

Town of Boiling Springs, N.C.

Ordinance Punishable by G.S. 14-4(a)	Description of Conduct Subject to Criminal Punishment under the Ordinance	Other Notes
Chapter 10. General Provisions	Section 10.99. GENERAL PENALTY. (A) If any person shall violate any provision of this code for which no other penalty is provided, he shall be guilty of a misdemeanor and shall be fined not more than \$50, or imprisoned for not more than 30 days. (G.S. ' 14-4(a))	
Chapter 10. General Provisions	Section 10.99. GENERAL PENALTY (6) This code may provide, when appropriate, that each day's continuing violation shall be a separate and distinct offense. (G.S. ' 160A-175)	
Chapter 33. Civil Emergencies	Section 33.07 REQUIRED COMPLIANCE. 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 chapter. Violations shall be punishable as a class 2 misdemeanor. NCGS 166A-19.31 & NCGS 14-288.20A.	
CHAPTER 50: WATER AND SEWER REGULATIONS	Section 50.005 TAMPERING WITH OR DAMAGING WATER OR SEWER SYSTEM. It is unlawful for any person not authorized by the Town to tamper with, manipulate, damage, use, alter or injure any part of the Town's water or sewer system including but not limited to water storage, waterworks, water supply, distribution system, metering equipment, fire hydrant, sewer collection system, and pump stations. The connection or reconnection of water service by anyone other than the Director of Public Works or his designee shall be considered a violation of this subchapter. Any person found to be in violation of this Section after investigation by the Public Works Director, with approval of the Town Manager, may be charged a tampering penalty as set by the Board of Commissioners and may be subject to criminal prosecution. The Town may also seek damages in the appropriate court.	
CHAPTER 50: WATER AND SEWER REGULATIONS	50.904 PENALTY. (A) Any violation of this chapter shall subject the offender to a civil penalty in the amount of \$50. Violators shall be issued a written citation which must be paid within 72 hours from the time it is issued and served. (B) Any violation of the provisions of this chapter shall constitute a misdemeanor, punishable upon conviction by a fine not to exceed \$50 or imprisonment not to exceed 30 days as provided by NCGS14-4 and in addition thereto the violation may be enjoined and restrained as provided in NCGS160A-175. (C) Any person causing malicious or negligent damage to the water or sewer system will be subject to tampering fee set by the Board of Commissioners in addition to being charged for any expenses incurred by the Town as a direct or indirect result of said malice or negligence	
Sewer Use Ordinance	8.2 Civil Penalties (a) Any user who is found to have failed to comply with any provision of this ordinance, or the orders, rules, regulations and permits issued hereunder, may be fined up to ten thousand dollars (\$10,000) per day per violation. (b) In determining the amount of the civil penalty, the POTW Director shall consider the following: (i) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation; (ii) The duration and gravity of the violation; (iii) The effect on ground or surface water quantity or quality or on air quality; (iv) The cost of rectifying the damage; (v) The amount of money saved by noncompliance; (vi) Whether the violation was committed willfully or intentionally; (vii) The prior record of the violator in complying or failing to comply with the pretreatment program; (viii) The costs of enforcement to the	

	Town. (c) Appeals of civil penalties assessed in accordance with this section shall be as provided in section [4.2(h)].	
Sewer Use Ordinance	<p>8.3 Other Available Remedies. Remedies, in addition to those previously mentioned in this ordinance, are available to the POTW Director who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to: (a) Criminal Violations. The District Attorney for [Judicial District # 29] may, at the request of the Town, prosecute noncompliant users who violate the provisions of N.C.G.S. 143-215.6B. [Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(f)), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(g)), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. 143-215.6B(h)), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (G.S. 143-215.6B(i)).] (b) Injunctive Relief Whenever a user is in violation of the provisions of this ordinance or an order or permit issued hereunder, the POTW Director, through the City Attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question. (c) Water Supply Severance Whenever an industrial user is in violation of the provisions of this ordinance or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply. (d) Public Nuisances Any violation of the prohibitions or effluent limitations of this ordinance or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW Director. Any person(s) creating a public nuisance shall be subject to the provisions of the appropriate ordinances of the Town governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance. 8.4 Remedies Nonexclusive The remedies provided for in this ordinance are not exclusive. The POTW Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with enforcement response plan of the Town. However, the POTW Director may take other action against any user when the circumstances warrant. Further, the POTW Director is empowered to take more than one enforcement action against any noncompliant user.</p>	
CHAPTER 52: SOLID WASTE	<p>§ 52.006 SOLID WASTE FEES. The Board upon recommendation from the Town Manager or his or her designee shall adopt regular fees for the collection of solid waste by the town or its agents. Generally, this chapter shall be understood to proscribe fees for the following services: curbside residential garbage collection, curbside residential recycling collection, residential yard waste collection, bulk item collection, and commercial and industrial garbage collection. Property owners will be billed a separate fee per container in the case of curbside collection. In accordance with G.S. § 160A-314(b), monthly payments made to the town for services and fees will first be applied to penalties and then to solid waste charges and finally to water and sewer charges. Payment of unpaid charges may be remedied in accordance with G.S. § 160A-314(b), G.S. § 1, Article 28. and G.S. § 105A, Article 1. (Ord. 121106.01, passed 11-6-12)</p>	

CHAPTER 52: SOLID WASTE	§ 52.051 PENALTIES AND ABATEMENT. In addition to and separate and apart from the specific remedies set forth in this article, violations of any provision of this chapter may be corrected or abated if conditions threaten public health, safety or welfare. Furthermore, any and all expenses incurred by the town in the course of the abatement may be charged to the owner of the property on which the abated solid waste was generated. Furthermore, any person who violates any provision of this chapter shall be guilty of a misdemeanor and may be punished as provided in G.S. § 14-4 for each separate violation with a fine of \$50. Each day any violation of this chapter or any ordinance shall continue shall constitute a separate offense, unless otherwise specified. (Ord. 121106.01, passed 11-6-12)	
CHAPTER 52: SOLID WASTE	§ 52.052 ABATEMENT NOTICE. (A) When abatement is deemed necessary, the Code Enforcement Officer shall give notice to the owner of the premises to abate or remove the conditions within ten days. The notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten days, the town may proceed to correct the same as authorized by this chapter. Service of the notice shall be by any one of the following methods: (1) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of 16 years and a member of the family of the owner; (2) By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with postage prepaid thereon. Notice to be sent by certified return receipt; (3) By posting and keeping posted, for ten days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by the methods described in divisions (1) and (2) above. (B) If the owner of any property fails to comply with a notice given pursuant to this chapter, within ten days after the service of notice the Code Enforcement Officer may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done. (Ord. 121106.01, passed 11-6-12)	
CHAPTER 52: SOLID WASTE	§ 52.052 ABATEMENT NOTICE. (A) When abatement is deemed necessary, the Code Enforcement Officer shall give notice to the owner of the premises to abate or remove the conditions within ten days. The notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten days, the town may proceed to correct the same as authorized by this chapter. Service of the notice shall be by any one of the following methods: (1) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of 16 years and a member of the family of the owner; (2) By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with postage prepaid thereon. Notice to be sent by certified return receipt; (3) By posting and keeping posted, for ten days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by the methods described in divisions (1) and (2) above. (B) If the owner of any property fails to comply with a notice given pursuant to this chapter, within ten days after the service of notice the Code Enforcement Officer may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done. (Ord. 121106.01, passed 11-6-12)	

CHAPTER 52: SOLID WASTE	§ 52.603 LITTER CONTAINERS. Every owner, occupant, tenant and lessee using or occupying any commercial, institutional, or industrial building or property shall be obligated, jointly and severally, to provide adequate containers to hold the litter generated by operations on the premises. Specifically, the requirement for such containers shall apply to shopping centers, supermarkets, convenience stores, fast-food restaurants, service stations and similar establishments, and shall likewise apply to commercial establishments, garages, schools, colleges and churches. (Ord., passed 9-3-91; Am. Ord. 121106.01, passed 11-6-12) Penalty, see § 52.051	
CHAPTER 52: SOLID WASTE	§ 52.604 DUTY TO ENSURE CLEANLINESS OF AREAS SURROUNDING BUSINESSES. The proprietor and/or person in charge of every business and commercial establishment, in town, jointly and severally, are hereby required to keep the driveways, yards, parking lots and areas adjacent thereto and under their control clean at all times and to place litter and sweepings in a container to prevent rescattering. (Ord., passed 9-3-91; Am. Ord. 121106.01, passed 11-6-12) Penalty, see § 52.051	
CHAPTER 52: SOLID WASTE	§ 52.605 PARKING LOT OWNERS TO PROVIDE CONTAINERS. Every owner and every operator of a private or commercial parking lot shall provide adequate containers to hold the litter generated by the operations of such a parking lot. (Ord., passed 9-3-91; Am. Ord. 121106.01, passed 11-6-12) Penalty, see § 52.051	
CHAPTER 52: SOLID WASTE	§ 52.606 LITTER STORAGE AREA TO BE KEPT CLEAN. Every owner, occupant and lessee of a residence or building shall be jointly and severally required to maintain litter storage areas in a clean condition and to ensure that all litter is properly containerized. (Ord., passed 9-3-91; Am. Ord. 121106.01, passed 11-6-12) Penalty, see § 52.051	
CHAPTER 52: SOLID WASTE	§ 52.607 CONSTRUCTION SITE TO BE MAINTAINED. Property owners and prime contractors in charge of a construction site are jointly and severally required to take appropriate measures to ensure the control of litter generated by construction and related activities. (Ord., passed 9-3-91; Am. Ord. 121106.01, passed 11-6-12) Penalty, see § 52.051	
CHAPTER 52: SOLID WASTE	§ 52.608 TRANSPORTING OF LITTER REGULATED.(A) It shall be unlawful for any person to transport any litter or other cargo upon the public thoroughfares in the town if the same is of a character or substance which is likely to be deposited from the vehicle onto the public right-of-way, unless the same is secured by containers, tarpaulin, net or other device in such fashion as to effectively prevent such deposit on the public right-of-way. (B) The duties and responsibilities herein imposed shall be applicable alike to the owner of a vehicle, the operator thereof, and the person from whose residence or business establishment the litter or other cargo originated. (Ord., passed 9-3-91; Am. Ord. 121106.01, passed 11-6-12) Penalty, see § 52.051	
CHAPTER 52: SOLID WASTE	§ 52.700 COMMERCIAL AND NONCOMMERCIAL HANDBILLS. No person shall throw or deposit any commercial or noncommercial handbills on vehicles, vacant or inhabited premises. Handbills may be distributed on premises that are inhabited, provided that there is no objection by the owner or occupant of the premises and the handbills are placed or deposited in a manner so as to prevent the handbills from blowing or drifting onto public or private property. Mailboxes may not be used for distribution of handbills except in accordance with federal postal laws and regulations. (Ord., passed 9-3-91; Am. Ord. 121106.01, passed 11-6-12) Penalty, see § 52.051	
CHAPTER 52: SOLID WASTE	§ 52.701 ABANDONMENT OF REFRIGERATORS AND THE LIKE IN PLACES ACCESSIBLE TO CHILDREN. It shall be unlawful for any person to leave or permit to remain outside any residence, building or other structure or within any unoccupied or abandoned building, residence or other structure under his or her control in a place accessible to children any abandoned, unattended, or	

	discarded icebox, refrigerator or other container which has an airtight door or lid, snaplock or other locking device which may not be released from the inside, without first removing such door or lid, snaplock or other locking device from such icebox, refrigerator or container. (Ord., passed 9-3-91; Am. Ord. 121106.01, passed 11-6-12) Penalty, see § 52.051	
CHAPTER 52: SOLID WASTE	§ 52.702 NOTICE POSTING PROHIBITED. No person shall post or fix any notice, poster or other paper or device intended to attract the attention of the public to any lamppost, public utility pole or tree on the public right-of-way of the town or upon any public structure or building except as may be authorized or required by law. (Ord., passed 9-3-91; Am. Ord. 121106.01, passed 11-6-12) Penalty, see § 52.051	
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CHAPTER 52: SOLID WASTE	§ 52.703 FILLING LAND AND DUMPS WITH OFFENSIVE MATERIAL; BURYING MATERIALS. It shall be unlawful for any person to fill any land or dump upon any vacant or occupied lot within the corporate limits, with any garbage, refuse, dead animals, decayed vegetable or animal matter, or any other offensive material, nor shall any such material be buried within the town but shall be disposed of as directed by a representative of the town and in accordance with state and federal regulations and law. (Ord., passed 9-3-91; Am. Ord. 121106.01, passed 11-6-12) Penalty, see § 52.051	
CHAPTER 52: SOLID WASTE	§ 52.704 CLEARING OF DEBRIS AFTER VEHICLE ACCIDENTS. It shall be the responsibility of the towing company to clean up the highway or street after an accident involving a wrecked vehicle. (Ord., passed 9-3-91; Am. Ord. 121106.01, passed 11-6-12) Penalty, see § 52.051	
CHAPTER 70: TRAFFIC-CONTROL DEVICES	' 70.04 OBEDIENCE TO DEVICES. (A) It shall be unlawful for any person to drive, operate or use a vehicle upon the streets of the town contrary to any signs, signals or other traffic-control devices that are placed upon the streets for the purpose of directing traffic, except upon direction of a Police Officer and except as otherwise provided in this subchapter. (B) When signs are placed, erected or installed, giving notice thereof, or the curbing has been painted yellow or red in lieu of the signs, no person shall park a vehicle at any time in any zone designated as a no-parking zone, as provided in ' 70.02 above. In the event that parking is prohibited in the zone only between certain hours, this subchapter shall apply only between the hours as indicated on the signs erected in the zone. (Ord. passed 11-11-75) Penalty, see ' 70.99	
CHAPTER 70: TRAFFIC-CONTROL DEVICES	70.99 PENALTY. If any person shall violate this chapter or any other ordinance of the town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50. (G.S. ' 14-4(b))	
CHAPTER 71: TRAFFIC RULES	' 71.01 SPEED LIMIT. The speed limit on all the streets of the town of Boiling Springs shall be 25 miles per hour unless otherwise posted. (Ord. 10, passed 6-6-72) Penalty, see ' 70.99	
CHAPTER 72: STOPPING, STANDING AND PARKING	' 72.01 MANNER OF PARKING. No vehicle shall stand, stop or park with the left side thereof closer than one-half of the width of the street or road upon which it is traveling to the left curb or edge of the road or street except when lawfully stopped in the process of making a left-hand turn from a designated left-hand turn lane, and except that on one-way streets, vehicles shall stop headed in the direction of lawful traffic, where parking is permitted.(Ord. passed 11-5-74) Penalty, see ' 72.99	

CHAPTER 72: STOPPING, STANDING AND PARKING	' 72.02 PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except in compliance with the directions of a law enforcement officer or traffic-control device, in any of the following places: (A) On any sidewalk. (B) Within any intersection. (C) On a crosswalk. (D) Within 30 feet of any flashing beacon, stop sign or traffic-control signal located at the side of a street or roadway. (E) Alongside or opposite any street excavation or construction when the stopping, standing or parking would obstruct traffic. (F) Upon any bridge or other elevated structure or within any underpass structure. (G) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street. (H) In front of a private driveway. (I) Upon any street in the town for a period of time exceeding 18 hours. (J) Within any portion of the street right-of-way located between the curblane or edge of pavement and the sidewalk or sidewalk area, paved or unpaved. (K) Within any area that has been designated as a fire lane pursuant to ' 70.02; however, this section shall not apply to the fire-fighting vehicles of any duly organized fire department while responding to a fire alarm or other emergency or transacting services related to fire safety or prevention. (Ord. passed 10-7-69; Am. Ord. passed 4-2-96) Penalty, see ' 72.99	
CHAPTER 72: STOPPING, STANDING AND PARKING	' 72.03 PARKING PROHIBITED ON CERTAIN STREETS. It shall be unlawful for any person to park for more than one hour 8 a.m. to 6 p.m. except on Sundays from the stop light on South Main Street to Quinn Circle on both sides of the street. (Ord. passed 10-7-69) Penalty, see ' 72.99	
CHAPTER 72: STOPPING, STANDING AND PARKING	' 72.15 IMPOUNDMENT OF VEHICLES AUTHORIZED. (A) The Police Department and all members thereof are hereby authorized to have removed, towed away and stored by municipal facilities or by a commercial towing service, any car or other vehicle of any type which is parked legally or illegally in any place where the vehicle creates or constitutes a traffic hazard, impairs or may impair the full use of a fire hydrant, or obstructs, or may obstruct the movement or use of any emergency vehicle upon any street, road, highway or other means of public transit within the town limits, whether the roadway is maintained by the town, or any other public authority. (B) The Police Department and all members thereof are similarly authorized to have removed, towed away and stored by municipal facilities or a commercial towing service, any car or other vehicle of any type when: (1) The operator thereof is placed under arrest by any law enforcement officer within the jurisdiction of the Police Department; or (2) Under circumstances wherein the operator of the vehicle is injured, or physically or mentally impaired to the extent that he is unable to safely operate the motor vehicle. (Ord. passed 1-4-83) Penalty, see ' 72.99	
CHAPTER 72: STOPPING, STANDING AND PARKING	' 72.99 PENALTY. If any person shall violate this chapter or any other ordinance of the town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50. (G.S. ' 14-4(b))	
CHAPTER 73: PARKING SCHEDULE	(B) Penalty. (1) Any violation of this Chapter shall subject the violator to a civil penalty in the amount of Fifteen Dollars (\$15.00). Violators will be issued a written citation that must be paid within thirty (30) calendar days from the date of issuance. If such fine is not paid within said period, the violator will be assessed a civil penalty of Fifty Dollars (\$50.00). An additional penalty of Fifty Dollars (\$50.00) will accrue each and every thirty (30) calendar days beyond the expiration of initial civil penalty period. (2) Immobilization of Vehicles for Unpaid Parking Citations. Chief of Police or designee shall mail or cause to have mailed, a notice of impoundment to the registered owner and lien holders, if any are known. All towing and storage charges incurred in connection with impounded vehicles shall constitute a lien upon such vehicles as provided in G.S. section 44A-2. (d) Upon payment of all civil penalties and overdue and	

	unpaid parking tickets issued for the vehicle and of all other charges authorized by this section, including immobilization, towing, and storage fees, the vehicle shall be released to the owner or any other person legally entitled to claim possession of the vehicle.	
CHAPTER 74: REGULATION OF GOLF CARTS ON PUBLIC STREETS	<p>74.01 RULES AND REGULATIONS. Carts that are not equipped and registered as required by the State Motor Vehicle Law may only be operated within the Town of Boiling Springs in accordance with the following rules and regulations. Golf carts are those vehicles defined in NCGS 20-4.01 as “designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.” Operation of carts in violation of these rules and regulations shall be subject to the penalty provisions below, or in egregious cases may constitute reckless driving as defined in the North Carolina General Statutes. (A) Carts shall only be driven on local residential streets posted 25 miles per hour or less. Local streets are those whose primary function is to provide direct access to residential property. Carts shall not be used upon roads considered thoroughfares such as East and West Homestead Avenues, Patrick Avenue, Skinner Road, North and South Main Streets, East and West College Avenues, or roads that meet similar criteria. (B) Carts must have liability insurance coverage. (C) Drivers of carts shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking motor vehicles and must adhere to all other rules of the road. (D) Carts operating between sunset and sunrise shall be equipped with and have in use headlights and reflectors located on the rear of the cart. (E) Carts shall be equipped with at least one operational mirror allowing the operator to see behind the cart. (F) No one is allowed to stand on a golf cart while it is in operation and may only have the appropriate amount of people that the golf cart is designed to carry. (G) The operator of the golf cart must possess a valid driver’s license and be 18 years of age or older. (H) North Carolina laws as found in G.S. § 20-138, regarding use of alcoholic beverages apply to golf cart regulation in the Town of Boiling Springs.</p>	
CHAPTER 74: REGULATION OF GOLF CARTS ON PUBLIC STREETS	<p>74.02 PERMIT REQUIRED & PERMIT FEE (A) No golf cart may be driven within the Town of Boiling Springs without a permit being acquired from the Town and attached to the driver’s side front portion of the golf cart. (B) The Chief of Police or his designee is hereby authorized to issue a permit to all appropriate applicants, one per golf cart to be operated. When issuing this permit, the applicant shall be required to sign a statement certifying he or she has read the provisions of the Town’s ordinance on golf cart usage. The permit shall be in such form as the Town may deem practical for ease of visibility. (C) An annual license fee of \$20 shall be assessed for each permit.</p>	
CHAPTER 74: REGULATION OF GOLF CARTS ON PUBLIC STREETS	<p>74.03 PENALTY. Violation of the above sections may be punishable by a fine of \$50.00 for each violation.</p>	
CHAPTER 90: ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES	<p>' 90.04 PERMITTING VEHICLE TO BE ABANDONED; REMOVAL AUTHORIZED. (A) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow the vehicle to be abandoned as the term is defined herein. (B) Upon investigation, proper authorizing officials of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed. (Ord. passed 12-1-90) Penalty, see ' 90.99</p>	
CHAPTER 90: ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES	<p>' 90.05 NUISANCE VEHICLE PROHIBITED; REMOVAL AUTHORIZED. (A) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow the vehicle to be abandoned or to become a nuisance as the terms are defined herein. (B) Upon investigation, the town administrator may determine and declare that a vehicle is a health or safety hazard and a</p>	

	nuisance vehicle as defined above, and order the vehicle removed. (Ord. passed 12-1-90) Penalty, see ' 90.99	
CHAPTER 90: ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES	(E) Permitted concealment or enclosure of junked motor vehicle. (3) More than one junked motor vehicle. Any other junked motor vehicles must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicles cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations. (Ord. passed 12-1-90) Penalty, see ' 90.99	
JUNKED MOTOR VEHICLES	' 90.08 EXCEPTIONS TO PRIOR NOTICE REQUIREMENT. (B) Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on town-owned property other than the streets and highways, and on private property, the vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, the circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property. (Ord. passed 12-1-90) Penalty, see ' 90.99	
JUNKED MOTOR VEHICLES	' 90.10 RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE. After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the County Magistrate designated by the Chief District Court Judge to receive the hearing requests. The Magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. ' 20-222, as amended. (Ord. passed 12-1-90)	
JUNKED MOTOR VEHICLES	' 90.11 REDEMPTION OF VEHICLE DURING PROCEEDINGS. At any state in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of the fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this chapter. (Ord. passed 12-1-90)	
JUNKED MOTOR VEHICLES	' 90.12 SALE AND DISPOSITION OF UNCLAIMED VEHICLE. Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of a vehicle shall be carried out in coordination with the town and in accordance with Article 1 of G.S. ' 44A. (Ord. passed 12-1-90)	
JUNKED MOTOR VEHICLES	' 90.15 PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY. No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle, for disposing of the vehicle as provided in this chapter. (Ord. passed 12-1-90)	
JUNKED MOTOR VEHICLES	' 90.99 PENALTY. (A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of \$50 per day. (a) A citation of said civil penalty shall be issued by the Code Enforcement Officer. (b) Each citation for a civil penalty must be paid within 48 hours of issuance.	

	(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.	
CHAPTER 91: NOISE CONTROL	' 91.01 UNREASONABLY LOUD OR DISTURBING SOUND LEVELS PROHIBITED. (A) It shall be unlawful for any person, firm, or corporation to create or assist in creating any unreasonably loud, disturbing sound levels in the town, as to annoy or disturb the quiet, normal comfort or repose of any person in any dwelling particularly between the hours of 9:00 p.m. and 7:00 a.m. Sunday night through Friday morning and 10:00 p.m. and 8:00 a.m. Friday night through Sunday morning taking into consideration volume, duration, frequency, and other characteristics of the sound. (B) The following activities, among others, are hereby declared to be unreasonably loud or disturbing, but said enumeration shall not be deemed to be exclusive: (1) The loud playing of any musical instrument or electronic sound amplification equipment. (2) The keeping of any animal or bird which makes frequent or long continued sounds. (3) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create unreasonably loud, disturbing sounds. (4) The creation of unreasonably loud, disturbing sound levels adjacent to any school, educational facility, church, or court during normal operating hours, or within 150 feet of any hospital, which a reasonably prudent person would recognize as likely to unreasonably interfere with the working of such institutions, provided conspicuous signs are displayed indicating that such area is a school, educational facility, church, court, or hospital area. (5) The use of any electronic sound amplification equipment for advertising or solicitation purposes, except with an appropriate permit.	
CHAPTER 91: NOISE CONTROL	'91.99 PENALTY. (A) Any person firm or corporation violating or allowing the violation of this Chapter, upon being notified of said violation, and failing to immediately cease the violation, shall be subject to any of the following penalties administered by the Town. (1) Civil penalty in the sum of \$50 for the first violation and \$100 for a subsequent violation within 30 days. (2) Misdemeanor criminal penalty not to exceed a \$50 fine or 30 days imprisonment. (3) The Town may also remedy violations by seeking an injunction from the appropriate Court in Cleveland County.	
CHAPTER 92: ANIMALS	' 92.05 RESTRAINT OF DOGS; PENALTY. (A) No dog shall be kept, maintained or allowed off of the premises owned or controlled by its owner or keeper unless it is then controlled by a tether, leash or similar device. (B) In addition to all other penalties prescribed by law, a dog is subject to impoundment and all other applicable provisions of the Cleveland County Animal Control Ordinance if the dog is found off of the premises of its owner or keeper and unrestrained as provided for in paragraph (A) above. (C) The penalties for violation of this section shall be as follows: (1) First violation.....\$ 50.00 (2) Second violation..... \$75.00 (3) Third and subsequent violations.....\$100.00 (D) The Cleveland County Animal Control Department is authorized to collect, at the time of redemption, an appropriate penalty if the animal was impounded due to violation of this section. (E) For the purpose of determining how many offenses have been committed, and for determining the appropriate penalty, each offense shall remain on the record of the Cleveland County Animal Control Department for a period of two years. Subsequent to two years expiration, an offense shall be removed from the record and no longer used for purposes of calculation of penalties. (Ord. passed 6-30-92; Am. Ord. passed 6-27-00)	
CHAPTER 92: ANIMALS	' 92.06 COUNTY ORDINANCE; ENFORCEMENT. (A) The Cleveland County Animal Control Ordinance as it pertains to animal control shall be applicable within the	

	<p>corporate limits of the town. The County Animal Control Department as established and governed by county ordinance shall enforce such county ordinance within the town limits with the full cooperation of the town.</p> <p>(B) Where any conflict appears between the provisions of this chapter and such county ordinance, the more restrictive shall apply and control. (Ord. passed 6-30-92; Am. Ord. passed 6-27-00)</p>	
CHAPTER 92: ANIMALS	' 92.07 COUNTY ORDINANCE ADOPTED. The Cleveland County Animal Control Ordinance is hereby adopted and incorporated by reference as if fully set out herein. (Ord. passed 6-30-92; Am. Ord. passed 6-27-00)	
CHAPTER 92: ANIMALS	' 92.08 ADDITIONAL REMEDIES. In addition to the penalties provided in this chapter, enforcement of this chapter may be by injunction, restraining order or order of abatement from a court of competent jurisdiction, as provided by G.S. Section 160A-175 (d) and (e). (Ord. passed 6-30-92)	
CHAPTER 93: RULES AND REGULATIONS OF BROAD RIVER GREENWAY	' 93.01 ALCOHOLIC BEVERAGES. (A) It shall be unlawful for any person to consume or display in public any beer, malt, wine, spirit, liquor or other beverage which sale is regulated or licensed by the State Alcohol Beverage Control Board or any controlled substance or any other intoxicating substance while within the boundaries of the Greenway. (B) It shall be unlawful for any person to be or become intoxicated by any controlled substance or any other substance while within the boundaries of the Greenway. (C) Any violation by any person of the foregoing sections shall be punishable as a Class Three Misdemeanor. (D) All definitions contained in Chapter 18B of the North Carolina General Statutes apply to this section. (Ord., passed 8-3-99)	
CHAPTER 93: RULES AND REGULATIONS OF BROAD RIVER GREENWAY	' 93.02 FIREARMS AND WEAPONS. (A) It shall be unlawful for any person, other than authorized Greenway employees and/or law enforcement officers while engaged in the duties of their office to carry or possess any firearm, airgun, bow and arrow or other lethal weapon while within the boundaries of the Greenway. A violation of this section shall be punishable as a Class Three Misdemeanor. (B) It shall be unlawful for any person, except as may be authorized by a permit duly issued, to possess or use any fireworks or explosives within the boundaries of the Greenway. A violation of this provision shall be punishable as a Class Three Misdemeanor. (Ord., passed 8-3-99)	
CHAPTER 93: RULES AND REGULATIONS OF BROAD RIVER GREENWAY	' 93.03 ALL TERRAIN VEHICLES. (A) It shall be unlawful for any person to operate an all terrain vehicle within the boundaries of the Greenway. (B) The term all terrain vehicles shall include, but not be limited to, any two, three or four wheeled vehicle such as motorcycles, motorbikes or other vehicles which are designed for off-road operation. This provision shall not extend to such vehicles which are licensed for highway use and which are used only in designated areas of the Greenway. (C) Any violation of this section shall be punishable as a Class Three Misdemeanor. (Ord., passed 8-3-99)	
CHAPTER 93: RULES AND REGULATIONS OF BROAD RIVER GREENWAY	' 93.04 DOGS AND OTHER PETS. (A) It shall be unlawful for any person to keep or retain in the Greenway a noisy, vicious or dangerous dog or other animal after being asked by a Greenway official to remove such animal. (B) Dogs and other pets are allowed in the Greenway if they are kept on a leash or otherwise confined at all times so that they do not annoy others and are not noisy, vicious or dangerous animals and the owner or caretaker of said animal has not been asked by a Greenway official to remove such animal. (C) It shall be unlawful if dogs and other pets are not kept on a leash or otherwise confined at all times. (Ord., passed 8-3-99)	
CHAPTER 93: RULES AND REGULATIONS OF BROAD RIVER GREENWAY	' 93.05 HIKING, HORSEBACK AND BIKING TRAILS. (A) It shall be unlawful for any person to hike, horseback ride or bike ride in areas not specifically designated as trails for such activity. (Ord., passed 8-3-99)	
CHAPTER 93: RULES AND REGULATIONS OF	' 93.06 ROCKS AND VEGETATION. (A) It shall be unlawful for any person to remove, destroy or injure any tree, flower, shrub, fern, artifact, rock or mineral	

BROAD RIVER GREENWAY	within the Greenway. (B) It shall be unlawful for any person to collect plants, animals, minerals or artifacts from any area within the Greenway without first having obtained a collector's permit, which shall be issued for educational or scientific purposes. Anyone wishing to obtain a collector's permit shall submit a written request and shall be subject to the conditions stated on the permit. (C) It shall be unlawful for any person to engage in rock or cliff climbing or rappelling in any area within the Greenway. (Ord., passed 8-3-99)	
CHAPTER 93: RULES AND REGULATIONS OF BROAD RIVER GREENWAY	' 93.07 RECREATIONAL VEHICLES AND CAMPING. (A) It shall be unlawful for any person to camp or reside in any motor home, camping trailer or other recreational vehicle within the Greenway. (B) It shall be unlawful for any person to camp in the Greenway in any area other than areas specified and designated for camping. (C) It shall be unlawful for any person to build or tend any fire, except in designated campfire areas. Greenway officials and employees may prohibit fires in designated areas when a fire hazard makes such action necessary. It shall be unlawful for any person to build or tend a fire who has not reached the age of 16 years, and at all times, a competent person of 16 years or older must continuously tend any fire from the time it is kindled until it is extinguished. (D) It shall be unlawful for any person to break or cut any live wood for the purpose of fueling a fire. (E) It shall be unlawful for any person to operate or use any audio device or any other noise producing device in such a manner and at such times as to disturb other persons within the Greenway. No person shall operate or use any public address system, whether fixed, portable or vehicle mounted, except when such use or operation has been approved by Greenway officials. (Ord., passed 8-3-99)	
CHAPTER 93: RULES AND REGULATIONS OF BROAD RIVER GREENWAY	' 93.08 BOATING. (A) It shall be unlawful for any person to occupy a canoe, kayak or any other boat in any portion of the Broad River within the Greenway without complying with all State and Federal regulations regarding the wearing and usage of life vests and preservers. (B) Boating upon any portion of the Broad River within the Greenway shall be subject to such regulation as may reasonably be imposed by officials of the Greenway for the safety of boaters and others. (Ord., passed 8-3-99)	
CHAPTER 93: RULES AND REGULATIONS OF BROAD RIVER GREENWAY	' 93.09 GLASS BOTTLES, CONTAINERS AND LITTER. (A) It shall be unlawful for any person to possess or bring onto the Broad River Greenway any glass bottles or glass containers at any time. (B) It shall be unlawful for any person to dispose of garbage or any other litter in places or receptacles other than those provided for such purpose. (C) It shall be unlawful for any person to dispose of any litter, garbage, refuse or waste by dumping or otherwise placing it into the river or other waters within the Greenway at any time. It shall be unlawful for any person to discharge waste water or other noxious substances into the river or other waters within the Greenway at any time. (Ord., passed 8-3-99)	
CHAPTER 93: RULES AND REGULATIONS OF BROAD RIVER GREENWAY	' 93.10 ENFORCEMENT AND PENALTIES. (A) Any person who violates any provision of these rules and regulations shall immediately forfeit his right to remain in the Greenway, and upon refusal to leave the Greenway, shall be considered to be trespassing. (B) Any person who violates any provision of these rules and regulations in these sections shall be subject to the penalties herein provided or otherwise provided by the State, Federal or Town of Boiling Springs Ordinances. (Ord., passed 8-3-99)	
CHAPTER 94: UNLAWFUL CONDITIONS ON PRIVATE PROPERTY	§ 94.01 UNLAWFUL CONDITIONS ENUMERATE. The following enumerated and described conditions, or any combination thereof, are hereby found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the town and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful: (A) Any weeds or other overgrown vegetation having an overall height of more than 12 inches above the surrounding ground	

	<p>provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants;</p> <p>(B) Any accumulation of trash and/or garbage which is the result of the absence of or overflowing of improperly closed trash or garbage containers;</p> <p>(C) Accumulation in an open place of hazardous or toxic materials and chemicals;</p> <p>(D) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature;</p> <p>(E) Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health;</p> <p>(F) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health;</p> <p>(G) The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items;</p> <p>(H) Any condition detrimental to the public health which violates the rules and regulations of the Cleveland County Health Department;</p> <p>(I) Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Town Administrator or his or her designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises;</p> <p>(J) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water;</p> <p>(K) The outside or outdoors use of any furniture originally designed or intended for interior use such as, but not limited to, couches, sofas, chairs, recliners or other like items.</p>	
CHAPTER 94: UNLAWFUL CONDITIONS ON PRIVATE PROPERTY	<p>§ 94.99 ENFORCEMENT AND PENALTIES. (A) When any condition in violation of this chapter is found to exist, the Code Enforcement Officer or such persons as may be designated by the Town Administrator, or the Town Administrator, himself or herself shall give notice to the owner of the premises to abate or remove such conditions within ten days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten days, the city may proceed to correct the same as authorized by this chapter. Service of such notice shall be by any one of the following methods:</p> <p>(1) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of 16 years and a member of the family of the owner;</p> <p>(2) By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with postage prepaid thereon. Notice to be sent by certified return receipt;</p> <p>(3) By posting and keeping posted, for ten days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by the methods described in (B)(1) and (B)(2);</p> <p>(4) By publication in a local newspaper according to the North Carolina Rules of Civil Procedure.</p> <p>(B) If the owner of any property fails to comply with a notice given pursuant to this chapter, within ten days after the service of such notice, he or she shall be subject to prosecution for violation of this chapter in accordance with law and each day that such failure continues shall be a separate offense. In addition, the Town Administrator may have the condition</p>	

	described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done. (C) The Town may notify a chronic violator of the overgrown vegetation ordinance that the Town shall, without further notice in the calendar year in which the notice is given, take remedial action if the violator's property is found to be in violation of the ordinance. A <i>chronic violator</i> is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the overgrown vegetation ordinance. The initial annual notice shall be served by registered or certified mail. The expense of remedial action shall become a lien upon the property and shall be collected as unpaid taxes. (D) The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this chapter shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in G. S. § 14-4. (Ord. 020903.1, passed 9-3-02)	
CHAPTER 111: ALCOHOLIC BEVERAGES	111.01 DISPLAY, CONSUMPTION OR SALE OF ALCOHOLIC BEVERAGES. It shall be unlawful for any person or persons to drink or to consume, attempt to drink or consume, display or allow to be viewed or displayed or to offer, give, sell or barter any beer, malt liquor, ale, wine or any other alcoholic beverage, whether the container thereof be opened or un-opened, on or in any public road, street, highway, parking area or sidewalk, or at or in any municipal building, public park, public school or college, athletic contest or at any other place, premise or property which is open to the general public <u>within the Town limits without the prior approval and issuance of required permits from the Town of Boiling Springs, North Carolina.</u> (Ord. passed 7-2-74) Penalty, see ' 111.99	
CHAPTER 111: ALCOHOLIC BEVERAGES	' 111.99 PENALTY. Violation of this chapter shall subject the violator to a maximum fine of \$50 or a maximum sentence of 30 days imprisonment. (Ord. passed 7-2-74)	
CHAPTER 112: AMUSEMENTS	POOLROOMS AND BILLIARD HALLS ' 112.01 HOURS OF OPERATION. It shall be unlawful for any person to operate a pool or billiard room within the corporate limits of the town between the hours of 11 p.m. and 9 a.m. during weekdays or at any time on Sundays. (Ord. passed 11-8-66) Penalty, see ' 112.99	
CHAPTER 112: AMUSEMENTS	POOLROOMS AND BILLIARD HALLS ' 112.02 OBSTRUCTION OF VIEW OF INTERIOR PROHIBITED. It shall further be unlawful for any person operating any poolroom or billiard hall within the town to obstruct or cause to be obstructed or allow to be obstructed any window on the premises in a manner as to obstruct the vision of any person upon the streets or sidewalks of the town into the poolroom or billiard hall. (Ord. passed 11-8-66) Penalty, see ' 112.99	
CHAPTER 112: AMUSEMENTS	POOLROOMS AND BILLIARD HALLS ' 112.99 PENALTY. Any person, firm or corporation violating the provisions of this chapter shall be subject to a fine of not more than \$50, or to imprisonment of not more than 30 days, or both. (Ord. passed 11-8-66)	
CHAPTER 113: COMMUNITY ANTENNA TELEVISION SYSTEM	' 113.01 PURPOSE. For the better protection of the public interest, health, safety, welfare and convenience, the following rules and regulations are hereby adopted setting forth the conditions, requirements and limitations under which a person may construct, have constructed for him, operate and maintain a community antenna television system and engage in the business providing a community antenna television service in the town of Boiling Springs. (Ord. passed 5-25-82)	

CHAPTER 113: COMMUNITY ANTENNA TELEVISION SYSTEM	' 113.99 PENALTY. The violation of any provision of this chapter shall be a misdemeanor punishable by a fine of \$50 and imprisonment of up to 30 days. The existence of this penalty is exclusive of civil remedies for enforcement otherwise provided by law. (Ord. passed 5-25-82)	
CHAPTER 114: SOLICITORS AND CANVASSERS	' 111.03 APPLICATION PROCEDURE. (A) All applicants for licenses required by this chapter shall file an application with the town clerk. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items: (D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease. Penalty, see ' 114.99	
CHAPTER 114: SOLICITORS AND CANVASSERS	' 111.02 LICENSE REQUIREMENT. (D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof. Penalty, see ' 114.99	
CHAPTER 114: SOLICITORS AND CANVASSERS	' 114.08 EXHIBITION OF IDENTIFICATION. (B) The town clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words Licensed Peddler or Licensed Solicitor, the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he is engaged in the business licensed. Penalty, see ' 114.99	
CHAPTER 114: SOLICITORS AND CANVASSERS	' 114.99 PENALTY. (A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of \$50 per day. (a) A citation of said civil penalty shall be issued by the Code Enforcement Officer. (b) Each citation for a civil penalty must be paid within 48 hours of issuance. (B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.	
CHAPTER 130. OFFENSES AGAINST TOWN REGULATIONS	' 130.01 DISCHARGE OF WEAPONS OR OTHER EXPLOSIVES PROHIBITED; EXCEPTION. It shall be unlawful for any person to shoot or explode any gun, pistol or other explosive of whatever character or air rifle or other similar weapons in the town, on the streets, alleys, on any church grounds, school property, or college property, or town property, or in the business section, or any residential section of the town. This subchapter shall not apply to the use of weapons by law enforcement officers, night watchmen, or any person using a weapon in the lawful defense of his home, person, family, or property. (Ord. passed 7-1-69) Penalty, see ' 130.99	
CHAPTER 130. OFFENSES AGAINST TOWN REGULATIONS	' 130.02 OBSTRUCTION OF RIGHT-OF-WAYS. It shall be unlawful to congregate on the street and sidewalks of the town of Boiling Springs, so as to block or hinder pedestrians or traffic in the use of the streets, and to refuse to move on, or to disperse when instructed to do so by an officer of the law. (Ord. passed 11-8-66) Penalty, see ' 130.99	
CHAPTER 130. OFFENSES AGAINST TOWN REGULATIONS	' 130.99 PENALTY. (A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of \$50 per day. (a) A citation of said civil penalty shall be issued by the Code Enforcement Officer. (b) Each citation for a civil penalty must be paid within 48 hours of issuance. (B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.	
CHAPTER 150: SUBDIVISION REGULATIONS	§ 150.099 VIOLATIONS; PENALTY. (A) After the effective date of this chapter, no Subdivision Plat of land within the jurisdiction of this chapter shall be filed or recorded until it shall have been submitted to and approved by the appropriate approval authority. (B) The Review Officer shall not certify for	

	<p>recording a plat of subdivision of land subject to this chapter that has not been approved in accordance with this chapter nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with the provisions of this chapter. (C) After the effective date of this chapter, any person who, being the owner or agent to the owner of any land within the jurisdiction of this chapter, thereafter subdivides his land in violation of this chapter or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this chapter and recorded in the Office of the Register of Deeds shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from such penalty. (D) Any violation of the terms of this chapter subject the violator to penalties and remedies, both civil and criminal, as set forth in § 10.99 of this code. (E) Building permits required pursuant to G.S. § 160A-4 17 may be denied for lots that have been illegally subdivided. In addition to other remedies, the town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct or abate the violation or to prevent any illegal act or conduct. (Ord. passed 4-7-98; Am. Ord. passed 4-10-06)</p>	
CHAPTER 150: SUBDIVISION REGULATIONS	<p>§ 151.995 VIOLATIONS; REMEDIES. Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this subchapter and by state law. (A) <i>Development without permit.</i> To engage in any development, use, construction, remodeling, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this chapter without all required permits, certificates, or other forms of authorization as set forth in this chapter. (B) <i>Development inconsistent with permit.</i> To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity. (C) <i>Violation by act or omission.</i> To violate, by act or omission, any term, variance, modification, condition, or qualification placed by the Board of Commissioners or its agent boards upon any required permit, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon. (D) <i>Use in violation.</i> To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure or to use any land in violation or contravention of this chapter or any other regulation made under the authority conferred thereby. (E) <i>Continue a violation.</i> Each day's continuance of any of the above violations is a separate and distinct offense. (Ord. 011106.1, passed 11-6-01)</p>	
CHAPTER 150: SUBDIVISION REGULATIONS	<p>§ 151.998 FAILURE TO COMPLY WITH NOTICE: REMEDIES. (A) If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or a final decision by the Board of Adjustment following an appeal, the owner or occupant shall be subject to the penalties and remedies as set forth in this section and in § 151.999 or to such remedies and penalties as may be provided by state law. (B) <i>Remedies.</i> Any or all of the following procedures may be used to enforce the provisions of this chapter. (1) <i>Injunction.</i> Any violation of this chapter or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law. (2) <i>Civil penalties.</i> Any person who violates any provision of this chapter shall be subject to the assessment of a civil penalty under the procedures provided in § 151.999. (3) <i>Denial of permit or certificate.</i> The Zoning Administrator shall withhold or deny any permit, certificate, or other authorization on any land, building, structure, sign, or use in which there is an</p>	

	<p>uncorrected violation of a provision of this chapter, or of a condition or qualification of a permit, certificate, or other authorization previously granted. (4) <i>Conditional permit or temporary certificate.</i> The Zoning Administrator may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority. (5) <i>Stop work orders.</i> Whenever a building, structure, sign, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the Zoning Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with G.S. § 160A-421 or the North Carolina State Building Code. (6) <i>Revocation of permits or certificates.</i> The Zoning Administrator may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of an applicable state or local law may also be revoked. (Ord. 011106.1, passed 11-6-01; Am. Ord. passed 4-10-06) Penalty, see § 151.999</p>	
151. ZONING CODE: Enforcement and Penalties	<p>§ 151.999 PENALTY. (A) Violations of this chapter shall constitute either a misdemeanor, with a fine not exceeding \$50 or imprisonment not exceeding 30 days, or, at the election of the town, shall subject the offender to a civil penalty upon the issuance of a citation for said violations as hereinafter provided. The civil penalty, if not paid to the town within fifteen days of the issuance of a citation, may be recovered by the town in a civil action in the nature of debt. Civil penalties shall be in the amount of \$50 for each violation and each day any single violation continues shall be a separate violation. (B) In addition to the civil penalties set out above, any provision of this chapter may be enforced by an appropriate equitable remedy issuing from any court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law. (C) In addition to the civil penalties set out above, any provision of this chapter that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by General Court of Justice. When a violation of such a provision occurs, the town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and or of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by laws and rules governing civil proceedings, including the Rights of Civil Procedure in general and Rule 65 in particular. (D) An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that abandoned or junked vehicles be removed; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this chapter. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the town may execute the order of abatement. The town shall have a lien on the property for the cost of executing an order of abatement in</p>	

	<p>the nature of a mechanic's and material man's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith, (E) The provisions of this chapter may be enforced by one, all or a combination of the remedies authorized and prescribed by this section. (F) Upon determination of a violation of any section of this chapter, the penalty for which is a civil penalty, the Zoning Administrator shall cause a warning citation to be issued to the violator. Such citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated. (G) An appeal from a warning citation shall be taken within ten days from the date of such warning citation and the Board of Adjustment, in considering such appeal, shall, notwithstanding other powers as may be granted, have power only in the manner of administrative review and interpretation where it is alleged that the Zoning Administrator has made an error in the application of the chapter, in the factual situation as it relates to the application of the chapter, or both. (H) Where the Zoning Administrator determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required or Consent Agreement, the Zoning Administrator may amend the warning citation to provide additional time. The warning citation shall specify that a second citation shall incur civil penalty, together with costs, and attorney fees. (I) Upon failure of the violator to obey the warning citation a civil citation shall be issued by the Zoning Administrator and either served directly on the violator, the violator's duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the town or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to pay the civil assessment within 15 days of the date of citation. The violation for which the citation is issued must have been corrected by the time the citation is paid, otherwise further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated. (J) If the violator fails to respond to a citation within 15 days of its issuance, and pay the penalty prescribed therein, the town may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of penalty, costs, attorney fees, and such other relief as permitted by law. (Ord. 011106.1, passed 11-6-01; Am. Ord. passed 4-10-06)</p>	
151. ZONING CODE: Enforcement and Penalties	<p>151.203 ZONING PERMIT WITH VESTED RIGHTS. (B) <i>Violations</i>. Any violation of a term or condition involved in the granting of a zoning permit with vested rights shall be treated the same as a violation of this chapter and shall be subject to the same remedies and penalties as any such violation. In addition, the Board of Adjustment may, after public hearing, revoke any such vested rights for failure to abide by any such term or condition. (C) <i>Other regulations apply</i>. The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the</p>	

	allowable type or intensity or use, or regulations which are general in nature and are applicable to all property subject to land-use regulation, including, but not limited to building, fire, mechanical, electrical and plumbing codes.	
CHAPTER 183: HOUSING STANDARDS	§ 183.008 DWELLINGS NOT IN COMPLIANCE BUT NOT UNFIT FOR HUMAN HABITATION. In any case where the Officer determines that a dwelling fails to fully comply with one or more but less than seven of the above enumerated standards of dwelling fitness, such dwelling shall not be found to be unfit for human habitation and shall not be subject to the procedures and remedies as provided for in this chapter for dwellings unfit for human habitation. Each such failure of noncompliance however, shall constitute a violation of the terms of this chapter and shall subject the violator to the penalties and enforcement procedures, civil or criminal or both, of § 153.013 of this chapter. In making the determination as described in this section, the Officer shall not be required to make notice and hold the hearing as called for in § 153.006, but the Officer may do so if the determination of the severity and classification of dwelling fitness is not clear to the Officer upon preliminary investigation. (Ord. passed 11-8-94)	
CHAPTER 183: HOUSING STANDARDS	§ 183.013 ALTERNATIVE REMEDIES. (C) Nothing in this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. In addition to the remedies provided for herein, any violation of the terms of this chapter shall constitute either a misdemeanor or, at the election of the town, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to the town within 15 days of the issuance of a citation, may be recovered by the town in a civil action in the nature of debt. Said civil penalties shall be in the amount of \$100 for each violation and each day any single violation continues shall be a separate violation. (D) In addition to the civil penalties set out above, any provision of this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law. (E) In addition to the civil penalties set out above, any provision of this chapter that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by General Court of Justice. When a violation of such a provision occurs, the town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular. " (F) An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that abandoned or junked vehicles be removed; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this chapter. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the town may execute the order of abatement. The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure	

	<p>cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith. (G) The provision of this chapter may be enforced by one, all or a combination of the remedies authorized and prescribed by this section. (H) Upon determination of a violation of any section of this chapter, the penalty for which is a civil penalty, the Officer of the town shall proceed to issue a warning citation to the violator. Such citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding; a reasonable period of time must be stated in which the violation must be abated. (I) Where the town determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required or consent agreement, the appropriate official may amend the warning citation to provide for additional time. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs, and attorney fees. (J) Upon failure of the violator to obey the warning citation a civil citation shall be issued by the Officer and either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the town or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to appear before the Town Manager, or his designee, within 15 days of the date of the citation, or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid, otherwise further citations shall be issued. (K) Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated. (L) If the violator fails to respond to a citation within 15 days of its issuance, and pay the penalty prescribed therein, the town may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law. (Ord. passed 11-8-94)</p>	
CHAPTER 155: TOWER CODE	<p>§ 155.99 PENALTY. (A) Any person violating this chapter shall be guilty of a misdemeanor. Each day's violation of any provision of this chapter shall constitute a separate and distinct offense. A violation begins from the date of first written notification by the Code Enforcement Officer or the Town Attorney. Further violation shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4. (B) If a tower is constructed, reconstructed, altered, expanded or utilized in violation of this chapter, the Code Enforcement Officer or Town Attorney, in addition to other remedies, may institute any appropriate action or proceedings pursuant to G. S. 153A-123 to prevent the unlawful use, construction, reconstruction, alteration or expansion and to restrain, correct, enjoin or abate the violation. (Ord. passed 3-7-00)</p>	
CHAPTER 156: AIRPORT ZONING	<p>§ 156.99 PENALTY. Each violation of this chapter or of any regulation, order or ruling promulgated hereunder shall be punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both the fine and imprisonment, and each day a violation continues shall be a separate offense.</p>	

CHAPTER 157: FLOOD DAMAGE PREVENTION	§ 157.99 PENALTY. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$60 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the town from taking other lawful action as is necessary to prevent or remedy any violation. (Ord. 080206.01, passed 2-5-08)	
CHAPTER 158: WATERSHED PROTECTION	§ 158.98 REMEDIES. (A) If any subdivision, development and/or land use is found to be in violation of this chapter, the Board of Commissioners of the town may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of \$50, action or proceedings to restrain, correct, or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. § 143-215.6(a). Each day that the violation continues shall constitute a separate offense. (B) If the Watershed Administrator finds that any of the provisions of this chapter are being violated, he or she shall notify in writing the person responsible for the violation, indicating the nature of the violation, and ordering the action necessary to correct it. He or she shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this chapter to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal the ruling to the Watershed Review Board. (Ord. 071106.01, passed 11-6-07)	
CHAPTER 158: WATERSHED PROTECTION	§ 158.99 CRIMINAL PENALTIES. Any person violating any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with G.S. § 14-4. The maximum fine for each offense shall not exceed \$500. Each day the violation continues shall constitute a separate offense. (Ord. 071106.01, passed 11-6-07)	