



Date: May 5, 2021

To: Peter Franzese, Town Manager

From: Kyle Harris, Planning & Zoning Administrator

**Re: Reporting Ordinances with Criminal Enforcement to NC League of Municipalities**

To the best of my knowledge, the following table (Table 1) contains all sections of the Spencer Code of Ordinances which can be criminally enforced. Most such penalties are Class 3 misdemeanors. Note that the three rows highlighted in gold (155.999, 153.99, and 153.41) will be repealed on July 1, 2021 as the new Spencer Development Ordinance (SDO) comes into effect. I have listed in a separate table (Table 2) all sections of the new SDO that can be criminally enforced.

<b>TABLE 1. Current Code of Ordinance (sections in gold to be repealed July 1, 2021)</b>		
<b>Ordinance Punishable by G.S. 14-4(a)</b>	<b>Description of Conduct Subject to Criminal Punishment under the Ordinance</b>	<b>Other Notes</b>
§ 93.99 PENALTY	Violating the provisions of the Town's public health and safety regulations (Chapter 93) or failing to comply with the same. This chapter sets standards for fire prevention, public nuisances, and residential rental property remediation (disorder activity at rental properties).	Type of penalty: Class 3 misdemeanor; subject to fine not to exceed \$100 or imprisonment not to exceed 30 days, with each separate offense subject to fine not to exceed \$200.
§ 91.99 PENTALTY	Violating the provisions of Chapter 91 (Animal Regulations). This section sets standards for the keeping of all animals including birds and fowl, livestock or other domestic animals, and grazing and hitching of such animals. Also covers keeping of dogs, barking, trespassing, and the like.	Type of penalty: Class 3 misdemeanor; subject to fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provision of the chapter are violated shall constitute a separate offense.
§ 131.99 PENALTY	Violation of Chapter 131 (Youth Protection). This chapter sets standards for youth curfews.	Type of penalty: Misdemeanor; subject to fine not to exceed \$500. Juvenile in violation subject to be adjudicated delinquent. Court may impose dispositional alternatives provided in the NC Juvenile Code.
§ 130.02 ALLOWING MINORS TO ENTER BARROOMS OR BILLIARD ROOMS AFTER	If the manager or owner of any barroom, wherein beer, wine or any alcoholic beverage is sold or consumed, or billiard room shall knowingly allow any minor under 18 years of age to enter or remain	Type of penalty: Misdemeanor

NOTIFICATION BY PARENTS OR GUARDIANS	in the barroom or billiard room when, before the minor under 18 years of age enters or remains in the barroom or billiard room, the manager or owner thereof has been notified in writing by the parents or guardian of the minor under 18 years of age not to allow him or her to enter or remain in the barroom or billiard room, the manager or owner shall be deemed guilty of a misdemeanor.	
§ 94.99 PENALTY	Violation of Chapter 94 (Streets and Sidewalks). This chapter sets all of the Town's standards for streets and sidewalks (such as encroachment or obstruction), damage to streetlights and trees, regulation of dumping rubbish and leaves on streets and sidewalks, etc. Also contains standards on parades, processions, meetings, and picketing; public festivals and special events; excavations; driveway construction; and poles and wires.	Type of penalty: Class 3 misdemeanor; subject to fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense.
§ 10.99 GENERAL PENALTY	Violation of any provisions of the Code of Ordinances for which no other penalty is provided.	Type of penalty: Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense with a fine not to exceed \$200.
§ 153.99 PENALTY	Violation of Chapter 153 (Flood Hazard Regulations). This chapter sets standards for permitting new development in flood hazard areas. Includes violation of conditions and safeguards established in connection with grants of variances or special exceptions.	Type of penalty: misdemeanor; subject to fine not more than \$50 or imprisoned not more than 30 days, or both, and in addition "shall pay all costs and expenses involved in the case". Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the town from taking any other lawful action as is necessary to prevent or remedy any violation.

§ 94.36 PENALTY AND CONFLICT	Violation of subchapter on Public Festivals and Special Events within the Town Limits. This section requires a permit for such activity and sets standards for fire prevention, crowd safety, sale of alcoholic beverages, carrying of firearms, and signage.	Type of penalty: any violation of subchapter constitutes a misdemeanor punishable as provided by G.S.14-4. A first violation of a public festival or special event permit issued pursuant to this subchapter shall result in the issuance of a written warning to the permittee. A second violation within one year of the first shall result in an immediate revocation of the permit and a 60-day ban on future permits. Additionally, a violation of any of the provisions of this subchapter shall subject the offender to a civil penalty of up to \$500. If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to enforce this subchapter through any appropriate equitable action. Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense. The town may seek to enforce this subchapter by using any one, or a combination, of the foregoing remedies.
§ 155.999 PENALTY	Violation of the Zoning Ordinance.	Any person who violates the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and subject to § 10.99 or Chapter 35, as applicable. Each day that a violation continues to exist shall constitute a separate violation and a separate offense for the purpose of the penalties specified herein.
§ 91.25 BARKING, HOWLING, TRESPASSING, AND THE LIKE	No keeping of domestic animals causing serious annoyance to neighbors and which interferes with the reasonable use and enjoyment of the premises occupied by residents. Includes prolonged and habitual barking and trespassing/marauding of animal on other property.	Type of penalty: misdemeanor. Upon written and signed complaint being made to the Police Department by any resident pursuant to division (A) above, and upon a determination by the Police Department, after an investigation, that the complaint is valid, a representative of the Police Department shall notify the person against whom the complaint is directed that a complaint has been received, and thereupon the person shall remedy the unlawful condition within 24 hours from the time of notification. Any person failing or refusing to remedy the unlawful condition found to exist pursuant to this section within 24 hours from the time of notification shall be deemed guilty of a misdemeanor.
§ 160.96 IN REM ACTION BY INSPECTOR; PLACARDING OF BUILDINGS	Continued occupation of a home found unfit for human habitation constitutes a misdemeanor.	After failure of an owner of a dwelling or dwelling unit to comply with an order of the inspector issued pursuant to the

		provisions of this chapter, and upon adoption by the Town Board of Aldermen of an ordinance authorizing and directing him to do so, as provided by G.S. 160A-443(5) and prescribed herein, the inspector 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 Town Board of Aldermen, and shall cause to be posted on the main entrance of such dwelling or 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.
§ 92.03 ENTRY OF REGISTERED SEX OFFENDERS PROHIBITED FROM PARKS AND RECREATIONAL AREAS	No registered sex offender shall enter into or upon any town parks and recreation areas operated by the town, except for when such facilities are open for duly called public meetings and for voting. Otherwise, each entry into such areas, regardless of the time period between such entries, shall constitute a separate offense under this section.	Anyone who is found in violation of this section he or she shall be guilty of a Class 3 misdemeanor punishable by up to 20 days in jail as set forth in G.S. § 5A-1340.23(c), and shall be fined not more than \$500 per offense as set forth in § 14-4(a).
§ 130.04 DISORDERLY CONDUCT	Misdemeanor for disorderly conduct (e.g. physical violence, crowds or assemblies engaged in unlawful activities, verbal threats of physical violence, damaging public property, blocking vehicular or pedestrian traffic, using vulgar, obscene, or profane language in a loud voice).	Type of penalty: misdemeanor
§ 153.41 ADMINISTRATIVE PROCEDURES	Violation of Chapter 153 (Flood Hazard Regulations) stop order. Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this chapter, the Administrator may order the work to be immediately stopped. The stop order shall be in writing and directed to the person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop order constitutes a misdemeanor.	Type of penalty: misdemeanor
§ 130.03 BEGGING, PANHANDLING, OR SOLICING CONTRIBUTIONS	Begging, panhandling, or soliciting contributions. Includes accosting, begging, making written appeals for money, blocking passage of pedestrians to beg, and making intimidations in the act of begging.	Type of penalty: Class 3 Misdemeanor. Violation of this section shall constitute a Class 3 misdemeanor and shall subject the violator to a fine of not more than \$50 or imprisonment for not more than 30 days.
§ 160.91 VIOLATIONS, PENALTIES, APPEAL	Violations of Chapter 160 (Housing Code). Specifically, continued occupation of a property where all minimum housing violations have not yet been corrected and inspected.	Type of penalty: misdemeanor.

**TABLE 2. On July 1, 2021, the new Spencer Development Ordinance (SDO) will come into effect. The new SDO replaces the Town's standards for zoning, subdivision, and flood damage prevention, repealing sections 155.999, 153.99, and 153.41 in Table 1 above. Below are criminally enforceable sections in the new SDO enforceable after July 1, 2021.**

<p>§ 16.1-7 Violations (Subdivision Regulations)</p>	<p>Violation of Article 16 (Subdivision Regulations)</p>	<p>Type of penalty: Class 1 misdemeanor.</p> <p>Any person who, being the owner or agent of the owner of any land located within the Town's jurisdiction, subdivides their land in violation of the ordinance or transfers or sells land by reference to, or exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance or recorded in the office of the appropriate register of deeds, shall also be deemed guilty of a Class 1 misdemeanor.</p> <p>The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from these penalties. The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the courts shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Ordinance. Building permits required pursuant to G.S. 160D-1110 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate actions or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal acts of conduct per G.S. 160D-807(a).</p>
<p>Section H (Article 18 – Flood Damage Prevention - General Provisions)</p>	<p>Penalties for Violation of Article 18 (Flood Damage Prevention Ordinance)</p>	<p>Type of penalty: Class 1 misdemeanor.</p> <p>Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance of special exceptions, shall constitute a Class 1 misdemeanor pursuant to NCGS 143-215.58. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction</p>

		thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (3) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Spencer from taking such other lawful action as is necessary to prevent or remedy any violation.
Section C (Article 18 – Flood Damage Prevention – Duties and Responsibilities of the Floodplain Administrator)	Penalties for violating a stop work order pursuant to Article 18 (Flood Damage Prevention Ordinance)	Type of penalty: misdemeanor  Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge or the word. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
Section D (Article 18 – Flood Damage Prevention – Corrective Procedures)	Penalties for failing to correct a violation of Article 18 (Flood Damage Prevention Ordinance)	Type of penalty: Class 1 misdemeanor  Failure to comply with order: if the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NCGS 143-215.58 and shall be punished at the discretion of the court.
§ 23.6-5 (Stop Work Orders) Contained in: Article 23 (Administration and Enforcement – 23.6 Remedies)	Violation of stop work orders	Type of penalty: Class 1 misdemeanor  Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Planning & Zoning Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, and specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with G.S. 160D-404(b). Violation of a stop work order shall constitute a Class 1 misdemeanor.

**Respectfully submitted: Kyle Harris, Planning & Zoning Administrator**



## OFFICE OF THE POLICE CHIEF

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April 28, 2021

To: Peter Franzese

From: Chief M.T. James

### SENATE BILL 584

**TABLE 1. Current Code of Ordinance (sections in gold to be repealed July 1, 2021)**

<b>Ordinance Punishable by G.S. 14-4(a)</b>	<b>Description of Conduct Subject to Criminal Punishment under the Ordinance</b>	<b>Penalty</b>
§71.55 WALKING IN STREET WHERE SIDEWALK PROVIDED	Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the extreme left of roadway or its shoulder facing traffic which may approach from the opposite direction. Such pedestrian shall yield the right-of-way to approaching traffic.	Any person, firm or corporation violating any of the provisions of any section or subsection of this code of ordinances for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense with a fine not to exceed \$200.
§72.10 PARKING PROCEDURES	(A) Where not otherwise indicated by this chapter, all vehicles shall park parallel to the curb and not more than 12 inches therefrom. (94 Code, § 15-70) (B) In no case shall a vehicle remain backed up to the curb, except when actually loading or unloading. (94 Code, § 15-71) (C) No vehicle shall stop with its left side to the curb in the business district, except that on one- way streets, vehicles shall stop headed in the direction of traffic. (94 Code, § 15-72) (D) On any street which is marked off with lines indicating the parking spaces for cars, the same shall be parked between the lines. (94 Code, § 15-73) (E) Parked cars shall move out in the direction headed, or if they are parked at an angle with the curb, they shall back out at that angle until they have cleared the other cars and shall then proceed in the direction in which they are most nearly headed.	Any person, firm or corporation violating any of the provisions of any section or subsection of this code of ordinances for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense with a fine not to exceed \$200.
§ 72.12 MOVING	No person shall move a vehicle not owned by the person	Any person, firm or corporation violating any of the



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VEHICLES OF OTHER OPERATORS INTO PROHIBITED AREAS	into any prohibited area, or sufficiently away from a curb to make the distance unlawful.	provisions of any section or subsection of this code of ordinances for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense with a fine not to exceed \$200.															
Chapter 73 – Restricted Parking including Fire Lanes	<p>(A) It shall be unlawful to park in any of the following streets or portions of street when the following restrictions apply.</p> <p>(B) Any vehicle parked within the areas listed in the schedule below or shown on the official traffic maps as having limitations regarding certain times that parking is permitted or not permitted shall be regarded as continuously parked, even though the vehicle may be moved from one parking space to another within the same block during an eight-hour period.</p> <table border="1"> <thead> <tr> <th><i>Street</i></th><th><i>Location</i></th><th><i>Side(s)</i></th></tr> </thead> <tbody> <tr> <td>Fourth Street</td><td>From the intersection with Salisbury Avenue West to the intersection with Yadkin Avenue</td><td>Both</td></tr> <tr> <td>South Salisbury Avenue</td><td>From the intersection with Third Street South to the intersection with Sixth Street</td><td>Both</td></tr> <tr> <td>South Salisbury Avenue</td><td>From the intersection with Third Street South to the intersection with Sixth Street</td><td>West</td></tr> <tr> <td>Third Street</td><td>From the intersection with Salisbury Avenue West to the intersection with Yadkin Avenue</td><td>Both</td></tr> </tbody> </table> <p>(C) <i>No parking during school hours - 7:00 a.m. until 4:00 p.m.</i></p> <p>(1) The following areas are so designated:</p> <p>(a) The roadway area along Whitehead Ave, on the side abutting the property of Rowan County Board of Education's property line as indicated on the Rowan County Tax Map 037 Parcel 006, extending 992 feet from the corner of Oakwood Ave toward 1st Street.</p> <p>(b) The roadway area along Oakwood Ave, on the side abutting the property of Rowan County Board of Education's property line as indicated on the Rowan County Tax Map 037 Parcel 006, extending 878 feet from the corner of Whitehead Ave toward Pinecroft Lane.</p> <p>(2) All areas designated in division (C)(1) above shall be clearly identified with the installation of signs,</p>	<i>Street</i>	<i>Location</i>	<i>Side(s)</i>	Fourth Street	From the intersection with Salisbury Avenue West to the intersection with Yadkin Avenue	Both	South Salisbury Avenue	From the intersection with Third Street South to the intersection with Sixth Street	Both	South Salisbury Avenue	From the intersection with Third Street South to the intersection with Sixth Street	West	Third Street	From the intersection with Salisbury Avenue West to the intersection with Yadkin Avenue	Both	Any person, firm or corporation violating any of the provisions of any section or subsection of this code of ordinances for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense with a fine not to exceed \$200.
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Fourth Street	From the intersection with Salisbury Avenue West to the intersection with Yadkin Avenue	Both															
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<b>Ordinance Punishable by G.S. 14-4(a)</b>	<b>Description of Conduct Subject to Criminal Punishment under the Ordinance</b>	<b>Penalty</b>
	<p>markings, lines, signals, or other traffic-control devices as may be necessary to clearly indicate the designation and to put drivers of vehicles on notice of the restriction, limitation or prohibition resulting from the designation.</p> <p>(3) No person shall park vehicle except in conformity with these restrictions, when signs have been placed, erected or installed and maintained on the streets giving notice of the applicable limitations.</p> <p>(4) Any vehicle which shall be or remain standing or parking in all areas so designated in division (C)(1) above may be removed by or under order of the Chief of Police or the Chief's designee as authorized in § <a href="#">72.05</a>.</p> <p>(D) <i>Fire lanes</i>.</p> <p>(1) The following areas are so designated:</p> <p>(a) The roadway area, extending eight feet from the edge of pavement, then along the south side of 8th Street, extending approximately 75 feet from the northwest corner of the 8th Street Ballpark Concession Stand Building, then west toward Baldwin Ave, ending at the marked handicapped parking space on pavement, located behind the 8th Street Ballpark Grand Stand located at Rowan County Tax Map #043 Parcel 008 commonly known as 705 8th Street.</p> <p>(b) The roadway area, extending eight feet from the edge of pavement, then along Baldwin Ave. South from 8th Street, beginning on the roadway, evenly with the southwest corner post of the 8th Street Ballpark Grandstand and extending south for approximately 40 feet to the southernmost end of the 1st Baseline Dugout Building of the 8th Street Ballpark, located along its western boundary at Rowan County Tax Map #043 Parcel 008 commonly known as 705 8th Street.</p> <p>(2) All areas designated in division (D)(1)(a) above shall be clearly painted with yellow hash markings, eight feet from the edge of pavement, in addition to signs prohibiting parking for the fire lane.</p> <p>(3) All areas so designated in division (D)(1)(b) above shall be clearly painted with yellow hash markings, four feet from the edge of pavement, in addition to signs prohibiting parking for the fire lane.</p> <p>(4) Any vehicle which shall be or remain standing or parking in the fire lane so designated in division (D)(1) above may be removed by or under order of the Chief of Police or the Chief's designee as authorized in § <a href="#">72.06</a>.</p>	
§90.04 ABANDONED VEHICLES PROHIBITED	<p>(A) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow the vehicle to be abandoned as the term is defined in § 90.01.</p> <p>(B) Upon investigation, proper authorizing officials of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.</p>	Any person, firm or corporation violating any of the provisions of any section or subsection of this code of ordinances for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense with a

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		fine not to exceed \$200.
<b>§90.05 NUISANCE VEHICLES PROHIBITED</b>	<p>(A) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.</p> <p>(B) Upon investigation, the Code Enforcement Officer may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.</p>	Any person, firm or corporation violating any of the provisions of any section or subsection of this code of ordinances for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense with a fine not to exceed \$200.
<b>§90.06 JUNKED VEHICLES REGULATED</b>	<p>(A) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.</p> <p>(B) The Code Enforcement Officer may order the removal of a junked motor vehicle, as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. The finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following, among other relevant factors, may be considered:</p> <ol style="list-style-type: none"> <li>(1) Protection of property values;</li> <li>(2) Promotion of tourism and other economic development opportunities;</li> <li>(3) Indirect protection of public health and safety;</li> <li>(4) Preservation of the character and integrity of the community; and</li> <li>(5) Promotion of the comfort, happiness and emotional stability of area residents.</li> </ol>	Any person, firm or corporation violating any of the provisions of any section or subsection of this code of ordinances for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense with a fine not to exceed \$200.
<b>§90.14 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE</b>	It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the town any vehicle which has been impounded pursuant to the provisions of this code unless and until all towing and impoundment fees which are due, or bond in lieu of the fees, have been paid.	Any person, firm or corporation violating any of the provisions of any section or subsection of this code of ordinances for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense with a fine not to exceed \$200.
<b>§91.01 BIRD SANCTUARY</b>	(A) There is hereby created and established a bird sanctuary within the town limits, provided that any birds classed as predatory by the State Wildlife Resources Commission or by the State General Statutes are not protected by this section, nor may the protection of this section extend to pigeons, crows, starlings or English sparrows.	(A) Any person, firm or corporation violating any of the provisions of any section or subsection of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day

**TABLE 1. Current Code of Ordinance (sections in gold to be repealed July 1, 2021)**

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	(B) It shall be unlawful for any person to hunt, kill or trap any birds protected by this section.	that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any violations of § <a href="#">91.24</a> or § <a href="#">91.40</a> shall constitute a misdemeanor punishable by a fine of \$100 and/or imprisonment for up to 30 days. Each day in violation constitutes a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve a person of his or her liability for taxes, civil penalties, or fees imposed under § <a href="#">91.24</a> or § <a href="#">91.40</a> .
§91.02 ANIMAL OR FOWL FIGHTS PROHIBITED	No person shall attend, encourage or stage any animal or fowl fight.	(A) Any person, firm or corporation violating any of the provisions of any section or subsection of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any violations of § <a href="#">91.24</a> or § <a href="#">91.40</a> shall constitute a misdemeanor punishable by a fine of \$100 and/or imprisonment for up to 30 days. Each day in violation constitutes a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve a person of his or her liability for taxes, civil penalties, or fees imposed under § <a href="#">91.24</a> or § <a href="#">91.40</a> .
§91.04 GRAZING, HITCHING AND THE LIKE; RUNNING AT LARGE	Unless the Board of Aldermen has granted a waiver as authorized by § <a href="#">91.03</a> on public land: (A) No person shall graze or tie up any animal on any vacant lot within 50 feet of any dwelling or any street. (B) No person shall hitch any animal to any of the trees, lampposts, electric light or power or telephone or telegraph poles, mail boxes, wires or hydrants owned by the town or permitted by the town to be erected on or in any of the streets, sidewalks, squares or parks. (C) No person who is the owner of or who has the custody of any horse, mule, donkey, hog, sheep, goat or cattle of any kind shall allow the same to run at large on or in the streets, sidewalks, parks, squares or cemeteries. With the exception of horses or mules being used for riding or driving and fastened to hitching posts or blocks, no person shall stake or otherwise fasten any of the aforementioned animals for grazing purposes on or in any of the streets, sidewalks, parks, squares or cemeteries, nor shall any person feed any of the animals mentioned above upon or in any of the streets, sidewalks, parks or squares.	(A) Any person, firm or corporation violating any of the provisions of any section or subsection of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any violations of § <a href="#">91.24</a> or § <a href="#">91.40</a> shall constitute a misdemeanor punishable by a fine of \$100 and/or imprisonment for up to 30 days. Each day in violation constitutes a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve a person of his or her liability for taxes, civil penalties, or fees imposed under § <a href="#">91.24</a> or § <a href="#">91.40</a> .
§91.22 OBSTRUCTING OR INTERFERING WITH ENFORCEMENT OFFICERS	It shall be unlawful for any person to obstruct or interfere with in any way the impoundment of any domestic animal found in violation of the provisions of this subchapter. It shall be unlawful for any person, other than the Animal Warden, to release or attempt to release any domestic animal which has been impounded.	(A) Any person, firm or corporation violating any of the provisions of any section or subsection of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated

**TABLE 1. Current Code of Ordinance (sections in gold to be repealed July 1, 2021)**

<b>Ordinance Punishable by G.S. 14-4(a)</b>	<b>Description of Conduct Subject to Criminal Punishment under the Ordinance</b>	<b>Penalty</b>
		shall constitute a separate offense. (B) Any violations of § <u>91.24</u> or § <u>91.40</u> shall constitute a misdemeanor punishable by a fine of \$100 and/or imprisonment for up to 30 days. Each day in violation constitutes a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve a person of his or her liability for taxes, civil penalties, or fees imposed under § <u>91.24</u> or § <u>91.40</u> .
<b>§91.40 INHERENTLY DANGEROUS ANIMALS</b>	The owner or keeper of an inherently dangerous animal shall be strictly liable in civil damages for injuries or property damage the inherently dangerous mammal inflicts upon a person, his or her property, or another animal.	(A) Any person, firm or corporation violating any of the provisions of any section or subsection of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any violations of § <u>91.24</u> or § <u>91.40</u> shall constitute a misdemeanor punishable by a fine of \$100 and/or imprisonment for up to 30 days. Each day in violation constitutes a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve a person of his or her liability for taxes, civil penalties, or fees imposed under § <u>91.24</u> or § <u>91.40</u> .
<b>§92.01 POSSESSION, DISPLAY OR CONSUMPTION OF ALCOHOLIC BEVERAGES AT PARKS PROHIBITED</b>	(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. <b>ALCOHOLIC BEVERAGE.</b> Alcohol, brandy, whiskey, bourbon, scotch, rum, gin, beer, malt lager, ale, porter and wine, and in addition thereto any spiritous, vinous, malt or fermented beverages, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing .5% or more of alcohol by volume. (B) It shall be unlawful to display, possess or consume any alcoholic beverage at either the Eighth Street Park or the North Rowan Avenue Park.	Any person, firm or corporation violating any of the provisions of any section or subsection of this code of ordinances for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense with a fine not to exceed \$200.
<b>§92.02 HOURS OF OPERATION OF TOWN-OWNED PARKS</b>	(A) The use of North Rowan Avenue Park after 10:00 p.m. and before 7:00 a.m. is prohibited, except upon written permission from the Town Manager. (94 Code, § 12-2) (Ord. passed 3-11-82) (B) From May 1 through September 30, the use of Eighth Street Park after 11:00 p.m. and before 7:00 a.m. is prohibited, except upon written permission from the Town Manager. (C) From October 1 through April 30, the use of Eighth Street Park after 10:00 p.m. and before 7:00 a.m. is prohibited, except upon written permission from the Town Manager.	Any person, firm or corporation violating any of the provisions of any section or subsection of this code of ordinances for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense with a fine not to exceed \$200.
<b>§93.01 INTERFERENCE WITH FIRE</b>	(A) No person shall be in the vicinity of a fire in a way so as to interfere with the duties of the Fire Department, nor shall any vehicle be driven nearer than 50 feet to any fire truck when the truck is proceeding to a fire.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be



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DEPARTMENT PROHIBITED	(B) No person shall enter in or on any building or grounds occupied by the Fire Department or interfere with a firefighter in the discharge of the firefighter's duty or hinder a firefighter in the performance of the firefighter's duty, nor shall any person other than members of the Fire Department loiter about any fire station, or change, handle or meddle in any manner with any fire engine or any other fire apparatus.	guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense with a fine not to exceed \$200. (B) Violation of § <a href="#">93.27</a> shall be a misdemeanor. The penalty for the first and second offenses shall be \$100. The penalty for a subsequent offense thereafter shall be \$300.
§93.02 RIDING ON FIRE TRUCKS BY UNAUTHORIZED PERSONS PROHIBITED	No person other than a bona fide member of the Fire Department or Police Department shall mount any fire engine, wagon or apparatus before it leaves the station or while on its way to or from a fire or at any other time, unless by permission of the driver or officer in command of the engine, wagon or other apparatus.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense with a fine not to exceed \$200. (B) Violation of § <a href="#">93.27</a> shall be a misdemeanor. The penalty for the first and second offenses shall be \$100. The penalty for a subsequent offense thereafter shall be \$300.
§93.03 DEAD WIRES	(A) It shall be unlawful to permit any dead or unused wires to hang or remain on any pole, tree or house where the same have been formerly connected and in use, but all dead wires shall be taken down and removed immediately upon notice by the Chief of Police. (B) It shall be the duty of the Chief of the Fire Department to notify the Chief of Police whenever the officer has knowledge of these existing conditions.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense with a fine not to exceed \$200. (B) Violation of § <a href="#">93.27</a> shall be a misdemeanor. The penalty for the first and second offenses shall be \$100. The penalty for a subsequent offense thereafter shall be \$300.
§93.04 BURNT UTILITY POLES	It shall be unlawful for any telephone, telegraph or electric power or light company to allow any pole belonging to the company, which pole has been charred by fire, to remain in a charred condition longer than ten days from the time of the fire, and all charred poles shall be scraped or removed.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense with a fine not to exceed \$200. (B) Violation of § <a href="#">93.27</a> shall be a misdemeanor. The penalty for the first and second offenses shall be \$100. The penalty for a subsequent offense thereafter shall be \$300.
§93.05 OBSTRUCTION OF FIRE HYDRANTS	No person shall place or keep any fence, growth, trash or other material near any fire hydrant that would prevent the hydrant from being immediately discernible or in any manner hinder the Fire Department from gaining immediate access to a fire hydrant. A clear space of not	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine

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	less than three feet shall be provided on all sides of all fire hydrants.	not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense with a fine not to exceed \$200. (B) Violation of § <a href="#">93.27</a> shall be a misdemeanor. The penalty for the first and second offenses shall be \$100. The penalty for a subsequent offense thereafter shall be \$300.
§93.07 OPEN BURNING AND FIRE PITS	<p>(A) Open burning for campfires and outdoor cooking is permitted without any burning permit if performed in an approved container constructed of steel, brick, or masonry.</p> <p>(B) Open burning in approved portable containers and outdoor fireplaces is permitted.</p> <p>(C) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.</p> <p><b>FIRE PIT.</b> Defined to include belowground pits, freestanding fireplaces, and portable devices intended to contain and control outdoor fires.</p> <p>(D) <i>Prohibited burning.</i> Burning that is offensive or objectionable because of smoke or odor emissions, or when atmospheric conditions or local circumstances make such fires hazardous, shall be prohibited.</p> <p>(E) <i>Prohibited burning in public places.</i> Burning in any outdoor fire pits is prohibited on any property owned by the Town of Spencer unless approved by the Fire Chief. Any outdoor cooking on approved grills will be permitted.</p> <p>(F) <i>Hours of operation.</i> A person shall not maintain any outdoor burning from midnight to 7:00 a.m., unless permitted and approved by the Fire Chief. Outdoor cooking will be permitted during these hours.</p> <p>(G) <i>Extinguishment authority.</i> The Spencer Fire Department is authorized to order the extinguishment by the responsible person of any burning that creates or adds to a hazardous or objectionable situation.</p> <p>(H) <i>Fire pits.</i></p> <p>(1) All belowground fire pits shall be at least four inches in depth and shall be surrounded on the outside aboveground by a non-combustible material such as steel, brick, or masonry. The fire pit cannot exceed three feet in diameter. Nor may the fire pile exceed two feet in height.</p> <p>(2) Fire pits must be used in accordance with the manufacturer's specifications and the following regulations:</p> <p>(a) Only natural firewood and/or commercial logs may be burned. Burning of leaves, yard waste, paper, cardboard, garbage and similar items is not permitted;</p> <p>(b) All fire pits must be located away from any structure or combustible material;</p> <p>(c) Belowground fire pits and freestanding fireplaces must be located at a minimum of 25 feet away from any structure or combustible material;</p>	<p>(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense with a fine not to exceed \$200.</p> <p>(B) Violation of § <a href="#">93.27</a> shall be a misdemeanor. The penalty for the first and second offenses shall be \$100. The penalty for a subsequent offense thereafter shall be \$300.</p>

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	<p>(d) Portable fire pits must be located at a minimum of 15 feet away from any structure or combustible material;</p> <p>(e) The fire must be constantly attended and supervised until the fire has been completely extinguished; and</p> <p>(f) A portable fire extinguisher or other approved extinguishing equipment, such as a garden hose of sufficient length, must be readily available.</p>	
<p><b>§93.21 NUISANCES DECLARED</b></p>	<p>(A) The following enumerated and described conditions are hereby found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the town and are found, deemed and declared to be public nuisances wherever the same may exist, and the creation, maintenance or failure to abate the nuisances is hereby declared unlawful:</p> <p>(1) Any condition which is a breeding ground or harbor for mosquitoes or a breeding ground or harbor for rats or other pests;</p> <p>(2) A place of heavy growth of weeds or other noxious vegetation over eight inches in height. This shall include the area between a property line and the edge of pavement of any abutting street, and to the centerline of any abutting alleyway;</p> <p>(3) An open place of collection of water where insects tend to breed;</p> <p>(4) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags or any other combustible materials or objects of a like nature;</p> <p>(5) An open place of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind;</p> <p>(6) Any furniture, appliance or other metal product of any kind or nature openly kept, which has jagged edges of metal or glass, or areas of confinement;</p> <p>(7) Any improper or inadequate drainage on private property which causes flooding, interferes with the use of or endangers in any way the streets, sidewalks, parks or other town-owned property of any kind, provided that the notices required and powers conferred by this chapter by and on the enforcement officer in abating the nuisances defined by this division shall be given and exercised by the Director of Public Works;</p> <p>(8) Any condition which blocks, hinders or obstructs, in any way, the natural flow of branches, streams, creeks, surface waters, ditches or drains, to the extent that lots or properties are not free from standing water.</p> <p>(B) Any other condition not enumerated in division (A) above may be specifically declared to be a danger to the public health, safety, morals and general welfare of the inhabitants of the town and a public nuisance by the</p>	<p>(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense with a fine not to exceed \$200.</p> <p>(B) Violation of § <a href="#">93.27</a> shall be a misdemeanor. The penalty for the first and second offenses shall be \$100. The penalty for a subsequent offense thereafter shall be \$300.</p>



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	Board, which proceeding may be initiated by the enforcement officer before the Board after giving written notice in conformity with § 93.23, which notice will state the condition existing, the location and that the Board of Aldermen will be requested on a day certain, after a public hearing at which the person notified may appear and be heard, to declare that the conditions existing constitute a danger to the public health, safety, morals and general welfare of the inhabitants of the town and a public nuisance and that, after the declaration by the Board in the form of an ordinance, the condition will be abated as provided for in § 93.24, provided that no appeal shall lie from a proceeding initiated by the enforcement officer before the Board as provided in § 93.24.	
§93.22 MAINTENANCE OF EXTERIOR OF PREMISES REQUIRED	<p><i>Purpose.</i> Overgrown lots and concentrations of trash and debris on a property can create hazardous, unsafe or unhealthy conditions and constitute a public nuisance. It is the intent of this provision to protect the health, safety, and general welfare of the public, preserve property values and rights of the individual and community.</p> <p>(A) It shall be unlawful for any person to keep on their front porch furniture designed for interior use, waste, lumber, junk, trash, debris, abandoned objects, bedding, packing boxes, cans, containers, accumulation of substantial quantities of loose earth, rocks, pieces of concrete or cement or pieces of metal, appliances, automotive machine parts or any collection of materials that can be considered combustible or that can harbor rats or other pests. After notice of violation of this section, it shall be unlawful to allow the items to remain on the porch of the occupant or owner for five business days from the personal delivery of said notice or ten business days from the mailing of said notice. (Ord. 99-12, passed 6-8-99)</p> <p>(B) It shall be unlawful for any person to have on their premises material that creates a littered condition, such as dilapidated furniture, discarded appliances, broken machinery, dilapidated building materials, discarded automotive parts, tires or any other similar items which are not completely enclosed within a building or dwelling. After notice of violation of this section, it shall be unlawful to allow the items to remain on the property of the occupant or owner for five business days from the personal delivery of said notice or ten business days from the mailing of said notice. This shall not apply to authorized junk dealers or establishments licensed to engage in repair, rebuilding, reconditioning or salvaging of equipment.</p> <p>(C) It shall be unlawful for the owner and/or occupant of a property to fail to cut grass, weeds, and other overgrowth vegetation on property when the grass, weeds and other overgrowth vegetation is of a greater height than eight inches on average, or to permit the property to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter,</p>	<p>(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense with a fine not to exceed \$200.</p> <p>(B) Violation of § <a href="#">93.27</a> shall be a misdemeanor. The penalty for the first and second offenses shall be \$100. The penalty for a subsequent offense thereafter shall be \$300.</p>

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	<p>or as a fire hazard, any one of which situations is declared to be a nuisance. It shall be the duty of the owner and occupant to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary.</p> <p>(1) Vacant, unimproved lots adjacent to improved properties, except those as defined as naturally wooded, shall be cut in their entirety as often as necessary in order to meet the requirements listed above.</p> <p>(2) Vacant, unimproved lots over one acre and adjacent to improved properties shall be cut within 100 feet of all adjacent improved property, and within 100 feet of any street frontage, as often as necessary in order to meet the requirements listed above.</p> <p>(D) It shall be unlawful for the owner of property on which is located a <b>NATURALLY WOODED LOT</b>, defined as a lot densely wooded with trees, scrubs and overgrowth where equipment cannot maneuver because of the density of its vegetation, to permit the property to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter, or as a fire hazard, any one of which is declared to be a nuisance. It shall be the duty of the owner to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary.</p> <p>(E) <i>Accumulation of trash and debris.</i> It shall also be unlawful for any owner or occupant of a property to allow any concentration of rubbish, trash, junk, mattresses, boxes, old clothes, rags or any other combustible material or objects of like kind that may serve as a breeding place or refuge for mosquitoes, rats and snakes, or as a fire hazard.</p> <p>(F) <i>Responsibility for sidewalk, curb and grass strip maintenance.</i> It shall be the responsibility of the owner or occupant of a property to ensure that the sidewalk and curb abutting their property are kept clear of trash, debris and vegetation of any kind, in accordance herein, and that the grass strip between the sidewalk and curb remain mowed at all times during the growing season.</p>	
§93.26 NOISE REGULATIONS	<p>(A) Subject to the provisions of this subchapter, the creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of a character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.</p> <p>(<sup>c</sup>94 Code, § 8-8)</p> <p>(B) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but the enumeration shall not be deemed to be exclusive:</p> <p>(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 horn or signal device of any</p>	<p>(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense with a fine not to exceed \$200.</p> <p>(B) Violation of § <a href="#">93.27</a> shall be a misdemeanor. The penalty for the first and second offenses shall be \$100. The penalty for a subsequent offense thereafter shall be \$300.</p>

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	<p>unreasonably loud or harsh sound; and the sounding of the device for an unnecessary and unreasonable period of time;</p> <p>(2) The use of any gong or siren upon any vehicle other than police, fire or other emergency vehicle;</p> <p>(3) The playing of any radio, phonograph or other musical instrument in a manner or with a volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence;</p> <p>(4) The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity;</p> <p>(5) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in a manner as to create loud or unnecessary grating, grinding, rattling or other noise;</p> <p>(6) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger;</p> <p>(7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises there from;</p> <p>(8) The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced;</p> <p>(9) The erection, including excavating, demolition, alteration or repair of any building in a residential or business district, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety, and then only with a permit from the Building Inspector, which permit may be renewed for a period of three days or less while the emergency continues;</p> <p>(10) The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same is in session, or within 150 feet of any hospital, which unreasonably interferes with the working of the institution, provided that conspicuous signs are displayed in the street indicating that the same is a school, court or hospital street;</p> <p>(11) The creation of any excessive noise on Sundays on any street adjacent to any church, provided that conspicuous signs are displayed in the streets adjacent to churches indicating that the same are church streets;</p> <p>(12) The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;</p> <p>(13) The sounding of any bell or gong attached to any building or premises, which disturbs the quiet or repose of any person in the vicinity thereof;</p>	

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	<p>(14) The shouting and crying of peddlers, barkers, hawkers and vendors, which disturbs the quiet and peace of the neighborhood;</p> <p>(15) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise;</p> <p>(16) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising or other purposes, except where a specific license is received from the Police Department; and/or</p> <p>(17) The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted there from between the hours of 11:00 p.m. and 7:00 a.m.</p>	
§93.27 UNREASONABLE SOUND AMPLIFICATION	<p>(A) Excessive and unnecessary noise creates a significant threat to the public health, safety and welfare. There has been an alarming increase in the frequency and volume of noise from the many sound-reproducing devices available today. It is the intent of this section to strike an appropriate balance between the right of individuals to obtain information and derive pleasure by listening to radios and other similar devices, and the right of the public to a peaceful and healthful environment.</p> <p>(B) Noise described in division (C) below is hereby declared unreasonable, dangerous to the public health, safety and welfare, and shall be illegal unless exempted in this section.</p> <p>(C) It shall be unlawful for any person to play, use or otherwise operate, either from a motor vehicle or as a pedestrian, any radio, tape player or other sound amplification device emitting sound that is audible from a distance of 50 or more feet from the source of the sound, unless the device is being used to request assistance or warn against an unsafe condition.</p> <p>(D) This subsection shall not apply to any of the following:</p> <p>(1) Public safety personnel, when responding to an emergency call or engaged in other official business;</p> <p>(2) Persons engaged in a lawful assembly, procession or community event;</p> <p>(3) The operator of a public utility vehicle, when utilizing two-way communications equipment;</p> <p>(4) The operator of a vehicle being used for advertising purposes in accordance with existing ordinances; and/or</p> <p>(5) The activation of a theft alarm signal device.</p>	<p>(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense with a fine not to exceed \$200.</p> <p>(B) Violation of § <a href="#">93.27</a> shall be a misdemeanor. The penalty for the first and second offenses shall be \$100. The penalty for a subsequent offense thereafter shall be \$300.</p>
§93.40 RESIDENTIAL REMEDIAL ACTION PROGRAM FOR RENTAL PROPERTY	<p>(A) The purpose of this article is to establish a method to hold owners of residential rental property accountable for failing to use effective methods to reduce disorder activity on their property. Owners of residential rental property whose property meets or exceeds the disorder threshold as established by this article may be expeditiously identified and contacted when excessive levels of disorder activity have occurred on or in the</p>	<p>(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense</p>

**TABLE 1. Current Code of Ordinance (sections in gold to be repealed July 1, 2021)**

<b>Ordinance Punishable by G.S. 14-4(a)</b>	<b>Description of Conduct Subject to Criminal Punishment under the Ordinance</b>	<b>Penalty</b>
	property. (B) It is not the intent of this subchapter to determine the rights and liabilities of persons under agreements to which the town is not a party. This article shall not be construed to alter the terms of any lease or other agreement between a landlord and a tenant or others relating to property that is the subject of this article; provided that no provision of any lease or other agreement shall be construed to excuse compliance with this article. Additionally, a violation of this article shall not in and of itself create negligence per se standard or otherwise expand existing liability in tort for either a landlord or a tenant.	with a fine not to exceed \$200. (B) Violation of § <a href="#">93.27</a> shall be a misdemeanor. The penalty for the first and second offenses shall be \$100. The penalty for a subsequent offense thereafter shall be \$300.
<b>§94.01 ENCROACHMENT UPON STREETS AND SIDEWALKS PROHIBITED</b>	(A) It shall be the duty of the Chief of Police to notify all persons about to erect any buildings, sidewalks, walls or fences near the street or any public way or alley not to encroach upon the street or public alley. If, in the opinion of the Mayor and Street Committee, any obstruction is being or has been constructed on any street or public alley, the Mayor shall cause a survey of the line of the street or alley to be made by a competent surveyor, and if the survey shall show that the street or alley is obstructed by any building, sidewalk, wall or fence, the owner shall be required to pay the cost of the survey and be required to remove all obstructions at once. No person who shall be found to have encroached on any street or public way or alley by any building, sidewalk, wall or fence shall refuse or neglect to remove the same, upon notice from the Mayor, within one week from the date thereof. (B) No gate to any residence, lot or other enclosure shall swing or open outward over the street or sidewalk. Each day any gate is allowed to open outward over the sidewalk or street shall constitute a separate offense. (C) It shall be unlawful to erect or maintain any shelter, sunshade or awning in front of any building which shall extend over the sidewalk, which shall be less than seven feet above the level of any sidewalk or which shall extend more than ten feet from the building to which it may be attached, provided that stationary awning arms shall not be less than eight feet above the level of the sidewalk. (D) It shall be unlawful to hang or suspend any sign over or above the sidewalks or streets at less than 8 feet from the ground over the sidewalk and less than 15 feet from the ground above the street. The sign shall be kept securely fastened at all times.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any person found guilty of violating any provision of § <a href="#">94.08</a> shall be fined not less than \$5 nor more than \$50 for each offense.
<b>§94.02 OBSTRUCTION OF STREETS AND SIDEWALKS PROHIBITED</b>	It shall be unlawful to place any obstruction whatsoever in or over any of the streets, alleys, rights-of-way, public thoroughfares, or sidewalks of the town, and it shall be unlawful to obstruct any sidewalk, alley, right-of-way, public thoroughfare, or street with any wheelbarrow, automobile, truck or other vehicle, railroad car, chair, bench, chicken coop, box or other articles, provided that a margin not exceeding 2½ feet in width on the inside of	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense.



**TABLE 1. Current Code of Ordinance (sections in gold to be repealed July 1, 2021)**

<b>Ordinance Punishable by G.S. 14-4(a)</b>	<b>Description of Conduct Subject to Criminal Punishment under the Ordinance</b>	<b>Penalty</b>
	the sidewalk in the business blocks shall be allowed for the exhibition of merchandise by abutting merchants, and provided further that this section shall not apply to baby carriages and wheelchairs rolled on the sidewalks in a manner so as not to obstruct the same.	(B) Any person found guilty of violating any provision of § 94.08 shall be fined not less than \$5 nor more than \$50 for each offense.
§94.04 DAMAGE TO STREETS OR SIDEWALKS	(A) No person shall damage, deface or mar in any manner whatsoever any of the streets, alleys, rights-of-way, public thoroughfares, or sidewalks of the town (B) The town shall have the right and privilege to repair the damage, defacement or mar, and assess the cost thereof against the offender.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any person found guilty of violating any provision of § 94.08 shall be fined not less than \$5 nor more than \$50 for each offense.
§94.05 DAMAGE TO STREET LIGHTS, TREES AND THE LIKE	No person shall break, destroy or in any manner damage any light, pump, well or tree in any street or public place, or deface or in any manner damage any building belonging to the town.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any person found guilty of violating any provision of § 94.08 shall be fined not less than \$5 nor more than \$50 for each offense.
§94.06 MACHINERY LIKELY TO DAMAGE PAVEMENT PROHIBITED	No person shall drive or permit to be driven over any hard surfaced, asphalt or paved street of the town any agricultural machinery, such as harrows and the like, with sharp blades, discs or spikes that will drag on the pavement or any traction engine with caterpillar wheels or any heavy piece of machinery that will in any way damage or injure the paving.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any person found guilty of violating any provision of § 94.08 shall be fined not less than \$5 nor more than \$50 for each offense.
§94.07 REMOVAL OF BARRICADES	(A) No person shall drive any vehicle or animal past, around or over any barricade lawfully placed upon any street by town officials or employees, which street has been closed by the barricade, except by consent of persons authorized to give the consent. (B) No person, other than an employee of the town, shall remove, tear down or destroy any barricade which has been erected by the town.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any person found guilty of violating any provision of § 94.08 shall be fined not less than \$5 nor more than \$50 for each offense.
§94.08 ROLLER SKATES, STREET SKATES AND SKATEBOARDS	(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. <b>ROLLER SKATE.</b> To <b>ROLLER SKATE</b> shall mean to skate on any type of roller skates or street skates. <b>SKATEBOARD.</b> Any type of platform device	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30

**TABLE 1. Current Code of Ordinance (sections in gold to be repealed July 1, 2021)**

<b>Ordinance Punishable by G.S. 14-4(a)</b>	<b>Description of Conduct Subject to Criminal Punishment under the Ordinance</b>	<b>Penalty</b>
REGULATED	<p>mounted on any type of roller wheel or wheels.</p> <p>(B) No person shall roller skate or ride a skateboard anywhere in the town without complying with the terms of this section.</p> <p>(C) No person shall roller skate or ride a skateboard on any street except for the purpose of crossing the street. The rules relating to pedestrians crossing streets shall apply to persons crossing a street on roller skates or a skateboard. No person crossing a street on roller skates or a skateboard shall travel too fast for safety under the conditions existing.</p> <p>(D) No person shall roller skate or ride a skateboard in a reckless manner on any public sidewalk. No person shall ride a skateboard or roller skate on a sidewalk without exercising due care for the safety of other persons using the sidewalk.</p>	<p>days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense.</p> <p>(B) Any person found guilty of violating any provision of § <u>94.08</u> shall be fined not less than \$5 nor more than \$50 for each offense.</p>
§94.09 PLAYING GAMES IN STREET PROHIBITED	No person shall play baseball, basketball, football or other games or sports of a similar nature on any public street.	<p>(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense.</p> <p>(B) Any person found guilty of violating any provision of § <u>94.08</u> shall be fined not less than \$5 nor more than \$50 for each offense.</p>
§94.10 DUMPING LEAVES, RUBBISH ON STREETS AND SIDEWALKS PROHIBITED	It shall be unlawful to dump, throw or otherwise discard grass cuttings, leaves, yard rakings, limbs, trash or rubbish into the streets or upon the paved or established sidewalks of the town.	<p>(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense.</p> <p>(B) Any person found guilty of violating any provision of § <u>94.08</u> shall be fined not less than \$5 nor more than \$50 for each offense.</p>
§94.21 PERMIT REQUIRED FOR PARADES/PROCESSIONS UPON PUBLIC STREETS	No procession or parade shall occupy, march or proceed along any street, sidewalk or any other public place, nor shall any person conduct any public or private meeting on any street, sidewalk or other public place in the town, except in accordance with a permit issued by the Chief of Police and any other regulations as are set forth in this subchapter which may apply.	<p>(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense.</p> <p>(B) Any person found guilty of violating any provision of § <u>94.08</u> shall be fined not less than \$5 nor more than \$50 for each offense.</p>
§94.24 INTERFERING WITH PARADES/PROCESSIONS	It shall be unlawful for any person to physically interfere with processions, marches or meetings, or with the persons lawfully engaged therein in the use of any street, sidewalk or other public place, or to address profane, indecent, abusive or threatening language or other fighting words to or at the participants, which would tend	<p>(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30</p>



**TABLE 1. Current Code of Ordinance (sections in gold to be repealed July 1, 2021)**

<b>Ordinance Punishable by G.S. 14-4(a)</b>	<b>Description of Conduct Subject to Criminal Punishment under the Ordinance</b>	<b>Penalty</b>
PROHIBITED	to provoke the participants or others to a breach of the peace.	days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any person found guilty of violating any provision of § 94.08 shall be fined not less than \$5 nor more than \$50 for each offense.
§94.25 UNLAWFUL CONDUCT BY PARADE PARTICIPANTS	(A) It shall be unlawful for any person to conduct or participate in any parade, procession or meeting of a character, extent and duration, or of a nature to create a public disturbance, to operate as a nuisance or to tend to create or threaten rioting, disorderly conduct or public or private mischief. (B) It shall be unlawful for any person conducting or participating in any parade, procession or meeting to address profane, indecent, abusive or threatening language or other fighting words to or at any person, which would tend to provoke the person or others to a breach of the peace.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any person found guilty of violating any provision of § 94.08 shall be fined not less than \$5 nor more than \$50 for each offense.
§94.26 PICKETING UNLAWFUL	Peaceful picketing, including demonstrating, in the furtherance of a lawful purpose shall be permitted in the town, provided the same is done under the following conditions: (A) Picketing shall be conducted only on the sidewalks or other town-owned area normally used or reserved for pedestrian movement, including easements and rights-of-way, and shall not be conducted on the portion of a street used primarily for vehicular traffic. (B) Not more than ten pickets promoting the same objective shall be permitted to use the sidewalks within one block in the town at any one time. (C) The pickets may carry written or printed placards or signs not exceeding 2 feet in width and 2 feet in height promoting the objective for which the picketing is done, provided that the words used are not defamatory in nature and would not tend to produce violence. The staff on which the placard is carried shall not exceed 40 inches in length, must be made of wood, shall not exceed 3/4-inch in diameter at any point and must be blunt at each end. (D) Pickets must march in single file and not abreast, and may not march closer together than 15 feet, except in passing one another. (E) If pickets promoting different objectives desire to use the same sidewalk for picketing, and the 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 the sidewalk on an equitable basis, but each group shall be permitted to picket subject to the provisions of this section at least once every two hours. (F) It shall be unlawful for any picket to address profane, indecent, abusive or threatening language to or at any person, which would tend to provoke the person or others to a breach of the peace.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any person found guilty of violating any provision of § 94.08 shall be fined not less than \$5 nor more than \$50 for each offense.
§94.27 INTERFERENCE WITH PICKETS	It shall be unlawful for any person to physically interfere with pickets in the use of the sidewalk or to address profane, indecent, abusive or threatening language to or at the pickets, which would tend to provoke the pickets or	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be

**TABLE 1. Current Code of Ordinance (sections in gold to be repealed July 1, 2021)**

<b>Ordinance Punishable by G.S. 14-4(a)</b>	<b>Description of Conduct Subject to Criminal Punishment under the Ordinance</b>	<b>Penalty</b>
PROHIBITED	others to a breach of the peace.	<p>guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense.</p> <p>(B) Any person found guilty of violating any provision of § <a href="#">94.08</a> shall be fined not less than \$5 nor more than \$50 for each offense.</p>
§94.31 PUBLIC FESTIVAL OR SPECIAL EVENT OFFENSES	<p>(A) <i>Public festivals.</i> Upon issuance of a permit by the Town of Spencer, community organizations, arts groups, and other non-profit organizations may hold a public festival within public rights-of-way, or on town-owned property within the town limits as designated in a festival/special event permit.</p> <p>(B) <i>Special events.</i> Upon issuance of a permit by the Town of Spencer, restaurants, food service establishments, businesses, wineries and any other for-profit organizations may hold a special event within public rights-of-way, or on town-owned property within the town limits as designated in a festival/special event permit.</p> <p>(C) Festivals and special events held on private property but which are open to the public require a festival/special event permit.</p> <p>(D) Applications may be approved by the Town of Spencer upon meeting the following requirements:</p> <p>(1) A written application for a public street festival or special event permit, including street closures, must be submitted to the Town of Spencer at least 60 days prior to the event. A detailed site map indicating, at a minimum, the stage area, concessions, tables and seating area, parking areas and locations where the road may be blocked off shall also be required. A copy of the application and permit shall be submitted and retained by the office of the Town Clerk;</p> <p>(2) A statement of the applicant's intent whether to serve or to allow the consumption of beer and wine. If serving alcoholic beverages, a copy of the applicant's ABC permit demonstrating that the applicant is properly licensed to allow the consumption of beer and wine within the plan-defined area, and a verified statement by the applicant that:</p> <p>(a) Its ABC permit is in good standing; and</p> <p>(b) The applicant has not been cited for any violation of its ABC permit for the premises within the previous three-year period. If the applicant has been cited, the applicant must provide a statement describing the circumstances for which it was cited and describing what, if any, penalty was imposed for the incident.</p> <p>(3) The applicant's plan must also indicate that the festival or special event area must be maintained, and all debris or refuse removed from the area, at regular intervals during the business day so as to maintain an orderly appearance and to prevent the attraction of vermin, insects, or other pests to the area. The plan must also indicate that the applicant must maintain an</p>	

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	<p>unobstructed path for pedestrian travel on the sidewalk at least five feet wide at all times and that the applicant agrees to remove all obstructions and additions to the festival area immediately upon completion of the festival in order to open the streets to public use as soon as possible;</p> <p>(4) The applicant agrees that at no time would anyone be allowed to block access to a fire hydrant in the street festival area;</p> <p>(5) The applicant, or an authorized officer or member if the applicant is not an individual, must sign an agreement to indemnify and hold the town harmless from any and all claims of property damage, personal injury or death arising from or related to the provision of outdoor table service at the establishment;</p> <p>(6) Certificate of insurance indicating that the applicant has, or will have, in place for the duration of the permit period, liability insurance with a minimum limit of \$1,000,000 for the premises and all activities conducted thereon; and</p> <p>(7) Permit review. In the review of a festival or special event permit request, the Town of Spencer shall be guided by the following considerations:</p> <p>(a) The number of permits issued and the area or areas for which such permits are issued in relation to crowd density, traffic control, the ability to protect persons and property, fire prevention and control, general safety and availability of town assets and resources to ensure the reasonable protection of the general public.</p> <p>(b) In those instances in which the Town Manager, or designee, considers town resources to be insufficient to meet the above considerations, the Town Manager, or designee, may require the applicant for such permit to provide, at the applicant's expense, adequate and qualified security personnel for the duration of the permit.</p> <p>(c) The Town Manager, or designee, shall have the authority to designate the boundaries of any public festival or special event area. To accommodate such an event, the Town Manager, or designee, upon approval from the Spencer Board of Aldermen, is further authorized to temporarily close any public streets, sidewalks or other city-owned areas within the boundaries of any proposed public festival or special event. Where such streets, sidewalks, or other town-owned areas are temporarily closed, they shall be for the general use of the public.</p>	
<p>§94.40 EXCAVATION FENCE REQUIRED</p>	<p>No person shall make any excavation, or cut or make any other opening in any of the streets or sidewalks, without first having obtained a permit therefore from the town.</p> <p>Any person carrying on or doing any construction, excavation or repair work in any street or part of a street in the town, pursuant to a permit obtained as provided in § 94.40, shall erect and maintain proper, safe and</p>	<p>(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense.</p>

**TABLE 1. Current Code of Ordinance (sections in gold to be repealed July 1, 2021)**

<b>Ordinance Punishable by G.S. 14-4(a)</b>	<b>Description of Conduct Subject to Criminal Punishment under the Ordinance</b>	<b>Penalty</b>
	sufficient barricades and, during the period of time between one-half hour after sunset and one-half hour before sunrise, shall maintain sufficient lights or flares around the barricades, work or excavation to warn persons of the presence of the excavations and work and to prevent injury to persons and damage to property.	(B) Any person found guilty of violating any provision of § <a href="#">94.08</a> shall be fined not less than \$5 nor more than \$50 for each offense.
§94.42 FAIL TO FILL OPENING IN STREET OR SIDEWALK BY CONTRACTOR	All openings made in any street or sidewalk under the provisions of this subchapter shall immediately, upon the completion of the work, be filled and the surface thereof made flush with the adjacent surfaces. Any hard surface, macadam or asphalt removed shall be replaced by the town at the expense of the applicant granted permission to open the street or sidewalk. Each day the opening is left unfilled in violation of this section shall constitute a separate offense.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any person found guilty of violating any provision of § <a href="#">94.08</a> shall be fined not less than \$5 nor more than \$50 for each offense.

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<b>Ordinance Punishable by G.S. 14-4(a)</b>	<b>Description of Conduct Subject to Criminal Punishment under the Ordinance</b>	<b>Penalty</b>
CHAPTER 113: TAXICAB OPERATIONS	<p>For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.</p> <p><b>CERTIFICATE.</b> A certificate of public convenience and necessity issued by the Town Board of Aldermen licensing the operation of a taxicab business.</p> <p><b>DRIVER.</b> Any person who drives a taxicab, either owned by him, her or by other persons.</p> <p><b>HOLDER.</b> Any person to whom a certificate of public convenience and necessity has been issued.</p> <p><b>MANIFEST.</b> A daily record of all trips made by a taxicab, showing time and place of origin and destination of each trip and the amount of fare.</p> <p><b>OWNER.</b> Any person operating one or more taxicabs for hire.</p> <p><b>PERMIT.</b> A permit issued by the Chief of Police indicating that an individual has been granted permission to drive a taxicab.</p> <p><b>TAXICAB.</b> Any motor vehicle, seating nine or fewer passengers, operated upon any street or highway on call or demand, accepting or soliciting passengers indiscriminately for hire between any points along streets or highways as may be directed by the passenger being transported.</p>	<p>Any person, firm or corporation violating any of the provisions of any section or subsection of this code of ordinances for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense with a fine not to exceed \$200.</p>
§130.01 RESTRICTIONS ON ADVERTISING	<p>(A) It shall be unlawful to advertise or attempt to advertise by marking or painting on any of the streets or sidewalks.</p> <p>(B) No person shall post any bills, signs or advertisements on any buildings, fences or other property belonging to another without the consent of the owner thereof. The consent shall be secured in writing, and the written consent shall be exhibited by the person having the same to any police officer on demand.</p> <p>(C) No person shall advertise any article of any kind for sale by crying out the same on the streets or sidewalks. No person shall advertise any article of any kind or any event of any kind by crying out the same or by using therefor any megaphone, bell, horn or other noise making device on any street or sidewalk.</p>	<p>(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense.</p> <p>(B) Any person found guilty of violating any provision of § 94.08 shall be fined not less than \$5 nor more than \$50 for each offense.</p>
§130.05 SHOOTING FIREARMS WITHIN TOWN LIMITS	<p>(A) <i>Definitions.</i> For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.</p> <p><b>FIREARM.</b> A weapon that propels shot, shells or bullets by the action of an explosion within it. For purposes of illustration and not limitation, this would include shotguns, rifles and pistols. This excludes air rifles or air pistols, which are covered in § 130.09.</p> <p>(B) <i>State law provisions authorize city to prohibit discharge.</i> The city, as authorized by G.S. § 160A-174 and more specifically G.S. § 160A-189, hereby exercises the authority to prohibit the discharge of firearms within the city.</p> <p>(C) <i>Declared unlawful.</i> Subject to the provisions of this section, it is declared unlawful and thereby prohibited for any person to discharge a firearm at any</p>	<p>(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense.</p> <p>(B) Any person found guilty of violating any provision of § 94.08 shall be fined not less than \$5 nor more than \$50 for each offense.</p>

**TABLE 1. Current Code of Ordinance (sections in gold to be repealed July 1, 2021)**

<b>Ordinance Punishable by G.S. 14-4(a)</b>	<b>Description of Conduct Subject to Criminal Punishment under the Ordinance</b>	<b>Penalty</b>
	<p>time or place within the city.</p> <p>(D) <i>Exceptions.</i> The provisions of this section shall not apply to the following:</p> <p>(1) Members of the armed forces of the United States, officers of the government of the United States, the state or any political subdivision thereof, when acting in the discharge of their official duties;</p> <p>(2) Members of veterans' organizations, including the Veterans of Foreign Wars and the American Legion, when participating in the performance of certain ceremonial activities such as holiday celebrations and military funerals; and</p> <p>(3) The discharge of firearms when used in defense of person or property or pursuant to lawful directions of law enforcement officers per G.S. § 160A-189.</p>	



**TABLE 1. Current Code of Ordinance (sections in gold to be repealed July 1, 2021)**

<b>Ordinance Punishable by G.S. 14-4(a)</b>	<b>Description of Conduct Subject to Criminal Punishment under the Ordinance</b>	<b>Penalty</b>
§130.06 INJURING, CUTTING AND DESTRUCTION OF TREES, SHRUBS OR FLOWERS ON STREETS, PARKS OR SQUARES	It shall be unlawful to pull down, cut, deface with signs, break or in any way injure any of the trees, shrubs or flowers on the streets, parks or squares.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any person found guilty of violating any provision of § 94.08 shall be fined not less than \$5 nor more than \$50 for each offense.
§130.07 LOAFING OR LOITERING	No person shall habitually loaf or loiter on the streets. It shall be the duty of any police officer who observes a violation of this section first to warn the offender, and upon failure to heed the warning, to arrest the offender.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any person found guilty of violating any provision of § 94.08 shall be fined not less than \$5 nor more than \$50 for each offense.
§130.08 UNAUTHORIZE D USE OF POLICE/FIRE WHISTLES, SIRENS AND THE LIKE	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.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any person found guilty of violating any provision of § 94.08 shall be fined not less than \$5 nor more than \$50 for each offense.
§130.09 LAUNCHING PROJECTILES	No person shall shoot or project any stone, rock, shot or other hard substance by means of a slingshot, bean shooter, shot shooter, air rifle, pop gun, bow or other similar contrivance, provided that archery shooting may be engaged in/on a premises that may be set aside and approved therefore by the Board.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any person found guilty of violating any provision of § 94.08 shall be fined not less than \$5 nor more than \$50 for each offense.
§130.10 INTERFERING/D AMAGING WATER, SEWER, FIRE OR POLICE ALARM	No person shall willfully or negligently damage 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 town's water, sewer, police or fire alarm system.	(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (B) Any person found guilty of violating any provision of § 94.08 shall be fined not less than \$5 nor more than \$50 for each offense.



**TABLE 1. Current Code of Ordinance (sections in gold to be repealed July 1, 2021)**

<b>Ordinance Punishable by G.S. 14-4(a)</b>	<b>Description of Conduct Subject to Criminal Punishment under the Ordinance</b>	<b>Penalty</b>
<b>§130.11 POSSESSION OF ALCOHOLIC BEVERAGES ON TOWN PROPERTY</b>	<p>(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.</p> <p><b>ALCOHOLIC BEVERAGE.</b> Alcohol, brandy, whiskey, bourbon, scotch, rum, gin, beer, malt lager, ale, porter and wine, and in addition thereto any spirituous, vinous, malt or fermented beverages, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing .5% or more alcohol by volume.</p> <p>(B) It shall be unlawful to display, possess or consume any alcoholic beverage on any town- owned or maintained property.</p> <p>(C) Exceptions are as follows:</p> <p>(1) A restaurant, legally permitted to serve beer and wine, if they have tables placed outside for dining purposes. Consumption of alcoholic beverages must be within the confines of the restaurant or its outdoor dining area only.</p> <p>(2) A public festival or special event in which a valid special event permit has been issued by the Town of Spencer in accordance with § <a href="#">94.31</a> and only while the permit remains in good standing.</p>	<p>(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense.</p> <p>(B) Any person found guilty of violating any provision of § <a href="#">94.08</a> shall be fined not less than \$5 nor more than \$50 for each offense.</p>
<b>§130.12 PUBLIC URINATION/DEFECATION</b>	<p>(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.</p> <p><b>HUMAN WASTE MATERIAL.</b> Human urine or fecal material discharged from the body.</p> <p>(B) It shall be unlawful for any person to deposit, by means of urination or defecation, any human waste material upon any public street, sidewalk, right-of-way, alley or parking lot.</p>	<p>(A) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing, neglecting or refusing to comply with the same shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense.</p> <p>(B) Any person found guilty of violating any provision of § <a href="#">94.08</a> shall be fined not less than \$5 nor more than \$50 for each offense.</p>
<b>CHAPTER 131: YOUTH PROTECTION</b>	The purpose of this chapter is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for juveniles under the age of 16 years in the Town of Spencer. The Youth Protection Ordinance is intended to reinforce and promote the role of the parent in training and guiding children, and promote the health, safety, and welfare of both juveniles and adults by creating an environment offering better protection and security for all concerned.	<p>(A) A juvenile who violates any provision of this chapter is subject to be adjudicated delinquent. The Court may, in its discretion, impose any dispositional alternative(s) that are provided in the North Carolina Juvenile Code for any juvenile who is delinquent.</p> <p>(B) Any person other than a juvenile who violates any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$500; in accordance with G.S. § 14-4.</p>

Cc: Jay Dees, Attorney