

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

(For information please contact the Town of Elon directly. Elon recently adopted a recodification of its city code. The recodified version is not yet posted on MuniCode.)

Chapter 1. General Provisions - Provides that of unless otherwise provided violation of Code is misdemeanor resulting in a fine not exceeding \$500 as provided by G.S. 14-4(a). Each day's violation is separate 1

Chapter 2. Administration – Violation of a provision in a state of emergency proclamation is a misdemeanor.

Chapter 3. Alcoholic Beverages – Unlawful to consume malt beverages, unfortified wine on public property, to possess open containers on public streets and municipal property. Provides exception for consumption within designated outdoor venues at a permitted special event. or except named facilities with necessary permits. Sunday sales of malt beverages, fortified wine, unfortified or 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.

Chapter 4. Amusements – Carnivals, rides, circuses, roadshows or traveling shows of a similar nature are unlawful within the corporate limits. Misdemeanor penalty provided for in Code Chapter 1 applies.

Chapter 6 Animals – Keeping certain named livestock is unlawful and a misdemeanor. Allowing any animal or fowl running at large is prohibited. Cruelty (defined), failure to provide care, abuse or abandonment of animals is prohibited. Tethering as defined and with enumerated exceptions is prohibited. Violations are a civil penalty except for 4th and subsequent offenses which are a class 3 misdemeanor.

Chapter 7 Buildings – Adopts building and technical codes for construction within town limits; provides for permits, fees and inspections. Establishes NC Building Code" Appendix D" Fire Districts to fire districts established pursuant to town Code. Misdemeanor penalty provided for in Code Chapter 1 applies.

Chapter 8 Cemeteries – Establishes procedures for purchase, sale and transfer of grave spaces. Makes injuring or removing property and littering in town cemetery unlawful. Prohibits planting shrubbery and trees. Prohibits animals grazing or roaming. Misdemeanor penalty provided for in Chapter 1 applies.

Chapter 9 Fire Protection – Establishes fire department; adopts NC Fire Prevention Code.

Makes the following acts unlawful: failure to yield right-of-way to fire apparatus responding to a fire; failure to stop when fire apparatus is approaching, parking vehicles in vicinity of a fire; congregating at fires; interfering with firefighters; driving over a fire hose and riding on a fire truck. Burning of trash and encumbrances at fire escapes are prohibited. Districts are regulated in which storage of flammable in above-ground storage tanks is permitted. Transportation of petroleum products and loading and unloading of combustible fuels are regulated. Open burning is regulated. Misdemeanor penalty provided for in Code Chapter 1 applies.

Chapter 11 Housing – Substandard housing declared a nuisance which may be abated. Establishes minimum housing standards and requirements. Sets out enforcement provisions including code enforcement officer's power to inspect and enforce the chapter. Establishes minimum housing standards for maintenance, space and use, light and ventilation, exits, plumbing, heating, and electricity. Requires automatic smoke and carbon monoxide detectors in residential structures. Establishes structural requirements for foundations, floors, exterior and interior walls, ceilings, roofs, porches, stairs and steps. Owner of a residence is responsible for violations. 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 Board of Adjustment. Provides for placarding in case of failure to comply; and adoption of order of demolition by Board of Aldermen. Violations of provisions of chapter are a misdemeanor as provided in Chapter 1 of the Code.

Chapter 13 Nuisances - Enumerates conditions constituting a public nuisance on a parcel of land including: accumulation of rubbish, trash or junk, animal or vegetable matter, open storage of abandoned appliances, and other conditions detrimental to public health. Enumerates conditions in open space constituting a public nuisance including: scattered persistent litter, abandoned household products, junk or waste and other named materials. Nuisances on property are to be enforced by abatement. However, abatement shall not preclude the Town from proceeding in a criminal action punishable by a fine not exceeding \$500. Unreasonably load and disturbing sound levels are prohibited, and violation is a misdemeanor. It is unlawful for owners or custodians to maintain animals that exhibit certain behaviors or that are diseased or dangerous so as to be a nuisance. Violation of these provisions is a misdemeanor.

Chapter 14 Offenses – Prohibits possession and carrying of firearms or other deadly weapons on city owned or leased buildings, facilities and grounds as defined in G.S. 14-269. Defines "firearms" and "deadly weapons." Concealed carry permitted handguns are unlawful in municipal buildings and their appurtenant premises. Provides for signage at city owned leased buildings and facilities. Prohibits discharge of firearms within city limits, with certain exceptions. It is unlawful to disturb a public meeting; to damage, deface or trespass on property belonging to the town; to post signs on trees, utility poles or Town rights-of-way; to litter on public or private property; to throw trash on public or private property other than in a designated

container; to deposit human waste on property. The misdemeanor penalty for all such offenses is as provided in Chapter 1 of the Code.

Chapter 17 Peddlers, Panhandlers, Itinerant Merchants and Push Cart(s) – Itinerant merchants, peddlers, or commercial solicitors required to register and obtain and display a permit. Refusing to leave premises of another after notice by owner is a misdemeanor. 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. Food push cart vendors require permits and insurance as specified. Operation requirements are established and districts where permitted are listed. Penalty for violating food push cart requirements is a misdemeanor.

Chapter 18 Police Department

Describes composition of police department, powers and duties and scope of authority of chief of police. Authorizes police to establish barricades, ropes, etc. at parades, fires, crime scenes, etc.; unlawful to cross a police emergency line without express permission. Violation is a misdemeanor as provided in Chapter 1.

Chapter 19 Public Assemblies and Picketing

Public assemblies, as defined, require a permit at least 48 hours in advance; chief of police may waive 48-hour notice for good cause. Picketing may be conducted only on sidewalks or other pedestrian areas and shall not disrupt or block pedestrian movement or access to buildings. Physical interference and abusive language directed to participants in public assemblies and pickets is prohibited. Other regulations govern signs, masks, hoods at public assemblies and picket. Violation of chapter is a misdemeanor.

Chapter 21 Smoking – Smoking and use of e-cigarettes, as defined, are prohibited in municipal owned and leased buildings, vehicles, grounds, including playgrounds, parks, green spaces and basketball courts. Signage shall be posted. The manager is authorized to designate smoking areas adjacent to town buildings. Violations are a misdemeanor.

Chapter 23 Streets and Sidewalks - A permit is required, along with bond and liability insurance for construction where a building or demolition encroaches on a public right-of-way. No sidewalk shall be constructed on Town right-of-way without a permit, and it must comply with Town standards. It is unlawful to establish a building, grading or construction site without provision for vehicle ingress and egress sufficient to prevent depositing dirt and debris on street. It is unlawful to deposit dirt and debris on streets and sidewalks by those engaged in construction, landscaping. Responsibility for prevention and clean-up is with holder of permit. Fixed objects on Town right-of-way are unlawful unless an encroachment agreement is obtained. Awnings are restricted, fences are prohibited on sidewalks and streets. A permit with bond and insurance is required for moving a building, and public safety requirements must be

met. Constructing a driveway requires a permit; specifications must be complied with, and owner's responsibility for installation of pipes is established. A permit is required for a temporary street closing due to construction or a special event. Damaging municipal streets, sidewalks, bridges, culverts ditches, drains, lights, signs and traffic signals is prohibited. Throwing trash on a street or sidewalk is prohibited except in a Town garbage or recycling receptacle. It is unlawful to dump sink or air conditioner drain water or other soiled water on streets or sidewalks. Writing or painting on streets and sidewalks is unlawful. Owners of abutting property are responsible for removal of snow and ice from the sidewalk and are responsible for keeping grass and weeds removed and shrubbery trimmed. Owners of premises abutting a sidewalk shall keep the sidewalk free from overhanging trees and shrubs. It is unlawful to plant a tree or shrub on public property without permission from the Board of Aldermen. Recreational activities in streets are prohibited without a permit. Violation of the provisions in this chapter is a misdemeanor as provided by Chapter 1 of the Code. Sidewalk cafes are provided for in locations as provided by the Land Development Ordinance. Permits and application requirements and layout are provided for. Certain acts with regard to layout, sublicensing, safety, etc. are prohibited. 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 24 Traffic – Violations of this chapter are civil penalties or infractions. However, there is a misdemeanor offense for one section, the golf carts registration section. Golf carts, as defined, are required to be registered, meet specified standards and receive a permit from the police department. Operation of golf carts on public streets is regulated. Penalty for violation is a misdemeanor.

Chapter 29 Water and Sewer – Penalties provided for in this chapter of the Elon Code are primarily civil penalties. However, there is a provision that violations of Articles I-IV are a misdemeanor, in addition to civil penalties that may be imposed. Provisions in Articles I-IV that trigger a misdemeanor are violations of: rules and regulations of the Joint Municipal Utility Agreement with Burlington and Burlington Sewer Use ordinances; town requirements for connection to the water and sewer system; separate connection requirements for the water system and sewer system; prohibition on non-authorized personnel connecting to or disconnecting from water or sewer service; and prohibition on outdoor privies or surface toilets.