

AHOSKIE, NC

CRIMINAL PENALTY LISTING

The following table sets forth code sections and ordinance provisions, if any, violation of which specifically imposes a criminal penalty under G.S. 14-4(a) by specific mention or by application of the code's general penalty provision. This listing excludes provisions imposing only civil fines, provisions imposing civil fines which may be imposed in addition to criminal penalties, and penalties authorized by statutory authority other than G.S. § 14-4. (See the bottom of the final page for notes concerning the town's general penalty.)

CODE §	DESCRIPTION	PENALTY
2-230	Failure to comply with certificate of appropriateness for historic landmark	(Punishable in the same manner as violation of the zoning ordinance)
6-1	Alcoholic Beverages—Hours for sale of beer and wine	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
6-2	Alcoholic Beverages—Public consumption	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
6-4	Alcoholic Beverages—Consumption on the public streets and on municipal property prohibited	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
6-5	Alcoholic Beverages—Possession of open containers on the public streets and on municipal property prohibited	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
6-6	Alcoholic Beverages—Possession during special events prohibited	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
18-2	Emergency management--Violation of provision imposed by proclamation of state of emergency	General penalty—\$50.00 maximum fine
22-22	Fire regulations—Interference with fire personnel or fire apparatus	General penalty—\$50.00 maximum fine
22-23	Fire regulations—Standing or being in area near fire	General penalty—\$50.00 maximum fine
22-24	Fire regulations—Riding on fire apparatus	General penalty—\$50.00 maximum fine
22-61	Fire regulations—Failure to comply with order to remedy fire hazard	General penalty—\$50.00 maximum fine
26-53	Floodplain related regulations—Floodplain development permit required	Misdemeanor—\$50.00 maximum fine or 30 days incarceration or both
26-54	Floodplain related regulations—Compliance with flood damage prevention regulations required	Misdemeanor—\$50.00 maximum fine or 30 days incarceration or both
26-79(e)	Floodplain related regulations—Failure to comply with order for corrective action	Misdemeanor—At discretion of court

CODE §	DESCRIPTION	PENALTY
26-101	Floodplain related regulations—General standards for special flood hazard areas	General penalty— \$50.00 maximum fine
26-102	Floodplain related regulations—General standards for special flood hazard areas	General penalty— \$50.00 maximum fine
26-104	Floodplain related regulations—Standards for floodplains without established base flood elevations	General penalty— \$50.00 maximum fine
26-105	Floodplain related regulations—Standards for riverine floodplains with base flood elevations but without established floodways or nonencroachment areas	General penalty— \$50.00 maximum fine
26-106	Floodplain related regulations—Floodways and non-encroachment areas	General penalty— \$50.00 maximum fine
34-25	Businesses generally—Certificate required prior to conduct of business	General penalty— \$50.00 maximum fine
34-49	Businesses generally—Separate certificate required for each business location	General penalty— \$50.00 maximum fine
34-50	Businesses generally—New certificate required upon change in business character	General penalty— \$50.00 maximum fine
34-51	Businesses generally—Display of certificate required	General penalty— \$50.00 maximum fine
34-131	Garage sales—Property permitted to be sold	General penalty— \$50.00 maximum fine
34-132	Garage sales—Permit required	General penalty— \$50.00 maximum fine
34-133	Garage sales—Written statement required	General penalty— \$50.00 maximum fine
34-135	Garage sales—Permit conditions	General penalty— \$50.00 maximum fine
34-136	Garage sales—Hours of operation	General penalty— \$50.00 maximum fine
34-139	Garage sales—Display of sale property	General penalty— \$50.00 maximum fine
34-140	Garage sales—Display of permit	General penalty— \$50.00 maximum fine
34-141	Garage sales—Advertising; signs	General penalty— \$50.00 maximum fine
34-142	Garage sales—Creation of public nuisance	General penalty— \$50.00 maximum fine

CODE §	DESCRIPTION	PENALTY
34-144	Garage sales—Parking	General penalty— \$50.00 maximum fine
34-178	Insulation contractors—License required	General penalty— \$50.00 maximum fine
34-181	Insulation contractors—Bond required	General penalty— \$50.00 maximum fine
34-184	Insulation contractors—Change of business location	General penalty— \$50.00 maximum fine
34-185	Insulation contractors—Special insulation permit required	General penalty— \$50.00 maximum fine
34-214	Public dances—Rules and regulations	Misdemeanor— \$50.00 maximum fine
34-215	Public dances—Permit required	Misdemeanor— \$50.00 maximum fine
34-217	Public dances—Permit to be posted	Misdemeanor— \$50.00 maximum fine
34-218	Public dances—Police response fee	Misdemeanor— \$50.00 maximum fine
34-219	Public dances—Adequate security required	Misdemeanor— \$50.00 maximum fine
34-220	Public dances—Liquor license required	Misdemeanor— \$50.00 maximum fine
34-221	Public dances—Alcohol outside of licensed premises prohibited	Misdemeanor— \$50.00 maximum fine
34-222	Public dances—Hours restricted	Misdemeanor— \$50.00 maximum fine
34-223	Public dances—Certain behavior prohibited	Misdemeanor— \$50.00 maximum fine
34-230	Public dances—Permitting juvenile to be on licensed premises in violation of regulations	Misdemeanor— \$50.00 maximum fine
34-257	Itinerant merchant—License required	General penalty— \$50.00 maximum fine
34-260	Itinerant merchant—Display of license	General penalty— \$50.00 maximum fine
38-261	¹ Golf carts—Operation on public streets and roads restricted	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine

¹ These two provisions regarding golf carts are included in this list because they specifically refer to G.S. § 14-4. The remaining provisions of Chapter 38, Motor Vehicles and Traffic have been omitted. Section 38-196 makes “certain” chapter provisions subject to civil

CODE §	DESCRIPTION	PENALTY
38-262	Golf carts—Registration required	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
42-7	Nuisances—Generally. Abatement and lien procedure for violations cumulative to other remedies; violations may be subject to criminal penalties	General penalty— \$50.00 maximum fine
42-33	Nuisances—Unlawful making of noise	General penalty—\$100.00 maximum fine for 1 st offense; \$200.00 maximum fine for 2 nd offense; \$300.00 maximum fine for 3 rd and subsequent offenses
46-1	Offenses—Electric fences	General penalty— \$50.00 maximum fine
46-2	Offenses—Excavations on private property; protection	General penalty— \$50.00 maximum fine
46-3	Offenses—Firearms; firing restricted	General penalty— \$50.00 maximum fine
46-4	Offenses—Projectiles, archery ranges, etc.	General penalty— \$50.00 maximum fine
46-5	Offenses—Vehicular and pedestrian traffic on public school campuses	General penalty— \$50.00 maximum fine
46-33	Offenses—Purpose; definitions; offenses; exceptions; enforcement; penalties	² G.S. § 14-4 penalty for nonjuvenile violators—\$50.00 maximum fine for 2 nd offense; \$50.00 maximum fine for 3 rd and subsequent offenses
46-56	Offenses—Aggressive panhandling prohibited	General penalty— \$50.00 maximum fine
58-3	Solid waste—Responsibility for and ownership of solid waste	General penalty— \$50.00 maximum fine
58-4	Solid waste—Separation of solid wastes prior to collection	General penalty— \$50.00 maximum fine
58-5	Solid waste—Containers	General penalty— \$50.00 maximum fine

penalties. An editor's note discloses that civil penalties are listed in a separate, noncodified schedule, so I am unable to determine whether any additional traffic provision is subject to criminal penalties under G.S. § 14-4.

² I think the result of the penalty language in this section as to third and subsequent offenses is unintended. The section provides: "Upon a third and subsequent violation, the person shall be charged with such violation and, if found guilty, such person shall be subject to punishment as provided in G.S. 14-4." Under G.S. 14-4, the absence of a specific higher amount results in a penalty of \$50.00.

CODE §	DESCRIPTION	PENALTY
58-6	Solid waste—Collection procedure	General penalty— \$50.00 maximum fine
66-1	Streets, sidewalks and other city property generally—Creating obstruction by assembling, standing, etc.	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-2	Streets, sidewalks and other city property—Placing obstructions in streets generally	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-3	Streets, sidewalks and other city property—Placing goods for display or sale on sidewalks	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-4	Streets, sidewalks and other city property—Selling on streets or sidewalks generally	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-5	Streets, sidewalks and other city property—Racks for sale of newspapers, magazines, etc.	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-6	Streets, sidewalks and other city property—Sheds and awnings	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-7	Streets, sidewalks and other city property—Carts, bicycles, etc., blocking sidewalks and driveways	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-8	Streets, sidewalks and other city property—Throwing or burning trash on street or sidewalk	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-9	Streets, sidewalks and other city property—Placement of tree or shrubbery trimmings	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-10	Streets, sidewalks and other city property—Snow and ice removal	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-11	Streets, sidewalks and other city property—Dragging or running heavy equipment on streets	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-45	Streets, sidewalks and other city property—Driveways—Size of culverts	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-46	Streets, sidewalks and other city property—Driveways—Construction materials for culverts	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-47	Streets, sidewalks and other city property—Driveways—Width of driveways	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-48	Streets, sidewalks and other city property—Driveways—Elevation and grade of driveways	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-70	Streets, sidewalks and other city property—Excavations and construction—Permit to dig in street	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine
66-71	Streets, sidewalks and other city property—Excavations and construction—Permit for sidewalk construction	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine

CODE §	DESCRIPTION	PENALTY
66-72	Streets, sidewalks and other city property—Excavations and construction—Backfilling of openings	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
66-73	Streets, sidewalks and other city property—Excavations and construction—Protection of excavations	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
66-74	Streets, sidewalks and other city property—Excavations and construction—Overhead passageway required for construction near sidewalk	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
66-75	Streets, sidewalks and other city property—Excavations and construction—Unauthorized removal or destruction of barricades	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
66-94	Streets, sidewalks and other city property—Poles and conduits—Permit for placing poles—Required	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
66-97	Streets, sidewalks and other city property—Poles and conduits—Care and inspection of poles	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
66-98	Streets, sidewalks and other city property—Poles and conduits—Use of poles, underground conduits for town purposes	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
66-126	Streets, sidewalks and other city property—Parades, etc.—Permit required	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
66-129	Streets, sidewalks and other city property—Parades, etc.—Prohibited activities generally	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
66-130	Streets, sidewalks and other city property—Parades, etc.—Interference with, obstruction, etc.	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
66-131	Streets, sidewalks and other city property—Parades, etc.—Additional regulations applicable to picketing	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
66-132	Streets, sidewalks and other city property—Parades, etc.—Dispersal of crowd upon direction of police officers	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
66-164	Streets, sidewalks and other city property—Trees and shrubs—Sight obstructions at intersections	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
66-165	Streets, sidewalks and other city property—Trees and shrubs—Permit for planting, rearranging or removing	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine
66-185	Streets, sidewalks and other city property—Smoking regulated in municipal buildings	G.S. § 14-4 Misdemeanor—\$50.00 maximum fine

CODE §	DESCRIPTION	PENALTY
70-5	Utilities generally—Lift station; location; cost.	General penalty— \$50.00 maximum fine
70-6	Utilities generally—Water or sewer connection and repairs to be made only by town or by licensed plumber with approval of superintendent.	General penalty— \$50.00 maximum fine
70-9	Utilities generally—Extensions and connections outside corporate limits—Generally.	General penalty— \$50.00 maximum fine
70-20	Utilities generally—Unauthorized turning on of water after discontinuance of service or in newly occupied buildings.	General penalty— \$50.00 maximum fine
70-23	Utilities generally—Shutoff cocks required.	General penalty— \$50.00 maximum fine
70-25	Utilities generally—Damaging, tampering with facilities.	General penalty— \$50.00 maximum fine
70-55	Utilities, sewers—Regulation of discharges.	General penalty— \$50.00 maximum fine
70-56	Utilities, sewers—Structures required.	General penalty— \$50.00 maximum fine
70-57	Utilities, sewers—Permits.	General penalty— \$50.00 maximum fine
70-88	Utilities, water conservation—Rationing.	Misdemeanor--\$50.00 maximum fine or 30 days incarceration
70-93	Utilities, water conservation—Regulations.	Misdemeanor—\$50.00 maximum fine or 30 days incarceration
70-113	Utilities, oil and grease control—Grease interceptor maintenance record keeping and grease removal.	Misdemeanor— \$500.00 maximum fine
70-115	Utilities, oil and grease control—Existing facilities.	Misdemeanor— \$500.00 maximum fine
App A, § 611	Subdivision regulations—Any violation or noncompliance	³ Misdemeanor— \$500.00 maximum fine
App B, § 601.7	Zoning regulations—Any violation of failure to comply with regulations or order issued under regulations	G.S. § 14-4 Misdemeanor— \$50.00 maximum fine or 30 days incarceration

³ Compare to zoning penalties below.

NOTES RE TOWN'S GENERAL PENALTY SECTION

City Code § 1-8 provides, in pertinent part: "Unless otherwise specifically provided, violation of any provision of this Code or any other town ordinance shall be a misdemeanor, as provided by G.S. 14-4."

G.S. § 160A-175(b) provides: "Unless the council shall otherwise provide, violation of a town ordinance is a misdemeanor or infraction as provided by G.S. 14-4. An ordinance may provide by express statement that the maximum fine, term of incarceration, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4.

G.S. § 14-4 provides, in pertinent part: "Any person [who] shall violate an ordinance ... shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.00. No fine shall exceed \$50.00 unless the ordinance expressly states that the maximum fine is greater than \$50.00."

G.S. § 14-3 provides that the maximum punishment for a Class 3 misdemeanor is a fine of up to \$500.00 and incarceration of up to 30 days.