

## **Jamestown, NC Ordinances with Criminal Penalties**

### **Land Development Ordinances**

#### **Article 16 "Subdivisions"**

16.1-7 Violations. Violations of the provisions of this section shall be subject to the enforcement and penalty provisions set forth in article 23 of this ordinance. In addition to being subject to the provisions for enforcement in Article 23 of the Ordinance, any person who, being the owner or agent of the owner of any land located within the Town's jurisdiction, subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from these penalties. The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the courts shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. Building permits required pursuant to G. S. 160A-417 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act of conduct. (G. S. 160A-375 (a))

#### **Article 18 "Floodplain Development"**

18.10-5 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.

18.15-4 Penalties For Violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this Article 18 or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Jamestown from taking such other lawful action as is necessary to prevent or remedy any violation.

18.16-16 Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the person doing the work. The stop work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop work order constitutes a misdemeanor.

#### **Article 20 "Soil Erosion Control"**

##### **20.15 Criminal Penalty - Soil Erosion and Sedimentation Control**

Any person who knowingly or willfully violates any soil erosion and sedimentation control provisions of this Ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions, or who knowingly or willfully initiates or continues a land disturbing activity for which an erosion and sedimentation

control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a misdemeanor punishable by imprisonment not to exceed ninety (90) days, or by a fine not to exceed \$5,000, or both.

## **Article 23 "Administration and Enforcement"**

23.6-7 Criminal Penalties. Any violation of this Ordinance shall be a misdemeanor or infraction as provided by NCGS 14-4.

## **Code of Ordinances (Can be found on the Town of Jamestown Website)**

### **Chapter 10: General Provisions**

10.99 General Penalty- Any person, firm or corporation violating any of the provisions of any section or division of this code of ordinances for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense. Statutory reference: Enforcement of ordinances, see G.S. §§ 14-4 and 160A-175

### **Chapter 31: Emergency Management**

31.99 Penalty- Any person violating any prohibition or restriction imposed by a proclamation authorized by this chapter shall be guilty of a misdemeanor punishable, upon conviction, by a fine not exceeding \$50 or imprisonment not exceeding 30 days, as provided by G.S. § 14-4. (Ord. 1986-4-1, passed 4-15-1986; Ord. passed 7-16-2013)

### **Chapter 70: General Provisions**

70.99 Penalty-(A) Any person violating any provision of this traffic code for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances. (B) Any violation of § 70.01 of this chapter shall result in a fine of \$100 or by imprisonment not exceeding 30 days, or both, as required by the law enforcement agency of the town. (Ord. 1994-8-1, passed 8-16-1994)

### **Chapter 90: Animals**

90.99 Penalty- The following penalties shall pertain to violations of this chapter. (A) The violation of any provision of this chapter shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. § 14-4 or other applicable law. Each day's violation of this chapter is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this division (A) does not relieve a person of his or her liability for taxes or of fees imposed under this chapter.

### **Chapter 91: Fire Prevention**

91.99 Penalty- (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances. (B) Where there is a violation of any provision of §§ 91.15 through 91.18 of this chapter, the town, at its discretion, may take the following enforcement actions. (1) A law enforcement official may issue a citation as provided herein, subjecting the violator to a \$100 civil penalty to be paid within ten days, which penalty may provide for an additional \$100 delinquency charge upon non-payment, and which penalty and delinquency charge may be recovered by the town in a civil action. (2) A misdemeanor warrant may be issued immediately or upon the issuance of a citation and the violator's refusal to pay the same. Misdemeanors shall be punishable by a fine of \$50 or imprisonment not exceeding 30 days, in accordance with

G.S. § 14-4. (3) The civil penalties imposed by this division (B) and the proceeds there from as collected by payment, civil action or otherwise, shall belong to the town and shall be paid into the general fund of the town under such conditions as prescribed by the annual budget. (4) Each separate day of a continued violation shall be a separate and distinct offense and shall give rise to a separate and distinct penalty. (Ord. 2004-10-1, passed 10-19-2004)

#### **Chapter 94: Noise**

94.99 Penalty- (A) The town in its discretion may through the Sheriff or anyone designated in writing by the Town Manager take one or more of the following enforcement actions for violations of this section against any responsible person, persons or business entity as stated in § 94.01 of this chapter: (1) Issue a written warning; and/or (2) Issue a citation subjecting a violator to a civil penalty of \$200. A second violation by the same person or business within one year of the first violation shall subject such person or business to a penalty of \$400. All subsequent violations by the same person or business within one year of the first violation shall subject such person or business to a civil penalty of \$500. The Town Manager or his or her designee may on request and for good cause shown adjust a civil penalty.

(B) Failure to pay a civil penalty imposed under this section within ten days shall subject the offender to an additional \$50 delinquency charge. Any unpaid penalty or delinquency charge may be recovered by the town in a civil action in the nature of a debt.

(C) Each separate day of a continued violation shall be a separate and distinct offense and shall give rise to a separate and distinct penalty.

(D) Violators may also be prosecuted under the provision of G.S. § 14-4 for a misdemeanor criminal offense punishable by a fine of not more than \$500 and/or imprisonment as designated for a Class 3 misdemeanor.

(E) This chapter may also be enforced by civil action for injunction and order of abatement.

(F) This chapter may be enforced by any remedy authorized by G.S. § 160A-175, either severally or in conjunction with other remedies. (Ord. 2005-7-1, passed 7-19-2005)

#### **Chapter 95: Public Nuisances**

95.07 Procedures in Addition to other Remedies- The procedures set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this chapter shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provision of this chapter. (Ord. 2000-7-1, passed 7-19-2000)

#### **Chapter 112: Solicitors, Canvassers, and Peddlers**

112.99 Penalty- Violation of § 112.20 of this chapter is a misdemeanor, punishable by a fine of up to \$500. (Ord. 1984-2-1, passed 2-21-1984; Ord. passed 7-16-2013)

#### **Chapter 130: Offenses Against Public Morals**

130.99 Penalty- (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances. (B) Any person violating the provisions of § 130.01 of this chapter or failing, neglecting or refusing to comply with same, upon conviction, shall be guilty of a misdemeanor and subject to a fine not to exceed \$50, or imprisonment not to exceed 30 days, or both, and each day that § 130.01 of this chapter is violated shall constitute a separate offense. (C) Any person violating the provisions of § 130.02 of this chapter or failing, neglecting or refusing to comply with same, upon conviction, shall be guilty of a misdemeanor and subject to a fine not to exceed \$50, or imprisonment not to exceed 30 days, or both, and each day that § 130.02 of this chapter is violated shall constitute a separate offense. (D) Any person violating the provisions of § 130.03 of this chapter or failing, neglecting or refusing to comply with same, upon conviction, shall be guilty of a misdemeanor and subject to a fine not to exceed \$50, or imprisonment not to exceed 30 days, or both, and each day that § 130.03 of this chapter is violated shall constitute a separate offense. (Ord. 1969-9-1, passed 9-17-1969; Ord. 1969-11-1, passed 11-19-1969; Ord. 1971-9-1, passed 9-15-1971)

## **Chapter 131: Weapons**

**131.99 Penalty-** (C) Violation of the provisions of § 131.02 of this chapter, or failure to comply with any of its requirements, shall constitute a misdemeanor. Any person who violates § 131.02 of this chapter, or fails to comply with any of its requirements, shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. (D) A violation of § 131.03 of this chapter is punishable as provided by G.S. §14-415.21. (E) The violation of § 131.04 of this chapter shall constitute a misdemeanor punishable, upon conviction, by a fine not to exceed \$25, as provided in G.S. § 14-4. (Ord. 1976-7-1, passed 7-21-1976; Ord. 2011-2-2, passed 2-15-2011; Ord. 2011-4-1, passed 4-19-2011; Ord. 2011-2-2, passed 4-15-2014; Ord. passed 1-20-2015)

## **151: Housing**

**151.99 Violations; Penalty-** (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Violation of § 151.01 of this chapter is misdemeanor as provided by G.S. § 14-4 and may be punished as provided therein. Each day the violation continue after the offending owner or occupant has been notified of the violation shall constitute a separate violation of § 151.01 of this chapter.

(2) Notice of violation of § 151.01 of this chapter sufficient to allow the daily criminal penalties of division (B)(1) above to be invoked may be given by the county's Building Inspections Division, the county's Fire Marshal's Office, the county's Emergency Medical Services Division, the county's Sheriff's Department, the county's Attorney's Office, the town's Attorney's Office or the town's Fire Chief must be in writing directed by name to the owner or occupant of the house or building set forth what action is necessary in order for the offender to be in compliance.

(C) (1) It shall be unlawful for the owner of any building, dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense.

It shall be unlawful for the owner of any building, dwelling or dwelling unit, with respect to which an order has been issued pursuant to § 151.29 of this chapter, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense. (2) The violation of any provision of §§ 151.15 through 151.35 of this chapter shall constitute a misdemeanor, as provided by G.S. § 14-4. (3) It shall be unlawful to prevent the Inspector or Inspectors authorization to enter, examine and survey at all reasonable times all buildings, dwellings, dwelling units, rooming units and premises under § 151.28 of this chapter. Each incident shall constitute a separate and distinct violation. (4) In addition to the remedy specified in this division (C) and in other sections of §§ 151.15 through 151.36 of this chapter, the provisions of §§ 151.15 through 151.36 of this chapter may also be enforced by the town by injunction and order or abatement or by any other equitable remedy issuing from a court of competent jurisdiction, as specified in G.S. § 153A-123(d) and (e).

(5) All violations under §§ 151.15 through 151.36 of this chapter are subject to the town, in its sole discretion seeking as an alternative and/or additional relief the recovery of its actual investigative and administrative costs. Jamestown, NC Code of Ordinances American Legal Publishing Corporation 228 (Ord. 1972-9-1, passed 9-20-1972; Ord. 1991-9-1, passed 12-17-1991; Ord. passed 6-19-2014) CHAPTER 152: P