit any other depredation within the limits of any cemetery.

#### **Sec. 5-11. - Dogs in Riverside Cemetery.**

It shall be unlawful for any person to allow or cause his dog or any dog for which he is responsible to go upon the grounds of Riverside Cemetery at any time unless said dog is leashed at all times and said leash is held by the person responsible for the dog. Dogs subject to this provision shall be kept on the paved roads within the cemetery and not allowed to defecate or urinate on any grave site, headstone or monument. Any fecal matter deposited by a dog shall be removed from the cemetery by the person responsible for the dog. The main cemetery gate may be posted any time a funeral or other service is in progress and no dogs shall be permitted in the cemetery during such times. This provision shall not apply to dogs assisting persons with sight disabilities, or other disabled persons who require the assistance of a dog.

#### **Sec. 7-18-1. - Duties regarding enforcement.**

(b) *Interference.* It shall be unlawful for any person to interfere with, hinder, resist, or obstruct a city employee while the city employee is carrying out any duty created under this chapter. A violation of this section is a misdemeanor as set forth in N.C. Gen. Stat. sec. 14-4.

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#### **Sec. 9-134. - License.**

Any person practicing the profession of massage and bodywork therapy shall have a current state massage and bodywork therapy license issued pursuant to Article 36 of Chapter 90 of the North Carolina General Statutes, unless exempted pursuant to N.C.G.S. sec. 90-624.

Any person practicing the profession of massage and bodywork therapy who has a current state massage and bodywork license issued pursuant to Article 36 of Chapter 90 of the North Carolina General Statutes is exempt from a city privilege license tax.

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#### **Sec. 9-135. - Hours of operation.**

No massage and bodywork therapist or massage and bodywork therapy establishment shall engage in massage and bodywork therapy on any person or engage in the practice or profession of massage and bodywork therapy before 5:00 a.m. or after 11:30 p.m.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH9LIP\\_EBURE\\_ARTIIIMABOTHRE\\_S9-135HOOP](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH9LIP_EBURE_ARTIIIMABOTHRE_S9-135HOOP)

#### **Sec. 9-136. - Massage of private parts for hire prohibited.**

It shall be unlawful for any person to massage or to offer to massage the private parts of another for hire.

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#### **Sec. 9-137. - Patronage of massage businesses by minors; employment of minors.**

(a) No massage and bodywork therapist or massage and bodywork therapy establishment shall massage or treat any person under the age of 18 years, or permit or condone such treatment, except when the parent or guardian of the person under 18 accompanies the person under the age of 18 during the massage treatment or upon written order of a licensed physician, osteopath, chiropractor, podiatrist, or registered physical therapist, such order being dated and in the possession of the person giving the massage or treatment.

(b) No massage and bodywork therapist or massage and bodywork therapy establishment shall employ any person under the age of 18 years in the practice or profession of massage and bodywork therapy.

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#### **Sec. 9-138. - Display of licensure.**

Every massage and bodywork therapist shall display the current state massage and bodywork therapy license issued pursuant to Article 36 of Chapter 90 of the North Carolina General Statutes in a prominent place at his or her primary place of business/establishment so as to be visible for inspection. Massage and bodywork therapists providing massage and bodywork therapy outside their primary business/establishment location or at the location of clients, shall have a copy of the license available for inspection upon request.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH9LIP\\_EBURE\\_ARTIIIMABOTHRE\\_S9-138DILI](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH9LIP_EBURE_ARTIIIMABOTHRE_S9-138DILI)

### **Sec. 9-139. - Penalties.**

Violation of this section shall be a misdemeanor and shall be punishable as provided in N.C.G.S. sec. 14-4.

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### **Sec. 9-175. - Prohibited acts and conduct (Note: applies to adult establishments as defined by the City Code)**

(a) No person under the age of 21 years shall be permitted on the premises of any adult establishment.

(b) No person under the age of 21 years shall be granted a license for an adult establishment business or as an entertainer.

(c) No owner, operator, manager, employee or entertainer, nor any customer or patron, shall perform any specified sexual activities as defined in this article, wear or use any device or covering exposed to view which simulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities, as defined in this article, or participate in any act of prostitution while on the premises of the adult establishment.

(d) No owner, operator, manager, employee, entertainer, customer or patron of an adult establishment shall knowingly touch, fondle or caress any specified anatomical area of another person, or knowingly permit another person to touch, fondle or caress any specified anatomical area of his or hers, whether such specified anatomical areas are clothed, unclothed, covered or exposed, while on the premises of the adult establishment.

(e) No owner, operator, manager or other person in charge of the premises of an adult entertainment premises shall knowingly allow or permit any person under the age of 21 years of age to be in or upon the premises or knowingly allow or permit a violation of this article.

(f) Where any adult establishment provides or contains booths designed for individual or private viewing of adult motion pictures, adult live entertainment, specified anatomic areas, or specified sexual activities, said booths must be designed and situated so that the area occupied by the patron is visible at all times from a central location within the establishment, and may not have a door, curtain or other device that shields the patron from view.

(g) Any entertainer as defined herein, must keep his or her pubic region and genital area fully and opaquely covered at all times during any adult live entertainment, exhibition, show, or performance in an adult establishment. Other employees of adult establishments, including servers of alcoholic beverages, must keep their specified anatomic areas fully and opaquely covered while in the public areas of the adult establishment.

(h) No person in an adult establishment who is not engaged in adult live entertainment, or an exhibition, show or performance may expose any specified anatomic areas in any public area of an adult establishment.

(i) No entertainer in an adult establishment may touch a patron unless the entertainer's specified anatomic areas are fully and opaquely covered.

(j) No other activity associated with an adult establishment may be conducted on the same premises as the adult establishment unless said activity is conducted within the same permanent enclosure housing the adult establishment. This limitation shall not apply to such activities as parking, building maintenance and other common incidents of premises use and occupancy.

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### **Sec. 9-180. - Violations and penalties.**

Any person violating any provision of this article shall, upon conviction, be guilty of a Class 3 misdemeanor and be punishable by a fine not to exceed \$500.00 or imprisoned for not more than 30 days. Each day such violation shall continue shall constitute a separate offense.

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### **Sec. 9-203. - Records; pawn tickets.**

(a) Every pawnbroker shall keep consecutively numbered records of each and every pawn transaction, which shall correspond in all essential particulars to a detachable pawn ticket or copy thereof attached to the record.

(b) The pawnbroker shall, at the time of making the pawn or purchase transaction, enter upon the pawn ticket a record of the following information, which shall be typed or written in ink and in the English language:

(1) A clear and accurate description of the property, including model and serial number if indicated on the property;

(2) The name, residence address, phone number and date of birth of pledgor;

(3) Date of the pawn transaction;

(4) Type of identification and the identification number accepted from pledgor;

(5) Description of the pledgor, including approximate height, weight, sex and race;

(6) Amount of money advanced;

(7) The date due and the amount due;

(8) All monthly pawn charges, including interest, annual percentage rate on interest and total recovery fee; and

(9) The agreed upon stated value between the pledgor and pawnbroker in case of loss or destruction of the pledged item. Unless otherwise noted, the stated value is the same as the loan value.

(c) The following shall be printed on all pawn tickets:



(1) The statement: "Any personal property pledged to a pawnbroker within this state is subject to sale or disposal when there has been no payment made on the account for a period of 60 days past maturity date of the original contract. No further notice is necessary.";

(2) The statement: "The pledgor of this item attests that it is not stolen, has no liens or encumbrances, and is the pledgor's to sell or pawn.";

(3) The statement: "The item pawned is redeemable only by the bearer of this ticket or by identification of the person making the pawn."; and

(4) A blank line for the pledgor's signature and the pawnbroker's signature or initials.

(d) The pledgor shall sign the pawn ticket in the designated space. The pledgor shall receive an exact copy of the pawn ticket which shall be signed or initialed by the pawnbroker or any employee of the pawnbroker. These records shall be available for inspection and pickup each regular workday by the chief of police or his designee. These records shall be correct copies of the entries made of the pawn or purchase transaction and shall be carefully preserved without alteration and shall be available during regular business hours.

(e) Except as otherwise provided in this article, any person presenting a pawn ticket to a pawnbroker is presumed to be entitled to redeem the pledged goods described on the ticket

#### **Sec. 9-204. - Fees; interest rates**

(a) No pawnbroker shall demand or receive an effective rate of interest greater than two percent per month, and no other charge of any description or for any purpose shall be made by the pawnbroker, except that the pawnbroker may charge, contract for and recover an additional monthly fee for the following services, including but not limited to:

(1) Title investigation;

(2) Handling, appraisal and storage;

(3) Insuring a security;

(4) Application fee;

(5) Making daily reports to local law enforcement officers; and

(6) For other expenses, including losses of every nature, and all other services.

(b) In no event may the total of the monthly fees on a pawn transaction listed in subsection (a) of this section exceed 20 percent of the principal up to a maximum of the following:

First month\\$100.00

Second month\75.00

Third month\75.00

Fourth month and thereafter\50.00

#### **Sec. 9-205. - Transactions.**

In every pawn transaction:



(1) The original pawn contract shall have a maturity date of not less than 30 days, provided that nothing in this article shall prevent the pledgor from redeeming the property before the maturity date;

(2) Any personal property pledged to a pawnbroker is subject to sale or disposal when there has been no payment made on the account for a period of 60 days past maturity date of the original contract, unless the pledgor and the pawnbroker agree to a renewal of the contract;

(3) Every pawn ticket or receipt for such pawn shall have printed thereon the provisions of subsection (1) of this section which shall constitute:

a. Notice of such sale or disposal;

b. Notice of intention to sell or dispose of the property without further notice; and

c. Consent to such sale or disposal.

The pledgor thereby forfeits all right, title and interest of, in and to such pawned property to the pawnbroker who thereby acquires absolute title to the property, whereupon the debt is satisfied and the pawnbroker may sell or dispose of the unredeemed pledges as his own property. Any sale or disposal of property under this section terminates all liability of the pawnbroker and vests in the purchaser the right, title, and interest of the borrower and the pawnbroker;

(4) If the borrower loses his pawn ticket he shall not thereby forfeit his right to redeem, but may, before the lapse of the redemption period, make an affidavit with indemnification for such loss. The affidavit shall describe the property pawned and shall take the place of the lost pawn ticket unless the pawned property has already been redeemed with the original pawn ticket; and

(5) A pledgor is not obligated to redeem pledged goods or make any payment on a pawn transaction

#### **Sec. 10-43. - Unlawful removal of impounded vehicle.**

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the city any vehicle which has been impounded pursuant to the provisions of this article unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

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#### **Sec. 10-29. - Abandoned vehicle unlawful; removal authorized.**

(a) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.

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#### **Sec. 10-30. - Junked motor vehicle unlawful; removal authorized.**

(a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle to leave or allow the vehicle to remain on the property after it has been declared a junked motor vehicle by the proper authorizing official as set forth in this article.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH10N\\_U\\_ARTIABJUMOVE\\_S10-30JUMOVEUNREAU](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH10N_U_ARTIABJUMOVE_S10-30JUMOVEUNREAU)

### **Sec. 10-31. - Aesthetic junked motor vehicle regulated; removal authorized.**

- (a) It shall be unlawful for the registered owner or person entitled to the possession of an aesthetic junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which an aesthetic junked vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

### **Sec. 11-1. - Advertisements—Posting on public or semipublic property.**

It shall be unlawful for any person to attach, place, post, paint, write, stamp, paste or in any manner affix or cause to be affixed any sign, advertisement, circular, bill or other matter upon any structure of a public or semipublic nature, including but not limited to lampposts, telegraph or telephone poles, electric light poles or supports, trees, fire hydrants, bridges or supports thereunder, pavements, sidewalks, buildings or any other structures or property belonging to the city.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11\\_OFMIPR\\_ARTIINGE\\_S11-1ADOSPUSEPR](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11_OFMIPR_ARTIINGE_S11-1ADOSPUSEPR)

### **Sec. 11-2. - Same—Posting on private property without consent of owner.**

It shall be unlawful for any person to attach, place, paint, write, stamp, post, paste or in any manner affix or cause to be affixed any sign, advertisement, circular, bill or other matter to any privately owned property, including but not limited to any house or part thereof, building, wall, fence or part thereof, post, tree or other structure, without first obtaining written permission of the owner or his authorized agent to do so.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11\\_OFMIPR\\_ARTIINGE\\_S11-2SAOSPRPRWICOOW](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11_OFMIPR_ARTIINGE_S11-2SAOSPRPRWICOOW)

### **Sec. 11-4. - Advertising by distribution of samples or printed matter.**

It shall be unlawful for any person to advertise by the distribution of samples or printed matter within the city, except as provided in the annual license and privilege tax ordinance.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11\\_OFMIPR\\_ARTIINGE\\_S11-4ADDISAPRMA](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11_OFMIPR_ARTIINGE_S11-4ADDISAPRMA)

### **Sec. 11-5. - Public solicitation and begging regulated.**

A violation of this ordinance is a misdemeanor as set forth in North Carolina General Statute Section 14-4.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11\\_OFMIPR\\_ARTIINGE\\_S11-5PUSOBERE](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11_OFMIPR_ARTIINGE_S11-5PUSOBERE)

#### **Sec. 11-6. - Damaging or destroying property.**

It shall be unlawful for any person to mutilate, deface, tear down, injure or otherwise damage or destroy any property, real or personal, belonging to another, whether such property is privately or publicly owned.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11\\_OFMIPR\\_ARTIINGE\\_S11-6DADEPR](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11_OFMIPR_ARTIINGE_S11-6DADEPR)

#### **Sec. 11-7. - Discharge of firearms or weapons.**

No person shall shoot or discharge, within the corporate limits of the city, any firearm, gun, rifle, pistol, air rifle, spring gun or compressed air rifle or pistol or other similar device or weapon which impels or discharges with force any bullet, shot or pellet of any kind, including arrows with metallic tips or sharp tips of any nature, designed to penetrate and propelled by a bow or spring device. This section shall not apply to any law enforcement officer of any governmental agency or body charged with the duties of protecting life or property or enforcing laws and regulations while engaged in the performance of his official duty. This section shall not apply in defending one's self or property or the safety and property of others nor to a firing or archery range operated or supervised by an individual, club or organization for educational or sporting purposes, if such firing or archery range has first been inspected and approved by the police department.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11\\_OFMIPR\\_ARTIINGE\\_S11-7DIFIWE](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11_OFMIPR_ARTIINGE_S11-7DIFIWE)

#### **Sec. 11-9. - Profanity in public.**

No person shall engage in loud or boisterous cursing or swearing in any public place in the city.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11\\_OFMIPR\\_ARTIINGE\\_S11-9PRPU](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11_OFMIPR_ARTIINGE_S11-9PRPU)

#### **Sec. 11-10. - Wells and holes.**

No owner, occupant or tenant in possession of any lot, piece or parcel of ground within the city shall have, make or maintain on such lot, piece or parcel of ground any well, hole or other excavation more than three feet deep, unless the excavation is securely enclosed by railing or otherwise to keep persons or animals from falling into the excavation.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11\\_OFMIPR\\_ARTIINGE\\_S11-10WEHO](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11_OFMIPR_ARTIINGE_S11-10WEHO)

**Sec. 11-11. - Consumption and possession of malt beverages or unfortified wine.**

*Penalty.* Violation of this section, or any subsection, shall constitute a misdemeanor, punishable in accordance with N.C. Gen. Stat. sec. 14-4.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11\\_OFMIPR\\_ARTIINGE\\_S11-11COPOMABEUNWI](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11_OFMIPR_ARTIINGE_S11-11COPOMABEUNWI)

**Sec. 11-12. - Abandoned iceboxes, refrigerators or airtight containers.**

- (a) It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind that has an airtight snap lock or other device thereon, without first removing the snap lock or door from the icebox, refrigerator or container.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11\\_OFMIPR\\_ARTIINGE\\_S11-12ABICREAICO](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11_OFMIPR_ARTIINGE_S11-12ABICREAICO)

**Sec. 11-13. - Obstruction of natural drainage; weeds and shrubs on drain banks.**

(a)

No person shall erect any dam or obstruction of any kind which prevents the natural flow of water and causes such water to be dammed or collected in pools upon any lot within the city or in any street or alley thereof or do or cause to be done any work, the effect of which will cause the formation of such a pool. Nothing in this section shall prevent the owner of any lot from filling up such pool as may be convenient, advantageous or desirable, if adequate drainage is provided through or across such lot to care for the surface water thereby collected or diverted from its natural flow, and nothing in this section shall affect the right of the city to change the grade of its streets, alleys or public ways as the public interests may require.

(b)

Every person owning land through which or through part of which a stream, ditch, gully or any natural drain runs shall keep the bed of such stream, ditch, gully or natural drain free from obstructions and shall not allow any growth of weeds or shrubbery on or along the banks which will prevent sunlight from entering such stream, ditch, gully or natural drain. When water overflows or floods from pools or backwaters therein, the pools shall be promptly drained

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11\\_OFMIPR\\_ARTIINGE\\_S11-13OBNADRWESHDRBA](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11_OFMIPR_ARTIINGE_S11-13OBNADRWESHDRBA)

**Sec. 11-14. - Solicitation from streets and median strips.**

- (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 on or 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 or 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 ordinance, such person or persons shall be guilty of a class 3 misdemeanor and shall be fined not more than \$500.00. Each violation shall constitute a separate offense.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11OFMIPR\\_ARTIINGE\\_S11-14SOSTMEST](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11OFMIPR_ARTIINGE_S11-14SOSTMEST)

#### **Sec. 11-15. - Public urination.**

(a) No person shall urinate or defecate upon any public street, road, alley, sidewalk, walkway, right-of-way or ground, or public property except for properly designated restrooms.

(b) A violation of this section is a misdemeanor as set forth in North Carolina General Statute Sec. 14-4.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11OFMIPR\\_ARTIINGE\\_S11-15PUUR](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11OFMIPR_ARTIINGE_S11-15PUUR)

#### **Sec. 11-16. - Sleeping on public property.**

(a) It shall be unlawful for any person to sleep outdoors on any of the streets, sidewalks or public parks in such a way, or in such a manner, as to interfere with pedestrian or vehicular traffic, or permitted activities.

(b) A violation of this ordinance is a misdemeanor as set forth in North Carolina General Statute Sec. 14-4.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11OFMIPR\\_ARTIINGE\\_S11-16SLPUPR](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11OFMIPR_ARTIINGE_S11-16SLPUPR)

#### **Sec. 11-17. - Loitering.**

(c) A violation of this ordinance is a misdemeanor as set forth in North Carolina General Statute Sec. 14-4.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11OFMIPR\\_ARTIINGE\\_S11-17LO](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11OFMIPR_ARTIINGE_S11-17LO)

#### **Sec. 11-19. - Sex offenders prohibited in public parks.**

(c)A violation of this section is a misdemeanor as set forth in G.S. § 14-4.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11OFMIPR\\_ARTIINGE\\_S11-19SEOFPRPUPA](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11OFMIPR_ARTIINGE_S11-19SEOFPRPUPA)

**Sec. 12-28. - Unlawful entry.**

It shall be unlawful for any person to climb over any fence around or in any park or enter any park in any manner except through the regular entrances designated for the admission of persons to the park.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PAREPUPL\\_ARTIIPAPUBURE\\_S12-28UNEN](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PAREPUPL_ARTIIPAPUBURE_S12-28UNEN)

**Sec. 12-29. - Failure to pay admission fee to game.**

It shall be unlawful for any person to go, stand, sit or loiter in any park for the purpose of watching any game being played in the park, to which an admission fee is charged, without paying the admission fee provided therefor.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIPAPUBURE\\_S12-29FAPAADFEGA](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIPAPUBURE_S12-29FAPAADFEGA)

**Sec. 12-30. - Unlawful entry on playing field.**

It shall be unlawful for any person, except the players, officials, coaches and other authorized persons, to climb over or go over or under any safety fence erected near any baseball diamond, football field or other field on which a game is being played in any park or to stand or go on such field whereon a game is being played or between the safety fence and field whereon a game is being played at any time when a game is being played.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIPAPUBURE\\_S12-30UNENPLFI](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIPAPUBURE_S12-30UNENPLFI)

**Sec. 12-31. - Use of amusement or pleasure devices.**

It shall be unlawful for any person to ride or undertake to ride on any amusement or pleasure device in any park or in any manner interfere with or use any such device, without paying the fee or prescribed charge, or to violate any of the rules and regulations prescribed by the city council in connection with the operation of any such device.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIPAPUBURE\\_S12-31USAMPLDE](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIPAPUBURE_S12-31USAMPLDE)

**Sec. 12-32. - Parking and traffic 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 director of parks, recreation and public facilities or by the city council in any park 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.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIPAPUBURE\\_S12-32PATRRU](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIPAPUBURE_S12-32PATRRU)

### **Sec. 12-33. - Swimming in designated areas.**

It shall be unlawful for any person to go bathing or swimming in any lake or other body of water, except regularly designated swimming pools, in any park; provided, however, if the city council designates or establishes bathing beaches on any such lakes or bodies of water, then bathing or swimming may be permitted under such rules and regulations as the council may determine.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIPAPUBURE\\_S12-33SWDEAR](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIPAPUBURE_S12-33SWDEAR)

### **Sec. 12-34. - Fishing.**

It shall be unlawful for any person to fish or attempt to fish in any lake or body of water in any park; provided, however, that nothing in this section shall prohibit the city council from permitting fishing under such rules and regulations as it may determine.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIPAPUBURE\\_S12-34FI](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIPAPUBURE_S12-34FI)

### **Sec. 12-35. - Boating.**

It shall be unlawful for any person to place any boat or canoe or other water conveyance on any lake or body of water in any park; provided, however, that nothing in this section shall prohibit the city from operating boats, canoes or other water conveyances on such lakes or bodies of water under such rules and regulations as the city council may prescribe.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIPAPUBURE\\_S12-35BO](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIPAPUBURE_S12-35BO)

### **Sec. 12-36. - Damaging property.**

It shall be unlawful for any person to write on, cut, deface, injure or break any part of any building, grandstand or other structure or any chair, seat or bench or any fence, railing or support of any kind in or around any park.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIPAPUBURE\\_S12-36DAPR](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIPAPUBURE_S12-36DAPR)

### **Sec. 12-37. - Damaging vegetation.**

It shall be unlawful for any person to pick, break, walk or step on or in any way injure or destroy any shrub, flower or bush in any park.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIPAPUBURE\\_S12-37DAVE](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIPAPUBURE_S12-37DAVE)

### **Sec. 12-38. - Interfering with or annoying birds, animals or reptiles.**



It shall be unlawful for any person to interfere with or annoy any birds, animals or reptiles housed or kept in any park.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIPAPUBURE\\_S12-38INANBIANRE](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIPAPUBURE_S12-38INANBIANRE)

#### **Sec. 12-39. - Throwing balls or hard substances.**

It shall be unlawful for any person to throw or break any bottle or throw any rock, ball or other hard substance in any park. This section shall not prohibit the throwing or using of any ball or substance when thrown or used in the ordinary playing of a game or in practicing therefor.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIPAPUBURE\\_S12-39THBAHASU](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIPAPUBURE_S12-39THBAHASU)

#### **Sec. 12-40. - Gambling.**

It shall be unlawful for any person to bet or wager on any game of skill or chance or engage in any game of chance in any park.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIPAPUBURE\\_S12-40GA](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIPAPUBURE_S12-40GA)

#### **Sec. 12-41. - Closing time.**

All public parks within the corporate limits of the city shall be closed to the general public between the hours of 10:00 p.m. and 6:00 a.m. daily, and it shall be unlawful for any person to remain in or to enter such public parks between such hours

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIPAPUBURE\\_S12-41CLTI](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIPAPUBURE_S12-41CLTI)

#### **Sec. 12-42. - Firearms and weapons.**

(a)

No person shall possess, use or carry any firearm, gun, rifle, pistol, air rifle, spring gun or compressed air rifle or pistol or other similar device or weapon which impels or discharges with force any bullet, shot or pellet of any kind, including arrows with metallic tips or sharp tips of any nature, designated to penetrate and propel a bow or spring device, in any park or other city-owned facility.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIPAPUBURE\\_S12-42FIWE](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIPAPUBURE_S12-42FIWE)

#### **Sec. 12-45. - Safety equipment at skateboard park.**

(a)

It shall be unlawful for any person to ride, use or operate a skateboard at the city-operated skateboard park on Cherry Street without wearing a properly fitted helmet, elbow pads and knee pads

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIPAPUBURE\\_S12-45SAEQSKPA](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIPAPUBURE_S12-45SAEQSKPA)

### **Sec. 12-51. - No camping on city property.**

(a)

Except pursuant to a permit issued pursuant to article IV of [chapter 16](#) of the City Code, the use of city property for camping purposes, whether on a regular or intermittent basis, is prohibited.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIICAOTUSPR\\_S12-51NOCAPR](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIICAOTUSPR_S12-51NOCAPR)

### **Sec. 12-52. - No tents or shelters on city property.**

(a)

Except pursuant to a permit issued pursuant to article IV of [chapter 16](#) of the City Code, no tent or shelter of a temporary or permanent nature shall be placed or permitted to remain on city property.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIICAOTUSPR\\_S12-52NOTESHPR](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIICAOTUSPR_S12-52NOTESHPR)

### **Sec. 12-53. - No storage on city property.**

Except pursuant to a permit issued pursuant to article IV of [chapter 16](#) of the City Code, it is prohibited to leave or allow to remain unattended any equipment, packages, bags, or other personal belongings on city property, and any such item is subject to removal by the city.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH12PA\\_REPUPL\\_ARTIIICAOTUSPR\\_S12-53NOSTPR](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH12PA_REPUPL_ARTIIICAOTUSPR_S12-53NOSTPR)

### **Sec. 13-4. - Hospital report upon receipt of certain patients.**

It shall be the duty of every person operating or maintaining a hospital within the city or any person in charge of such hospital to report to the police department, within 30 minutes after receiving at such hospital, any patient suffering from injuries sustained in an accident or by assault or from self-inflicted wounds...

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH13PO\\_ARTIINGE\\_S13-4HOREUPRECEPA](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH13PO_ARTIINGE_S13-4HOREUPRECEPA)

### **Sec. 13-5. - Report of deaths resulting from accidental or violent means to police and medical examiner.**

(a)

*Hospitals.* It shall be the duty of the superintendent of every hospital or the person actively in charge thereof to report to the medical examiner and the police department, within 15 minutes thereafter, the death of any person within such hospital resulting from accidental or violent means.

(b)

*Physicians.* It shall be the duty of every practicing physician attending a case within the city, where death occurs as a result of accidental or violent means, to report the fact of such death to the medical examiner and the police department within 15 minutes after information of such death is received by such physician.

(c)

*Undertakers.* It shall be the duty of every person operating an undertaking establishment, by whatever name called, to report to the medical examiner and the police department, within 15

minutes after information of such death is received by such undertaking establishment, where death was occasioned by accidental or violent means.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH13PO\\_ARTIINGE\\_S13-5REDEREACVIMEPOMEEX](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH13PO_ARTIINGE_S13-5REDEREACVIMEPOMEEX)

### **Sec. 13-32. - Requirements for alarm users.**

#### *(a) Permit and application.*

- (1) Every alarm user shall obtain a permit for each alarm that operates within the city from the ASC. An alarm business must obtain a permit under this section only if an alarm is used to protect the premises in which the business is located. The ASC will provide the permit application form. No other permit application form will be accepted.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH13PO\\_ARTIIRUREPOAL\\_S13-32REALUS](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH13PO_ARTIIRUREPOAL_S13-32REALUS)

### **Sec. 13-33. - Automatic dialing protection devices prohibited.**

No automatic dial protection device shall be used to report, or cause to be reported, any recorded message to the APD.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH13PO\\_ARTIIRUREPOAL\\_S13-33AUDIPRDEPR](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH13PO_ARTIIRUREPOAL_S13-33AUDIPRDEPR)

### **Sec. 16-2. - Obstruction of streets, sidewalks by persons prohibited.**

It shall be unlawful for any person, singly or in a group, to:

- (1) Obstruct or cause to be obstructed vehicular or pedestrian traffic on the streets or sidewalks or in parks or other public areas within the corporate limits of the city...

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16STSIOTPUPL\\_ARTIINGE\\_S16-2OBSTSIPEPR](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH16STSIOTPUPL_ARTIINGE_S16-2OBSTSIPEPR)

### **Sec. 16-3. - Keeping sidewalks, grass strips, drainage swales and gutters clear, clean and unobstructed.**

*Failure to remove:* It shall be unlawful and a violation of this section for any person charged with the responsibility to remove ice, snow, sleet, hail or other similar weather event accumulations to fail to remove same within the time limit stated herein.

*Criminal:* A violation of subsection (d) of this section constitutes a misdemeanor and the violator shall be punished by a fine not to exceed \$500.00.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16STSIOTPUPL\\_ARTIINGE\\_S16-3KESIGRSTDRSWGUCCLCLUN](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH16STSIOTPUPL_ARTIINGE_S16-3KESIGRSTDRSWGUCCLCLUN)

**Sec. 16-5. - Use of streets, sidewalks and gutters as drains.**

No person shall use a street, sidewalk or gutter of the city as a drain to carry off any noxious fluid of any description whatsoever.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16STSIOTPUPL\\_ARTIINGE\\_S16-5USSTSIGUDR](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH16STSIOTPUPL_ARTIINGE_S16-5USSTSIGUDR)

**Sec. 16-6. - Barbed wire.**

No person shall erect, maintain or allow on any premises along any street or alley of the city any barbed wire or barbed wire fence.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16STSIOTPUPL\\_ARTIINGE\\_S16-6BAWI](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH16STSIOTPUPL_ARTIINGE_S16-6BAWI)

**Sec. 16-7. - Gates and doors opening on street or sidewalk.**

No person shall erect or maintain any gate or door which opens outwardly on any street or sidewalk in the city except as follows: The clear and unobstructed width available at all times for passage on the street or sidewalk shall be no less than the minimum width required under Section 28 CFR, Part 36 of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, as amended from time to time...

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16STSIOTPUPL\\_ARTIINGE\\_S16-7GADOOPSTSI](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH16STSIOTPUPL_ARTIINGE_S16-7GADOOPSTSI)

**Sec. 16-8. - Cellar doors and vaults opening into street or sidewalk.**

Every owner of any building which has a cellar door or vault opening into a street, alley or sidewalk shall keep such door or vault opening at all times in good repair.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16STSIOTPUPL\\_ARTIINGE\\_S16-8CEDOVAOPINSTSI](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH16STSIOTPUPL_ARTIINGE_S16-8CEDOVAOPINSTSI)

**Sec. 16-9. - Railing or fence required for certain lots bordering street or sidewalk.**

The owner of every lot, piece or parcel of ground within the city that is more than 18 inches above or below any street, alley or sidewalk and which borders thereon shall erect and at all times maintain along the edge of such lot, piece or parcel of ground next to the street, alley or sidewalk a secure railing or fence sufficiently high and strong enough to keep persons and animals from falling from such lot, piece or parcel of ground into the street, alley or sidewalk or from the street, alley or sidewalk into such lot.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16STSIOTPUPL\\_ARTIINGE\\_S16-9RAFERECELOBOSTSI](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH16STSIOTPUPL_ARTIINGE_S16-9RAFERECELOBOSTSI)

**Sec. 16-72. - Scope.**

(a)

Except as permitted in accordance with this division, it shall be unlawful to erect or construct any structure upon or within any street, sidewalk, alley, square or public rights-of-way of the city.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16STSIOTPUPL\\_ARTIIEN\\_DIV2AG\\_S16-72SC](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH16STSIOTPUPL_ARTIIEN_DIV2AG_S16-72SC)

### **Sec. 16-114. - Prohibition.**

(a) It shall be unlawful for any person to conduct or otherwise participate in any parade that convenes before sunrise or terminates after sunset.

(b) It shall be unlawful for any person to engage in picketing focused on and taking place in front of a particular residence.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H16STSIOTPUPL\\_ARTIVPRAS\\_DIV2PAPI\\_S16-114PR](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_C H16STSIOTPUPL_ARTIVPRAS_DIV2PAPI_S16-114PR)

### **Sec. 16-115. - Parades.**

(a) *General responsibility of participants and persons in charge.*

(1) Participants in a parade are required to abide by this division and the terms of the parade permit. Willful violation thereof is unlawful....

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H16STSIOTPUPL\\_ARTIVPRAS\\_DIV2PAPI\\_S16-115PA](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_C H16STSIOTPUPL_ARTIVPRAS_DIV2PAPI_S16-115PA)

### **Sec. 16-116. - Picketing.**

(a) *General requirements.*

(1) Peaceful picketing shall be allowed in the city provided the same is done in accordance with the following regulations:

(b) Picketing shall be conducted only on sidewalks or other city-owned areas normally used or reserved for pedestrian movement, including casements and rights-of-way, and shall not be conducted on a portion of any street used primarily for vehicular traffic.

(c) Picketers shall observe the right of non-picketers to utilize the public rights-of-way for passage on foot and shall at all times keep the public rights-of-way free and clear for utilization by other pedestrian movement

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H16STSIOTPUPL\\_ARTIVPRAS\\_DIV2PAPI\\_S16-116PI](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_C H16STSIOTPUPL_ARTIVPRAS_DIV2PAPI_S16-116PI)

### **Sec. 16-117. - Weapons.**

With the exception of law enforcement officers acting within the scope of their duties, no firearms or dangerous weapons of any kind, as defined by federal, state and local laws, may be possessed by any participant in a parade or by any person engaged in picketing.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H16STSIOTPUPL\\_ARTIVPRAS\\_DIV2PAPI\\_S16-117WE](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_C H16STSIOTPUPL_ARTIVPRAS_DIV2PAPI_S16-117WE)

### **Sec. 16-119. - Penalty.**

It shall be unlawful for any person to violate any of the provisions of this division. If any person is found to have violated any of the provisions of this division, such person or persons shall be guilty of a class 3 misdemeanor and shall be fined not more than \$500.00. Each violation shall constitute a separate offense.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H16STSIOTPUPL ARTIVPRAS DIV2PAPI S16-119PE](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_C H16STSIOTPUPL ARTIVPRAS DIV2PAPI S16-119PE)

#### **Sec. 16-142. - Scope.**

Except as a permit may be issued pursuant to this article V for locations within the Central Business District, the Biltmore Village Historic District, or other zoning districts where office and business uses are a permitted use, it shall be unlawful for any person to sell, offer for sale, exhibit or demonstrate any goods, wares, merchandise, mechanical devices, animals or any article of any kind whatsoever, by whatever name called, upon any public street, sidewalk, square, avenue or alley within the corporate limits of the city.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H16STSIOTPUPL ARTVSEENDI DIV1GE S16-142SC](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_C H16STSIOTPUPL ARTVSEENDI DIV1GE S16-142SC)

#### **Sec. 16-144. - Pushcarts.**

All pushcarts and their operators shall meet the following requirements:...

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H16STSIOTPUPL ARTVSEENDI DIV1GE S16-144PU](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_C H16STSIOTPUPL ARTVSEENDI DIV1GE S16-144PU)

#### **Sec. 16-145. - Performers of sidewalk entertainment.**

General requirements. Unless prohibited elsewhere in this code, performers of sidewalk entertainment may utilize sidewalks for performances subject to the following conditions:...

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H16STSIOTPUPL ARTVSEENDI DIV1GE S16-145PESIN](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_C H16STSIOTPUPL ARTVSEENDI DIV1GE S16-145PESIN)

#### **Sec. 16-146. - Outdoor dining areas.**

Permit holders for outdoor dining areas and their employees shall meet the following requirements:...

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16STSIOTPUPL ARTVSEENDI DIV1GE S16-146OUDIAR](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH16STSIOTPUPL ARTVSEENDI DIV1GE S16-146OUDIAR)

#### **Sec. 16-147. - Outdoor merchandise areas.**

Permit holders for outdoor merchandise areas and their employees shall meet the following requirements:...

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16STSIOTPUPL ARTVSEENDI DIV1GE S16-147OUMEAR](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH16STSIOTPUPL ARTVSEENDI DIV1GE S16-147OUMEAR)

**Sec. 16-156. - Permits or encroachment agreements required.**

A separate permit or encroachment agreement shall be required for each outdoor dining area, outdoor merchandise area, or pushcart.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H16STSIOTPUPL\\_ARTVSEENDI\\_DIV2PEENAG\\_S16-156PEENAGRE](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_C H16STSIOTPUPL_ARTVSEENDI_DIV2PEENAG_S16-156PEENAGRE)

**Sec. 16-161. - Penalties.**

It shall be unlawful for any person to violate any of the requirements of this article or of the permit issued under this article.

- (a) Such violations shall be a misdemeanor and punishable as provided by N. C. Gen. Stat. sec. 14-4.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H16STSIOTPUPL\\_ARTVSEENDI\\_DIV2PEENAG\\_S16-161PE](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_C H16STSIOTPUPL_ARTVSEENDI_DIV2PEENAG_S16-161PE)

**Sec. 16-179. - Crossing barricades.**

It shall be unlawful for any person to cross or attempt to cross, tamper with or remove any barrier from any public street or highway which has been placed there by the police chief, fire chief or the public works director to prevent entry due to a public emergency. Provided, however, the barricaded street shall be clearly and visibly marked with a "no crossing" and/or "no removal" sign, containing the name of the City of Asheville and notice that violators will be arrested. This section shall not apply to city, county, state, or federal officials acting in the discharge of their official duties or enforcing the provisions of this article.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16STSIOTPUPL\\_ARTVIIBA\\_S16-179CRBA](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH16STSIOTPUPL_ARTVIIBA_S16-179CRBA)

**Sec. 16-180. - Penalty.**

A violation of this article shall constitute a class 3 misdemeanor and shall be fined not more than \$500.00.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H16STSIOTPUPL\\_ARTVIIBA\\_S16-180PE](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_C H16STSIOTPUPL_ARTVIIBA_S16-180PE)

**Sec. 18-2. - Penalties.**

Any person, owner or driver who violates any of the provisions of this chapter shall be guilty of a misdemeanor and may be fined not more than \$50.00 or imprisoned not more than 30 days. If the person violating any provision of this chapter is a corporation, any officer, agent or employee thereof who shall violate or procure, aid or abet any violation of any provision of this chapter shall be subject to the same penalties as if he himself had committed such violation, to the extent permitted by law. The taxicab inspector may suspend or revoke any certificate or driver's permit held by any person violating any of the provisions of this chapter.

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H18TAVEHI\\_ARTIINGE\\_S18-2PE](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_C H18TAVEHI_ARTIINGE_S18-2PE)



**PLEASE NOTE-** Any violation of Chapter 18 of the Asheville Code of Ordinances is punishable as a misdemeanor. Chapter 18 contains 38 separate sections, which will not be individually listed here. The following is a link to Chapter 18:

[https://library.municode.com/nc/asheville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH18TA\\_VEH1](https://library.municode.com/nc/asheville/codes/code_of_ordinances?nodeId=PTIICOOR_CH18TA_VEH1)

