

Section 44. Violations of ordinances

- Any person or persons violating any of the ordinances of the Town is guilty of a misdemeanor.

CHAPTER 33: DEPARTMENTS, BOARDS AND COMMISSIONS

§ 33.22 CHIEF'S DUTIES AS FIRE INSPECTOR.

In the absence of an interlocal agreement the Fire Chief can be appointed as Fire Inspector. If he gives an order to remove a fire hazard and the order is not complied with then it will be considered a misdemeanor.

CHAPTER 34: CIVIL EMERGENCIES

§ 34.01 STATE OF EMERGENCY; ISSUANCE OF PUBLIC PROCLAMATION.

Anybody who ignores the guidelines in the proclamation for a State of Emergency will be guilty of a class 3 misdemeanor.

CHAPTER 73: STOPPING, STANDING AND PARKING

§ 73.46 OBSTRUCTION OF DRIVEWAY.

It is unlawful for any person to willfully or maliciously stop up or obstruct with a vehicle or otherwise, the driveway or entrance leading from a public street in the town to or from any residence or place of business.

(B) Any person violating division (A) above shall be guilty of a **misdemeanor** and shall be fined \$1 for the first offense and \$5 for each subsequent offense.

CHAPTER 75: PARKING SCHEDULES

SCHEDULE III: TRUCK TRAFFIC PROHIBITED.

Any truck one ton or larger is prohibited from driving on some streets unless they are making a delivery.

SCHEDULE I: PARKING PROHIBITED AT ALL TIMES.

Anybody who violates the no parking section is guilty of a misdemeanor and will be fined \$1 and \$5 for each additional offense.

CHAPTER 91: ANIMALS

§ 91.01 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.

('76 Code, § 8-2001) Penalty, see § [91.99](#)

§ 91.02 HOGS.

It shall be unlawful for any person, firm or corporation to keep, maintain, harbor a hog, swine, sow or boar within 500 feet of any dwelling house, apartment house, hotel or other structure occupied as living quarters by any person and within the corporate limits of the town. Any person violating the provisions of this chapter shall be fined \$1 for each and every day that any one of the animals is kept, maintained or harbored.

('76 Code, § 8-2003) Penalty, see § [91.99](#)

§ 91.03 FOWL.

(A) There shall be no chicken, turkeys, or other fowl grown or kept on a commercial scale within the corporate limits of the town. Commercial status shall be determined by a flock size of more than 50.

(B) Flocks of less than 50 creating a nuisance will upon order of the Town Council, after recommendations of the County Health Officer, be removed within 30 days of official notice from the Town Council.

('76 Code, § 8-2004) Penalty, see § [91.99](#)

§ 91.04 DEAD ANIMALS.

(A) No person shall permit any dead animal that belonged to him or was in his care to remain unburied within the corporate limits of the town longer than 24 hours after he is notified thereof.

(B) It shall be unlawful for any person to bury any dead animal within the town except in accordance with all applicable laws and regulations.

('76 Code, § 8-2005) Penalty, see § [91.99](#)

DOGS

§ 91.15 RESERVED.

§ 91.16 HABITUAL BARKING; INVESTIGATION OF COMPLAINTS.

(A) Any person keeping within the corporate limits of the Town of Franklin, one or more dogs which, by prolonged and habitual barking, howling or whining cause serious annoyance to neighboring residents and interfere with the reasonable use and enjoyment of the premises occupied by the residents shall be guilty of maintaining a nuisance.

(B) Upon written and signed complaint being made to the Police Department by any two residents of the Town of Franklin, not of the same household, who agree to appear and testify as witnesses for the prosecution, in court, if called upon, a representative of the Police Department shall investigate the complaint within 12 hours, and upon finding to the satisfaction of the representative of the Police Department that a nuisance exists, the representative of the Police Department shall notify the person against whom the complaint is directed that a complaint has been received, and thereupon, the persons shall abate the nuisance declared in division (A) above, within 24 hours from the time of notification.

(Ord. passed 9-14-88) Penalty, see § [91.99](#)

ANIMAL CONTROL

§ 91.25 ENFORCEMENT OF MACON COUNTY ANIMAL CONTROL ORDINANCE.

The town requests, authorizes and permits Macon County, North Carolina, to enforce the Macon County Animal Control Ordinance set forth in [Chapter 90](#), Animal Control, of the Code of Ordinances of the County of Macon, North Carolina, as amended, within the town corporate limits, and the same shall be applicable within the town.

(Res. passed 11-2-15)

§ 91.99 PENALTY.

Any person failing or refusing to abate the nuisance declared herein within 24 hours from the time of notification shall be guilty of a Class 3 **misdemeanor** and upon conviction, shall be subject to a fine not exceeding \$50, or imprisoned not exceeding 30 days, as provided by G.S. § 14-4.

CHAPTER 94: NUISANCES

§ 94.16 NOISES PROHIBITED.

It is unlawful to create, cause, or allow the continuance of any unreasonably loud, disturbing, or frightening noise, particularly during the nighttime that substantially interferes with neighbor's reasonable use and enjoyment of their property.

A person in violation can be charged with a civil fine or a criminal misdemeanor.

CHAPTER 95: STREETS AND SIDEWALKS

These provisions describe littering from vehicles, tree trimmings, snow and ice removal, playing ball on streets, moving structures onto streets, use of nails and tacks restricted, installation of

banners and like signs, mobile food vending within streets and sidewalks permitted. The next section is obstructing; Display of goods, construction near sidewalks, temporary structures, and private telephones regulated.

It also goes on to discuss excavation and repair in regards to permits to dig in the streets, application for permits, municipal liability, street repair, leaving excavations unprotected.

Under Naming and Addressing Streets and Roads there is discussion of administration and application, Display of Street and Road Address Numbers, New Street and Road Names, Renaming Streets and Roads, and Numbers for Future Buildings.

Occupants of buildings who do not comply with this subchapter will be guilty of a misdemeanor.

Under Charitable Solicitations - In the event the solicitation event or the solicitors shall create a nuisance, delay traffic, create threatening or hostile situations, any law enforcement officer with proper jurisdiction may order the solicitation to cease. In such event, the permit issued pursuant to this chapter shall automatically be revoked. In no event shall a refund of any application fee or fees be issued. Any individual failing to follow a law enforcement officer's lawful order to cease solicitation shall be guilty of a Class 2 **misdemeanor**.

CHAPTER 110: BUSINESS LICENSES

This chapter describes the process that businesses must go through to get business licenses, the time frames that they last, zoning compliances, pawnbroker requirements, bonds, exemptions, and alcoholic beverage sales on Sundays.

Under the section for Pawnbrokers and Currency converters, any secondhand dealer, with the exception of secondary metal recyclers, convicted of violating any provisions of this chapter will be guilty of a Class 3 misdemeanor and fined no more than \$500.

CHAPTER 115: HEALTH MASSAGE/BODY WORK THERAPISTS

§ 115.03 LICENSING OF HEALTH MASSAGE/BODY WORK THERAPISTS.

This section details the requirements/licensures to be a massage/body work therapist in the Town of Franklin. Violation of this chapter will constitute a misdemeanor punishable by a fine not to exceed \$50 or a prison sentence not more than 30 days.

CHAPTER 130: OFFENSES AGAINST TOWN REGULATIONS

§ 130.01 PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES.

Consumption is prohibited on town owned property.

§ 130.02 INJURING SHADE TREES.

No person shall willfully or negligently injure or cause to be injured any shade tree on public property of the town.

§ 130.03 INJURING TELEPHONE POLES.

It shall be unlawful for any person, firm, or corporation to drive any nail, tack or other metal of any kind or nature into any telephone, telegraph, or electric light pole, or in any way deface any telephone, telegraph, or electric light pole within the corporate limits of the town.

§ 130.04 DISCHARGING FIREARMS.

It shall be unlawful for any person to discharge any gun, pistol, or other weapon within the corporate limits except a peace officer in the performance of his or her duty. It shall be unlawful for any person to shoot an air gun or sling-shot within 100 yards of any street.

§ 130.05 CARRYING CONCEALED WEAPONS ON CERTAIN MUNICIPAL PROPERTY.

(A) *Posting of signs required.* The Chief of Police is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each park and each building or portion of a building owned, leased as lessee, operated, occupied, managed or controlled by the town, as well as the appurtenant premises to such buildings, indicating that carrying a concealed handgun is prohibited therein.

(B) *Location of signs.* Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The Chief of Police shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.

§ 130.06 TOBACCO USE PROHIBITED.

(A) *Tobacco use prohibited in municipal buildings.* It shall be unlawful for any person to use tobacco, of any kind or description, in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the town.

(B) *Tobacco use prohibited in municipal vehicles.* It shall be unlawful for any person to use tobacco, of any kind or description, in any vehicle now owned or leased, or hereafter owned or leased by the town.

Violation of anything in this chapter is a misdemeanor punishable on conviction by a fine not exceeding \$50 or by imprisonment not exceeding 30 days.

CHAPTER 151: FLOOD DAMAGE PREVENTION

§ 151.22 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

If a stop-work order is issued by the Floodplain Administrator and is ignored then it constitutes a misdemeanor.

§ 151.23 CORRECTIVE PROCEDURES

(E) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a **misdemeanor** and shall be punished at the discretion of the court.

§ 151.99 PENALTY.

If any part of the chapter is violated it will constitute a misdemeanor.

CHAPTER 152: UNIFIED DEVELOPMENT

This chapter discusses zoning, permitted uses for properties, signage, surface water protections and other regulations. Any violation in this chapter is a misdemeanor unless a variance is granted.

CHAPTER 154: WIRELESS TELECOMMUNICATIONS FACILITIES

This chapter regulates proper height of telecommunications towers, appearances, signage, security, liability insurance, etc.. A violation of this chapter is hereby declared to be an offense, punishable by a fine not exceeding \$350 per day per occurrence or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or of such ordinance or regulation shall be deemed **misdemeanors** and for such purpose only all provisions of law relating to **misdemeanors** shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

CHAPTER 156: SEXUALLY ORIENTED BUSINESSES

This chapter regulates sexually oriented businesses. It goes over the license requirements, permitted locations, hours of operation, inspection requirements, and reasons for denial and suspension of licenses. Any person who violates this chapter will be guilty of a misdemeanor and subject to a \$500 fine, or imprisonment, or both.

CHAPTER 157: MINIMUM HOUSING STANDARDS

§ 157.001 FINDINGS AND PURPOSE.

(A) Pursuant to G.S. § 160A-441, it is found and declared that there exist in the town dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities; and other conditions rendering dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the town.

(B) In order to protect the health, safety and welfare of the residents of the town as authorized by G.S. § 160A-441 through 160A-450, it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. § 160A-444.

§ 157.040 IN REM ACTION BY TOWN PLANNER; PLACARDING.

(A) After failure of an owner of a dwelling or dwelling unit to comply with an order of the Town Planner issued pursuant to the provisions of this chapter, and upon adoption by the Board of Aldermen of an ordinance authorizing and directing him to do so, as provided by G.S. § 160A-443(5) and § [157.037](#)(C) of this code, the Town Planner shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Board of Aldermen, and shall cause to be posted on the main entrance of the dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a **misdemeanor**.