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**§ 10.99 GENERAL PENALTY.**

Violations of the provisions of this code or failure to comply with any of its requirements shall constitute a misdemeanor as provided by G.S. § 14-4. Any act constituting a violation of the provisions of this code or failure to comply with any of its requirements shall also subject the offender to a civil penalty of \$500 which includes administrative fees. If the offender fails to correct this violation within ten days after being notified of the violation, the penalty may be recovered in a civil action in the nature of a debt. This section may also be enforced by any appropriate equitable action authorized by law, including injunctive relief. Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for the purpose of the penalties and remedies in this section. Any one, all or a combination of the foregoing penalties and remedies may be used to enforce this code. (1981 Code Revision) *Statutory reference: For provisions concerning enforcement of ordinances, see G.S. § 160A-175*

**§ 70.99 PENALTY.**

If any person shall violate any provisions regulating the operation or parking of vehicles, he or she shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50.

**§ 151.999 PENALTY.**

**(A) General penalty; enforcement and penalties for violations.**

(1) Violations of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor as provided in G.S. § 14-4.

(2) Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, shall also subject the offender to a civil penalty of \$500 which includes administrative fees. If the offender fails to correct this violation within ten days after being notified of the violation, the penalty may be recovered in a civil action in the nature of a debt.

(3) This division may also be enforced by any appropriate equitable action authorized by law, including injunctive relief.

(4) Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

(5) Any one, all or a combination of the foregoing penalties and remedies may be used to enforce this ordinance.

**(B) Subdivisions; penalties for violation.**

(1) After the effective date of this ordinance any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his or her land in violation of this ordinance or transfers or sells land by reference to, exhibition of or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the office of the County Register of Deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from 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 this ordinance. Building permits required pursuant to G.S. § 160A-417 may be denied for lots that have been illegally subdivided. In addition to other remedies, the town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct or abate the violation, or to prevent any illegal act or conduct. Further, violations of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. § 14-4 of up to \$500 per day. Each day of violation shall constitute a separate offense.

(2) The provisions of this division shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under this ordinance or recorded with the register of deeds, provided the contract does all of the following:

(a) Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance;

(b) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat;

(c) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat; and

(d) Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

(3) The provisions of this division shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under this ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under this ordinance and recorded with the register of deeds.

(4) Each day's continuing violation of this ordinance shall be a separate and distinct offense.

(5) Notwithstanding division (B)(4) above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

(6) Nothing in this division shall be construed to limit the use of remedies available to the town. The town may seek to enforce this ordinance by using any one, all or a combination of remedies.

(7) Any act constituting a violation of the provisions of §§ 151.285 through 151.291, 151.305 through 151.312, 151.325 through 151.337, 151.350 through 151.358 and 151.370 through 151.377 or a failure to comply with any of its requirements shall also subject the offender to

a civil penalty of \$500 per day, which includes administrative fees. If the offender fails to correct this violation within ten days after being notified of the violation, the penalty may be recovered in a civil action in the nature of a debt.

## ***FIRE HAZARDS***

### **§ 35.15 BURNING TRASH WITHIN FIRE LIMITS PROHIBITED.**

No person shall burn or cause to be burned any trash, garbage, refuse, waste, construction material or litter outside any house, on or in any street, sidewalk, alley, lot or yard within the limits of the town. (1981 Code, Ch. C, Art. II, § 1) Penalty, see § 10.99

### **§ 35.16 LEAVES; TREE TRIMMINGS; BONFIRES.**

No person shall kindle or maintain any fire or shall knowingly furnish the material for any fire, or authorize any fire to be kindled or maintained on or in any street or public ground or upon any private lot within the limits of the town when a burn ban is in effect as established by the State Division of Forest Resources. (1981 Code Revision) Penalty, see § 10.99

### **§ 35.17 LOTS KEPT FREE FROM FIRE HAZARD.**

It shall be unlawful for any person to permit rubbish, refuse or articles of combustible or inflammable nature to accumulate or remain on any lot or premises. (1981 Code, Ch. C, Art. II, § 5) Penalty, see § 10.99

### **§ 35.18 PERMITTED FIRES.**

Fires to burn leaves and vegetation on one's lot are permitted with the exception of when a burning ban is in effect by the State Division of Forest Resources. All persons, firms or corporations who shall burn any brush and grass, whereby any property may be endangered, or destroyed, shall keep and maintain a careful and competent watchman in charge while burning. Fire escaping while burning shall be prima facie evidence of neglect of these provisions. (1981 Code Revision) Penalty, see § 10.99

### **§ 35.19 PERMIT REQUIRED FOR BONFIRE.**

No person shall kindle or maintain any bonfire, or shall knowingly furnish the material for any fire, or authorize any fire to be kindled or maintained on or in any street, avenue, road or lane or public ground or upon any private lot within the limits of the town unless written permission to do so shall have first been secured from the Town Manager/Clerk. (1981 Code, Ch. C, Art. II, § 2) Penalty, see § 10.99

### **§ 35.20 ENCUMBRANCES BEFORE OR ON FIRE EXIT.**

No person shall at any time, place any encumbrances of any kind whatsoever before or upon any fire escape, balcony or ladder intended as a means of escape from fire. It shall be the duty of every member of the Police and Fire Department who shall discover any fire escape encumbered in any manner to forthwith report the same to the Town Manager who shall immediately notify the owner or owners, their agent or agents, tenant or tenants, to remove the encumbrance and the encumbrance shall thereupon be immediately removed. (1981 Code, Ch. C, Art. II, § 3) Penalty, see § 10.99

### **§ 35.21 PASSAGEWAYS IN PLACES OF PUBLIC ASSEMBLAGE TO BE KEPT OPEN; EXIT DOORS NOT TO BE FASTENED.**

All doors, aisles and passageways within and leading into or out of theaters, churches and all other places of public assemblage, shall during the entire time which any show, performance,

service, exhibition, lecture, concert, ball or other assemblage may be held therein be kept adequately lighted and free from easels, signs, chairs, benches and any other article or articles that may obstruct or delay the exit of the audience, congregation or assemblage. Doors of the building while occupied shall not be fastened so that they cannot easily be opened by anyone from within. No person shall sit or stand in, nor shall the owner or operator of those places allow any person to remain in any place of public assemblage in any aisle under any circumstances, in any exit or passage required for the safe exit of the assemblage. Clear passage from all exits and on outside sidewalks of all theaters and other places or public assemblage shall be maintained at all times. No aisle, passageway or stairway in any store shall be obstructed with tables, show cases or other obstructions during the hours the store is open to the public. (1981 Code, Ch. C, Art. II, § 4) Penalty, see § 10.99

### ***DAMAGING STREETS AND SIDEWALKS***

#### **§ 90.01 PERMIT TO DIG IN STREETS.**

It shall be unlawful for any person, firm or corporation to dig any hole, ditch or excavation of any kind whatsoever, on any street in the town without first securing permission in writing from the Town Manager.

(1981 Code, Ch. D, Art. I, § 1) Penalty, see § 10.99

#### **§ 90.02 SIDEWALK CONSTRUCTION.**

No sidewalk of any description shall be built by any individual, firm or corporation, of any brick, wood or any other material in the town without first securing permission in writing from the Town Manager. (1981 Code, Ch. D, Art. I, § 2) Penalty, see § 10.99

#### **§ 90.03 STREET REPAIR.**

It shall be the duty of every person, firm or corporation, who shall open or dig a ditch, trench or hole in any street, public alley or sidewalk of the town to put the street, public alley or sidewalk in as good condition in all respects as it was before, and every person, firm or corporation violating or failing to observe the provisions of this section shall be guilty of a misdemeanor. (1981 Code, Ch. D, Art. I, § 3) Penalty, see § 10.99

#### **§ 90.04 EXCAVATIONS; LEAVING UNPROTECTED.**

It shall be unlawful for any person, firm or corporation making any excavation for any purpose whatsoever in any street or sidewalk to fail to securely cover the excavations with plank, place ropes around the same three feet from the ground and to place sufficient number of red lights around the excavation before dark and to keep those lights burning all night, every night, the excavation shall be open. (1981 Code, Ch. D, Art. I, § 4) Penalty, see § 10.99

#### **§ 90.05 STREETS NOT TO BE DAMAGED.**

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

(B) It shall also be unlawful to injure any dirt street in the same manner.

(C) Contractors shall be held liable for any damage to pavement caused by construction machinery or heavy trucks. (1981 Code, Ch. D, Art. I, § 5) Penalty, see § 10.99

#### **§ 90.06 HOUSE MOVING.**

No person shall move any house or building upon or across the public streets or sidewalks without written consent of the Town Manager and a deposit of sufficient bond to cover damage done to the street, sidewalk or property of any person. (1981 Code, Ch. D, Art. I, § 6) Penalty, see § 10.99

#### **§ 90.07 DAMAGE TO BRIDGES AND CULVERTS.**

No person shall injure or misplace any part of any bridge, culvert, ditch, drain or other property belonging to or used by the town or shall place any obstruction in any culvert, ditch or drain to prevent the free flow of water on or over the streets of the town. (1981 Code, Ch. D, Art. I, § 7) Penalty, see § 10.99

#### **§ 90.08 DAMAGE TO LIGHTS AND SIGNS.**

No person shall damage, tamper with, remove, paint upon or deface any sign, sign post, street light, traffic signal or bulletin board or other municipal property upon the streets and sidewalks except employees of the town in performance of their duties. (1981 Code, Ch. D, Art. I, § 8) Penalty, see § 10.99

#### ***OBSTRUCTING STREETS***

##### **§ 90.20 ASSEMBLY ON STREETS.**

All persons are forbidden from assembling or collecting and standing so as to obstruct any street and all persons so collecting and standing shall disperse and move upon the demand of any police officer. (1981 Code, Ch. D, Art. II, § 1) Penalty, see § 10.99

##### **§ 90.21 DISPLAY OF GOODS PROHIBITED.**

No person shall place for display or sale any goods, wares or merchandise of any kind upon any of the street or town right-of-way without first obtaining a permit from the Town Manager. (1981 Code, Ch. D, Art. II, § 2) Penalty, see § 10.99

##### **§ 90.22 PLACING OBJECTS ON STREETS.**

Except for a town sanctioned and announced pick-up, no brick, stone, wood or other substances obstructing the free passage of persons and vehicles shall be placed in any of the alleyways, streets or other routes of the town, nor shall any person place on or in any of the streets, sidewalks or alleyways of the town any boxes, crates, casks or barrels of any description or any other obstruction of any kind; provided that any person erecting a building, may with written permission from the Town Manager place building material for immediate use on the streets in a way as to not interfere with the usual traffic. (1981 Code, Ch. D, Art. II, § 3) Penalty, see § 10.99

#### ***USE AND CLEANLINESS***

##### **§ 90.35 THROWING OR BURNING TRASH ON STREETS PROHIBITED.**

No trash or garbage of any kind shall be thrown or swept upon any sidewalk or street of the town, nor shall any trash, refuse or rubbish be burned thereon. (1981 Code, Ch. D, Art. III, § 1) Penalty, see § 10.99

##### **§ 90.36 TREE TRIMMINGS.**

It shall be unlawful for any person to place or allow to be placed any tree trimmings or shrubbery on any street, unless in preparation for a town sanctioned and announced pick-up. (1981 Code, Ch. D, Art. III, § 2) Penalty, see § 10.99

### **§ 90.37 LITTERING.**

Persons guilty of throwing bottles, cans, containers, paper or trash of any nature or placing or causing to be placed refuse or trash on any public or private property are subject to arrest and prosecution. When persons in violation of this section are minors, their parents or guardians will be required to take immediate action in removing litter or be prosecuted. (1981 Code, Ch. D, Art. III, § 3) Penalty, see § 10.99

### **§ 90.38 LITTERING FROM VEHICLE.**

It shall be unlawful for any person while a driver or passenger in a vehicle to throw or deposit litter on any street or other public place within the town, or on private property. When a violation occurs, the driver and/or owner of the vehicle will be held responsible regardless of any other passengers. (1981 Code, Ch. D, Art. III, § 4) Penalty, see § 10.99

### **§ 90.39 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 use of the public, either for parking or as access areas for the establishment shall keep and maintain the areas clean and free from trash, litter, rubbish, and any material liable to be blown, deposited or cast on the street or other public way. (1981 Code Revision) Penalty, see § 10.99

## **GENERAL REGULATIONS**

### **§ 91.01 UNLAWFUL TO HINDER HEALTH OFFICER OR ASSISTANTS.**

It shall be unlawful for any person to hinder, obstruct or delay the County or State Health Officer or any of his or her assistants in the lawful discharge of their duties. (1981 Code, Ch. G, Art. I, § 2) Penalty, see § 10.99

### **§ 91.02 PROPERTY TO BE KEPT CLEAN.**

(A) *Owners or occupants of premises are required to keep the same clean.* Every person owning or occupying any premises and any person owning a vacant lot or lots, except as defined as *HEAVILY WOODED*, in the town limits shall keep the premises free from noxious weeds, trash and odor.

(B) *Persons violating section to be notified.* If any person shall violate the provisions of division (A) above, it shall be the duty of the Town Manager or his or her associate to give notice to the owner or person in possession of the premises that within seven days, or sooner from the date of receipt of the notice, all weeds, trash and other offensive animal or vegetable matter be removed from the lot. Should any owner or occupant fail to comply with the notice, the Town Manager shall proceed to have items removed and the owner or occupant shall be responsible to the town for the cost thereof.

(C) *Yards; time for cutting.* Every owner or person in possession of a lot on which a dwelling exists and any person owning a vacant lot or lots, except as defined as *HEAVILY WOODED*, within the town limits shall cut within four inches of the ground, all weeds, grass or other noxious growth, except for natural growth areas, from the lot at least three times each year. The first not later than June 1, the second not later than August 1 and the third not later than October 1 of each year. If weeds or other noxious growth are not cut in compliance with this subchapter, the Town Manager shall proceed to have the weeds or other noxious growth cut

and the owner or person in possession of the lot shall be responsible to the town for the cost thereof. (1981 Code, Ch. G, Art. I, § 4) (Am. Ord. passed 7-11-2017) Penalty, see § 10.99

#### **§ 91.03 HUMAN WASTE.**

No person shall urinate or deposit any human waste of any kind on any street, lot or premises except in approved sanitary facilities. (1981 Code, Ch. G, Art. I, § 5) Penalty, see § 10.99

#### **§ 91.04 STAGNANT WATER.**

No person or occupant of any property shall allow stagnant water to accumulate or remain in cellars or anywhere on his or her property. (1981 Code, Ch. G, Art. I, § 6) Penalty, see § 10.99

#### **§ 91.06 DEBRIS FROM NEW CONSTRUCTION.**

All refuse, lumber, and debris, including vegetative debris, resulting from the repair of any building, erection of or completion of new buildings, or clearing of any lot, shall be removed by the property owner within ten days from the completion of the aforesaid work. (1981 Code, Ch. G, Art. I, § 8) (Ord. passed 6-9-2015) Penalty, see § 10.99

#### **§ 91.07 DILAPIDATED BUILDINGS.**

(A) Unsafe dilapidated buildings shall be repaired, removed, renovated or demolished.  
(B) A **DILAPIDATED BUILDING** is defined as a building in which cost of building repairs would exceed 60% of current replacement cost of the same building.  
(1981 Code Revision) Penalty, see § 10.99

#### **§ 91.08 SMOKING IN MUNICIPAL BUILDINGS AND VEHICLES.**

(A) **SMOKING** means the inhaling, exhaling, burning or carrying of a lighted pipe, cigar, cigarette or other combustible tobacco product.  
(B) It shall be unlawful for any person to smoke in any building or facility owned, leased, operated, occupied, managed or controlled by the town.  
(C) It shall be unlawful for any person to smoke in any vehicle owned or leased by the town.  
(1981 Code Revision) Penalty, see § 10.99

#### ***PRIVIES AND SEPTIC TANKS***

##### **§ 91.25 PRIVIES REGULATED.**

No privies will be permitted in town limits, except construction sites and special events. (1981 Code, Ch. G, Art. III, § 1) Penalty, see § 10.99

##### **§ 92.02 GARBAGE REQUIRED TO BE PROMPTLY REMOVED.**

No garbage that has become decayed or that shall otherwise be a menace to health or cleanliness shall be allowed to remain in any dwelling, house, apartment, trailer, restaurant, lunch stand, fruit stand, store or other building or on any premises a longer time than shall be reasonably necessary to remove and deposit the same in a can or cans as hereinafter provided in this chapter.  
(1981 Code, Ch. G, Art. II, § 2) Penalty, see § 10.99

##### **§ 92.03 GARBAGE CANS.**

The occupant of every building premises or place, where garbage does or may exist, shall be provided with a garbage can in which he or she shall deposit all garbage existing at the place occupied. All cans shall be placed in a place that can be conveniently reached by the garbage

collector. No garbage can shall be placed, kept or left on any street, alley or public way for any purpose whatsoever. All garbage cans shall be kept reasonably clean by the use of lye or other effective cleaner. (1981 Code, Ch. G, Art. II, § 3) Penalty, see § 10.99

#### **§ 92.04 WET GARBAGE.**

All wet garbage shall have the liquid drained off and shall be wrapped in paper or plastic before it is placed in the garbage can, thus preventing smell and breeding of flies in summer, and freezing and adhesion to the can in winter. (1981 Code, Ch. G, Art. II, § 4) Penalty, see § 10.99

#### **§ 92.05 DEPOSIT OF GARBAGE IN PUBLIC PLACES AND ON PRIVATE PROPERTY.**

No person shall throw, place or deposit any garbage in any street, alley, public place or private property within the town limits, except in garbage cans or official garbage vehicles. (1981 Code, Ch. G, Art. II, § 5) Penalty, see § 10.99

#### **§ 92.06 TRANSPORTATION OF GARBAGE AND SLOPS BY PRIVATE PERSONS.**

No person or persons shall collect, handle, haul or transport on any of the streets, alleys, public ways or places of the town any garbage without first having procured a permit therein from the Town Manager, except for transporting personal accumulations to the sanitary land fill.

(1981 Code, Ch. G, Art. II, § 6) Penalty, see § 10.99

#### **§ 92.07 HOURS FOR PLACING CANS.**

Garbage cans containing garbage and trash for removal shall be placed on the premises from which the same are to be removed at or before 7:00 a.m. on the day scheduled for removal, but not earlier than 24 hours before scheduled removal. Emptied cans must be returned to a safe place on the same day. (1981 Code, Ch. G, Art. II, § 7) Penalty, see § 10.99

### ***NOISE***

#### **§ 93.01 PROHIBITIONS.**

It shall be unlawful for any person, firm or corporation to create, assist in creating or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the town.

Noise of a character, intensity and duration as to be detrimental to the life or health of any individual is prohibited. (1981 Code, Ch. H, Art. II, § 1) Penalty, see § 10.99

### ***BILLS AND OTHER ADVERTISING***

#### **§ 93.15 POSTING BILLS; OTHER ADVERTISING.**

No person shall stick, paint, brand, stamp, write or put upon any house, fence, wall, pavement, post or upon any property owned by any person, firm, corporation or town any printed, written, painted or other advertisement, bill, notice, sign or poster, without first having obtained the written permission of the owner of the property and having received permission from the Town Manager.

(1981 Code, Ch. H, Art. II, § 4) Penalty, see § 10.99

### ***NOXIOUS ODORS***

#### **§ 93.30 PROHIBITION.**



The Town Board finds and declares that the following specific condition is prejudicial to the general health, safety and welfare of the town and its citizens, lessens the attractiveness and livability of the town and when located on any lot or parcel of land within the town limits are a nuisance and therefore unlawful: any conditions or use of property which results in the emission of pollutants and particles into the atmosphere or causes noxious odors and stench to be emitted into the air.

Penalty, see § 10.99

### **§ 93.50 PROCEDURE IS ALTERNATIVE TO OTHER AUTHORIZED PROCEDURES.**

The procedure set forth hereinabove shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and the provisions shall not prevent the town from proceeding in a criminal action against any person violating the provisions of this chapter as provided in § 10.99.

### **§ 94.03 DANGEROUS, DOMESTIC ANIMALS AND LIVESTOCK.**

(A) Possession or harboring of animals which are dangerous to persons or property is prohibited.

(B) Possession or harboring of domestic animals other than the usual household pets, such as dogs, cats and birds is prohibited.

(C) It is the responsibility of the animal owners to restrict/prohibit animal noise that annoys, disturbs or frightens their neighbors.

(D) Horses are permitted on tracts of land of at least five acres.

(E) No other form of livestock is permitted.

(F) No commercial enterprise of animals is permitted.

(G) It shall be unlawful for any person owning, possessing or harboring an animal to abandon that animal.

(H) It shall be unlawful for any person to molest, torture, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison or subject to conditions detrimental to its health or general welfare of any animal, or to cause or procure such action.

### **§ 94.04 DOGS.**

(A) Owners of dogs are responsible for the acts of their dogs. The owner of a dog shall be strictly liable in civil damages for any injuries or property damage the dog inflicts upon a person, his or her property, or another animal.

(B) It shall be unlawful for any owner to keep any dangerous, potentially dangerous, or vicious animal within town unless it is confined within a secure building or enclosure or unless it is securely muzzled and under restraint by a competent person who, by means of a leash, has the animal firmly under control at all times

(C) It shall be unlawful for any person to own or keep a dog that has not been currently and properly vaccinated with an appropriate rabies vaccine.

(D) It shall be unlawful for any owner to permit a bitch to run at large during the erotic stage of copulation.

(E) It shall be unlawful for a stray dog to run at large.

(F) It shall be unlawful for an owner to allow a dog to run at large.

(G) It shall be unlawful for any person to own, keep, or harbor or maintain within the town, any dog that habitually or repeatedly barks, howls, or whines in a manner or to such extent that it is a public nuisance or causes serious annoyance to the neighborhood or to any residence or interferes with the reasonable use and enjoyment of public streets, sidewalks, and other public areas. (1981 Code Revision) Penalty, see § 10.99

**§ 94.05 HOG PENS.**

No person shall be permitted to keep or maintain any hogs, hog's pens or pigs within the town limits.

(1981 Code, Ch. H. Art. III, § 3) Penalty, see § 10.99

**§ 94.06 FOWL.**

No person shall keep or maintain fowls.

(1981 Code, Ch. H, Art. III. § 4) (Ord. passed 2-9-1999) Penalty, see § 10.99

**§ 94.07 HUNTING.**

The release of hunting dogs during game season within the town limits shall be prohibited.

Hunting dog owners or releasers shall be held responsible.

(Ord. passed 9-9-2003; Am. Ord. passed 11-10-2015) Penalty, see § 10.99

**§ 110.02 PEDDLERS AND ITINERANT SALESPERSONS PROHIBITED.**

It is unlawful for any person, firm or corporation to sell, offer for sale or solicit orders for goods,

wares, merchandise, food, periodicals or services by going from door-to-door ("peddle" or "solicit") or to beg or panhandle within the town unless the peddler or itinerant salesperson has been requested or invited to do so by the owner or occupant of the private residence and premises. Nor shall any peddler or itinerant salesperson be permitted to engage in activities upon any public park, street, highway, alley, sidewalk or other public way or upon any property owned or leased by the town. This section shall not apply to solicitation performed by organizations designated as non-profit by the United States Internal Revenue Service.

(1981 Code Revision) Penalty, see § 10.99

**§ 110.05 DUTY OF SOLICITORS TO ASCERTAIN NOTICE.**

(A) It shall be the duty of every solicitor upon going onto any premises in the municipality upon

which a residence is located to first examine the notice provided for in § 110.04 if any is attached, and be governed by the statement contained on the notice. If the notice states "NO SOLICITORS INVITED," then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(B) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

Penalty, see § 10.99

**§ 110.06 PROHIBITED SOLICITATION.**

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of the residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 110.04 above.

Penalty, see § 10.99

**§ 130.01 INDECENT, OFFENSIVE OR DISORDERLY CONDUCT.**

No occupant of any house, whether residence or business, shall permit the same to be kept in an indecent or offensive or disorderly manner or permit loafers or idle persons to congregate therein or in front of same to the annoyance of persons passing or living in the vicinity. (1981 Code, Ch. H, Art. I, § 1) Penalty, see § 10.99

### **§ 130.02 VAGRANTS.**

(A) A person commits a violation if he or she loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon appearance of a police officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impractical, a police officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting the person to identify himself or herself and to explain his or her presence or conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if it had been believed by the police officer at the time, would have dispelled the alarm. Any police officer may arrest any person suspected of being a loiterer or prowler without a warrant if it reasonably appears that the delay in arresting the suspect caused by obtaining a warrant would result in the suspect's escape.

(B) It shall be unlawful for any person, after first being warned by a police officer, or where a "no loitering" sign or signs have been posted, to loiter, stand, sit, or lie in or upon any public or quasi-public sidewalk, street, curb, cross-walk, walkway area, mall or that portion of private property utilized for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon. It shall be unlawful for any person to block, obstruct, or prevent free access to the entrance to any building open to the public.

(C) For the purpose of this section, **PUBLIC PLACE** has the following definition unless the context clearly indicates or requires a different meaning: an area generally visible to public view, including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

(1981 Code, Ch. H, Art. I, § 2) Penalty, see § 10.99

### **§ 130.03 HOUSES OF ILL FAME.**

No person shall keep a house or other place of ill fame in the town and no person shall knowingly rent any house to be used as a house of ill fame. All adult persons living in that house shall be considered as keepers thereof and be subject to the penalties of this code.

(1981 Code, Ch. H, Art. I, § 3) Penalty, see § 10.99

### **§ 130.04 PROFANITY AND BOISTEROUS CONDUCT.**

It shall be unlawful for any person to use loud and boisterous language so as to become a nuisance or use any form of profanity or indecent language on the street or in a gathering or audience or assembly, or in any public place whatsoever, or to indecently expose themselves within the town limits.

(1981 Code, Ch. H, Art. I, § 4) Penalty, see § 10.99

**§ 130.05 DRINKING IN PUBLIC.**

No person shall consume, serve or drink wine, beer, whiskey or alcoholic beverages of any kind on the public streets, public property, alleys or in public buildings.

(1981 Code, Ch. H, Art. I, § 6) Penalty, see § 10.99

**§ 131.01 FIREARMS REGULATED.**

(A) It shall be unlawful to use, hunt with or discharge within the town limits any shotgun, rifle, pistol or other firearm except for the purpose and in the manner set forth herein.

(C) The use or discharge of a shotgun, rifle, pistol or other firearm shall not be unlawful when used in the defense of person or property or when used or discharged pursuant to lawful directions of law enforcement officers, or when possessed, used or discharged by law enforcement officers, or when possessed, used or discharged by law enforcement officers pursuant to their lawful duties.

(D) Firearms concealed or not concealed are not permitted on town property.

(1981 Code, Ch. H, Art. II, § 3) Penalty, see § 10.99