

TOWN OF BOONE ORDINANCE VIOLATION MISDEMEANORS

	A	B	C
1	<u>ORDINANCE</u>	<u>OFFENSE DESCRIPTION</u>	<u>PUNISHMENT</u>
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4	§50.999 - WATER & SEWERS (Penalty)	<p>Violation of a prohibition or requirement of a State III Water Shortage: (1) Watering an athletic field, golf course, park, lawn, grass, shrubbery, tree, flower, outside plant or garden, except in accordance with a schedule approved by the Director of Public Utilities, who, in the Director's sole discretion, shall ordinarily only allow the watering by hand-held hose or container or by drip irrigation system, but may prohibit the activities entirely;</p> <p>(2) Delaying new landscape work until the water shortage has ended; and utilize Xeri-Scaping and/or water efficient landscaping wherever landscaping work is installed; (Xeri-Scaping is the use of native plants.)</p> <p>(3) Filling or refilling a swimming pool or wading pool, hot tub or spa;</p> <p>(4) Washing an automobile, truck, trailer, boat, airplane or any other type of mobile equipment or motor vehicle unless a permitted water reclamation or reuse system is used;</p> <p>(5) Washing down an outside area, including, but not limited to, a street, driveway, service station apron, parking lot, office building, exterior of existing or newly-constructed home or other building, sidewalk or patio, except pursuant to specific authorization by the town;</p> <p>(6) Using water from a public or private fire hydrant for any purpose other than fire suppression, testing, maintaining water quality or similar public emergency;</p> <p>(7) Operating or inducing water into any ornamental fountain, pool or pond or other structure making similar use of water;</p> <p>(8) Serving drinking water in a restaurant, cafeteria or other food establishment, except upon request;</p> <p>(9) Operating a water-cooled air conditioner or other equipment that does not recycle cooling water, except when the user has a diagnosed and legitimate health need for the equipment;</p> <p>(10) Using, in commercial eating establishments, utensils and plates that must be washed if disposable or biodegradable utensils and plates can be effectively used;</p> <p>(11) Using water for any unnecessary purpose after being warned by the Director or designee to discontinue the use; and</p> <p>(12) Wasting water intentionally.</p>	Misdemeanor; Fine equal to the stated civil penalty, up to \$500 and imprisonment for each offense of up to 30 days

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5	§70.99 - GENERAL PROVISIONS (Traffic Code)	Any violation of 72.09 which reads: 72.09 Using slugs or substitutes, tampering with or injuring parking meters  (A) It shall be unlawful to deposit a slug or other substitute for a coin of the United States or city-issued parking meter token in any city parking meter. (B) It shall be unlawful to deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any city parking meter, except that duly authorized persons may make necessary collections and repairs.	Class 3 Misdemeanor; Fine of up to \$500
6	§73.03 - TOWING & BOOTING (Advanced Notice of Trespass Towing or Booting Required)	It shall be unlawful for any person or entity to authorize, direct, engage in, or contract for trespass towing or booting in a private parking lot unless advance notice is given	Class 3 Misdemeanor; Fine of up to \$500/each violation
7	§73.04(A) (Trespass Towing Practices)	An occupied vehicle may not be towed or attached to a towing vehicle	Class 3 Misdemeanor; Fine of up to \$500/each violation
8	§73.04(B) (Trespass Towing Practices)	A towing company may not attempt to impede or block an occupied vehicle from being removed from a parking lot by its owner or operator	Class 3 Misdemeanor; Fine of up to \$500/each violation
9	§73.04(C ) (Trespass Towing Practices)	A towing company must accept at least two nationally-recognized credit cards and any debit card in payment for any fees charged in connection with a trespass tow	Class 3 Misdemeanor; Fine of up to \$500/each violation
10	§73.04(D) (Trespass Towing Practices)	Whenever a towing company is attempting a trespass tow but the vehicle has not yet been removed from the parking lot, and the owner or operator of the vehicle appears and it states a desire that the vehicle not be towed, the towing company shall release the vehicle to the owner or operator upon the payment of its noticed fees and charges	Class 3 Misdemeanor; Fine of up to \$500/each violation
11	§73.04( E) (Trespass Towing Practices)	A towing service engaged in a trespass tow shall, upon request of the owner or operator of the motor vehicle, permit the owner or operator access to the trespass vehicle for the purpose of retrieving personal property from the vehicle	Class 3 Misdemeanor; Fine of up to \$500/each violation

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12	§73.04(F) (Trespass Towing Practices)	A towing company that engages in a trespass tow shall, prior to or immediately upon removing the vehicle from the private parking lot, report to the Boone Police Department by telephone to its non-emergency number the fact that a vehicle is to be towed and shall provide a description of the vehicle including make, color, and license tag number, the parking lot from which it is to be towed, and the place it is to be stored	Class 3 Misdemeanor; Fine of up to \$500/each violation
13	§73.04(G) Trespass Towing Practices	For six hours immediately following a trespass tow and during the next business day, the towing company must respond within one-half hour to a telephone call from the vehicle's owner or operator to the contact number provided by the towing company. During its response call, upon the request of the operator or owner of the towed vehicle, the towing company must make arrangements for the release of the vehicle upon the full payment of fees	Class 3 Misdemeanor; Fine of up to \$500/each violation
14	§73.04(H) (Trespass Towing Practices)	No storage fee may be charged for days when the towing company is not open during the full normal business hours of at least 9:00 a.m. to 4:00 p.m. for the recovery of a trespass towed vehicle. A towing company that is not open for the recovery of a towed vehicle 24 hours a day shall not charge a storage fee for the storage of the towed vehicle until at least one full business day (no less than 24 hours) has elapsed from the time the towing company is next open for the recovery of a towed vehicle after the towing	Class 3 Misdemeanor; Fine of up to \$500/each violation
15	§73.05 (A) (Booting Practices)	An occupied vehicle may not be booted	Class 3 Misdemeanor; Fine of up to \$500/each violation
16	§73.05(B) (Booting Practices)	A booting service may not attempt to impede or block an occupied vehicle that has not yet been booted from being removed from a parking lot by its owner or operator	Class 3 Misdemeanor; Fine of up to \$500/each violation
17	§73.05(C ) (Booting Practices)	A booting service must accept at least two nationally-recognized credit cards (such as MasterCard or Visa) and any debit card in payment for any and all fees charged in connection with booting	Class 3 Misdemeanor; Fine of up to \$500/each violation
18	§73.05(D)(1) (Booting Practices)	No person may engage in booting until he or she has obtained an identification badge from the town. Identification badges shall be issued for a single calendar year and must be renewed annually	Class 3 Misdemeanor; Fine of up to \$500/each violation
19	§73.05(D)(2) (Booting Practices)	A person engaged in booting must display on his or her person at all times the picture identification badge issued by the town	Class 3 Misdemeanor; Fine of up to \$500/each violation

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20	§73.05( E) (Booting Practices)	Any vehicle used in connection with booting must have insignia on both the operator's door and the front passenger door or a car-top-mounted sign that identifies the company with which the attendant is employed or associated by name and telephone number and includes either in the name of the company or otherwise a description of the parking control device or method utilized	Class 3 Misdemeanor; Fine of up to \$500/each violation
21	§73.05(F) (Booting Practices)	After immobilizing a vehicle, the booting service must place a weather-proof (e.g., laminated) notice on the driver's side windshield and/or the driver's side window of the car, affixed in manner that will not mar the vehicle but will insure that the notice will not blow away	Class 3 Misdemeanor; Fine of up to \$500/each violation
22	§73.05(G)(Booting Practices)	A booting service must arrange to respond to a telephone call from the owner or operator of an immobilized vehicle within no more than 15 minutes	Class 3 Misdemeanor; Fine of up to \$500/each violation
23	§73.05(H) (Booting Practices)	A booting service must make a reasonable effort to release the immobilized vehicle within 30 minutes of responding to the telephone call from the owner or operator of an immobilized vehicle	Class 3 Misdemeanor; Fine of up to \$500/each violation
24	§73.05(I) (Booting Practices)	After a vehicle is booted, it shall be unlawful for any person to authorize, direct or contract for the trespass towing of that vehicle for a period of at least eight hours following such booting	Class 3 Misdemeanor; Fine of up to \$500/each violation
25	§73.05(J) (Booting Practices)	A booting company may not charge more than one boot removal fee for the booting of a particular vehicle in a particular instance, and may not charge a higher removal fee based solely on the length of time that a boot has been attached to a vehicle; provided, however, that this provision is not intended to prevent a booting service from charging additional fees for separate and additional services, such as a service call to meet an owner or operator of a vehicle to remove a boot where the owner or operator does not appear and has to be rescheduled	Class 3 Misdemeanor; Fine of up to \$500/each violation
26	§73.05(K) (Booting Practices)	Should the town receive and verify three or more unrelated and credible complaints within any three-month period asserting the failure of a booting service to respond within 15 minutes to telephone contact by the owners or operators of immobilized vehicles and to arrange the vehicles' release within 30 minutes thereafter, it shall be presumptively concluded that the booting service does not have the capacity to respond within the required times	Class 3 Misdemeanor; Fine of up to \$500/each violation

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27	§73.06(A) (Notice of Fees and Payment Options; Fees to be Reasonable	Plain and conspicuous notice must be given to the owner/operator of the vehicle as to any fee that may be charged	Class 3 Misdemeanor; Fine of up to \$500/each violation
28	§73.06(B) (Notice of Fees and Payment Options; Fees to be Reasonable	Any towing company engaged in trespass towing shall post in a conspicuous location at its place(s) of business and in size sufficient to be easily read a schedule of fees that states, at a minimum, its consensual towing fee(s), its trespass towing fee, its daily storage fee and its hours of operation	Class 3 Misdemeanor; Fine of up to \$500/each violation
29	§73.06(C) (Notice of Fees and Payment Options; Fees to be Reasonable	Any towing company or booting service engaged in activities subject to this chapter must provide a schedule of all its fees and charges to the Police Department, and such schedule of fees must be kept current at all times. Fees must be specifically and precisely disclosed; the required schedule of fees may not refer to minimum or maximum fees or to a range of fees	Class 3 Misdemeanor; Fine of up to \$500/each violation
30	§73.06(D) (Notice of Fees and Payment Options; Fees to be Reasonable	A towing company or booting service may not assess any fee or other charge in connection with a trespass tow or booting that is not both:(1) Publicly noticed as required per divisions (A) and (B) above; and (2) Set forth in a schedule of fees and charges that has been on file with the Police Department for at least 24 hours prior to the assessment of the fee. In the case of any discrepancy in the amount of a fee or other charge noticed by posting in any manner provided at division (A) above or provided to the Police Department on a schedule of fees, only the lowest fee or other charge so noticed may be charge	Class 3 Misdemeanor; Fine of up to \$500/each violation
31	§73.06( E) (Notice of Fees and Payment Options; Fees to be Reasonable)	Any fee charged in connection with a trespass tow or booting regulated under this chapter must be reasonable in relation to the cost of providing the service or item, inclusive of reasonable overhead and profit	Class 3 Misdemeanor; Fine of up to \$500/each violation
32	§73.07 (Receipts)	Upon receiving payment for a trespass tow or release of a boot, and whether requested or not, the towing company or booting service shall prepare a receipt and offer a copy of the receipt to the person providing payment	Class 3 Misdemeanor; Fine of up to \$500/each violation
33	§73.08 (Complaint Information)	Any person who pays for a trespass tow or booting subject to this chapter must be provided, in an easily readable and conspicuous format, the name and telephone number of the property owner, lessor, or property manager to whom complaints about the trespass tow or booting may be directed	Class 3 Misdemeanor; Fine of up to \$500/each violation

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34	§73.10(A) (Restrictions Related to Certain Criminal Convictions)	A person may not engage in trespass towing or booting activities in the town limits involving direct interaction with the public:	Class 3 Misdemeanor; Fine of up to \$500/each violation
35		(1) For a period of two years following conviction within any five-year period of any two criminal infractions (felony and/or misdemeanor ) arising from a violation of, or related to activities governed by, this chapter; or	
36		(2) For a period of two years following conviction of any manner of assault related to a trespass tow or booting within the town	
37	§73.10(B) (Restrictions Related to Certain Criminal Convictions)	A person may not engage in trespass towing or booting activities in the town limits involving direct interaction with the public if, within the prior ten years, that person has been convicted in any jurisdiction for any one or more of the following crimes: assaults or threats; homicide; sexual assault; crimes against nature, incest, indecent exposure and related offenses; kidnaping, larceny, possession of stolen goods, embezzlement and related offenses; robbery, extortion and related offenses; burglary and breaking and entering; felony fraud, false pretenses and related offenses involving financial transactions; and weapons offenses	Class 3 Misdemeanor; Fine of up to \$500/each violation
38	§92.99 - FIRE PREVENTION (Penalty)	Any violation of the provisions of §92.10, which reads: It shall be unlawful for any person or persons to wantonly and willfully give or cause to be given or to advise, counsel or aid and abet anyone in giving a false alarm of fire or to break the glass key protector or to pull the slide, arm or lever of any station or signal box of any fire alarm system, except in case of fire or willfully misuse or damage a portable fire extinguisher or in any way to willfully interfere with, damage, deface, molest or injure any part or portion of any fire alarm, fire detection, smoke detection or fire extinguishing system.	Misdemeanor; Fine not to exceed \$500, imprisonment for not more than six months or both

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			Violation of this division shall subject the offender to a civil penalty in the amount of \$100 for the first offense; no prior warning is required. A second violation of any provision of this chapter in any rolling 12-month period shall subject the offender to a civil penalty in the amount of \$200, and each subsequent violation in any rolling 12-month period shall result in the assessment of a \$500 civil penalty. A person committing more than two violations of this section during any rolling 12-month period shall also be guilty of a Class 3 misdemeanor and shall be fined not more than \$500
39	§93.02 (Types of Noises Prohibited and Types of Noises Not Prohibited, Enforcement, Penalties)	The creation of noise for the primary purpose of disturbing another person, such purpose gleaned from the circumstances surrounding the generation of the noise	
40	§93.02(B)(1) (Types of Noises Prohibited and Types of Noises Not Prohibited, Enforcement, Penalties)	(1) The following noises and activities are prohibited at all times, except to the extent that such noises are authorized in the Town's B-1, B-2, B-3 and U-1 zoning districts pursuant to § 93.05, infra, or to the extent they are otherwise excepted from the scope of this chapter:	
41		(a) Horns, signaling devices, sirens, and the like. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal, so as to create an unreasonably loud or harsh sound; or the sounding of such device repeatedly or for an unreasonable period of time; or the use of any siren upon any vehicle, other than a bona fide police, fire or other emergency vehicle or equipment.	

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42		(b) Television sets, radios, musical instruments, or amplification and playing devices, and the like. The outdoor use, operation, or playing of any television set, radio, musical instrument or sound amplifying device, or other machine or device for the production or reproduction of sound, including but not limited to devices designed for playing music and other material from records, compact discs, MP3's and the like, in a manner or at a volume which would or does annoy or disturb a person of reasonable sensibilities within his or her temporary or usual place of abode or place of employment.	
43		(c) Yelling, shouting, and the like. The frequent, constant, or continual yelling or shouting, in a manner or at a volume which would or does annoy or disturb a person of reasonable sensibilities within his or her temporary or usual place of abode or place of employment.	
44		(d) Animals. The frequent, constant, or continual noise from any animal, such as the continual; frequent, chronic and intermittent; or uncontrolled barking of a dog outside, at a volume level or for a period of time which would or does annoy or disturb a person of reasonable sensibilities within his or her temporary or usual place of abode or place of employment.	
45		(e) Vehicles. The use of any motorized vehicle so out of repair, or so loaded, altered or operated as to create grating, grinding, rattling or other noise which would or does annoy or disturb a person of reasonable sensibilities within his or her temporary or usual place of abode or place of employment, or the operation of a motorized vehicle with a defective, altered, or missing muffler.	
46		(f) Loading, unloading, opening boxes. The creation of an unusual and unreasonable level of noise in connection with loading or unloading any vehicle, the opening and destruction of boxes, bales, crates, and other containers, or the prolonged deposit of solid waste materials or recyclables into containers or receptacles, at a noise level which would or does annoy or disturb a person of reasonable sensibilities within his or her temporary or usual place of abode or place of employment	



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47		Compression release engine brakes or air brakes (aka "Jake Brakes"). The noise caused by the release or use of compression release engine brakes, sometimes referred to as air brakes or "Jake Brakes."	A person committing more than three violations of this section during any rolling 12-month period shall also be guilty of a Class 3 misdemeanor and shall be fined not more than \$500, in accordance with G.S. § 14-4, in addition to the civil penalties imposed
48	§93.02(B)(1)(g) (Types of Noises Prohibited and Types of Noises Not Prohibited, Enforcement, Penalties)	Alarms. Car, home and similar types of alarms which are activated and not discontinued promptly after the person in control of the alarm is advised or discovers that the alarm has been activated, unless the alarm is allowed to continue because said person believes that a crime is being committed	A person committing more than two violations of this division during any rolling 12-month period shall also be guilty of a Class 3 misdemeanor and shall be fined not more than \$500
49	§93.02( C) (Types of Noises Prohibited and Types of Noises Not Prohibited, Enforcement, Penalties)	Noises and activities prohibited between 10:00 p.m. and 6:00 a.m.	
50		(1) In addition to the noises prohibited pursuant to § 93.02(A) and § 93.02(B), the following noises and activities are prohibited between 10:00 p.m. and 6:00 a.m., except to the extent that such noises are expressly permitted in the town's B-1, B-2, B-3, and U-1 zoning districts pursuant to § 93.05, infra, or to the extent otherwise excepted from the scope of this chapter.	
51		(a) Outdoor use of television sets, radios, music amplification and playing devices, and the like. The outdoor use, operation, or playing of any television set, radio, musical instrument, phonograph, sound amplifying device or other machine or device for the production or reproduction of sound.	

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52		<p>(b) Indoor use of musical instruments, sound amplification, and the like. The indoor use, operation or playing of a musical instrument or sound amplifying device at such volume or in such manner as to be audible within another person's temporary or usual place of abode; provided, if the place of abode is within an apartment building or other multi-family housing structure, the sounds covered by this section originate within the same apartment building, and the owners and/or tenants of all apartments within the apartment building are members of a property owner's association, renter's association, or like organization, which has adopted rules governing noise within the apartment building, such rules will govern such sounds within the apartment building; provided further that such rules do not supersede or excuse any requirements of this chapter relative to noises originating from within the apartment building, but heard elsewhere. For this exemption to apply, said duly adopted rules must be on file with the Boone Police Department.</p>	
53		<p>(c) Yelling, shouting, and the like. Yelling, shouting, whistling, or singing outdoors at a volume which is audible within another person's temporary or usual place of abode.</p>	
54		<p>(d) Parties. Noise from parties or gatherings of people, including but not limited to the noise from many voices speaking at once, drunken conversation, yelling, shouting, singing, music, breaking glass, or fireworks, which is audible within another person's temporary or usual place of abode. For purposes of this paragraph, a "party" is considered any gathering of people, whether at a fixed location or otherwise, for social interaction.</p>	
55		<p>(e) Fireworks. The use of fireworks, except on the fourth of July, which produce sound audible within another person's temporary or usual place of abode.</p>	
56		<p>(f) Vehicles. The prolonged idling or running of a motor vehicle for a period of time exceeding what is reasonably needed to "warm" a vehicle's engine before use, which is audible within another person's temporary or usual place of abode.</p>	

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57		(g) Loading or unloading commercial vehicles; the deposit or disturbance of solid waste materials and recyclables. The noise in connection with loading or unloading of any commercial vehicle, the deposit of solid waste materials or recyclables into containers or receptacles, or the disturbance of solid waste materials or recyclables already in containers or receptacles, at a sound level audible within another person's temporary or usual place of abode.	
58		(h) Construction activity. Construction activity audible within another person's temporary or usual place of abode, unless conducted by a governmental entity or its contractor and specifically authorized by the Boone Town Council following general notice to the public and a public hearing. For purposes of the notice required by this section and all subsequent sections, it shall be sufficient that the specific topic of the public hearing is included in the agenda of the meeting during which it is to take place and the agenda, with the item listed, is posted in advance of the meeting on the town's official website	A person committing more than two violations of this section during any rolling 12-month period shall also be guilty of a Class 3 misdemeanor and shall be fined not more than \$500
59	§93.03 (Vicarious Responsibility) (Confinement of Animals in Vehicles)	(A) Responsibility of person with legal right to possession. Except to the extent that such noises are authorized in the Town's B-1, B-2, B-3 and U-1 zoning districts pursuant to § 93.05, infra, the person with the legal right to possession of a premises shall be responsible and liable for the actions of his or her guests at the premises when such actions violate this chapter.	
60		(B) Landlord's responsibility. Unless the owner of the premises where an action in violation of this chapter occurs has provided in a lease that an offending tenant at such premises shall refrain from activities which violate this ordinance, the owner of the premises shall also be responsible and liable for the actions of his or her tenants and their guests at the premises when such actions violate this chapter. This section, however, shall in no way relieve an owner's guests, a tenant, or a tenant's guests from liability for any violation of this chapter.	

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61		(C) Enforcement based upon vicarious liability. Vicarious liability is based upon the actions or omissions of a person or entity which has the legal right or actual ability to control or restrict a person violating this chapter. For purposes of the assertion of vicarious liability, it shall be immaterial whether the offending person has been cited as the result of a complaint or as the result of observations by a police officer	A person vicariously liable for more than two violations of this section during any rolling 12-month period shall also be guilty of a Class 3 misdemeanor and shall be fined not more than \$500
62	§98.03 (Confinement of Animals in Vehicles)	No domestic animal, household pet or wild animal in captivity may be confined in a motor vehicle under conditions that are likely to cause suffering, injury or death to the animal due to heat, cold, lack of adequate ventilation, or other endangering conditions	(1) Violation of § 98.03 shall subject the person improperly confining an animal to a civil penalty of \$50 and shall constitute a Class 3 misdemeanor pursuant to G.S. § 14-4(a), with a fine of up to \$50. Any repeat violation within a 36-month period shall subject the person to a civil penalty of \$100, and shall constitute a Class 3 misdemeanor , with a fine of up to \$500
63	§98.99 - ANIMAL CONTROL AND CRUELTY (Penalty)	Violation of §98.03 which reads: (A) No domestic animal, household pet or wild animal in captivity may be confined in a motor vehicle under conditions that are likely to cause suffering, injury or death to the animal due to heat, cold, lack of adequate ventilation, or other endangering conditions. Such confinement shall be considered improper and illegal (hereafter "improper confinement"). Without limiting the foregoing, it shall be presumed that an interior temperature exceeding 109° F causes an unacceptable level of suffering by any such animal, and constitutes improper confinement in violation of this section. (B) After making a reasonable effort in the immediate vicinity of the vehicle to locate the owner or operator of a vehicle in which a suffering, injured or dying animal is improperly confined, taking into consideration the condition of the animal, a law enforcement or duly authorized Animal Control Officer may enter a closed vehicle by any reasonable means under the circumstances to remove the animal, and may take such animal to an appropriate facility for its care or maintenance.	Subject the person improperly confining an animal to a civil penalty of \$50 and shall constitute a Class 3 misdemeanor pursuant to G.S. §144-4(a), with a fine of up to \$50. Any repeat violation within a 36-month period shall subject the person to a civil penalty of \$100, and shall constitute a Class 3 misdemeanor, with a fine of up to \$500

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64	§130.01 (Discharge of Firearms and Air Rifles)	Subject to division (B) below, no person may discharge any firearm within the town	A violation of any of the provisions of §§ 130.01(A), (B) and (C) or 130.15 of this chapter shall constitute a Class 3 misdemeanor and shall be subject, as provided in G.S. §§ 14-4 and 160A-175, to a fine of not more than \$50, or imprisonment for not more than 30 days, or both
65	§130.15 (Display of Alcoholic Beverages)	No person shall display any alcoholic beverages on any facility, right-of-way, street, public vehicular area or property owned or regulated by the town, unless the alcoholic beverage is contained in its original factory-sealed container	A violation of any of the provisions of §§ 130.01(A), (B) and (C) or 130.15 of this chapter shall constitute a Class 3 misdemeanor and shall be subject, as provided in G.S. §§ 14-4 and 160A-175, to a fine of not more than \$50, or imprisonment for not more than 30 days, or both

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66	<p>§130.99 - GENERAL OFFENSES AGAINST TOWN REGULATIONS (Penalty)</p>	<p>Any violation of any provisions of §§130.01 (A), (B) and © or 130.15 of this chapter which reads: (A) Subject to division (B) below, no person may discharge any firearm within the town.</p> <p>(B) Division (A) above shall not apply to private persons acting in justifiable self-defense or pursuant to the lawful directions of a police officer, nor to police officers acting in a lawful performance of their duties. Division (A) above shall not apply to the discharge of firearms within fully enclosed and indoor shooting ranges, constructed and operating in compliance with the State Building Code, the town's Uniform Development Ordinance, the federal Occupational Health and Safety Act, as amended, and its regulations, the National Fire Protection Association Standards and State Fire Code, and other laws and regulations as may be established or exist which dictate the construction and operational standards which an indoor shooting range must meet. No indoor shooting range may exist within the town unless its proprietor has submitted to the Chief of Police of the town operating rules concerning employee and invitee or licensee (patron) use of the indoor shooting range, and the Chief of Police has, in writing, issued an opinion that the rules adequately protect the safety of the public and those rules are fully implemented and enforced.</p> <p>(C) No person may discharge or shoot within the town any air rifle, air pistol, B-B gun or similar weapon within 100 yards of any building or house or gathering of people, except in a fully enclosed and indoor facility, constructed and operating in compliance with the State Building Code, the town's Uniform Development Ordinance, the federal Occupational Health and Safety Act, as amended, and its regulations, the National Fire Protection Association Standards and State Fire Code, and other laws and regulations as may be established or exist which dictate the construction and operational standards which the indoor facilities must meet. No facility may exist within the town unless its proprietor has submitted to the Chief of Police of the town operating rules concerning employee and invitee or licensee (patron) use of the indoor shooting range, the Chief of Police has, in writing, issued an opinion that the rules adequately protect the safety of the public, and those rules are fully implemented and enforced. No person shall display any alcoholic beverages on any facility, right-of-way, street, public vehicular area or property owned or regulated by the town, unless the alcoholic beverage is contained in its original factory-sealed container.</p>	<p>Class 3 misdemeanor and shall be subject, as provided in G.S. §§ 14-4 and 160Z-175, to a fine of not more than \$50, or imprisonment of not more than 30 days, or both</p>
67	<p>§151.49 (Enforcement Procedures)</p>	<p>If the owner of a dwelling fails to comply with an order issued pursuant to § 151.48, then unless an appeal is taken from the order in accordance with § 151.51, and after the Town Council has acted as required pursuant to division (B) below, the Housing Inspector may:</p>	<p>Cause to be posted on the main entrance of any building so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a class I misdemeanor</p>

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	A	B	C
68	§152.02 (Automatic Smoke Detector Outlets Required in Rental Residential Dwelling Units)	(A) A minimum of one 120-volt outlet shall be installed outside each sleeping area in each dwelling unit within single-family dwellings, two-family dwellings, apartment houses, condominiums and/or town houses for the connection of approved fixed automatic smoke detectors (non-plug-in) as required in the State Building Code.	
69		(B) Automatic smoke detector outlets are required in residential dwelling units. The outlets shall be located on or near the ceiling in accordance with the listing and the instructions of the manufacturer of the approved automatic smoke detector	
70	§152.03(A) (Automatic Smoke Detector Outlets Required in Rental Residential Dwelling Units)	The owner(s) of a building having a rental residential dwelling unit or dwelling units shall be responsible for installing or having qualified persons install outlets as required by this subchapter. Installation of 120-volt automatic smoke detector outlets shall be done by a licensed electrical contractor.	Any person who shall be adjudged to have violated §§ 152.01 through 152.06 shall be guilty of a misdemeanor and shall, upon conviction, be liable to a fine not to exceed \$50 for each offense. Each 30 days that the violation continues shall constitute a separate and distinct offense
71	§152.03(B) (Automatic Smoke Detector Outlets Required in Rental Residential Dwelling Units)	The owner of a rental residential dwelling unit shall be responsible for maintaining his or her automatic smoke detector and its power source	Any person who shall be adjudged to have violated §§ 152.01 through 152.06 shall be guilty of a misdemeanor and shall, upon conviction, be liable to a fine not to exceed \$50 for each offense. Each 30 days that the violation continues shall constitute a separate and distinct offense

TOWN OF BOONE ORDINANCE VIOLATION MISDEMEANORS

	A	B	C
72	§152.99 - LAND USAGE (Rental Property Requirements)	<p>Any person who shall be adjudged to have violated §§152.01 through 152.06: (A) A minimum of one 120-volt outlet shall be installed outside each sleeping area in each dwelling unit within single-family dwellings, two-family dwellings, apartment houses, condominiums and/or town houses for the connection of approved fixed automatic smoke detectors (non-plug-in) as required in the State Building Code.</p> <p>(B) Automatic smoke detector outlets are required in residential dwelling units. The outlets shall be located on or near the ceiling in accordance with the listing and the instructions of the manufacturer of the approved automatic smoke detector. (A) The owner(s) of a building having a rental residential dwelling unit or dwelling units shall be responsible for installing or having qualified persons install outlets as required by this subchapter. Installation of 120-volt automatic smoke detector outlets shall be done by a licensed electrical contractor.</p> <p>(B) The owner of a rental residential dwelling unit shall be responsible for maintaining his or her automatic smoke detector and its power source. Permits will only be required if the type installation is as outlined in G.S. § 160A-417. The Planning and Inspections Department and/or the Fire Marshal shall be responsible for enforcing this subchapter. Inspectors shall be qualified by the Code Officials Qualification Board when inspecting the 120-volt permanent type units. For the purposes of this subchapter, appeals from an inspector's decision may be taken to the Town Minimum Housing Board by filing an appeal with the staff within five days of an inspector's written decision.</p>	
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TOWN OF BOONE ORDINANCE VIOLATION MISDEMEANORS

	A	B	C
74	UDO		Unless a more stringent criminal penalty is prescribed pursuant to State law for a particular violation of this ordinance or are otherwise provided, any person who violates the UDO shall be guilty of a Class 3 misdemeanor , pursuant to G.S. § 14-4(a), with a fine up to \$500;Any person who knowingly or willfully violates any provision of Article 20 shall be guilty of a Class 2 misdemeanor with a fine up to \$5,000;Any person who, being the owner or agent of the owner of any land located within the planning jurisdiction of the town, subdivides his or her land in violation of this ordinance, or transfers or sells land by reference to, exhibition of, or by any other use of a plat showing a subdivision of the land before the plat has been properly approved and recorded in the office of the Watauga County Register of Deeds, shall be guilty of a Class 1 misdemeanor with a fine of \$1,000. The town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land. Building permits required pursuant to G.S. § 160A-417 shall 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. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from violation of this ordinance
75	6.01.07	Any person who, while under oath during a proceeding before the Board, willfully swears falsely is guilty	Class 1 Misdemeanor
76	Unified Development Ordinance 12.06.01	Various violations of the Unified Development Ordinance, which may include: Development without a permit, development inconsistent with a permit, violation by act or omission, use violation, continuance of a violation, violation of incorporated codes and manuals, violation of conditions of approval, occupancy violations	Class 1, 2 or 3 Misdemeanor, depending on offense

# TOWN OF BOONE ORDINANCE VIOLATION MISDEMEANORS

	A	B	C
77	Unified Development Ordinance 30.02.03	Issue stop-work orders as required in accordance with the procedures of Section 12.08 of this ordinance. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this article, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed.	Misdemeanor
78	12.06.01 Available remedies.	Any or all of the following may be used to enforce the provisions of this ordinance	<p>a. Unless a more stringent criminal penalty is prescribed pursuant to State law for a particular violation of this ordinance or are otherwise provided, any person who violates the UDO shall be guilty of a Class 3 misdemeanor , pursuant to G.S. § 14-4(a), with a fine up to \$500.</p> <p>b. Any person who knowingly or willfully violates any provision of Article 20 shall be guilty of a Class 2 misdemeanor with a fine up to \$5,000.</p>
79			

TOWN OF BOONE ORDINANCE VIOLATION MISDEMEANORS

	A	B	C
80			<p>c. Any person who, being the owner or agent of the owner of any land located within the planning jurisdiction of the town, subdivides his or her land in violation of this ordinance, or transfers or sells land by reference to, exhibition of, or by any other use of a plat showing a subdivision of the land before the plat has been properly approved and recorded in the office of the Watauga County Register of Deeds, shall be guilty of a Class 1 misdemeanor with a fine of \$1,000. The town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land. Building permits required pursuant to G.S. § 160A-417 shall 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. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from violation of this ordinance</p>

