

Memorandum

TO: Rep. Jonathan C. Jordan and Sen. Andy Wells—Co-Chairs of the Joint Legislative Administrative Procedure Oversight Committee

Rep. James L. Boles, Jr., Rep. Ted Davis, Jr., and Sen Shirley B. Randleman--- Co-Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety

FROM: Michele Windham, Southport City Clerk

DATE: November 30, 2018

RE: **Response to the Requirements set forth in Section 3 of Session Law 2018-69 (House Bill 379) for the City of Southport, N.C.**

Attached is the response of the City of Southport, North Carolina to the requirements set forth in Section 3 of Session Law 2018-69 for local governmental units. The attached document contains a list of all of the City of Southport's ordinances that create criminal offenses pursuant to G.S. 14-4(a), with brief descriptions of the prohibited conduct. Additionally, there is a link to Southport's website for the ordinances summarized. https://library.municode.com/nc/southport/codes/code_of_ordinances

If you have any questions about this Memorandum, please contact me by email at michele_windham@southportnc.org, or Michael Isenberg at misenberg@fjtlaw.net at Jess, Isenberg & Thompson Attorneys At Law, tel: (919)-457-9506. Also, please acknowledge receipt of this Memorandum and its sufficiency in complying with Session Law 2018-69, Section 3.

Code of Ordinances

City of Southport, North Carolina

Chapter 1 GENERAL PROVISIONS

Sec. 1-6. General Penalty; enforcement of ordinances; continuing violations.

(a) Unless otherwise specifically provided, violation of any provision of this Code or any other city ordinance shall subject the offender to the remedies hereinafter provided; except, that where the General statutes of North Carolina provide specific civil remedies for violation of provisions of this Code adopted pursuant to such statutes, such remedies available to the city of enforcement of this Code shall be in addition to the remedies hereinafter stated; provided, that no criminal penalties shall be applicable unless hereinafter stated in this section as being applicable to specific chapters or provisions of this Code.

(b) Violations of any provision of the following chapters and sections of this Code shall be a misdemeanor and punishable as provided by G.S. 14-4: All provisions of the Code except those enumerated in subsection (c) below.

(c) Violations of the following provisions of this Code shall subject the offender to a civil penalty upon the issuance of a citation for such violation as hereinafter provided. Unless otherwise provided by a specific provision of this Code, such civil penalties shall be in the amount of fifty dollars (\$50.00) for each violation, and each day any single violation continues shall be a separate violation; except, that for violations of parking ordinances of this Code, the civil penalty provisions and procedures therein shall apply. The provisions of this Code which shall subject the offender to a civil penalty are as follows: Sections 11-12, 17-97 and 17-126.

Chapter 3 ANIMALS

Any person who violates any provision of this chapter shall be guilty of a misdemeanor. In addition to constituting a misdemeanor, violation of any of the sections of this chapter shall subject the offender to a civil penalty in the amount of twenty-five dollars (\$25.00) for each violation of this chapter. If the violation is continued, each day's violation shall be a distinct and separate offense. (Ord. of 6-13-96)

Sec. 3-2	Vaccination of Dogs and Cats	Sec. 3-3	Registration
Sec. 3-4	Collar and Tags	Sec. 3-5	Restraint
Sec. 3-6	Nuisance by Cats	Sec. 3-8	Dangerous or Vicious Dog; muzzle required
Sec. 3-10	Dog and Cats in Heat		
Sec. 3-13	Interference with the Animal Control Officer		
Sec. 3-14	Unlawful to Trap Dogs and Cats		
Sec. 3-15	Cleaning Up After Dogs and Cats		
Sec. 3-17	Strays. Unlawful to harbor, feed, keep in possession		
Sec. 3-18	Injury to Birds		
Sec. 3-19	Keeping of Livestock		
Sec. 3-20	Pigeons to be confined; unlawful to keep in corporate limits		
Sec. 3-21	Restriction as to certain animals in public places		

Sec. 3-22 Cruelty to Animals

Chapter 4 BUILDING AND BUILDING REGULATIONS

Article III. Condemnation, Repair, and Demolition of Unsafe Buildings

Section 4-92. Failure to comply with order

If the owner of a building or structure fails to comply with an order issued pursuant to section 4-90 from which no appeal has been taken, or fails to comply with an order of the board of aldermen following an appeal, he shall be guilty of a violation of this Code and shall be punished in the discretion of the court.

Chapter 5 CEMETERIES

In addition to being a misdemeanor pursuant to G.S. 14-4, the violation of this chapter shall subject the offender to a civil penalty pursuant to section 1-6(b) of this Code of Ordinances. (Ord. of 12-3-91; Ord. of 8-13-09, § 2)

Sec. 5-2. Lot sales.

Sec. 5-3. Permits

Sec. 5-6. Opening of graves.

Sec. 5-7. Depth of graves.

Sec. 5-8. Maintenance of lots.

Sec. 5-9. Vaults or liners.

Sec. 5-10. Removal of debris.

Sec. 5-11. Erection of foundations.

Sec. 5-11.1 Cremation.

Sec. 5-13. Hours of operation.

Chapter 6 EMERGENCY MANAGEMENT

Article II. STATE OF EMERGENCY

Sec. 6-32. Violations.

During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this section (Code 1974, § 2.61(g))

Sec. 6-29. Imposition of restrictions.

• During the existence of a proclaimed state of emergency, the mayor may impose by proclamation any or all of the following restrictions:

- (1) Prohibit or regulate the possession off one's own premises of explosives, firearms, ammunition or dangerous weapons of any kind and prohibit the purchase, sale, transfer or other disposition thereof.
- (2) Prohibit or regulate the buying or selling of beer, wine or intoxicating beverages of any kind, and their possession or consumption off one's own premises.
- (3) Prohibit or regulate any demonstration, parade, march, vigil or participation therein from taking place on any of the public ways or upon any public property.
- (4) Prohibit or regulate the sale of gasoline, kerosene, naphtha or any other explosive or inflammable fluids or substances.

- (5) Prohibit or regulate travel upon any public street, alley or roadway or upon any other public property except by those in search of medical assistance, food or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof.
- (6) Prohibit or regulate the participation in or carrying on of any business activity and prohibit or regulate the keeping open of places of business, places of entertainment and any other places of public assembly.

Chapter 7 FIRE PREVENTION AND PROTECTION

Sec. 7-1. Burning within city limits.

It shall be unlawful within the city limits to burn or set fire to building material scraps, garbage, hazardous refuse, industrial waste, refuse, or solid waste as defined in section 15-1 of the Code of Ordinances. (Ord. of 3-14-96)

Sec. 7-5. Deposit of ashes and matter liable to spontaneous combustion.

Sec. 7-6. Accumulation of rubbish.

Sec. 7-7. Removal of certain waste material.

Sec. 7-8. Chimneys.

Sec. 7-9. Encumbrances before or on fire exits.

Sec. 7-11. Obstruction in tenements and apartment houses.

Sec. 7-12. Passageways in places of public assemblage to be kept open; exit doors not to be fastened.

Sec. 7-13. Fire extinguishers.

Sec. 7-14. Dead wire to be removed.

Sec. 7-15. Burned telephone, telegraph and electric light poles to be scraped, etc.

Sec. 7-15. Pyrotechnics.

Sec. 7-47. Failure to comply with order unlawful.

Sec. 7-49. Assistance by citizens in extinguishing fire, protection property.

Sec. 7-50. Citizens to keep out of way at fires.

Sec. 7-51. Interference with firefighters or fire apparatus prohibited.

Sec. 7-52. Only firefighters may ride on trucks without permission.

Sec. 7-53. Interfering with fire alarm apparatus.

Sec. 7-54. False alarms of fire.

Sec. 7-55. Protection of fire hose.

Sec. 7-56. Following fire equipment.

Sec. 7-81. Keeping of gasoline, etc.

Sec. 7-82. Keeping of kerosene and illuminating oils.

Sec. 7-82. Storage tanks.

Sec. 7-83. Storage inside buildings.

Sec. 7-104. Penalty.

Failure to abide by Volume V of the fire prevention code, shall constitute a misdemeanor punishable in accordance with section 1-6. (Ord. of 5-14-92)

Chapter 8 FLOOD DAMAGE PREVENTION

Sec. 8-39. Corrective procedures. (e) *Failure to comply with order.*

If the owner of a building or property fails to comply with an order to take corrective action or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court. (Ord. of 5-11-06)

Chapter 9 HEALTH AND SANITATION

Article 1. Sec. 9-1. Unlawful to violate county health regulations.

It shall be unlawful for any person to violate any lawfully adopted rule or regulation of the county board. The enforcement of this section shall be under the supervision of the county health officer. (Code 1974, § 9.1)

Sec. 9-2. Unlawful to interfere with health officer.

Sec. 9-5. Standing water and other offensive matter.

Sec. 9-6. Disposal of vegetable or animal matter.

Sec. 9-7. Lots to be kept free from offensive matter.

Sec. 9-8. Filth not to be deposited in streets and other places.

Sec. 9-9. Boats to be free of water.

Sec. 9-10. Mosquito control.

Sec. 9-11. Businesses to be kept in sanitary condition.

Sec. 9-12. Spitting prohibited.

Sec. 9-13. City water tank.

Sec. 9-14. Littering.

Article II. Nuisances

Sec. 9-36. Uncontrolled growth of weeds and accumulation of refuse a public nuisance.

Sec. 9-42. Procedure is alternative to other authorized procedures.

The procedure set forth in this division shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this division shall not prevent the city from proceeding in a criminal action against any person violating the provisions of this division as provided in G.S. 14-1. (Code 1974, §9.57)

Sec. 9-42. Smoking regulations.

(a) It shall be unlawful for a person to smoke or possess any burning tobacco, weed or other plant product within the city hall except for the downstairs hallway where smoking will be allowed.

(c) Violation of this section shall subject the offender to a civil penalty in the amount of twenty-five dollars (\$25.00) which shall be payable within seventy-two (72) hours of the offender being cited. In the event that the offender fails to pay said civil penalty within the time prescribed, said offender shall be charged with a misdemeanor pursuant to G.S. 14-4. (Ord. of 1-10-91)

Division 3. Noise Sec. 9-91 Unnecessary noises prohibited.

It shall be unlawful for any person, firm or corporation to create or assist in creating any unreasonably loud, disturbing sound levels in the city, taking into consideration volume, duration, frequency and other characteristics of the sound. (Ord. of 2-9-95)

Sec. 9-92. Certain noises expressly prohibited.

- The following acts or activities, among others, are hereby declared to be unreasonably loud, disturbing sound levels, in violation of this section, but said enumeration shall not be deemed to be exclusive:

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal after or as brakes are

being applied and deceleration of the vehicle is intended; the creation by means of any such horn or signal device of any unreasonably loud, disturbing sound level; and the sounding of such device for any unreasonable period of time.

- (2) The sounding of any gong, bell or siren wherever located such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity except for the use of a gong or siren upon a police, fire or other emergency vehicle, or by a church or school.
- (3) The playing, use or operation of any radio, musical instrument, electronic sound amplification equipment or other similar device in such manner or with such volume so that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity, except with an appropriate permit.
- (4) The keeping of any animal or bird which makes frequent or long continued sounds such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity.
- (5) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded, or in such manner as to create unreasonably loud, disturbing sounds.
- (6) The discharge into the open air of the exhaust from any steam engine, stationary internal combustion engine, or motor vehicle engine, except through a muffler or other device which will prevent unreasonably loud, disturbing sounds therefrom.
- (7) The use of any mechanical device operated by compressed air unless the sound created thereby is effectively muffled and reduced so as not to unreasonably disturb persons in the vicinity.
- (8) The erection, construction (including excavation), demolition, alteration or repair of any building or structure in a residential or business district other than between the hours of 7 a.m. to 6 p.m. on weekdays of Monday through Saturday, except in the case of urgent necessity in the interest of public safety, and then only with a permit from the building inspector while the emergency continues.
- (9) The creation of unreasonably loud, disturbing sound levels adjacent to any school, educational facility, church or court during normal operating hours, or within one hundred fifty (150) feet of any hospital, which a reasonably prudent person would recognize as likely to unreasonably interfere with the working of such institutions, provided conspicuous signs are displayed indicating that such area is a school, educational facility, church, court or hospital area.
- (10) The operating or maintaining of any garage or service station in any residential area so as to cause unreasonably loud, disturbing sounds to be emitted between the hours of 10 p.m. to 7 a.m. on any day.
- (11) The use of any mechanical or electronic sound amplification equipment for advertising or solicitation purposes, except with an appropriate permit.
- (12) Shouting or using any drum, loud speaker or other instrument or device for the purpose of attracting attention to any performance, show or sale or display of merchandise, except with an appropriate permit.

- (13) The firing or discharging of firecrackers, guns, gunpowder or any other combustible substance such that a reasonably prudent person would recognize is likely to unreasonably disturb persons in the vicinity.

(Ord. of 2-9-95)

Sec. 9-93. Regulation of amplified sound.

It shall be unlawful for any person, entity or establishment to play, operate, cause to be played or operated, or allow to be played or operated, any musical instrument, radio, amplified music or other sounds in a courtyard or other outdoor area which is not in a completely enclosed structure during the following hours at the indicated volumes:

- (1) Between 8:00 p.m. and 10:00 p.m. on Sunday through Thursday nights when such sound is clearly audible at a distance of one thousand (1000) feet from the point of origin of said sound.
- (2) Between 9:00 p.m. and 11:00 p.m. on Friday and Saturday nights when such sound is clearly audible at a distance of one thousand (1000) feet from the point of origin of said sound.
- (3) Between the hours of 10:00 p.m. and 7:00 a.m. the following morning on Sunday through Thursday nights when such sound is clearly audible at a distance of five hundred (500) feet from the point of origin of said sound.
- (4) Between the hours of 11:00 p.m. and 7:00 a.m. the following morning on Friday and Saturday nights when such sound is clearly audible at a distance of five hundred (500) feet from the point of origin of said sound.

Chapter 10 LICENSES AND BUSINESS REGULATIONS

Sec. 10-1. Hours regulated.

It shall be unlawful for any person to sell beer and/or wine within the corporate limits of the city from 1:00 a.m. on each Sunday until 7:00 a.m. on the following Monday. Provided, however, that during the period beginning on the last Sunday of April of each year and ending on the last Sunday of October of each year, these beverages may be sold until 2:00 a.m. (Code 1974, § 10.61)

Sec. 10-2. Business activities on Sunday.

It shall be unlawful to engage in or carry on any business or commercial activity within the city between 12:00 midnight on any Saturday and 12:00 midnight on any Sunday, except as provided by subsection (b) of this section.

Sec. 10-28. Unlawful to conduct business without a license.

Sec. 10-52. Permit 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 permit therefor in compliance with the provisions of this article.

Sec. 10-59. Location of place of business for itinerant merchants.

It shall be unlawful for a peddler, transient merchant, itinerant merchant or itinerant vendor to sell goods or exhibit goods so as to block or impede reasonable access, whether vehicular or pedestrian, to or from any business or residence.

Sec. 10-63. Restrictions

• Except as may be specifically permitted or allowed by the city for special events and activities, the following restrictions apply to those businesses and activities regulated under this article:

- (1) All permits hereunder shall be effective and valid only between the hours of 8:30 a.m. to 9:00 p.m., except during July second through July sixth when such permits shall be valid between 8:30 a.m. to 10:00 p.m.
- (2) The duration of sales for a peddler within any one (1) block in any one (1) day shall be limited to thirty (30) minutes.
- (3) Peddling shall not be permitted at any time within the rights-of-way of Bay Street or Yacht Basin Drive.
- (4) All sales are prohibited within marked fire zones, handicapped spaces or other areas which prohibit parking.
- (5) No peddler or itinerant merchant shall block or otherwise prevent the public from using parking spaces when not in use by the vendor.
- (6) No peddler shall leave a pushcart, wagon, vehicle or other conveyance unattended on a city right-of-way or street.
- (7) No pushcart, wagon, vehicle or other conveyance may be located within fifty (50) feet of the principal public entrance to any food service business area not owned by the peddler or vendor selling the merchandise approved for sale under this article.
- (8) An itinerant merchant shall locate for the purpose of selling merchandise only in the following zoning districts: Business District (BD) and Highway Commercial (HC). It shall be unlawful to locate in any other zoning district.
- (9) Noise-making devices such as, but not limited to, bells, whistles, gongs and recordings, may not be used to advertise or announce the sale of products or merchandise.
- (10) Itinerant merchants shall not locate within the right-of-way of any public street in the city.

Article IV. POOL ROOMS AND BOWLING ALLEYS

Sec. 10-81. License Required

No person shall maintain or operate any pool or billiard table, bowling alley or other table or alley for any game or play for which a charge is made, either directly or indirectly, unless he shall first have secured a license from the board of aldermen to do so.

Article V. TAXICABS

Sec. 10-112. Unlawful to operate without certificate.

It shall be unlawful for any person to engage in the business of operating a taxicab or taxicab business upon and over the streets of the city without first having applied for and secured from the board of aldermen a certificate of convenience and necessity as hereinafter set forth. (Ord. of 10-8-15(1)

Sec. 10-125. Driver's permit.

- (a) No person shall transport passengers in a taxi or other vehicles for hire (except limousine) within the city unless such person shall have first applied for and secured a driver's permit from the chief of police or his designee.

Article VII. FOR-HIRE TOURS

Sec. 10-158. Required permit; number of permits.

No person shall offer a for-hire tour within the corporate limits of the “city” unless such person shall have first applied for and obtained from the tourism commission a tour guide permit.

Sec. 10-162. Prohibited acts.

It shall be unlawful and a violation of this article and a violation of a tour guide permit for any tour guide or any tour guide permit holder to:

- (1) Fail to follow the approved charter route or move in a manner blocking entrances to stores, homes, public parks, cemeteries or other places of business or interfere with street traffic.
- (2) Fail to follow the lawful commands of a law enforcement officer.
- (3) Move on a sidewalk in excess of a column of two (2) persons abreast.
- (4) Solicit members of the public verbally while such member of the public is on any public street, public sidewalk or public property.
- (5) Operate an amplifying device during the course of the tour without specific written tourism commission approval.
- (6) Fail to comply with all the conditions of the tour guide permit.
- (7) Place a sign in a public space to promote the business except as allowed below.
- (8) Conduct a tour within the confines of a cemetery after dusk.

(Ord. of 5-5-06; Ord. of 9-16-14(2); Ord. of [8-13-15\(2\)](#))

Chapter 11 OFFENSES AND MISCELLANEOUS PROVISIONS

Sec. 11-1. - Drinking in public.

No person shall consume, serve, drink, sell, transport or possess in an opened or unsealed container any wine, beer, whiskey or other intoxicating liquors or alcoholic beverages of any kind within the city:

- (1) Upon or in the public streets, boulevards, alleys, sidewalks, parks, docks or piers, parking lots or other public lands or buildings.
- (2) In any building, or on the premises, of any business open to the public, unless the business is properly licensed in accordance with the Alcoholic Beverage Control laws.
- (3) Upon any other private property when open to public view unless with the consent and permission of the property owner or the person in charge of the property.

(Code 1974, § 11.1)

Sec. 11-2. - Projectiles; archery ranges.

No person shall shoot or project any stone, rock, shot or other hard substance by means of a sling shot, bean shooter, shot shooter, air rifle, pop gun, bow or other similar contrivance; provided, that archery shooting may be engaged in on such grounds as may be set aside and approved therefor by the board of aldermen.

(Code 1974, § 11.12)

Sec. 11-3. - Unauthorized use of police whistles and fire signals.

No person, without special authority from the police department or fire department, shall carry or use any whistle, bell, horn or siren similar in appearance or sound to the whistles, horns or sirens used by the police department or fire department.

(Code 1974, § 11.13)

Sec. 11-4. - Injuring or interfering with property used in water, sewer, police or fire alarm systems.

No person shall willfully or negligently injure or interfere with any valve, valve box, meter, meter box, storm or sanitary sewer manhole cover, storm sewer catch basin cover, fire hydrant, police or fire alarm box, traffic signal or any other property used in the city's water, sewer, police or fire alarm system.

(Code 1974, § 11.19)

Sec. 11-5. - Shooting firearms for amusement prohibited.

No person shall fire any pistol, gun or any type of firearm or use fireworks or pyrotechnics within the city limits, provided, however that hunting may be permitted on the city's 406.40 acre tract located on Hwy. 87 as described in Book 2282 at Page 305 in the Brunswick County Register of Deeds Office upon execution of a written agreement indemnifying the city to be approved by the city manager.

(Code 1974, § 11.31; Ord. of 9-16-14(1))

Sec. 11-6. - Playing ball games in street prohibited.

No person shall play baseball, town ball, football or other games of similar nature on or in any public street of the city.

(Code 1974, § 11.33)

Sec. 11-7. - Marking or painting advertising on sidewalks and streets prohibited.

It shall be unlawful for any person to advertise or attempt to advertise by marking or painting on any of the streets or sidewalks within the city.

(Code 1974, § 11.37)

Sec. 11-8. - Placing advertising matter in motor vehicles.

No person shall distribute advertising or printed matter of any kind by placing the same in or on a motor vehicle that is parked on any street or other public places.

(Code 1974, § 11.38)

Sec. 11-9. - Posting advertisements on property of others.

No person shall post any bills, signs or advertisements on any building, fence or other property belonging to another without the consent of the owner thereof. Such consent shall be secured in writing, and such written consent shall be exhibited by the person having the same to any police officer of the city on demand.

(Code 1974, § 11.39)

Sec. 11-10. - Posting bills on poles.

No person shall post any bills, posters, signs or advertisements on any telegraph, telephone, electric light or other pole along any of the streets of the city; provided, that this section shall not be construed to include street signs placed on such poles by the city for designating names of streets. Each sign, poster, bill or advertisement posted in violation of this section shall constitute a separate offense.

(Code 1974, § 11.40)

Sec. 11-11. - Promiscuous scattering of handbills.

No person shall promiscuously distribute handbills or advertisements of any kind by placing or throwing the same on any street or lot or otherwise. Such handbills or advertisements shall be enclosed in an envelope, or clipped, and placed under, or in the door of each house where such advertising matter is left.

(Code 1974, § 11.41)

Sec. 11-12. - Smoking in city hall prohibited.

- (a) It shall be unlawful for a person to smoke or possess any burning tobacco, weed or other plant product within the city hall except for the downstairs hallway where smoking will be allowed. This prohibition shall be in effect at all times.
- (c) Violation of this section shall subject the offender to a civil penalty in the amount of twenty-five dollars (\$25.00) which shall be payable within seventy-two (72) hours of the offender being cited. If the offender fails to pay the civil penalty within the time prescribed, said offender shall be charged with a misdemeanor pursuant to G.S. [14-4](#).

(Ord. of 1-10-91(1), § 1)

Sec. 11-13. - Concealed handguns.

- (a) Pursuant to G. S. 14-269, G. S. 14-415.11 and G. S. 14-415.23, it shall be unlawful for any person willfully and intentionally to carry a concealed handgun for which a permit has been issued pursuant to G. S. 14-415.11 into and onto all municipal buildings and their appurtenant premises and the following recreational facilities: Fort Johnston Playground, Lowe-White Park and Caviness Park.

(Ord. of 1-11-96; Ord. of 2-9-12)

Sec. 11-13.1. - Dangerous weapons.

(a) It shall be unlawful for any person to carry, possess or have within his immediate access any dangerous weapon while in or upon city property.

(b) For purposes of this section, the following words have the meaning indicated:

City property means any building, park, recreational facility, cemetery, garage, parking lot or other public property owned by or controlled by the city.

Dangerous weapon includes, but is not limited to, any firearm, rifle, pump gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, loaded cane, metallic knuckles, razor, stun gun, switch blade knife, blackjack, nightstick, explosives or any other device or object designed to or intended to be used to inflict injury upon persons or property.

(c) This section shall not apply to:

(1) Sworn law enforcement officers.

(2) Members of the armed forces or national guard while on duty.

(3) Any person possessing a firearm in a cemetery for the purpose of conducting a military funeral pursuant to a permit obtained from the city.

(4) Any person possessing a firearm in a city park for ceremonial purposes pursuant to a permit obtained from the city.

(Ord. of 3-8-12)

Sec. 11-14. - Human wastes.

No person shall urinate, defecate or deposit any human waste of any kind on or upon any street, park, lot or other premises except in approved sanitary facilities.

(Ord. of 4-13-00)

Sec. 11-15. - Unauthorized use of pier and dock.

(a) Except in cases of emergency wherein there is imminent danger to life or property, it shall be unlawful for any person, firm or corporation to tie up, dock or moor any ship, boat, or other vessel at the city pier located at the south end of Davis Street or the city dock located at the yacht basin.

(b) Except in cases of emergency wherein there is imminent danger to life or property, it shall be unlawful for any person, firm or corporation to block access to the city pier located at the south end of Davis Street or the city dock located at the yacht basin.

(c) The prohibitions contained in subsections (a) and (b) shall not prohibit any lawful lessee of designated boat slip from tying up, mooring or docking his vessel at his own leased boat slip at the city pier located at the south end of Davis Street or the city dock located at the yacht basin.

(d) A violation of the provisions of this section shall be a misdemeanor, punishable by a fine of fifty dollars (\$50.00) or imprisonment for thirty (30) days.

- (e) In lieu of the criminal penalty hereby imposed, a civil fine of twenty-five dollars (\$25.00) may be paid to the city within seventy-two (72) hours after a citation is issued for violation of a provision of this section. If cash payment is not received in such manner and such time, a criminal warrant shall be issued against the violator.
- (f) Each day's continuing violation shall be a separate and distinct offense.

(Ord. of 10-9-80, §§ 1—6)

Sec. 11-16. - Mooring of vessels in yacht basin.

- (a) No person shall allow a boat or other vessel owned by him, registered in his name or under his control to be moored or anchored in the navigable waters of the Southport Yacht Basin for more than thirty (30) days in any forty-five (45) consecutive day period. Boats moored or anchored for any portion of a day shall be considered to be moored or anchored for that day.
- (b) Violation of this section shall be a misdemeanor pursuant to G.S. [14-4](#) and this section may also be enforced by injunction pursuant to G.S. 160A-175.
- (c) Each days' continuing violation of this section shall be a separate and distinct offense.

Chapter 12 PARKS AND RECREATION

ARTICLE II. - CAVINESS, FRANKLIN SQUARE, KEZIAH AND LOWE PARKS

Sec. 12-27. - Prohibited activities.

- (a) The following activities are hereby prohibited in Caviness Park, Franklin Square Park, Keziah Park and Lowe Park:
 - (1) Consumption of malt beverages and unfortified wine.
 - (2) Bicycle and skateboard riding.
 - (3) Overnight camping.
 - (4) Cooking.
 - (5) Motorized vehicles.
- (b) The prohibitions set forth in this section shall not apply to any activity sponsored or supervised by the parks and recreation department.

(Ord. of 10-10-85(1), § 5.61)

ARTICLE III. - SOUTHPORT WATERFRONT PARK

- (a) The following activities are hereby expressly prohibited at the Southport Waterfront Park and on the city's waterfront:
 - (1) Consumption of malt beverages and unfortified wine.
 - (2) Bicycle and skateboard riding.

- (3) Fishing and swimming.
 - (4) Overnight camping.
 - (5) Motorized vehicles.
 - (6) Cooking.
 - (7) Sports or athletic activities.
- (b) The prohibitions set forth herein shall not apply to any activity sponsored or supervised by the parks and recreation department.

(Ord. of 10-10-85(1), § 5.62)

Sec. 12-42. - Prohibited activities at pier.

The following activities are hereby expressly prohibited at or on the city pier:

- (1) Consumption of malt beverages and unfortified wine.
- (2) Bicycle or skateboard riding.
- (3) Swimming and diving.
- (4) Shark fishing between the hours of 12:00 and 6:00 a.m.

(Ord. of 10-10-85(1), § 5.63)

Sec. 12-43. - Swimming, diving at dock.

There shall be no swimming or diving from the city dock.

(Ord. of 10-10-85(1), § 5.64)

Sec. 12-44. - Prohibited activities on boardwalk sections of Riverwalk including the Kingsley Street River Access Site.

The following activities are hereby expressly prohibited on the boardwalk sections of Riverwalk including the Kingsley Street River Access Site.

- (1) Possession and/or consumption of malt beverages, unfortified wine or any alcoholic beverages.
- (2) Riding bicycles, skateboards, roller skates or roller blades.
- (3) Cooking.
- (4) Fishing, crabbing or any fishing or crabbing related activity.
- (5) Climbing on or removal of any shoreline stabilization materials.

(Ord. of 11-9-93; Ord. of 12-9-04)

Chapter 15 - SOLID WASTE MANAGEMENT^[1]

Sec. 15-2. - Penalties.

A violation of any of the provisions of this chapter shall be punishable as provided in [section 1-6](#).

Sec. 15-3. - Refuse required to be deposited in approved containers.

It shall be unlawful for any person to throw, place or deposit any garbage or refuse of any kind on any public or private property except in approved containers or as otherwise provided in this chapter.

(Code 1974, § 9.62)

Sec. 15-4. - Burning or burying garbage and refuse regulated.

It shall be unlawful to burn or set fire to or bury any garbage for the purpose of disposal. In addition, it shall be unlawful to bury any refuse for the purpose of disposal unless a permit therefor has been granted by the fire chief.

(Code 1974, § 9.63)

Sec. 15-5. - Accumulation of garbage and refuse prohibited.

All garbage and refuse shall be collected and placed in containers as required by this chapter. It shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit same in approved containers as required herein.

(Code 1974, § 9.64)

Sec. 15-9. - Unlawful to displace containers.

It shall be unlawful for any person to damage, displace or otherwise interfere with garbage containers or their contents except by the owner or upon permission or at the request of the owner.

(Code 1974, § 9.68)

Chapter 16 - STREETS AND SIDEWALKS^[1]

Sec. 16-1. - Injury to streets or sidewalks.

No person shall injure, deface or mar in any manner whatsoever any of the streets or sidewalks of the city. The city shall have the right and privilege to repair any such injury, defacement or mar and assess the cost thereof against the offender.

(Code 1974, § 5.12)

Sec. 16-2. - Sidewalk construction.

No sidewalk of any description shall be built by any person of any brick, wood or other material without a written permit from the city.

(Code 1974, § 5.13)

Sec. 16-3. - Streets not to be damaged.

It shall be unlawful for any person to drag, or run, or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt, bithulitic, warrenite or other type of permanently paved street of the city which shall be liable, in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

(Code 1974, § 5.15)

Sec. 16-5. - Damage to bridges and culverts.

No person shall injure or misplace any part of any bridge, culvert, ditch and drain or other property belonging to or used by the city, nor place any obstruction in any culvert, ditch or drain, to prevent the free flow of water on or over the streets of the city.

(Code 1974, § 5.17)

Sec. 16-6. - Damage to lights and signs.

No person shall injure, tamper with, remove or paint upon or deface any sign, sign post, streetlight, traffic signal or bulletin board or other municipal property upon the streets and sidewalks except employees of the city in the performance of their duties.

(Code 1974, § 5.18)

Sec. 16-7. - Display of goods prohibited.

No person shall place for display or sale any goods, wares or merchandise of any kind upon any of the sidewalks of the city.

Sec. 16-8. - Obstruction of public rights-of-way.

Except as specifically set forth in subsection (b) herein or as authorized by a license issued by the board of aldermen, it shall be unlawful for any person to place or cause to be placed on any public street, road, alley, sidewalk or other public right-of-way within the city any wall, fence, gate, brick, stone, wood, rock, vegetation or other structure, material or substance above the horizontal plane of the existing ground. In addition, it shall be unlawful for any person to take any action whatsoever within any public right-of-way which creates a hazardous condition or safety hazard or which otherwise interferes with or obstructs in any manner the passage of persons or vehicles upon or within said public rights-of-way or which obstructs, interferes with or hinders lawful parking within any public right-of-way.

- (b) Nothing herein shall prevent any business or other legal entity located in areas zoned CBD and BD from (i) placing objects which are not otherwise prohibited under the Southport Code of Ordinances on that portion of a sidewalk which is directly abutting the building occupied by such business or entity, provided that said items do not extend more than thirty-six (36) inches into the sidewalk and do not violate [section 16-7](#) of the Code of Ordinances prohibiting the display of goods, or (ii) placing A-frame signs on a sidewalk or right-of-way where specifically allowed under the Southport Unified Development Ordinance. Notwithstanding this, however, no business or other entity may place or cause to be placed any object on a sidewalk so as to violate the provisions of the ADA regarding unobstructed clearance.

(Code 1974, § 5.31; Ord. of 12-11-03; Ord. of 9-9-10; Ord. of 10-11-12)

Sec. 16-14. - Bicycles on sidewalks prohibited.

It shall be unlawful for any person to ride a bicycle on any sidewalk in the business district of the city.

(Code 1974, § 5.44)

Sec. 16-15. - Playing ball on streets prohibited.

No person shall play ball or bat or catch-ball on any of the streets of the city.

(Code 1974, § 5.45)

Sec. 16-16. - Use of nails and tacks restricted.

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 streets of the city except by permission of the owner.

Sec. 16-46. - Cutting streets and sidewalks—Permit required.

No person shall make any excavation, cut or any other opening in any of the streets or sidewalks of the city without first having obtained a permit therefor from the building inspector.

(Code 1974, § 5.1)

Sec. 16-75. - Unlawful to deface number.

It shall be unlawful for any person to alter, deface or take down any number placed on any property in accordance with this article, except for repair or replacement of such number.

(Ord. of 2-9-78, § 5)

Sec. 16-98. - Permits required.

It shall be unlawful for any person to conduct a parade or motorcade in or upon any public street, sidewalk or alley or other public place owned or under the control of the city or knowingly participate in any such parade or motorcade unless and until a permit to conduct such parade or motorcade has been obtained from the chief of police.

(Ord. of 4-12-90(2), § 5.23)

Sec. 16-100. - Interference with parade or motorcade.

No person shall knowingly join or participate in any parade or motorcade conducted under permit from the chief of police in violation of any of the terms of such permit, nor knowingly join or participate in any permitted parade or motorcade without the consent and over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct.

(Ord. of 4-12-90(2), § 5.26)

Sec. 16-101. - Weapons.

No firearms or dangerous weapons of any kind, as defined by state law, may be possessed contrary to G.S. 14-277.2.

(Ord. of 4-12-90(2), § 5.24)

Sec. 16-109. - Vehicle parking on parade route.

No motor vehicle shall be parked on the street along a parade route, wherein a permit has been granted for said parade. The area of the parking prohibition and the time period for said prohibition shall be determined by the chief of police.

Chapter 17 - TRAFFIC AND MOTOR VEHICLES

Sec. 17-3. - Obedience to police and fire department officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

Sec. 17-5. - Use of coasters, skateboards, roller skates and similar devices—Restricted.

- (a) It shall be unlawful for any person to operate or ride a skateboard, roller skates, roller ski, coaster or similar device in or upon any of the following places:
 - (1) On any private property except with the permission of the owner or occupant thereof.
 - (2) On all sidewalks within the corporate limits of the city.
 - (3) On the right-of-way of Nash Street from the western right-of-way line of Lord Street to the eastern right-of-way line of Atlantic Avenue.
 - (4) On the right-of-way of Moore Street from the western right-of-way line of Lord Street to the eastern right-of-way of Atlantic Avenue.
 - (5) On the right-of-way of Bay Street from the western right-of-way of Lord Street to the eastern right-of-way line of Atlantic Avenue.
 - (6) On the right-of-way of Atlantic Avenue from the northern right-of-way line of Nash Street to the southern right-of-way line of Bay Street.
 - (7) On the right-of-way of Dry Street from the northern right-of-way line of Nash Street to the southern right-of-way line of Moore Street.
 - (8) On the right-of-way of Davis Street from the northern right-of-way line of Nash Street to the southern right-of-way line of Bay Street.
 - (9) On the right-of-way of Howe Street from the northern right-of-way line of Nash Street to the southern right-of-way line of Bay Street.
 - (10) On the right-of-way of Lord Street from the northern right-of-way line of Nash Street to the southern right-of-way line of Bay Street.

- (b) Operators and riders of skateboards, roller skates, roller skis, coasters or similar devices shall at all times yield the right-of-way to pedestrians using public sidewalks or crossing public streets and shall not otherwise endanger or interfere with pedestrian traffic on those sidewalks or streets.

(Ord. of 4-12-90(1), § 7.34)

Sec. 17-6. - Same—Parent or guardian.

It shall be unlawful for any parent or guardian of a child under the age of sixteen (16) years to allow or permit such child to violate the provisions of [section 17-5](#).

Sec. 17-7. - Same—Penalty.

Any person violating the provisions of sections [17-5](#) and [17-6](#) shall be guilty of a violation of this Code, and, in addition, shall be subject to a civil penalty in the amount of twenty-five dollars (\$25.00) to be paid within seventy-two (72) hours of the citation.

(Ord. of 4-12-90(1), § 7.342)

Sec. 17-38. - Display of unauthorized signs, signals, markings.

- (a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is in imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
- (b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(Code 1974, § 7.48)

Sec. 17-39. - Interference.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

(Code 1974, § 7.49)

Chapter 18 - TREE PRESERVATION^f

Sec. 18-3. - Penalty for violation.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor and shall be punished in accordance with [section 1-6](#).

(Ord. of 10-13-88, § 7)

Sec. 18-31. - Required.

No person, directly or indirectly, shall remove any regulated tree from public or private property within front yard setback of the commercial district without first obtaining a tree removal permit.

(Ord. of 10-13-88, § 3(a))

Chapter 19 - UTILITIES

Sec. 19-7. - Connections to be made only upon application.

No connection shall be made to any sewer or water lateral except after the written application therefor has been approved by the director of public works.

(Code 1974, § 6.7)

Sec. 19-15. - Connections from outside city.

No connection of any water or sewer line or system outside the city shall be made to any part of the city water or sewer system without special permission from the board of aldermen and on such terms as the board shall prescribe.

(Code 1974, § 6.15)

Sec. 19-16. - Injury to sewers prohibited.

No person shall obstruct, break, remove or otherwise injure any portion of any manhole, flush-tanks, or other part of any public sanitary or storm sewer.

(Code 1974, § 6.16)

Sec. 19-17. - Unauthorized use of water at fixed rates.

No service pipes supplying water at fixed rates shall be used to furnish water in any manner to any premises or for any purpose which such service pipes were not designed or approved by the city. In case of violation of this rule the director of public works may turn off the water from such service pipes.

Sec. 19-63. - Only city or competent plumber to alter or repair service pipes.

No person, other than an employee of the city, or a competent plumber, shall alter, extend any service pipes, or any cocks or fixtures connected therewith, or place any additional fixtures thereon, designed to or capable of increasing the quantity of water used through each service pipe, without a permit in writing therefor, in each case. No person, except such as are especially authorized to do so in this article, shall turn off or turn on the water at any curb cock, and all plumbers shall first have written permission from the director of public works.

Article III – Sewer Use

Sec. 19-96. - Penalty for violation.

Violation of this article shall constitute an infraction punishable in accordance with [section 1-6](#).

Sec. 19-100. - Building sewers and connections.

- (a) No person shall make any connection to the sanitary sewer system unless and until a permit therefor has been issued by the city. Permits shall be issued for connections only after the city or approving authority has determined the type of connection required, the type of waste to be placed in the system and, if required by the city, an approved plumbing system within the dwelling, building or structure desiring connection.
- (b) No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of infiltration/inflow to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec. 19-101. - Prohibited discharges.

- (a) It shall be unlawful for any person to discharge or cause to be discharged any pollutant or wastewater which will interfere with the operation and/or performance of the POTW. These general prohibitions apply to all such users of the POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user may not discharge the following substances to the POTW:
 - (1) Any unpolluted waters such as infiltration/inflow to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the approving authority and DEM. Unpolluted industrial cooling water or process waters may be discharged on approval of the approving authority and DEM to a storm sewer or natural outlet. No untreated sanitary wastewater shall be discharged to any storm sewer or natural outlet.
 - (2) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Materials specifically prohibited from discharge into the POTW include gasoline, kerosene, naphtha, fuel oil and any other substance which the local government, the state or EPA has notified the user is a fire hazard or a hazard to the system.
 - (3) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: floatable oil, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
 - (4) Any wastewater having a pH less than 6.0 or greater than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.
 - (5) Any wastewater containing toxic substances in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard.
 - (6) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

- (7) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to fail to be in compliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.
- (8) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.
- (9) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (10) Any wastewater, liquid or vapors having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
- (11) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference.
- (12) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the local government in compliance with applicable state and/or federal regulations.
- (13) Quantities of flow or concentrations, or both, which constitute a slug.

Sec. 19-110. - Damaging or obstructing system.

It shall be unlawful for any person to damage, tamper with or otherwise do harm to the mains, pipes, manholes, apparatus or other parts of the sanitary sewer system, or to place or cause to be placed any object of any nature whatsoever into the system that blocks or obstructs or impedes the normal flow in the sewer system.

(Ord. of 4-14-88(2), § 10)

Sec. 19-111. - Charges for connection, sewer service and treatment of industrial waste.

- (a) All persons discharging waste and solids in large commercial quantities or on an industrial basis shall be rendered a monthly bill as a charge covering the entire costs to the city incurred for treatment. Such charge shall be evoked on the basis hereinafter provided but, if there is BOD over three hundred (300) parts per million, the charge shall be by special contract which shall take into consideration:
 - (1) All fixed charges and amortization cost of additional plant capacity required for treating such industrial wastes;
 - (2) A charge covering the cost incurred to the city in treating such wastes in the municipal sewage treatment plants.
- (b) No person shall discharge or deposit waste materials of any nature into the city sewerage system unless all charges therefor are paid. There shall be no free use of the sewerage system by any person.

(Ord. of 4-14-88(2), § 11)

Sec. 19-112. - Protection from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any equipment or materials belonging to the city used for the purpose of making test or examinations and left upon the premises of a person discharging wastes into the sewers.

