

## TOWN OF CHAPEL HILL, NC

### CRIMINAL PENALTY LISTING

*The following table sets forth code sections and ordinance provisions, if any, violation of which impose a criminal penalty for misdemeanors under or authorized by G.S. 14-4(a). This listing excludes provisions imposing only civil fines and provisions imposing civil fines that may be imposed in addition to criminal penalties. (See the bottom of the final page for notes concerning the town's general penalty.)*

CODE §	DESCRIPTION	PENALTY
1-5	Altering code	Misdemeanor—§ 1-7 General penalty
3-2	Consumption of certificate alcoholic beverages on public ways and town property	Misdemeanor—Max fine of \$50.00
3-3	Possession of open containers on public ways and town property	Same
3-4	Possession of alcoholic beverages on public ways closed for special events	Same
3-7	Sunday sales of alcoholic beverages limited to certain hours	Misdemeanor—§ 1-7 General penalty
4-4	Duty of custodian of animals	Same
4-5	Cruelty to animals	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
4-7	Animal abandonment; reports of abandonment	Misdemeanor—§ 1-7 General penalty
4-9	Failure to respond to citation for violation of prohibited acts regarding animals	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
4-10	Type and number of animals that may be kept in town restricted	Misdemeanor—§ 1-7 General penalty
4-11	Sale of baby chicks and rabbits; possession of dyed or painted chicks, ducklings and rabbits.	Same
4-12	Horses on sidewalks	Same
4-13	Breaking up bird nests or catching young birds	Same
4-15	Failure to respond/pay citation for violation of animal nuisance regulations	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
4-16(c)	Failure to appear appear/pay citation for vicious animal violation	Misdemeanor—Max fine of \$50.00 or up to 30 days incarceration
4-16(n)	Violation of vicious dog regulations	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
4-17	County dog license required	Misdemeanor—§ 1-7 General penalty
4-18	Rabies control vaccinations and confinement of suspect animals	Same
4-20	Failure to provide proof of vaccination within 72 hours of release of animal from impoundment	Misdemeanor—Max fine of \$50.00 or up to 30 days incarceration
5-3	Building materials on streets, sidewalks and public property	Misdemeanor—§ 1-7 General penalty

CODE §	DESCRIPTION	PENALTY
5-39	Permit required for swimming pool construction	Misdemeanor—§ 1-7 General penalty
5-59 to 5-68	Flood damage prevention regulations	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
6-1	Dead bodies to be buried in cemeteries	Misdemeanor—§ 1-7, General penalty
6-2	Required grave depth; opening and closing graves	Same
6-2.1	Grave liners and vaults required; exception	Same
6-3	Disturbing funeral service; preservation of peace and good order	Same
6-5	Entry or departure; hours of operation of cemetery	Same
6-6	Disturbing, defacing grave, grave marker, etc.	Same
<sup>1</sup> 7-2	Interfering with fire protection or fire alarm equipment.	G.S. § 14-4 Misdemeanor—Max fine of \$50.00 or up to 30 days incarceration
7-3	Interfering with fireman on duty	Same
7-4	Getting on fire truck while in use	Same
7-5	Storage of certain types of materials and equipment of a flammable or explosive nature	Same
7-6	Buildings used as home for aged or convalescent home to have automatic sprinkler system	Same
7-6.1	Combustible landscaping materials prohibited	Same
<sup>2</sup> 7-7	Burning restrictions	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
<sup>3</sup> 7-38	Sprinklers in high rise buildings	Misdemeanor—§ 1-7, General penalty
7-41	Sprinklers in fraternity and sorority houses	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
7-43	Sprinkler system in fraternity and sorority houses not to be disabled	Same
7-50	Sprinklers in multi-family residential structures	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration

<sup>1</sup> As to criminal penalties, section 7-1.1 provides that violations of Chapter 7 are misdemeanors subject to penalties under G.S § 14-4. Due to conflicting penalty sections in other articles of the chapter, it appears that the word “chapter” in this section was intended to be “article”.

<sup>2</sup> As to criminal penalties, section 7-10 provides that violations of article I and IA of the chapter are misdemeanors subject to a fine of \$500.00 and up to 30 days incarceration. The listed sections 7-2 through 7-6.1 are thus subject to two conflicting penalties. For purposes of this list, it is assumed that 7-10 was not intended to cover article I, but only article IA.

<sup>3</sup> Article II includes the town fire code and various divisions regarding sprinkler systems. Section 7-1-1 provides that violations of the fire code are misdemeanors punishable under G.S. § 143-138. Some of the sprinkler system related sections have different and conflicting penalties as listed.

<b>CODE §</b>	<b>DESCRIPTION</b>	<b>PENALTY</b>
7-51	Sprinklers in multi-family residential structures not to be disabled	Same
7-56	Sprinklers in nonresidential structures	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
7-57	Sprinklers in nonresidential structures not to be disabled	Same
7-60	Sprinklers in alcoholic beverage serving establishments with occupancy load exceeding 200	Same
7-62	Sprinklers in alcoholic beverage serving establishments with occupancy load exceeding 100	Same
7-65	Sprinkler systems not to be disabled	Same
8-1	Throwing handbills and advertising sheets	G.S. § 14-4 Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
8-3	Accumulations of garbage, household refuse, yard waste, etc., on premises prohibited	Same
8-4	Depositing garbage, etc., in street, sidewalk, public place.	Same
8-6	Duty to provide additional garbage storage facilities	Same
8-10	Intentional burning of autos, auto parts, etc.	Same
8-29	Disposal of industrial waste required	G.S. § 14-4 Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
8-30	Prohibited deposit of hazardous, explosive and similar refuse	Same
8-32	Deposit of refuse in public right-of-way	Same
8-34	Deposits prohibited in storm drain, manhole, ditch or median	Same
8-51	Restrictions on disposal of solid waste	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
9-1 et seq.	All violations of housing code (Chapter 9)	G.S. § 14-4 Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
10-6	License prerequisite to conduct of business	Misdemeanor—§ 1-7 General penalty
10-21	Operating without a franchise or license unlawful	Same
10-23	Slaughterhouses prohibited, etc.	Same
10-24	Shooting galleries prohibited	Same
10-25	Operation of certain enterprises prohibited without obtaining a franchise	Same
10-38	Violations of prohibition of discrimination in housing	G.S. § 14-4 Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
10-51	Drive-in restaurants—maintenance of peace and good order required	Misdemeanor—§ 1-7, General penalty
10-52	Drive-in restaurants—vehicle noise restricted	Same
10-53	Drive-in restaurants—waste control required	Misdemeanor—§ 1-7, General penalty

CODE §	DESCRIPTION	PENALTY
10-54	Drive-in restaurants—throwing, depositing waste prohibited	Same
10-55	Drive-in restaurants—curb service to vehicles parked on public street prohibited	Same
10-83	Franchise required to install and operate cable television	Same
10-116	Unlawful connections to or theft of cable television services	Same
10-181(e) to (g)	Hotel, motel, boardinghouse etc. violations	Misdemeanor—Max fine of \$100.00 or up to 30 days incarceration
10-133	Violations of provisions applicable to dealers in secondhand precious metals	Misdemeanor—Max fine of \$50.00 or up to 30 days incarceration
10-231	Providing false information in business license application	Same
10-232	Withholding information in business license application	Same
10-242	Failure to obtain business licenses under sections 10-190, 10-196 or 10-197	Misdemeanor—Max fine of \$200.00 or up to 30 days incarceration
Same	Knowingly giving false information in business license application	Same
11-5	Spitting, throwing cigar, cigarette butts on floor of public building.	Misdemeanor—§ 1-7, General penalty
11-6	Discharge of firearms, pellet guns.	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
11-8	Firebombs, "Molotov cocktails"—Use, manufacture, possession, transport prohibited.	Misdemeanor—§ 1-7, General penalty
11-9	Firebombs, "Molotov cocktails"—Possession of materials restricted.	Same
11-10	Sale of running cedar, etc., prohibited.	Same
11-11	Abandoned iceboxes, refrigerators, etc.; exceptions.	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
11-12	Removal of infected pine trees.	Misdemeanor—§ 1-7, General penalty
11-13	Outdoor skateboard ramps regulated.	Same
11-14	Large outdoor skateboard ramps prohibited.	Same
11-14.1	Exemption for town facilities.	Same
11-15	Prohibition on possession of weapons on town property.	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
11-16	Prohibition on possession of weapons on public streets temporarily closed to regular traffic for street fairs and other special events.	Same
11-22	Disposal of flesh, vegetables, etc. restricted	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
11-23	Disposal of animal and fowl carcasses restricted	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration

CODE §	DESCRIPTION	PENALTY
11-24	Nuisances prohibited	Same
11-26	Junk and dilapidated vehicles prohibited	Same
11-39 to 11-41	Violations of noise control ordinance	Misdemeanor—Max fine of \$150.00 or up to 10 days incarceration
11-53	Peaceful picketing permissible; compliance with article	Misdemeanor—§ 1-7, General penalty
11-55	Picketing to be done only on sidewalks or other pedestrian areas	Misdemeanor—§ 1-7, General penalty
11-58	Placards, signs	Same
11-59	Physical interference, or abusive language, directed to pickets	Same
11-61	Refusal to disperse when obstructing passage	Same
11-76	Unlawful to violate restriction imposed by declaration of emergency	G.S. § 14-4 Misdemeanor—Max fine of \$50.00 or up to 30 days incarceration
11-81	Violations of regulations of small unmanned aircraft systems	\$500 fine or up to 30 days incarceration
11-79	Overflight altitude and landing of helicopters	G.S. § 14-4 Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
11-83	Smoking on town buses prohibited	Misdemeanor—§ 1-7, General penalty
11-84	Weapons on town buses prohibited	G.S. § 14-4 Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
11-90	Giving false alarms	Misdemeanor—Max fine of \$50.00 or up to 30 days incarceration
11-111	Nuclear weapon and waste storage prohibited	Misdemeanor—§ 1-7, General penalty
11-113	Public urination and defecation prohibited	Same
11-122	Sale of cigarettes to minors	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
11-125	Smoking prohibited in specified areas	G.S. § 14-4 Misdemeanor—Max fine of \$50.00 or up to 30 days incarceration
11-134	Display of small handguns restricted	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
11-135	Possession of weapons of mass destruction	Same
11-142	Sale of tobacco products through vending machine	Misdemeanor—Max fine of \$500.00 or up to six months incarceration
11-143	Sign required for tobacco product vending machine	Same
11-159	Smoking prohibited in town vehicles and buildings	G.S. § 14-4 Misdemeanor—Max fine of \$50.00 or up to 30 days incarceration
11-170	Aggressive panhandling prohibited	G.S. § 14-4 Misdemeanor—Max fine of \$50.00 or up to 7 days incarceration
11-304	Failure to accept credit/debit card for payment of towing charges	G.S. § 14-4 Misdemeanor—Max fine of \$50.00 or up to 30 days incarceration
11-308	Towing vehicles from private lots restricted	G.S. § 14-4 Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration

<b>CODE §</b>	<b>DESCRIPTION</b>	<b>PENALTY</b>
12-4	Violation of town park regulations	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
13-2	Peddler and solicitor permits required	Misdemeanor—§ 1-7, General penalty
15-1	Obedience to police required	Same
16-2	Signs on right-of-way.	Same
16-3	Placing notices, signs on utility poles, trees, prohibited; exception.	Same
16-5	Signs not in town center district on, over streets, sidewalks, etc.	Same
16-6	Building code standards to be met.	Same
16-7	Overhead advertising banners, streamers.	Same
17-2	Gasoline tanks, pumps, etc. prohibited on town streets	Same
17-3	Time limit for leaving goods, etc. on streets and sidewalks	Same
17-14	Openings in sidewalks and cellars prohibited	Same
17-16	Diversion of water running across sidewalks	Same
17-17	Use of public benches, seats and tables	G.S. § 14-4 Misdemeanor—Max fine of \$50.00 or up to 7 days incarceration
17-27	Dropping gravel and dirt on streets prohibited	Misdemeanor—§ 1-7, General penalty
17-49	Violation of standards for construction within town streets	Same
17-57	Permit required for driveway construction	Same
17-59	Driveways connecting with state highways	Same
17-60	Driveways for business or commercial areas	Same
17-61	Driveways for residences	Same
17-62	Weight-bearing capacity of sidewalk used with private driveway	Same
17-63	Replacement of cut curb	Same
17-64	Driveway culverts	Same
17-66	Limit on driveways per lot; cost of additional or wider driveways	Same
17-77	Sale of merchandise on sidewalks and public streets restricted	Same
17-82	Selling adjacent to intersections	Same
17-83	Display on sidewalk permitted	Same
17-85	Distribution and sale of publications on certain specified blocks	Same
17-88	Sidewalk sales by downtown businesses	Same
17-99	Planting of certain trees on public right-of-way prohibited	Same
17-101	Abuse or mutilation of trees	Same
17-102	Vegetation creating public nuisance on streets or sidewalks	Same

CODE §	DESCRIPTION	PENALTY
17-103	Permit required for tree removal from public right-of-way	Misdemeanor—§ 1-7, General penalty
20-5	Possession of weapons in taxicab or limousine	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
20-8	Violations of taxicab and limousine regulations	Misdemeanor—§ 1-7, General penalty
20-14	Franchise required for operation of vehicle for hire on town streets	Same
20-31	Permit required to drive franchised taxicab or limousine	Same
20-44	Operators of taxicab or limousine to comply with town regulations	Same
20-45	Duty of owner for operator's compliance with town regulations	Same
20-57 et seq.	Violation of taxicab operation and maintenance regulations	Same
20-97	Violation of pedicab operation and maintenance regulations	Same
21-34	Damaging parking meters	Misdemeanor—§ 1-7, General penalty
23-49	Allowing stormwater to enter sanitary sewerage system	Misdemeanor—§ 1-7, General penalty
23-76	Violations of water supply shortage or emergency restrictions	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
23-89	Illicit discharges into town stormwater system	Same
APPENDIX A of the Town Code (the Land Use Management Ordinance):		
4.13.4	All violations of town land use management ordinance (See also § 5.18.9 and § 5.19.11)	Same

## NOTES RE TOWN'S GENERAL PENALTY SECTION

Town Code § 1-7 provides: "Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in such Code or ordinance the doing of any act is required or the failure to do such act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or other ordinances shall be punished by a fine not exceeding \$50.00 or by imprisonment for a term not exceeding 30 days."

G.S. § 160A-175(b) provides: "Unless the Council shall otherwise provide, violation of a city ordinance is a misdemeanor or infraction as provided by G.S. 14-4. An ordinance may provide by express statement that the maximum fine, term of incarceration, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4.

G.S. § 14-4 provides, in pertinent part: "Any person [who] shall violate an ordinance ... shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.00. No fine shall exceed \$50.00 unless the ordinance expressly states that the maximum fine is greater than \$50.00."

G.S. § 14-3 provides that the maximum punishment for a Class 3 misdemeanor is a fine of up to \$500.00 and incarceration of up to 30 days.