

Mayor David Fowler
Commissioner Steve Martin
Commissioner Mike King
Commissioner Charlie Evans



Commissioner Minnie Truax
Commissioner Don Miller
Town Manager Zachary Steffey
Attorney Brett DeSelms

102 Dolphin Street
Cape Carteret, NC 28584

To Whom it May Concern:

In response to Session Law 2018-69 we have compiled a list of areas within our Code of Ordinances where offenses are punishable by a criminal charge (misdemeanor). We believe that this information represents a complete list of all references within the Code of Ordinances however, we would be happy to provide additional information if necessary.

Emergency Management – violation of curfew etc.

Motor vehicle registration violation

§ 36.99 PENALTY.

(A) Any violation of any provision of §§ 36.01 et seq. other than those provisions in § 36.10 shall subject the violator to a civil penalty in the sum of \$25 per day.

(B) A citation for the civil penalty shall be issued by the Police Department or the Town Building Inspector.

(C) Each citation for a civil penalty must be paid within 72 hours of issuance.

(D) For violations of § 36.10, the following penalties shall apply:

(1) If any person shall display or cause or permit to be displayed or have in his or her possession any decal issued under § 36.10 for purposes of reentering the town in connection with a declaration of emergency with knowledge that such decal is fictitious, invalid, canceled, revoked, suspended, nullified or altered, such person shall be guilty of a general misdemeanor.

(2) Any other violation of any provision of § 36.10 shall subject the violator to a civil penalty in the sum of \$5 per day. A citation for the civil penalty must be issued by the Police Department. Each citation for a civil penalty must be paid within 72 hours of issuance.

(E) Each day that the violator continues any violation in this chapter shall be a separate and distinct offense.

(1997 Code, § 10-31)

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Applicable sections for § 36.99:

§ 36.01 RESTRICTIONS AUTHORIZED.

(A) A state of emergency shall be deemed to exist wherever during times of public crisis, disaster, rioting, catastrophe or similar public emergency, for any reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property, or whenever the occurrence of any such condition is imminent.

(B) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the town or any part thereof, or threatening damage to or destruction of property, the Mayor is hereby authorized and empowered under G.S. § 166A-8 to issue a public proclamation declaring to all persons the existence of such state of emergency, and in order to more effectively protect the lives and property of people within the city, to place in effect any or all of the restrictions hereinafter authorized.

(C) The Mayor is hereby authorized and empowered to limit, by the proclamation, the application of all or any part of such restrictions to any area specifically designated or described within the town limits and to specific hours of the day or night; and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firefighters and other public employees, rescue squad members, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel, whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the town.

(1997 Code, § 10-32)

§ 36.10 MOTOR VEHICLE REGISTRATION.

(A) Automobile identification decals.

(1) Each resident and property owner shall register with the Police Department every motor vehicle kept in the town any part of 15 or more days within a calendar year. The Police Department will issue a decal to each vehicle so registered. The purpose of the decal is to identify residents and property owners in the event of evacuation and reentry into the town in connection with a declaration of emergency.

(2) Registration for motor vehicles then subject to registration shall be completed on or before February 15, 1993.

(3) Each motor vehicle shall be registered by its owner within 30 days after it is subject to registration.

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(4) Persons who are employed within the town limits, but who neither reside in nor own property in the town, may register their vehicles according to this section at any time prior to a declaration of emergency. If such person chooses to register his or her vehicle, he or she shall comply with and be subject to all provisions of this section.

(5) There will be no charge for registration or issuance of the decals.

(B) Display of decals. Decals will be displayed in the left bottom corner of the front windshield of the vehicle for which it was issued, except that the decal will be displayed on the front fender of 2-wheel motor vehicles.

(C) Replacement of and removal of decals.

(1) In the event a decal issued for a motor vehicle under this section is destroyed, the owner of such vehicle must apply for a new decal with the Police Department within 15 days after the destruction of the previous decal.

(2) Residents who move from the town, property owners who sell their property, and persons who register their vehicles by reason of employment within the town but who leave such employment, will remove all decals issued pursuant to this section within 15 days and will report such action to the Police Department.

(D) Reentry without decal prohibited. Vehicles that do not display the identification decal will not be permitted to reenter the town after an evacuation ordered until ownership can be verified or until the emergency is declared ended.

(E) Unlawful use of decal is prohibited. No person shall display or cause or permit to be displayed or have in his or her possession any decal issued under this section knowing the same to be fictitious or invalid or to have been canceled, revoked, suspended, nullified or altered; and no person shall willfully display any decal that is not valid and current. It shall be unlawful for any person to give, lend, sell or obtain a decal for any purpose other than as authorized in this section and for any purpose other than in connection with vehicles for which the decal was issued.

§ 36.99 PENALTY.

(D) For violations of § 36.10, the following penalties shall apply:

(1) If any person shall display or cause or permit to be displayed or have in his or her possession any decal issued under § 36.10 for purposes of reentering the town in connection with a declaration of emergency with knowledge that such decal is fictitious, invalid, canceled, revoked, suspended, nullified or altered, such person shall be guilty of a general misdemeanor.

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Violations pertaining to Massage Establishments

(6) The licensee violates any zoning, building or fire prevention ordinance.

(1997 Code, § 8-82) Penalty, see § 113.99

§ 113.99 PENALTY.

Any person convicted of violating any provision of this chapter shall be guilty of a misdemeanor punishable by a fine of up to \$500 or 6 months in jail, or both.

§ 151.27 FLOODPLAIN ADMINISTRATOR; DUTIES AND RESPONSIBILITIES.

(P) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, 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 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. Violation of a stop-work order constitutes a misdemeanor;

§ 151.28 CORRECTIVE PROCEDURES (Floodplain Administrator)

(E) Failure to comply with order. If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he or she shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(Ord. passed 7-14-2003)

Violation of any provision of the floodplain chapter.

§ 151.99 PENALTY.

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(A) 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.

(B) Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days, or both.

(C) Each day the violation continues shall be considered a separate offense.

(D) Nothing herein contained shall prevent Cape Carteret from taking other lawful action as is necessary to prevent or remedy any violation.

(E) The Zoning Enforcement Officer is one designated by the Board of Commissioners.

(Ord. passed 7-14-2003)

§ 152.99 PENALTY.

Any person adjudged guilty of knowingly and willfully undertaking any development requiring a minor development permit without acquiring such a permit, or of conduct exceeding the authority of a permit or of failure to observe the agreed modifications of a conditioned grant, or of violation of any other applicable regulations adopted by the town or the Commission pursuant to the CAMA shall be guilty of a misdemeanor, and for each violation shall be liable for a penalty of not less than \$100 nor more than \$1,000 or shall be imprisoned for not more than 60 days, or both. In addition, if any person continues or further commits any of the above violations after written notice from the local permit officer, the court may determine that each day during which the violation continues or is repeated constitutes a separate violation subject to the foregoing penalties.

(Ord. 2009-01, passed 2-16-2009)

§ 91.21 REMOVAL OF COLLAR OR ANIMAL FROM PROPERTY PROHIBITED.

It shall be a misdemeanor for any person, other than the owner or lawful possessor, to remove the collar, license tag or rabies vaccination tag from the neck of the dog or cat or to entice any dog or cat out of any enclosure or house on the premises of its owner or lawful possessor, or to seize or molest any dog while held or led by its owner or lawful possessor.

(1997 Code, § 4-12)

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§ 91.23 NUMBER OF CATS AND DOGS PERMITTED ON PREMISES.

(D) Failure to abate. Any person failing or refusing to remove from the premises all dogs and/or cats in excess of 4 within 5 calendar days of the date of written notification shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding \$50, or shall be subject to imprisonment not exceeding 30 days, as provided by G.S. § 14-4.

§ 91.24 ALTERNATE PROCEDURE FOR ABATEMENT OF NUISANCE CREATED BY DOGS OR CATS.

(D) Same misdemeanor. If any owner or keeper of a dog for which an order of abatement has been issued, shall fail or refuse to abate the nuisance as ordered, he or she shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine not exceeding \$50, or shall be subject to imprisonment not exceeding 30 days, as provided by G.S. § 14-4.

§ 130.02 DISCHARGE OF FIREARMS AND OTHER WEAPONS.

(B) Any person who shall knowingly and willfully permit his or her minor child under 18 years of age to discharge, fire, shoot, or operate, within the corporate limits of the town any air rifle, BB gun or pellet gun shall be guilty of a misdemeanor.

(1997 Code, § 20-2) Penalty, see § 10.99