

## List of Ordinances of the Town of Cary Subject to Criminal Punishment

The following List summarizes by chapter the Town of Cary Code of Ordinances (“Code”) for which criminal misdemeanor prosecution is a possibility under G.S. 160A-175 and G.S. 14-4(a). The List does not include those violations for which civil enforcement is the only option. A complete copy of the Code can be found at: [http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/cary\\_nc/codeofordinancestowntofcarynorthcarolina?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:cary\\_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/cary_nc/codeofordinancestowntofcarynorthcarolina?f=templates$fn=default.htm$3.0$vid=amlegal:cary_nc).

### **Chapter 1. General Provisions:**

Generally requires territory within the Town to:

- comply with the Code;
- prohibits changing the Code without authorization; and
- requires certain construction to meet Town Standard Specifications and Details.

See Code sections: 1-6 and 1-14.

### **Chapter 2. Administration:**

Generally prohibits:

- Town officers and employees from performing Town activities for their own benefit;
- Hiring and other Human Resource decisions on bases other than merit; and
- Requires property owners and builders to comply with permitting inspection requests.

See Code sections: 2-71, 2-130, and 2-131.

### **Chapter 4. Alcoholic Beverages:**

Regulates or prohibits activities related to the sale, production, storage, and resale of alcoholic beverages within the Town in accord with state law.

See individual code sections: 4-2, 4-21, 4-22, and 4-26.

### **Chapter 6. Animals:**

- Requires permitting for the sale of animals;
- Authorizes animal control officers and requires compliance with their official requests;
- Prohibits the inhumane treatment of animals;
- Regulates the sale and keeping of exotic and domestic animals;
- Requires the reporting of animal bites or injuries;
- Regulates nuisance animals; and
- Requires permitting of dogs.

See Code sections: 6-28, 6-60 through 6-73, 6-105, and 6-109.

**Chapter 8. Buildings and Regulations:**

- Requires buildings to display a building number;
- Prohibits the moving of buildings on public streets without permission;
- Imposes minimum housing standards, requiring:
  - building construction and maintenance at minimum levels to insure safe habitation;
  - prohibits residing in, or allowing such, in any building determined to be unfit for habitation after following certain processes; and
- Requires compliance with the official orders of the housing inspector.

See Code sections: 8-21, 8-22, 8-54, 8-118, 8-120 through 8-124, 8-126, and 8-129.

**Chapter 9. Cable Television:**

Superseded by North Carolina State law.

**Chapter 10. Cemeteries:**

- Prohibits any change to the Hillcrest Cemetery (“Cemetery”) without permission from the Historic Preservation Commission;
- Prohibits any person from conducting themselves inappropriately in the Cemetery, including but not limited to taking animals onto the property, depositing trash or offensive substances, or discharging firearms;
- Prohibits any person from planting plants in the Cemetery, staying in the cemetery after closing, or driving in excess of 15 miles per hour in the Cemetery; and
- Requires all people to comply with regulations regarding the purchase, transfer, and use of grave lots within the Cemetery.

See Code sections: 10-2 through 10-7, 10-37, 10-67, and 10-72 through 10-74.

**Chapter 12. Emergency Management and Emergency Services:**

Prohibits any person from engaging in certain activities, as listed in the Code, during a declared emergency.

See Code sections: 12-49.

**Chapter 14. Environment:**

Requires property owners to properly abate drainage issues on their property; prohibits any person from smoking in Town facilities.

See Code sections: 14-19 and 14-22.

**Chapter 16. Fire Prevention and Protection:**

- Prohibits any person from openly burning garbage;
- Puts in place rules regarding the location and maintenance of combustible ground cover;
- Prohibits unauthorized access to fire apparatuses; and
- Requires information regarding hazardous materials to be kept in a specific manner on the site of the hazardous material.

See Code sections: 16-2, 16-3, 16-23, 16-85, and 16-86.

**Chapter 18. Health and Sanitation:**

- Prohibits any person from hindering the lawful discharge of duties of Town staff under this Chapter;
- Requires the closure of discontinued wells;
- Prohibits persons from allowing standing water or decaying matter or any injurious substance to remain on property;
- Requires persons to keep their outdoor premises free from trash or offensive organic material, cut or fallen plant material, or airtight containers with locks that cannot be released from the inside;
- Prohibits the obstruction of public drains, the allowance of excessive undergrowth, and the composting of material off-site or within a specific distance from other structures; and
- Requires all composting measures to comply with the Code.

See Code sections: 18-2 and 18-5 through 18-10.

**Chapter 20. Licenses and Business Regulations:**

- Requires pawnbrokers, peddlers, solicitors, taxicab owners or operators, and towing service operators to obtain and display qualifying information, permits, and other pertinent information as required in this chapter;
- Prohibits the same from engaging in restricted behaviors including but not limited to operating fraudulent taximeters, falsifying information on a permit application, or failing to provide a legible towing receipt with all necessary information; and
- Prohibits persons from not paying taxi cab fares.
- Requires persons who permit or engage in non-consensual towing to comply with regulations before, during, and after the performance of such tows.

See Code sections: 20-2, 20-3, 20-68 through 20-73, 20-105 through 20-108, 20-134, 20-135, 20-153 through 20-159.

**Chapter 22. Offenses and Miscellaneous Provisions:**

- Prohibits the placing of unsecured advertising material on motor vehicles;
- Prohibits the damage, removal, or trimming of plants on public property without permission and prohibits damage to sidewalks;
- Prohibits the installation of electrified fences;
- Prohibits the carrying, display, or discharge of firearms or other lethal weapons in certain locations;
- Prohibits the placing of graffiti, the disturbing of public meetings, and regulates the possession or consumption of alcoholic beverages on public streets or town property;
- Requires hotel guest registration;
- Prohibits disorderly, injurious, or interfering actions on public transportation systems; and
- Regulates the loud or disturbing noises.

See Code sections: 22-1, 22-23, 22-50 through 22-53, 22-78 through 22-81, 22-102, and 22-106 through 110.

**Chapter 24. Parks, Recreation and Cultural Resources:**

- Prohibits or regulates certain actions in Town parks and recreation areas, such as:
  - Remaining inside a park during closed hours;
  - Damaging or injuring wildlife, plants, turf, rocks, or streams without permission;
  - Swimming;
  - The creation or maintenance of open fires;
  - The operation of a motor vehicle, bicycles, skateboards, or rollerblades;
  - Entertainment, distribution of advertisement material, sale or solicitation;
- Requires certain safety equipment pieces on any person skating in Godbold Park; and
- Prohibits certain activities within the limits of certain, designated Town sponsored events.

See Code sections: 26-6 through 24-9 and 24-11 through 24-18.

**Chapter 26. Solid Waste Management:**

- Prohibits unauthorized dumping or littering of waste into a publicly-owned place, street, or park;
- Prohibits the unauthorized importation, burning, or collection of one's own or another's solid waste;
- Requires proper display of solid waste containers and to properly pay all service fees; and
- Prohibits scavenging, unauthorized use of the convenience center, improper collection of solid waste or recycling, improper disposal of yard and leaf waste, and improper maintenance and storage of solid waste containers.

See Code sections: 26-4, 26-5, 26-7, 26-41 through 26-44, 26-77, 26-79, 26-80, 26-114, 26-116, 26-147, and 26-148.

**Chapter 28. Streets, Sidewalks and Other Public Places:**

- Prohibits any person from tampering with or improperly conducting excavations, ditching, or other alterations to public streets, pathways, or rights-of-way;
- Requires proper construction and danger signaling of railroad crossings;
- Prohibits the placing of objects or materials in, on, or under a street or pathway such that it obstructs passage;
- Requires store building occupants to clear snow or ice from their adjacent sidewalks;
- Requires owners or developers to bear the cost of certain sidewalk construction, alteration, or repair;
- Requires proper cleanliness, danger identification, and covering of excavations on public pathways;
- Prohibits tampering with excavations or their warning signals and barriers, the continued opening of such excavation beyond what is absolutely necessary, and the failure to cover such an excavation when not in use;

- Requires persons granted permission to encroach to comply with all requirements of their permit or agreement;
- Prohibits certain actions at parades;
- Prohibits the construction of a driveway connection in noncompliance with this Article, the standard specifications or details manual, or any other relevant regulation.

See Code sections: 28-1 through 28-3, 28-5 through 28-10; 28-43, 28-44, 28-46, 28-129 through 135, 28-156, 28-162, 28-187 through 28-189, 28-196, 28-198 through 28-202, 28-204 through 28-206, 28-212, and 28-214.

**Chapter 34. Traffic and Vehicles:**

- Prescribes rules for the operation of vehicles, including but not limited to motor vehicles, public conveyances, bicycles, skateboards, etc.

See Code sections: 34-6 through 34-11, 34-13 through 34-15, 34-67, 34-71 through 34-73, 34-94, 34-110, 34-111, 34-142 through 34-146, 34-148 through 34-150, 34-152, 34-153, 34-176, 34-242 through 34-253, and 34-255.

**Chapter 36. Utilities:**

- Prohibits the unauthorized or willful operation, tampering, alteration, addition, connection to or destruction of any part of the Town water or sewer system;
- Requires a proper level of maintenance of any privately-owned sewer or water line;
- Prohibits the construction, alteration, or operation of a water or sewer system or buildings connecting to such systems without a permit;
- Prohibits the throwing trash, plant materials, or other substance into storage reservoirs of the Town and requires certain standards of cleanliness, notice, and warning for wastewater facilities;
- Prohibits connections to the Town system of groundwater connections, irrigation practices, water shortage responses, or metering without permission of the Town;
- Prohibits the purchase or use of outside water without permission, the failure to connect certain properties to sanitary sewer systems, the continued unexempted occupation of a structure with disconnected sanitary sewer connection or the construction of privies;
- Prohibits unauthorized transfer or modification of wastewater related permits;
- Requires grease interceptors and access manholes to be properly installed when required, adequately maintained, and properly accessible to inspection;
- Prohibits certain irrigation or reclaimed water activities and the discharge, storage, or pretreatment of wastewater;
- Prohibits cross-connections between reclaimed water systems and the Town's potable water system; and

See Code sections: 36-1 through 36-3, 36-7, 36-13, 36-14, 36-37, 36-71 through 36-75, 36-79 through 36-82, 36-115, 36-150, 36-151, 36-173 through 178, 36-181, 36-183, 36-186, 36-205 through 36-207; 36-210, 36-211, 36-215, and 36-220.

**Appendix A, Land Development Ordinance (“LDO”):**

In general, violations of the LDO are not subject to criminal penalty, with the following exceptions:

- Illegal discharges to the storm sewer system;
- Violations of sediment and erosion control regulations; and
- Violations of stop work orders.

See LDO section: 7.3.6, 11.4.5, 11.5