

Town of Lake Lure
2948 Memorial Hwy.
Lake Lure, NC 28746
828-625-9983

TOWN OF LAKE LURE ORDINANCES PUNISHABLE PURSUANT TO G.S. 14-4(a)

- **Ordinance Revising, Consolidating, Elaborating and Adding to the Ordinances of the Town of Lake Lure, North Carolina**
 - **Section 8. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to alter or tamper with the Code in any manner whatsoever which will cause the ordinance of the Town of Lake Lure to be misrepresented thereby. Any person violating this Section shall be guilty of a misdemeanor, and shall be punished as provided in Section 14-4 of the General Statutes of North Carolina, unless stricter punishment is provided in the Applicable Sections of the Code hereinafter.**
- **§10.99 Enforcement and Penalties**
 - **Remedies**
 - **(B) Penalties**
 - (1) Criminal penalties. If a violation of any of the Ordinances of the Town of Lake Lure is enforced by criminal prosecution as a Class 3 misdemeanor as set forth in Section (A) Remedies, Subsection (3) Criminal Prosecution, as set forth above, the penalties shall be pursuant to G.S. 14-4, by a maximum fine not to exceed five hundred dollars \$500.00 for each separate violation or by imprisonment not to exceed 30 days as set forth in G.S. 14.3 (a)(3).**
- **§ 40.15 Excavations; Permit Required**
 - **No person shall make any excavation or opening or dig any ditch, trench, tunnel, or hole in, along, across, or under any street, sidewalk, or other public place for the purpose of laying or placing therein any pipe, wires, or poles or for any other purposes unless a written permit therefor has been issued by some officer of the town vested with proper authority, provided, that a permit shall not be required where the work is performed under a contract with the town, but in the event the work requires a sidewalk or street to be wholly or partially obstructed, the party performing the work shall notify the town at least two hours before obstructing the sidewalk or street, unless prevented by sudden emergency.**
- **§40.17 Street Repair; After Excavation**
 - **When any part of any street, sidewalk, alley, or other public place of the town shall be torn or dug up for any purpose, the person making the excavation or opening shall have the duty of refilling the excavation or opening, and the refilling shall be done in accordance with the standards and specifications of the town.**
- **§40.18 Excavations; Leaving Unprotected**
 - **It shall be unlawful for any person, firm, or corporation who obtains a permit under the sections of this chapter to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk, or public place of the town without placing and maintaining**

proper guard rails three feet from the ground and signal lights or other warnings at, in or around the same, sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care from injuries on account of the excavation or work.

- **§40.19 Streets Not to be Damaged by Tractors or Other Construction Equipment**
 - (A) It shall be unlawful for any person, firm, or corporation to drag, or run or cause to be dragged or run any implement, engine, machine, or tool on any asphalt or other type of permanently paved street of the town which shall be likely in any way to injure or cut the surface thereof.
 - (B) Any person violating division (A) shall be liable to the town for the cost of repairing any and all damage caused.
- **§40.20 Sidewalk Construction**
 - No sidewalk of any description shall be built by any individual, firm, or corporation of any brick, wood, or other material without a written permit from the town.
- **§40.21 House Moving**
 - No person shall move any house or building on or across the public streets or sidewalks without the written consent of the Council and the deposit of a good and sufficient bond to cover damage done to any street or sidewalk or to any property of any person.
- **§40.22 Damage to Town Property**
 - No person shall injure, tamper with, remove, paint on, or deface any bridge, culvert, ditch and drain, sign, sign post, street light, traffic signal, bulletin board, or other town property on the streets and sidewalks or elsewhere except employees of the town in the performance of their duties.
- **§40.23 Driveways; Permit Required**
 - No person shall begin to construct, reconstruct, repair, alter, or grade any driveway on the public streets, unless a written permit therefor has been issued by the town.
- **§41.02 Approved Containers**
 - It shall be unlawful for any person to throw, place, or deposit any garbage or refuse of any kind on any public or private property except in approved containers or as otherwise provided in this chapter.
- **§41.03 Burning or Burying Garbage**
 - It shall be unlawful to burn or set fire to any garbage for the purpose of disposal. In addition, it shall be unlawful to bury any refuse for the purpose of disposal unless a permit therefor has been granted by the Fire Chief.
- **§41.04 Accumulation of Garbage and Refuse Prohibited**
 - All garbage and refuse shall be collected and placed in containers as required by this chapter, and it shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit same in approved containers as required herein.
- **§41.05 Containers Required**
 - The occupant of every building or premises where garbage and refuse does or may exist shall provide containers made of substantial galvanized iron, plastic, rubber, or other nonrusting material in which shall be deposited all garbage and refuse existing at such building or premises. Each container shall be provided with handles or bails and with a tight fitting cover made of the same material as the container. All containers shall be watertight and

they shall be of a size that can be conveniently handled by the collectors, and no container shall be more than 30 gallons in capacity nor measure over 22 inches in diameter or 30 inches in height. All containers shall be kept in a reasonably clean condition.

- **§41.06 Precollection Practices**
 - All garbage and refuse shall have the liquid drained therefrom and shall be wrapped in paper or other like material before it is placed in the container for collection. Ashes and cinders shall be placed in a separate container provided for that purpose and no ashes shall be deposited in any container until they are cold. Containers which fail to have a cover as required in §41.05 or which have become rusted or broken and therefore are unable to contain garbage and refuse in a satisfactory manner shall not be used.
- **§41.08 Unlawful to Displace Containers**
 - It shall be unlawful for any person to damage, displace, or to otherwise interfere with garbage containers or their contents except the owner or on permission or at the request of the owner.
- **§41.09 Special or Bulk Collections Regulated**
 - (A) No bulk trash, tree limbs, shrubbery cuttings, leaves, and other refuse will be collected without special charge unless such refuse can be placed in regulation type garbage cans.
 - (B) Any property owner desiring special bulk collections of loose matter not in closed containers or tied in bundles may request a special collection for which a special charge will be made. If sufficient manpower and equipment are available, town personnel are authorized to make such special collections, provided that person making the request agrees to pay for the labor and equipment used at the rate specified by the town.
 - (C) No collection shall be made from vacant lots nor shall any large rocks, tree trunks, tree stumps, tree limbs of more than six feet in length, or other heavy objects be collected by the town. No waste building materials or lot clearings shall be collected from houses or other structures under construction or recently completed.
 - (D) Material to be collected by special collections shall be placed in neat piles and so located that such refuse can be easily loaded on trucks for disposal.
- **Chapter 42 Street Name and Addressing**
 - The purpose and intent of this chapter is to ensure a uniform system of addressing for all buildings in the Town of Lake Lure in order to facilitate provision of adequate public safety and to minimize difficulty for emergency services and the general public in locating any building in town.
 - **Section 42.9 Penalty**
 - (A) Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$50.00 or imprisonment not more than 30 days, as provided by North Carolina General Statutes 14-4C.
- **§50.10 Connections Outside of Town**
 - No connection of any water line or system outside of the town shall be made to any part of the town water system without special permission from the Council on such terms as the Council shall prescribe.
- **§50.11 Unauthorized Use of Water**
 - Only authorized town employees may connect or reconnect water service. If water is found to be in use without being turned on by an authorized town employee, or if

water is used for any other purpose than that paid for, the consumer of the water shall be guilty of a violation of this chapter.

- **§50.13 Water for Use of Consumers Only**
 - It shall be unlawful for any consumer to permit any person, except the members of his or her family or employees living on the premises as a part of the household, or visitors in the home to remove water from the premises for any purpose except in case of fire or other emergency. Any person unlawfully receiving or using water shall be guilty of a misdemeanor, and if it is shown that the unlawful use has been made with the knowledge and consent of the consumer, the consumer shall be deemed equally guilty.
- **§50.15 Injury to Property and Fixtures**
 - It shall be unlawful for any person to injure, deface, or destroy the building, machinery, fences, trees, or other property of the town water system, or in any way to contaminate the town water supply.
- **§50.16 Continuity of Service**
 - The town will not be liable for any damages that may result to consumers from the shutting off of water service for any cause whatever, even in cases where no motive is given, and no deduction from bills will be made in consequence thereof.
- **§50.20 Suspension of Service**
 - (A) Service discontinued for nonpayment of bills will be restored only after bills are paid in full and payment of a reconnection service fee is made.
(B) The town reserves the right to discontinue water service without notice for any one or more of the following additional reasons:
 - (1) To prevent fraud or abuse;
 - (2) Consumer's willful disregard of the town's rules and regulations;
 - (3) Emergency repairs;
 - (4) Insufficiency of supply due to circumstances beyond the town's control;
 - (5) Legal process;
 - (6) Direction of public authorities; or
 - (7) Strike, riot, fire, flood, accident, or any unavoidable cause.
 - (C) The town may, in addition to prosecution by law, permanently refuse service to any consumer who tampers with a meter or other measuring device.
- **§60.05 Application; False Statement Thereon**
 - (A) Every person desiring to obtain a license for the privilege of engaging in a business within this town shall make application therefor in writing to the Tax Collector. The application, to be made on a form provided by the Tax Collector, shall contain the following information:
 - (1) Name and nature of the business for which the license is sought;
 - (2) The address where the business is conducted, and a mailing address for the business, if different;
 - (3) The name and address of the person filling out the application, and his relationship to the business;
 - (4) The gross receipts of the business for the most recently completed tax year, if applicable; and
 - (5) Any other information which the Tax Collector determines to be necessary.
 - (B) Any person who willfully makes a false statement on a license application shall be guilty of a misdemeanor.
- **§60.09 Display of License**

- Each person issued a license under this chapter shall post the license in a conspicuous place in his regular place of business. If there is no regular place of business, the license shall be kept where it may be inspected at appropriate times by the Tax Collector. If a machine or other item of personal property is licensed, the license shall be affixed to the machine or item.
- **§60.14 Unlawful to Conduct Business Without a License**
 - (A) It shall be unlawful for any person to engage in a business within this town on which a privilege license tax is imposed by this chapter, without having paid the license tax specified in §60.16 herein. Violators shall be guilty of a misdemeanor.
 - (B) The town may seek an injunction against any person engaging in business in violation of this section.
 - (C) A conviction under this section does not relieve a person of his liability for the license tax imposed by this chapter.
- **Chapter 61: Peddlers**
 - **§61.10 Peddling Prohibited**
 - **§61.20 Exemptions**
 - **§61.90 Penalty**
 - Violation of this chapter shall be a misdemeanor and punishable on conviction by a fine not exceeding \$50 or by imprisonment not exceeding 30 days, or both, as provided in G.S. 14-4.
- **Chapter 62: Controlled Business**
 - **§62.01 Hours of operation of dance halls, concert halls, or other public musical entertainment**
 - **§62.10 Permission to operate bowling alleys, pool rooms, or other public entertainment enterprises required**
 - **§62.11 Application; determination of Board revocation**
 - **§62.12 Permits subject to discretion of Board;**
 - **§62.20 License Required**
 - **§62.21 Application for License**
 - **§62.22 Denial of License**
 - **§62.23 Form and Content of License**
 - **§62.24 Certain prohibitions to be observed by licensee and employees**
 - **§62.25 Rules for Operation**
 - **§62.26 Licensee Responsibility**
 - **§62.27 Revocation of License**
 - **§62.99 Penalty**
 - (A) Any person, firm, or corporation violating any provision of this chapter shall upon conviction be guilty of a misdemeanor and shall be punished in accordance with G.S. §14-4.
 - (B) Each and every day or portion thereof that a bowling alley, pool room, open air theater, shooting gallery, or other public entertainment enterprise is operated in violation of this chapter shall constitute a separate offense.
- **Chapter 63: Liquor Control**
 - **§63.01 Consumption of malt beverages and unfortified wine, spirituous liquors, or mixed beverages**
 - **§63.02 Permit**
 - **§63.99 Penalty**

Violation of this chapter shall be a misdemeanor and punishable on conviction by a fine not exceeding \$50 or by imprisonment not exceeding 30 days, as provided by G.S. 14-4.

- **§70.02 Obedience to Signs, Markers, or Devices**
 - Any person failing or refusing to comply with the directions indicated on any sign, marker, or device for the control of direction of traffic or regulation of parking erected or placed in accordance with the provisions of this chapter, when so placed or erected, shall be guilty of an infraction or misdemeanor. This section shall not be construed to apply when the driver of a vehicle is otherwise directed by a police officer, or when an exception is granted to the driver of an authorized emergency vehicle under §70.08.
- **§70.04 Display of Unauthorized Signs**
 - (A) No person shall place, maintain, or display on or in view of any street or highway any unauthorized sign, signal, marking, or device which purports to be or is imitation of or resembles an official traffic-control device, sign, or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device, sign, or signal.
 - (B) No person shall place or maintain nor shall any public authority permit on any street or highway any traffic sign or signal bearing thereon any commercial advertising.
- **§70.05 Interference with Official Traffic-Control Devices**
 - No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device, sign, or signal or any inscription, shield, or insignia thereon, or any other part thereof.
- **§70.07 Obedience to Police and Fire Department Officials**
 - No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or Fire Department official.
- **Chapter 71: Parking Violations; Enforcement**
 - **§71.01 Unlawful parking**
 - **§71.02 Stopping, standing, or parking prohibited in specified places**
 - **§71.03 Parking parallel to curb**
 - **§71.04 Vehicles backed up to curb**
 - **§71.05 Left side to curb not permitted**
 - **§71.06 Parking within lines where provided**
 - **§71.07 Parking and use of EV Charging Stations**
 - **§71.99 Penalty**

Any person, firm, or corporation violating any of the provisions of this chapter, 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 \$50 or imprisonment not to exceed 30 days and each day that any of the provisions of this chapter are violated shall constitute a separate offense.
- **Chapter 73: Taxicabs**
 - **§73.01 Permit Required for Taxicabs**
 - **§73.02 Definitions**
 - **§73.03 Application**
 - **§73.05 Investigation**
 - **§73.06 Conditions of Permit; Issuance and Fee**
 - **§73.07 Revocation**
 - **§73.08 Grounds for Refusal or Revocation**

- §73.09 Display of Permit, Schedule of Fares, Driver’s Photograph
- §73.10 Signs Identifying Vehicle as Taxi
- §73.11 Nontransferability of Permit
- §73.12 Penalties

A violation of any provision herein shall be a misdemeanor as provided in §154-14, punishable on conviction by a fine not exceeding \$50 and/or by imprisonment not exceeding 30 days. Each day’s continuing violation shall be a separate and distinct offense.

- **Chapter 74: Golf Carts**

- §74.01 Purpose
- §74.02 Policy statement and liability disclaimer
- §74.03 Definitions
- §74.04 Operation of golf carts allowed; Exceptions
- §74.05 Manner of Operations
- §74.06 Required equipment
- §74.07 Registration and fee prior to usage
- §74.08 Denial, revocation and enforcement

1. If any person shall violate the provisions of this Chapter, he/she shall be guilty of a Class 3 misdemeanor and shall be subject to the remedies and penalties found in Section 10.99 of the Lake Lure Code of Ordinances.

- **Chapter 81: Animals**

- §81.01 Definitions
- §81.02 Dangerous dogs; barking; leash requirements
- §81.03 Livestock
- §81.04 Bird sanctuary
- §81.99 Penalty

(A) Any person violating the provisions of §81.02 and §81.03 shall be guilty of a misdemeanor, punishable on conviction by a fine not exceeding \$50 or by imprisonment of not more than 30 days.

(B) (1) The violation of any provision of §81.03 shall be subject the offender to a civil penalty in the amount of \$50 to be recovered by the town. Violators shall be issued a written citation which must be paid within 72 hours.

(2) Each day’s continuing violation of §81.03 shall be a separate and distinct offense.

(3) Notwithstanding division (C) (1) above, this provision may also be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction or by criminal penalties as provided in G.S. 14-4.

(C) Any person violating the provisions of §81.04 shall be guilty of a misdemeanor, punishable on conviction by a fine not exceeding \$50 or by imprisonment of not more than 30 days, or both.

(D) In addition, enforcement of this chapter may be by injunction, restraining order, or order of abatement in a court of competent jurisdiction, as provided by G.S. 160A-175 (d) and (e).

- **Chapter 82: Littering**

- §82.01 Littering prohibited
- §82.02 Littering from vehicles
- §82.03 Maintenance of public areas
- §82.04 Receptacles
- §82.99 Penalty

Any person, firm, or corporation violating any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be punished in accordance with G.S. 14-4.

- **Chapter 83: Weeds, Grass, Refuse, and Other Nuisance Conditions**
 - §83.01 Administration
 - §83.02 Declaration of Public Nuisance
 - §83.03 Complaint; Investigation of Public Nuisance
 - §83.04 Abatement Procedure
 - §83.05 Procedure is Alternative

The procedure 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. In addition to the remedies provided for herein, any violation of the terms of this Chapter shall subject the violator to the penalties and remedies as set forth in Chapter 10, Section 10.99, Enforcement, of the Code of Ordinances of the Town of Lake Lure.
- **§84.01 Discharge of Firearms**
 - (A) It shall be unlawful for any person to fire or discharge any rifle, gun, pistol, pellet gun, air gun, air pistol, or air rifle within the town, on or off his premises, in sport or amusement.
 - (B) Any person who shall knowingly and willfully permit his or her minor child under 18 years of age to discharge, fire, shoot, or operate within the town any such air rifle or pellet gun, shall be guilty of a misdemeanor.
- **§84.02 Disturbing Public Meetings**
 - It shall be unlawful to behave in a boisterous or indecent manner or to create any disturbance at or near any public entertainment or meeting.
- **§84.03 Injuring Town Property**
 - It shall be unlawful to trespass upon, injure, damage, deface, break, or injure any property belonging to the town.
- **Chapter 84A: Noise Regulation**
 - §84A.01 Scope
 - §84A.02 Definitions
 - §84A.03 General Regulation
 - §84A.04 Exceptions
 - §84A.05 Decibel Standards
 - §84A.06 Method of Measuring Decibel Standards
 - §84A.07 Quiet Prohibitions
 - §84A.08 Vehicular Noise
 - §84A.09 Animal Noises
 - §84A.10 Non-Exclusivity
 - §84A.11 Enforcement

Violations of this provision of this article shall be subject to the criminal and civil penalties set forth in §10.99 of this Code...
- **Chapter 90: Abandoned Structures; Unfit Dwellings**
 - §90.01 Finding; Intent; Definition
 - §90.02 Duties of the Code Enforcement Officer
 - §90.03 Power of the Code Enforcement Officer
 - §90.04 Standards for Enforcement
 - §90.05 Procedure for Enforcement
 - §90.06 Methods of Service of Complaints and Orders

- §90.07 In Rem Action by Code Enforcement Officer: Placarding
- §90.08 Costs a Lien on Premises
- §90.09 Alternative Remedies
 - (B) In addition to remedies provided for herein, any violation of the terms of this Chapter shall subject the violator to the penalties and remedies as set forth in Chapter 10, Section 10-99, Enforcement, of the Code of Ordinances of the Town of Lake Lure.
- §90.10 Conflict with Other Provisions
- §90.11 Violations
- §90.12 Validity
- **Chapter 91: Subdivision Regulations**
 - §91.99 Penalty
 - (A) After the effective date of these regulations, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of these regulations, thereafter subdivides his land in violation of these regulations 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 the terms of these regulations and recorded in the office of the County Register of Deeds, shall be guilty of a 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 this penalty. The town may bring an action for injunction of any illegal subdivision, transfer, conveyance or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulations.
- **Chapter 93: Dam Restrictions**
 - §93.01 Permit required for water impoundment facilities
 - §93.02 Proposal to be submitted to the town
 - §93.03 Decision of Town Board
 - §93.99 Penalty
 - Any person, firm, or corporation violating any provision of this chapter, shall upon conviction, be guilty of a misdemeanor and shall be punished in accordance with G.S. 14-4. Each and every day or portion thereof that action has been taken in violation of this chapter shall constitute a separate offense.
- **Chapter 94 Lake Structures Regulations**
 - §94.01 Intent and Application
 - §94.02 Definitions
 - §94.03 Permit to Construct
 - §94.04 Liability Insurance
 - §94.05 Design and Construction Standards
 - §94.06 Repair, Reconstruction, and Removal of Structures
 - §94.07 Shoreline Stabilization
 - §94.08 Lake Structure Certificate and Tag; Maintenance of Structures
 - §94.09 Markers
 - §94.10 Electrical and Plumbing
 - §94.11 Swimming Areas
 - §94.12 Commercial and Multi-Dwelling Use Lake Structures
 - §94.13 Cluster Mooring Facilities
 - §94.14 Marinas
 - §94.15 Prohibited Uses

- §94.16 Lake Structure Appeals Board
- §94.17 Injunctive Relief
- §94.18 Inspections and Investigations
- §94.99 Penalties

(B) Criminal Penalties

All lake structures built after December 15, 1992 are required to have a permit prior to commencement of any construction or alteration for which a permit is required (see §94.03). Any person who knowingly or willfully violates any provision of this ordinance, or rule, or order adopted pursuant to this ordinance, or who knowingly or willfully initiates or continues construction or alteration of a lake structure for which a permit is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 3 misdemeanor which may include a fine not to exceed \$500 as provided in G.S. §14-4.

- **Chapter 96: Soil Erosion and Sedimentation Control Regulations**

- §96.01 Title
- §96.02 Purposes
- §96.03 Definitions
- §96.04 Scope and Exclusions
- §96.05 General Requirements
- §96.06 Objectives
- §96.07 Standards for Land Disturbing Activity
- §96.08 Design and Performance Standards
- §96.09 Storm Water Outlet Protection
- §96.10 Borrow and Waste Areas
- §96.11 Access and Haul Roads
- §96.12 Operations in Lakes or Natural Watercourses
- §96.13 Responsibility for Maintenance
- §96.14 Additional Measures
- §96.15 Existing Uncovered Measures
- §96.16 Fees
- §96.17 Appeals
- §96.18 Inspections and Investigations
- §96.19 Injunction Relief
- §96.20 Restoration of Areas Affected By Failure to Comply
- §96.21 Severability
- §96.999 Penalty

(B) Criminal Penalties Any person who knowingly or willfully violates any provision of this ordinance, or rule or order adopted or issued pursuant to this ordinance, or who knowingly or willfully initiates or continues a land-disturbing activity for which a Plan is required except in accordance with the terms, conditions, and provisions of an approved Plan, shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed \$5,000 as provided in G.S. §113A-64.