

AMENDING CHAPTER 10

AN ORDINANCE PROVIDING FOR THE SPECIFIC APPLICATION OF
CRIMINAL PENALTIES FOR VIOLATIONS OF THE
CODE OF ORDINANCE OF THE TOWN OF DENTON

BE IT ORDAINED by the Board of Commissioners of the Town of Denton, North Carolina that the Code of Ordinance of the Town of Denton be amended as follows:

The first paragraph of the current Chapter 10, Section 10-99 General Provisions, Penalty is hereby amended to add the highlighted language set forth on Exhibit A.

This ordinance shall become effective upon its adoption by the Town Council of the Town of Denton, North Carolina.

ADOPTED this the 19 day of November, 2018.

TOWN OF DENTON

By: Larry D. Ward
Larry Ward, Mayor

ATTEST: Angel Jenkins
Angel Jenkins, Town Clerk

EXHIBIT A

Section. 10-99. General Penalty; Enforcement of Ordinances; Continuing Violations. Unless otherwise provided herein, each violation of this Code or any other Town ordinance shall constitute a misdemeanor, except as otherwise provided by statute, and violations of such provisions of any Town ordinance shall be punished by fine or imprisonment as provided by law. Each day any violation of any Town ordinance shall continue shall constitute a separate offense, except as may be specifically provided. The misdemeanor punishment described herein is limited to those portions of this Code which specifically provide for a criminal punishment, and Chapter 3, Public Nuisances, Chapter 91, Minimum Housing Standards, the Zoning Ordinance, and the Subdivision Ordinance. A violation shall be punished as Class 3 misdemeanor as set forth in the General Statutes of North Carolina, with a fine of \$500.00 or less.

Denton, NC - Ordinance Violation Misdemeanors

Ordinance	Section	Description
Prohibiting the Use of Skateboards, Bicycles, and Other Wheeled Conveyances in Harrison Park	Chapter VI: Section 8.c	The riding of skateboards, bicycles, and other wheeled conveyances is hereby prohibited in Harrison Park, except in the paved public vehicular area. Specifically excluded from this ordinance is the use of wheelchairs, baby carriages, and the like. The penalty for the violation of this ordinance shall be a misdemeanor as set forth by reference to Section 10-99 of this code. Appendix 1
Banning Commercial Truck Traffic on Vernon Street	Chapter VI: Section 44.c	Now, Therefore, be it enacted the Board of Commissioner at its July 19, 1993 session, that commercial trucks are hereby banned and prohibited from utilizing Vernon Street in the Town of Denton from its intersection with Glenn Street (Highway 109) as it moves in an easterly direction to its terminus. The violation of this Ordinance shall be a misdemeanor punishable as are other general misdemeanors of the Town. Appendix 2
Banning Commercial Truck Traffic on Haywood Street and Salisbury Street	Chapter VI: Section 44.d	Now, Therefore, be it enacted the Board of Commissioner at its February 19, 2001 session, that commercial trucks are hereby banned and prohibited from utilizing Haywood Street in the Town of Denton from First Street to Salisbury Street and Salisbury Street from Highway 109 intersection to the eastern dead end. The violation of this Ordinance shall be a misdemeanor punishable as are other general misdemeanors of the Town. Appendix 3
Banning Commercial Truck Traffic From Residential Areas	Chapter VI: Section 44.e	Commercial Trucks Prohibited in Residential Zones. All heavy commercial truck activity is hereby prohibited from any area of the Town of Denton which is zoned Residential. "Heavy Commercial Trucks" are defined as trucks having three axles or more and also tractor trailers. Specifically excepted from the Ordinance are standard passenger trucks such as are in common use by families which are being utilized for commercial purpose. A violation of this ordinance shall be a misdemeanor, punishable as set forth in Section 50, Chapter VI of this Ordinance. Appendix 4
Penalty	Chapter VI: Section 45	Any person violating the provisions of this ordinance, shall upon conviction, be guilty of a misdemeanor and shall be punished in accordance with the provisions of section 14.4 of the General Statutes of North Carolina. Appendix 5

Denton, NC - Ordinance Violation Misdemeanors		
Ordinance	Section	Description
Penalty	Chapter VI: Section 50	Any person, firm, or corporation that violates the provisions of this ordinance shall upon conviction be guilty of a misdemeanor and shall be fined not exceeding \$50.00 or imprisoned not exceeding thirty days. Each day that a violation continues to exist shall constitute a separate offense. Appendix 5
Public Nuisance: House of Ill Fame	Chapter X: Section 3	No person shall keep a house or other place of ill fame in the Town and no person shall knowingly rent any house to be used as a house of ill fame. All adult person living in such house shall be considered keepers thereof and be subject to the penalties of this code. Appendix 6
Penalty	Chapter X: Section 8	PENALTY. Any person, firm, or corporation violating the provisions of this ordinance shall upon conviction be guilty of a misdemeanor and shall be punished in accordance with provisions of Section 14.4 of the General Statutes of North Carolina. Appendix 7
Control of Nuisance and Vicious Animals	Chapter X: Article C: Section 1	Any person who violates this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by fine or imprisonment as provided by N.C.G.S 14-4. Appendix 8
Penalties: Unlawful to Violate Provisions of the Ordinance	Chapter XII: Section 1	Any person, firm, or corporation violating any of the provisions of any section or subsection of this ordinance, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of misdemeanor and subject to a fine not to exceed fifty (\$50.00) or imprisonment not to exceed thirty (30) days, and each day that any of the provisions of this ordinance are violated shall constitute a separate offense. Appendix 9

AN ORDINANCE PROHIBITING THE USE OF SKATEBOARDS,
BICYCLES, AND OTHER WHEELED CONVEYANCES
IN HARRISON PARK

BOARD OF COMMISSIONERS OF THE TOWN OF DENTON

WHEREAS, the Board of Commissioners of the Town of Denton finds that, since the opening of Harrison Park, there has been a substantial amount of skateboard and bicycle traffic in the Park, both on the sidewalk and on the benches and in the bandstand area;

WHEREAS, the Board of Commissioners further find that the use of skateboards, bicycles, scooters, and other wheeled conveyances or vehicles in Harrison Park constitutes a danger to the riders as well as to other citizens who are enjoying the park, and also has caused and will tend to cause damage to the property in the park;

NOW THEREFORE, BE IT ENACTED by the Board of Commissioners of the Town of Denton, that the Code of Ordinances of the Town of Denton is hereby amended to include the following new ordinance:

§84.12 SKATEBOARDING, BICYCLES, AND OTHER WHEELED
CONVEYANCES PROHIBITED IN HARRISON PARK.

The riding of skateboards, bicycles, and other wheeled conveyances is hereby prohibited in Harrison Park, except in the paved public vehicular area. Specifically excluded from this ordinance is the use of wheelchairs, baby carriages, and the like. The penalty for the violation of this ordinance shall be a misdemeanor as set forth by reference to Section 10.99 of this Code.

This ordinance shall be in full force and effect as of the date of its passage.

Upon the motion of Commissioner Stewart Sexton,
the foregoing ordinance was passed by a vote of 5-0.

This 4th day of February, 2002.

TOWN OF DENTON


Town Clerk


Mayor

AN ORDINANCE BANNING COMMERCIAL TRUCK TRAFFIC
ON VERNON STREET

Board of Commissioners of the Town of Denton

WHEREAS, the Board of Commissioners of the Town of Denton find that Vernon Street in the Town of Denton services a residential area and is not engineered to safely carry large commercial trucks; and

WHEREAS, the Board further finds that the use of Vernon Street by commercial trucks in the recent past has created a nuisance for residents of the area and has endangered persons traveling along this street; and

WHEREAS, the Board further finds that Vernon Street provides no convenient access for commercial truck traffic moving through the Town of Denton or servicing any commercial establishment;

NOW, THEREFORE, be it enacted by the Board of Commissioners at its July 19, 1993 session, that commercial trucks are hereby banned and prohibited from utilizing Vernon Street in the Town of Denton from its intersection with Glenn Street (Highway 109) as it moves in an easterly direction to its terminus. The violation of this Ordinance shall be a misdemeanor punishable as are other general misdemeanors of this town.

This Ordinance shall be effective from and after the date of its passage.

On motion of Commissioner Scott Martin, and a second by Commissioner Stewart Sexton, the foregoing Ordinance was enacted by a vote of August 2, 1993.

This ____ day of July, 1993.

TOWN OF DENTON

By: C. Ray Kirkman
C. Ray Kirkman, Mayor

ATTEST:

Daggy M. Wilkins
Clerk

**AN ORDINANCE BANNING COMMERCIAL TRUCK TRAFFIC
ON HAYWOOD STREET AND SALISBURY STREET**

Board of Commissioner of the Town of Denton

WHEREAS, the Board of Commissioner of the Town of Denton find that Haywood Street and Salisbury Street in the Town of Denton services a residential area and is not engineered to safely carry large commercial trucks; and

WHEREAS, the Board further finds that the use of Haywood Street and Salisbury Street by commercial trucks in the recent past has created a nuisance for residents of the area and has endangered persons traveling along this street; and

WHEREAS, the Board further finds that Haywood Street and Salisbury Street provides no convenient access for commercial truck traffic moving through the Town of Denton or servicing any commercial establishment;

NOW, THEREFORE, be it enacted the Board of Commissioner at its February 19, 2001 session, that commercial trucks are hereby banned and prohibited from utilizing Haywood Street in the Town of Denton from First Street to Salisbury Street and Salisbury Street from Highway 109 intersection to the eastern dead end. The violation of this Ordinance shall be a misdemeanor punishable as are other general misdemeanors of the town.

This Ordinance shall be effective from and after the date of passage.

On a motion of Commissioner Jim Dobbins, the forgoing Ordinance was enacted by a vote of 4-0.

This 19th day of February 2001.

TOWN OF DENTON

By: C. Ray Kirkman
C. Ray Kirkman, Mayor

ATTEST:

Marie M Russell
Town Clerk

Board Of Commissioners Of The Town Of Denton

An Ordinance Banning Commercial Truck
Traffic From Residential Areas

The Board of Commissioners finds that the presence of commercial truck traffic on the residential streets of the Town of Denton creates hazardous conditions and causes unnecessary delays in the free movement of traffic about Denton. Residential streets are in many cases narrower than the commercial avenues of the town and are not designed to carry heavy vehicles, in contrast to the commercial avenues of Denton. Also, residential areas are far more likely to have children and elderly residents traveling on foot or by bicycle or other self-operated conveyances than are the commercial avenues.

Wherefore it is hereby enacted as follows:

The following ordinance is hereby enacted, and inserted in SECTION 44 of Article VI after current Section 44(b):

(c) COMMERCIAL TRUCKS PROHIBITED IN RESIDENTIAL ZONES. All heavy commercial truck activity is hereby prohibited from any area of the Town of Denton which is zoned Residential. "Heavy commercial trucks" are defined as trucks having three axles or more and also tractor trailers. Specifically excepted from this Ordinance are standard passenger trucks such as are in common use by families which are being utilized for a commercial purpose. A violation of this ordinance shall be a misdemeanor, punishable as set forth in Section 50, Chapter VI of this Ordinance.

This ordinance shall be effective upon passage.

Upon a motion by Commissioner MORRIS, the foregoing ordinance was passed by a vote of 5-0.

This 6th day of February, 2006.

TOWN OF DENTON

By:

Scott S. Morris
Scott S. Morris, Mayor

Genie M. Russell
Genie M. Russell, Town Clerk

that will endanger or likely endanger persons or property, or in a heedless manner willfully disregarding the rights of others and without due caution. These methods of vehicle operation are sometimes referred to as "scratching off."

(b) PROHIBITED UPON PUBLIC STREETS AND AREAS OPEN TO PUBLIC.

No person shall operate a motor vehicle in any manner described in Section a upon any public street, highway, road, alley, drive, or other public way or upon the grounds and premises of any service station, drive-in theatre, store, restaurant or other business establishment providing parking or loading and unloading automobile space for customers, patrons or the public in the Town of Denton.

SECTION 45. PENALTY. Any person violating the provisions of this ordinance, shall upon conviction, be guilty of a misdemeanor and shall be punished in accordance with the provisions of Section 14.4 of the General Statutes of North Carolina.

SECTION 46. MOTOR VEHICLE JUNK YARDS PROHIBITED. It shall be unlawful for any person, firm, or corporation to keep, store, abandon, or leave junked motor vehicles or a motor vehicle incapable of being moved under its own power on any vacant lot, public street, or any other area owned, occupied, or controlled by him within the corporate limits of the Town of Denton.

(a) JUNK MOTOR VEHICLES. Any motor vehicle being or that has been dismantled, or if its required and necessary parts are being or have been removed from said motor vehicle other than the normal process of being repaired shall be considered to be a junked motor vehicle under the requirements of this ordinance.

SECTION 47. STORING WRECKED VEHICLE IN EXCESS OF 30 DAYS PROHIBITED. It shall be unlawful for any person, firm or corporation to keep, store, abandon, or leave any motor vehicle that has been wrecked (minor damage vehicles not included) on any vacant lot or other area owned, occupied or controlled by him within the corporate limits for a period in excess of 30 days, unless such motor vehicle is in the process of being repaired and capable of being moved under its own power.

SECTION 48. STORING VEHICLE, THAT HAS BEEN WRECKED, ON PUBLIC STREETS IN EXCESS OF 24 HOURS PROHIBITED. It shall be unlawful for any person, firm, or corporation to store, keep, abandon, or leave any motor vehicle, that has been wrecked, disabled, or otherwise is inoperative, on the public streets within the corporate limits for a period in excess of 48 hours.

SECTION 49. PARKING TIME LIMITED TO TEN MINUTES IN DESIGNATED PLACES. When signs are placed, erected, or installed in each block giving notice thereof, no person shall park a vehicle for longer than ten (10) minutes at any time. See Schedule IV.

SECTION 50. PENALTY. Any person, firm, or corporation that violates the provisions of this ordinance shall upon conviction be guilty of a misdemeanor and shall be fined not exceeding \$50.00 or imprisoned not exceeding thirty days. Each day that a violation continues to exist shall constitute a separate offense.

CHAPTER X
GENERAL ADMINISTRATION
ARTICLE A

DISORDERLY CONDUCT

PUBLIC NUISANCE

SECTION 1. GENERAL. No occupant of any house whether residence or business shall permit same to be kept in an indecent and offensive or disorderly manner or permit loafers or idle persons to congregate therein or in front of same to the annoyance of persons passing by or living in the vicinity.

SECTION 2. VAGRANTS. Any and all tramps, vagrants, persons under suspicion, who shall be found with no visible means of support, either male or female, shall not be allowed on the streets or other public places.

SECTION 3. HOUSE OF ILL FAME. No person shall keep a house or other place of ill fame in the Town and no person shall knowingly rent any house to be used as a house of ill fame. All adult persons living in such house shall be considered as keepers thereof and be subject to the penalties of this code.

SECTION 4. PROFANITY AND BOISTEROUS CONDUCT. It shall be unlawful for any person to use loud and boisterous language so as to become a nuisance or use any form of profanity or indecent language on the street or in a gathering or expose themselves within the corporate limits.

SECTION 5. PUBLIC DRUNKENNESS. It shall be unlawful for any intoxicated person to be on or upon any public street or other public place.

SECTION 6. DRINKING IN PUBLIC. No person shall consume, serve, or drink wine, beer, whiskey, or alcoholic beverages of any kind on the public streets, boulevards, alleys, or in public buildings.

ARTICLE B

GENERAL NUISANCE

SECTION 1. UNLAWFUL TO CREATE AND ASSIST IN CREATING LOUD NOISES. It shall be unlawful for any person, firm, or corporation to create or assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the Town of Denton; noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

SECTION 2. NOISE EXPRESSLY PROHIBITED. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

(a) The sounding of any horn or signal device on any device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) The use of any gong or siren upon any vehicle, other than police, fire, or other emergency vehicle.

specific license is received from the Board of Commissioners.

(q) The conducting, operating, or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11 p.m. and 7 a.m.

(r) The firing or discharging of squibs, crackers, gunpowder, or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance except by permit from the Board of Commissioners.

SECTION 3. FIREARMS REGULATED. It shall be unlawful for any person to discharge any firearm of any type within the corporate limits except a peace officer in the performance of his duty.

SECTION 4. POSTING BILLS - OTHER ADVERTISING. No person, shall stick, paint, brand, stamp, write, or put upon any house, fence, wall, pavement, post, or upon any property, owned by any person, firm, or corporation, or owned by the Town of Denton any printed, written, painted, or other advertisement, bill, notice, sign, or poster, without first having obtained the written permission of the owner of such property and having received a permit from the Town Clerk.

SECTION 5. POOL ROOMS. No person or owner of any pool room or billiard room shall allow any person under 16 years of age to play at games or to loiter in public pool rooms in the Town of Denton.

SECTION 6. OPERATION AND CONDUCT OF BUSINESS BETWEEN HOURS OF 12:00 MIDNIGHT AND 5:00 A.M. PROHIBITED. The operation and conduct of any business included within the provisions of this ordinance during the hours between twelve o'clock midnight and 5:00 a.m. is hereby declared to be a public nuisance within the corporate limits of the Town of Denton.

SECTION 7. BUSINESS EXPRESSLY PROHIBITED TO OPERATE BETWEEN STATED HOURS. It shall be unlawful for any proprietor, manager, or owner of any of the businesses included within the provisions of this section to allow, suffer, or permit such business to be operated and conducted between the hours of twelve o'clock midnight and 5:00 a.m. on each and every day of the week. This section shall apply to all of the businesses meeting the description below whether specifically enumerated or not:

(a) Billiard parlor, pool room, skating rink, shooting gallery, dance hall, bowling alley, or other similar device.

SECTION 8. PENALTY. Any person, firm, or corporation violating the provisions of this ordinance shall upon conviction be guilty of a misdemeanor and shall be punished in accordance with provisions of Section 14.4 of the General Statutes of North Carolina.

ARTICLE C

ANIMALS

SECTION 1. ANIMALS AT LARGE. No horse, goat, cattle or other animals, except dogs, shall be permitted to run at large within the Town limits. All animals caught running at large shall be impounded by the police and unless claimed within four days shall be disposed of as the Town shall deem best.

PASSED 7-20-98

CONTROL OF NUISANCE AND VICIOUS ANIMALS

A. Definitions:

1. Public Nuisance Animal. Any animal or group of animals which

- (a) Is repeatedly found at large;
- (b) Damages the property of anyone other than its owner;
- (c) Is vicious;
- (d) Causes fouling of the air by odors;
- (e) Causes unsanitary condition of enclosures or surroundings;
- (f) By virtue of number or type is offensive or dangerous to the public health, safety or welfare;
- (g) Excessively makes disturbing noises;
- (h) Is diseased and dangerous to the public health.

2. **Vicious Animal.** Any animal which constitutes a physical threat to human beings or other animals by virtue of attacks of such number and severity as to cause property damage or physical injury.

B. Public Nuisance Animals.

1. **Prohibited Generally; Exceptions.** It shall be unlawful to own, keep, or harbor a public nuisance animal within the Town. Provided, however, it shall not be unlawful to own or keep a dog of vicious tendencies for the protection of persons or property, if such a dog is securely confined in a manner not to expose it to the general public. This exception for dogs of vicious tendencies does not extend to dogs which excessively make disturbing noises.

2. **Complaint and Notice.** Upon receipt of a detailed complaint being made to the Police Department by any resident or residents that any person is maintaining a public nuisance, the Chief of Police shall cause the owner of the animal or animals in question to be notified that a complaint has been received and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing by the investigating officer.

3. **Abatement.** In the written findings of the investigating officer indicate that the complaint is justified, then the Chief of Police shall cause the owner or keeper of the animal or animals in question to be so notified verbally and in writing, to be delivered to the owner of the alledged public nuisance animal or shall cause the copy thereof to be left at the owner's dwelling house or usual place of abode with some person of suitable

age and discretion then residing therein. This notice shall order the owner to abate such nuisance within seven (7) days after notification, unless in the judgment of the officer circumstances dictate an earlier time, and the owner shall be issued a citation for the violation. In the event the owner of the animal or animals is unknown and cannot be ascertained, the notice and order, along with a general description of the animal or animals shall be published within a local newspaper.

4. **Impoundment Upon Failure to Abate.** If any person receiving notice in the manner hereinabove described shall fail or refuse to abate the nuisance upon order of the Chief of Police within the specified time, the Police Chief may cause the animal or animals in question to be apprehended and impounded.

5. **Redemption; Destruction.** If the owner shall so request, the animal or animals may be redeemed pursuant to the provisions of this ordinance and upon the further condition that the owner execute a written agreement to comply with the abatement order. If no redemption and execution is made by the owner within the time specified under this ordinance, then the animal shall be disposed of in accordance with the provisions hereunder.

C. **Running at large prohibited.** It shall be unlawful for the owner of any domesticated animal to allow such animal to be at-large within the corporate limits of the Town or on any Town property.

D. **Dogs at large; defecation on streets and private property.**

1. It shall be unlawful for the owner of any dog to allow such animal to be at large in the Town or on any Town property.

2. It shall be unlawful for any person owning, harboring, keeping, or in charge of any dog to fail to remove feces deposited by the dog on any street, sidewalk, park or other publicly owned area.

3. It shall be unlawful for any person owning, harboring, keeping, or in charge of any dog to fail to remove feces deposited by the dog on any private property unless the owner of the property has given permission allowing such use of the property.

E. **Confinement of female dogs in heat.**

Every female dog, while in heat, shall be confined in a building or secure enclosure in such manner that she will not be in contact with another dog, nor create a nuisance by attracting other animals; provided, this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal being bred.

F. Enforcement--Violations and Penalties.

1. The failure to comply with the provisions of this ordinance shall constitute a violation of this ordinance. Every day on which a violation exists shall constitute a separate violation and a separate offense.

2. Any person who violates this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by fine or imprisonment as provided by N.C.G.S. 14-4.

3. Upon the first violation of this ordinance, the violator shall be fined \$25.00. Upon the second and each subsequent violation the fine shall be \$100.00.

G. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct or independent provision and such holding shall not affect the validity of the remaining provisions of this ordinance.

H. Effective Date. This ordinance shall be in full force and effect from and after the 20th day of ~~June~~, 1998.

July
Ordained by the vote of the Board of Commissioners of the Town of Denton on the 20th day of ~~June~~, 1998.

TOWN OF DENTON

By: C. Ray Kirkman

ATTEST: Lerie M Russell

Town Clerk

CHAPTER XII

GENERAL ADMINISTRATION
(Cont'd)

PENALTIES

SECTION 1. UNLAWFUL TO VIOLATE PROVISIONS OF THIS ORDINANCE.

Any person, firm, or corporation violating any of the provisions of any section or sub-section of this ordinance, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed fifty dollars (\$50.00) or imprisonment not to exceed thirty (30) days, and each day that any of the provisions of this ordinance are violated shall constitute a separate offense.