



MECKLENBURG COUNTY

Office of the County Attorney

Mecklenburg County Ordinance

Air Pollution-Open Burning

- (a) Unless otherwise specified in this Regulation, no person shall ignite, cause to be ignited, permit to be ignited, allow, or maintain any open fire.
- (b) no person shall cause, suffer, allow, or permit emissions from any installation which are of a shade or density darker than that designated as 20% opacity for an aggregate of more than six (6) minutes in any one hour or more than twenty (20) minutes in any 24-hour period.
- (c) No person shall discharge into the atmosphere dust in such quantities or of such toxic or corrosive nature that may be injurious to humans or animals or may cause damage to the property of others.
- (d) Fugitive dust shall not be discharged from an industrial establishment in such a manner and in such quantity that the ambient air quality standards are exceeded at the property line.

- (e) No owner or lessee of a storage lot, parking lot, automotive sales lot, access roadway, or any other place shall permit dust or other material readily scattered by wind to leave such property unless the owner or lessee shall have first taken reasonable precautions or otherwise have maintained such property in such a manner as to minimize air pollution.

- (f) No person shall operate any vehicle in such a manner that particulate matter loaded thereon is discharged onto a public highway, street, road, or right-of-way, except public employees in the exercise of their duties, or contractors and their employees building, paving, or repairing the section of highway, street, road, or right-of-way in question.

- (g) **1.5109** No person shall cause, suffer, allow, or permit the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any number of persons or to the public or which endanger the comfort, repose, health, or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

- (h) **1.5110** shall not operate the facility without implementing management practices or installing and operating odor control equipment sufficient to prevent odorous emissions from the facility from causing or contributing to objectionable odors beyond the facility's boundary.

1.5111 GENERAL RECORDKEEPING, REPORTING AND MONITORING REQUIREMENTS

PEOPLE • PRIDE • PROGRESS • PARTNERSHIPS

600 East Fourth Street • Charlotte, North Carolina 28202-2835 • 980-314-2900 Fax (704) 336-5887
www.mecklenburgcountync.gov

(a) The owner or operator of any air pollution emission source or control equipment shall maintain:

- (1) records detailing all activities relating to any compliance schedule entered into with Mecklenburg County Air Quality,
- (2) records detailing all malfunctions of air pollution control equipment,
- (3) records of all testing conducted to demonstrate compliance with emission limits
- (4) records of all monitoring conducted under Paragraph (h) of this Regulation.
- (5) records that demonstrate that the principles and practices of pollution prevention to reduce or eliminate air pollutants produced or created at the source are actively and routinely considered and are being practiced at the facility.

(d) The owner or operator of any air pollution emission source or control equipment shall submit reports detailing the nature, specific sources, total annual quantities of air pollutant emissions or sufficient information to estimate the quantities of air pollutant emissions as required by air quality permits and as required for registration of an air pollution source. Other pertinent information shall be supplied to the Director when requested.

The owner or operator of any air pollution emission source or control equipment shall:

- (1) install, operate, and maintain process and/or control equipment monitoring instruments or procedures as necessary to comply with Paragraphs (c) and (d) of this Regulation; and
- (2) maintain, in writing, data and/or reports relating to monitoring instruments or procedures which will, upon review, document the compliance status of the air pollution emission source or control equipment to the satisfaction of the Director.

Title V facilities that have emissions of the regulated pollutants listed below shall report actual and potential emissions by April 30th of each year for the previous calendar year.

- (1) volatile organic compounds,
- (2) nitrogen oxides,
- (3) total suspended particulates,
- (4) sulfur dioxide,
- (5) fluorine,
- (6) hydrogen chloride
- (7) hydrogen fluoride,
- (8) hydrogen sulfide,
- (9) methyl chloroform,
- (10) methylene chloride,
- (11) ozone,
- (12) chlorine,
- (13) hydrazine,
- (14) phosphine,
- (15) particulate matter (PM10),
- (16) carbon monoxide,
- (17) lead and
- (18) perchloroethylene.

shall be certified by a responsible official of the facility as defined under 40 CFR 70.2.

The owner or operator of any air pollution emission source or control equipment shall:

- (1) install, operate, and maintain process and/or control equipment monitoring instruments or procedures as necessary to comply with Paragraphs (c) and (d) of this Regulation; and

(2) maintain, in writing, data and/or reports relating to monitoring instruments or procedures which will, upon review, document the compliance status of the air pollution emission source or control equipment to the satisfaction of the Director.

Copies of all records and reports required under Paragraphs (c), (d), (e) and (h) of this Regulation shall be retained by the owner or operator for a minimum of two years after the date 151-16 MCAPCO 10/17

on which the record was made or the report submitted. However, the Director may extend the retention period in particular instances.

Copies of all records and reports required under this Section shall be made available within a reasonable time to the Director upon written request.

AIR QUALITY PERMITS-

an owner or operator shall have received a permit from the Department and shall comply with the conditions of such permit before:

(1) constructing or operating any air pollution source that emits one or more of the pollutants listed in Paragraph (d) of this Regulation;

(2) constructing or operating any equipment which may result in the emission of air pollutants listed in Paragraph (d) of this Regulation;

(3) altering or changing the construction or method of operation of any equipment or process from which one or more of the air pollutants listed in Paragraph (d) of this Regulation are or may be emitted;

or

(4) constructing, operating, or modifying a facility that has the potential to emit at least 10 tons per year of any hazardous air pollutant or 25 tons per year of all hazardous air pollutants combined, or that are subject to requirements established under the following sections of the federal Clean Air Act:

(A) Section 112(d), emission standards;

(B) Section 112(f), standards to protect public health and the environment;

(C) Section 112(g), construction and reconstruction;

(D) Section 112(h), work practice standards and other requirements;

(E) Section 112(i)(5), early reduction;

(F) Section 112(j), federal failure to promulgate standards;

(G) Section 112(r), accidental releases.

1.5212 APPLICATIONS

Application for a permit required under this Regulation shall be made on official forms of the Director and shall include:

(1) applicable plans and specifications to define the source's operating conditions;

(2) the nature and amounts of emissions to be emitted by the source or emitted by associated mobile sources;

(3) the location, design, construction and operation of the facility, building, structure, or installation; and

(4) any other documents required by the Director to insure that there will be no violations of the control strategy set forth in the SIP and no interference with the attainment or maintenance of a national ambient air quality standard

152-10 MCAPCO 10/17

1.5212 APPLICATIONS

(a) Application for a permit required under this Regulation shall be made on official forms of the Director and shall include:

(1) applicable plans and specifications to define the source's operating conditions;
(2) the nature and amounts of emissions to be emitted by the source or emitted by associated mobile sources;

(3) the location, design, construction and operation of the facility, building, structure, or installation;
and

(4) any other documents required by the Director to ensure that there will be no violations of the control strategy set forth in the SIP and no interference with the attainment or maintenance of a national ambient air quality standard; and

(5) Either of the following:

(A) Determination letter(s) issued on the letterhead of and signed by the official(s) charged with administering the zoning and subdivision ordinances of the local government(s) having land use jurisdiction over the land on which the facility and its appurtenances are to be located stating whether the proposed facility would be consistent with such ordinances. Such determination letters should describe the facility as it is described in the draft permit application, a copy of Section A, General Information from the application which must be attached to the determination letter(s). Letters stating that the facility would be inconsistent with such ordinances should state the specific reasons for the determination of inconsistency and should have attached a copy of the ordinance or all sections relevant to the determination of inconsistency;

or

(B) Evidence, such as the original signed receipt of a certified or hand-delivered letter, indicating that the clerk(s) of the local government(s) having zoning and subdivision jurisdiction over the land on which the facility and its appurtenances are to be located have received from the applicant a copy of the draft permit application and a request for a determination as to whether the local government has in effect a zoning or subdivision ordinance applicable to the facility and whether the proposed facility would be consistent with such ordinance(s).

1.5217 CONFIDENTIAL INFORMATION

All information required to be submitted to the Director under this Ordinance shall be disclosed to the public unless the person submitting the information can demonstrate that the information is entitled to confidential treatment.

Violation of any provisions of this Ordinance shall constitute a misdemeanor, punishable as provided in G.S. 143-215.112(d)(1).

Automatic Dialing Devices, Regulating Use of Ordinance:

It shall be unlawful for any person, firm or corporation to use or operate, or attempt to use or operate, or install any device or combination of devices that will, upon activation, either mechanically, electronically or by any other automatic means, initiate an intra-state call and deliver a recorded message to any telephone number assigned to the Mecklenburg County Police Department or any volunteer fire department in Mecklenburg County or any public emergency number in Mecklenburg. (A) Permission must be granted by the Mecklenburg County Police Chief, or his designee.

Violation of this ordinance shall be a misdemeanor as provided in General Statutes 153A-123 and 14-4

Building Development Ordinance:

108.6 Conflicts of Interest All full time, part time and contract Code Enforcement Officials and Department Staff shall comply with Conflict of Interest limitations.

108.7 Bonds Before any person, firm, or corporation shall engage in the business of building construction, installation, maintenance, alteration, or repair for which a permit is now, or may hereafter be required by this Ordinance, such person, firm, or corporation shall give bond as follows: The applicant shall file with the Department a continuous surety bond as set forth by the Construction Permits and Fee Ordinance in an amount sufficient to guarantee the payment of all fees and other charges required by this Ordinance. The bond may be canceled by the surety only upon thirty (30) day's notice in writing to the Department of its intention to cancel. The Administrator may issue a permit without bond to the owner of a residence.

108.8 Permits: A. No person, firm or corporation shall commence or proceed with the construction, reconstruction, alteration, repair, removal, or demolition of any building, structure, or service system requiring a permit by the Code without first securing a building permit from the Department. G.S. 153A-357.

B. All work under the scope and jurisdiction of this Ordinance shall require such a building permit in accordance with the Code and local ordinances.

C. Nothing in this Ordinance shall be construed to prevent a person who owns and occupies a single-family residence, or who intends to construct a single-family residence for his own occupancy, from securing a permit to personally install, alter or repair systems covered by this Ordinance. Such person shall obtain a permit, have the work inspected, and pay the fees, all in accordance with this Ordinance.

D. Application for a building permit shall be in writing or electronically typed on a form furnished for that purpose which contains a provision that the work done shall comply with the Code and all other applicable State and local laws and local ordinances and regulations.

E. No permit may be issued unless the name and address of the author identify the plans and specifications thereof. If the General Statutes require that plans for certain types of work be prepared only by a Registered Architect, Registered Engineer, or Registered Landscape Architect, no permit may be issued unless the plans and specifications bear the North Carolina seal of a Registered Architect, Registered Engineer, or Registered Landscape Architect.

F. The Administrator shall not issue a building permit when: 1. The proposed work will not meet the requirements of the Code or this Ordinance. 3. The applicant has become delinquent in the payment of fees previously billed to him as due and payable.

G. If a provision of the General Statutes, this Ordinance, or some other regulation requires that work be done by a licensed specialty contractor of any kind, no permit for the work may be issued unless the work is to be performed by such a duly licensed contractor.

108.8.1 Time Limitations on Validity of Permits - A permit issued pursuant to Section 108.8 expires six (6) months after the date of issuance if the work authorized by the permit has not commenced. If, after commencement, the work is discontinued for a period of 12 months, the permit is void. No work authorized by a permit that has expired may thereafter be performed until a new permit has been secured.

108.8.2 Changes in Work - After a permit has been issued, no change or deviation from the terms of the application, the plans and specifications, or the permit, (except if the change or deviation is clearly permissible under the Code), may be made until specific written approval of the proposed change or deviation has been obtained from the Department. If the CEO performing inspections determines that the change or deviation is substantial, the CEO may require that revised

plans and specifications shall be submitted for examination in the same manner as other applications for permit approval.

108.9 Permit Fees Permit fees for work covered by this Ordinance shall be in accordance with the Construction Permit and Fee Ordinance adopted by the Board. If there is a substantial change or deviation from the terms of the permit application, the plans and specifications, or the permit, the CEO may require that additional fees be paid for work not previously covered.

108.10 Inspections A. The Department shall inspect all buildings and structures and work therein, for which a permit has been issued to determine compliance with the Code and this Ordinance.

B. Materials and assemblies may be inspected at the point of manufacture or fabrication, or inspections may be made by nationally approved and State recognized inspection organizations when deemed necessary.

C. The request for inspection as required by the Code and this Ordinance shall be made by the firm or individual responsible (or their designee) for the construction, equipment installation, or equipment replacement.

D. All buildings and structures shall be built and installed in accordance with the provisions of the Code and shall be inspected by the CEO and no part of the building system shall be covered until same has been inspected and approved as herein prescribed.

E. Final inspection is required upon completion of the work. Failure to obtain a final inspection in twelve (12) months after the most recent inspection shall void the permit.

F. "High Inspection Failure Rate" Process for a High Inspection Failure Rate Contractor will be as follows:

F.1: The contractor's inspection requests will automatically be delayed for two (2) days. After two (2) days, the "High Inspection Failure Rate Contractor" assumes a position of parity with the other contractors, with respect to inspection requests:

F.2: In addition, the contractor must select from the following options on assuring the work is code compliant, advising the Department electronically at the time of the inspection request:

F.2.1: For the initial inspection: there will be no consequence if the inspection passes. If however, the inspection fails, the contractor will be charged for the re-inspection on an hourly basis, or as otherwise indicated in the Fee Ordinance under "High Inspection Failure Rate Charges"

F.2.1.1: in the latter event, this re-inspection will be removed from the re-inspection fee charge calculation described in the Fee Ordinance but will remain in the individual contractor's failure rate calculation.

F.2.2: In addition, in the event the initial inspection fails, on the re-inspection, the contractor must select from the following options:

F.2.2.1: Retain and pay directly for a 3rd party inspection prior to the Department's re-inspection. The 3rd party inspection must be performed by a Department approved NC licensed professional or other Department approved entity, with the results verifying the job is ready, posted on the site at the inspector's arrival. There will be no added inspection delay and no charge under this program (however, calculation in overall project re-inspection fee charges will remain in this case), or in this event, this re-inspection will be removed from the re-inspection fee charge calculation described in the Fee Ordinance but will remain in the individual contractor's failure rate calculation.

F.2.2.2: Pay for the Department's re-inspection by the hour or as otherwise indicated in the Fee Ordinance under "High Inspection Failure Rate Charges" charged in addition to all other permit fees, and scheduled a minimum of five (5) work days in advance and subject to inspector availability

F.2.3: Contractors will be eligible to rotate off the "High Inspection Failure Rate Contractors" list by one of two methods:

F.2.3.1: Either successfully complete at least twelve (12) contact hours of NC Building Code technical training in the particular discipline in which the inspection failure rate exceeds the

applicable high inspection failure rate. Accepted classes will be those offered through the NC Code Official Certification Program (upon presentation of documentation on passing the class, contractor is removed from the “high inspection failure rate track”), or

F.2.3.2: Maintain an inspection failure rate of less than the applicable high inspection failure rate, on average, for a three (3) month (full quarter) period.

F.2.4: Twelve (12) months after the program start, contractors who rotate off the “High Inspection Failure Rate Contractors” list, but thereafter, in the next five (5) years, have a quarterly failure rate exceeding the applicable high inspection failure rate, will be subject to the previously described “High Inspection Failure Rate” Process, plus both of the following:

F.2.4.1: Successfully complete at least twelve (12) contact hours of NC Building Code technical training in the particular discipline in which the inspection failure rate exceeds the applicable high inspection failure rate. Accepted classes will be those offered through the NC Code Official Certification Program.

F.2.4.2: Maintain an inspection failure rate of less than the applicable high inspection failure rate, on average, for a three (3) month (full quarter) period.

F.3: For contractors with nineteen (19) or fewer inspections in any quarter, the “High Inspection Failure Rate” Process will be replaced by a special permit fee indicated in the Fee Ordinance.

F.4: For mechanical, electrical and plumbing (ME P) discipline contractors with permits issued under the master permit system, all “High Inspection Failure Rate Charges” will be charged to the related MEP contractor’s account, with an accounting summary provided to the general contractor where these fees affect the project re-inspection fee calculations.

G. Create an incentive program supporting local government policy on sustainable development to improve the quality of life in Mecklenburg County. Limited to certain types or qualities of projects in return, the projects are given partial permit fee rebate at project completion and certification.

G. Industrial Machinery - field and office enforcement procedures will be as follows: G.1: Owner’s industrial machinery declaration of equipment use and process description

Owner’s may claim applicability of NCGS 143-138(b) by describing the physical characteristics of the equipment itself (size, weight, and proposed location if within a building or space) and the step or procedure it provides for in the production process. This summary will be signed by the owner or officer of the business and maintained in the County’s project records for future reference. The Department will notify the customer of any exceptions taken to the list (equipment we do not believe qualifies as “industrial machinery”).

G.2: Appeal process - Owners may appeal the Department’s decision on any exceptions taken to their “industrial machinery” list.

G.3: Field Procedure for determination of industrial machinery A) Field inspectors shall notify the owner’s contractor of the Department Directive, if they receive a request to exempt a piece of equipment as industrial machinery. B) Field inspectors shall request the owner’s declaration (described in G.1) from the owner’s contractor. C) Upon receipt of the owner’s declaration, the initial determination of acceptance or exceptions taken is to be made by the field inspector. D) If the field inspector is unsure of a piece of equipment, or if the owner disagrees with the determination, the inspector will contact the Trade Chief or Assistant Trade Chief to assist in making the determination.

In either case, the Electrical CP representative (inspector and trade chief or assistant trade chief) will visit the project to make a final determination.

F.4.2) Limits of inspectors enforce authority: the inspector will not require any of the following;

- Listing or labeling by a third party testing agency of the industrial machinery, either shop or field.
- Inspection of the industrial machinery by a design professional or other 3rd party inspection entity.
- Product safety inspection of the industrial machinery.

F.5) Commercial plan review responsibilities Where projects indicate industrial machinery on the permit application construction documents, electrical commercial plan review staff will stamp a minimum of one electrical drawing as follows.

“The evaluation of industrial machinery is not a part of plan review or inspections per NC State General Statute 143-138(b) and the Mecklenburg County Code Enforcement Department neither has nor accepts any responsibility for the industrial machinery or its affects on the electrical system.”

108.10.1 Calls for Inspection - Requests for inspections may be made electronically or by telephone to the Department. No work shall be inspected until it is in proper and completed condition ready for inspection. All work, which has been concealed, before inspection and approval, shall be uncovered at the request of the CEO and placed in condition for proper inspection. Approval or rejection of the work shall be furnished by the CEO in the form of a notice posted on the building or structure. Proceeding without approval of each stage of construction constitutes a misdemeanor.

108.10.2 Inspections of Work in Progress - As the work pursuant to permit progresses, the CEO shall make as many inspections of the work as may be necessary to determine that it is being done according to the provisions of the applicable State and local laws, local ordinances and regulations, and the terms of the permit. In exercising this power, each CEO has a right, upon presentation of proper credentials, to enter any premises within the territorial jurisdiction of this Ordinance at any reasonable hour for the purpose of inspection or other enforcement action.

108.10.3 Periodic Inspections for Hazardous or Unlawful Conditions - The Department may make periodic inspections for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in buildings or structures within the territorial jurisdiction of the Department. In addition, the Department may make any necessary inspections when it has reason to believe that such conditions may exist in a particular building or structure. In exercising these powers, each CEO has a right, upon presentation of proper credentials, to enter any premises, at any reasonable hour, for the purpose of inspection or other enforcement action.

108.11.1 Temporary Utilities Before the Electric/Mechanical Permit is Finale- Temporary utility is governed by section 308.4 of the NC Administrative Code In advance of approval for temporary power, the owner must sign a statement, including the following: Acknowledging: The use of temporary utility will comply with NC Administrative Code section 308.4, and that any failure to comply with these conditions will result in the removal of utility connection. All 125-volt single-phase branch circuits for temporary use must provide ground fault interrupter protection. The utility will be turned off if there is an illegal occupancy or a hazardous condition. A notice will be posted conspicuously on site by the owner, with a note “not to remove”, stating the conditions of temporary utility.

108.12.1 Stop Orders - Whenever building construction is performed in a hazardous manner, or in substantial violation of a State or local building law, local building ordinance or regulation, the CEO may order the specific part of the work that is in violation or that presents such a hazard to be immediately stopped.

108.12.2 Revocation of Permits- Permits shall be revoked for any substantial departure from the approved application or plans and specifications, for refusal or failure to comply with the requirements of any applicable State or local laws or local ordinances or regulations, or for false statements or misrepresentations made in securing the permit.

108.12.3 Defects in Building to be Corrected- The owner and the occupant shall each immediately remedy the defects, hazardous conditions, or violations of law in the property each owns.

108.12.4 Unsafe Building Condemned- Dangerous to the life, health, safety, or welfare of the occupant.

108.12.5 Removing Notice from Condemned Building- If a person removes a notice that states the dangerous character of the building that has been affixed to a building by the CEO

109 Certificates, Licenses, Examinations and Fees A. Any person working as an installation journeyman electrician, plumber or a mechanic in gas piping, pipe fitting, mechanical fuel burning equipment, refrigeration (except domestic refrigeration) or installation of decorative gas appliances shall be certified according to the policies and procedures adopted by the BDC and the Department in accordance with 107.5.C of this Ordinance. Further requirements for licensure to perform mechanical work and other trades are listed in subsection (B) below. At all times that such work is in progress, there shall be a journeyman or mechanic so certified in direct and constant supervision of the work at the work site, or the journeyman or contractor may verify the installation is code compliant with the appropriate volume of the NCSBC, prior to calling for inspection. The licensed electrical, mechanical or plumbing contractor shall be held responsible for any failure to meet these requirements.

B. Each certificate shall be issued in the name of the person, firm or corporation in whose name the work will be performed and naming in parentheses the individual whose qualification is attested by the certificate. The qualified individual shall be associated as follows with the person, firm or corporation in whose name the certificate is issued: active owner, partner, officer, and employee. If, at any time, the above-described association ceases, then any certificate issued on the basis of that association is void. Should the qualified individual become associated (as described above) with another person, firm or corporation, the certificate may be reissued in the name of such other person, firm or corporation.

violation of any provisions shall upon conviction, be guilty of a Class 3 misdemeanor

Camping on County Property and Facilities:

Section 1. Unless otherwise expressly permitted in writing by the County Manager or his designee, it is unlawful for any person to camp on any County Property including property located within public rights-of-way and sidewalks.

Section 2. It is unlawful for any person to place or leave any tent, any temporary shelter, or any bedding on County Property unless expressly permitted to do so in writing by the County Manager or his designee.

Section 3. It is unlawful for any person to light or use a campfire or bonfire on County Property, unless specifically authorized by written permit to do so.

Section 4. It is unlawful to hang, fasten, or attach any rope, wire, chain, sign, banner, or electrical device or power cord to any County Property, including buildings, bridges, overpasses, vehicles, construction equipment, memorials, utility poles or artwork unless express permission has been granted in writing by the County Manager or his designee.

The violator may be charged with a misdemeanor punishable in accordance with the provisions of N.C.G.S. 14-4

Child Day Care Homes:

SECTION 3: REGISTRATION/OPERATION PERMIT

(a) All child day care homes as defined in Section 2 of this Ordinance shall be in compliance with applicable state and local regulations, including registration with the North Carolina Division of Child Development if applicable, and shall obtain a permit to operate from the Mecklenburg County Health Department prior to beginning operation. An operation permit shall be valid for 12 months from the first day of the month the permit is issued.

(b) Each child day care home provider shall make application for an operation permit with the Mecklenburg County Health Department on an annual basis.

(c) Each registered home shall allow representatives of the Mecklenburg County Health Department and any other appropriate governmental agency to inspect its facilities to ensure compliance with the provisions of this ordinance. Each provider shall allow access to the home, staff, and records at reasonable times during the provider's regular business hours.

(d) Proper registration shall be completed, and a permit obtained prior to advertising the center as a child day care home.

SECTION 21: FALSE INFORMATION

It shall be unlawful for any provider, employee, or assistant of any provider to knowingly and intentionally provide false information or to knowingly and intentionally fail to provide information pursuant to the terms of these regulations.

*Any person who knowingly violates this Ordinance shall be guilty of a misdemeanor in accordance with NCGS 14-4 and punished by a fine not to exceed five hundred dollars (\$500.00). *

Clean Roads Ordinance:

It shall be unlawful for any individual, corporation or firm

(a) to deposit or cause to be deposited foreign, materials on a public or sidewalk.

(b) in charge of a worksite or unpaved public parking lot to fail to take reasonable and appropriate steps to assure that vehicles leaving their sites do not deposit foreign materials on public roadways or sidewalks.

* Any person who knowingly violates this Ordinance shall be guilty of a misdemeanor*

Consumption and Possession of Alcoholic Beverages on County Property Prohibited Ordinance:

Unlawful to possess an open container of malt beverage or unfortified wine, to consume a malt beverage or unfortified wine, to possess or consume spirituous liquor, fortified wine or mixed beverages on any property owned, operated, or controlled by Mecklenburg County.

*The violation of the provision of this Ordinance is a misdemeanor punishable by the courts in accordance with the laws of the State of North Carolina. *

Deadly Weapons on County Property:

It shall be unlawful for any person while on county property to carry openly any gun, rifle, pistol, dynamite cartridge, bomb grenade, mine, powerful explosive, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife. Blackjack, metallic knuckles, razor, shuriken, stun gun, or any other deadly weapon of any kind.

*The violation of any provision of this Ordinance shall be a misdemeanor and may be punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for more than thirty (30) days. *

Fire Prevention:

No person shall maintain, store or handle materials or conduct processes which produce conditions hazardous to life or property or install equipment used in connection with such activities without first obtaining a permit.

* be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00)*

Firearms Ordinance:

It shall be unlawful for any person to fire any firearm in a fully automatic mode, Discharge a firearm within 900 feet of a

1. A dwelling house
2. A school
3. A church
4. Any other type of building while occupied,
5. A public or private park
6. Any other type of public gathering place

Discharge a firearm in such a way as will result in the projectile therefrom passing across a sidewalk, or across a highway, street, or other public vehicular area.

Discharge a fire arm within 900 ft of any domestic livestock not belonging to him unless such person has on his person written permission for such activity from the owner of the livestock.

It shall be unlawful for any person, being a parent or guardian of, or standing in loco parentis to, any child under twelve (12) years of age, to permit such child to have possession or custody of, or use in any manner whatsoever, any firearm, whether such firearm is loaded or is not loaded without direct, active adult supervision of the child at all times the child is holding the firearm. It shall be unlawful for any person being a parent or guardian of, or standing in loco parentis to, any child between twelve (12) years of age and fifteen (15) years of age, to permit such child to discharge a firearm without direct, active adult supervision of the child at all times the child is firing the firearm unless that child has passed a Hunter Safety Course or similarly recognized course in firearms safety.

* The violation of any provision of this Ordinance shall be a misdemeanor and may be punishable by a fine of not more than FIFTY DOLLARS (\$50.00) or imprisonment for not more than THIRTY (30) days. *

Flood Hazard Areas, Development & Use Regulations:

Section 7-5. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Compliance has been issued therefore by the Zoning Administrator.

Section 3.- The placement of any artificial obstruction in the Floodway District is prohibited.

Preventing obstructions which inhibit water flow and increase height and damage and to otherwise regulate the use of life, injuries, property damage, and other losses (both public and private) in flood hazard areas and to promote public health, safety, and general welfare.
*Any person, firm or corporation who violates any provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor. *

Massage Parlors, Health Salons & Related Businesses Ordinance:

- (a) It shall be unlawful for any massage business to knowingly provide, allow or permit a massage or treatment to be given by a person to a person of the opposite sex.
- (b) It shall be unlawful for any person to massage or to offer to massage the private parts of another for hire.

Licensing:

- (a) No person, partnership, corporation or association shall operate a massage business as herein defined unless such person, partnership, corporation or association shall have first applied for and received a privilege license from the City-County Tax Collector.
- (b) No person shall engage in the business or profession of massage unless such person shall have first applied for and received privilege license from the City-County Tax Collector. Each application shall be accompanied by a medical certificate signed by a physician that the applicant was examined by the physician and that the applicant is free of any communicable disease. A new medical certificate shall be required with each application for renewal of the privilege license.
- (c) Each applicant for a license issued shall pay a privilege license tax in the following amounts
 - a. Massage Parlors, Health Salons and related businesses \$150.00
 - b. Massagists \$25.00

*Any person who violates a provision of this Ordinance shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed \$500.00 or imprisonment not to exceed 30 days. *

Medical Waste Disposal:

New Facilities- The operator of the proposed Facility must obtain a Medical Waste Disposal Permit from the Health Director.

Existing Facilities- all Medical Waste Disposal Facilities owned or operated by that operator within Mecklenburg County would meet the 70 percent requirement of this Ordinance.

Right of Entry- Inspection- Failure of a Facility having a Medical Waste Disposal Facility to allow entry when requested by the Health director shall be a misdemeanor.

*Any person who violates a provision of this Ordinance shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed \$500.00 or imprisonment not to exceed 30 days. *

Mosquito Control:

Artificial containers, ditches, streams, flooded areas, and all other such sources of standing water or other liquid where mosquitoes are breeding, must be removed, drained, treated, altered, maintained, or otherwise eliminated by the person occupying the premises or, in the absence of an occupant, by the owner, in such a manner as to prevent the breeding of mosquitoes. Where there is evidence of mosquito breeding, effective methods of eliminating and treating mosquito breeding sources shall be instigated by the person occupying the premises, or in the absence of an occupant, by the owner, within 48 hours after discovering or being informed of the evidence of mosquito breeding on the premises.

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor in accordance with NCGS 14-4 and punished by a fine not to exceed five hundred dollars (\$500.00)

Noise Control Ordinance:

It shall be unlawful to carry on the following activities in any part of the unincorporated area of the County that is zoned for residential use, or within three hundred (300) feet of any structure used as a residence in the unincorporated area, regardless of its zoning classification:

- (1) Operate a front-end loader for refuse collection between the hours of 9:00pm and 7:00am.
- (2) Operate construction machinery between the hours of 9:00pm and 7:00am.
- (3) Operate garage machinery between the hours of 9:00pm and 7:00am.
- (4) Operate lawn mowers or other domestic tools out-of-doors between the hours of 9:00pm and 7:00am.
- (5) Any mechanical noise which registers more than sixty decibels (60 db(A)) at the nearest complainant's property line will be probable cause for a violation.

In the unincorporated areas of Mecklenburg County, it shall be unlawful to:

- (1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty five (55)db(A) between 9:00am and 9:00 pm or fifty (50)db(A) between 9:00pm and 9:00am, as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the Charlotte Mecklenburg Police Department.

As to multifamily structures, including apartments, condominiums or Other residential arrangements where boundary lines cannot be readily determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty five (55) db(A) between 9:00am to 9:00pm or fifty (50) db(A) between 9:00pm and 9:00am, as measured from any point within the interior of another residential unit within the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the Charlotte-Mecklenburg Police Department.

As to places of public entertainment having a capacity of one thousand (1000) or more persons, operate or allow the operation of any sound amplification equipment so as to create sounds registering more than sixty five (65) db(A) between 9:00am and 9:00pm, or fifty (50) db(A) between 9:00pm and 9:00am,

Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds that are unreasonably loud and disturbing or that register more than sixty (60) db(A) as measured at the boundary line of the nearest public right-of-way or park.

Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than sixty (60) db(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00am to 9:00pm, or fifty (50) db(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00pm and 9:00am

Operate or allow the operation for personal use of any sound amplification equipment in the public parks (i) without a permit issued by the Charlotte Mecklenburg Police Department, or (ii) so as to produce sounds registering more than seventy five (75) db(A) ten (10) feet or more from any electromechanical speaker between the hours of 9:00am and 9:00pm, or sixty five (65) db(A) ten (10) feet or more from any electromechanical speaker between the hours of 9:00pm and 9:00am

Animals

It shall be unlawful for any person to own, possess or harbor any dog, bird or other animal which, by frequent or habitually howling, barking, yelping or otherwise, causes loud noises or seriously annoying disturbances to any person or to the neighborhood.

Motor Vehicles

(a) The vehicle has had its muffler-exhausts and /or other noise-control equipment removed, altered or maintained in such disrepair as to create unreasonably loud and disturbing noises.

(b) The vehicle is being operated in a manner so as to create unreasonably loud and disturbing noises, by engaging in jackrabbit starts, spinning tires and other such activities.

(c) The vehicle is being driven off-road for racing or other activities or other operations that create unreasonably loud and disturbing noises.

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor in accordance with NCGS 14-4 and punished by a fine not to exceed five hundred dollars (\$500.00)

Parks & Recreation Facilities Ordinance: -

Preservation of Parks

SECTION 5: No person shall willfully and intentionally remove, destroy, cut down, scar, mutilate, injure, take or gather in any manner any tree, flower, fern, shrub, rock, artifact or other plant or mineral in any park unless authorized by permit.

SECTION 6: No person shall willfully and intentionally in any manner injure, deface, disturb, destroy, or disfigure any part of any park or any building, sign, equipment or other property found therein.

Swimming

SECTION 7: No person shall bathe, wade, or swim in any water features in any park except in designated swim areas, spray grounds, swimming or wading pools, or enter public waters from any park to bathe, wade or swim except in connection with special events authorized by the Director. This section does not prohibit ingress or egress to or from a park by way of swimming in public waters.

SECTION 8: No person shall dress or undress in any place in any park, except in such bath houses as may be maintained by the Department or within tents used in connection with permitted camping.

The removal from the person of outer garments such as coats, jackets, sweaters, shoes and stockings, is not prohibited.

SECTION 9: No person shall willfully expose the genitals or buttocks of his or her person while in a park and in the presence of any other person, or aid and abet another in any such act, except as permitted by Section 8.

Refuse and Rubbish

SECTION 10: No person shall deposit in any part of any park any garbage, sewerage, refuse, waste, fruit, vegetables, foodstuffs, boxes, tin cans, glass, crockery, paper, or other litter or other waste material or obnoxious material, except in the containers designated for such purpose.

SECTION 11: No person shall, in the streams, lakes, or other water features of any park, bathe dogs or other animals, wash vehicles or clothing, or throw, cast, lay, drop, or discharge into or leave in the streams, lakes, or other water features of the park or in any storm sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid, which may or will result in the pollution of said waters.

Traffic and Parking

SECTION 12: No person shall drive a vehicle in any park within or upon a safety zone, walking path, bridle path, bicycle trail, jogging trail, fire truck trail, service road or any part of any park not so designated for vehicular traffic by the Director, nor in an area or on a road or trail marked for authorized vehicles only.

SECTION 13: No person shall operate any go-cart or minibike or moped at any location within any park other than such places, if any, as are specifically designated for such purposes by the Director, except that regularly licensed vehicles and operators may have access to streets and roadways within parks to the same extent as public streets, subject to the traffic rules of this Ordinance and State law.

SECTION 14: No person shall ride a bicycle on other than the right-hand side of a paved vehicular road or bicycle trail designated for that purpose; or fail to keep in single file when two or more bicycles are operating as a group. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

SECTION 15: No person shall ride any other person over the age of six (6) years on a single passenger bicycle in any park.

SECTION 16: No person shall ride a bicycle on any road between thirty (30) minutes after sunset and thirty (30) minutes before sunrise without an attached headlight plainly visible at least 200 feet from the front, and without a red tail light or red reflector plainly visible from at least 100 feet from the rear of such bicycle.

SECTION 17: No person in a park shall fail to comply with all applicable provisions of the motor vehicle laws of the State and ordinances of the County in regard to equipment and/or operation.

SECTION 18: No person shall fail to obey police officers, park personnel or other persons designated by the County to enforce this Ordinance in regard to traffic direction in a park.

SECTION 19: No person shall fail to observe and comply with all traffic and park regulatory signs, including but not limited to those indicating speed, direction, caution, stopping or parking.

SECTION 20: No person shall drive a vehicle in a park in excess of the posted speed limit.

Cruising

it shall be unlawful for a person to drive, or to permit a vehicle under his care, custody or control to be driven past a traffic control point three (3) or more times within a one (1) hour period in parks posted as "No Cruising."

At every point where a park street, parking lot, emergency vehicle access or public vehicular area provides ingress to a "No Cruising" park, there shall be a sign posted designating "No Cruising". A "No Cruising" park is a designated park in which it is unlawful for a person to drive, or permit a vehicle under his care, custody or control to be driven past a traffic control point three (3) or more times within a one (1) hour period.

Boating

SECTION 22: No person shall use privately owned boats or canoes, to include radio-controlled models (boats, airplanes, etc.), in any water feature without a permit.

Camping

SECTION 23: No camp shall be maintained in any park except under permit, and under such conditions, at such places, and for such periods as may be designated by the Director.

Sports and Games

SECTION 24: No sport or athletic contest shall be allowed except in areas designated and posted for that activity; nor shall a person play rough or comparatively dangerous games such as football, baseball, or golf except in those areas designated for such activity. Bicycle riding, roller blading, roller skating, and skate boarding shall be conducted in a safe manner, in areas and at times which do not create a traffic hazard or a hazard to pedestrians.

SECTION 25: No person shall use, ride, walk, or drive a horse except to, from, or along a bridle path or other designated area.

Pets

SECTION 26: It shall be unlawful to have pets in the areas of County parks where pets are expressly prohibited.

Wildlife

SECTION 27: No person within the confines of any park shall hunt, pursue, trap, shoot, injure, kill, harass or molest in any way, any bird or animal except by permit.

Weapons, Explosives, Fires

SECTION 29: No person except duly authorized local, State or federal law enforcement officers, and duly authorized County employees or officers shall carry, possess or discharge any type of firearm, handgun, explosive device, air guns of any description (BB guns, paintball guns, pellet guns etc.), or bowie knife, dirk, dagger, slung shot, sling shot, leaded cane, switchblade knife, blackjack, metallic knuckles, razor, shurkin, stun gun, or deadly weapon

SECTION 30: No person shall kindle, build, maintain or use a fire other than in places provided or designated for such purposes, except by permit. No person within the confines of any park shall throw away or discard any lighted match, cigarette, cigar, or other burning object unless entirely extinguished before thrown away or discarded.

Hours and Charges

SECTION 31: It shall be unlawful for any person to fail to leave a park prior to the posted closing time for that park. No person shall enter an area posted as "Closed to the Public" or where the entrance gates are closed or enter a park after the posted closing time for that park, to include all attached parking areas to any park.

SECTION 33: No person shall use or gain admittance to or attempt to use or gain admittance to the facilities in any park for the use of which a charge is made by the Department unless he shall first pay the established charge or price.

Commercial Enterprises, Soliciting, Advertising, Meetings, Exhibitions, Etc.

SECTION 34: Selling, Soliciting, and Exhibiting.

It shall be unlawful for any person, firm or corporation to engage in commercial selling, soliciting, demonstrating, exhibiting or other commercial activity, for any purpose, without having in their possession a valid permit issued by the Director as hereinafter provided.

SECTION 35: Advertising. No sign, notice or advertisements of any nature shall be erected or posted at any place within any park without the permission in writing from the Director and in conformance with all applicable zoning regulations.

SECTION 36: No person shall refuse to vacate a reserved area, such as a picnic shelter or a ballfield, which has been properly reserved by another person.

No person shall continue to occupy a reserved area beyond the time limitation of his reservation if there is another person with a valid reservation waiting to use the area.

SECTION 37: Alcoholic Beverages. It shall be unlawful for any person to possess an open container of malt beverage or unfortified wine, to consume malt beverages or unfortified wine, or to possess or consume fortified wine, spirituous liquor, mixed beverages on property subject to the jurisdiction

Conduct

SECTION 38: use abusive, profane or insulting language; nor unreasonably disturb or annoy others; nor be under the influence of intoxicants; nor do any act tending to or amounting to a breach of the peace nor conduct himself in any disorderly manner whatsoever. No person in a park shall willfully and intentionally disobey a lawful order of a law enforcement officer, park personnel or volunteers

SECTION 39: No person shall enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices. authorized to enforce this Ordinance.

SECTION 40: No person shall lie or sleep in a prone position on seats, tables or benches.

SECTION 41: No person shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

SECTION 42: No person shall climb, stand or sit upon monuments, planters, vases, fountains, railings, fences, gun-carriages, trees or upon any other property not designated or customarily used for such purposes.

SECTION 43: No person shall leave a bicycle unattended in a place other than a bicycle rack when such is provided and there is space available.

SECTION 44: No person shall leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by it.

SECTION 45: No person shall force entry into any restroom or washroom that is locked or bolted; and no person over the age of five (5) years shall use any restroom, washroom, or locker room designated for the opposite sex.

*The violator may be charged with a misdemeanor punishable in accordance with the provisions of N.C.G.S. 14-4 with a fine of up to five hundred dollars (\$500.00) *

Precious Metal Business:

Section 1. License Required

- (a) No person, partnership, corporation or association shall operate a secondhand precious metal business as herein defined unless such person, partnership, corporation or association shall have first applied for, received and prominently displayed a privilege license from the City-County Tax Collector. A separate license shall be required for each location, place or premises used for the conduct of a secondhand precious metal business, and each license shall designate the location, place or premises to which it applies. In addition, such business shall not be carried on or conducted in any other place than that designated in or by such license.
- (b) Every partnership, corporation or association operating as a secondhand precious metal business shall be responsible for insuring that every employee, within 5 days of being employed, is registered by name and address with the Mecklenburg County Police Department, and thumbprints, fingerprints, and photograph are taken by the Mecklenburg County Police Department.

Section 3. Investigation of License Applicant

Any person applying to the City-County Tax Collector for a license to conduct the business of a secondhand precious metal dealer shall also report to the Mecklenburg County Police Department and furnish his full name , and any other name used by the applicant during the preceding five years, address, and any other address used by the applicant during the preceding five years , physical description, age, North Carolina driver's license number (if applicable), and social security number to assist in an investigation of his criminal record and character. In addition, the applicant will be photographed and fingerprinted in order to facilitate the investigation.

Section 5. Records of Transactions

- (a) Every secondhand precious metal business shall keep a tightly bound book or books, not loose-leaf, with pages numbered in sequence, in which there shall be legibly written at the time of any transaction with a no licensee involving the purchasing of, trading for or, acquiring of ownership of any secondhand article made, in whole or in part, of gold or silver or platinum
- (b) No transaction involving purchasing, trading for or taking in a secondhand article made, in whole or in part, of gold or silver or platinum shall be completed by any secondhand precious metal business or an agent or employee thereof until the person involved in the transaction presents two forms of positive identification, one of which must be state or federal government issued

identification containing a photographic representation imprinted thereon. This identification information shall be recorded next to the person's name and residence in the book required to be kept pursuant to (a) above.

(c) The book(s) required by this section shall be a permanent record to be kept at all times on the premises of the secondhand precious metal business. Such book(s) shall be made available, during regular business hours, to any law enforcement officer without any warrant or showing of probable cause. A full and accurate copy of the records required to be kept by this section shall be filed with Mecklenburg County Police Department within 48 hours of the transaction. The full and accurate filing with the Mecklenburg County Police Department of the records required hereunder by a licensee which is also a licensed pawnbroker shall constitute compliance with the filing provisions of G.S. 91-4 (as the same appears in the 1979 Cumulative Supplement to Volume 2C of the North Carolina General Statutes) for any transaction subject to the provisions thereof.

Section 7. Purchasing from Juvenile

No secondhand precious metal business or employee or agent thereof shall purchase from any juvenile under 18 years of age any secondhand article made, in whole or in part, of gold or silver or platinum without the written consent of the juvenile's parent or guardian or representation of proof of ownership.

*The violator may be charged with a misdemeanor punishable in accordance with the provisions of N.C.G.S. 14-4 with a fine of up to five hundred dollars (\$500.00) *

Rabies & Other Zoonoses, Control of Ordinance:

SECTION 4: ANIMAL HOLDING FACILITY PERMITS

(a) No person shall operate an animal holding facility unless a permit to operate such an establishment has been issued by the Mecklenburg County Health Director.

(b) Every animal holding facility in the County must obtain a permit from the Health Director.

SECTION 5: LICENSING AND RECORDS

(a) No person shall operate an animal holding facility in Mecklenburg County without the possession of a valid permit issued by the office of the Health Director.

(c) Operators of all animal holding facilities shall maintain records on all animals for a period of one calendar year showing the following:

- (1) Origin of animals (including names and addresses of consignors) and date animals were received;
- (2) Description of animals including species, age, sex, breed, and color markings;
- (3) Disposition of animals including name and address of person to whom animal is sold, traded or adopted; if euthanized, records will show date and type of euthanasia;
- (4) Record of veterinary care including treatment and immunization;
- (5) For avian species, a record for each animal brought into the facility including the species, age/date of birth, sex (if known), where obtained, date of purchase, days in quarantine, leg band number, name and address of buyer, copy of health guarantee, and acknowledgement of "Instructions for Care/Disease Warning and Risks",

(d) Operators of boarding kennels shall also maintain records of all animals for one calendar year, showing the following:

- (1) Name and address of owner and person responsible for animal;
- (2) The date of entry and signature and address of individual to whom animal is released;
- (3) Description of animal including breed, sex, age, and color markings;
- (4) Record of vaccinations;

(e) All operators of animal holding facilities will make all records available to the Director or his authorized representative on request.

SECTION 6: ANIMAL HOLDING FACILITY STANDARDS

(a) General Housing Facilities for Animals

(1) Shall be structurally sound and maintained in good repair to protect the animals from injury; contain the animals and restrict the entrance of other animals and people.

(2) Shall have reliable and adequate electric power, if required, to comply with other provisions of the ordinance and adequate potable water shall be available.

(3) Shall have supplies of food and bedding which shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin; refrigeration shall be provided for supplies of perishable food.

(4) Shall have provisions for the removal and disposal of animal and food waste, bedding and debris, in order to assure facility will be maintained in a clean and sanitary manner.

(5) Shall have facilities such as washroom, basin or sink for maintaining cleanliness among animal caretakers and animal food and water receptacles.

(6) Shall measure an ambient temperature outside the primary enclosure at a distance not to exceed three feet from any one of the external walls and on a level parallel to the bottom of the primary enclosure at a point approximately half the distance between the top and the bottom of such enclosure.

(b) Cages and/or fences shall be provided in all facilities to restrain animals from contact with humans. Areas in each facility shall be provided by operators and handlers where humans may examine, pet or visit with the animals under the supervision of the facility operator.

(c) Indoor facilities shall comply with the following standards:

(1) Indoor housing facilities for animals shall be sufficiently heated when necessary to protect the animals from cold and provide for their health and comfort. The ambient temperature shall not be allowed to fall below 50 degrees Fahrenheit for animals not acclimated to lower temperatures.

(2) Indoor housing facilities for animals shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts, odors and moisture condensation.

Ventilation shall be provided when ambient temperature is 85 degrees Fahrenheit or higher.

(3) Indoor housing facilities for animals shall have ample light by natural or artificial means or both, be of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosure shall be placed to protect the animals from excessive illumination.

(4) Interior building surfaces of indoor facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

(5) A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. If closed drain systems are used, they shall be equipped with traps and installed to prevent odors and backup of sewage.

(d) Outdoor facilities shall comply with the following standards:

(1) When sunlight is likely to cause overheating and discomfort, sufficient shade shall be provided to allow all animals kept outdoors to protect themselves from the direct rays of the sun.

(2) Animals kept outdoors shall be provided with access to shelter to allow them to remain dry and comfortable during inclement weather.

(3) A suitable method shall be provided to rapidly eliminate excess water.

(e) This section is applicable to birds being sold from retail or wholesale facilities and is designed to reduce the stress of birds, newly acquired and existing stock; therefore, lowering the chances of an outbreak of a potentially contagious disease, such as Psittacosis (also known as Chlamydiosis):

(1) All baby birds shall be separated from the adults until accepting food on their own; and new birds shall be placed in a cage separate from the existing stock and quarantined for ten (10) days for any signs of illness. Clean water and food containers shall be offered on a continuous basis and within easy reach of the quarantined bird. If any quarantined bird does show signs of illness, it shall be isolated from all other birds for proper treatment or be taken to an avian veterinarian.

(2) Cages shall have adequate room to prevent tails from touching cage floors when on perch and large enough to allow birds to open wings without touching cage sides. Perches shall be wood dowels of adequate size to afford secure, comfortable grip with enough space to allow all birds to sit comfortably on perches at the same time. Cages shall be cleaned daily, and fresh paper placed in the bottom. All cages with adult birds shall have grates in the bottom to prevent contact with feces below.

(3) A good quality pelleted diet and/or seed should be offered continuously in an adequate number of containers to minimize competition for food. Fresh vegetables and fruit, if possible, shall be given on a daily basis. Clean water should be offered continuously. All food and water containers should be washed at least daily with hot soapy water to prevent contamination and the chance of spreading disease.

(4) Records on each bird shall include sufficient information to be able to trace a bird's origin in case of a disease outbreak.

(5) If any bird tests positive for Psittacosis or any disease contagious to humans, the testing veterinarian is required to report the results to the North Carolina Department of Health and Human Services

(f) Primary enclosures for animals shall be structurally sound and maintained in good repair and in a manner to prevent injury and keep other animals out. Primary enclosures shall be constructed so as to provide sufficient space to allow each animal to turn about freely and to easily stand, sit, or lie in a comfortable, normal position. In all enclosures having a solid floor, a receptacle containing sufficient clean litter shall be provided for excreta. Each primary enclosure shall be provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosures at the same time. Such resting surface or surfaces shall be elevated in primary enclosure housing two or more animals.

(g) Animals shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal. Animals less than six months of age shall be fed at least twice in each 24-hour period. An eight-hour interval between feedings is required if only two feedings are offered in a 24-hour period.

(h) Food receptacles shall be accessible to all animals and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and shall be kept clean and sanitized. Disposable food receptacles may be used but must be discarded after each feeding. Self-feeders may be used for the feeding of dry food, and they shall be sanitized regularly to prevent molding, deterioration or caking of feed.

(i) If potable water is not accessible to the animals at all times, potable water shall be offered to such animals at least twice daily for periods of not less than one hour, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be kept clean and sanitized.

(k) Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning a primary enclosure commonly known as a cage, any animal confined therein shall be removed from such enclosure during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

(l) Prior to the introduction of animals into empty primary enclosures previously occupied, such enclosures shall be sanitized in a manner provided in (n) of this subsection.

(m) Primary enclosures for animals shall be sanitized often enough to prevent an accumulation of debris or excreta, or a disease hazard provided, however, that such enclosures shall be sanitized at least once every two weeks in the manner provided in (n) of this subsection.

(n) Cages, rooms and hard-surfaced pens or runs shall be sanitized by:

(1) washing them with hot water (180 degrees Fahrenheit) and soap or detergent
as in a mechanical cage washer; or

(2) washing all soiled surfaces with a detergent solution, rinse, followed by or in conjunction with a safe and effective disinfectant approved by the Health Director; or

(3) cleaning all soiled surfaces with live steam.

(o) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury to facilitate the prescribed husbandry practices set forth in this subpart. Premises shall remain free of accumulations of trash.

(p) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

(q) A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

Animal handlers shall always be present to aid human visitors in viewing, touching, and petting animals in all pet shops, petting zoos, and other establishments where animals are for sale, or adoption to the public.

(r) No animal shall be in a window display except during business hours.

(s) All animals six months of age and younger shall be housed apart from other adult animals except those dependent upon their dams, except when permanently maintained in breeding colonies. Any handling of such young animals by human visitors shall be in the presence of an animal handler in order to protect the safety of the visitor and the animals.

(t) Any animal suspected of having a communicable disease or diagnosed by a veterinarian as having such a disease shall be quarantined in an area separated from all other animals. Such animal may not be allowed human visitors except when allowed by a veterinarian for animal care or transportation purposes. Any animal displaying a vicious disposition shall be housed away from the visiting public and other animals in an individual secure structure.

(u) Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

- (1) Females in season (estrus) shall not be housed in the same primary enclosure with males, except for breeding purposes.
- (2) Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals.

(v) The following veterinary care standards shall be met.

(1) Programs of disease control and prevention, euthanasia, and adequate veterinary care shall be established and maintained under the supervision and assistance of a licensed veterinarian.

(2) Each animal shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind animals shall be provided with veterinary care or humanely disposed of unless such action is inconsistent with the research purposes for which such animal was obtained and is being held, provided however, that the provision shall not effect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. Obviously sick, diseased, or deformed animals will not be offered for sale or adoption.

(3) Prior to being offered for sale to the public, puppies and kittens shall have the vaccinations necessary to protect them from communicable diseases.

(4) All animals shall be freed of internal and external parasites as much as possible by ordinary conventional treatment.

SECTION 7: TRANSPORTATION STANDARDS

(a) Vehicles used in transporting animals shall be mechanically sound and equipped to provide fresh air to all animals transported without harmful drafts. The animal cargo space shall be so constructed and maintained to prevent engine exhaust fumes from getting to the animals. The interior of the animal cargo space shall be kept clean. It shall be sanitized as deemed necessary.

(b) Primary enclosures such as compartments or transport cages, cartons, or crates used to transport animals shall be well constructed, well ventilated and designed to protect the health and insure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that:

(1) Each animal in the vehicle has sufficient fresh air for normal breathing.

(2) The openings of such enclosures are easily accessible for emergency removals at all times.

(3) The animals are adequately protected from the elements. The ambient temperature shall not be allowed to exceed 95 degrees Fahrenheit at any time nor to exceed 85 degrees Fahrenheit for a period of more than four hours. The ambient temperature will not be allowed to fall below 50 degrees Fahrenheit unless animals are acclimated to lower temperatures.

(c) Animals transported in the same primary enclosure shall be of the same species. Animals less than six months of age shall not be transported in the same primary enclosure with adult animals other than their dams.

(d) Primary enclosures used to transport animals shall be large enough for each animal to stand erect, turn about freely and lie down in a normal position.

(e) Animals shall not be placed in primary enclosures over other animals in transit unless each enclosure is so constructed to prevent animal excreta from entering lower enclosure.

(f) All primary enclosures used to transport animals shall be sanitized between use for shipments.

(g) It shall be the responsibility of the attendant or driver to inspect animals frequently enough to assure health and comfort and to determine if they need emergency care and to obtain it if needed.

SECTION 8: RABIES VACCINATION

(a) It shall be unlawful for a person to own or harbor a dog or cat over the age of four months in the County without a valid rabies vaccination. Animal rabies vaccine shall be administered only by a licensed veterinarian.

(b) The Health Director shall be solely and completely responsible for organizing at least annually a County-wide rabies vaccination clinic for the purpose of vaccinating dogs and cats. Public notice of the time and place of rabies vaccination clinics shall be published in a newspaper having general circulation within the County.

(c) A licensed veterinarian who administers rabies vaccine to a dog or cat shall complete a three part rabies vaccination certificate. The original rabies vaccination certificate shall be given to the owner of each dog or cat that received rabies vaccine. One copy of the rabies vaccination certificate shall be retained by the licensed veterinarian. The other copy shall be forwarded to the Animal Control Bureau. When producing certificates on computer, there must be three (3) paper copies: one for the animal owner, one for the Animal Control Bureau, and one for the clinic's records.

(e) It shall be unlawful for a person to remove a rabies vaccination tag from any dog or cat belonging to another person residing within the County unless done so at the direction of the owner thereof.

(g) A dog or cat brought into this County shall immediately be securely confined and shall be vaccinated against rabies within one week after entry. The animal shall remain confined for two weeks after vaccination.

SECTION 9: RABIES CONTROL

(a) The following quarantine rules apply:

(1) An area may be declared under quarantine against rabies by the Health Director when the disease exists to the extent that the lives of persons are endangered. When quarantine is declared, each animal in the area for which the quarantine is declared shall be confined to the premises of the owner or in a veterinary hospital. However, dogs or cats on a leash and under the control of a responsible adult may be permitted to leave the premises of the owner or the veterinary hospital. In addition, the Health Director may make other types of animal's subject to the quarantine.

(2) When quarantine has been declared and animals subject to the quarantine run uncontrolled in the area, any peace officer, animal warden, or animal control officer shall have the right, after reasonable efforts have been made to apprehend the animals, to destroy the uncontrolled animals and properly dispose of their bodies.

(3) No animal included in the quarantine may be taken or shipped from the quarantined area during the quarantine period without written permission from the Health Director.

(b) A dog, cat, or any other animal bitten by a proven rabid animal or animal suspected of having rabies that is not available for laboratory diagnosis shall be destroyed immediately by its owner, a peace officer, animal warden, or animal control officer, or quarantined for 180 days

(c) A person who owns or has possession of an animal which is suspected of having rabies shall immediately notify the Health Director and the Manager of the Animal Control Bureau and shall immediately securely confine the animal. Dogs, cats and ferrets shall be securely confined for a period of no less than ten (10) days.

(d) No person shall knowingly allow a confined animal to escape. No person shall sell, give away or otherwise dispose of such an animal before the expiration of the appropriate confinement and observation period.

(e) It shall be the duty of every veterinarian to report to the Health Director and the Manager of the Animal Control Bureau any animal known or suspected by him/her to be rabid.

(f) An animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its head sent to the State Laboratory of Public Health. The head of any animal that dies during a required confinement period shall also be immediately sent to the State Laboratory of Public Health for rabies diagnosis.

(g) All dog, cat, or other animal bite wounds of persons shall be investigated by the Animal Control Bureau and the details of the incident promptly reported to the Health Director for appropriate medical follow-up.

(h) When a person has sustained a bite wound by a dog, cat, or other animal, the person or parent, guardian or person standing in loco parentis of the person bitten, and the person owning the animal or in control or possession of the animal shall notify the Animal Control Bureau immediately and give the name and address of the person bitten and the name and address of the owner of the

animal. The owner of such animal shall be notified within 24 hours, if possible, by telephone or in person by a representative of the Health Department regarding planned course of action.

(i) All dogs and cats that bite a person shall be immediately confined for ten (10) days in a place designated by the Manager of the Animal Control Bureau or the Health Director.

If the owner or the person who controls or possesses the dog or cat that has bitten a person refuses to confine the animal as required by this section, the Manager of the Animal Control Bureau or the Health Director may order seizure of the animal and its confinement for ten (10) days at the expense of the owner.

(j) Any animal other than a dog or cat which bites a person and is of a species capable of transmitting rabies and which is suspected of having rabies shall be euthanized and its head sent to the State Laboratory of Public Health for rabies testing.

(k) It is the responsibility of the animal confinement facility (i.e., animal hospital or animal shelter) where an animal suspected of rabies exposure died, to send the head to the State Laboratory of Public Health. In instances where the animal died at large, such responsibility rests with the Animal Control Bureau.

(l) Any physician, laboratory, or hospital authority having knowledge of a case or suspicion of the possibility of human rabies shall immediately report the facts to the Health Director. Any physician, medical or hospital authority initiating post-exposure rabies prophylaxis shall notify the Health Director. A person suspected of being infected with rabies shall be isolated in accordance with the order of the Health Director.

(m) A physician who attends a person bitten by an animal known to be or suspected of being a potential carrier of rabies shall notify within 24-hours the Health Director and the Manager of the Animal Control Bureau, the name, birthdate, sex, and address of that person, together with such additional information as will be helpful in rabies control.

(n) The Health Director shall develop and promulgate a policy of pre- and post-exposure rabies prophylaxis of humans. In the absence of this, the latest recommendations of the Centers for Disease Control and Prevention shall apply.

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor in accordance with NCGS 14-4 and punished by a fine not to exceed five hundred dollars (\$500.00).

Rat Control Ordinance:

All premises within Mecklenburg County, shall be free of rats and maintained in a rat-free condition. Rat harborage shall be eliminated, buildings shall be maintained in a rat-proof condition, foods and foodstuffs shall be stored and handled so as to be inaccessible to rats, and, where rat infestation is evident, effective measures of rat eradication shall be instigated by the person occupying the premises or in the absence of an occupant, by the owner.

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor in accordance with NCGS 14-4 and punished by a fine not to exceed five hundred dollars (\$500.00).

Removal And Disposal of Abandoned And Junked Motor Vehicles:

Section 1. It shall be unlawful to possess or abandon on public or private property within the County's ordinance making jurisdiction an abandoned or junked motor vehicle.

Violation of this Ordinance is a Class 3 misdemeanor, punishable upon conviction as provided in North Carolina General Statute 14-4, with a fine of not more than five hundred dollars (\$500.00)

Removal of Trash, Garbage, Litter & Debris Ordinance:

SECTION 2. It shall be unlawful for any person, firm or corporation to place, discard, dispose, leave or dump any trash, debris, garbage, litter, or refuse upon a street or highway located within the ordinance making jurisdiction of Mecklenburg County or upon publicly or privately owned property unless such trash, debris, garbage, litter, or refuse is placed in a designated location or container for removal by a specific garbage or trash service collector or unless such trash, debris, garbage, litter or refuse is deposited in an approved landfill site.

SECTION 3. It shall be unlawful for any person, firm, or corporation to own or maintain premises, including vacant lots or lands, within the ordinance making jurisdiction of Mecklenburg County upon which trash, debris, garbage, litter or refuse has been placed, deposited, discarded or dumped. Unless such trash, debris, garbage, litter or refuse is placed in a designated location or container for removal by a specific garbage or trash service collector

*Violation a misdemeanor-Any person, firm or corporation who violates any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding fifty dollars (\$50.00) and/or imprisoned not exceeding thirty (30) days. *

Sex Offenders in County Parks and County Recreation Centers:

Section 2: Prohibition. No Registered Sex Offender shall enter into or upon any Park or Recreation Center owned, operated or maintained by the County except as permitted by Section 3 of this Ordinance.

Section 3: Limited Exceptions.

§3.1 - Polling Place - When a Park or Recreation Center is used as a polling place for an election, the Registered Sex Offender may enter for the limited purpose of voting if he has right to vote and qualifies to do so at that polling place.

§3.2 - Official Meetings - A Registered Sex Offender who has the right to be present at an Official Meeting shall have the limited privilege of entering on and into a Park or Recreation Center for such time as is necessary to attend said meeting or function, but any form of loitering or lingering shall be a violation of this Ordinance.

The privilege shall only extend to those parts of the Park and/or Recreation Center that are commonplace for meetings of that kind and any Registered Sex Offender found outside of those parts shall be punished as outlined in Section 7 below.

§3.3 - Consistency with the Jessica Lunsford Act After November 30, 2008, any action prohibited by this Ordinance that would also be a violation of N.C.G.S. § 14-208.18 (2008) shall no longer be considered a violation of this Ordinance.

For example, after November 30, 2008:

1. A Registered Sex Offender who enters a Park playground will no longer be in violation of this Ordinance because of the prohibition of the same conduct by N.C.G.S. § 14-208.18(a)(1) (2008);
2. A Registered Sex Offender who enters Park property that is held open to the general public that at the time in question is being used for a youth birthday party may not be deemed in violation of this Ordinance because of the prohibition of the same conduct by N.C.G.S. § 14-208.18(a)(2) (2008); and
3. A Registered Sex Offender will not be in violation of this Ordinance for being on Park property where minors have gathered for regularly scheduled recreational programs because of the prohibition of the same conduct by N.C.G.S. § 14-208.18(a)(3) (2008).

Sexually Oriented Businesses Regulations Ordinance-

Section 137. -License Required

(a) No Sexually oriented business shall be permitted to operate without a valid sexually oriented business license by the chief of police for the particular classification of business. It shall be unlawful for any person to operate or cause to be operated a sexually oriented business without said license, or without the presence of an operator who has been disclosed pursuant to subsection (b) (9)* of this section. In furtherance of the policy of the State of North Carolina, the chief of police shall not issue licenses to two(2) or more classifications of sexually or sexually oriented businesses to operate in or on the same building, premises, structure, or facility.

Section 140- Inspection

An applicant or any individual identified in the application under Section 137(b)(8) or (9)* shall permit representatives of the Charlotte-Mecklenburg Police Department to inspect the premises for the purpose of ensuring compliance with this article prior to the issuance of a license under this article. After a license has been issued to the business, license, owner, operator or employee shall permit representatives of the Charlotte-Mecklenburg Police Department to inspect the premises is occupied or open for business. It shall be unlawful for a licensee, owner, operator or employee to refuse to permit or interfere with such an inspection.

Section 143(d)- Notice of violation and suspension of license.

It shall be unlawful for any person to operate or cause to be operated a sexually oriented business and said person knows or should know that the business has a license which has been suspended.

Section 144(e)- Revocation of license

It shall be unlawful for any person to operate or cause to be operated a sexually oriented business and said person knows or should know that the business has a license which has been revoked.

Section 147(c)- Expiration of the license

It shall be unlawful for any person to operate or cause to be operated a sexually oriented business and said person knows or should know that the business has a license which has expired.

Section 148- Prohibitions regarding minors and sexually oriented businesses.

It shall be unlawful for a licensee, owner, operator, or employee of a sexually oriented business, regardless of whether or not a license has been issued for said business under this article, to knowingly, or with reasonable cause to know, permit or allow:

- (a) Admittance of a person who is under eighteen (18) years of age to the business premises; or

- (b) A person who is under eighteen (18) years of age to remain at the business premises;
- or
- (c) A person who is under eighteen (18) years of age to purchase goods or services at the business premises; or
- (d) A person who is under eighteen (18) years of age to work at the business as an employee

Section 149(c) Regulations pertaining to adult live entertainment businesses.

It shall be the duty of the operator and any owner who is present on the premises to ensure that adult live entertainment is not performed in the presence of patrons in violation of subsection *(b) (4), * In the presence of and visually observable by more than one patron*. It shall be unlawful for any such operator or owner to knowingly fail to fulfill that duty.

(d)- It shall be unlawful for an adult live entertainer to engage in or perform adult live entertainment in violation of subsection (b) (4) * In the presence of and visually observable by more than one patron. *

Section 150(b)-Regulations pertaining to adult mini motion picture theatres.

It shall be the duty of the operator and any owner or employees who are present on the premises to ensure compliance with subsections (a) (3) through (8). It shall be unlawful for any person have such a duty knowingly fail to fulfill that duty.

*3- At least one (1) employee must be on duty and situated at each manager's station at all times that any patron is present in or on the premises

4- The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two(2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one(1) of the manager's stations. The view required in this subsection must be direct line of sight from the manager's station.

5- The entrance to each adult mini motion picture booth shall be free of any obstruction such as a door, curtain, wall, partial wall, panel, board, merchandise, display rack, or other material.

6- There shall be no openings or glass of any kind between booths and booths shall be designed, constructed, or configured in such a manner that the interior of any booth may be visible or made to be visible from any other booth.

7- The interior of each booth shall be sufficiently illuminated so that the inside of the booth is visible from the manager's station(s), as set forth in subsection (a)(4) above.

8- No booth shall be occupied by more than one patron at any time.

Section 151(b)-Regulation pertaining to clothing modeling studios.

It shall be the duty of the operator and any owner who is present on the premises to ensure that clothing modeling is not performed in the presence of a patron in violation of subsection

(a) A clothing modeling studio, regardless of whether or not a license has been issued for said business under this article, shall be subject to the following

(3) A model shall not expose or display his or her (the model's) specified anatomical areas at any time the model is in the presence of a patron.

(4) A model shall not straddle a patron.

(5) A model shall not offer or agree to straddle a patron.

- (6) A model shall not intentionally touch the clothed or in clothed body of a patron at any point below the waist and above the knee of the patron.
- (7) A model shall not encourage or permit a patron to touch the clothed or unclothed body of the model at any point below the waist and above the knee of the model.
- (8) A model shall not encourage or permit a patron to touch the clothed or unclothed breast of the model.
- (c)- It shall be unlawful for a model to violate any of the provisions of subsection (a), above
- (a) A clothing modeling studio, regardless of whether or not a license has been issued for said business under this article, shall be subject to the following
- (3) A model shall not expose or display his or her (the model's) specified anatomical areas at any time the model is in the presence of a patron.
- (4) A model shall not straddle a patron.
- (5) A model shall not offer or agree to straddle a patron.
- (6) A model shall not intentionally touch the clothed or in clothed body of a patron at any point below the waist and above the knee of the patron.
- (7) A model shall not encourage or permit a patron to touch the clothed or unclothed body of the model at any point below the waist and above the knee of the model.
- (8) A model shall not encourage or permit a patron to touch the clothed or unclothed breast of the model.
- (9) All fees and charges, including tips and gratuities, paid by a patron of a clothing modeling studio shall be paid to the model or the studio before the modeling session begins. A model shall not solicit or accept any tip, gratuity, or compensation from a patron in violation of the foregoing.
- (10) All modeling for a patron must occur in the presence of and be visually observable by an employee who is not a model.
- (11) The entrance to each room in which modeling for a patron is being performed shall be free of any obstruction such as a door, curtain, wall, partial wall, panel, board, or other device, and the entire interior of each such room shall be visible from the aisle, walkway, or hallway leading to the room.

Violation of this Ordinance is a Class 3 misdemeanor, punishable upon conviction as provided in North Carolina General Statute 14-4, with a fine of not more than five hundred dollars (\$500.00)

Smoke Detector Ordinance:

- A.** Every dwelling unit, whether located within a single-family dwelling, a duplex, a multi-family dwelling, a condominium, or a townhouse, shall contain at least one operable smoke detector installed in accordance with the manufacturer's recommendations.
- B.** It shall be unlawful for anyone to rent or lease to another a dwelling unit, whether located within a single family dwelling, a duplex, or a multi-family dwelling, condominium, or townhouse, unless that dwelling unit has in it at least one operable smoke detector installed in accordance with the manufacturer's recommendations.

*Any individual, corporation or firm who fails to install an operable smoke detector or fails to make operable an existing smoke detector as required by this Ordinance within thirty (30) days after having been issued a warning requesting correction of a violation of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding Fifty Dollars (\$50.00) or imprisoned not exceeding thirty (30) days. *

Solid Waste Collectors Ordinance-

Any person who collects or transports solid waste without a Permit as required or

- (i) Stores or allows the accumulation of solid waste in violation of these Regulations for more than fifteen (15) days after having been issued a written warning requesting correction of a violation.

Solid Waste Fee Ordinance:

(a) It shall be unlawful for the operator of any vehicle to dispose of Waste in any County Facility (Any Solid Waste disposal facility owned, operated, licensed by or under contractual agreements with the County, including, but not limited to the Speedway Landfill.) covered by the provision of this ordinance which the County Facility is prohibited from accepting or disposing of by any applicable federal, State or local law, statute, regulation or ordinance.

(b) It shall be unlawful for the operator of any vehicle to dispose of Waste in any County Facility covered by the provisions of this Ordinance without paying the fee required.

(c) It shall be unlawful for the operator of any vehicle to misrepresent the origin or place of collection of any Waste presented for disposal.

*Violation of the ordinance is a misdemeanor and the violator shall, upon conviction, be punished by a fine not to exceed five hundred dollars(\$500.00), or shall be imprisoned for not more than thirty (30) days for each offense. *

Solid Waste Flow Control:

Disposal Requirement- Each municipal solid waste collector shall deliver or cause to be delivered all municipal solid waste collected by the hauler to solid waste management facilities designed by the County Engineer.

Collection Requirements: All municipal solid waste collectors must provide recycling collection service to their customers at least once a month as part of their residential waste collection services. The following materials must be included in the recycling collection service:

- Newsprint
- Glass bottles and jars (clear, green, and brown)
- Aluminum beverage cans
- Bi-metal beverage cans
- Polyethylene terephthalate (PET), plastic containers (clear and green)
- Tinned-steel food and beverage containers
- High density polyethylene (HDPE) plastic containers except motor oil containers

*Violation of the ordinance is a misdemeanor and the violator shall, upon conviction, be punished by a fine not to exceed five hundred dollars(\$500.00), or shall be imprisoned for not more than thirty (30) days for each offense. *

State of Emergency Ordinance:

Section 3. Evacuation

The proclamation may direct and compel the evacuation of all or part of the population of the County of Mecklenburg; prescribe routes, modes of transportation, and destination in connection with evacuation; and control ingress and egress of a disaster area, the movement of persons within the area, and the occupancy of premises therein.

Section 4: Curfew

The proclamation may impose a curfew- prohibiting in certain areas and during certain periods the appearance in public of anyone who is not a member of an exempted class. The proclamation shall specify the geographical area or areas and the period during each 24-hour day to which the curfew applies. The proclamation may exempt from some or all of the curfew restrictions classes of people whose exemption is necessary for the preservation of public health, safety and welfare.

Section 5. Restrictions on Possession, Consumption, or Transfer of Alcoholic Beverages.

The proclamation may prohibit the possession or consumption of an alcoholic beverage; including beer, wine, and spirituous liquor other than on one's premises, and may prohibit the transfer, transportation, sale or purchases of any alcoholic beverage.

Section 6. Restriction on Possession, transportation, and Transfer of Dangerous Weapons and Substances.

The proclamation may prohibit or restrict the possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except that the proclamation may not place prohibitions or restrictions on lawfully possessed firearms or ammunition.

Section 7: Restrictions on Access to Areas

The proclamation may prohibit obtaining access or attempting to obtain access to any area.

Section 8: The Proclamation may prohibit or restrict:

- (a) Movement of people in public places;
- (b) The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate
- (c) Other activities or conditions the control of which may be reasonable necessary to maintain order and protect lives or property during the state of emergency, within the area designed in the proclamation.

Section 9: Limitations on restrictions in proclamation-

The proclamation may limit the application of all or any part of such restrictions to any area specifically designated or described within the County and to specific hours of the day or night; and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firemen and other public employees, rescue squad members, doctors, nurses, employees of hospitals and other medical facilities; on duty military personnel, whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting and television broadcasting corporation operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of people within the County.

Section 10: Excessive pricing prohibitions.

A declaration of a state of emergency shall trigger the prohibitions against excessive pricing during states of disaster, states of emergency, or abnormal market disruptions.

Section 11: Removal of Prohibitions and Restrictions

*Any person violating any prohibition or restriction imposed by a proclamation authorized by this ordinance shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A

Street Address Ordinance:

Any person who, being the owner or agent of the owner of any land located within the area of jurisdiction (all the unincorporated parts of Mecklenburg County outside of the jurisdiction of the City of Charlotte) of this ordinance, transfers or sells such land by reference to a plat showing a subdivision of such land by reference to a plat showing a subdivision of such land before such plat has been approved by the Charlotte-Mecklenburg Planning Commission or the Board of County Commissioners of Mecklenburg County and recorded in the office of the Register of Deeds of Mecklenburg County shall.

Violation of the ordinance is a misdemeanor and the violator shall, upon conviction, be punished by a fine not to exceed five hundred dollars(\$500.00), or shall be imprisoned for not more than thirty (30) days

Public Swimming Pool Ordinance:

- (a) No public swimming pool shall be operated without having been issued a valid operating permit by the Mecklenburg County Health Department.
- (b) The facility shall remain closed until an inspection by the Director reveals the public health hazard has been abated.
- (c) The operator shall abate the public nuisance within the period of time allotted. If the public nuisance is not abated within the time allotted, the operator shall cease operation of the facility if this will result in abatement of the nuisance
- (d) No permit to operate shall be valid unless the operator is also in possession of a valid operation permit issued under Title 15A North Carolina Administrative Code 18A .2500 "Rules Governing Public Swimming Pools."
- (e) The operator shall assist in any reasonable way surveys, and investigations, collect samples of water and other substances found on the premises of public swimming pools.
- (f) At the end of the swimming season, the pool water, structure, or chamber shall be treated, altered, or maintained so as to prevent the development of insanitary conditions.
- (g) Pools under construction or which are no longer being operated shall be maintained in a manner so as to prevent the development of insanitary conditions, potential injury, or possible drowning.
- (h) Wastewater from the swimming pool, including backwash water and water resulting from periodic drainage of the pool, shall be discharged into a sanitary sewer. There shall be no direct physical connection between the sewer system and any drain from the swimming pool or circulation system.
- (i) No method of wastewater disposal is permissible which would create a public health hazard or public nuisance.

Violation of the ordinance is a misdemeanor and the violator shall, upon conviction, be punished by a fine not to exceed five hundred dollars(\$500.00), or shall be imprisoned for not more than thirty (30) days

Residential Swimming Pool Ordinance:

- (a) No person shall construct, install, extend, alter or modify a residential swimming pool unless they have received approval from the Director.
- (b) At the end of the swimming season, the pool water, structure, or chamber shall be treated, altered, or maintained so as to prevent the development of insanitary conditions.
- (c) Pools under construction or which are no longer being operated shall be maintained in a manner so as to prevent the development of insanitary conditions, potential injury, or possible drowning.
- (D) Alternative equivalent methods of wastewater disposal may be approved by the Director. No method of wastewater disposal is permissible which would create a public health hazard or public nuisance.
- (E) The residential swimming pool shall be located the maximum feasible distance from any well or septic tank system in the area; however, under no circumstances shall the residential swimming pool be located less than a minimum horizontal distance of:
 - (1) 50 feet from any private water supply source, including any well or spring under the control of the swimming pool owner;
 - (2) 100 feet from any private water supply source not under the control of the swimming pool owner;
 - (3) 15 feet from any septic tank system or area designated for repair as specified in 15A North Carolina Administrative Code 18A.1900 "Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal."
- (f) Residential swimming pools shall be protected by a fence, wall, building, or other enclosure, or any combination thereof, which completely encloses the swimming pool area such that all of the following conditions are met:
 - (1) A 44 inch minimum height (from the outside approach) is provided entirely around the swimming pool;
 - (2) The horizontal space between vertical members of the enclosure shall not exceed four inches;
 - (3) The height of any opening under the bottom of the enclosure shall not exceed four inches (10 cm);
 - (4) Openings under and through a fence or barrier with the gate(s) closed shall be sized so that a 4 inch diameter sphere cannot be passed through the opening.
 - (5) All gates and doors shall be equipped with self-closing and positive selflatching closure mechanisms and shall be capable of being locked.
 - (6) Self-closing, self-latching gates shall not be required for service gates which are kept locked except when being actively used when at least one separate gate meeting all the requirements of Section 7(b)(1) through Section 7(b)(5) are met.
- (g) The wall of an aboveground swimming pool shall be considered an effective barrier in areas where it complies with the height requirements required in Section 7(b)(1). When the pool wall serves as a portion of the barrier, stairs allowing access to the pool shall be

removed when bathers are not using the pool or in attendance unless a gate or gates meeting the requirements of Section 7(b)(1) through 7(b)(5) are installed to limit access to the stairs.

(h) All residential pool enclosures shall be completed at the time the pool is allowed to contain water.

Violation of the ordinance is a misdemeanor and the violator shall, upon conviction, be punished by a fine not to exceed five hundred dollars(\$500.00), or shall be imprisoned for not more than thirty (30) days

Transient Occupancy Tax:

Any person, firm, corporation or association which willfully attempts in any manner to evade the occupancy tax or make a return, and who willfully fails to pay such tax or make and file such return.

Violation of the ordinance is a misdemeanor and the violator shall, upon conviction, be punished by a fine not to exceed five hundred dollars(\$500.00), or shall be imprisoned for not more than thirty (30) days

Wearing of Hoods or Masks Ordinance:

(a) No person or persons shall, while wearing any hood, mask, or device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, enter, be, or appear in any public place or on the property of Mecklenburg County.

(b) No person shall, while wearing any hood, mask, or device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, demand entrance or admission, enter or come upon or into, or be upon or in the premises, enclosure or house of any other person unless he shall have first obtained the written permission of the owner and the occupant of such property.

Violation of the ordinance is a misdemeanor and the violator shall, upon conviction, be punished by a fine not to exceed five hundred dollars(\$500.00), or shall be imprisoned for not more than thirty (30) days

Whitewater Systems Rules:

- (a) The chemical quality of the water in the System must be maintained in an alkaline condition at all times with the Ph between 7.0 and 7.8.
- (b) Disinfection must be provided in accordance with manufacturers' instructions by a chemical or other process that meets the criteria listed as follows:
 - (a) Chlorine is an approved method of disinfection.
 - (b) Other methods of disinfection must be approved by the Director
- (c) When chlorine is used as the disinfectant, a free chlorine residual of at least 0.5 parts per million (ppm) must be maintained and a secondary disinfection method such as ozone or ultraviolet light must be active throughout the Recreational Whitewater System whenever it is open or in use. Recreational Whitewater Systems that use chlorine as the disinfectant may use a stabilizer. The stabilizer must be used per the manufacturer's instructions and have no adverse impact to the members of the public using the System when used as directed.

(d) When chlorine is used as the disinfectant, automatic chemical feeders must be used. Automatic chemical feeders must be manufacture and installed in accordance with NSF/ANSI Standard number 50.

(e) The use of chlorine in its elemental (gaseous) form for disinfection of Systems is prohibited.

(f) The broadcasting of granular chlorine into the water is prohibited.

(g) When liquid chlorine is not being distributed to the System through an automatic chemical feeder in order to rapidly bring the free chlorine levels up to 0.5 ppm, a log must be kept including the date, time, location of chlorine addition, and active amounts of free and total chlorine. Rafters, kayakers and paddle boarders must not utilize the area where the liquid chlorine is being added until the free chlorine at the discharge point is less than 10 ppm.

(h) Test kits or equipment capable of measuring disinfectant level, Ph, and total alkalinity must be maintained at the Recreational Whitewater System. Recreational Whitewater Systems using a stabilizer must have a test kit capable of measuring the chemical levels.

(i) The Recreational System Operator shall inspect the water system at least 2 times a day and maintain written records of the operating conditions of each of the established sampling points of the System. The inspection must be conducted prior to members of the public entering the System and 4-6 hours after members of the public have had access the System. Records must be maintained at the Recreational Whitewater System for a period of not less than 12 months. Records must include the following:

(a) daily recording of the disinfectant residual throughout the Recreational Whitewater System;

(b) daily recording of pH throughout the Recreational Whitewater System;

(c) daily recording of water temperature; recording of activities pertaining to water maintenance including chemical additions and filter backwash cycles;

(d) weekly recording of total alkalinity and stabilizer (if used) or equivalent levels; and

(e) daily recording of the location of organic accumulation throughout the Recreational Whitewater System;

(f) a record of the date, the volume and location of organic accumulations that are being removed and the method of removal.

(j) The Recreational System Operator shall submit to the Director plans and specifications required for the construction, alteration or remodeling of the water treatment system (disinfection and filtration) for the Recreational Whitewater System.

(k) No Recreational Whitewater System shall be operated without having been issued a valid operating permit by Mecklenburg County Health Department.

(l) Upon receipt of Imminent Hazard notice the Recreational System Operator shall immediately abate or shall cease operation of the System until the Imminent Hazard has been abated. The Recreational Whitewater System must remain closed until an inspection by the Director reveals the Imminent Hazard has been abated.

(m) The Operator shall abate the Public Nuisance within the period of time allotted. If the Public Nuisance is not abated within the time allotted, the Recreational System Operator shall cease operation of the Recreational Whitewater System.

(n) No person shall take any action prohibited by the Director until there is a final resolution of the grievance.

(o) The Operator must assist in any reasonable way with surveys, investigations and collect samples of water and collect samples of water and other substances.

(p) It shall be the duty of every Recreational Whitewater System owner or Recreational System Operator to maintain and furnish the Director such records and information as may be required for ascertaining compliance with this Rule.

Violation of the ordinance is a misdemeanor and the violator shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00), or shall be imprisoned for not more than thirty (30) days

Youth Protection Ordinance:

(1) A juvenile commits an offense by being present in or remaining in any public place or on the premises of any establishment within the unincorporated areas of Mecklenburg County during the restricted hours.

(2) A parent or guardian of a juvenile commits an offense if he knowingly permits, or by insufficient control, allows the juvenile to remain in any public place or establishment within the unincorporated areas of Mecklenburg County during the restricted hours. The term “knowingly” includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in the parent’s custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

(3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours.

(4) It shall be a violation of this ordinance for any person 16 years of age or older to aid and abet a juvenile in the violation of subsection (c)(1).

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

Violation of the ordinance is a misdemeanor and the violator shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00), or shall be imprisoned for not more than thirty (30) days

Zoning Ordinance:

Mecklenburg County zoning, which is now a function of the city of Charlotte, and the resulting regulations, were designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate and economic provision of transportation, water, sewerage, schools, parks and other public facilities and services. The Board of Commissioners, upon the recommendation of the Planning Commission, adopted a series of Zoning Maps which set out and delineate the zoning districts established in Chapters 9, 10, and 11 of the code for all land within the jurisdiction of the

regulations. Any person, firm or corporation who knowingly or willfully violates any provision of the regulations shall have committed a misdemeanor, and upon conviction thereof, shall be subject to a fine not exceeding \$500 or by imprisonment for a period not to exceed thirty (30) days

