

Memorandum

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

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

FROM: T.C. Morphis, Jr. (General Counsel for the Town of Aberdeen) and Brady Herman

DATE: November 5, 2018

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

Attached is the response of the Town of Aberdeen, North Carolina to the requirements set forth in Section 3 of Session Law 2018-69 for local governmental units. The attached document contains a list of all Aberdeen's ordinances that create criminal offenses pursuant to G.S. 14-4(a), with brief descriptions of the prohibited conduct. Additionally, there is a link to the Town of Aberdeen's website for a reference to the ordinances summarized.

If you have any questions about this Memorandum, please contact either T.C. Morphis by email at morphis@broughlawfirm.com, or Brady Herman at bherman@broughlawfirm.com, at The Brough Law Firm, tel: (919)-929-3905. Also, please acknowledge receipt of this Memorandum and its sufficiency in complying with Session Law 2018-69, Section 3.

Town of Aberdeen- Code of Ordinances

TITLE V---Public Works¹

Water and Sewer Systems

Section 50.15—Water Meters Required: Requires all water meters to be installed under the supervision of the Town Public works Director pursuant to the specification of the Town. Prohibits (1) connecting or causing to connect any supply of water not approved by the State to the public water supply system; and (2) having city water and private water to be cross-connected or to become intermingled in any way.

Section 50.16—Installation for Users Receiving Sewer Service Only; Failure of Meter: Requires all users of the Town's sewer system not served by town water to be responsible for the installation and maintenance of an approved water meter that functions properly. In the event that a water meter fails to operate for any purpose, an estimated bill will be prepared and determined by the Town Manager.

Section 50.17—Tampering Prohibited: Prohibits any unauthorized person from tampering in any manner with any water meter which is the property of the Town.

Section 50.25—Maintenance of System; Duty to Keep Pipes Free from Obstruction: Requires all owners, tenants, or occupants of the property to consciously maintain and keep the sewer pipes of his or her premises to the Town's main sewer clean and free from obstructions. Prohibits causing, suffering, or permitting any article or thing to be introduced into the pipe which causes a stoppage thereof.

Section 50.26—Discharge into Sewer System: Prohibits (1) discharging storm, drainage or surface waters into the sanitary sewers; (2) discharging substances, other than storm, drainage or surface waters into storm sewers of the Town; (3) making or maintaining any connection with any sewer that conveys into such sewer any suffocating, corrosive, or inflammable or explosive liquid, gas, vapor, substance or material; or (4) willfully pouring oils or greases into sewer systems of the Town, or placing oils or greases in such of a position that they may enter into the sewers system by gravity or in any other manner. Any person who operates a wash pit must be permitted to connect such wash pit with the Town's sanitary sewer system. Requires the connection to be equipped with an oil, grease or grit interceptor approved by the Town and so constructed and used that no oil, grease, dirt, silt, grit or other foreign matter are allowed to enter into the Town's sanitary sewer system.

Section 50.27—Device Required; Approval of Plans: Requires the construction of storage tanks, control manholes, and controlling devices to be approved by the Town's consultant prior to the beginning of construction.

Section 50.28—Restrictions on Waste Which May Be Introduced into System: Prohibits any person from discharging or depositing any of the following waste materials into any of the Town's sewers any: (1) liquid or vapor having a temperature of higher than 150 degrees Fahrenheit; (2) water or waste containing more than 100 part per million by weight of fat, oil, or grease; (3) flammable or explosive liquid, solid or gas, including, but not limited to gasoline, benzene, naphtha or fuel oil; (4) garbage that has not been properly shredded; (5) waters or wastes containing a toxic or poisonous substance or any other materials in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals; or (6) noxious or malodorous gas or substance capable of creating a public nuisance.

¹ <https://www.townofaberdeen.net/files/documents/document135034140012518.pdf>

Street and Sidewalk Improvements

Section 52.01—Obstruction of Streets and Sidewalks Prohibited: Prohibits (1) placing or depositing upon any public street or sidewalk owned by the Town any object that obstructs or tends to obstruct such street or sidewalk. This provision does not apply to materials necessarily placed on sidewalks in the course of alteration or construction of any building; (2) any person displaying merchandise on the exterior front of their business to block the use of public amenities or use public structures such as a pole, tree, or shrub for displaying or promoting the sale of any goods or services; or (3) displaying any goods or merchandise in the exterior front of their business in any manner which would endanger the health, safety, and/or welfare of the general public.

Section 52.02—Obstruction of Drains or Ditches Prohibited: Prohibits obstructing the flow of storm water in any ditch or drain on the Town's alleys or streets in any manner or any natural drain located within the Town.

Section 52.03—Machinery Liable to Injure Pavement Prohibited: Prohibits driving or permitting to drive over any hard-surfaced asphalt or paved street of the Town any agricultural or heavy piece of machinery that will damage or injure the pavement in any way.

Section 52.04—Certain Substances and Injurious Material Prohibited: Prohibits depositing or throwing upon any street any glass bottle, glass, nails, tacks, wire, paper, containers, cans or any other substance likely to injure any person, animal or vehicle.

Section 52.05-- Use of Storage or Sale of Vehicles Prohibited: Prohibits using any of the Town's streets or sidewalks for the purpose of storing junk, abandoned or used automobiles, or for the temporary storage of vehicles for the purpose of sale or repair, except in emergency situations.

Section 52.06—Driveway Construction; Permit Required: All property owners must obtain a valid permit from the Town before beginning construction of a driveway.

Section 52.07—Snow and Ice Removal: Requires every occupant of a store building where there is a sidewalk in front of said building to remove snow, ice, or other obstructions from such sidewalk at the earliest possible time and as soon as the weather permits.

Section 52.08—Fastening Signs or Causing Damage to Trees or Poles Prohibited: Prohibits nailing or otherwise fastening to any tree, telephone or electric light pole on any Town street any sign or notice, or in any way damage or deface such trees or poles.

Section 52.09—Persons Blocking Free Passage of Street or Sidewalk: Prohibits assembling or congregating people on the streets and sidewalks in such a manner as to block or obstruct the free passage thereof. Person refusing to disperse such congregation of people after being directed from the Chief of police to do so will be guilty of a misdemeanor.

Nuisance Violations

Section 53.03—Waste on Public Lands or in Waters Prohibited: Prohibits throwing, dropping, or depositing, or causing to be thrown, dropped, or deposited on any land in the Town including streets, sidewalks, and other public areas, and all waters in the Town’s jurisdiction, any waste, including but not limited to refuse, garbage ashes, rubbish, dead animals or fish, paper, drinking cups, broken glass, tacks, brush, grass, weeds and anything injurious to ones health.

Section 53.05—Weeds and Other Conditions Deemed to be a Public Nuisance: Requires any of the conditions listed and set forth in the Town Code declared as a public nuisance on any vacant lot or parcel within the Town limits deemed to constitute a detriment, danger, and hazard to the health, safety, and general welfare of the Town’s citizens must be abated at the direction of the Town Manager after given proper notice.

Section 53.08—Abatement of Nuisance by Town: If an owner, after having been ordered and given notice to abate a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within the time prescribed in the Town Code, the Town Manager or his or her designee must cause the condition to be removed or otherwise remedied by having employees of the town or a private contractor hired by the town go upon such premises and remove or otherwise abate such nuisance. In such instances, weeds or grass shall be cut to a height satisfactory to the manager or his or her designee.

TITLE IX—General Regulations²

Abandoned Vehicles

Section 90.03-- Abandoned Vehicle Unlawful; Removal Authorized: Prohibits the registered owner or person entitled to possession to cause or allow such vehicle to be abandoned as defined in the Town Code. Upon investigation, the Town may order the vehicle to be removed if it determines that the vehicle is an abandoned vehicle.

Section 90.04-- Nuisance Vehicle Unlawful; Removal Authorized: Prohibits the registered owner of a motor vehicle or the owner of real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle. The Zoning Department may order the vehicle to be removed if it determines, upon investigation, that the vehicle is a health or safety hazard and a nuisance vehicle as defined in the Town Code.

Section 90.14—Unlawful Removal of Impounded Vehicle: Prohibits removing or attempting to remove from any storage facility designated by the Town which has been impounded pursuant to the Town Code, unless and until all towing and impoundment fees have been properly paid.

Animals

Section 91.01—Keeping Swine Prohibited: Prohibits keeping of swine within the Town’s corporate limits other than at abattoirs.

Section 91.03—Cruelty to Animals: Prohibits willfully abusing or cruelly treating, abandoning, torturing, or working when unfit for labor any horse, mule, draught animal, beast of burden or other animal.

² <https://www.townofaberdeen.net/files/documents/document135122016013117.pdf>

Section 91.11—Running at Large: Prohibits permitting any dog, either his own or under his control, to run at large within the Town's corporate limits unless the dog is on a leash. The owner or custodian of any dog must be responsible for repairing any damage caused by said dog, including but not limited to dog droppings deposited on public or private property.

Section 91.13—Barking Dogs: Prohibits keeping, maintaining, harboring, or caring for any dog that habitually or repeatedly barks in such a manner or extent as to create a disturbance or public nuisance within the Town

Emergencies

Section 92.03—Restrictions During Curfew: During the existence of a proclaimed state of emergency by the Mayor when a curfew has been imposed, prohibits (1) traveling upon any public street or public property unless such travel is necessary to obtain medical assistance; (2) possessing, buying, or selling or otherwise transferring any explosives, firearms, ammunition or dangerous weapons of any kind; (3) selling beer, wine or intoxicating beverages of any kind or otherwise consuming the same off his or her own premise; (4) selling gasoline or other similar petroleum products, except if expressly authorized by the provisions of the curfew imposed.

Fire Prevention

Section 94.22—Wooden and Frame Building Combustible Roofs Prohibited: Prohibits building or erecting any wooden or frame building or covering any brick or other building with a shingle or other combustible roof within the fire limits.

Section 94.23—Requirements for Transporting Combustible Liquids Across Railroads: Prohibits any person to transport over any grade crossing or any railroad track by motor truck or vehicle of 600 or more gallons of gasoline, kerosene, or other explosive, inflammable, or combustible liquids unless the driver first comes to a complete stop within 25 to 50 feet of such grade crossing, and diligently looking in all directions for approaching trains.

Section 94.24—Driving Near Fire Engine in Service; Parking Near Fire: Prohibits driving within 500 feet of a fire engine while it is on its way to a fire or otherwise parking his or her own vehicle within one-half block of the fire.

Section 94.25—Driving Over Fire Hose Prohibited: Prohibits any person to drive over with a motor vehicle, a fire hose, either when inflated or otherwise.

Section 94.26—Interfering with Fire Truck Prohibited: Prohibits any person who is not a member of the Fire Department to get on or interfere with the fire truck unless authorized by the Chief of the Fire Department.

Section 94.37—When Burning Prohibited: Prohibits causing, suffering, allowing, or permitting an open fire or refuse or other combustible material except as those that are allowed as set forth and designated in the Town Code or those covered by a permit issued by the state board of Water and Air Resources Department.

Pickets, Parades, Public Assemblies, and Special Events

Article I—Pickets, Parades, and Public Assemblies

Section 96.03—Permit Required for Parades and Public Assemblies: Prohibits organizing, having, or otherwise conducting a parade or public assembly within the Town unless a permit has first been obtained from the Chief of Police allowing the parade or public assembly as set forth in this Article of the Town Code.

Section 96.09—Sale and Consumption of Alcoholic Beverages: Prohibits selling or consuming alcoholic beverages except at an athletic event or festival for which a parade/assembly permit has been issued under this Article of the Town Code. Requires any area designated for the sale or consumption of alcoholic beverages as part of the event to be located at least 150 feet from any church, mosque, synagogue or other place of worship. No alcoholic beverages may be sold or consumed as apart of such event outside of the designated area.

Section 96.12—Prohibitions: Prohibits (1) staging, presenting, or conducting any parade or public assembly without first having obtained a valid permit under this Article; (2) participating in a parade or assembly for which the person knows a permit has not been granted; (3) knowingly fail to comply with any conditions of the parade/assembly permit; (4) carrying or possessing any staff or pole for purposes of displaying any sign, poster, flag, banner, plaque, or notice unless it meets the requirements as set for in this section and is constructed and made of cloth, paper, cardboard, rubber, or plastic material; and (5) assigning or selling any parade assembly permit granted under this Article. Requires all participants in any parade or public assembly to follow and adhere to all other applicable local, state, and federal laws.

Section 96.13—Public Conduct During Parades or Public Assemblies: Prohibits unreasonably hampering, obstructing, impeding, or interfering with any parade or public assembly or with any person, vehicle, animal, or thing participating or being used in such parade or public assembly.

Article II- Special events

Section 96.29—Prohibitions: Prohibits (1) running, operating, or sponsoring any special event in any public street or right-of-way without first obtaining a valid permit from the Director of Parks and Recreation in accordance with this Article; (2) participating in any special event for which the person knows a permit has not been granted; (3) knowingly fail to comply with any conditions of the special use permit; and (4) assigning or selling any special event permit granted under this Article. Requires all participants in any special event to follow and adhere to all other applicable local, state, and federal laws.

Section 96.30—Public Conduct during Special Events: Prohibits unreasonably hampering, obstructing, impeding, or interfering with any person, vehicle, animal, or thing participating or being used in any special event.

Trees and Shrubs

Section 98.04—Spacing: Requires the spacing of street trees to be in accordance with the requirements as set forth in the Town Code and may not be planted closer together than the following: (1) for small trees, 25 feet; (2) for medium trees, 40 feet; (3) and for large trees, 50 feet. These requirements do not apply to special plantings designed and approved by a landscape architect of the Town's Beautification Director.

Section 98.05—Planting Near Street Corner or Fire Hydrant: Prohibits planting any tree closer than (1) 25 feet from any street corner, measured from the point or nearest intersecting curbs or curblines; or (2) 10 feet from any fire hydrant.

Section 98.06—Utility Lines or Wires: Prohibits planting trees, other listed in the Town Code as small trees, under or within 10 lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water, sewer, or transmission line or other utility.

Section 98.07—Tree Topping: Prohibits any person, firm or Town Department to top any street, park tree or other tree on public property. Topping is defined under the Code as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

Section 98.08—Pruning: Requires every owner of any tree overhanging any public street of right-of-way to prune the branches so that such branches do not obstruct the light from any streetlamp or obstruct the view of any street intersection. There must be a clear space of 8 feet above the surface of the street or sidewalk and owners must remove all dead, diseased, or dangerous trees broken or decayed limbs which constitute a menace to the safety of the public. The Town has the right to prune any tree or shrub on private property that interferes with the street light or interferes with the visibility of any traffic-control device or sign.

Section 98.10—Stumps: Requires all stumps of street and park tree to be removed below the surface of the ground so that the top of the stump does not project above the surface of the ground.

Section 98.28—Interference with Tree Board or Its Agents Prohibited: Prohibits preventing, delaying, or interfering with the Town Tree Board or any of its agents while engaging in and about the planting, cultivating, pruning, or removing of any such trees, park trees, or trees on private grounds as authorized by this chapter of the Town Code.

Sales of Merchandise on Residential Premises

Section 99.03—Permit Requirements: Prohibits conducting any yard sale or garage sale without first applying and obtaining a permit from the Town Clerk and following the requirements as set for in this chapter of the Town Code.

Section 99.04—Public Nuisance: Prohibits any permit holder to allow loud or boisterous conduct or to allow vehicles to impede the passage of normal traffic. All individuals must obey the reasonable orders of the Police Department in order to maintain the public health, safety, and welfare of the citizens.

TITLE XI—Business Regulations³

Section 100.04—Automatic Dialing Devices and Interconnection to Police Department: Prohibits any automatic dialing devices to be interconnected to any telephone numbers of the Town Police Department. The user of such device is responsible for having the device disconnected upon notification of the Chief of Police.

³ <https://www.townofaberdeen.net/files/documents/document135105005070115.pdf>

Section 110.02— Business License Required: Prohibits any person or his agent to engage in or carry on a business in the Town for which there is a required license, without first having paid the license tax required by this Chapter and obtained the license.

Section 110.05—Operation of Public Enterprise without Franchise Prohibited: Prohibits (1) operating an enterprise, as defined and designated by G.S. 160A-311, within the town without first obtaining a franchise from the Town; (2) continuing to operate any enterprise after the expiration of such franchise, except as provided by law.

Section 110.09—Display Required: Requires every license to be prominently displayed at the place of business of the licensee. If the licensee has no fixed place of business, such license must be kept wherever such business is being operated and where it can be inspected at any time by the proper Town official.

Section 111.01—Consumption on Public Property Prohibited: Prohibits drinking or consuming beer, wine, or other intoxicating beverages on any public street, alley, sidewalk, or park or any other public property within the Town's corporate limits, except during an event at the Aberdeen Lake Recreation Station or as part of a special event, as defined and set forth in the Town Code.

Section 112.02—Game Room License Required: Requires any operator of a game room to (1) apply for and obtain a license from the Town Clerk, upon an investigation by the Police Department to operate a game room; and (2) to pay a license tax in accordance with the Town's privilege license ordinance. Prohibits operating any game room within the Town without a valid license.

Section 112.04—Prohibited Conduct: Prohibits any licensees or their employees to (1) suffer or permit the licensed game room to become disorderly or to permit any profane, obscene or indecent language thereon; (2) suffer or permit any gambling on the licensee's premises at any time or to use any racing, football or any parlay cards or gambling boards or devices; (3) to employ any person who has been convicted of unlawfully selling alcoholic beverages or narcotic drugs.

Section 112.05—Rules for Operation of Game Rooms: Prohibits (1) any owner of a game room to knowingly allow a minor under the age of eighteen to enter or remain on such premises when the manager or owner has been notified in writing by the parents or guardians of such persons not to allow the minor to enter or remain on the premises; (2) possessing or consuming any beer, wine or liquor upon the game room premises; (2) operating any game room within 150 feet of the property line of any established church; (3) allowing loud noises to emanate beyond the licensed premises; and (4) allowing the playing of any during the times when game rooms are required to be closed. All game rooms must be closed from 12:00 midnight on Saturday night until 1:00 p.m. Sunday, and all operators of game rooms must post a copy of these rules in the business so that it is visible to all people who enter.

Section 112.15—Sale or Consumption of Alcoholic Beverages in Pool Rooms; Gambling Prohibited: Prohibits (1) selling or consuming any beer, wine, or whisky upon the premises of any business regulated as a pool room under this Chapter; or (2) allowing or permitting gambling in any form on such premises.

Section 112.17—Presence of Minors: Prohibits any owner of a pool room or place where pool is played to knowingly allow a minor under the age of eighteen to enter or remain on such premises when the manager or owner has been notified in writing by the parents or guardians of such persons not to allow the minor to enter or remain on the premises.

Section 112.18— Posting of Regulations: A copy of the previous section must be posted by the owner or operator in an appropriate place in any pool room establishment.

Section 113.01—License, Bond Required for Pawnshops: Prohibits operating any pawnshop within the Town unless such person, partnership, or corporation has first applied for and received a privilege license by the Town Clerk. Requires every person, firm or corporation licensed under this chapter, at the time of receiving the license, to file with the Town Clerk a bond payable to the town in the sum of \$5,000 to be executed by the licensee.

Section 113.02—Employees to Register with Police Department: Requires every employee of a pawnshop to register, within five days of being employed, his or her name and address with the Police Department and have their fingerprints and photograph taken by the Police Department. Such employee will be issued a certificate of compliance of this section by the Police Department upon payment of the amount due per the fee schedule on file in the office of the Town Clerk.

Section 113.05—Cooperation with Law Enforcement Agencies: Requires all pawnshop owners and operators to cooperate and assist with the Police Department and the County Sheriffs Office at all times.

Section 113.06—Stolen Goods: If a pawnshop owner at any time has reason to believe that he or she has received stolen goods, he or she must immediately notify the Police Department, and release to the police said item, upon their request.

Section 114.02—Telephone Solicitation: Prohibits any solicitor, peddler, promoter, vender or any other person in the Town to use any telephone for the purposes of contacting another person in the Town to offer for sale or sell products or services without having been requested or invited to do so by the person being called.

Section 114.03—Solicitation of Private Residences: Prohibits any person to engage in the practice of going in and upon any private residence within the Town by solicitors, agents, representative, or transient vendors of merchandise for the purpose of soliciting orders for the sale of goods or services, not having been requested or invited to do so by the owners or occupants of such private residence.

Section 114.10—License Required for Itinerant Photographers: Requires every person engaged in the practice of photography who personally or through its officers, employees, or agents goes within this municipality soliciting the making of photographic pictures or reproductions with a view to selling the same, must apply for and obtain a privilege license to do so from the Town Clerk.

Section 114.20—Permit Required to Sell Books or Magazines: Prohibits going from house to house within the Town to sell or solicit orders for books, magazines, or periodicals of any kind or subscriptions thereto without first obtaining a valid permit as provided in the Town Code.

Section 114.30—Permit Required for Charitable Solicitation: Requires any person who solicits money, donations, or sells anything of value where such sale or solicitation or the proceeds are for charitable, religious, educational, or philanthropic purposes must first apply for and obtain a permit to engage in such solicitation in the manner and under the provisions as set forth and designated in the Town Code.

Section 114.38—Use of Permit as Endorsement Unlawful: Prohibits any person holding a permit under this Chapter for any agent, member, or representative thereof to advertise, represent or hold out in any manner that the permit is an endorsement of the holder by the Town Clerk or by the Town. When advertising, requires the permit holder to use the following words and no other: “Ordinance Requiring Permits for Solicitation: Permit No.____” including the serial number of its permit.

Section 114.40—Violations: Prohibits any persons or any agent or representative thereof from violating any of the permit application provisions, as set forth in the Town Code, or knowingly filing or causing to

be filed a false affidavit in connection with the application or representing in any way that any permit granted is an endorsement of such solicitation.

Section 115.02—License Required for Secondhand Precious Metal Business: Requires any person, firm, or corporation engaged in the business of purchasing, trading for or otherwise taking in any secondhand article made of gold, silver, or platinum must first apply for and obtain a privilege license from the Town Clerk.

Section 115.03—Employees to Register with Police Department: Requires every employee of a secondhand precious metal business, to register his or her name and address with the Police Department, within five days of being employed, and have his or her fingerprints and photograph taken by the Police Department. Such employee will be issued a certificate of compliance of this section by the Police Department upon payment of the amount due per the fee schedule on file in the office of the Town Clerk.

Section 115.07—Record of Transactions to be Kept: Every secondhand precious metal business must keep a book of record the information set forth as listed in the Town Code of any transaction with a local non-licensee involving the purchase, trading, or taking in of any secondhand article made of gold, silver or platinum. The books must be kept on the premises at all at times and a period of one year by the licensee.

Section 115.08—Inspection of Articles by Law Enforcement Agencies: Requires every secondhand precious metal business to keep all secondhand articles made of gold, silver or platinum open to inspection by any law enforcement officer at reasonable times for a period of seven (7) days with the Town's jurisdiction. This section does not prohibit the selling or arranging to sell or trade such articles during the seven-day period so long as such articles remain in its possession as required by this chapter of the Town Code.

Section 115.09—Purchase from Minors: Prohibits any secondhand precious metal business or employee to purchase any secondhand article made of gold, silver or platinum from any minor under the age of 18 without the written consent of that person's parent or guardian.

Section 115.10—Business to be Conducted Only on Licensed Premises: Prohibits any secondhand precious metal business from making use of any property or premises not included within the premises designated by the required license, for the display of any secondhand article or for conducting a secondhand precious metal business. This Section does not prohibit the storage or safekeeping of any such secondhand article off of the licensed premises, but it does prohibit the sale, exchange or purchase of any secondhand precious metals out of any mobile home, moveable business on wheels, motel room, apartment or dwelling place.

Section 115.11—Advertisements of License Number; License Fee: Any secondhand precious metal business approved for the conduct of its business pursuant to this chapter must set forth in all of its advertisements the license number given to it by the Town. The cost of the privilege license on file in the office of the Town Clerk must be paid before the license is issued.

Section 116.01—Permit Required for Taxicabs and Vehicles for Hire: Prohibits operating or driving any vehicle for hire or taxicab carrying passengers within the Town unless that person has first applied for and secured a valid permit from the Town for the operation of such vehicle for hire or taxicab.

Section 116.05—Duty of Owner to Require Licensing: Requires any owner or operator of a motor vehicle or taxicab for hire to require all drivers to be properly licensed and to comply with the provisions of this chapter in the Town Code.

Section 116.07—Obtaining Services Fraudulently: Every person requesting a taxicab operator or driver to take him to a designated terminus and refusing to pay the applicable fare for carrying said passenger will be presumed to have fraudulently obtained such services with the intent to cheat the operator or driver of his or her just charge.

Section 117.03—Sexually Explicit Material and Responsibility of the Business: Prohibits any person to knowingly place sexually explicit material upon public displays on the premises of any such business through which minor's pass or which they are invited as member of the general public except if certain conditions are met as set forth and designated in this section of the Town Code.

TITLE XII—General Offenses⁴

Section 130.01—Curfew for Minors: Prohibits any minor under the age of 16 to loiter, wander, stroll, or play upon any street, roads, alley ways or other public places within the Town, or in any vehicle placed or parked thereon between the hours of 11:00 pm and daylight, unless accompanied by the parent or guardian having the care, custody or control of the minor. Any parent or guardian, after an investigation by law enforcement that said minor is in violation of the previous section, thereafter permits such minor to again violate the provisions of this section will be guilty of a misdemeanor.

Section 130.02—Disorderly Conduct: Prohibits any person to engaged in any disorderly conduct, as defined and set forth in the Town Code.

Section 130.03—False Alarms: Prohibits making or circulating a false alarm of fire or false call to any emergency vehicle.

Section 130.04— Discharging of Weapons: Prohibits discharging any pistol, rifle, shotgun, or other firearm within the corporate limits except (1) by a police officer acting in the performance of his or her duties; (2) with the permission of a police officer acting in the performance of his or her official duties; (3) in self-defense; (4) or as a part of any use authorized by the Town UDO.

Section 130.10—Cruelty to Animals or Police Dog: Prohibits willfully torturing, tormenting, injuring, or otherwise mistreating a dog or other animal owned by the Town or willfully by any action whatsoever interfering with the lawful performance of such dog or animal.

Section 131.01—Removing or Destroying Barricades: Prohibits any person, other than an employee of the Town, to remover, tear down or destroy any barricade which has been erected by the Town.

Section 131.02—Tobacco and E-Cigarette use Prohibited on Town Parks and Recreation Property: Prohibits any person to use any tobacco product or e-cigarette in or on any park, recreation building, indoor or outdoor athletic facility, greenway or trail, or any other indoor or outdoor recreation facility that is owner, operated, or controlled by the Town.

⁴ <https://www.townofaberdeen.net/files/documents/document135105027070115.pdf>

TITLE XV—Land Usage⁵

Section 150.08(E)(5)(a)—Action by Town Board Upon Failure to Comply with Order: If a property owner fails to comply with an order to repair, alter, or improve or to vacate and close any nonresidential building or structure, the Town Board may adopt an ordinance ordering the Building Inspector to proceed with causing said building or structure to be repaired, altered, or improved or to be vacated or closed. The Building Inspector may cause post on the main entrance of any nonresidential building or structure so closed a placard with the following words: “This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful.” Any person who occupies or knowingly allows the occupancy of a building or structure so posted will be guilty of a Class 3 misdemeanor.

Section 151.15—Minimum Standards for Dwellings and Dwelling Unit; Compliance Required: Requires every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, to comply with all of the minimum standards of fitness for human habitation and all requirements of this Chapter of the Town Code. Prohibits any person to occupy as owner-occupant or let another to occupy or use as a human habitation, any dwelling or dwelling unit that does not comply with all of the minimum standards of fitness for human habitation and all of the requirements as set forth in this section of the Town Code.

Section 150.28—Enforcement of Street Names and Addresses: Requires no certificate of occupancy to be issued until an official address has been assigned for a residential, commercial, or industrial structures and the number has been properly displayed. Prohibits (1) removing, destroying, or defacing any street name or sign; or (2) erecting a street name sign contrary to the provisions do this ordinance and/or without the appropriate approval as provided by this ordinance.

Section 151.59—Violations of an Order by Building Inspector: Prohibits any owner of any dwelling or dwelling unit (1) to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate remove or demolish the same, upon an order of the Building Inspector and served as herein provided, within the time specified in such order; and (2) with respect to an order that has been issued by the Inspector, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration, or improvement or its vacating and closing.

Town of Aberdeen--Uniform Development Ordinance

Article VII—Enforcement and Review⁶

Section 152-114—Stop Work Orders: If the Town Administrator determines that a person is engaging in work that constitutes, creates, or results in a violation of the Town UDO and that irreparable injury will occur if the violation is not terminated immediately, the Administrator may order the specific part of the work to be immediately stopped. Prohibits the owner or person upon whom a stop work order is served to

⁵ <https://www.townofaberdeen.net/files/documents/document135085908041414.pdf>

⁶ [https://www.townofaberdeen.net/files/documents/Article VII - Enforcement and Reviews 07-19-2012_084059.pdf](https://www.townofaberdeen.net/files/documents/Article_VII_-_Enforcement_and_Reviews_07-19-2012_084059.pdf)

cause, suffer, or permit a violation of the order while it remains in effect, except during a period in which the operation of the order is stayed under this section.

Section 152-115—Penalties and Remedies for Violations of UDO: Violations of the provisions of the Town UDO, including violations of any conditions and safeguards established in connection with grants of variances, special use permits, conditional use permits, or conditional zoning districts and violations of stop work orders, will constitute a misdemeanor and punishable as provided in G.S. 14-4(a).