

KERNERSVILLE, NC

CRIMINAL PENALTY LISTING

The following table sets forth code sections and ordinance provisions, if any, violation of which specifically impose a criminal penalty under G.S. 14-4(a). This listing excludes provisions imposing only civil fines and penalties and provisions imposing civil fines which 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
1-11	Altering, defacing code	Misdemeanor—Sec. 1-10 General penalty
3-11	Maintenance of domestic animal premises	Misdemeanor—Sec. 1-10 General penalty
3-12	Keeping of hogs	Same
3-13	Livestock at large	Same
3-14	Driving livestock through streets	Same
3-16	Noisy animals and fowl	Same
3-17	Chicken and dog fights	Same
Other	¹ <i>The town has adopted by reference the animal regulations of Forsyth County, NC. Those adopted provisions are listed in a separate table below.</i>	See table below.
4-3	Cleanup and maintenance of worksite	Misdemeanor—Sec. 1-10 General penalty
4-9	Failing to comply with order or notice of construction related violation	Class 3 Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
4-10	Construction permits secured for other persons	Misdemeanor—Sec. 1-10 General penalty
5-1	Yard sales per year and duration of sales limited	Same
5-2	Maintenance of public areas	Same
5-61	Annual Spring Folly regulations	Class 3 Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
5-76	Peddler and solicitor regulations	Same
5-77	Itinerant merchant regulations	Same

¹ Violations of the above animal related sections of the town code are subject a maximum fine of \$50.00 under the town's general penalty section. Violation of the county regulations adopted by reference (listed in a separate table below) are subject to a maximum fine of \$500.00 under the county's penalty provision, also adopted by the town. Some activities are regulated by both a town code provision and an adopted county code provision. Violations of those regulations are subject to two distinct and conflicting penalties.

CODE §	DESCRIPTION	PENALTY
5-106	Adult establishment permit required	² Class 3 Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
5-107	Adult establishment prohibitions/regulations	Same
5-108	Duty to permit inspection of adult establishment	Same
5-113	Locations of sexually oriented businesses	Same
6-5	Prohibited conduct during proclaimed state of emergency	Misdemeanor—Sec. 1-10 General penalty
7-1	Open burning	Same
7-2	Interference with firefighters	Same
7-3	Unlawful driving over fire hose	Same
8-3	Approved solid waste containers required	G.S. 4-14 Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
8-4	Solid waste accumulations prohibited	Same
8-5	Dead animal disposal	Same
8-6	Interfering with solid waste of another	Same
8-7	Interference with waste container of another	Same
8-8	Liquids and ashes in solid waste	Same
8-32	Nonresidential waste collection; preparation and placement	Same
8-33	Residential waste collection; preparation and placement	Same
8-34	Residential refuse dumpster service	Same
8-35	Curbside collection of garbage	Same
8-36	Prohibited waste collections	Same
8-37	Yard waste, leaves, bulky items, etc.	Same
8-38	Special bulk waste collections	Same
8-56	Refuse container required	Same
8-57	Single-family residential waste containers	Same
8-58	Multi-family residential waste containers	Same
8-59	Mobile home park waste dumpsters	Same
8-60	Nonresidential collections	Same
8-61	Recycling	Same
8-62	Placement for waste collection	Same
8-63	Blocking access for waste collection	Same

² Sec. 5-114 provides the stated penalties for violation of adult establishment related regulations, but states that it is applicable to any violation of the “chapter”. It appears the word “chapter” in sec. 5-114(a) was intended to be “article.”

CODE §	DESCRIPTION	PENALTY
8-64	Dumpster maintenance	Same
8-65	Unusable waste collection containers	Same
11-1	Abandoned iceboxes and containers	Misdemeanor—Sec. 1-10 General penalty
11-2	Possession/consumption of alcoholic beverages on town property	Same
11-3	Affixing communication to property of another	Same
11-4	Use of automatic calling devices	Same
11-5	Climbing water tank	Same
11-6	Disorderly house	Same
11-7	Discharging firearms; toy firearms	Same
11-7.5	Exposure of female breasts	Misdemeanor—Max fine of \$50.00 or up to 30 days incarceration
11-8	False alarm	Misdemeanor—Sec. 1-10 General penalty
11-9	Littering	Same
11-11	Profanity in public places	Same
11-12	Sale, possession, storage and use of pyrotechnics	³ Misdemeanor—Max fine of \$50.00 or up to 30 days incarceration
11-13	Riding motorcycles on private property	Misdemeanor—Sec. 1-10 General penalty
11-14	Skating within the corporate limits	Same
11-15	Spitting in certain public locations	Same
11-16	Injuring and unauthorized use of public property	Same
11-17	Urination and defecation on certain property	Same
11-18	Graffiti	Same
12-2	Notice of intent to picket	Same
12-3	Protesting/picketing regulations	Same
12-21	Public assembly and parade permits required	Same
12-22	Public assembly and parade regulations	Same
14-1	Time limit for blockages of streets by train	Same
14-2	Clearing street railroad crossings in emergencies	Same
14-3	Train backing over street crossing	Same
14-4	Jumping off or clinging to moving trains	Same
14-5	Use of train sounding device at crossings	Same

³ This section 11-12 provides the penalty as shown but makes it applicable to violations of “this article.” There are no articles in the town’s offenses chapter (Chapter 11), so it appears that the word “article” in section 11-12(e) was intended to be “section”.

CODE §	DESCRIPTION	PENALTY
15-1	Sewerage system policy resolution	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
16-2	Falling guards and fences	Misdemeanor—Sec. 1-10 General penalty
16-3	House and yard trash on streets and sidewalks	Same
16-4	Hindering street, gutter, culvert etc. drainage	Same
16-5	Drainage from downspouts, air conditioners	Same
16-6	Poisons and hazardous substances	Same
16-7	Barbed wire prohibited along streets and alleys	Same
16-8	Unauthorized construction in right of way	Same
16-9	Obstruction of streets and sidewalks prohibited	Same
16-10	Charging for use of streets prohibited; exception	Same
16-11	Sale or display of goods obstructing pedestrians	Same
16-13	Removal of barricade	Misdemeanor—Max \$50.00 fine or 30 days incarceration
16-14	Requirement for moving building and certain vehicles over certain public ways	Misdemeanor—Sec. 1-10 General penalty
16-15	Duty to keep sidewalks and gutters clear	Misdemeanor—Sec. 1-10 General penalty
16-16	Acts and conditions requiring special street cleaning or repair	Misdemeanor—Max fine of \$50.00
16-16.1	Town to clean streets requiring special repair; authority to require remedial actions	Misdemeanor—Max fine of \$50.00
17-3	Unlawful operation or driving of taxicabs	Misdemeanor—Sec. 1-10 General penalty
17-5	Generally prohibited practices by vehicles for hire	Same
17-18	Taxi driver permits required	Same
17-19	Taximeter use required	Same
17-20	Daily manifest required	Same
18-1	Water system policy violations	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration
20-11	Hours of parks operation restricted	Misdemeanor—Sec. 1-10 General penalty
20-14	Unauthorized soliciting/peddling in parks or other recreational areas	Misdemeanor—Sec. 1-10 General penalty
20-15	Prohibited activities in parks	Misdemeanor—Sec. 1-10 General penalty
20-16	Hazardous recreational activities requirements	G.S. 4-14 Misdemeanor—Max \$50.00 fine or 30 days incarceration

CODE §	DESCRIPTION	PENALTY
20-21	Activities prohibited without permit	Misdemeanor—Sec. 1-10 General penalty
20-40	Sex offenders prohibited in parks	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration

ADOPTED FORSYTH COUNTY CODE ANIMAL PROVISIONS		
<i>The town has adopted Forsyth County, NC, Chapter 6, Animals, in its entirety by reference, subject to certain local amendments. The applicable sections for purposes of this penalty listing are set forth in this table.</i>		
CODE SECTION	ADOPTED COUNTY CODE SECTION	PENALTY
3-1	Forsyth County, NC, Code of Ordinance, Section:	Misdemeanor—Max fine of \$500.00 or up to 30 days incarceration.
	6-6—Duties of keepers of animals	
	6-7—Cruelty to animals	
	6-8—Confinement, muzzling and control of vicious animals	
	6-9—Animals creating nuisance prohibited	
	6-10—Dog and cat registration	
	6-10.1—Application for registration; renewals	
	6-12—Interference with chapter enforcement	
	6-13—Animals at large prohibited	
	6-16—Dog to be spayed or neutered	
	6-17—Animal bites	
	6-18—Preventive measures for confinement	
	6-19—Reporting or registering found animals	
	6-24—State rabies law applicable	
	6-25—Inoculation of dogs, cats and other pets	
	6-26—Inoculation tag and proof of vaccination	
	6-27—Report and confinement of biting animals and animals suspected of rabies infection	
	6-28—Destruction or confinement of animal bitten by rabid animal	
	6-31—Unlawful killing, releasing, etc.	
	6-32—Failure to surrender animal for quarantine or destruction	
	6-44—Impoundment generally	
	6-45—Redemption; microchipping	

ADOPTED FORSYTH COUNTY CODE ANIMAL PROVISIONS

	6-53—Guard and aggression-trained dogs	
	6-54—Possession of inherently dangerous exotic animals and wild animals	
	6-58 Dangerous dog registration and notice	
	6-59 Dangerous and potentially dangerous dog declaration	
	6-60—Additional requirements for dangerous dogs	

NOTES RE TOWN'S GENERAL PENALTY SECTION

City Code § 1-10 provides: "In accordance with G.S. § 160A-175, and unless this Code provides otherwise, violation of any provision hereof shall be a misdemeanor as provided in G.S. § 14-4, punishable upon conviction by a fine or by incarceration."

G.S. § 160A-175(b) provides: "Unless the Council shall otherwise provide, violation of a town 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.