

Session Law 2018-69 (House Bill 379) Request

City of Lowell, NC
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§ 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.

(G.S. § 14-4(a)) (1995 Code, § 1-6)

§ 35.21 OBSTRUCTING, CROWDING OR INTERFERING AT A FIRE SITE.

It shall be unlawful for persons to congregate on the streets, sidewalks, alleys or other areas adjacent to a fire so as to interfere with the operations of the Fire Department.

(1995 Code, § 3-10) (Ord. passed 9-10-1991) **Penalty, see § 10.99**

§ 35.22 OPEN BURNING.

No person may burn or cause to be burned any material outside of a building within the corporate limits subject to the following exceptions:

- (A) A city employee in the lawful performance of his or her duties;
- (B) Small fires kindled in or upon the ground or in a barbecue pit, exterior fireplace, cook-out device or other similar outdoor eating or cooking device, when required for entertainment or necessity; and
- (C) Any person having obtained a special use permit from the Chief of the City Volunteer Fire Department. Issuance of this permit shall not protect the person from any harm or damage caused by the open burning.

(1995 Code, § 3-11) (Ord. passed 9-10-1991) **Penalty, see § 10.99**

§ 35.23 FIRE DEPARTMENT RIGHT-OF-WAY.

It shall be the duty of all railroads and railway companies, and the engineers and employees of the same, when any engine, car or train of cars is across or on any street, to disconnect or move the cars or trains upon the approach of fire apparatus and to clear the street crossing immediately so as to allow the firefighters and vehicles to pass without delay.

(1995 Code, § 3-12) (Ord. passed 9-10-1991) **Penalty, see § 10.99**

§ 35.24 CONTAINERS FOR GASOLINE OR KEROSENE.

No person may sell, place, dispense, keep in his or her possession, or store on his or her premises any kerosene or gasoline except in containers approved by the Fire Marshal.

(1995 Code, § 3-13) (Ord. passed 9-10-1991) **Penalty, see § 10.99**

§ 51.04 WATER CONNECTIONS REQUIRED; SEPARATE CONNECTIONS.

(A) Within 30 days after the water main in any street is completed and ready for use, the owner of every abutting lot whereon water is needed for human use shall cause such lot to be connected with the water main.

(B) Every house or building abutting any water main shall be separately and independently connected and a separate water meter shall be provided for each dwelling unit.

(1995 Code, § 5-4) **Penalty, see § 10.99**

§ 51.11 CONNECTIONS OUTSIDE OF CITY.

No extension of any water line or system outside of the city shall be made to any part of the water system without special permission from the City Council of such terms as the City Council shall prescribe.

(1995 Code, § 5-11) **Penalty, see § 10.99**

§ 51.12 UNAUTHORIZED USE OF WATER.

Only city employees are authorized to turn on water. If water is found to be in use without the knowledge of the city, or without being turned on by a city 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.

(1995 Code, § 5-12) **Penalty, see § 10.99**

§ 51.14 WATER FOR USE OF CUSTOMERS ONLY.

It shall be unlawful for any customer 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 customer, the customer shall be deemed equally guilty.

(1995 Code, § 5-14) **Penalty, see § 10.99**

§ 51.15 INJURY TO PROPERTY AND FIXTURES.

It shall be unlawful for any person to injure, deface or destroy any property of the city water system, including the pipes, standpipes, valves, boxes, fire hydrants, fountains, service boxes, service valves or service connections or any other fixtures, or in any way to contaminate the city water supply.

(1995 Code, § 5-15) **Penalty, see § 10.99**

§ 51.16 TAMPERING WITH METERS.

It shall be unlawful for any person, after the water has been turned off for failure to pay the water bill, to turn the water on at the meter or to bypass the meter or in any manner to obtain water at no cost.

(1995 Code, § 5-16) **Penalty, see § 10.99**

§ 51.20 METER READING; BILLING; COLLECTING.

(A) Meters will be read and bills rendered monthly, but the city may vary dates or length of period covered, temporarily or permanently, if necessary or desirable.

(B) Bill for water service will be figured in accordance with the rate schedule then in effect and will be based on the amount consumed for the period covered by the meter readings, but the amount payable for each month's service shall not be less than the minimum charge prescribed in the schedule of rates.

(C) Charges for service commence when the meter is installed and connection is made, whether used or not.

(D) Bills for water service are due when rendered and are delinquent after 15 days. In the event the bill for water service is not paid in 15 days after it was rendered, a penalty in an amount fixed by the City Council shall be added and shall be paid by the customer.

(E) Readings from different meters will not be combined for billing, irrespective of the fact that such meters may be for the same or different premises, or for the same or different customers, or for the same or different services.

(F) Delinquent notices will be mailed to the customer 20 days after the first billing, and if not paid within ten days after date of the second mailing, water service may be discontinued.

(G) Failure to receive bills mailed or notices shall not prevent the bills from becoming delinquent nor relieve the customer from payment.

(1995 Code, § 5-20) **Penalty, see § 10.99**

§ 52.04 SEWER CONNECTIONS REQUIRED; SEPARATE CONNECTIONS.

(A) Within 30 days after the sewer main in any street is completed and ready for use, if a water main shall also have been installed in the street, the owner of any abutting lot having thereon improvements for human occupancy, shall cause a water closet and sink to be installed and to be connected with the sewer main. All other sewer facilities within such improvements, if any, are also to be connected with the sewer main.

(B) Every house or building abutting any sewer main shall be separately and independently connected to the main.

(1995 Code, § 5-25) **Penalty, see § 10.99**

§ 52.10 CONNECTIONS OUTSIDE OF CITY.

No extension of any sewer line or system outside of the city shall be made to any part of the sewer system without special permission from the City Council on such terms as the City Council shall prescribe.

(1995 Code, § 5-31) **Penalty, see § 10.99**

§ 52.11 DISCHARGE INTO SEWERS.

No person shall put, throw or discharge any substance, either solid or liquid, into any sanitary or storm sewer at any manhole, nor shall any person discharge into any sanitary or storm sewer any substance likely to obstruct or to cause the injury to the same.

(1995 Code, § 5-32) **Penalty, see § 10.99**

§ 52.12 INJURY TO SEWERS PROHIBITED.

No person shall obstruct, break, remove or otherwise injure any portion of any manhole, flushtank or other part of any public sanitary or storm sewer.

(1995 Code, § 5-33) (Ord. passed 3-3-1969) **Penalty, see § 10.99**

§ 52.13 CERTAIN DRAINS NOT TO BE CONNECTED.

No gutter drains from roofs, surface drains and drains from swimming pools, privately owned reservoirs and other places where water is collected or stored shall be connected with, nor discharged into the domestic sewer lines of the city, but shall be connected with and discharged into the storm sewer system.

(1995 Code, § 5-34) **Penalty, see § 10.99**

§ 52.14 DRAINS FROM GARAGES, SERVICE STATIONS.

No drains from garages, automobile service stations or other places which discharge any oil or grease shall be discharged into the domestic sewer system.

(1995 Code, § 5-35) **Penalty, see § 10.99**

§ 90.06 KEEPING OF SWINE PROHIBITED.

(A) It shall be unlawful to pen, harbor or otherwise maintain any pig, shoat, hog or swine of any kind within the corporate limits of the city.

(B) Any person who owns, leases, occupies or exercises any control over any lot, lots, tracts and/or parcels of land or any premises within the corporate limits of the city, who shall on said premises keep, harbor, pen or permit to run at large, any pig, shoat, hog or swine shall be guilty of a misdemeanor.

(C) This section shall be liberally construed as a public health measure and a prohibition of the keeping of swine within the corporate limits of the city, the same being detrimental to the health, comfort and welfare of the citizens of the city, and the keeping of swine within the city is hereby found to be and declared a common public nuisance and shall be forthwith abated and the continuance thereof prohibited as by law provided.

(1995 Code, § 8-11) (Ord. passed 10-5-1959) **Penalty, see § 10.99**

§ 90.07 BIRD SANCTUARY ESTABLISHED.

(A) There is hereby created and established a bird sanctuary within the territorial limits of the city; provided, that this division (A) does not apply to birds classed as predatory by the Wildlife Resources Commission or by the General Statutes of the state, nor does the protection of this section extend to pigeons, crows, starlings or English sparrows.

(B) It shall be unlawful for any person to hunt, kill or trap any birds within the corporate limits of the city, other than pigeons, crows, starlings and English sparrows.

(1995 Code, § 8-12) (Ord. passed 9-30-1957) **Penalty, see § 10.99**

§ 90.08 KEEPING OF FARM ANIMALS.

(A) It shall be unlawful for any person to keep any horse, mule, donkey, hog, cow, sheep, goat, duck, chicken, turkey or similar domesticated fowl or animals except in conformity with the provisions of this chapter.

(B) The provisions of this section and § 90.09 shall not be applicable to bona fide farms as defined in Chapter 2 of the city's Unified Development Ordinance.

(Ord. passed 7- -2002) **Penalty, see § 10.99**

§ 90.09 PERMITTED LOCATIONS OF FARM ANIMALS AND ASSOCIATED STRUCTURES.

Any horse, mule, donkey, cow, sheep, goat, duck, chicken, turkey or similar domesticated fowl or animals shall be kept on residentially zoned property only, as determined by the official zoning map of the city. No such animal shall be kept on any lot of less than two acres in area. Furthermore, up to four non-fowl animals may be kept on any lot provided that there shall be at least one acre of land for each such non-fowl animal. Any structure housing or sheltering any farm animals shall be located at least 25 feet from any property line and at least 200 feet from an existing principal non-farm structure on another lot.

Penalty, see § 10.99

§ 91.03 ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.

(B) Upon investigation, proper authorizing officials of the city may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

(1995 Code, § 8-15) (Ord. passed 4-17-1990) **Penalty, see § 10.99**

§ 91.04 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(B) Upon investigation, the Code Enforcement Officer may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

(1995 Code, § 8-16) (Ord. passed 4-17-1990) **Penalty, see § 10.99**

§ 91.05 JUNKED MOTOR VEHICLE REGULATED; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(B) (1) Upon investigation, the Code Enforcement Officer may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance.

(2) The following among other relevant factors may be considered:

- (a) Protection of property values;
- (b) Promotion of tourism and other economic development opportunities;
- (c) Indirect protection of public health and safety;
- (d) Preservation of the character and integrity of the community; and
- (e) Promotion of the comfort, happiness and emotional stability of area

residents.

(1995 Code, § 8-17) (Ord. passed 4-17-1990) **Penalty, see § 10.99**

§ 91.15 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the city any vehicle which has been impounded pursuant to the provisions of this code unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

(1995 Code, § 8-27) (Ord. passed 4-17-1990) **Penalty, see § 10.99**

§ 92.18 EXCAVATIONS; LEAVING UNPROTECTED.

It shall be unlawful for any person, firm or corporation who obtains a permit under the sections of this subchapter 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 city 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.

(1995 Code, § 4-6) **Penalty, see § 10.99**

§ 92.19 STREETS NOT TO BE DAMAGED BY TRACTORS OR HARROWS.

It shall be unlawful for any person, firm or corporation to drag or run or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt or other type of permanently paved street of the city which shall be likely in any way to injure or cut the surface thereof.

(1995 Code, § 4-7) **Penalty, see § 10.99**

§ 92.20 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 city.

(1995 Code, § 4-8) **Penalty, see § 10.99**

§ 92.21 HOUSE MOVING.

No person shall move any house or building upon 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.

(1995 Code, § 4-9) **Penalty, see § 10.99**

§ 92.22 DAMAGE TO MUNICIPAL PROPERTY.

No person shall injure, tamper with, remove, paint upon or deface any bridge, culvert, ditch and drain, sign, sign post, street light, traffic signal, bulletin board or other municipal property upon the streets and sidewalks or elsewhere except employee of the city in the performance of his or her duties.

(1995 Code, § 4-10) **Penalty, see § 10.99**

§ 92.23 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 an officer of the city vested with such authority.

(1995 Code, § 4-11) **Penalty, see § 10.99**

§ 92.35 ASSEMBLY ON STREETS AND SIDEWALKS.

Except as provided in Ch. 96, Parades and Demonstrations, of this code, it shall be unlawful for crowds or assemblages of persons to congregate on the streets or sidewalks of the city in such a way as to unnecessarily interfere with pedestrian or vehicular traffic. Any person refusing to disperse upon being so ordered by a police officer shall be guilty of a misdemeanor.

(1995 Code, § 6-43) **Penalty, see § 10.99**

§ 92.36 DISPLAY OF GOODS PROHIBITED.

It shall be unlawful for any person, firm or corporation to place or set out for exhibition any goods, wares or merchandise directly connected with the business transacted by him or her, on the sidewalk in front of a place of business, store, or building owned, controlled or occupied by him or her.

(1995 Code, § 6-44) **Penalty, see § 10.99**

§ 92.37 CONSTRUCTION NEAR SIDEWALK.

Before building or remodeling at any place where the same is in close proximity to the sidewalk, a passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

(1995 Code, § 6-45) **Penalty, see § 10.99**

§ 92.38 SHEDS AND AWNINGS.

It shall be unlawful for any person, firm or corporation to construct or erect, or cause to be constructed or erected, any structure, and particularly any awning or similar structure, over any sidewalk or any part of any sidewalk of the city unless such structure be at least seven feet above the surface of such sidewalk; this restriction is in addition to other restrictions which now, or may in the future, apply to such structures.

(1995 Code, § 6-46) **Penalty, see § 10.99**

§ 92.39 REPAIR OF MOTOR VEHICLES.

It shall be unlawful for any person, firm or corporation to repair a motor vehicle on a paved street of the city except in case of emergency.

(1995 Code, § 6-47) **Penalty, see § 10.99**

§ 92.40 GATES OPENING ON STREETS OR SIDEWALKS.

All gates shall be so constructed as not to open upon or otherwise encroach upon any street or sidewalk.

(1995 Code, § 6-48) **Penalty, see § 10.99**

§ 92.55 LITTERING PROHIBITED.

It shall be unlawful for any person, firm, organization or private corporation to throw or deposit upon any street or sidewalk, or upon any private property, except with written permission of the owner or occupant of the private property any trash, refuse, garbage, building material, cans, bottles, broken glass, paper or any type of litter.

(1995 Code, § 6-49) **Penalty, see § 10.99**

§ 92.56 LITTERING FROM VEHICLES.

(A) It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place within the city, or upon private property.

(B) It shall be unlawful for any person to drive a truck containing gravel, sand or other earth material, garbage or trash without having the same equipped with a tailgate and proper cover. The owner or operator of any truck from which any gravel, sand or other earth material, garbage or trash spills shall be responsible for cleaning the same from the street.

(1995 Code, § 6-50) **Penalty, see § 10.99**

§ 92.57 MAINTENANCE OF PUBLIC AREAS.

Every owner, lessee, tenant, occupant or other person in charge of any commercial establishment or premises which maintains any paved or unpaved areas for the use of the public, either for parking or as access areas and incident to the carrying on of the principal business of any commercial establishment or premises and which parking or access areas abut or lie within ten feet of any public street or other public way, shall keep and maintain the areas clean and free from trash, litter, rubbish and any materials liable to be blown, deposited or cast upon the street or other public way.

(1995 Code, § 6-51) **Penalty, see § 10.99**

§ 93.01 PUBLIC NUISANCES ENUMERATED.

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(A) The uncontrolled growth of weeds or grass to a height of 12 inches or more within 150 feet of any residential structure;

(B) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or which is inhabited by rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health;

(C) Any accumulation of rubbish, trash, refuse or other solid wastes not in compliance with Chapter 50 of this code of ordinances;

(D) Any motor vehicle that has, for a period of more than 48 hours, been in a state of disrepair and is incapable of being moved under its own power and is found to be:

(1) A breeding ground or harbor for mosquitoes or other insects, snakes, rats or vermin of any kind;

(2) A point of heavy growth of weed and grass over 12 inches in height;

(3) A point of accumulation of stagnant water;

(4) A point of concentration of gasoline, oil or other flammable or explosive materials;

(5) So located that there is danger of the vehicle's falling or turning over;

(6) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of other flammable or explosive materials; or

(7) Any condition detrimental to the public health, safety or welfare, or which violates the rules and regulations of the Gaston County Health Department.

(E) Open wells;

(F) An accumulation of stagnant water causing or threatening to cause the inhabitation thereof by mosquitoes;

(G) Any condition detrimental to the public health, safety and welfare, or which violates the rules and regulations of the County Health Department; and

(H) Any accumulation of litter not in compliance with Chapter 94 of this code of ordinances.

(I) Placement, storage or use of upholstered sofas, couches, chairs, seats removed from motor vehicles, or other furniture designed for indoor use by the manufacturer, on any porch, deck, driveway, open carport, patio or other outdoor area in such a manner as to be visible from public streets or adjacent properties.

(J) Outdoor storage of appliances, mattresses, cloth, glass, cans, household wares, household items, cardboard, machine parts, vehicle parts, wooden pallets, scrap metal material, batteries, tire rims, tires, water heaters and building materials, provided however that the temporary on-site storage of building materials that are actively being used for a building project are permitted. (1995 Code, § 8-28) (Ord. passed 11-21-1983; Ord. passed 3-8-1988; Ord. passed 8-10-2009; Ord. passed 5- -2010; Ord. passed 12-10-2012; Ord. passed 7-14-2014; Ord. passed 9-8-2014; Ord. passed 4-11-2016) **Penalty, see § 93.99**

§ 93.99 PENALTY.

(A) Any person violating the provisions of this chapter shall be guilty of a misdemeanor, punishable as provided in **G.S. § 14-4**.

(B) 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.

(C) Each day that any violation continues after a person has been notified that such violation exists and that he or she is subject to the penalties specified herein shall constitute a separate offense.

(D) This chapter may also be enforced by any appropriate equitable action, including injunctions or orders of abatement.

(E) The city may enforce this chapter by any one or any combination of the remedies set forth in this chapter.

(1995 Code, § 8-37) (Ord. passed 11-12-1983; Ord. passed 9-8-2014)

§ 94.03 LITTER IN PUBLIC PLACES.

No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city except in public receptacles, in authorized private receptacles for collection, or in official city dumps.

(1995 Code, § 4-40) (Ord. passed 3-8-1988) **Penalty, see § 94.99**

§ 94.05 SWEEPING LITTER INTO GUTTERS PROHIBITED.

No person shall sweep into or deposit in any gutter, street, or public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(1995 Code, § 4-42) (Ord. passed 3-8-1988) **Penalty, see § 94.99**

§ 94.06 MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business free of litter.

(1995 Code, § 4-43) (Ord. passed 3-8-1988) **Penalty, see § 94.99**

§ 94.07 LITTER THROWN BY PERSONS IN VEHICLES.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.

(1995 Code, § 4-44) (Ord. passed 3-8-1988) **Penalty, see § 94.99**

§ 94.08 TRUCK LOADS CAUSING LITTER.

No persons shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

(1995 Code, § 4-45) (Ord. passed 3-8-1988) **Penalty, see § 94.99**

§ 94.09 LITTER IN PARKS.

No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(1995 Code, § 4-46) (Ord. passed 3-8-1988) **Penalty, see § 94.99**

§ 94.10 THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the city, nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(1995 Code, § 4-47) (Ord. passed 3-8-1988) **Penalty, see § 94.99**

§ 94.11 PLACING COMMERCIAL AND NONCOMMERCIAL HANDBILLS ON VEHICLES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(1995 Code, § 4-48) **Penalty, see § 94.99**

§ 94.12 DEPOSITING COMMERCIAL AND NONCOMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(1995 Code, § 4-49) (Ord. passed 3-8-1988) **Penalty, see § 94.99**

§ 94.13 PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing;" "No Peddlers or Agents;" "No Advertisement" or similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon the premises.

(1995 Code, § 4-50) (Ord. passed 3-8-1988) **Penalty, see § 94.99**

§ 94.14 DISTRIBUTING COMMERCIAL AND NONCOMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES.

(A) No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private businesses which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this chapter, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be used when so prohibited by federal postal law or regulations.

(B) Exemption for mail and newspapers: the provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers as defined herein except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(1995 Code, § 4-51) (Ord. passed 3-8-1988) **Penalty, see § 94.99**

§ 94.15 DROPPING LITTER FROM AIRCRAFT.

No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object.

(1995 Code, § 4-52) (Ord. passed 3-8-1988) **Penalty, see § 94.99**

§ 94.16 POSTING NOTICES PROHIBITED.

No person shall post or affix any notice, poster or other paper or devise, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree or upon any public structure or building, except as may be authorized or required by law.

(1995 Code, § 4-53) (Ord. passed 3-8-1988) **Penalty, see § 94.99**

§ 94.17 LITTER ON OCCUPIED PRIVATE PROPERTY.

No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

(1995 Code, § 4-54) (Ord. passed 3-8-1988) **Penalty, see § 94.99**

§ 94.18 OWNER TO MAINTAIN PREMISES FREE OF LITTER.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(1995 Code, § 4-55) (Ord. passed 3-8-1988) **Penalty, see § 94.99**

§ 94.19 LITTER ON VACANT LOTS.

No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not.

(1995 Code, § 4-56) (Ord. passed 3-8-1988) **Penalty, see § 94.99**

§ 94.99 PENALTY.

(A) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, punishable as provided in **G.S. § 14-4**.

(B) Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(C) This chapter may also be enforced by any appropriate equitable action, including injunctions or orders of abatement.

(D) The city may enforce this chapter by any one or any combination of the foregoing remedies.

(1995 Code, § 4-57) (Ord. passed 3-8-1988)

§ 95.01 USER POLICY.

(A) Permits for the use of facilities do not include any concession rights whatsoever. All concession rights are retained by the city.

(B) The following regulations apply to all recreation facilities and community center operated by the city.

(1) The facility must be left clean and orderly, otherwise, a clean-up fee shall be charged to the person(s) reserving the facility. All trash must be bagged and removed.

(2) Only folding tables and chairs may be moved. All other furnishings must remain in place.

(3) All costs associated with the repair, replacement and clean-up of the property resulting from the misuse of the facility shall be the responsibility of the person(s) reserving the facility.

(4) All activities shall cease at 11:00 p.m. unless an exception is granted by the City Manager or his or her designee.

(5) All decorations and other equipment must be removed immediately following use of the facility. (At no time shall nails, tack, tape and the like be attached to the walls, floors and ceilings of the facility.)

(6) The sale of goods and merchandise are prohibited unless an exception is granted in advance by the City Manager or his or her designee.

(7) Alcoholic beverages, drugs or gambling will not be allowed on the premises of any facility owned or operated by the city.

(8) Authorized employees of the city and/or their representatives shall be granted access to any facility.

(9) A person having a ball field reserved must exercise good judgment in the use of the field after a rain. Extremely wet fields shall not be used. Damages caused to a field by using it while too wet shall be repaired or paid for by the person(s) reserving the field.

(10) (a) All dogs and/or pets must be kept on a leash and under the control of its owner at all times. In addition to any person owning, walking, in possession of or in charge of a dog or other animal which defecates on public park property shall remove all feces immediately after it is deposited by the dog or other animal. All feces removed in accordance with this division (B)(10) shall be placed in a suitable bag or other container that closes and disposed of in a lawful manner.

(b) Any person, while owning, walking, in possession of or in charge of a dog or animal in a public park or facility shall have in his or her possession a bag or other container that closes, which is suitable for removing feces deposited by the dog or other animal.

(c) This provision shall not apply to blind persons using dogs or other animals as guides.

(11) All motorized vehicles, unless operated by the city or their agents are prohibited. (Exempt from this policy are motorized handicapped conveyances.)

(12) Smoking and tobacco products are prohibited.

(13) All youth events must have adult (parental) supervision.

(14) All lights must be turned off and doors securely shut and locked at the close of the event.

(Ord. passed 11-12-2007; Ord. passed 10-13-2008) **Penalty, see § 95.99**

§ 95.02 PROHIBITING REGISTERED SEX OFFENDERS ON CITY PARKS AND RECREATION FACILITIES.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC PARK. Any publicly owned or maintained land which is designated by the city as a park or recreation facility.

REGISTERED SEX OFFENDER. An individual who is registered by any state or federal agency as a sex offender and whose name is published on any state or federal registered sex offender listing, including, but not limited to the sex offender registry established in G.S. § 14-208.6.

(B) It shall constitute a general offense against the regulations of the city for any person or persons registered with the state and or any other state or federal agency to knowingly enter into or on any public park owned, operated or maintained by the city.

(C) The City Manager shall be charged with posting this regulation at the main entrance of each park within 30 days of the adoption of this section.
(Ord. 09-08, passed 9-15-2008) **Penalty, see § 95.99**

§ 95.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of **§ 10.99**.

(B) Anyone found in violation of § 95.02 shall be subject to a fine of not less than \$500 per offense and or 30 days in jail. Each and every entrance into the parks, regardless of the time period involved shall constitute a separate offense under § 95.02.
(Ord. 09-08, passed 9-15-2008)

§ 96.01 PERMIT REQUIRED, EXCEPTION.

(A) It shall be unlawful for any person to engage in any parade, demonstration or march on any street, sidewalk or public way of the city or to promote or to stage any parade, demonstration or marching unless a parade permit shall have been obtained therefor and unless the persons seeking to conduct the same shall have first made written application to the Chief of Police stating the date, place, route and purpose of the parade, demonstration or marching, at least 72 hours in advance of the scheduled event and shall obtain a written permit therefor from that officer.

(B) The provisions of this section shall not apply to:

- (1) Funeral processions;
- (2) Students going to and from school classes or participating in educational activities, provided such conduct is a part of such school activities and under the immediate direction and supervision of proper school authorities; and
- (3) The armed forces of the United States or any governmental agency acting within the scope of its functions.

(1995 Code, § 6-53) (Ord. passed 3-4-1968) **Penalty, see § 10.99**

§ 96.04 USE OF SIDEWALKS; SPECIAL CONDITIONS.

If a lawful parade, demonstration or march is conducted on a sidewalk of the city, the same shall be done or engaged in only under the following conditions.

(A) The use of only one of the sidewalks within any one block of the city shall be permitted. The term BLOCK as used in this division (A) shall mean that portion of a street lying between street intersections.

(B) Persons engaged in the parade, demonstration or march must march in single file if the sidewalk is less than six feet in width but may march in not more than two abreast, six inches apart, if the sidewalk is greater than six feet in width; must keep to only one side of the sidewalk used, and the interval in the columns between the single file marchers or each pair of abreast marchers, if permitted, shall not be closer than six feet.

(C) No animals, vehicles or other objects shall be used in the parade, demonstration or march.
(1995 Code, § 6-56) (Ord. passed 3-4-1968) **Penalty, see § 10.99**

§ 96.05 INTERFERENCE PROHIBITED.

(A) No person shall physically interfere with or obstruct any lawful parade, demonstration or marching on any street, sidewalk or public way nor address profane, indecent, abusive or threatening language to or at any person engaged in any lawful parade, demonstration or marching which would tend to provoke such persons or any other to a breach of the peace.

(B) No driver of any vehicle shall drive between the vehicles or persons comprising a parade, demonstration or march unless so directed by a police officer.

(C) The Chief of Police shall have the authority when reasonably necessary to prohibit or restrict the parking of vehicles along any street or part thereof constituting a part of the route of the parade, demonstration or march.

(D) The police officers of the city may, in the event of the assemblage of persons who, of any of whom, are intimidating persons lawfully engaged in any parade, demonstration or march through abusive acts or the use of profane, indecent abusive or threatening language, direct the dispersal of persons so assembled, and any person so directed shall disperse and absent himself or herself from the place of such assemblage.

(1995 Code, § 6-57) (Ord. passed 3-4-1968) **Penalty, see § 10.99**

§ 96.06 UNREASONABLE OBSTRUCTION OF SIDEWALK OR STREET.

Whenever the free passage of any street or sidewalk in the city shall be unreasonably obstructed by any person or crowd, or by any persons engaged in any lawful parade, demonstration or march, such persons shall disperse, stop or move over or on as and when directed to do so by a police officer of the city, and it shall be unlawful for any person not to so disperse, stop or move on or over when so directed by such police officer.

(1995 Code, § 6-58) (Ord. passed 3-4-1968) **Penalty, see § 10.99**

§ 110.02 UNLAWFUL TO OPERATE WITHOUT CERTIFICATE.

It shall be unlawful for any person to operate a taxicab upon and over the streets of the city without first having applied for and secured from the City Council a certificate of convenience and necessity as hereinafter set forth.

(1995 Code, § 6-2) **Penalty, see § 10.99**

§ 111.03 CERTAIN PROHIBITIONS TO BE OBSERVED BY LICENSEE AND EMPLOYEES.

Licensees under this chapter shall not directly or through their employees and agent:

(A) Suffer or permit any gambling on the licensed premises at any time; nor the sale or use of any racing, football or other parley cards;

(B) Suffer or permit the licensed premises to become disorderly; or permit any profane, obscene or indecent language thereon;

(C) Suffer or permit any intoxicating liquors or narcotic drugs to be sold or kept or consumed on the licensed premises;

(D) Employ any person who has been convicted in the past year of unlawfully selling alcoholic beverages, narcotic drugs or any felony;

(E) Suffer or permit any school child between the ages of six and 16 years to enter or remain upon the licensed premises between the hours of 8:00 a.m. through 3:00 p.m. on days when the public schools are in session; or

(F) Suffer or permit the willful violation of any of the General Statutes of the state.

(1995 Code, § 6-16) **Penalty, see § 10.99**

§ 111.04 RULES FOR OPERATION.

The following rules shall be observed by all operators of poolrooms, bowling alleys and other amusements required to be licensed by this chapter within the city.

(A) Game room establishments shall at all times be subject to entry by the City Manager or police officers for the purpose of verifying compliance with the terms and conditions of this chapter.

(B) All game rooms shall close no later than 1:00 a.m. Sunday through Saturday. All game rooms may open no earlier than 6:00 a.m. Monday through Saturday and no earlier than 1:00 p.m. on Sundays.

(C) Play on any tables, alleys or machines shall be allowed only during the hours set forth herein.

(D) The establishments shall remain closed on Sundays, except as provided in division (A) above.

(E) No game or device shall, however, be screened from view so as to not be readily visible from within the premises.

(F) No screens, curtains, blinds, partitions or other obstruction shall be placed between the entrance to the room where amusements or games are played and the rear wall of the room. A clear view of the interior premises from the entrance to the rear of the premises must be maintained at all times.

(1995 Code, § 6-17) **Penalty, see § 10.99**

§ 112.03 LICENSE REQUIRED.

No person, firm or corporation shall engage in the business, trade or profession of masseur or masseuse or the operation or carrying on of any of the businesses, trades, professions, occupations or callings mentioned in § 112.01 unless such person, firm or corporation has first been licensed under the provisions of this chapter.

(1995 Code, § 6-23) (Ord. passed 6-5-1975) **Penalty, see § 112.99**

§ 112.05 NAMES OF EMPLOYEES TO BE FILED.

It shall be the duty of all persons holding a license hereunder to file with the City Manager the names of all employees, their home addresses, home telephone numbers and other places of employment, if any. Changes in the list of employees with the names of new employees must be filed with the City Manager within seven days from the date of such changes.

(1995 Code, § 6-25) (Ord. passed 6-5-1975) **Penalty, see § 112.99**

§ 112.10 TREATMENT OF PERSONS OF THE OPPOSITE SEX RESTRICTED.

It shall be unlawful for any person holding a license under this chapter to treat a person of the opposite sex, except upon the signed order of a licensed physician, osteopath, chiropractor or registered physical therapist, which order shall be dated and shall specifically state the number of treatments, not to exceed ten. The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by the police at any reasonable time. The requirements of this section shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath or registered physical therapist, chiropractor or in a regularly established and licensed hospital or sanitarium.

(1995 Code, § 6-30) (Ord. passed 6-5-1975) **Penalty, see § 112.99**

§ 112.11 AREA OF MASSAGE RESTRICTED.

It shall be unlawful for any person holding a license under this chapter to massage, treat or otherwise manipulate the genital area of another.

(1995 Code, § 6-31) (Ord. passed 6-5-1975) **Penalty, see § 112.99**

§ 112.12 PATRONAGE OF MASSAGE PARLORS BY MINORS RESTRICTED; DUTY OF OPERATORS.

(A) It shall be unlawful for any person under the age of 18 to patronize any massage parlor or similar establishment licensed hereunder unless such person carries with him or her at the time of

such patronage a written order, directing the treatment to be given, signed by a regularly licensed physician.

(B) It shall be the duty of the operator of every massage parlor or similar establishment licensed hereunder to determine and have verification of the age of the persons patronizing such establishment, and violation of this section shall be grounds for the revocation of the license of the establishment.

(1995 Code, § 6-32) (Ord. passed 6-5-1975) **Penalty, see § 112.99**

§ 112.99 PENALTY.

It shall be unlawful for any person, firm or corporation to violate any of the licensing provisions relative to masseurs, masseuses, massage parlors, health salons and clubs, and a violation of any of the provisions of this chapter shall constitute a misdemeanor, as provided by **G.S. 14-4**, and shall be grounds for revocation of any license hereunder.

(1995 Code, § 6-34) (Ord. passed 6-5-1975)

§ 113.01 LICENSE REQUIRED.

(A) No person, partnership, corporation or association shall operate a secondhand precious metal business as hereby defined unless such person, partnership, corporation or association shall have first applied for and received a privilege license from the City Tax Collector. A separate license shall be required for each location, place or premises used for the conduct of a secondhand precious metal business, and each license shall designate the location, place or premises to which it applies. In addition, such businesses shall not be carried on or conducted in any other place other than that designated in or by such license.

(B) Every employee of a secondhand precious metal business shall, within five days of being employed, register his or her name and address with the Police Department and have his or her thumbprints, fingerprints and photograph taken by the Police Department. Such employee shall then be issued by the Police Department a certificate of compliance with this section.

(1995 Code, § 6-35) (Ord. passed 10-21-1980) **Penalty, see § 10.99**

§ 113.05 RECORDS OF TRANSACTIONS.

(A) Every secondhand precious metal business shall keep a tightly bound book or books, not looseleaf, with pages numbered in sequence, in which there shall be legibly written at the time of any transaction with a nonlicensee involving the purchasing of, trading for or acquiring of ownership of any secondhand article made, in whole or in part, of gold or silver or platinum, the following information:

(1) An account and description of the item, article or thing purchased, traded for or taken in, including, if applicable, the manufacturer's name, the model, the model number, the serial number and any engraved number, initial or marking;

(2) The amount of money involved in the transaction or any item offered in trade;

(3) The date of the transaction;

(4) The name and residence of the person involved in the transaction with the secondhand precious metal business, along with the person's date of birth and general physical description, including hair color and approximate height and weight; and

(5) A notation whether the item, article or thing is stored on the licensed premises or elsewhere.

(B) No transaction involving purchase, trading for or taking in a secondhand article made, in whole or in part, of gold, silver or platinum shall be completed by any secondhand precious metal business or any agent or employee thereof until the person involved in the transaction presents two forms of positive identification or one state or federal government issued identification containing a

photographic representation imprinted thereon. This identification information shall be recorded next to the person's name and residence in the book required to be kept pursuant to division (A) above.

(C) The books required by this section, shall be a permanent record to be kept at all times on the premises of the secondhand precious metal business. Such books shall be made available, during regular business hours, to any law enforcement officer. A full and accurate copy of the records required to be kept by this section shall be filed with the Police Department within 48 hours of the transaction. The full and accurate filing with the Police Department of the records required hereunder by a licensee which is also a licensed pawnbroker shall constitute compliance with the filing provisions of G.S. § 66-410 for any transaction subject to the provisions thereof.

(D) The books need not be kept longer than three years by the licensee.
(1995 Code, § 6-39) (Ord. passed 10-21-1980) **Penalty, see § 10.99**

§ 113.07 PURCHASING FROM JUVENILE.

No secondhand precious metal business or employee or agent thereof shall purchase from any juvenile under 18 years of age any secondhand article made, in whole or in part, of gold or silver or platinum without the written consent of the juvenile's parent or guardian or presentation of proof of ownership.

(1995 Code, § 6-41) (Ord. passed 10-21-1980) **Penalty, see § 10.99**

§ 130.01 UNNECESSARY NOISE.

(A) 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 city. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

(B) 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:

(1) The sounding of any horn or signal device or 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;

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

(3) The use or operation of any piano, manual, or automatic, phonograph, radio, loud speaker or any other instrument or sound amplifying devices so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance; provided, however, that upon application to the Chief of Police, permits may be granted to responsible organizations to produce programs in music, speeches or general entertainment;

(4) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity;

(5) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise;

(6) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger;

(7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(8) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;

(9) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the Building Inspector, which permit may be renewed for a period of three days or less while the emergency continues;

(10) The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same are in session; or within 150 feet of any hospital, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same are school, court or hospital streets;

(11) The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in such streets adjacent to churches indicating that the same are church streets;

(12) The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;

(13) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof;

(14) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood; or anyone shouting within the corporate limits so as to disturb the peace and quiet of the neighborhood;

(15) The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise;

(16) The use of any mechanical loud speakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the City Council;

(17) 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 11:00 p.m. and 7:00 a.m.; and

(18) The firing or discharging of a gun, 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 City Council.

(1995 Code, § 8-38) **Penalty, see § 10.99**

Statutory reference:

Authority to regulate noises, see G.S. § 160A-184

§ 130.02 POSTING OF PRINTED MATTER.

(A) It shall be unlawful for any person to post, nail, stick or otherwise affix bills, posters, advertisements, notices or any other printed or graphic matter upon public property in the city. This section shall not apply to notices, signs or advertisements required to be posted by law, signs or plates on residential premises giving the name or address of the occupant, mail boxes or newspaper tubes, municipal, county, state and federal traffic signs, historical markers, monuments or signs erected by public authority, temporary displays as a part of customary holiday decorations, and signs denoting the location of underground utilities.

(B) It shall be unlawful for any person, firm or corporation to nail, stick or otherwise affix bills, posters, advertisements, notices or other printed or graphic matter upon private property within the city without the consent of the owner.

(1995 Code, § 8-39) (Ord. passed 9-5-1961) **Penalty, see § 10.99**

§ 130.03 PROHIBITED ACTIVITIES IN CITY RECREATION AREAS.

(A) For purposes of this section, the term CITY RECREATION AREAS means and includes the city's ball park and recreation center, the city's Joe Hudson Neighborhood Park, and the city's community center building (Teacherage) and park.

(B) Within or upon the premises of any city recreation areas, it shall be unlawful for any person:

(1) To have or possess any weapon, any intoxicating beverage, any contraband or any controlled substances as defined in G.S. Ch. 90, Art. 5;

(2) To litter, discard trash, cans, bottles or other debris within said park in any area other than within a receptacle provided therefor;

(3) To deface, mar, paint or otherwise disfigure any portions of any building or land including any fixtures and equipment thereon;

(4) To have any bicycle or motor vehicles, including motorcycles, dirt bikes and mopeds, at any place other than public vehicular parking areas; or

(5) To violate G.S. § 14-132, relating to disorderly conduct in and injuries to public buildings.

(C) It shall be unlawful for any person to enter or go upon the following city recreation areas between the hours herein set forth, unless such areas are open to the public generally during such hours:

(1) Ball park and recreation center: 11:00 p.m. until 7:00 a.m.; 6:00 p.m. until 11:00 p.m. on Wednesday; 7:00 a.m. until 1:00 p.m. and 5:00 p.m. until 11:00 p.m. on Sunday;

(2) Joe Hudson Neighborhood Park: 10:00 p.m. until 7:00 a.m.; and

(3) Community center building (Teacherage) and park: 10:00 p.m. until 7:00 a.m.

(D) Signs shall be prominently located within each city recreation area setting the words "No Trespassing" and the hours set forth in division (C) above.

(E) In addition to the above prohibited activities, it shall be unlawful for any person to have or possess within the boundaries of the city's ball park and recreation center any glass container unless that person is one of the authorized personnel providing concessions for any and all activities within said park and recreation center.

(1995 Code, § 8-40) (Ord. passed 5-19-1980; Ord. passed 8-18-1980; Ord. passed 10-20-1980; Ord. passed 3-21-1983; Ord. passed 5-16-1983) **Penalty, see § 10.99**

§ 130.04 BEGGING AND SOLICITATION, PROHIBITED CONDUCT.

(A) It shall be unlawful for any person to ask, beg, solicit or offer to work for money or any other thing having value by:

(1) Accosting another; or

(2) Forcing oneself upon the company of another.

(B) For purposes of this section, ASK, BEG, SOLICIT OR OFFER TO WORK FOR shall include, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the permitted activity.

(C) For purposes of this section, ACCOSTING shall be defined as approaching or speaking to an individual or individuals in such manner as would cause a reasonable person to fear imminent bodily

harm or the commission of a criminal act upon his or her person, or upon property in his or her immediate possession.

(D) For purposes of this section, FORCING ONESELF UPON THE COMPANY OF ANOTHER shall be defined as:

- (1) Continuing to request, beg, solicit or offer to work in close proximity to the individual addressed after the person to whom the request is directed has made a negative response;
- (2) Blocking the passage of the individual addressed whether such person be within or without a motor vehicle or upon any other conveyance; or
- (3) Otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to such demands.

(Ord. passed 5- -2010) **Penalty, see § 10.99**

§ 130.20 PROFANITY AND BOISTEROUS CONDUCT.

It shall be unlawful for any person to use loud, boisterous or profane language in any public place in a manner as to create a public disturbance.

(1995 Code, § 8-1) **Penalty, see § 10.99**

Statutory reference:

Offenses against the public peace, see G.S. Ch. 14, Art. 35

§ 130.21 DISCHARGE OF FIREARMS AND OTHER WEAPONS.

(A) No person shall employ himself or herself in hunting or discharging firearms, including air rifles, spring rifles, and bows and arrows, within the corporate limits of the city; provided, that this section shall apply only to hunting and discharging firearms and shall not apply to the coursing of game within the city when the person or persons in charge of said coursing of game by hound or other domestic animal shall not have in his or her possession any firearm, air rifle, spring gun or other device capable of propelling a projectile of any size or nature, and there is likewise excepted from the prohibition of this section sponsored shooting events or matches conducted for nonprofit organization.

(B) Notwithstanding the provisions of division (A) above, upon proper application to the City Manager, a permit may be issued to authorize the destruction, by discharge of firearms and other approved methods of pigeons, crows, starlings, English sparrows and other animals or birds not protected by law.

(1995 Code, § 8-2) (Ord. passed 9-30-1957; Ord. passed 1-6-1959) **Penalty, see § 10.99**

§ 130.22 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.

(1995 Code, § 8-3) **Penalty, see § 10.99**

§ 130.23 INJURING PROPERTY OF CITY.

It shall be unlawful to injure, damage, deface, trespass upon, break or injure any property belonging to the city.

(1995 Code, § 8-4) **Penalty, see § 10.99**

§ 130.24 ALCOHOLIC BEVERAGE USE AND POSSESSION.

It shall be unlawful:

(A) For any person to drink, possess or make any public display of any beer, wine, liquor or any other type of alcoholic beverage at any athletic contest in the city;

(B) For any person to drink beer, wine, liquor or any other type of alcoholic beverage or to make any display thereof if the cap or seal on the container for the same has been or is open or broken on any public road, highway, street or parking area in the city;

(C) For any person to transport or possess in the passenger area of any motor vehicle within the city any beer, wine, liquor or any other type of alcoholic beverage if the cap or seal on the container for the same has been or is open or broken; or

(D) For any person to possess or consume any beer, wine, liquor or any other type of alcoholic beverage in the city where the consumption of alcoholic beverages is not authorized by law, or where said person or any member of the general public has been forbidden to possess or consume beer, wine, liquor or any other type of alcoholic beverage by the owner, operator or person in charge of said premises.

(1995 Code, § 8-5) (Ord. passed 2-3-1969) **Penalty, see § 10.99**

§ 150.037 MINIMUM STANDARDS OF FITNESS FOR DWELLINGS AND DWELLING UNITS.

Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of §§ 150.038 through 150.043. No person shall occupy as owner-occupants, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of §§ 150.038 through 150.043.

(1995 Code, § 9-16) (Ord. passed 3-14-1978) **Penalty, see § 150.999**

§ 150.038 MINIMUM STANDARDS FOR STRUCTURAL CONDITION.

(A) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.

(B) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(C) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.

(D) Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.

(E) Adequate facilities for egress in case of fire or panic shall be provided.

(F) Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

(G) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather- and water-tight.

(H) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.

(I) There shall be no use of the ground for floors or wood floors on the ground.

(1995 Code, § 9-17) (Ord. passed 3-14-1978) **Penalty, see § 150.999**

§ 150.045 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(A) Public areas. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(B) Cleanliness. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he or she occupies and controls.

(C) Rubbish and garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases the owner shall be responsible for the availability of rubbish and garbage storage facilities.

(D) Supplied plumbing fixtures. Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.

(E) Care of facilities, equipment and structure. No occupant shall willfully destroy, deface or impair any of the facilities or equipment or any part of the structure of a dwelling or dwelling unit. (1995 Code, § 9-24) (Ord. passed 3-14-1978) **Penalty, see § 150.999**

150.051 IN REM ACTION BY INSPECTOR; PLACARDING.

(A) After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this subchapter, and upon adoption by the City Council of an ordinance authorizing and directing him or her to do so, as provided by G.S. § 160A-443(5) and § 150.049(C), the Inspector 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 subchapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the City Council, and shall cause to be posted on the main entrance of such 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.”

(B) Occupation of a building so posted shall constitute a misdemeanor. Each such ordinance shall be recorded in the office of the Register of Deeds of the county, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-443(5). (1995 Code, § 9-30) (Ord. passed 3-14-1978) **Penalty, see § 150.999**

§ 150.072 NUMBERS FOR FUTURE BUILDINGS.

All buildings erected after the adoption of this subchapter shall be assigned a number in accordance with the House Numbering Plan map and shall purchase and display such number as provided in § 150.071.

(1995 Code, § 4-18) (Ord. passed 5-9-1960) **Penalty, see § 150.999**

§ 150.073 UNLAWFUL TO DEFACE NUMBERS.

It shall be unlawful for any person to alter, deface or take down any number placed on any property in accordance with this subchapter, except for repair or replacement of such number.

(1995 Code, § 4-19) (Ord. passed 5-9-1960) **Penalty, see § 150.999**

§ 150.091 IN REM ACTION BY INSPECTOR; PLACARDING.

(A) After failure of an owner of a structure to comply with an order of the Inspector issued pursuant to the provisions of this subchapter, and upon adoption by the City Council of an ordinance authorizing and directing him or her to do so, as provided by G.S. § 160A-443(5) and § 150.089(C), the Inspector shall proceed to cause such structure to be removed or demolished, as directed by the ordinance of the City Council and shall cause to be posted on the main entrance of such structure a

placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor.

(B) Each such ordinance shall be recorded in the office of the Register of Deeds of the county, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-443(5).

(1995 Code, § 9-85) **Penalty, see § 150.999**