

TOWN OF SELMA
LIST OF ORDINANCE OFFENSES PUNISHABLE AS
A MISDEMEANOR
SESSION LAW 2018-69

Ordinance/Link	Description	Penalty
<u>Chapter 1 - General Provisions</u>	<p>Sec. 1-10. - Prohibited acts include causing, permitting, etc. Whenever in this Code or the ordinances of the town any act or omission is made unlawful, it shall include allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.</p>	<p>Sec. 1-12. - General penalty. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code or any ordinance of the town shall be guilty of a misdemeanor or infraction, as provided in G.S. 14-4. Except in cases where a different punishment is prescribed by this Code or any ordinance of the town:</p> <p>(1) Any person convicted of a misdemeanor shall be punished by a fine of not more than fifty dollars (\$50.00) or by imprisonment not to exceed thirty (30) days or by both such fine and imprisonment; and</p> <p>(2) Any person convicted of an infraction shall be punished by a fine of not more than fifty dollars (\$50.00).</p>
<u>Art. III Nuisances</u>	<p>Sec. 13-47. - Purpose. It is in the intent of this article to encourage a clean, healthy and satisfying environment for town citizens, one free from nuisances, and unhealthy or devaluating conditions. To these ends, this article seeks to regulate, identify and provide a means to enforce the regulations and to protect the health, safety and welfare of residents and property owners.</p>	<p>Sec. 13-60. - Criminal action; other civil remedies. Violations of this division shall constitute a criminal liability as provided in G.S. 14-4. In addition, except in those cases involving excessive vegetation, each day's violation shall constitute a separate offense, and upon conviction of said penalty, is punishable by a fine of fifty dollars (\$50.00)</p>

		for each violation and violators shall be civilly liable for costs incurred by the town to abate said nuisances.
<u>Div. 2, Emergency Water Conservation & Restriction Plan</u>	Sec. 16-36. - General. Whenever the water supply of the town public water system is low and declining due to conditions which may adversely affect the continued availability of water for human consumption, sanitation, health and fire protection, it may become necessary to declare a water shortage and implement conservation requirements under the standards set forth below. A water shortage shall also be declared to exist when production, transmission, and storage facilities are incapable of meeting all daily water demands without endangering the ability to protect public safety and health without substantially curtailing water demand.	<p>Sec. 16-48. - Continuing and separate violations. Each day of continued violation of this division shall be a separate and distinct criminal and civil offense. Each violation of this chapter shall be a separate offense even if occurring on the same day.</p> <p>Sec. 16-30. - Penalty for violation. Any person violating any part of sections 16-26 through 16-28 shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in sections 1-12 and 1-13. In addition to the penalty herein provided for the town shall have the right to cut off the offender's water supply from the water system of the town.</p> <p>Sec. 16-31. - Authority to regulate water use; penalties. (a) Pursuant to G.S. 160A-312, the town is authorized to make rules and regulations in connection with the control and management of the waterworks of the town and has the power to enforce such rules and regulations.</p> <p>(b) Any person violating regulations pursuant to subsection (a) shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in sections 1-12 and 1-13</p>

<p><u>Art. VI. Youth Protection Ordinance</u></p>	<p>Sec. 13-158. - Offenses.</p> <p>(1) A juvenile commits an offense by being present in or remaining in any public place or on the premises of any establishment within the town during the restricted hours.</p> <p>(2) A parent or guardian of a juvenile commits an offense if he knowingly permits, or by insufficient control, allows the juvenile to remain in any public place or on the premises of any establishment within the town during the restricted hours. The term "knowingly" included knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in the 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.</p> <p>(3) The owner, operator or any employee of an establishment commits an offense 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. The standard for "knowingly" shall be applied through an objective test; whether a reasonable person in the operator's or employee's position should have known that the patron was a juvenile in violation of this article.</p> <p>(4) It shall be a violation of this article for any person sixteen (16) years of age or older to aid or abet a juvenile in the violation of subsection (1).</p> <p>(5) It shall be a violation of this article for a parent or guardian to refuse to take custody during the restricted hours of a juvenile for whom the parent or guardian is responsible.</p>	<p>Sec. 13-161. - Enforcement.</p> <p>If the guardian allows and permits or has allowed and permitted the minor to commit a second or subsequent violation of this subchapter that the guardian shall be subject to criminal prosecution for allowing a violation of this subchapter to occur.</p> <p>If the juvenile is found to have a record of prior violations of this article, the guardian described in section 13-157 shall be subject to a criminal citation.</p> <p>Sec. 13-163. - Penalty. The punishment for violation of this article by any guardian of such minor shall be guilty of a misdemeanor as defined by G.S. Section 14-4(a).</p>
<p><u>Art. II. Housing Code</u></p>	<p>Sec. 11-27. - Findings; purpose. (a) Pursuant to G.S. Section 160A-441, it is found and declared that there exist in the town and the one-mile area dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities; and due to other conditions rendering such dwellings unsafe or unsanitary and dangerous and detrimental to the health, safety and morals and otherwise inimical</p>	<p>Sec. 11-49. - Alternative remedies. Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise or to enforce</p>

	<p>to the welfare of the residents of the town.</p> <p>(b)In order to protect the health, safety and welfare of the residents of the town as authorized by Part 6 of Article 19 (Section 160A-441 et seq.), Chapter 160A of the General Statutes, it is the purpose of this article to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. Section 160A-444.</p>	<p>this article by criminal process as authorized by G.S. Section 14-4 and Section 11-51, and the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.</p> <p>Sec. 11-46. - Noncompliance with order; action by inspector; placarding. Occupation of a building so posted under this ordinance shall constitute a misdemeanor.</p>
<p><u>Sec. 8-173 - Cash Drawer Balancing Standards</u></p>	<p>Sec. 8-173. - Cash drawer balancing standards. Cash drawers should balance at the close of business or at any other such time as an audit is conducted. A shortage of funds when balancing a cash drawer shortchanges the town. An overage of funds is just as serious, if it means a citizen has been shortchanged.</p> <p>In an effort to improve the efficiency and accuracy of handling town funds; specifically, improving accuracy in the balancing of the cash drawers, the following guidelines are intended to establish a level of performance that is measurable and represents good financial practices.</p> <p>Employees should exercise care in handling funds. Without a valid reason, experienced employees (with more than six-months service in a position handling funds) shall not:</p> <p>(1) Have more than three (3) shortages or overages amounting to five dollars (\$5.00) or more within any twenty-day working period, or</p> <p>(2)Have a single shortage or overage of two hundred dollars (\$200.00) or more, or</p> <p>(3)Have more than a cumulative shortage or overage of one hundred dollars (\$100.00) (adding shortages and overages together) within any twenty-day working period of time.</p> <p>Some shortages or overages are to be expected, occasionally there will be a particular reason for a shortage that is understandable and/or excusable. In general, employee must be careful and expect that the performance standards will be</p>	<p>Embezzlement of town funds is a crime, which will result in immediate dismissal and/or criminal prosecution.</p>

	<p>enforced.</p> <p>Employees may not borrow, even temporarily, from the cash drawer(s) or use town money for personal reasons. A cash drawer is not a "petty cash" fund for minor town purchases and, theft or embezzlement of town funds is a crime, which will result in immediate dismissal and/or criminal prosecution.</p>	
<u>Sec. 17-548 - Mobile Food Vendors</u>	All mobile food vendors shall comply with the regulations of this section except as associated with Temporary Events. Mobile food vendors associated with temporary events shall be consistent with Article IV, Part 4 of this chapter. This section is not applicable to wayside stands for sale of produce and seasonal products. Mobile food vendors at fixed locations shall have both a mobile food vendor license and a zoning permit. Fixed locations may include areas such as private property and flea markets	Enforcement. This section shall be enforced by law as provided in G.S. § 160A-175 or as provided in this code. All criminal sanctions shall be up to the dollar limit provided in G.S. § 14-4(a), as currently enacted or as hereafter amended, or any similar limitations.
<u>Sec. 13-4 - Air Rifles</u>	Sec. 13-4. - Air rifles prohibited. Any person using an air rifle in the town shall be guilty of a misdemeanor.	See Sec. 1-12. - General penalty.
<u>Art. IV Emergency Management</u>	<p>Sec. 2-88. - Intent and purpose. (a)It is the intent and purpose of this article to:</p> <p>(1)Authorize the town to enter into an interlocal agreement which when fully executed shall establish a joint agency of local government which shall be called the town emergency management agency, hereinafter referred to as the town agency, which will ensure the complete and efficient utilization of the personnel and material resources of the town within the town to carry out the emergency management responsibilities;</p> <p>(2)Delegate to the town agency those express powers, duties, rights, and functions of this unit of government which it may lawfully delegate and to limit the exercise of such delegated powers, duties, rights, and functions to those that are necessary to exercise the emergency management responsibilities of the units of local government which have created the town agency.</p> <p>(b)This article will not relieve any unit of local government or any department, commission, office, or other agency of such unit of any responsibilities or authority given to it under the Constitution and laws of the United States or the state or any</p>	<p>Sec. 2-92. - Violations. (a) Regulations duly and lawfully promulgated under the provisions of this article by the town emergency management agency shall have the effect of being an ordinance of this unit of government, and any person who violates such regulations duly and lawfully promulgated under the provisions of this article shall be guilty of a misdemeanor and punished as required by law.</p> <p>(b)Any person who wilfully obstructs, hinders or delays any member of the emergency management forces in the implementation of the provisions of emergency management plans or practice alerts, when such plans or alerts have been</p>

	<p>charter or ordinance of the local unit of government, except as expressly provided in such laws.</p> <p>(c) This article is not intended to supersede or adversely affect the work of any volunteer agency organized for relief in disaster emergencies, except as expressly provided in the Constitution and laws of the United States or the state or as expressly provided in this article.</p>	<p>duly approved and authorized to be implemented, or in the enforcement of any regulations duly and lawfully promulgated under the provisions of this article shall be guilty of a misdemeanor and punished as required by law.</p>
<p><u>Art. VIII Garbage & Refuse Collection</u></p>	<p>Sec. 16-212. - Refuse deposited and removed in approved containers. It is unlawful for any person to throw, place or deposit any garbage or refuse of any kind that shall be a menace to health or cleanliness nor shall it be allowed to remain on any public or private property longer than shall be reasonably necessary to remove or deposit in approved containers which must be approved by the director of public works.</p> <p>Sec. 16-213. - Burning or burying garbage, refuse and noxious materials. It is unlawful for any person or business to have an open fire for the disposal of garbage, refuse or noxious materials that will likely create a health, property or a nuisance hazard. In addition, it is unlawful to bury garbage, refuse or noxious materials for the purpose of disposal.</p>	<p>Sec. 16-222. - Violation; penalty.</p> <p>(d) In addition to or in lieu of remedies authorized in subsections (a) and (c) of this section, violations of this article may be prosecuted as a misdemeanor in accordance with G.S. 160A-175. Conviction of a misdemeanor prosecution under this article shall subject the offender to a fine of fifty dollars (\$50.00).</p>
<p><u>Art. IV Transient Merchants/Vendors</u></p>	<p>Sec. 6-107. - Agent for service of process. Before any license may be issued for engaging in business as an itinerant merchant, the applicant shall file with the city clerk an instrument appointing a person located in the county to be the agent of the applicant for service of process with respect to any matters connected with or arising out of the business transacted under the license given and the bond required by this article. The city clerk may be named as the agent for service of process by the applicant.</p>	<p>Sec. 6-109. - Violation; penalty.</p> <p>(d) In addition to or in lieu of remedies authorized in subsections (a) and (c) of this section, violations of this article may be prosecuted as a misdemeanor in accordance with G.S. 160A-175. Conviction of a misdemeanor prosecution under this article shall subject the offender to a fine of fifty dollars (\$50.00).</p>
<p><u>Chapter 3 - Alcoholic Beverages</u></p>	<p>Sec. 3-1. - Underage persons in establishments—Prohibited. No person under twenty-one (21) years of age shall loiter, visit or remain on the premises of any establishment within the corporate limits of the town where the sale of alcoholic</p>	<p>Sec. 3-2. - Same—Penalty. The owner or operator of an establishment described in <u>section 3-1</u> who permits a person under</p>

	beverages for consumption on the premises is the primary and basic commodity sold.	twenty-one (21) years of age to violate section 3-1 shall be guilty of a misdemeanor.
Sec. 13-26 Fighting in the Streets	Sec. 13-26. - Fighting in streets. Any person causing a breach of the peace by a street quarrel or fight shall be guilty of a misdemeanor.	See Sec. 1-12. - General penalty.
Sec. 13-27	Sec. 13-27. - Prohibited acts. All disorderly conduct, hollering or indecent exposure of the person shall be a misdemeanor.	See Sec. 1-12. - General penalty.
Sec. 13-2	Sec. 13-2. - Same—Prohibited. The posting or attaching of signs or any similar matter to utility poles or trees in the public right-of-way in the town is a misdemeanor.	See Sec. 1-12. - General penalty.
Sec. 13.3- Discharge of firearms, fireworks	Sec. 13-3. - Discharge of firearms, fireworks. (a)Any person who shoots any firearm for sport or pastime or uses any fireworks or explosive within the corporate limits of the town shall be guilty of a misdemeanor. (b)Subsection (a) shall not apply to firearms used in defense of person or property or pursuant to lawful directions of law-enforcement officers.	See Sec. 1-12. - General penalty.
Sec. 13-29 Playing in Public Ways	Sec. 13-29. - Playing in public ways. Any person who shall play or catch a ball or play marbles on any of the streets, sidewalks or alleys of the town within the fire district or on the premises of any person without the consent of the owner or occupant of the premises shall be guilty of a misdemeanor.	See Sec. 1-12. - General penalty.
Sec. 12-67 Reckless	Sec. 12-67. - Reckless driving. (a) Any person who drives any vehicle upon a street or highway carelessly and heedlessly in willful or wanton disregard of the	See Sec. 1-12. - General penalty.

<u>Driving</u>	<p>rights or safety of others or without due caution and circumspection or at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving.</p> <p>(b) Reckless driving is a misdemeanor.</p>	
<u>Art. V Peddler</u>	<p>Sec. 6-152. - Permit required; exceptions. It shall be unlawful for any person required to have a permit to peddle any article of merchandise upon the streets or sidewalks of the town until such person shall have first secured a proper permit to peddle the same, and such person shall keep and shall produce and exhibit the same to any lawful officer upon demand. The permit shall be issued by the town tax collector with a fee to be set by council. These permits shall be valid for a period of fourteen (14) calendar days.</p> <p>In order to promote community organizations, this ordinance shall not apply to any bona fide organization meeting the guidelines of IRS Section 501(c)3 or its bona fide representative(s) or school sponsored fund raisers for grades K through 12, this includes but is not limited to, religious organizations, school groups etc.</p>	Sec. 6-159. - Enforcement. Repeat offenders may be subject to a misdemeanor warrant. Misdemeanors shall be punishable by a fine of up to five hundred dollars (\$500.00) and/or imprisonment for up to thirty (30) days.
<u>Chapter 9 - Fire Prevention & Protection</u>	Sec. 9-3. - Fire prevention code adopted. The current edition of the North Carolina Fire Protection Code (North Carolina State Building Code, Volume V, Fire Prevention), as adopted and published by the North Carolina Building Code Council and as amended, is adopted by reference as fully as though set forth herein as the fire prevention code for the town.	Sec. 9-7. - Violation penalties. A third or subsequent civil citation under this chapter may be deemed and prosecuted as a misdemeanor.
<u>Art. III Dog & Cat Licenses and Control</u>	Sec. 4-54. - Running at large prohibited, Sec. 4-55. - Vicious dogs, Sec. 4-56. - Barking dogs, Sec. 4-57. - Female dogs or cats in heat, Sec. 4-58. – Vaccination, Sec. 4-59. - Bite cases, Sec. 4-60. – Impounding, Sec. 4-61. - Obstruction, interference with impoundment procedures, Sec. 4-62. - Teasing and molesting, Sec. 4-63. - Cruel treatment and manner of keeping, Sec. 4-64. – Abandoned, Sec. 4-65. - Number of dogs or cats, and Sec. 4-66. - Dog owner responsibility,	Sec. 4-67. - Enforcement and penalties. A third or subsequent civil citation under this article may be deemed and prosecuted as a misdemeanor. This article may be enforced by appropriate equitable relief, including injunctive relief.

<p><u>Art. II Housing Code</u></p>	<p>Sec. 11-52. - Violations; penalty. (a) It is unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the dwelling or dwelling unit or to vacate and close and remove or demolish the dwelling or dwelling unit, upon order of the inspector duly made and served as provided in this article, within the time specified in the order. Each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense. It is unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 11-41, to occupy or permit the occupancy of the dwelling or dwelling unit after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.</p>	<p>Sec. 11-52. - Violations; penalty.</p> <p>(b) The violation of any description of this article shall constitute a misdemeanor, as provided in G.S. Section 14-4.</p>
<p><u>Art. IV Noise Control</u></p>	<p>Sec. 13-111. - Loud, disturbing noises prohibited, generally. It shall be unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in the town.</p>	<p>Sec. 13-118. - Enforcement and penalties.</p> <p>Where there is a violation of any provision of this article, the town, at its discretion, may take one (1) or more of the following enforcement actions.</p> <p>(2) A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same. Misdemeanors shall be punishable by a fine of up to five hundred dollars (\$500.00) and/or imprisonment for up to thirty (30) days.</p>
<p><u>Art. XV Enforcement and Review</u></p>	<p>Sec. 17-1500. - Complaints regarding violations. Whenever the Administrator receives a written, signed complaint alleging a violation of this ordinance, he or she shall investigate the complaint, take whatever action is warranted.</p>	<p>Sec. 17-1504. - Penalties and remedies for violations.</p> <p>A. Violations of the provisions of this chapter 17 or failure to comply with any of its requirements, including violations of any conditions and safeguards established in</p>

		connection with grants of variances, special use permits, or conditional zoning districts and violations of stop work orders, shall constitute a misdemeanor, punishable as provided in G.S. § 14-4.
<u>Art. X - Flood Damage Prevention</u>	Sec. 17-1000. - Statutory authorization, findings of fact, purpose and objectives. A. Statutory Authorization. The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and <u>Article 8</u> of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.	Sec. 17-1003. - Administration. (C)(16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Administrator may order the work to be immediately stopped according to the provisions of <u>Section 17-1503</u> . Violation of a stop-work order constitutes a misdemeanor.

Please note that all Zoning ordinance headings are hyperlinks to the respective ordinances on the Town's website. Further, a list of all of the Town's ordinances can be found online at the following web address:

https://library.municode.com/nc/selma/codes/code_of_ordinances