

# City of Kinston

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Dear Legislators and Staff:

Pursuant to Session Law 2019-198, accompanying this correspondence is the requested list of ordinances adopted by the Kinston City Council that are punishable under North Carolina General Statute 14-4(a).

Respectfully submitted,

Debra Thompson  
City Clerk

## KINSTON, NC

### CRIMINAL PENALTY LISTING

*The following table sets forth code sections and uncoded ordinance provisions, if any, that impose a criminal penalty under or derived from G.S. 14-4(a) authority. This listing excludes provisions imposing only civil fines, the civil fine portion of provisions imposing civil and criminal fines, provisions imposing criminal fines derived from other (non-G.S. 14-4(a) related) statutory authority, and provisions providing that all other remedies and penalties are preserved. Penalties that may be derived from other publications adopted by reference are not included in this listing. See information at the end of this table regarding statutory and code penalties generally.*

*The city's general penalty section 1-15 caps fines at \$50.00 and incarceration at 30 days unless otherwise stated, as does G.S. 14-4. Therefore, as used in this table, "minimum penalty" indicates that:*

- The cited code section imposes liability but has no penalty provision; or*
- Specifically states that section 1-15 applies without specifying a fine amount; or*
- Specifically imposes minimum penalties without referring to section 1-15; or*
- Specifically imposes penalties under G.S. 14-4 without including an amount (G.S. 14-4 is noted in the penalty column).*

*Under each of these scenarios, the maximum penalties pursuant to both G.S. 14-4 and code section 1-15 are a fine of \$50.00 and incarceration of 30 days.*

#### CODE OF ORDINANCES

SEC.	DESCRIPTION	PENALTY
<b>Chapter 1—General Provisions</b>		
1-8	Altering code	Minimum penalty
<b>Chapter 2—Administration</b>		
2-43	Resisting removal from council meeting (penalty derived from section 15-4, disruptive conduct)	Minimum penalty
2-82	Violating restriction imposed during declared emergency	Minimum penalty
2-84	Violating restriction imposed during declared emergency	Minimum penalty
<b>Chapter 4—Animals and Animal Control</b>		
4-28	Hunting, killing and trapping of birds	Minimum penalty
4-41	Running at large	Minimum penalty
4-42	Location of stables and animals	Minimum penalty
4-43	Maintenance of stables	Minimum penalty
4-44	Slaughtering with city prohibited	Minimum penalty
4-45	Chickens and fowl within corporate limits	Minimum penalty
4-46	Keeping of livestock within city prohibited.	Minimum penalty
4-64	Cruelty to animals.	Minimum penalty
4-65	Animal waste.	Minimum penalty
4-66	Confinement, muzzling and control of vicious or dangerous domestic animals.	Minimum penalty
4-67	Animals creating nuisance prohibited.	Minimum penalty

SEC.	DESCRIPTION	PENALTY
4-68	Luring, enticing, seizing, molesting or teasing an animal.	Minimum penalty
4-69	Dog identification tag.	Minimum penalty
4-70	Impounding of animals and animals running at large.	Minimum penalty
4-71	Unlawful killing or releasing of certain animals.	Minimum penalty
4-72	Failure to surrender animal for confinement or destruction.	Minimum penalty
4-79	Injuring animals; notice required.	Minimum penalty
4-80	Nondomestic animals prohibited.	Minimum penalty
4-81	Interference with enforcement.	Minimum penalty
<b>Chapter 5—Buildings and Building Regulations</b>		
5-11	Wrecking or demolishing building without permit	Minimum penalty
<b>Chapter 7—Cemeteries</b>		
7-4	Burying or exhuming body without permit	Minimum penalty
7-8	Working on private lots without authorization	Minimum penalty
7-9	Prohibited acts in city cemeteries	Minimum penalty
<b>Chapter 9—Electricity</b>		
9-3	Unauthorized connection to city electric utility	Minimum penalty
9-51	Permit required to install electrical equipment	Minimum penalty
9-66	Preventing, altering or impeding operation of electric load management equipment.	Per G.S. 14-4--\$100 for 1 <sup>st</sup> violation, \$500 for subsequent violations.
<b>Chapter 10—Fire Prevention and Protection</b>		
10-12	Violations of Chapter 10, Fire Prevention and Protection	Fine of not less than \$100 or more than \$1,000 and incarceration for not less than 30 or more than 60 days.
<b>Chapter 11—Flood Damage Prevention</b>		
11-35	Violation of Chapter 11, Flood Damage Prevention and Control (civil or criminal penalties at city's option)	Minimum penalty
<b>Chapter 12—Garbage, Trash and Weeds</b>		
12-4	Transportation of garbage restricted	Minimum penalty
12-26	Covered garbage containers required	Minimum penalty
12-27	Dumping, littering; tampering with garbage bags or containers	Minimum penalty
12-29	Placement of trash for collection when waste collection service is discontinued for nonpayment	Minimum penalty
12-30	Unauthorized removal of recyclable materials	Minimum penalty
<b>Chapter 13—Health and Sanitation</b>		
13-33	Offensive accumulations	Minimum penalty, G.S. 14-4
<b>Chapter 14—Licenses, Permits, etc.</b>		
14-3	Business license and tax payment required	Minimum penalty, G.S. 14-4
14-18	Peddler and solicitor license required	Minimum penalty, G.S. 14-4
14-28	Soliciting without a permit	G.S. 14-4--\$500 fine and 30 days incarceration
<b>Chapter 15—Offenses</b>		
15-1	Abandoned refrigerators and freezers.	Minimum penalty
15-2	Beehives.	Minimum penalty
15-3	Sale, possession or consumption of controlled substances, malt beverages or unfortified wine on city property prohibited.	Minimum penalty

SEC.	DESCRIPTION	PENALTY
15-4	Disruptive conduct prohibited.	Minimum penalty
15-5	Disturbing public meetings.	Minimum penalty
15-6	Discharging firearms.	Minimum penalty
15-7	Noise—Prohibited when loud and unnecessary.	Minimum penalty
15-8	Same—Categories of noises prohibited.	Minimum penalty
15-9	Obstructions on public property.	Minimum penalty
15-10	Posting bills, signs, advertisements.	Minimum penalty
15-11	Telephone alarm systems.	Minimum penalty, G.S. 14-4
15-12	Whistles and sirens.	Minimum penalty
15-13	Loitering for the purpose of engaging in drug-related activity.	Minimum penalty
15-14	Weapons and handguns, concealed or permitted, prohibited on city property.	G.S. 14-4—Up to \$500 fine and six months incarceration
15-15	Youth protection—Restrictions upon juveniles during certain hours—violation by adults.	G.S. 14-4--\$100 fine for 1 <sup>st</sup> offense and an additional \$50 for each subsequent violation
15-31	Creating a public disturbance (public gatherings).	Minimum penalty
15-32	Obstructing parade, picket line, or group demonstration	Minimum penalty
15-33	Failure to comply with permit restrictions	Minimum penalty
15-34	Unlawful acts committed in the course of a parade, picket line or group demonstration	Minimum penalty
15-53	Abandoned vehicle	Minimum penalty
15-54	Nuisance vehicle	Minimum penalty
15-55	Junk vehicle	Minimum penalty
15-66	Unlawful removal of impounded vehicle	Minimum penalty
<b>Chapter 16—Parks and Recreation</b>		
16-2	Violation of park rules and regulations	Minimum penalty, G.S. 14-4
16-30	Violation of rules promulgated by the recreation commission	Minimum penalty, G.S. 14-4
16-30	Willful refusal to leave park area when directed by police or city official	Minimum penalty, G.S. 14-4
<b>Chapter 18—Public Safety</b>		
18-5	Crossing police emergency line	Minimum penalty
<b>Chapter 19—Public Utilities</b>		
19-3	Laterals to be constructed by city.	Minimum penalty
19-4	Laterals laid only to inside of curb as part of improvement.	Minimum penalty
19-5	Laterals extended to property line only upon application.	Minimum penalty
19-6	Connections to other than city water supply.	Minimum penalty
19-7	Mandatory connections to water and wastewater system.	Minimum penalty
19-8	Connections to be made only upon application.	Minimum penalty
19-11	Construction of connections.	Minimum penalty
19-12	Sewer connections to be made where openings provided.	Minimum penalty
19-14	Separate connections required; exception.	Minimum penalty
19-20	Water connection to be made when existing well fails.	Minimum penalty
19-21	Wastewater connection to be made when existing septic tank fails.	Minimum penalty
19-48	Connection to sewer system required.	Minimum penalty
19-49	Prohibition of discharge of wastewater to surface courses.	Minimum penalty
19-50	Connecting unpolluted waters.	Minimum penalty
19-51	Building sewer connection required; specifications.	Minimum penalty



SEC.	DESCRIPTION	PENALTY
19-52	Prohibited water discharges.	Minimum penalty
19-56	Prohibited wastewater discharges.	Minimum penalty
19-107	Entering enclosure around or tampering with city water tank	Minimum penalty
19-128	Unauthorized water connections	Minimum penalty
19-136	Interfering with peak load electricity management system	Minimum penalty
19-166	Willful or knowing violation of stormwater control regulations	G.S. 14-4—up to \$500 fine and 30 days incarceration
<b>Chapter 20—Streets and Sidewalks</b>		
20-1	Obstructing or blocking, generally.	Minimum penalty
20-2	Displaying merchandise.	Minimum penalty
20-3	Duty to keep sidewalk area clean and gutters open.	Minimum penalty
20-4	Signs over streets and sidewalks.	Minimum penalty
20-5	Signs within street rights-of-way.	Minimum penalty
20-6	Awnings, shelters over sidewalks.	Minimum penalty
20-37	Violation of street etc. excavation regulations	Fine of not less than \$25 or more than \$100.
20-56	Compliance with article; standard sidewalks.	Minimum penalty
20-57	Permit required.	Minimum penalty
20-58	Design and construction specifications.	Minimum penalty
20-100	Removal, obliteration, or destruction of posted address prohibited.	Minimum penalty, G.S. 14-4
<b>Chapter 21—Traffic</b>		
21-2	Obedience to chapter.	Minimum penalty, G.S. 14-4
21-3	Obedience to police.	Minimum penalty
21-5	Clinging to moving vehicles.	Minimum penalty
21-6	Riding bicycles on sidewalks in business district.	Minimum penalty
21-7	Riding on handlebars, frame of motorcycle or bicycle.	Minimum penalty
21-8	Use of coaster, roller skates and similar devices restricted.	Minimum penalty
21-9	Riding on portions of vehicle not intended for passengers.	Minimum penalty
21-10	Permitting injurious substances to drip or fall upon asphalt pavement.	Minimum penalty
21-12	Unloading freight within business district prohibited between certain hours.	Minimum penalty
21-31	Yield right-of-way intersections.	Minimum penalty
21-32	Stop before entering certain street intersections.	Minimum penalty
21-33	One-way streets.	Minimum penalty
21-34	Left turns prohibited at certain intersections.	Minimum penalty
21-35	Right turns prohibited at certain intersections.	Minimum penalty
21-36	Turns on red after stop.	Minimum penalty
21-37	Limitations on turning around.	Minimum penalty
21-38	Limitations on backing.	Minimum penalty
21-39	Emerging from alley or private driveway.	Minimum penalty
21-40	Speed on city streets.	Minimum penalty
21-42	Operating vehicles with sharp wheels or on rims.	Minimum penalty
21-43	Pedestrian right-of-way at designated crosswalks.	Minimum penalty
21-44	Creating noise with a vehicle.	Minimum penalty
21-45	Zone of quiet, use of horns in.	Minimum penalty

SEC.	DESCRIPTION	PENALTY
21-46	Cruising.	On second offense: Minimum penalty, G.S. 14-4
21-48	Through streets closed during specific hours.	Minimum penalty
21-87	Obstructing fire hydrant.	Minimum penalty
21-88	Taxicab stands on streets prohibited.	Minimum penalty
21-127	Parking of taxicabs in meter spaces prohibited.	Minimum penalty
<b>Chapter 21.5—Vegetation</b>		
21.5-26	Pruning guidelines.	Minimum penalty
21.5-27	Removal of stumps.	Minimum penalty
<b>Chapter 2—Vehicles for Hire</b>		
22-2	Taxicab—Liability insurance required.	Minimum penalty
22-9	Taxicab—Fares—Charging more than fixed fares	Minimum penalty
22-10	Taxicab—Manifests—Failure to file daily manifest.	Minimum penalty
22-11	Taxicab—Posting of identification, etc. in taxicab	Minimum penalty
22-12	Taxicab—Refusal to carry passengers; passengers in addition to original hirer; use of the vehicle.	Minimum penalty
22-13	Taxicab—Cruising.	Minimum penalty
22-26	Taxicab—Franchise certificate required	Minimum penalty
22-28	Taxicab—Maximum allocation—sale, assignment or transfer	Minimum penalty
22-56	Taxicab—Driver permit required	Minimum penalty
<b>Uniform Development Ordinance</b>		
2.4	Unauthorized changes to zoning map	Minimum penalty
5.6	Illegal subdivisions, etc.	Minimum penalty, G.S. 14-4
9.99.8	Flood damage prevention violations	Minimum penalty
<b>NOTES RE CITY'S GENERAL PENALTY AND RELATED STATUTES</b>		
<p>City Code § 1-15 provides, in pertinent part: "Any person violating or failing, refusing or neglecting to comply with any provision or requirement of any section or subsection of this Code or any ordinance of this city now in force or hereafter enacted, to which no specific penalty is affixed, shall be punished by a fine not to exceed \$50.00, or imprisoned for not more than 30 days, for each and every offense."</p> <p>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."</p> <p>G.S. § 14-4(a) 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."</p> <p>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.</p>		