

## Code of Ordinance for Davie County, North Carolina

1. Chapter 10, Section 99- General Penalty. (A) Whenever in this code or in any ordinance of the county an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this code of ordinances the doing of an act is required or the failure to do an act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of such provision of this code of ordinances or of any such ordinance shall be punished by a fine of not more than \$500 or by imprisonment for not more than 30 days for each separate violation. Each day any violation of this code or any ordinance shall continue shall constitute a separate offense, unless otherwise specified.

(B) In addition to the provisions of division (A) of this section, any provision of this code or other ordinance of the county may be enforced by any one or more of the remedies authorized by G.S. § 153A-123.

(1996 Code, § 10.99)

2. Chapter 52, Section 999- Water and Sewer. Any person who shall unlawfully take and remove any water from the county water system in violation of the provisions of this chapter or tamper with a stopcock in violation of § [52.027](#) shall:
  - (1) Be guilty of a misdemeanor and fined or imprisoned as provided by G.S. § 14-4; or
  - (2) Pay a civil penalty of \$500 to the county for each separate violation
3. Chapter 94, Road Name Signs and Standards. The removal of any road signs or the unlawful placement of road signs. Violation of this chapter is a misdemeanor as provided by G.S. § 14-4 and may be punished as provided by § [10.99](#).

#### 4. Chapter 112, Massage Businesses. **112.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUSINESS OR PROFESSION OF MASSAGE.** Includes the massage or treatment of any person for a fee or in expectation of a gratuity from the person massaged.

**MASSAGE.** The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping by hand or mechanical device.

**MASSAGE BUSINESS.** Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, and massage studios.

**MASSAGIST.** Any person engaged in the business or profession of massage.

(1996 Code, § 112.01) (Ord. passed 2-21-1977)

#### **§ 112.02 PURPOSE.**

(A) The purpose of this chapter is to protect public health, safety, welfare, and morals, the following privilege of carrying on the business, trade, or profession of massagist and for the operation or carrying on of the businesses, trades, or professions commonly known as massage parlors, health salons, physical culture studios, or similar



establishments wherein massage or physical manipulation of the human body is carried on or practiced.

(B) This chapter shall not apply to a regularly established and licensed hospital, sanitarium, nursing home, nor to an office or clinic operated and regularly used by a duly qualified and licensed medical practitioner, osteopath, or chiropractor in connection with the practice of medicine, chiropractic, or osteopathy.

(1996 Code, § 112.02) (Ord. passed 2-21-1977)



### **§ 112.03 LICENSING OF MASSAGE BUSINESS OPERATORS.**

(A) No person, partnership, corporation, or association shall operate a massage business as herein defined unless such persons, partnership, corporation, or association shall have first applied for and received the privilege license provided by this section.

(B) Every application for the privilege license prescribed herein shall be upon a form approved by the County Manager and shall be filed with the County Manager. Every such application shall be made under oath and shall contain the following information:

(1) If the applicant is a person, the name and residence address of such person. If the applicant is a partnership, corporation, or association, the name and residence address of all persons having any legal or beneficial interest in such applicant;

(2) The address of the premises where the massage business shall be located; and

(3) A complete statement of all convictions of any person whose name is required to be given in division (B)(1) above for any felony, or prostitution, or any violation of any law relative to prostitution;

(4) A complete statement of any revocation, by any governmental unit, of any license to operate a massage business or to engage in the business or profession of massage held by any person whose name is required to be given in division (B)(1) above;

(5) A complete statement of any conviction of any person whose name is required to be given in division (B)(1) above, for violation of any statute, law, ordinance, or regulation of any government concerning the operation of a massage business or the business or profession of massage;

(6) The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in division (B)(1) above wherein the business or profession of massage is carried on; and

(7) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.

(C) The County Manager shall transmit a copy of the application to the Sheriff for a criminal background investigation; to the zoning officer to determine compliance with all zoning and building regulations and ordinances; and to the Fire Marshal to determine compliance with any law relating to fire protection. The Sheriff, zoning officer, and Fire Marshal shall, within a reasonable time, not to exceed 45 days, report the results of their examinations to the County Manager.

(D) An application in proper form, accompanied by all reports required by this section, shall be submitted to the Board of County Commissioners which shall approve such application if the Board of County Commissioners determines that:

(1) The application contains no misstatement of fact;

(2) The applicant, or any person having any legal or beneficial ownership interest in the applicant, has not been convicted of any crime involving sexual misconduct, including but not limited to G.S. § 14-177 through G.S. § 14-202.1, Article 26 (Offenses against

public morality and decency) and G.S. § 14-203 through 14-208, Article 27 (Prostitution) or § [130.01](#) of this county code, or of any federal statute relating to prostitution, or of any violation of any law or ordinance of any governmental unit concerning or related to the business or profession of massage;

(3) The applicant conforms to all requirements of applicable zoning, building, and fire prevention codes; and

(4) The applicant or any person having a legal or beneficial ownership interest in the applicant has not, for the three-year period preceding the application, had a previously issued license for engaging in the business or profession of massage revoked.

(E) Upon approval of the application by the Board of County Commissioners and upon receipt of a \$100 license fee, the County Tax Collector shall issue a privilege license to applicant.

(F) A license issued pursuant to this section shall be revoked by action of the Board of County Commissioners if the Board of County Commissioners determines that:

(1) The licensee has violated any provision of this chapter;

(2) The licensee or any agent of the licensee employs or permits to be on the premises of the applicant's massage business any person practicing the business or profession of massage who has not been issued the privilege license required by § [112.04](#) hereof, or whose license under § [112.04](#) has been revoked;

(3) The licensee, or the legal or beneficial owner of any interest in the licensee, is convicted of any crime involving sexual misconduct, including but not limited to G.S. §§ 14-177 through 14-202.1, Article 26 (Offenses against public morality and decency) and G.S. §§ 14-203 through 14-208, Article 27 (Prostitution);

(4) Any employee of the licensee is convicted of any felony in connection with his or her employment, or is convicted of any crime involving sexual misconduct, including but not limited to G.S. §§ 14-177 through 14-202.1, Articles 26 (Offenses against public morality and decency) and G.S. §§ 14-203 through 14-208, Article 27 (Prostitution), or of § [130.01](#) of this code; or

(5) The licensee violated any zoning, building, or fire preventive ordinance.

(G) A license issued pursuant to this chapter is void if the licensee moves or ceases operating a massage parlor at the location required to be stated in the application for license pursuant to § [112.03](#)(B)(2).

(1996 Code, § 112.03) (Ord. passed 2-21-1977; Ord. passed 2-2-1998)

#### **§ 112.04 LICENSING OF MASSAGISTS.**

(A) No persons shall engage in the business or profession of massage unless such person shall have first applied for and received the privilege license provided by this section.

(B) The application for the license required by this section shall be upon a form approved by the County Manager and shall be filed with the County Manager. Such application shall be given under oath and shall contain the following information:

(1) The name, age, and residence address of the applicant;

(2) A complete statement of the previous business or occupation of the applicant for the two years immediately preceding the date of application, including any massage establishment experience;

(3) A complete statement of all convictions of the applicant for any felony or misdemeanor or violation of a local ordinance;

(4) A complete statement of any revocation of any license granted by any governmental unit to the applicant to engage in the business or profession of massage; and

(5) The date and place of applicant's birth, the name of applicant's parents, and the residence address or addresses of the applicant for the five years immediately preceding the date of application.

(C) The applicant shall submit, as part of the application required in division (B) above, the following:

(1) Fingerprints of the applicant taken by the Sheriff;

(2) Two recent photographs of the applicant's head and shoulders, of a size and quality prescribed by the County Manager;

(3) A medical certificate signed by a physician, licensed to practice in the state, within seven days of the date of the application. The certificate shall state that the applicant was examined by the certifying physician and that the applicant is free of communicable disease; and

(4) Any additional information required by this division (C).

(D) The County Manager shall transmit a copy of the application to the Sheriff for an investigation report. The Sheriff shall, within a reasonable time, not to exceed 45 days, report the results of this investigation to the County Manager.

(E) An application in proper form shall be submitted to the Board of County Commissioners together with all reports required by this section. The Board of County Commissioners shall approve such application if the Board of County Commissioners determines:

(1) That the applicant is at least 18 years of age;

(2) The application contains no misstatement of fact;

(3) The applicant has not been convicted of any crime involving sexual misconduct, including but not limited to G.S. §§ 14-177 through 14-202.1, Article 26 (Offenses against public morality and decency), and G.S. §§ 14-203 through 14-208, Article 27 (Prostitution), or of § [130.01](#) of the county code, or any federal statutes relating to prostitution, or for violation of any law or ordinance of any governmental unit concerning or related to the business or profession of massage;

(4) The applicant has not, for the three- year period preceding the application, had a previously issued license for engaging in the business or profession or massage revoked;

(5) The applicant is free from communicable disease as evidenced by the medical certificate required herein; and

(6) The applicant has not been previously convicted of any violation of any provision of this chapter.

(F) Upon approval of the application by the Board of County Commissioners and upon receipt of a \$50 license fee, the County Tax Collector shall issue a privilege license to the applicant.

(G) The Board of County Commissioners shall have authority to direct licensees under this section to submit to a medical examination by a licensed physician approved by the Board of County Commissioners. This examination is to be done at the licensee's expense. This authority shall be exercised only when the Board of County Commissioners has reason to believe that any such person has contracted a communicable disease. Refusal to submit to such examination shall be grounds for revocation of such license as provided in division (H) of this section. Notwithstanding

the provisions of this division (G), every person licensed under this section shall file and continue to file with the County Manager a new medical certificate with each application for renewal of the license prescribed by this section. Failure to file such updated certificates shall be grounds for revocation of such license as provided in division (H) of this section.

(H) A license issued pursuant to this section shall be revoked by action of the Board of County Commissioners if the Board of County Commissioners determines:

- (1) The licensee has violated any provision of this chapter;
- (2) The licensee is afflicted with a communicable disease;
- (3) The licensee has failed to be examined by a licensed physician when required by the Board of County Commissioners pursuant to division (G) of this section, or has failed to file any medical certificate required by division (G); or
- (4) The licensee has been convicted of a felony, or any crime involving sexual misconduct, including, but not limited to G.S. §§ 14-177 through 14-202.1, Article 26 (Offenses against public morality and decency), and G.S. §§ 14-203 through 14-208, Article 27 (Prostitution), or of violating § [130.01](#) of the county code, or under any federal statute relating to prostitution, or for violation of any law or ordinance of any governmental unit related to the business or profession of massage.

(1996 Code, § 112.04) (Ord. passed 2-21-1977)

#### **§ 112.05 EMPLOYER TO USE ONLY LICENSED EMPLOYEES.**

No person, corporation, partnership, or association licensed under § [112.03](#) shall allow or permit any person to massage or treat any person upon the premises operated by the licensed unless the person giving such massage or treatment has complied with all requirements of licensing under § [112.04](#), including periodic medical examinations by a licensed physician. Violation of this section shall be grounds for revocation of the license issued to such violator pursuant to this chapter.

(1996 Code, § 112.05) (Ord. passed 2-21-1977) Penalty, see § [112.99](#)

#### **§ 112.06 POSTING OF LICENSE.**

(A) Every massagist shall post the license required by the chapter in his or her work area.

(B) Every person, corporation, partnership, or association licensed under § [112.03](#) shall display such license in a prominent place.

(1996 Code, § 112.06) (Ord. passed 2-21-1977)

#### **§ 112.07 NOTICE AND HEARING.**

Before the Board of Commissioners revokes a license issued pursuant to this chapter, or if the Board of County Commissioners determines reasonable grounds exist to deny an application for a license pursuant to this chapter, the Board of County Commissioners shall cause a written notice to be sent by certified mail to the licensee affected or applicant affected, at the address stated in the license or application. The notice shall advise the affected party of a right to appear before the Board of County Commissioners, with or without legal counsel, at a stated time and place, for the purpose of presenting any evidence relevant to such revocation or denial, and for the purpose of hearing all evidence submitted and examining of cross-examining any person providing such evidence.

(1996 Code, § 112.07) (Ord. passed 2-21-1977)

#### **§ 112.08 HOURS OF OPERATION.**

(A) No person licensed as a massagist under § [112.04](#) shall massage or treat any person, or engage in the business or profession of massage, before 8:00 a.m. or after 12:00 a.m. (midnight), prevailing time.

(B) No person, corporation, partnership, or association licensed under § [112.03](#) shall admit customers or prospective customers, or remain open for business, or allow, permit, or condone any massage or treatment of any person upon the premises before 8:00 a.m. or after 12:00 a.m. (midnight), prevailing time.

(C) No person in charge of managing a massage business upon the premises shall allow, permit, or condone any massage or treatment of any person before 8:00 a.m. or after 12:00 a.m. (midnight), prevailing time.

(1996 Code, § 112.08) (Ord. passed 2-21-1977)



#### **§ 112.09 PATRONAGE OF MESSAGE BUSINESSES BY MINORS AND EMPLOYMENT OF MINORS.**

(A) No person licensed as a masseur or masseuse under § [112.04](#) shall massage or treat any person under the age of 18 upon the licensed premises, except upon written order by a licensed physician, osteopath, chiropractor, or registered physical therapist, such order being dated and in the possession of the masseur or masseuse giving the massage or treatment. A violation of this division (A) shall be grounds for revocation of any license issued to such violator pursuant to this chapter.

(B) No person, corporation, partnership, or association licensed under § [112.03](#) shall allow, permit, or condone the massage or treatment of any person under the age of 18 upon the licensed premises, except upon written order by a licensed physician, osteopath, chiropractor, or registered physical therapist; such order being dated; and a true copy of such order being in the possession of the licensee before administration of any massage or treatment. A violation of this division (B) shall be grounds for revocation of any license issued to such violator pursuant to this chapter.

(C) No person, corporation, partnership, or association licensed pursuant to § [112.03](#) shall employ any person under the age of 18 years in the operation of a massage business. (1996 Code, § 112.09) (Ord. passed 2-21-1977) Penalty, see § [112.99](#)



#### **§ 112.10 PRIVILEGE LICENSE, ANNUAL.**

The licenses required under this chapter are annual privilege licenses. Such licenses shall be due and payable in the same manner as prescribed for other privilege licenses issued by the county pursuant to the License and Privilege Tax Ordinance of the county.

(1996 Code, § 112.10) (Ord. passed 2-21-1977)



#### **§ 112.11 COMPLIANCE.**

This chapter shall be in full force and effect from and after its passage; provided, however, that any person, partnership, corporation, or association engaged in the business or profession of massage at the time of the enactment of this chapter shall have 60 days in which to comply with the licensing provisions of this chapter.

(1996 Code, § 112.11) (Ord. passed 2-21-1977)



#### **§ 112.99 PENALTY.**

Any person convicted of violating any provisions of this chapter shall be punished by fine or imprisoned as provided by G.S. § 14-4 and as provided in § [10.99](#).

(1996 e, § 112.99) (Ord. passed 2-21-1977)

### **5. Chapter 130. County Seal. § 130.03 COUNTY SEAL.**



(A) The county, by resolution adopted July 10, 2017, has adopted a County Seal as seen below.

(B) It shall be unlawful for any person, corporation, business or any other entity to use the County Seal for any purpose without the written prior consent of the County Manager.

(C) A violation of this section shall subject the violator to any and all civil actions available to the county, including but not limited to injunctive relief, monetary damages, and a civil penalty of not to exceed \$50, pursuant to G.S. § 153A-123(c). Further, a violation of this section shall be considered a Class 3 criminal misdemeanor pursuant to G.S. § 14-4 and G.S. § 15A-123(b), subject to a maximum fine of \$500.



(D) Seal adopted.  
(Ord. passed 8-7-2017)

**6. Chapter 155. Zoning Code. § 155.999 PENALTY.**

(A) If any structure is constructed, altered, repaired, converted, or maintained; or any structure or land is used in violation of this chapter; or if this chapter is otherwise in any respect violated, the Planning Director shall first send a written warning citation by registered mail, certified mail, first class mail, or personal delivery to the person responsible for such violation, indicating the nature of the violation and ordering action necessary to correct it. Following 30 days with no correction of the violation, the Planning Director shall notify the County Attorney and with the written approval of the County Attorney may institute any appropriate action or proceeding either of a civil or criminal nature to prevent or restrain such unlawful construction, alteration, repair, conversion, maintenance, use, or other violation, or impose any penalty permitted by law.

(B) (1) The following civil penalties are established for violations under this section:

<i>Warning Citation</i>	<i>Correct Violation Within 30 Days</i>
First citation	\$50
Second citation for same offense	\$100
Third and sequential citations for same offense	\$100

(2) Each day such violation continues, however, shall be a separate and distinct offense, punishable as herein before provided.

(3) These civil penalties are in addition to any other penalties that may be imposed by a court of law from violation of the provisions of this chapter.

(C) The provisions of this chapter shall be enforceable as follows:

(1) Any violation of this chapter shall constitute a misdemeanor as provided by G.S. § 14-4 and be subject to the punishment therein provided.

(2) This chapter may be enforced by any appropriate equitable remedy provided in G.S. § 153A-123(d) and (e), including the entering of appropriate function relief and orders of abatement as therein provided.

(3) In addition to the foregoing enforcement measures, this chapter may be enforced by any appropriate remedy authorized under the laws of the state.

(1996 Code, § 155.999) (Ord. passed 5-21-1984; Ord. passed 7-6-2009)

**7. Chapter 70. Funeral Processions. § 70.01 FUNERAL PROCESSIONS.**

(A) No vehicle shall be driven through a funeral procession except for Fire Department vehicles, police patrols, ambulances, and other emergency vehicles when the same are responding to a call for emergency service.

(B) A funeral procession shall be identified by vehicles having illuminated headlights.

(C) Each driver operating a vehicle in a funeral procession shall drive as near to the right-hand side of the road as practicable and follow the vehicle ahead as close as safety permits.

(D) Upon the immediate approach of a funeral procession, drivers of other vehicles must yield the right-of-way to funeral vehicles.

(E) The provisions of this section shall be applicable to all areas in the county outside the corporate limits of the Towns of Mocksville and Cooleemee.

(1996 Code, § 70.01) (Ord. passed 11-17-1986) Penalty, see § [70.99](#)

**§ 70.99 PENALTY.**

Any violation of this chapter shall be deemed an infraction and shall subject the violator to a penalty of \$50 per day.

(G.S. § 14-4(b)) (1996 Code, § 70.99)

**8. Chapter 92. Health and Safety. Mass Gatherings. § 92.09 PROVISIONAL PERMIT, BOND, AND INSURANCE REQUIRED.**

(A) Within ten days after the receipt of the application, the County Manager and the Health Director shall review the application and inspect the proposed site for the mass gathering. If it reasonably appears that the requirements of this chapter can be met by the applicant, a provisional permit shall be issued.

(B) If the County Manager shall deem it necessary to protect the health, welfare, and safety of those persons in attendance at mass gatherings and of other persons who may be affected by mass gatherings and to carry out the provisions of this chapter, he or she may require the permittee within five days after issuance of the provisional permit to file with the County Manager a performance bond or other surety to be executed to the county in the amount of \$5,000. The bond, if required, shall be conditioned on full compliance with this chapter and shall be forfeitable upon noncompliance and a showing by the



County Manager of any injury, damage, or other loss to the state or local governmental agencies caused by the noncompliance. The permittee shall in addition file satisfactory evidence of public liability and property damage insurance in an amount determined by the County Manager to be reasonable (but not to exceed \$1,000,000 in amount) in relation to the risks/hazards involved in the proposed mass gathering.  
(1996 Code, § 92.09) (Ord. passed 2-5-1973; Ord. passed 10-16-2000)

***Statutory reference:***

*Minimum bond required by law, see G.S. § 130A-255*



**§ 92.99 PENALTY.**

(A) Any person who willfully holds a mass gathering as herein defined without first securing a permit to do so as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$50, or imprisonment for a period not to exceed 30 days.

(B) Any person who willfully fails to perform any other act required by §§ [92.01](#) through [92.09](#), or who willfully does any act prohibited by §§ [92.01](#) through [92.09](#), shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$50, or by imprisonment for a period not to exceed 30 days.

(1996 Code, § 92.99) (Ord. passed 2-5-1973)

**9. Chapter 93. 911 Services. 93.99 PENALTY.**

Any person who intentionally calls the 9-1-1 number for other than purposes of obtaining public safety assistance shall be guilty of a misdemeanor and any person found guilty, or who enters a plea of guilty to violating this section, may be fined an amount not to exceed \$50 or imprisonment of not more than 30 days.

(1996 Code, § 93.99) (Ord. passed 10-15-1990)

**10. Chapter 90. Animals. Any person who allows a dangerous dog or potentially dangerous dog to run wild or allows any animal to create a public nuisance or possesses an exotic or wild animal without permit/registration shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.**

**11. Chapter 91. Fire Prevention. Any person who burns fires during a burning ban, burns certain prohibited pollutant items, or fails to acquire an open burning permit, or fails to control an open fire shall be subject to civil and/or criminal penalties, including but not limited to one or more of the following:**

(1) *First offense.* A warning citation may be issued for a first offense and authorities may order the fire to be extinguished;

(2) *Second or subsequent offense.* A citation and fine in the amount of \$50 may be issued for a second or subsequent similar offense. The fine must be paid within 30 days from the date of issuance of the citation. Failure to pay the penalty in the prescribed time shall subject the offender to a civil action in the form of debt for the stated penalty together with the cost court cost and fees the county incurs in the pursuit of this action;

(3) *Criminal offense.* Any person who violates the provisions of this subchapter shall be guilty of a Class 3 misdemeanor.

(B) Any person who violates this subchapter shall not be relieved of any other criminal or civil proceedings prescribed for said violation.  
(Ord. passed 8-4-2014)

12. Chapter 150. Building Code Regulation. State Building Code adopted by the County. If any person shall violate this chapter or any of the provisions hereof, such person shall be guilty of a misdemeanor and shall be fined not more than \$50 or imprisoned for not more than 30 days as by law provided.  
(1996 Code, § 150.99)

13. Chapter 154. Subdivision Regulations. Sets forth the standards of preparation, approval and design of subdivisions, streets, roads, lots and easements for the orderly development of real estate for housing. A violation of this chapter by any person who, being the owner or the agent of the owner of any land located within the jurisdiction of these regulations, intentionally violates these regulations shall be guilty of a misdemeanor, for the conviction of which the maximum penalty permitted by law as set forth in § [10.99](#) may be imposed. Each day's continuing violation is a separate and distinct offense.  
(1996 Code, § 154.99) (Ord. passed 3-21-1994)