

**CITY OF ROANOKE RAPIDS  
LIST OF ORDINANCE OFFENSES PUNISHABLE  
AS A MISDEMEANOR  
SESSION LAW 2018-69  
As of November 30, 2018**

**CHAPTER 70 – GENERAL PROVISIONS**

**§ 70.04      AUTHORITY OF POLICE IN EMERGENCIES.**

In the event of fire or other emergency, or when necessary to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of this title. ('75 Code, § 14-4)

**CHAPTER 80: YOUTH PROTECTION ORDINANCE**

**§ 80.01      PURPOSE.**

The purpose of this ordinance is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for persons under the age of 18 years in the City of Roanoke Rapids. This Youth Protection Ordinance is intended to promote the health, safety and welfare of both juveniles and adults by creating an environment providing better protection and security for all concerned. The purpose is also to define the duties of parents or guardians and operators of business establishments and protect minors from improper influence and criminal activity that occurs after the curfew hour.

**§ 80.03      OFFENSES.**

Except as provided by § 80.04, the following offenses constitute a violation of this ordinance:

(A) A person under the age of 18 years shall be in violation of this ordinance if he or she shall remain at any time in or upon any public place or establishment within the city.

(B) It shall be a violation of this ordinance for any person under the age of 18 years to be or remain in or upon any public place or establishment within the city during the restricted hours.

(C) It shall be a violation of this ordinance for any person 18 years or older to aid or abet a juvenile in the violation of subsection (A) above.

(D) A parent or guardian of a juvenile shall be in violation of this section if he knowingly permits, and/or by inadequate supervision, allows the juvenile to remain on the premises of any establishment or in any public place within the city during the restricted hours. The term “knowingly” includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent’s legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

(E) It shall be a violation of this ordinance for a parent or guardian of a juvenile to refuse to take custody of the juvenile during the restricted hours.

(F) The owners, operator, or any employee of an establishment shall be in violation of this ordinance if he knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours. The term “knowingly” includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment.

#### **§ 80.04        EXCEPTIONS.**

A juvenile shall not be in violation of this ordinance if the juvenile is:

(A) Accompanied by a parent, guardian or adult 21 years of age, or older, authorized by the parent or guardian to supervise such juvenile.

(B) Using a direct route to or from a place of employment.

(C) Engaged in religious or civic activities.

(D) Reacting or responding to an emergency.

(E) Attending or traveling to or from, by direct route, any school, religious or recreational activity or other organized activity which is supervised by adults that accept responsibility for the juvenile. If during restricted hours, the parent or guardian must have knowledge of the organized activity which the juvenile is involved and the juvenile shall carry a written communication, signed by the juvenile and countersigned, if practicable, by a parent of the juvenile with their home address and telephone number and specifying when, where and in what manner the juvenile will be in a public place.

#### **§ 80.05        OTHER EXCEPTIONS.**

If the owner, operator or employee of an establishment notifies the Police Department that a juvenile was present on the premises of the establishment during restricted hours and refused to leave.

#### **§ 80.06        ENFORCEMENT PROCEDURES.**

(A) If a police officer reasonably believes that a juvenile is in a public place in violation of the ordinance, the officer shall notify the juvenile that he or she is in violation of the ordinance and shall require the juvenile to provide his or her name, address and telephone number and how to contact his or her parent or guardian. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate, a police officer shall, in the first instance of violation of the ordinance, use his or her best judgment in determining age.

(B) The police officer shall issue the juvenile a written warning that the juvenile is in violation of the ordinance and order the juvenile to go promptly home. The Chief of Police shall send the parent or guardian of the juvenile written notice of the violation by first class mail with a warning that any subsequent violation will result in full enforcement of the ordinance, including enforcement of parental responsibility and of applicable penalties.

(C) Police procedures shall constantly be refined in the light of experience and may provide that the police officer may deliver to a parent or guardian thereof a juvenile under

appropriate circumstances; for example, a juvenile of tender age, near home, whose identity and address may be readily ascertained or are known.

(D) Notwithstanding the foregoing, when (i) a juvenile has received one previous written warning for violation of this ordinance; or (ii) a police officer has reasonable grounds to believe that the juvenile has engaged in delinquent conduct, the procedure shall then be to take the juvenile to the police station where a parent or guardian shall immediately be notified to come for the juvenile whereupon the parent or guardian and the juvenile shall be questioned. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the person designated there and then on duty for an accurate, effective, fair, impartial and uniform enforcement, and recording, thus, making available experienced personnel and access to information and records.

(E) For the first violation of the ordinance by an operator of an establishment who permits a juvenile to remain on the premises, a police officer shall issue a written notice of the violation with a warning that any subsequent violation may result in full enforcement of the ordinance, including enforcement of operator responsibility and of applicable penalties.

#### **§ 80.07 SEVERABILITY.**

If any section, subsection, sentence, term or exception of this chapter, or any application thereof to any person or circumstance, is adjudged to be unconstitutional or invalid, such adjudication shall not be deemed applicable to any other person or circumstances. Furthermore, City Council declares its intent to adopt and enforce each and every section of this ordinance separate and independent from one another.

#### **§ 80.99 PENALTIES.**

Any person other than a juvenile who violates any provision of this chapter may be guilty of a misdemeanor and may be subject to a fine not to exceed \$150 for the first offense, and for each subsequent offense the fine shall be increased by an additional \$150. For example, for the second offense the fine shall be \$300, for the third offense the fine shall be \$450, and the imprisonment in the discretion of the court in accordance with North Carolina General Statute 14-4.

### **CHAPTER 94: FIRE PREVENTION AND PROTECTION**

#### **§ 94.01 RIGHT-OF-WAY FOR FIRE EQUIPMENT.**

In the event of an alarm of fire the apparatus of the Fire Department shall have the right-of-way in and upon the streets, lanes, alleys and squares in going to any fire and being upon the same. Any person who shall obstruct or neglect to make way for any such apparatus shall be deemed guilty of a misdemeanor. ('75 Code, § 9-1) *Penalty, see § 94.99*

#### **§ 94.02 SHOOTING GALLERIES PROHIBITED WITHIN FIRE ZONE.**

All outdoor shooting galleries are hereby prohibited in the fire zone. This, however, shall not apply to shooting galleries within a closed structure built in accordance with fire laws. ('75 Code, § 17-8) *Penalty, see § 94.99*

**§ 94.99****PENALTY.**

Whoever violates any of the provisions of this chapter for which no other penalty has been provided, shall be subject to the penalty set forth in § 10.99.

Any person who shall violate any of the provisions of the Fire Prevention Code hereby adopted or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, shall severally from each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine not exceeding \$50 or imprisonment not to exceed 30 days or by both such fine and imprisonment. The imposition of one penalty for any building shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

**CHAPTER 95: LITTERING****§ 95.02      KEEPING PUBLIC ACCESS AREAS FREE FROM LITTER, TRASH AND THE LIKE.**

Every owner, lessee, tenant, occupant or person in charge of any commercial establishment or premises which maintains any paved or unpaved areas for the use of the public, either for parking or as access area and incident to the carrying on of the principal business of any such commercial establishment or premises and which parking or access areas abut or lie within 400 feet of any public street or other public way, shall keep and maintain such areas clean and free from trash, litter, rubbish and any materials liable to be blown, deposited or cast upon such street or other public way.

Suitable receptacles shall be provided in all parking or access areas. Such receptacles shall be plainly marked and constructed to prevent scattering of any trash, litter, rubbish or other materials deposited therein. ('75 Code, § 10-3) *Penalty, see § 95.99*

**§ 95.04      THROWING, DROPPING OR DEPOSITING ON PUBLIC LANDS, IN WATERS GENERALLY, OR FROM VEHICLES.**

No person shall throw, drop, deposit, or cause to be thrown, dropped or deposited, on any land in the city, vacant or occupied, including specifically streets, alleys, sidewalks and other public and semipublic areas and all waters under the jurisdiction of the city, any waste, including but not limited to refuse, garbage, ashes, rubbish, dead animals or fish, paper, drinking cups, broken glass, tacks, brush, grass, weeds and anything injurious to health. If any person, while transporting or hauling or causing to be transported or hauled, such rubbish or material, or earth excavation, coal or other material, shall throw, drop or deposit, or cause to be thrown, dropped or deposited, such rubbish or material from the body of any vehicle, in violation of the provisions of this section, such person must daily clean up and remove such rubbish or material in a manner satisfactory to the Director of Public Works. If any person fails to clean up and remove such rubbish and material, the Department of Public Works may clean up and remove such rubbish and material, and the city may recover the cost of such cleaning up and removal from such person. ('75 Code, § 10-5) *Penalty, see § 95.99*

**§ 95.99        PENALTY.**

The violation of any of the provisions of §§ 95.02 and 95.04 shall be a misdemeanor and punished by fine not to exceed \$50 or imprisonment not to exceed 30 days or both in the discretion of the court. (Ord., passed 4-19-78; Am. Ord. 2000-24, passed 8-8-00)

**CHAPTER 118: BUSINESS REGISTRATION**

**§ 118.24        ENFORCEMENT OF ORDINANCE.**

Conducting business within this city without a valid registration issued in accordance with this chapter, or without posting a registration in compliance with Section 118.23 of this chapter is a misdemeanor, punishable as provided in NCGS 14-4. Each day that a person conducts business in violation of this chapter is a separate offense.

**CHAPTER 130: OFFENSES AGAINST PUBLIC PROPERTY**

**§ 130.03        URINATING OR DEFECATING IN PUBLIC.**

(A) *Purpose and intent.* The purpose of this section is to prohibit urinating or defecating in public, in order to allow public property to be used more enjoyably and to promote the good health of the public.

(B) *Authority.* This section is adopted under the authority granted by G.S. § 160A-174.

(C) *Jurisdiction.* This section applies to all property accessible to the general public.

(D) *Definitions.* For the purposes of this section, the following words and phrases shall be defined as follows:

***Defecate.*** The act of expelling solid waste from the human body.

***Persons.*** Any individual, firm, partnership, association, corporation, other organizations or groups, or a combination of persons acting as a unit.

***Public place.*** Any building, street, alley, parking lot, or any other place that is easily accessible to the general public.

***Urinate.*** The act of expelling liquid waste from the human body.

(E) *Prohibited conduct.* It shall be unlawful for any person to urinate or defecate in any public place, in view of the public.

(F) *Enforcement.* Any person violating this section will be charged by citation, criminal summons, or by physical arrest for this violation. (Ord., passed --) *Penalty, see § 130.99*

**§ 130.99      PENALTY.**

Any person who knowingly or willingly violates § 130.03 shall be guilty of a misdemeanor, punishable by imprisonment not to exceed 30 days or a fine not to exceed \$50. (Ord., passed --)

**CHAPTER 131: OFFENSES AGAINST PUBLIC PEACE AND SAFETY**

**§ 131.01      POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC.**

Except as provided by this chapter, it shall be unlawful for any pedestrian to consume malt beverages or unfortified wine on any city street, and it shall be unlawful for any person to possess an open container of malt beverages or unfortified wine on any property owned, occupied, or controlled by the city. It shall also be unlawful to possess malt beverages and unfortified wine on any street, alley, or parking lot which is temporarily closed to regular traffic for a special event unless the resolution of the City Council closing the street, alley, or parking lot makes other provisions for the possession of malt beverages or unfortified wine. An open container is one the seal of which has been broken or a container other than the manufacturer's unopened original container. ('75 Code, § 17-2.1) (Ord., passed --) *Penalty, see § 131.99*

**§ 131.99      PENALTY.**

Any person or persons violating the provisions of § 131.01 shall be guilty of a misdemeanor and shall be fined no more than \$50 or imprisoned for not more than 30 days. ('75 Code, § 17-2.1(b)) (Ord., passed 4-19-78; Am. Ord., passed 5-14-85)

**CHAPTER 152: MINIMUM HOUSING STANDARDS**

**§ 152.27      IN REM ACTION BY OFFICER; PLACARDING.**

After failure of an owner of a dwelling or dwelling unit to comply with an order of the Code Enforcement Officer issued pursuant to the provision of this chapter, and upon adoption by the City Council of an ordinance authorizing and directing him to do so, as provided by § 152.19, the Code Enforcement Officer shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the City Council, and shall cause to be posted on the main entrance of such dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor. (Ord., passed – 97)

**§ 152.30      ALTERNATE REMEDIES.**

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this chapter by criminal process as authorized by G.S. § 14-4, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinance or laws. (Ord., passed – 97)

The following City Ordinances MAY be punishable as misdemeanors under G.S. 14-4(a) if the City waives in writing its right to pursue collection of civil penalties as allowed under G.S. 160A-175(c). Please refer to **§ 10.99 GENERAL PENALTY**.

## **CHAPTER 50 - GARBAGE COLLECTION AND DISPOSAL**

### **§ 50.02 RESIDENTIAL CONTAINERS.**

No person shall deposit any garbage within the corporate limits of the city except in the garbage residential containers as above specified. *Penalty, see § 10.99*

### **§ 50.03 DUMPSTERS TO BE USED FOR MULTIPLE HOUSING UNITS.**

All new multiple housing units with more than five units and all new mobile home parks with more than five mobile homes shall provide, use and maintain dumpster units. The number and type shall be specified by the Planning Board. Any change in the type of sanitation service now provided shall require compliance with this section. (Ord. passed 3-13-84) *Penalty, see § 10.99*

## **CHAPTER 51 - WATER AND SEWER CONNECTION**

### **§ 51.01 CONNECTION TO PUBLIC WATER MAIN.**

By the authority of G.S. § 160A-317, every person owning a house, apartment house, restaurant, building or structure used for sleeping quarters or wherein any person is employed inside the city, which is located a distance of 200 feet or less from a public water main, shall connect such house, apartment house, restaurant, building or structure to such public water main. ('75 Code, § 23-1) *Penalty, see § 10.99*

### **§ 51.02 CONNECTION TO PUBLIC SEWER MAIN.**

By the authority of G.S. § 160A-317, every person owning a house, apartment house, restaurant, building or structure used for sleeping quarters or wherein any person is employed inside the city, which is located a distance of 200 feet or less from a public sewer main, shall connect such house, apartment house, restaurant, building or structure to such public sewer main. ('75 Code, § 23-2) *Penalty, see § 10.99*

### **§ 51.03 PERMIT REQUIRED FOR INSTALLATION AND CONNECTION OF WATER OR PLUMBING FIXTURE TO SEWER OR WATER LINE.**

No water or plumbing fixture shall be installed and no building or toilet fixture shall be connected with a public sanitary sewer or a water line without first obtaining a plumbing permit. ('75 Code, § 23-3) *Penalty, see § 10.99*

## **CHAPTER 92: CEMETERIES**

### **§ 92.02 MAINTENANCE AND CARE OF LOTS AND CEMETERY.**

No florist, funeral home or person other than members of families of persons buried on the lot shall remove any flowers, floral designs, plants or containers from lot without first notifying the caretaker. (Ord., passed 3-14-89) *Penalty, see § 10.99*

**§ 92.03        MONUMENTS AND MONUMENTAL WORK.**

(I) The city is not responsible for damage to monuments caused by accidents or vandalism. (Ord, passed 3-14-89) *Penalty, see § 10.99*

***BURIALS***

**§ 92.15        FUNERALS AND INTERMENTS**

All cremations shall be placed in a city approved container, and the uppermost part of the burial container shall have a minimum of 18 inches of cover. (Ord, passed 3-14-89, Am. Ord., passed – 97; Am. Ord. passed 2-23-99) *Penalty, see § 10.99*

***RULES AND REGULATIONS***

**§ 92.31        VISITORS TO KEEP IN WALKS AND DRIVES.**

Visitors must keep to the walks and drives and must not cross over or otherwise trespass on any lot other than their own. (Ord., passed 3-14-89) *Penalty, see § 10.99*

**§ 92.32        RESPONSIBILITY FOR CHILDREN.**

No children will be admitted to the cemetery unless attended by an adult who will be responsible for their conduct. They will not be allowed to run over the graves or lots. (Ord., passed 3-14-89) *Penalty, see § 10.99*

**§ 92.33        UNNECESSARY NOISE OR IMPROPER CONDUCT.**

Any person disturbing the quiet and good order of the cemetery by unnecessary noise of any kind or by any other improper conduct may be ejected from the grounds. (Ord., passed 3-14-89) *Penalty, see § 10.99*

**§ 92.34        PICKING OR REMOVING PLANTS; INJURING ORNAMENTALS OR PROPERTY.**

Picking flowers, breaking shrubs, trees and plants or in any way injuring any monument, marker, vault or ornament, or any other structure or property within the grounds is strictly prohibited and will, under the state law, subject the offender to a severe penalty.

The city is not responsible for flower arrangements that are lost, damaged or stolen. (Ord., passed 3-14-89) *Penalty, see § 10.99*

**§ 92.36        SPEED LIMITS WITHIN GROUNDS.**

Vehicles must not exceed a speed limit of ten miles per hour within the grounds. (Ord., passed 3-14-89) *Penalty, see § 10.99*

**§ 92.37        CERTAIN VEHICLES PROHIBITED.**

No motorcycle, go-carts, or driver education cars shall be allowed in the cemetery. ('75 Code, § 6-6) (Ord., passed 6-20-75) *Penalty, see § 10.99*



**§ 92.38 FISHING PROHIBITED.**

Fishing is not to be allowed in the lake. (Ord., passed 3-14-89) *Penalty, see § 10.99*

**§ 92.39 ADVERTISING OR SOLICITING PROHIBITED.**

Advertising or the soliciting of contracts or orders for monuments, markers or other work will not be allowed in the cemetery. (Ord., passed 3-14-89) *Penalty, see § 10.99*

**CHAPTER 93: CIVIL EMERGENCIES**

**§ 93.45 RULES ON STORAGE AND DISPLAY.**

In the event of a state of emergency every person engaged in the business of selling firearms and ammunition or both shall comply with the following rules:

During any period in which firearms or ammunition or both are unattended, they shall be stored in a place meeting the requirements of regulations promulgated by the City Council under authority of this chapter, or, if no such regulations have been promulgated, in a place difficult of access to unauthorized persons. ('75 Code, § 7-12) *Penalty, see § 10.99*

**CHAPTER 95: LITTERING**

**§ 95.03 LITTERING OF STREETS OR LOTS PROHIBITED.**

No person shall place, throw or sweep on any sidewalks, or in any of the streets or open lots of the city, any filth, trash, glass, paper, boxes, nails, pieces of board, shingles, barrel hoops, watermelon rinds, or any other things of nuisance whatsoever, but the same shall be deposited in receptacles placed on the streets in convenient places for removal by the city. Nothing contained in this section shall prohibit the piling of boxes, barrels, and the like, not emitting an offensive odor and not having a tendency to injure the public health, on open lots for a period of one week, but in no case shall any boxes, barrels or other debris of any nature be allowed to remain longer than one week. ('75 Code, § 10-4) *Penalty, see § 95.99*

**§ 95.99 PENALTY.**

Whoever violates any of the provisions of this chapter for which no other penalty has been provided, shall be subject to the penalty set forth in § 10.99.

Violation of § 95.03 shall be punished by a fine of \$100 as provided in G.S. § 14-399. (Ord. 2000-24, passed 8-8-00)

**CHAPTER 96: NUISANCES**

***REFUSE; WEEDS***

**§ 96.15 THROWING OR DEPOSITING LEAVES, SHRUBS AND THE LIKE INTO CATCH BASINS OR MANHOLES.**

No person shall throw, drop or deposit any leaves, shrubs or other debris into any catch basins or manhole in the city. In addition, no person shall place, blow, or cause to be blown any grass clippings or yard debris into the city right of way. ('75 Code, § 10-6) *Penalty, see § 96.99*

#### **§ 96.16            REMOVAL AND DEPOSIT OF TREES, LOGS AND THE LIKE.**

The city will not remove any trees, logs, laps, limbs, stumps or roots from any vacant lot, and it shall be unlawful for any person to deposit upon any street, alley or sidewalk any trees, logs, laps, limbs, stumps or roots. ('75 Code, § 10-7) *Penalty, see § 96.99*

#### **§ 96.99                    PENALTY.**

Unless otherwise specifically provided, violation of any provision of this chapter shall be punished as provided under § 10.99.

### **CHAPTER 98: STREETS AND SIDEWALKS**

#### **§ 98.01            PLACING OBJECTS ON STREETS, ALLEYS AND SIDEWALKS.**

No brick, stone, wood or other substance obstructing the streets shall be suffered to lie in the streets, alleys or sidewalks of the city, and no person shall place in any street or alley or upon any sidewalk in the city any boxes, crates, casks, barrels, or other obstructions, except in receptacles used for the purpose of receiving garbage, waste paper and trash of every description for removal by the city. Every day such obstructions are permitted to remain shall constitute a distinct violation of this section; provided, however, that building material, earth and other obstructions of like character in use for building purposes, may be by permission of the City Manager allowed under such restrictions as he may impose. ('75 Code, § 20-1) *Penalty, see § 10.99*

#### **§ 98.02            ASSEMBLIES OBSTRUCTING STREETS AND SIDEWALKS.**

All crowds or assemblages of persons who shall congregate on the streets or sidewalks of the city, thereby obstructing the same to the inconvenience of pedestrians, shall be dispersed by the police, and any person who refuses to obey the warning of the officer shall be deemed to violate this section. ('75 Code, § 20-2) *Penalty, see § 10.99*

#### **§ 98.03            USE BY MERCHANTS REGULATED.**

The occupant of any building abutting upon any sidewalk may temporarily use the same for such time only as may be necessary while engaged in loading, or unloading or otherwise carrying or transporting the same in or out of such building; provided further, that no person shall load, unload, place or maintain goods, wares, or merchandise in front of the business of the person, whenever there shall be an alley in the rear of the business and the alley can be used for the purpose of such loading and unloading. ('75 Code, § 20-3, Am. Ord., passed 10-05-10) *Penalty, see § 10.99*

#### **§ 98.04            DRAINS UNDER SIDEWALKS.**

All surface drains from any lot or building into the street gutter shall be by means of tile conductors extending under the sidewalks. Any owner of a lot failing to comply with this section after five days' written notice from the Director of Public Works shall be deemed guilty of a

misdemeanor. Each day's failure to comply shall constitute a separate offense. ('75 Code, § 20-6)  
*Penalty, see § 10.99*

**§ 98.05 USE OF SIDEWALKS BY CERTAIN VEHICLES PROHIBITED.**

It shall be unlawful for any person to place, roll or drive on the sidewalks of the city any wheelbarrow, handcart, hand carriage, lawn mower, motorized scooter, bicycle or other vehicle, except passing directly across the sidewalks into or out of a house or lot; provided, however, that nothing contained in this section shall prevent the use on the sidewalks of the city of a hand carriage to carry an infant or invalid, and the use of velocipedes, tricycles, kiddie-cars and other toys by young children. ('75 Code, § 20-8) (Am. Ord., passed 12-14-10) *Penalty, see § 10.99*

**§ 98.06 SKATING, SKATEBOARDING; COASTING ON SIDEWALKS PROHIBITED.**

It shall be unlawful for any person to skate with roller skates or skateboards, and to coast with wagons or sleds on the sidewalks of the city and on the sidewalks in that territory over which the city has criminal jurisdiction. ('75 Code, § 20-8) *Penalty, see § 10.99*

**§ 98.08 PLANTING AND PROTECTION OF TREES.**

Under the supervision of the Director of Public Works, citizens may plant trees in front of and around their lots between the streets and the sidewalks; provided, they shall not plant any trees that are detrimental to the sidewalks or streets. No trees shall be planted in the streets or gutters. If any person shall cut or damage any tree upon the streets of the city without permission of the Director of Public Works, or shall dig up or injure, or shall tack or post any advertisement upon such trees, he shall be guilty of a misdemeanor. ('75 Code, § 20-5) *Penalty, see § 10.99*

**§ 98.09 STREET NAMES AND PROPERTY NUMBERING.**

(5) Upon posting the assigned address and location numbers, the owner and occupant shall maintain such numbers in compliance with this section. (Ord., passed – 97) *Penalty, see § 10.99*

***EXCAVATIONS; STREET CLOSINGS***

**§ 98.20 PERMIT TO DIG IN STREETS.**

If any person obtains a permit from the Director of Public Works to make a hole, ditch or excavation in, on, across, over or under any street, sidewalk or alley, it shall be the duty of such person to perform the work in a careful, safe and workmanlike manner, and to repair any damage done and to restore the street, sidewalk or alley to the same condition it was before such hole, ditch or excavation was made, and to maintain and keep the same in a good and safe condition for a period of 12 months thereafter. ('75 Code, § 20-4) *Penalty, see § 10.99*

**§ 98.21 DRIVING PAST, AROUND OR OVER BARRICADES.**

No person shall drive any vehicle or animal past, around or over any barricade lawfully placed upon any street by city officials or employees, which street has been closed by such barricades, except by consent of persons authorized to give such consent. ('75 Code, § 17-1) *Penalty, see § 10.99*

**§ 98.22        REMOVING, DESTROYING BARRICADES.**

No person, other than an employee of the city, shall remove, tear down or destroy any barricade which has been erected by the city. ('75 Code, § 17-2) *Penalty, see § 10.99*

***OPENING OR EXTENSION OF PUBLIC STREETS***

**§ 98.35        PERMIT REQUIRED.**

It shall be unlawful for any person to open any new street, alley or driveway for use by the public or to extend any existing street, alley or driveway for use by the public without first obtaining approval to do so from the City Planning Board. ('75 Code, § 20-10) *Penalty, see § 10.99*

**§ 98.36        FAILURE TO COMPLY.**

Any person shall be required to close any street, alley or driveway, opened or extended without first obtaining a permit to do so, immediately upon receipt of written notice to close same from the City Council. ('75 Code, § 20-11) *Penalty, see § 10.99*

**§ 98.51        PERMIT REQUIRED; EXCEPTIONS.**

Any governmental agency acting within the scope of its functions. ('75 Code, § 18-5) *Penalty, see § 10.99*

**§ 98.55        CERTAIN ACTIVITIES PROHIBITED.**

The following acts or activities when performed or undertaken in conjunction with or as a part of any parade, picket line or group demonstration are hereby prohibited and declared unlawful:

The taking or keeping of any dog or other vicious animal, whether leashed or unleashed. ('75 Code, § 18-3) *Penalty, see § 10.99*

**§ 98.56        PICKETING; ADDITIONAL REGULATIONS.**

If pickets promoting different objectives desire to use the same sidewalk for picketing and such use would result in the presence of more than ten pickets thereon, the Chief of Police shall allot time to each group of pickets for the use of such sidewalk on an equitable basis. ('75 Code, § 18-4) *Penalty, see § 10.99*

**CHAPTER 110: BUSINESS LICENSES**

**§ 110.03        LICENSE; PAYMENT OF TAX REQUIRED.**

It shall be unlawful for any person or his agent or servant to engage in or carry on a business in the city for which there is required a license, without first having paid the license tax required by this chapter and obtained the license. For the purpose of this section, the opening of a place of business or offering to sell followed by a single sale or the doing of any act or thing in furtherance of the business shall be construed to be engaging in or carrying on such business. ('75 Code, § 13-2) *Penalty, see § 10.99*

## **CHAPTER 111: BUSINESS AMUSEMENTS**

### **§ 111.01 CARNIVALS.**

Carnivals located within the corporate limits of the city may be permitted according to the terms and conditions of a special event permit as defined in the Roanoke Rapids Land Use Ordinance. (Am. Ord. --) *Penalty, see § 10.99*

### **§ 111.26 PUBLIC DANCE HALLS PROHIBITED.**

It shall be unlawful for any person to operate any public dance hall in the city. ('75 Code, § 3-3) *Penalty, see § 10.99*

### **§ 111.27 PERMIT REQUIRED.**

Except as provided in this subchapter, it shall be unlawful for any person to have, hold or conduct a public dance within the city unless and until a permit therefor has been granted by the City Council as provided in this subchapter. ('75 Code, § 3-4) *Penalty, see § 10.99*

### **§ 111.32 BOOTHS AND LIGHTING.**

Booths for patrons shall be so designed and arranged and the lighting in such dance hall shall be installed and operated at all times in a manner that permits the conduct of patrons to be readily observed by police officers upon their initial entry into such dance hall. ('75 Code, § 3-9) *Penalty, see § 10.99*

### **§ 111.33 MUSIC.**

Music machines, orchestras or any other devices producing music for dancing shall not be played in such a manner or at such times during the day or night so as to cause a public nuisance. All such dances and amusements shall comply with all other ordinances of the city regarding the hours and days during which the playing of loud music is prohibited. ('75 Code, § 3-10) *Penalty, see § 10.99*

### **§ 111.34 HOURS OF TERMINATION.**

No permit shall be issued for a dance to commence on Sunday. ('75 Code, § 3-11) *Penalty, see § 10.99*

## **CHAPTER 112: JUNK DEALERS**

### **§ 112.02 DAILY REPORTS REQUIRED.**

It shall be the duty of such dealers to report their names and places of business to the Chief of Police, who shall register their names and places of business in a book kept for that purpose. It shall also be the duty of such junk dealers to furnish the Chief of Police with a daily report showing a complete and full list of all articles purchased since the last report, showing the original character of same, the date of purchase and the name of the person from whom purchased. ('75 Code, § 12-1) *Penalty, see § 10.99*

### **§ 112.03 REGISTER OF PURCHASES.**

All junk dealers doing business in the city shall register all articles purchased by them, with the date of purchase, description of each article, and the name of the party from whom it was purchased; and every article purchased by them shall remain in their shop five days before being shipped, and shall not be mutilated, defaced or changed in form in any manner. ('75 Code, § 12-2) *Penalty, see § 10.99*

### **§ 112.04 RIGHT OF POLICE TO INSPECT.**

It shall be the duty of all junk dealers doing business in the city to admit the Chief of Police or any police officer of the city into their places of business at any time admittance may be demanded to inspect their books and stocks of goods. ('75 Code, § 12-3) *Penalty, see § 10.99*

## **CHAPTER 113: SOLICITING ALMS; CHARITABLE SOLICITATION**

### **§ 113.01 SOLICITING ALMS; CHARITABLE SOLICITATION.**

The Police Chief or his designee is authorized to immediately revoke any permit issued hereunder upon a determination that the manner of solicitation is being conducted with disregard to public safety. *Penalty, see § 10.99*

## **CHAPTER 114: TAXICABS**

### **§ 114.11 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED.**

It shall be unlawful for any person to operate a taxicab upon and over the streets of the city without first having secured from City Council a certificate of convenience and necessity therefor as set forth in this subchapter. ('75 Code, § 22-6) (Ord., passed 1-9-79) *Penalty, see § 10.99*

#### ***TAXICAB DRIVER'S PERMIT***

### **§ 114.30 PERMIT REQUIRED.**

No person shall drive any taxicab for hire within the corporate limits of the city unless he shall first have secured a taxi driving permit from the Chief of Police. ('75 Code, § 22-18) (Ord., passed 1-9-79) *Penalty, see § 10.99*

### **§ 114.37 DISPLAY OF PERMIT.**

The driver of every taxicab shall at all times while driving such taxicab prominently post and display in the taxicab in question so as to be visible to the passengers therein the taxicab driver's permit issued to him. ('75 Code, § 22-25) (Ord., passed 1-9-79) *Penalty, see § 10.99*

### **§ 114.51 PASSENGERS.**

More than one passenger shall be transported in any taxicab at one time without the consent of the person first engaging it, provided the first person is not unduly inconvenienced in time, distance or charge. No nonpaying passenger shall ride in any taxicab except officers or employees

of the owner upon necessary business or a police officer engaged in the performance of his duty. ('75 Code, § 22-28) (Ord., passed 1-9-79) *Penalty, see § 10.99*

#### **§ 114.53 DRIVERS' RECORDS OF CALLS.**

Every owner shall keep a record of the origin and destination of all calls. It shall be the duty of all drivers and employees of the owner to report such calls. Such records shall be open at all times to the inspection of the Police Department and shall be preserved for a period of not less than 90 days. ('75 Code, § 22-30) (Ord., passed 1-9-79) *Penalty, see § 10.99*

#### **§ 114.54 ACCIDENT REPORTS.**

The owner shall report not less than weekly to the Chief of Police, in writing, every accident or collision of any character, however slight, in which any taxicab which he operated has been in any way involved. ('75 Code, § 22-31) (Ord., passed 1-9-79) *Penalty, see § 10.99*

#### **§ 114.87 FAILURE TO PAY FOR TAXI SERVICE.**

It shall be unlawful for any person to accept transportation in any taxicab and upon arrival at the desired destination to fail, refuse or neglect to pay the legal fare therefor as indicated by the taximeter installed in such taxicab. ('75 Code, § 22-2) (Ord., passed 1-9-79) *Penalty, see § 10.99*

### **CHAPTER 116: SEXUALLY ORIENTED BUSINESSES**

#### **§ 116.05 PROHIBITED ACTS AND CONDUCT.**

(I) No owner, operator, manager or other person in charge of the premises of an adult entertainment establishment shall knowingly allow or permit any person under the age of 21 years to be in or upon the premises or knowingly allow or permit a violation of this chapter. (Ord., passed 11-6-97) *Penalty, see § 10.99*

#### **§ 116.06 LICENSE; POSTING AND DISPLAY.**

Every person holding a license as an entertainer shall post his or her license in his or her work area on the adult establishment premises so it shall be readily available for the inspection by city authorities responsible for enforcement of this chapter. (Ord., passed 11-6-97) *Penalty, see § 10.99*

#### **§ 116.07 INSPECTIONS.**

All adult establishments shall permit representatives of the Police, Fire, Planning & Development, or other city or state departments or agencies acting in their official capacity, to inspect the premises as necessary to ensure that the business is complying with all applicable regulations and laws. (Ord., passed 11-6-97) (Am. Ord., passed 12-14-10) *Penalty, see § 10.99*

#### **§ 116.10 TRANSFER OF LICENSE.**

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application. (Ord., passed 11-6-97) *Penalty, see § 10.99*

### **§ 116.13      ADDITIONAL REGULATIONS FOR ADULT MOTELS.**

For purposes of division (B) of this section, the terms “*rent*” or “*subrent*” mean the act of permitting a room to be occupied for any form of consideration. (Ord., passed 11-6-97) *Penalty, see § 10.99*

### **§ 116.14      ADDITIONAL REGULATIONS FOR ESCORT AGENCIES.**

A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 21 years. (Ord., passed 11-6-97) *Penalty, see § 10.99*

### **§ 116.15      ADDITIONAL REGULATIONS FOR NUDE MODEL STUDIOS.**

A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public. (Ord., passed 11-6-97) *Penalty, see § 10.99*

### **§ 116.16      REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS, VIDEOS, AND LIVE PERFORMANCES.**

(A) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises a viewing room of less than 150 square feet of floor space, a film, video cassette, other video reproduction, or live performance that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(1) Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager’s stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager’s station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the business license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer’s or architect’s blueprint shall not be required; however, each diagram should be oriented to the north or to some designed street or object and should be drawn to be a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The City Manager may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) The application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of a manager’s station may be made without the prior approval of the City Manager or his designee.

(4) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager’s station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager’s station of the entire area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager’s stations designed, then the interior of the premises shall be configured in such a manner that there is an unobstructive view of the entire area of the premises to which any patron is permitted access for any purpose from at least one of the manager’s stations. The view required in this division may be by direct line of sight from the manager’s station.



(6) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in division (5) remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the application filed pursuant to division (1) of this section.

(7) No viewing room may be occupied by more than one person at any time.

(8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot-candles as measured at the floor level.

(9) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(10) No licensee shall allow an opening of any kind to exist between viewing rooms or booths.

(11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

(12) The operator of the sexually oriented business shall, during each business day, inspect the walls between the viewing booths to determine if any openings or holes exist.

(13) The operator of the sexually oriented business shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(14) The operator of the sexually oriented business shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within 48 inches of the floor.

(B) A person having a duty under divisions (A)(1) through (14) of this section is in violation of this chapter if he/she knowingly fails to fulfill that duty. (Ord., passed 11-6-97) *Penalty, see § 10.99*

## **116.17 EXTERIOR PORTIONS OF SEXUALLY ORIENTED BUSINESSES.**

(A) It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.

(B) It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this chapter.

(C) (1) It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color.

(2) This provision shall not apply to a sexually oriented business if the following conditions are met.

(a) The establishment is a part of a commercial multi-unit center; and

(b) The exterior portions of such individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

(D) Nothing in this chapter shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

(E) A violation of any provision of this section shall constitute a violation of this chapter. (Ord., passed 11-6-97) *Penalty, see § 10.99*

#### **§ 116.19      MASSAGES OR BATHS ADMINISTERED BY A PERSON OF THE OPPOSITE SEX.**

It shall be unlawful for any sexually oriented business, regardless of whether in a public or private facility, to operate as a massage salon, massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex. Violation of this section shall constitute a misdemeanor. (Ord., passed 11-6-97) *Penalty, see § 10.99*

#### **§ 116.20      HOURS OF OPERATION.**

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 1:00 a.m. and 8:00 a.m. on weekdays and Saturdays, and 1:00 a.m. and 12:00 p.m. on Sundays. (Ord., passed 11-6-97) *Penalty, see § 10.99*

### **CHAPTER 119: ITINERANT MERCHANTS, PEDDLERS AND VENDORS**

#### **§ 119.02      LICENSE REQUIRED.**

It shall be unlawful for a transient merchant, itinerant merchant, itinerant vendor or peddler to engage in such business within the city without first obtaining a privilege license in compliance with the provisions of this article.

#### **§ 119.03      LICENSE APPLICATION.**

All applicants for licenses required by this chapter shall file an application with the Tax/Revenue Collector. The application shall contain the following information:

(A) A description of the goods, wares or merchandise for sale.

(B) The names of the persons, and any employees or agents, having the management or supervision of the applicant's business during the time that it is proposed that such business will be carried on in the city; the local addresses of such persons while engaged in such business; the permanent addresses of such persons; the capacity in which such persons will act, whether as proprietor, agent or otherwise; the name and address of the person, firm or corporation for whose account the business will be carried on, if any and, if a corporation, the state of incorporation.

(C) Places within the city where the applicant proposes to conduct business and the length of time during which it is proposed that such business shall be conducted, and the provisions the applicant has for access and parking.

(D) A description of any vehicle proposed to be used in the business, including its registration number.

(E) Whether or not the applicant, or the individuals identified in division (B) above, have been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(F) Proof of the property owner's permission to conduct such business.

#### **§ 119.04      LICENSE FEE.**

Before issuing a license under this chapter, the Tax/Revenue Collector shall collect a license fee in an amount of \$20.00 which shall be set from time to time and is on file in the City Clerk's office, which shall be for a term of one (1) year from the date of issuance and shall not be prorated due to the license being issued later than July 1. The license fee shall not relieve the applicant of paying any other state or local taxes required by law.

#### **§ 119.05      INVESTIGATION OF APPLICATION; ISSUANCE OF LICENSE; TERM OF VALIDITY; CHANGE OF LOCATION; TRANSFERABILITY.**

(A) The Tax/Revenue Collector shall investigate all applications within five (5) days from receipt of the application.

(B) If the applicant satisfies all requirements of this chapter, the Tax/Revenue Collector shall issue a license. A copy of all license applications and licenses issued shall be maintained in the office of the Tax/Revenue Collector.

(C) The license shall be issued for a period of one (1) year. Itinerant merchant licenses will be valid for the location indicated on the license. If the location changes, the itinerant merchant shall apply for a new license.

(D) The license is not transferable to other persons or locations.

#### **§ 119.06      POSTING OF LICENSE.**

The license issued under this chapter shall be conspicuously posted in the place of business named on such license.

**§ 119.07 SAFETY VEST REQUIRED FOR CERTAIN ACTIVITIES.**

A reflective safety vest, supplied by the applicant, shall be required for any individual peddling goods from place to place.

**§ 119.08 EXEMPTIONS.**

This chapter shall not apply to civic clubs located within the county, nor to any bona fide charitable, education, religious, cultural or governmental institution or organization when the proceeds of the sales are used directly for the charitable purpose of the institution or organization. *See Chapter 113.*

**§ 119.09 REVOCATION OF LICENSE.**

(A) Licenses issued under the provisions of this chapter may be revoked by the Tax/Revenue Collector of the city, after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation or a false statement contained in the application for the license;

(2) Fraud, misrepresentation or a false statement in the course of carrying on the business as peddler or itinerant merchant;

(3) Any violation of this chapter;

(4) Convictions of any crime or misdemeanor involving moral turpitude;

(5) Conducting the business of peddler or itinerant merchant in an unlawful manner or in such a manner as to constitute a breach of the peace or a detriment to the health, safety or general welfare of the public.

(B) Notice of the hearing for revocation of a license shall be given in writing, specifically setting forth the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least ten (10) days prior to the date set for the hearing.

**§ 119.10 APPEALS.**

(A) Any person aggrieved by the action of the Tax/Revenue Collector in the denial of an application for a license, or in the decision with reference to the revocation as provided in section 119.08, shall have the right to appeal to the City Manager. The appeal shall be taken by filing with the City Manager, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The City Manager shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in section 119.08.

(B) The order of the City Manager after the hearing shall be final.

## **§ 119.11 VIOLATIONS; PENALTIES.**

Any violation of this chapter shall be punished in accordance with Section 10.99 of this Code.

### **CHAPTER 130: OFFENSES AGAINST PUBLIC PROPERTY**

#### **§ 130.01 ILLEGAL USE OF SCHOOL, CHURCH OR PUBLIC PROPERTY.**

It shall be unlawful for any person or persons to use any school, church or other public building or the grounds around such public building for any immoral, indecent or indecorous conduct. ('75 Code, § 17-6) *Penalty, see § 130.99*

#### **§ 130.02 POSTING SIGNS OR ADVERTISEMENTS ON PRIVATE OR PUBLIC PROPERTY.**

It is hereby declared unlawful for any person to drive any nails or tacks in the telephone, telegraph or electric light poles, or in any house or store situated on any sidewalk or street of the city, or to tack any signs or advertisements thereon, without obtaining the permission of the owner thereof. ('75 Code, § 17-9) *Penalty, see § 130.99*

#### **§ 130.99 PENALTY.**

(A) Any person who violates any provision of this chapter to which no other specific penalty applies shall be punished as provided in § 10.99.

### **CHAPTER 131: OFFENSES AGAINST PUBLIC PEACE AND SAFETY**

#### **§ 131.02 POSSESSION OF WEAPONS WHILE INTOXICATED.**

It shall be unlawful for any person to have in his immediate possession and control any firearm, or other deadly weapon, while under the influence of intoxicating drink, or at the premises of a church, polling place or public assembly. ('75 Code, § 17-14) *Penalty, see § 131.99*

#### **§ 131.03 DISCHARGING WEAPONS; PERMITTING CHILD TO DISCHARGE.**

It shall be unlawful for any person to discharge an air rifle, air pistol, air gun, slingshot, or any like instrument used to eject a pellet or projectile, or to discharge a pistol, rifle, shotgun, or other gun within the corporate limits, except a police officer in the performance of his duty. It shall be unlawful for any parent of a child or any person who stands in the relationship of parent to a child to knowingly permit such child to discharge an air rifle, air pistol, air gun, slingshot, or any like instrument used to eject a pellet or projectile. (Ord., passed 8-11-92) *Penalty, see § 131.99*

#### **§ 131.04 WEAPONS PROHIBITED ON CITY PROPERTY.**

(A) Except as provided in division (B) below, it shall be unlawful for any person to possess or carry concealed about his person any weapon in city-owned buildings and parks. For purposes of

this section and prohibition, the term ***weapon*** shall refer to and include any weapon listed in G.S. § 14-269 and any deadly weapon of like kind.

(B) This section and prohibition shall not apply to the following persons:

(1) Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;

(2) Civil officers of the United States while in the discharge of their official duties;

(3) Officers and soldiers of the militia and the National Guard when called into actual service;

(4) Sworn law enforcement officers.

(C) A conspicuous notice shall be posted at each entrance to any property set forth in division (A) above stating: "Possession of weapons or carrying a concealed handgun is prohibited."

(D) Weapons possessed in violation of this section are hereby declared to be contraband. The Chief of Police or his designee shall hold such weapon for disposal pursuant to court order. In the absence of any court order, the weapon shall be destroyed. (Ord., passed --) *Penalty, see § 131.99*

#### **§ 131.99 PENALTY.**

Whoever violates any of the provisions of this chapter for which no other penalty has been provided, shall be subject to the penalty set forth in § 10.99.

### **CHAPTER 150: BUILDING REGULATIONS**

#### ***PERMIT REQUIREMENTS***

#### **§ 150.35 PERMITS REQUIRED.**

*Electrical permit.* No person shall commence or proceed with the installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment without a written permit therefor from the Planning & Development Department. ('75 Code, § 5-23) (Am. Ord., passed 12-14-10) *Penalty, see § 10.99*

#### **§ 150.41 TIME LIMITATIONS ON VALIDITY OF PERMIT.**

All permits issued under this chapter shall expire by limitation six months after the date of issuance if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit which has expired shall thereafter be performed until a new permit therefor has been secured. ('75 Code, § 5-29) *Penalty, see § 10.99*

#### **§ 150.42 CHANGES IN WORK AFTER PERMIT ISSUED.**

After a permit has been issued, changes or deviations from the terms of the application and permit, or changes or deviations from the plans or specifications involving any work under the jurisdiction of this chapter or of any regulatory code adopted herein, shall not be made until

specific written approval of such changes or deviations has been obtained from the appropriate inspector. ('75 Code, § 5-30) *Penalty, see § 10.99*

## **§ 10.99 GENERAL PENALTY.**

(A) (1) *Civil penalty.* Pursuant to G.S. § 160A-175(c), a violation of any provision of this code of ordinances shall subject the offender to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the civil penalty within five days from the date of issuance of the citation for a code violation. Unless otherwise specifically provided in this code, the civil penalty for any code violation shall be \$50.

(2) *Waiver of civil penalty.* The City may waive its right to collect a civil penalty for any particular violation of this code, and then pursue a criminal or infraction prosecution under G.S. § 160A-175(b). Such waiver must be in writing and signed by the City Manager, the Deputy City Manager, or the Chief of Police.

(3) *Criminal penalty.* Pursuant to G.S. § 160A-175(b), a violation of this code or any other city ordinance expressly shall not constitute a criminal offense or infraction under G.S. § 14-4, and no person shall be charged or prosecuted under G.S. § 14-4 unless and until the city waives, in writing, its right to pursue the collection of civil penalties as allowed under G.S. § 160A-175(c). In the event of a criminal or infraction prosecution, the amount of the criminal or infraction fine imposed in any such proceeding shall be the maximum amount allowed by G.S. § 14-4.

The following City Ordinances MAY be punishable as misdemeanors under G.S. 14-4(a) if the City waives in writing its right to pursue collection of civil penalties as allowed under G.S. 160A-175(c). Please refer to **§ 70.99 PENALTY**.

## **CHAPTER 70 – GENERAL PROVISIONS**

### **§ 70.03 OBEDIENCE TO POLICE REQUIRED.**

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer. ('75 Code, § 14-3) *Penalty, see § 70.99*

### **§ 70.05 APPLICATION OF REGULATIONS TO PUBLIC EMPLOYEES.**

The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county or city. It shall be unlawful for any such driver to violate any of the provisions of this title, except as otherwise permitted in this title or by state law. ('75 Code, § 14-5) *Penalty, see § 70.99*

### **§ 70.20 OBEDIENCE REQUIRED; WHEN SIGNS REQUIRED FOR ENFORCEMENT.**

(B) No provisions of this title which provides for signs shall be enforced against an alleged violator if, at the time and place of alleged violation, such official sign is not in proper position or is insufficiently legible to an ordinarily observant person. Whenever a particular section does not stipulate signs, such section shall be effective without signs being placed to give notice thereof. ('75 Code, § 14-14) *Penalty, see § 70.99*

## ***MOTOR VEHICLE REGISTRATION***

### **§ 70.35 YEARLY REGISTRATION REQUIRED; FEES.**

Every resident owner of a motor vehicle, including motorcycles, driven either by himself or another with his authority, shall, for each motor vehicle owned, cause to be filed in the office of the City Clerk an application for registration of such motor vehicle and at the time such application is filed, shall pay to the Clerk the sum of \$6, which license fee shall permit the operation of such motor vehicle in the city for the period from January 1 to December 31 succeeding each year. One dollar shall be charged for a metal tag. ('75 Code, § 14-57) (Am. Ord., passed 8-14-79; Am. Ord., passed 6-13-89; Am. Ord., passed 8-8-89) *Penalty, see § 70.99*

### **§ 70.36 ISSUANCE; DISPLAY.**

Upon filing such application and the payment of the fee above stipulated, the City Clerk shall assign to such motor vehicle a distinctive number, and shall furnish to such applicant a neat display number, which number the owner shall at all times cause to be displayed on the windshield on the front passenger's side. ('75 Code, § 14-57) (Am. Ord., passed 8-14-79; Am. Ord., passed 6-13-89) *Penalty, see § 70.99*



**§ 70.37      FAILURE TO COMPLY.**

Any resident owner of a motor vehicle failing to pay such license fee as set out in § 70.35, or failing to display such number as set out in § 70.36, on or before February 15 of each year, shall be subject to the penalty provided in § 70.99. ('75 Code, § 14-57) (Am. Ord., passed 8-14-79; Am. Ord., passed 4-11-83; Am. Ord., passed 6-13-89) *Penalty, see § 70.99*

**§ 70.38      DISPLAY NUMBER REQUIRED FOR VEHICLES STORED IN CITY.**

Every motor vehicle housed, garaged, stored or parked in the city overnight for an average of as many as four nights per week over a period of 30 days or more shall be required to be registered and show a display number as provided in §§ 70.35 through 70.37, and the owner or operator of such motor vehicle shall be subject to the same requirements, provisions and penalties as are residents of the city under §§ 70.35 through 70.37. ('75 Code, § 14-58) (Am. Ord., passed 6-13-89) *Penalty, see § 70.99*

**CHAPTER 71: TRAFFIC RULES**

***OPERATION OF VEHICLES GENERALLY***

**§ 71.01      SPEED LIMITS.**

It shall be unlawful for any person to operate a motor vehicle on any alley in the city at a greater rate of speed than 10 miles per hour. ('75 Code, § 14-37) *Penalty, see § 70.99*

**§ 71.02      VEHICLES NOT TO BLOCK INTERSECTIONS OR CROSSWALKS.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. ('75 Code, § 14-22) *Penalty, see § 70.99*

**§ 71.03      LIMITATIONS ON TURNING AROUND.**

No driver shall turn any vehicle so as to proceed in the opposite direction where a traffic signal is displayed or in the business district. ('75 Code, § 14-24) *Penalty, see § 70.99*

**§ 71.04      LIMITATIONS ON BACKING.**

The driver of a vehicle shall not back the same into any intersection or over a crosswalk and shall not, in any event or at any place, back a vehicle unless such movement can be made in safety and unless he shall have given ample warning to those who may be behind, by hand or other signal. ('75 Code, § 14-25) *Penalty, see § 70.99*

**§ 71.05      NO-TURN SIGNS AND TURNING MARKERS.**

Whenever authorized signs are placed, erected or installed indicating that no right or left or "U" turn is permitted, no driver of a vehicle shall disobey the directions of any such sign, and when authorized markers, buttons or other indications are placed within an intersection indicating the course to be travelled by vehicles traversing or turning thereat, no driver of a vehicle shall disobey the direction of such indications. ('75 Code, § 14-17) *Penalty, see § 70.99*

**§ 71.06 USE OF TRUCK LANES BY VEHICLES OVER SEVEN TONS.**

(In the event it is impossible for a vehicle having a gross weight in excess of seven tons to reach its destination within the city by a "truck lane," the operator of such vehicle shall obtain permission from the Chief of Police of the city before operating such vehicle upon, over or across any street or alley not designated as a "truck lane." ('75 Code, § 14-36) *Penalty, see § 70.99*

**§ 71.07 PREVENTION OF NOISE, SMOKE, AND THE LIKE; MUFFLER CUT-OUTS REGULATED.**

No person shall drive a motor vehicle on a city street, public vehicular area, or a highway unless such motor vehicle is equipped with a muffler, or other exhaust system of the type installed at the time of manufacture, in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and smoke screens. (Ord. 2001-14, passed 3-13-01) *Penalty, see § 70.99*

**§ 71.08 SIGNALS ON STARTING, STOPPING OR TURNING.**

The signal required in this section shall be given by means of the hand and arm in the manner specified, or by any mechanical or electrical signal device approved by the Department of Motor Vehicles as set out in G.S. § 20-154 incorporated herein by reference, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible, both to the front and rear, the signal shall be given by a device of a type which has been approved by the Department of Motor Vehicles. (Ord. 2001-14, passed 3-13-01) *Penalty, see § 70.99*

***PROHIBITED ACTS***

**§ 71.35 BOARDING AND ALIGHTING FROM VEHICLES.**

No person shall board or alight from any public conveyance or other vehicle while such conveyance or vehicle is in motion. ('75 Code, § 14-8) *Penalty, see § 70.99*

**§ 71.36 RIDING UPON VEHICLES NOT DESIGNATED FOR PASSENGER USE.**

No person shall ride on any public conveyance or vehicle, or any portion thereof, not designated or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty nor to persons riding within truck bodies in spaces intended for merchandise. ('75 Code, § 14-9) *Penalty, see § 70.99*

**§ 71.37 ENTERING, JUMPING ON OR RIDING VEHICLES WITHOUT PERMISSION.**

No person shall enter, jump on, or ride any automobile or other vehicle without the consent of the owner or driver. ('75 Code, § 14-10) *Penalty, see § 70.99*

**§ 71.38 DRIVING THROUGH FUNERAL PROCESSIONS PROHIBITED.**

No vehicle shall be driven through a funeral procession, except for authorized emergency vehicles when the same are responding to calls. ('75 Code, § 14-23) *Penalty, see § 70.99*

**§ 71.39 CLINGING TO MOVING VEHICLES.**

Any person riding upon any bicycle, motorcycle, coaster, sled, skateboard, roller skates, or any toy vehicle shall not attach such vehicle or himself to any public conveyance or other moving vehicle upon any roadway. ('75 Code, § 14-28) *Penalty, see § 70.99*

**§ 71.40 USE OF COASTERS, ROLLER SKATES, SKATEBOARDS, AND THE LIKE.**

No person upon roller skates or skateboards, or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway, except while crossing a street at a crosswalk or intersection, except upon streets set aside as play streets. ('75 Code, § 14-33) *Penalty, see § 70.99*

**§ 71.41 DUTY TO STAY INSIDE MOVING VEHICLES; HANGING ONTO VEHICLES.**

No person shall allow any part of his body to protrude beyond the limits of the vehicle in which he is riding, except to give such signals as are by law required, and no person shall hang onto any vehicle whatsoever. ('75 Code, § 14-11) *Penalty, see § 70.99*

**§ 71.42 LIMITATION ON NUMBER OF PERSONS IN FRONT SEAT.**

It shall be unlawful for the driver or the person in charge of any motor vehicle to permit more than three persons, including the driver, to ride in the front or driver's seat of a motor vehicle. ('75 Code, § 14-12) *Penalty, see § 70.99*

**CHAPTER 73: BICYCLES AND MOTORCYCLES**

**§ 73.02 DUTY TO USE HANDLEBARS ON BICYCLES OR MOTORCYCLES.**

The operator of a motorcycle or bicycle, when upon a street, shall not carry any person upon the handlebars, frame or tank of any such vehicle, nor shall any person so ride upon any such vehicle. ('75 Code, § 14-29) *Penalty, see § 70.99*

**§ 73.03 LIGHTS REQUIRED ON BICYCLES.**

Every bicycle shall be equipped with a lighted lamp on the front thereof, visible under normal atmospheric conditions from a distance of at least 300 feet in front of such bicycle, and shall also be equipped with a reflex mirror or lamp on the rear, exhibiting a red light visible under like conditions from a distance of at least 200 feet to the rear of such bicycle, when used at night. ('75 Code, § 14-31) *Penalty, see § 70.99*

**§ 70.99 PENALTY.**

(A) *Civil Penalty.* Pursuant to G.S. 160A-175(c), a violation of any provision of this Traffic Code shall subject the offender to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the civil penalty within five days from the date of issuance of the citation for violation of the Traffic Code ordinance. The following is a list of civil penalties for selected violations of the Traffic Code:

1. **\$40.00 Civil Penalty**

- a. Use of parking lots - 72.13 (Loitering)

2. **\$50.00 Civil Penalty**

- a. Speeding – 71.01
- b. Failure to obey traffic control device – 70.20 (Stop Sign, Red Light)
- c. Muffler violation – 71.07
- d. Signals on starting, stopping or turning – 71.08
- e. Too close to corner - 70.21
- f. Blocking marked driveway – 70.21
- g. No parking zone – 70.21
- h. 12" from curb – 72.03(A)
- i. Left side of curb – 72.03(C)
- j. Outside lines – 72.03(D)
- k. Two hour parking – 72.35 (Uptown-Downtown Roanoke Ave.)

3. **\$150.00 Civil Penalty**

- a. Obstruct passage – 72.04 (City Streets)
- b. Stop, stand or park in prohibited areas – 72.05
- c. Parking/standing prohibited for certain purposes – 72.06
- d. Parking truck/tractor in residential area – 72.12
- e. Fire hydrant – 70.21
- f. Truck lane – 71.06
- g. One hour parking limit – 72.09 (Truck Traffic)
- h. Fire lane – 94.18

4. For any other violation not specified above, or for any city code violation not covered under Title 7 (the Traffic Code), the civil penalty shall be \$50 unless otherwise designated in a specific code provision.

(B) *Waiver of Civil Penalty.* The city may waive its right to collect a civil penalty for a violation of this Traffic Code, and then pursue a criminal or infraction prosecution under G.S. § 160A-175(b). Such waiver must be in writing and signed by the City Manager, the Deputy City Manager, or the Chief of Police.

(C) *Criminal Penalty.* Pursuant to G.S. § 160A-175(b), a violation of this Traffic Code expressly shall not constitute a criminal offense or infraction under G.S. § 14-4, and no person shall be prosecuted under G.S. § 14-4 unless and until the city waives, in writing, its right to pursue the collection of the civil penalty allowed under G.S. § 160A-175(c) and division (A) above. The amount of the criminal or infraction fine imposed in any such court proceeding shall be the maximum amount allowed by G.S. § 14-4. (Ord. passed--; Am. Ord. 2000-24, passed 8-8-00; Am. Ord. passed 8-28-07)