

City of Reidsville
Submission of Ordinance-Related Information
Per Session Law 2018-69
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Reidsville Code of Ordinances

All of the City of Reidsville's Code of Ordinances are available online at:

http://www.ci.reidsville.nc.us/document_center/city_code_of_ordinances.php

Section 1-8 of the City's Code of Ordinances states that violations of ordinances are Class 3 misdemeanors (a) unless otherwise provided (**Criminal references within the Code are highlighted in bold below**). "Unless otherwise provided" appears to reference that certain offenses are also subject to civil penalties (b) (*Such penalties are listed and italicized*). A review of Reidsville's Code of Ordinances shows that no penalties listed go beyond Class 3 misdemeanors and/or civil penalties. The same holds true with the City's Zoning Ordinance, which is listed briefly at the end of this document.

(1) Codified Ordinances:

- **Chapter 3. Animals & Fowl:**

- This Chapter regulates Livestock & Fowl left at large in the City; compliance with state licensing requirements; impoundment; the keeping, raising and maintaining of certain fowl; animal enclosures; tethering of animals; license tax requirements, rabies vaccination requirements; confinement for various reasons; listing requirements; removal and tampering with collars & tags; deceiving of, interference with or concealment from animal control officer and said officer's authority; humane treatment of animals; animal(s) running at large, including owner's liability and disposal of yard waste; and fines & penalties.
- *Per Section 1-8: Civil Penalty shall be \$100 per violation and for each day violation continues with a maximum civil penalty being set at \$500 for each violation.*
- *A separate Animal Control Civil Penalty Fee Schedule exists as follows:*
 - *Sec. 3-6 – Public Nuisance: First Violation, \$50; Second Violation, \$100; Third & Subsequent Violations, \$200*
 - *Sec. 3-7 – First Violation, \$50; Second Violation, \$100; Third & Subsequent Violations, \$200*
 - *Sec. 3-21 – Rabies Vaccination Tag & Certification: \$50*
 - *Sec. 3-26 – Attaching False Tags to Dog or Cat Collars: \$50*
 - *Sec. 3-27 – Vicious Animal(s): \$500, First Violation, \$25; Second Violation, \$50; Third & Subsequent, \$100*
 - *Sec. 3-28(a) – Cruel Treatment to Animal(s): \$500*
 - *Sec. 3-28(b) – Mistreatment of Animal(s): \$100*

- *Sec. 3-28(c) – Animals Fighting & Baiting: \$200*
 - *Sec. 3-29 – Animals Running at Large and Animal Waste: First Violation, \$25; Second Violation, \$50; Third & Subsequent, \$100*
 - *Sec. 3-30 – Concealment of Animal for Purpose of Evading Ordinance: \$50; Interference of Duty of Animal Control Officer, Or Agent, or Trap, \$50; and Violation with No Specific Civil Penalty Designated, \$50*
- **Chapter 4. Buildings, Construction & Related Activities:**
 - This Chapter In General adopts the State Building Code, defines the “Fire District” of the City; adopts by reference the Fire District regulations found in the NC State Building Code; provisions of the Housing Code, including the designation of the Director of Planning and Code Enforcement; Inspections, the conduction of Investigations, Conditions required for Dwellings, and process of how Code violations are to be handled; regulations for Swimming Pools, including inspections; the Non-Residential Building Maintenance Code and related requirements and regulations.
 - *Per Section 1-8: Civil Penalty shall be \$100 per violation and for each day that violation continues.*
- **Chapter 5. Business Licenses, Taxes & Regulations:**
 - In this Chapter, Article I. In General defines the purpose of this article, which is to raise funds for general municipal purposes and the requirement of licenses; establishes who must pay the tax; levies an annual privilege license tax on businesses within the City; licensing requirements; Sec. 5-14 deals with penalties, noting that if a person conducts business without paying the relevant tax and obtaining the correct license, shall be assessed an additional tax equal to 5% of the amount prescribed for the license per month or fraction thereof until paid, not to exceed 25% of the amount so prescribed, but in any event, not less than \$5.00. The Chapter continues with reasons for refusal or revocation of license, investigations by the tax collector, the business’ duty to keep books, permit inspections, to produce additional facts and requested information; the tax collector’s decisions, unqualified applicants’ right to a conference; notice of deficiency; disagreement of deficiency/right to conference; confidentiality of information; issuance of license; contents of license; duty to display license by the business; duty to report changes to the business during the tax year; notification of discontinuation of business; collection of deficiency; **enforcement of this Chapter, including criminal penalties (class 3 misdemeanor with each day whereby business is conducted in violation is a separate offense, and unless otherwise provided, the maximum fine is \$500); equitable remedies pursuant to G.S. 160A-175A(d); and garnishment and levying of remedies in accordance with G.S. 105-368 and G.S. 160A-207; licensee’s remedies;** selling of goods, etc. to children from automobiles, etc.; selling of switchblade knives; license tax schedule; blasting with bond required; fortunetellers, palmists, etc. Article II deals with Advertising such as Distribution of advertisements restricted; selling or displaying merchandise in downtown business district; sound producing devices and applicability of such. Article III deals with Amusements, including bond required to ensure cleanliness of amusement area, nature

and disposition of bond; sanitary toilet facilities at such amusements; Sunday operations restricted; operators of riding devices may be licensed if sanitary conditions are met per the County Health Department; endurance contests; hours of operation of poolrooms, billiard parlors, shooting galleries, bowling alleys; owner's responsibility in such; (Division 2) Shows, Showhouses and Circuses requires an operational license with exceptions noted; license application; enumeration of grounds for refusal or revocation of license; operation on Sundays; (Division 3) Public Dances requires a permit to hold a dance; application for permit/issuance; hours of operation; Article IV. Auction & Auctioneers, how goods are to be labeled; attachment and scope of label; Article V. Secondhand Dealers, definitions; records needed; hours of operation; disposition of articles regulated; purchasing of articles from minors; Article VI. Cable Television, including purpose, short title and definitions; (Grant of Franchise) includes Franchise area; use of public rights of way; use of City facilities; use of grantee facilities; Franchise requirement; term of franchise; franchise nonexclusive; timing of the essence to this article; governing law of North Carolina will apply; severability; transfer of ownership or control; franchise renewal; police powers; franchise fees; forfeiture or revocation procedure; receivership and foreclosure; equal opportunity policy; notices; failure of City to enforce this Article does not mean grantee is excused from complying; rights reserved to the grantor; no recourse against the grantor; (Regulation of Franchise) regulatory authority; supervision of the franchise; rates and charges; performance evaluation; (Bonds, Insurance and Indemnification) performance bond and letter of credit; liability and insurance; indemnification; (Design & Construction Provisions) authority to construct; construction and technical standards; system construction schedule, extension of service; use of streets; erection, removal and common use of poles; construction reporting requirements; tests and performance monitoring; (Service Provisions) services to subscribers and users; installations, connections and other grantee services; service calls and complaint procedures; mandatory continuity of service; protection of subscriber privacy; rights of individuals; (Books, Records & Reports) availability to grantor; reports required; records required; (Miscellaneous Provisions) public notice; captions; franchise applications; and Article VII. Hotels, Inns, Motels, Boarding Houses, Rooming Houses, Tourist Homes and Tourist Courts, which includes definitions; numbering of rooms/guest register; accessibility of registers and parking facilities to police/fire officials; **penalty for violation of this Article is that the violator shall be guilty of a misdemeanor punishable by imprisonment up to 30 days and shall be fined not more than \$500 in the discretion of the court;** and room occupancy tax.

- *Per Section 1-8: Civil Penalty shall be \$100 per violation and for each day violation continues with a maximum civil penalty being set at \$500 for each violation.*

- **Chapter 6. Cemeteries:**

- This Chapter designates Greenview Cemetery as the City Cemetery and allows the City Manager to designate the person to manage the cemetery and establish its rules and

regulations; sale of lots, graves for burial purposes; all burials must be done in an established cemetery; and transfer of plots.

- *Per Section 1-8: Civil Penalty shall be \$100 per violation and for each day violation continues with a maximum civil penalty being set at \$500 for each violation.*

- **Chapter 8. Fire Protection & Prevention:**

- This Chapter includes Article I. In General, which includes appointment and general duties of the Fire Chief; the riding of fire apparatus; and congregating at fires; while Article II. Fire Prevention Code deals with the adoption of the Fire Code; enforcement; creation of the Fire Marshal's Office, including powers and duties; creation of a Bureau of Fire Prevention; including the duties of officers; the investigation of fires; the reports and records involving fires; periodic inspections of premises and remedial action; inspections prior to issuance of permits; appeals, districts within the City where the storage of explosives and blasting agents is prohibited; districts wherein manufacturing and storage of fireworks is prohibited; the storage of class I combustible liquid; districts within which new bulk plants for flammable or combustible liquids are prohibited; routes for vehicles transporting hazardous chemicals and other dangerous articles; requirements for burning operations; fire extinguisher requirements for service stations; delivery to underground tanks; storage of ammonium nitrate fertilizer; limitation of tent size; additions to L.P. gas code; and **violations, which states that anyone who violates the provisions of this Code shall be guilty of a misdemeanor punishable by a fine of not more than \$50 or by imprisonment for not more than 30 days by both such fine and imprisonment.**
- *Per Section 1-8: Civil Penalty shall be \$100 per violation and for each day that violation continues.*

- **Chapter 9. Health & Sanitation:**

- This Chapter includes Article I. In General, including littering generally; swimming pools that or diseased should be not used; use of swimming pools should be regulated as not to create undue noise/disturbance; Noise prohibition throughout the City which includes definitions, **violations where those convicted shall not be fined less than \$250 for a first offense and \$500 for second and subsequent offenses**; noise tests and standards; the prohibition of graffiti; Article II. Nuisances, stating which nuisances are prohibited; notice to abate unlawful condition, abatement by City where condition of matter admits of no delay; service of notice; defect in notice not to affect lien; abatement by City where owner fails to abate unlawful condition; abatement procedure not to prohibit additional remedies, **including preventing the City from proceeding in a criminal action against any person violating the provisions of this article**; appeal process.
- *Per Section 1-8: Civil Penalty shall be \$100 per violation and for each day that violation continues.*

- **Chapter 10. Municipal Utilities & Services:**

- This Chapter provides procedures regarding connections to available City water and sewer lines; the use of privies, septic tanks and regulation thereof, including repairs,

alterations, etc.; and requirements, etc. for connections to water lines, use of master meters, including maintenance; and the setting of water and sewer rates, including the use and reading of meters, billing and payment; and the need for a cleanout for sewer service connections, grease trap interceptors, etc. This Chapter also includes the City's Emergency Water Conservation and Restriction Plan, which outlines restriction and conservation measures as well as the use of civil penalties for excessive water use. **Upon a fourth violation of this chapter, a criminal warrant shall be issued to the offending person for violations constituting a "class 3 misdemeanor punishable upon conviction by a term of imprisonment up to 20 days and be a fine not exceeding a maximum of \$500 as provided by G.S. 14-4 and in addition thereto such violation may be enjoined and restrained as provided in G.S. 160A-175. The issuing of a criminal warrant shall not prohibit the imposition of further civil penalties."** This Chapter also includes general provisions for use of the City's sewer system, including pretreatment, discharge prohibitions, national standards, state requirements and local limits, and wastewater permits, compliance and monitoring/sampling efforts. Civil penalties of up to \$25,000 a day can be assessed per violation for those who are found to have failed to comply with any provision of the Use Of Sewers Division or the orders, rules, regulations and permits issued hereunder. **Additional remedies include criminal violations wherein the District Attorney for the County judicial district may, at the request of the City, prosecute noncompliant users who violate the provisions of G.S. 143-215.6B.** Other remedies include injunctive relief, water supply severance and public nuisances. This Chapter also includes Division 3. Water & Sewer Extension Policy, which includes extensions and connections, including those dealing with annexation requests, assessments and fees. Division 4. Water System Policy for Cross-Connection, Backflow and Back-Siphonage Control of this Chapter provides responsibilities for enforcement and regulations while Division 5. Discharge Control of Fats, Oils & Grease into Sanitary Sewer System deals with requirements for the FOG Ordinance. Administrative enforcement activities associated with FOG include civil penalties (from \$1 up to \$10,000). The final Articles deal with Solid Waste Collection & Disposal and Stormwater. **Violations of the Solid Waste section shall be a misdemeanor punishable by a fine of not more than \$500 and imprisonment not to exceed 30 days with each day of violation of this section constituting a separate offense.**

- *Per Section 1-8: Civil Penalty shall be \$100 per violation and for each day violation continues with a maximum civil penalty being set at \$500 for each violation.*

- **Chapter 11. Offenses & Miscellaneous Provisions:**

- Among the violations listed in Article I. In General, the following criminal remedies are noted:
 - Section 11-20. Loitering – Obstruction of public streets; sidewalks; crossings; public vehicular areas; city-owned public restroom-Interference with lawful business means **the violator shall be fined not less than \$100 for a first offense and \$200 for a second and subsequent offense.**

- Section 11-21 Loitering under circumstances manifesting the intent to engage in drug-related activity notes that this is a violation of the NC Controlled Substances Act, G.S. 90-89 et seq. but adds that **violation of this section shall constitute a Class 3 misdemeanor and the offender shall be fined not more than \$500.**
 - Section 11-23 prohibits weapons on City property except under noted exceptions and that violators **shall be guilty of a misdemeanor and upon conviction shall be fined \$500 or imprisoned for six months or both with weapons declared to be contraband.**
 - Section 11-27 does not allow registered sex offenders to knowingly enter into City parks and recreation facilities **with violators subject to a fine of not less than \$500 per offense and/or 30 days in jail (with every entry constituting a separate offense).**
 - Other Articles in this Chapter deal with Picketing (**with Section 11-34 noting those intimidating picketers who fail to leave the place of assemblage when requested by police may be arrested**) and Parades & Special Events.
 - *Per Section 1-8: Civil Penalty shall be \$100 per violation and for each day violation continues with a maximum civil penalty being set at \$500 for each violation.*
- **Chapter 12. Parks & Recreation:**
 - This Chapter prohibits malt beverages and unfortified wine in City parks and recreation areas; establishes a Parks & Recreation Advisory Commission; provides rules and regulations for Lake Hunt and Lake Reidsville; establishes a 9:30 p.m. closing time for neighborhood parks; and notes rules and regulations for skateboarding. No criminal violations are listed but violators of ordinances may be temporarily suspended from park facilities and federal and state regulations apply in areas such as boating safety, etc.
 - *Per Section 1-8: Civil Penalty shall be \$100 per violation and for each day violation continues with a maximum civil penalty being set at \$500 for each violation.*
- **Chapter 13. Peddlers, Solicitors & Canvassers:**
 - This Chapter defines relevant terms/definitions regarding peddlers, solicitors and canvassers; establishes hours of operation; reviews the need for any licensing and explains the application process, bond requirements and rules and regulations. **It is a Class 3 misdemeanor punishable by a fine not to exceed \$200 for a person who: 1) fails to obtain the required license; 2) knowingly gives false information during application process; or 3) fails to produce privilege license but later produces in court a valid license issued prior to the time charged, at which time the person shall be found not guilty of the violation of conducting business under this chapter without first obtaining a privilege license.**
 - *Per Section 1-8: Civil Penalty shall be \$100 per violation and for each day violation continues with a maximum civil penalty being set at \$500 for each violation.*
- **Chapter 16. Streets & Sidewalks:**

- This Chapter establishes the general duties of the Superintendent of Streets and Lines; provides for the removal of vegetation on private property, between curb & sidewalk or overhanging trees that obstruct visibility; reviews situations affecting sidewalks, including the placement of items on sidewalks in the downtown business district; the process for excavations; the rules about utility poles; establishment of driveways, street improvements and the use and protection of public property. The Article dealing with protection of the public streets from dirt and debris includes civil penalties as outlined in Section 1-8 of this Code **but as an additional remedy, a violation of this article where the violation creates a public nuisance, the violator shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction or the City Manager is authorized to issue a possible lien.** Other articles of this Chapter deal with the Renaming of Public Streets; Street Improvement Regulations, including assessment rates; and Street Lighting.
- *Per Section 1-8: Civil Penalty shall be \$100 per violation and for each day violation continues with a maximum civil penalty being set at \$500 for each violation.*
- **Chapter 17. Traffic, Article IV, Division 2: Abandoned, Nuisance & Junked Motor Vehicles:**
 - This Chapter is divided into General, including definitions and rules for unlawful riding, boarding and alighting from vehicles, clinging to vehicles, etc.; traffic control devices; general operation of motor vehicles, including obedience to signs, lights, markings, etc.; Section 17-63 dealing with All-terrain vehicles (ATV) on public property, easements or rights-of-way **with violations of this section being a Class 3 misdemeanor with a maximum fine of \$500;** Article IV Standing & Parking with **any violation of any provision in this Article being an infraction, with a payment of \$10 per violation except for violation of Section 17-83(2) which includes a \$25 penalty for parking within eight feet in either direction of a fire hydrant or within 15 feet to a fire station entrance or upon a fire lane.** Division 2. Abandoned, Nuisance & Junked Motor Vehicles provides for rules and regulations regarding such vehicles, all of which are subject to civil penalties; The final Article in this Chapter deals with Railroads.
 - *Per Section 1-8: Civil Penalty shall be \$100 per violation and for each day violation continues with a maximum civil penalty being set at \$500 for each violation.*

City's Zoning Ordinance:

The City of Reidsville Zoning Ordinance does not include any criminal violations other than misdemeanors and/or civil penalties. It reads as follows in Article XIII, Enforcement, Penalties:

Section 2. Penalties for Violating Any Provisions of This Ordinance.

Any person, firm or corporation violating any provisions of this ordinance, or who shall violate or fail to comply with any order made thereunder; or who shall continue to work upon any structure after having received written notice from the Director to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed fifty dollars (\$50.00) or imprisoned not exceeding thirty (30) days. Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to such owner, the agent of the owner or the contractor and left at his known place of residence or place of business.