

Town of Burnsville, NC Code of Ordinances  
Offenses Punishable as Misdemeanors Pursuant to N.C. G.S. 14-4(a):

Following is a summation of the sections of the Code of Ordinances for the Town of Burnsville with penalties based on N.C. G.S. 14-4(a). This is only a summary of these sections and does not contain complete verbatim language from the code.

Section 10.99 General Penalty:

Any person, firm or corporation violating any of the provisions of any section or division of this code of ordinances for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense.

(G.S. 14-4(a)), (1980 Code Sec. 1-10)

- Section 35.99- Violation of 35.05(b), after a curfew has been declared by the Mayor or Town Council is subject to a fine or imprisonment as stated in Section 10.99
- Section 50.999(b)- Fines or imprisonment as stated in 10.99 for the following violations:
  - \*Selling or supplying Town water without permission, manipulation or tampering with any Town line or equipment, meters, attachments prior to the meter and any falsification of related applications/documents (Section 50.025)
  - \*Tampering with water service after it has been cut off by the Town in order to resume service (Section 50.060)
  - \*Failure to connect to Town water supply where within corporate limits within 60 days of a notice from the Town (Section 50.075)
  - \*Connecting to Town water supply without obtaining a permit (Section 50.076)
  - \*Allowing storm water/runoff and drainage to enter the Town sewer system (Section 50.131)
  - \*Discharge of unauthorized waste into the Town waste water system such as: rags, clothing, high temperature wastes, fats oils and greases in excess of 100 mg/l, flammable or hazardous waste, garbage or other waste that cannot be treated by normal practices (Section 50.132)
  - \*Discharge of industrial waste into the Town sewer system without obtaining a proper permit (Section 50.135)
  - \*Failure to provide suitable storage or devices required by the Town for the discharge of waste in excess of 30,000 gallons per day or failure to use required grease traps (Section 50.136)
  - \*Failure to provide or not properly maintaining required manholes (Section 50.137)
- Section 70.99- Penalties related to violation of Traffic Code Title 7:
  - \*One way streets and traffic devices (Section 71.04)
  - \*U-turns and direction of travel (Section 71.05)
  - \*Unlawful passing when postings or hazardous conditions exist (Section 71.06)
  - \*Failure to observe marked crosswalks and safety zones (Section 71.07)

\*When traffic control devices stating through trucks are not permitted, a truck having 6 wheels or more may not be driven on that street unless its destination or origin is on that street (Section 71.08)

\*Drivers may not obstruct passage of vehicles or pedestrians in crosswalks or intersections (Section 71.09)

\*Vehicles may not drive between the vehicles constituting a funeral procession when they are in motion (Section 71.10)

\*Coasters, roller skates, toy vehicles or similar not allowed on roadways unless they are crossing at a designated crosswalk. No bicycles on sidewalks. Passengers may not ride on handlebars of bicycles/motorcycles or any other part not designed to carry passengers (Section 71.11)

\*No vehicle may be driven at a speed greater than 35 mph unless otherwise posted or permitted in the ordinance (Section 72.01)

\*All Town maintained streets shall have a speed limit of 20 mph. Such streets are set out on the current Powell Bill Map (Section 72.02)

\*Parking prohibitions (Section 73.01): In front of a private driveway, within 10 feet of a fire hydrant or fire station entrance. Within 15 feet of the intersection of curb lines or 25 feet of intersecting property lines at highway intersections. Within an intersection or marked crosswalk. Within 30 feet of any traffic control signal or device installed at an intersection. On a sidewalk or space between the sidewalk and a curb. In any portion of a roadway intended to carry traffic or at the roadway side of any vehicle stopped or parked. In an alley or private road when less than 10 feet would be left open for travel. In any space marked reserved for the disabled unless the driver or a passenger is disabled. No vehicle may be parked on any street for the purpose of displaying for sale, washing or performing work (unless an emergency), storing the vehicle, advertising. Parallel parking where permitted must be heading in the direction of lawful traffic movement, vehicles must park within lines indicating a parking space. Angle parking is permitted where areas are marked to allow such.

- Section 74 Loading/Unloading Zones

\*Parking in school zones is not permitted except for loading/unloading of school passengers and for no longer than 10 minutes (Section 74.02)

\*Parking in a designated unloading zone is limited to 30 minutes and parking or standing in these zones is not allowed (Section 74.04)

- Schedules I-IV: Schedules 1 & 2 define allowed and prohibited parking locations and times with penalties per 70.99. Schedules 1 – 4 also provides the approved locations of traffic devices on Town streets, penalties are also given in 70.99

- Section 90.99: Chapter 90 covers animal control with penalties referenced in 90.99

\* Wild animals and livestock- permits are required to keep such animals in town and are subject to the restrictions described, some of which are: A tract must be at least 40,000 sq.ft. under single ownership, 20,000 sq.ft. is required per animal. Permits are granted by the Administrator's discretion and may be revoked if the applicant violates the provisions of the ordinance (Section 90.15)

\*Domestic animals must be kept in a dwelling or a cage unless they are on a leash. Animals may not run at large or trespass on other's property (Section 90.16)

\*Animals that create a nuisance by snapping at or attacking pedestrians or interfering with the enjoyment of neighboring properties or causing injury to other persons shall be ordered to be removed from the Town if the violations are corrected (Section 90.17)

\*No wild animal may be kept in the Town other than those permitted by the ordinance, no livestock other than cows, goats, horses, or sheep (Section 90.19)

\*Lots, pens, coops and enclosures where animals are kept must be located away from dwellings and sources of water and food supply, must be kept sanitary (Section 90.21)

\*Owners of animals must provide proper food, shelter, veterinary care and shelter. Owners may not abandon animals (Section 90.65)

\*Cruelty to animals such as willfully wounding, beating or torturing is prohibited (Section 90.66)

\*Any person who injures an animal with a vehicle must stop and render assistance if possible and notify the owner or police (Section 90.67)

- Provisions for Cemeteries Chapter 91:

\*Inside town limits, deceased persons must be buried in cemeteries per the State Cemetery Act, GS Chapter 65, Article 9 (Section 91.15)

\*Any disruptive activity such as : driving a vehicle, taking an animal into a cemetery, loud or boisterous conduct, posting of any advertising is prohibited in cemeteries (Section 91.16)

\*Desecration by littering, destroying or damaging monuments, flowers or ornaments is prohibited (Section 91.17)

\*There shall be no removal or defacing of any monument, including alteration of lettering or markings on monuments (Section 91.18)

\*No person may enter the Town Cemetery at any time other than the hours of operation from sunrise to sunset (Section 91.19)

\*No person may plant, prune or remove any tree, shrub, flowers, etc. without the consent of the Cemetery Administrator. Artificial flowers are limited to 2 months on display. The Cemetery Administrator has the right to remove any unsightly arrangements and remove any vegetation that may encroach upon another walkway or driveway on the premises (Section 91.20)

\*No person may purchase or acquire any burial right for sale or exchange. No person may sell or exchange any burial right for profit or gain (Section 91.37)

\*No grave may be opened and no burial may take place without obtaining the proper permit, providing the necessary information and paying all applicable fees (Section 91.50)

\*Graves must be at a minimum depth of 5 feet and shall be level with surrounding areas. No mounds shall be allowed (Section 91.42)

- Fire Protection Chapter 92:

\*No building or structure within the fire limits may be erected , altered, repaired or moved without first obtaining the proper building permits (Section 92.01)

\*No person may interfere with firefighters in their duties. No person may give a false alarm or damage detection or extinguishing equipment (Section 92.15)

\*No person other than Fire Department members may ride upon any fire engine or apparatus except by permission of the driver or officer in command (Section 92.16)

\*Congregating on streets, sidewalks or adjacent areas so as to interfere with operations of the Fire Department prohibited (Section 92.17)

\*No person may block or obstruct any fire exit, passageway or means of egress. No person may lock doors in means of egress against the path of travel (Section 92.31)

\*Rooms designed to accommodate more than 50 persons shall be marked by approved exit signs that are illuminate. Fire escapes, stairways and halls must be adequately lighted when the building is occupied (Section 92.32)

\*Rooms designed to accommodate more than 50 people shall have the occupancy number posted. The owner shall prevent occupancy of more than the allowed number of persons (Section 92.33)

\*Owners of all nonresidential premises shall install sufficient fire extinguishers as described by the Fire Chief (Section 92.34)

\*Open burning inside Town limits is not allowed unless by permit from the Fire Chief in an approved container which is located not less than 15 feet from any structure (Section 92.35)

- Nuisances, Chapter 93:

\*No person may allow accumulation of solid wastes on a premises under his/her control. Such accumulation is considered a danger to public health and safety and a detriment to surrounding property. Such items include: 1) Fire hazards, 2) stagnant water, 3) rats or vermin, 4) abandoned appliances or building materials, 5) Emission of offensive dust, sludge or other substances which interfere with enjoyment of life or property, 6) Abandoned or junked motor vehicles, 7) any other condition deemed detrimental to public health (Section 93.15)

\*No person may discard or deposit any solid wastes on: Public streets or sidewalks, property owned by the Town or any property not owned by him/her without the consent of the owner (Section 93.16)

\*Transport of garbage/solid waste on public streets is not allowed unless properly secured and such waste must be in closed containers (Section 93.17)

\*No person may burn or bury any refuse or solid waste unless authorized by 92.35 (Section 93.18)

\*Scrap materials may not accumulate on a person's premises unless they are: Surrounded by a fence of sufficient height to deny view and access or stored within a structure or container to minimize danger (Section 93.20)

\*No person may permit the growth of weeds, grasses or other plants that threaten to become a fire hazard or harboring place for rats or other vermin or creates a danger to public health and safety, considered "noxious growth" (Section 93.21)

\*Any person engaged in grading, earth moving or other activities that may cause discharge or erosion onto other properties, streams, storm drains, etc. must make proper provisions before work begins to prevent such occurrence (Section 93.22)

\*Miscellaneous: No person may interfere with or damage any solid waste receptacle except by permission of the owner. No solid waste not generated within town limits may be placed for collection by the Town (Section 93.38)

\*Penalties and procedures for violations of the provisions in Chapter 93 shall be instituted per G.S. 14-4 (Section 93.99)

- Streets and Sidewalks, Chapter 95:

\*No person may cause damage to street signs, traffic control devices, as well as town maintained sidewalks, drains, bridges, etc. (Section 95.01)

\*Owners of houses and principal buildings must clearly display the house number. Only the assigned number may be displayed and no person may remove or destroy the number (Section 95.02)

\*Public streets and sidewalks may not be blocked or otherwise impeded by any obstruction unless allowed by the ordinance (ex. sidewalk sales) A permit is required for the display or work that could infringe upon the sidewalk (Section 95.15)

\*No person may allow tree limbs, bushes or other growth/obstruction from property under their control to overhang a public street less than 12 feet above the travelled portion of the street. The distance from the travelled surface is 7 feet for sidewalks. Grass, vines, weeds and other vegetation shall not be allowed to grow over any street or sidewalk (Section 95.16)

\*Gutters, ditches, drain pipes, etc. may not discharge water onto a public sidewalk. Owners of property must construct as necessary to avoid runoff or washing of materials onto the sidewalk (Section 95.17)

\*Warning signs and barricades must be used when work that creates a dangerous condition is performed on a public right of way of any street or sidewalk to warn the public. No person may remove, destroy or tamper with such devices (Section 95.18)

\*No driveway across any public street or sidewalk shall be constructed or curbing cut without a written permit from the Administrator. A person obtaining such permit is responsible for repairing any damages caused by construction. Drainage capacity must be maintained and a permit may be revoked if construction is non-compliant (Section 95.35)

\*No person may dig or excavate any street or sidewalk within the town without a written permit. The permit holder is responsible for putting the street or sidewalk back into as good a condition as it was prior to the work. This provision does not apply to State work done on State maintained roads.

\*Street Events: No person may run, operate or sponsor any event in a public street or right of way without a permit. Food vending activities must be permitted by the County Health Department (Section 95.51)

\*If a street closure for an event is necessary, a resolution to allow the closing must be passed by the Town Council. No person may operate a vehicle contrary to traffic control devices set up for such an event. (Section 95.59) Sponsors for events are responsible for clean up of any litter caused by the event and removing all temporary obstructions and are expected to return the area to the condition it was prior to the event (Section 95.60)

- General Offenses, Chapter 130:

\*Sections 130.01 and 130.02 cover noise in general and particular noise. Noises are prohibited that : Frighten or pose a danger to any person's health, whether located on private property or public property. Any noise of greater duration than is reasonably necessary for a lawful function, operation or activity. Particular noises that are declared unlawful include but are not limited to : Use of motor vehicle horns other than as a warning device, operation of a motor vehicle without a muffler or with a defective muffler, racing of engines or screeching of tires, playing of loud electronic devices such as radios that disturbs other persons, use of an amplification device or instrument to attract attention to a performance, show, etc.

\*No person may discharge any firearm within the town except for private citizens acting in justifiable self defense and police officers acting in lawful performance of their duties.

No person may discharge any air rifle, air pistol, BB gun or similar weapon within 100 yards of any house, building or gathering of people (Section 130.03)

\*Except as otherwise provided by law, no person may operate inside town limits any public enterprise per GS 160A-311 without obtaining a franchise from the town or continue to operate after the franchise has expired (Section 130.04)

\*No minors under the age of 18 may loiter, wander, play on streets, etc. between 12:00 midnight and sunrise without being accompanied by a parent or guardian. The section does not apply to: Errands at a parent/guardians direction, travel in a motor vehicle, employment, civic, school and religious activities and exercising of one's First Amendment rights under the US Constitution. Other exceptions also apply (Section 130.05)

\* It shall be unlawful to consume alcoholic beverages on public streets, to possess open containers of alcohol or possession of such beverages on any public streets, alleys and parking lots closed to traffic for special events. There are provisions that allow consumption of alcohol in certain areas such as the Town Center located on South Main Street. (Section 130.06)

\*No person may make or use any utterance, gesture, display or abusive language which may provoke violence and cause a breach of the peace (Section 130.07)