

BURLINGTON CODE of ORDINANCES
Ordinances that create a G.S. 14-4(a) Criminal Offense

(For information please contact city attorney's office directly [dhuffman@burlingtonnc.gov]. Burlington recently adopted a recodification of its city code. The recodified version is not yet posted on MuniCode.)

Chapter 1 In General - Provides that wherever Code prohibits an act or declares it unlawful and no specific penalty is provided, conviction shall result in fine not exceeding \$500 as provided by G.S.14-4. Each day's violation is separate offense. Violators are further subject to G.S. 160A-175.

Chapter 3 Alarm Control - An alarm user, as defined, must obtain an alarm permit from the Police or Fire Department alarm systems coordinator. Single family homes exempted. Provides for assessment, cost recovery for 4th false alarm in 12-month period. Provides for civil penalty for failure to obtain alarm permit. General penalty for violation of chapter is G.S. 14-4 misdemeanor.

Chapter 4 Alcoholic Beverages – Unlawful to consume malt beverages, unfortified wine on public property, except named facilities with necessary permits. Misdemeanor penalty provided for in code Chapter 1 applies. Sunday sales of malt beverages, fortified wine, unfortified wine and mixed beverages allowed at licensed facilities on Sundays beginning at 10AM. Business with ABC permit which operate after 11 PM and meet specified criteria may be designated as high security risk; required to have exterior safety plan including security cameras. Violation of high security risk provisions may be \$500 fine.

Chapter 5 Amusements – Operators of commercial amusements including circuses, carnivals, Ferris wheels and merry go-rounds must obtain liability insurance or bond; must meet certain location requirements, must obtain permit with all requirements met, signatures of reviewing departments and final approval by city council. Misdemeanor penalty provided for in code Chapter 1 applies

Chapter 7 Buildings – Adopts building and technical codes for construction within city limits and extra territorial jurisdiction; provides for permits, fees and inspections. Establishes regulations for new construction in secondary fire district as same as in primary district unless the structure 30 feet or more from the adjoining property lines. Misdemeanor penalty provided for in code Chapter 1 applies.

Chapter 9 Cemeteries - Establishes price of lots, number of lots one may purchase; forbids sale of cemetery lots to businesses and associations; establishes a required clause in cemetery deeds. Provides that sale and transfer of all lots shall be through the City Cemetery Division. Limits location of upright monuments. Prohibits plantings of shrubs and trees and permits staff to remove specified materials placed at gravesites. Allows up to 2 cremation burials per grave space. Misdemeanor penalty provided for in code Chapter 1 applies.

Chapter 10 Emergency Management – Authorizes mayor, mayor pro tem or next succeeding council member to proclaim, in writing, a state of emergency according to statutory guidelines. Evacuation may be compelled. Proclamation may impose curfew and restrict possession and consumption of alcohol and provide for other restrictions. Provides that any violation of a prohibition or restriction in a proclamation is a misdemeanor.

Chapter 12 Fire Prevention and Protection – Adopts NC Fire Prevention Code and responsibilities for enforcement. Specifies limitations on storage and transportation of liquified petroleum, explosives, hazardous chemicals and other dangerous materials. Requires key boxes on new construction with fire alarm or sprinkler system. Establishes requirements for service stations and unattended service stations. Authorizes civil penalties for unlawful burning, obstructing an exit and overcrowding, in addition to penalties under G.S. 14-4.

Chapter 14 Housing – Substandard housing declared a nuisance which may be abated. Establishes minimum housing standards and requirements. Sets out enforcement provisions including administrator of code enforcement's power to inspect and enforce the chapter. Establishes criteria for determining a building unfit for human habitation. Establishes procedure for notice, complaint, hearing, issuance of order to repair or demolish, appeal to Housing Commission by owner; placarding in case of failure to comply; and adoption of order of demolition by city council and recovery of the city's expenses. Failure to comply with

an order (or placard on the house) by director of inspections or Housing Commission is enforced under G.S.14-4.

Chapter 16 Junked, Abandoned and Hazardous Motor Vehicles – Establishes definitions of junked, abandoned and hazardous motor vehicles. Declares such vehicles unlawful and provides for removal including pre and post-towing notice, appeal and right to redeem. Misdemeanor penalty provided for in code Chapter 1 applies.

Chapter 17 Lakes – Prohibits use of impairing substances on lakes under control of the city; prohibits fireworks. Authorizes lake directors at each lake to manage recreational facilities and to enforce ordinances. Boats with vegetative, organic matter prohibited. Establishes watercraft regulations for operation applicable to all lakes. Establishes fishing regulations applicable to all lakes. Regulates activities in all watersheds according to applicable cited state regulations including operation of public water supplies, keeping of livestock, operation of recreational areas, maintenances of residences, places of business, and sewage and trash disposal. Requires enforcement of regulations governing cultivation, pasturing and agriculture in 50-foot riparian buffer around all city water supply lakes as required by Jordan Lake Rules (S.L. 2013-395). Individually regulates closure, restrictions on type of boat, recreational uses, swimming, water skiing, jet skiing, fishing and picnicking on each of 3 named city lakes. In addition to a criminal penalty under G.S. 14-4, allows assessment of civil penalties for threats to water quality and public health and injunction to restrain or correct a land use that violates the ordinance. Establishes civil penalties, equitable relief, in addition to G.S. 14-4 penalties.

Chapter 22 Nuisances – Enumerates as a nuisance conditions on any parcel or lot that are found to be noxious, detrimental to health or welfare of citizens. Provides for notice of violation by the city; abatement; billing the owner for costs; and, if not paid, collection as delinquent taxes. Provides that abatement of nuisance property conditions does not preclude the city's charging the offender with a G.S. 14-4 misdemeanor. Prohibits smoking in specified public places; provides for signage and enforcement with a civil penalty and/or enforcement under G.S. 14-4. Defines and provides that graffiti is a nuisance; authorizes removal by the city according to the abatement procedure and also proceedings under misdemeanor provisions.

Chapter 23 Offenses – Prohibits possession and carrying of firearms or other deadly weapons on city owned or leased buildings, facilities, grounds, parks and recreation areas. Defines "firearms" and "deadly weapons." Does not prohibit stored firearm or weapon in glove box or trunk within locked motor vehicle. Defines certain exclusions from the prohibition. However, concealed carry permitted handguns may be carried in city parks and recreation facilities, except in named athletic fields, swimming pools, gyms where they are prohibited. Provides for signage at city owned leased buildings and facilities. Prohibits discharge of firearms within city limits, with certain exceptions. (Civil, not criminal, penalties authorized for: urinating or defecating on streets, rights-of-way and real or personal property of another; playing ball or throwing stones in streets; use of skates or other human-powered motive devices (defined) in central business district and in posted high pedestrian areas of parks; unreasonably loud and disturbing noise; certain noise-producing activities carried on with 300 feet of a residentially occupied structure.) Go-kart tracks are prohibited; stacking lumber above a defined height is prohibited; operation of a public concert or other public entertainment without adequate approved security is a misdemeanor; occupation of hotels, motels, boarding and rooming houses is regulated. Violation of chapter, with exception of enumerated civil penalty provisions, is a misdemeanor.

Chapter 24 Panhandlers, Peddlers, Mobile Food Vendors – Permits passive panhandling, begging, charitable or political solicitation as defined and treated as speech under the First Amendment except in areas of heightened personal security concerns, heightened privacy concerns and streets, highways and medians (heightened public safety concerns.) Prohibits aggressive panhandling, begging, charitable or political solicitation. Violation of panhandling, begging, charitable solicitation provisions is a misdemeanor. Itinerant merchants, peddlers, or commercial solicitors required to register and obtain and display a permit. Failure to comply subjects violators to a civil penalty, or it may be enforced as a misdemeanor. Refusal of peddler/solicitor/itinerant merchant to leave premises of another is an offense. Mobile food truck and push carts require permits and insurance as specified. Operation requirements are established and districts where permitted are listed. Violation is a misdemeanor.

Chapter 25 Parades, Public Assemblies and Picketing – Parades, as defined, require a permit from city and approval by city council where street closing is required. Interference, driving through parades, and parking on the route are prohibited. Public assemblies, as defined, have designated venues. 72 hour written notice required for planned public assemblies. Content not a factor in permits. Limits on public assemblies include: participants shall not unreasonably interfere with vehicular or pedestrian traffic; subject to all state and federal laws regarding weapons. Law enforcement officers authorized to assign multiple groups a place to assemble. Picketing, as defined, permitted only on sidewalks. Participants to maintain sufficient distance between themselves so as to allow unfettered use of sidewalks and entrance to buildings. Police officers authorized to assign picketers with contrary objectives to locations. Unlawful to interfere with or intimidate picketers. Unlawful for participants in public assemblies and pickets to wear scarves, masks or hoods covering their faces for purposes of concealing identity. Any violation of chapter is a misdemeanor.

Chapter 26 Pawnbrokers – City adopts state law regulating activities of pawnbrokers and cash converters. Tax collector authorized to issue the required license. Misdemeanor penalty provided for in code Chapter 1 applies.

Chapter 29 Police – Authorizes police to establish barricades at parades, fires, crime scenes, etc.; unlawful person, other than authorized official, to cross a police emergency line. Misdemeanor penalty provided for in code Chapter 1 applies. (Rest of chapter establishes Police Department; describes powers and authority of chief, and vests general supervisory power in city manager. Establishes a reserve unit and powers, requirements and limitations on powers of reserve police officers.)

Chapter 31 Recreation and Parks – Prohibits, with certain exceptions, operation of motor vehicles and Human powered motive devices (defined) within city parks; limits canoeing and kayaking on the Haw River within city parks and golf courses with certain exceptions. Prohibits cutting, moving, damaging plants in public parks and recreation areas.

Chapter 33 Solid Waste – Adopts Alamance County recycling ordinance. Establishes rules and regulations for municipal waste collection including curbside collection, approved containers, and placement of containers. Prohibits unauthorized collection of waste set out for collection. Defines littering as an offense and responsibilities of property owners and occupants to control littering on their property. Prohibits failure to dispose of decayed waste after 48 hours. Identifies waste not collected by the city which is thereby the responsibility of the owner. Establishes yard waste collection service and provides for what is and is not collected. Similarly for collection of white goods and bulk items. Provides special regulations for waste collection in the central business district. Provides that violations shall subject the offender to a civil penalty and that in addition a violation is a G.S. 14-4 misdemeanor.

Chapter 34 Streets and Sidewalks - Regulates paving or repaving of streets or sidewalks and installation of paving, curb, gutter and sidewalks and assessments in accordance with the city charter, applicable provisions of the N.C. General Statutes. Prohibits driving on a street that is barricaded and under repair, or otherwise damaging a street or sidewalk. Gutters and driveways shall not be obstructed by trash. Prohibits depositing of dirt and debris on streets and sidewalks by those engaged in construction, landscaping; responsibility for preventing depositing and for clean-up of dirt and debris is with holder of permit. Occupants or owners are responsible for keeping sidewalks abutting their buildings clean and for snow removal. Owners are responsible for keeping trees and projecting growth trimmed over public streets and rights-of-ways and grass and weeds trimmed. It is unlawful to plant trees and shrubs in a public place without a permit. Writing or painting on sidewalks or streets is prohibited. It is unlawful to excavate adjacent to a public right-of-way so as to diminish the lateral support of the street or sidewalk. Moving buildings larger than 200 square feet on streets, sidewalks, alleys or highways within the city is regulated, and a permit, notice to affected departments and utilities, insurance and bond are required. A permit is required when a street will be blocked or obstructed. Signs, awnings, porches, fences, steps over or on sidewalks are prohibited. A permit is required, along with bond and liability insurance for construction where a building or demolition encroaches on a public right-of-way. Driveway construction is regulated with a permit and must comply with specifications promulgated by the city engineer. Addressing and road naming must comply with standards set forth in this chapter. For the Addressing and Road Naming article, violation is a GS 14-4 misdemeanor; in addition, a civil penalty may be imposed. Outdoor dining is provided for in specified locations. Permits and application requirements

and layout are provided for. The permit, a temporary license, may be suspended or revoked for violations of the ordinance. For the Outdoor Dining article, civil penalties are provided for as well enforcement under G.S. 14-4

Chapter 36 Traffic – Violations of provisions of this chapter are civil penalties or infractions. However, there are misdemeanor violations for: unnecessary noise from motor vehicles in excess of specified decibel limits, violations of cruising (as defined) limits, and failure to stop at the direction of a school guard in a designated school zone.

Chapter 37 Unsafe Nonresidential Buildings – Establishes standards for declaring a non-residential building unsafe. Provides for posting, notice and hearing and order to demolish. Owner may appeal order to demolish. Unlawful to fail to comply with a final order of the building inspector or city council. Misdemeanor penalty provided for in code Chapter 1 applies.

Chapter 39 Vehicles for Hire – (*Chapter not applicable to vehicles dispatched by a transportation network company, regulated by Article 10A, G.S. 20.*) Requires quarterly inspections of taxicabs and vehicles for hire and that name and phone number of owner be painted on sides and rear. Four doors required. Regulates cleanliness, required equipment. Regulates how a driver may solicit, receive and discharge passengers. Requires detailed recordkeeping that must be available for inspection by chief of police. Limits maximum hours of active duty of a driver. Requires compliance with traffic laws. Specifies requirements for business premises of a taxicab business, including that listed phone numbers have an attendant on duty. Transportation of alcoholic beverages in a taxicab is unlawful unless owned by fare-paying passenger. Requires a city granted license for operator of a taxicab or vehicle for hire business; specifies requirements for application for a license. Provides for determination of public convenience and necessity by city council before issuance of license. Specifies liability insurance requirements. Requires police department to inspect each vehicle to be operated after the application for a license has been filed. Licenses are not transferrable. Drivers of taxicabs required to submit application, with specified supporting information, and obtain permit from chief of police. Rates and fares must be displayed on the inside of each taxicab and each must have a taximeter, as provided. Failure to pay fare by anyone, other than a person entitled to free transportation, is prohibited. Misdemeanor penalty provided for in code Chapter 1 applies.

Chapter 40 Water and Sewers – Unlawful to make unauthorized connection to city or any other utility system. Unlawful, other than city employees or authorized contractors, to connect, turn on or disconnect to any utility service or remove or repair equipment connected to utility service.