

Town of Richlands

Summary of Ordinances with Misdemeanor as Penalty

§ 50.03 DUTY OF PROPERTY OWNER.

Whenever trash or debris is found in the public streets, parks or alleys, it shall be the responsibility of the fronting property owner to remove said trash or debris upon written notice by the Code Enforcement Officer.

(1987 Code, § 4-2-03)

§ 50.06 PAYMENT OF COSTS.

(A) Upon completion of the abatement of the nuisance herein described by the city under the provisions of this chapter, the Code Enforcement Officer shall deliver to the City Finance Officer a statement including the costs of labor, hauling and other necessary items of expense for such abatement. The City Finance Officer shall thereupon mail to the owner of the lot a bill covering the costs.

(B) As provided in G.S. § 160A-193, the amount of the bill shall become a lien upon said property and, if not paid within 30 days, shall be collected in the same manner as provided for the collection of delinquent taxes.

(1987 Code, § 4-2-06)

§ 50.23 PROHIBITED CONTENTS OF CONTAINERS.

The following items are prohibited to be placed in authorized solid waste containers that are part of the regular solid waste collection system of the town or to be placed on public or private property for more than seven days:

- (A) Motor vehicle tires;
- (B) Construction and demolition wastes;
- (C) Hazardous, radioactive or medical wastes;
- (D) Burning or smoldering materials or any other materials which would create a fire hazard; or
- (E) Rocks, dirt, sod, paint or motor oil; and/or
- (F) White goods, appliances or parts of white goods or appliances.

(1987 Code, § 4-2-13) Penalty, see § 50.99

§ 50.25 ACCUMULATION PROHIBITED.

(A) No property owner or occupant shall allow the accumulation of garbage, refuse, solid waste, construction wastes or bulky wastes upon property owned or occupied by him or her so that such accumulation is dangerous or prejudicial to the public health. Nor shall any person permit any type of waste to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit the waste in an approved manner, in accordance with this chapter, in any event, not to exceed seven days.

(B) In the event that an accumulation of waste exists and remains on property longer than is reasonably necessary to remove and deposit the waste as required herein or more than seven days, the town may, without further notice to the owner or occupant, remove or remedy the accumulation and charge the expense of the removal and disposal to the owner or occupant of the property responsible. Such charges shall be billed within 30 days of removal and if not paid, shall be a lien upon the land or premises where the accumulation occurred and shall be collected as unpaid taxes.

(1987 Code, § 4-2-15) Penalty, see § 50.99

(4) Penalty. Any vehicle found in violation of this division (B) shall be towed from said privately-owned vehicular area by a law enforcement officer, and stored by the town at the owner's expense and the owner thereof, if convicted, shall be found guilty of a misdemeanor and shall pay a fine of up to \$15, plus towing and storage cost, and/or imprisoned for not more than 30 days.

(1987 Code, § 7-1-33)

(3) Prohibited; exceptions. It shall be unlawful for any person, firm or corporation to park, or allow to be parked, any vehicle owned by him, her or them, in or upon a privately-owned public vehicle area within the corporate limits of the town, without first securing the express prior permission and consent of the owner of said area, any time prior to 30 minutes before the opening or 30 minutes after the closing hours of the business to which the public use of said area is attached; provided that, this division (B) shall apply only to those businesses and privately-owned public vehicular areas where the owners or general managers of the business have requested in writing that the Chief of Police, enforce this regulation upon their property, and who have provided the Chief of Police with a list of hours of operation for the business to which the public use is attached. A list of such businesses shall be maintained as a separate schedule, and made a part of the official public records of the town; provided further that, any owner of a privately-owned vehicular area who requests such protection of this section in accordance with the terms herein stated, shall as a condition precedent to the enforcement of this division (B) upon his or her property, post notices at reasonable places upon his or her property stating the hours during which the public shall be prohibited from use of said privately-owned public vehicular areas.

90.025 ENFORCEMENT OF THIS CHAPTER UNDER SUPERVISION OF COUNTY HEALTH OFFICER.

The enforcement of this chapter shall be under the supervision of the Town Administrator or his/her designee.

(1987 Code, § 8-6-01)

§ 90.026 UNLAWFUL TO HINDER HEALTH OFFICER OR ASSISTANTS.

It shall be unlawful for any person to hinder, obstruct or delay the Town Administrator, his/her designee or any of his or her assistants in the lawful discharge of their duties.

(1987 Code, § 8-6-02) Penalty, see § 90.999

§ 90.027 RIGHT TO ENTER.

The Health Officer or any of his or her assistants shall have the right to enter at any reasonable time any premises for the purpose of making the inspection or investigations as required by this chapter.

(1987 Code, § 8-6-03)

§ 90.028 PROPERTY KEPT CLEAN.

Owners or occupants of premises are required to keep the same clean. Every person owning or occupying any premises in the corporate limits shall keep the premises free from weeds, trash and all other forms of animal or vegetable refuse which may be dangerous or prejudicial to the public health, or which may constitute a public nuisance. No owner or occupant of any premises shall bury therein any animal or vegetable matter which, upon decaying, may become dangerous or prejudicial to the health or may constitute a nuisance.

(1987 Code, § 8-6-04) Penalty, see § 90.999

§ 90.029 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.

(1987 Code, § 8-6-05) Penalty, see § 90.999

§ 90.030 STAGNANT WATER.

No person or occupant of any property shall allow stagnant water to accumulate or remain in cellars or anywhere on his, her or their property.

(1987 Code, § 8-6-06) Penalty, see § 90.999

§ 90.031 SALE OF FOOD; EATING ESTABLISHMENTS.

All person, firms or corporations selling food of any kind or serving prepared meals shall comply with all requirements pertaining thereto of the State Board of Health.

(1987 Code, § 8-6-07) Penalty, see § 90.999

§ 90.032 DEBRIS FROM CONSTRUCTION.

All refuse and debris, remaining both as a result of the repair of any building or of the erection and completion of any building, shall be removed by the property owner within 15 days from the completion of the aforesaid work.

(1987 Code, § 8-6-08) Penalty, see § 90.999

§ 90.033 SPITTING ON SIDEWALKS.

No person shall spit upon or throw hulls, peelings or other litter upon any of the sidewalks of the town.

(1987 Code, § 8-6-09) Penalty, see § 90.999

§ 90.034 BUILDINGS UNFIT FOR HUMAN HABITATION.

(A) The following, if found, shall constitute a dwelling unfit for human habitation:

(1) If it is found to exist, within the municipality, the occupation of dwellings which the Board of Aldermen finds to be hazardous to the welfare and dangerous and injurious to the health, safety and morals of the residents of town due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary conditions, or due to other conditions rendering the dwellings unsafe or unsanitary; or

(2) It is also found that there exists with the municipality abandoned structures which the Board finds to be hazardous to the health, safety and welfare of the residents of the town due to the attraction of insects and rodents; conditions creating a frequent use by vagrants as living quarters in the absence of sanitary facilities.

(B) Therefore, pursuant to the authority granted by G.S. § 160A-426, it is the intent of this subchapter to provide for the repair, closing or demolition of any such dwellings unfit for human habitation or abandoned structures in accordance with the provisions and procedures set forth by law and minimum residential housing code.

(1987 Code, § 8-6-10) Penalty, see § 90.999

§ 90.045 UNREASONABLY LOUD NOISE PROHIBITED.

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

(1987 Code, § 8-8-01) Penalty, see § 90.999

§ 90.046 NOISES EXPRESSLY PROHIBITED.

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:

(A) 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 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 any unnecessary and unreasonable period of time;

- (B) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle;
- (C) 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;
- (D) The use or operation of any piano, manual or automatic, phonograph, radio, loud speaker or any other instrument, or sound amplifying device so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance;
- (E) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded in such manner as to create loud or unnecessary grating, grinding, rattling or other noise;
- (F) 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;
- (G) 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;
- (H) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;
- (I) 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 9:00 p.m., except in the case of urgent necessity in the interest of public safety and then only with a permit from the Town Clerk, which permit may be renewed for a period of three days or less while the emergency continues;
- (J) 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 is a school, court or hospital street, without receiving a permit for the same and notification of the town;
- (K) 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 is a church street;
- (L) The creation of loud and excessive noise in connection with loading or unloading any vehicle, of the opening and destruction of bales, boxes, crates and containers;
- (M) The sounding of any bell or gong attached to any building or premises which disturb the quiet or repose of persons in the vicinity thereof;
- (N) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood;
- (O) 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;
- (P) 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 Board;
- (Q) 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
- (R) The firing or discharging of squibs, crackers, gunpowder or other combustible substances in the streets or else where for the purpose of making noise or disturbance.

(1987 Code, § 8-8-02) Penalty, see § 90.999
§ 90.047 FIREARMS REGULATED.

It shall be unlawful for any person to discharge any firearm of any type within the corporate limits, except a peace officer in the performance of his or her duty or other persons in self-defense or in the protection of property.

(1987 Code, § 8-8-03) Penalty, see § 90.999

§ 90.048 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 or corporation, or owned by the town, any printed, written, painted or other advertisement, bill, notice, sign or poster, without first having obtained the permission of the owner of such property.

(1987 Code, § 8-8-04) Penalty, see § 90.999

§ 90.049 FIREBOMBS AND MOLOTOV COCKTAILS PROHIBITED.

(B) Manufacture, possession and the like. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov cocktail or other firebomb.

(C) Materials. It shall be unlawful for any person or group of person to possess all the items or material needed to manufacture Molotov cocktails or other firebombs, other than on his, her or their premises.

(1987 Code, § 8-8-05) Penalty, see § 90.999

§ 90.061 DECLARED A HEALTH HAZARD.

For the purposes of this subchapter, the Board of Aldermen authorizes the Town Administrator or his or her assigns to declare any abandoned or derelict motor vehicle remaining on private property for in excess of 15 days a health hazard.

(1987 Code, § 8-3-02)

§ 90.062 DUTY OF OWNER TO REMOVE FROM PRIVATE PROPERTY.

No person in charge or control of any property within the town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any wrecked, junked, discarded, partially dismantled or non-operable motor vehicle to remain on such property for more than 15 days. This section shall not apply to a vehicle in an enclosed building, garage or carport; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(1987 Code, § 8-3-03) Penalty, see § 90.999

§ 90.063 DUTY OF OWNER TO REMOVE FROM PUBLIC PROPERTY.

If a motor vehicle is abandoned or derelict on a public street or highway, it shall be the duty and responsibility of the owner of such motor vehicle to cause the removal thereof immediately.

(1987 Code, § 8-3-04)

§ 90.064 NOTIFICATION.

(A) (1) Upon receipt of a complaint concerning abandoned/derelict vehicles, as defined in this subchapter, the Town Administrator or his or her assigns will investigate said complaint. If, in his or her judgment, a violation has occurred, the Town Administrator or his or her assign shall cause to be delivered or mailed to the owner of the property upon which the condition exists, a notice stating the reasons why the condition may constitute a violation and that a hearing will be held before the Town Administrator at a place therein fixed, not less than ten, nor more than 30, days after the delivery or mailing of the notice. The owner, or any party with interest, shall have the right to give evidence at the place and time fixed in the notice. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard.

(2) The rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings.

(B) If a determination is made that such conditions constituting a public nuisance exist, the Town Administrator shall notify in writing the owner of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of such written notice.

(C) Exceptions to this procedure are abandoned or unlicensed vehicles on public property where action shall be taken within 48 hours of notification of the nuisance and unidentified vehicles when corrective action shall be taken by the Police Department immediately.

(1987 Code, § 8-3-05)

§ 90.065 REMOVAL OF DERELICT VEHICLES ON PRIVATE PROPERTY.

(A) The Chief of the Police Department or Town Administrator or their assigns, upon notice of violation, may cause a written notice of such violation to be served upon the owner, tenant, occupant, lessee and/or owner of the motor vehicle, as per § 90.064 of this chapter, that such motor vehicle shall be removed within 15 days after receipt of notice.

(B) Any motor vehicle not removed after such notice shall be removed from such land under the supervision of the Town Police Department to an impounding area heretofore designated by the Board of Aldermen and therein impounded.

(1987 Code, § 8-3-06)

§ 90.066 REMOVAL OF VEHICLES FROM PUBLIC PROPERTY.

Whenever any motor vehicle is abandoned on a public street or highway or on property owned or operated by the town, any such vehicle may be removed and impounded under the direction of the Chief of Police or his or her assigns after 48 hours to a storage garage or area as designated by the Board of Aldermen.

(1987 Code, § 8-3-07)

§ 90.067 RECLAMATION.

Upon notification by the Police Department, the owner of an impounded motor vehicle may, upon furnishing satisfactory evidence of his or her identity and of his or her ownership of the vehicle, obtain a release from the Police Department, and upon payment of towing and storing charges, and any fines or penalties, remove such motor vehicle from impounding area.

(1987 Code, § 8-3-08)

§ 90.068 SALE OF IMPOUNDED VEHICLES.

Should the owner of an impounded motor vehicle fail or refuse to pay the costs above mentioned or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search, and after written notice to him or her at his or her last known address if his or her identity is known, and to the holder of any lien on record in the office of the State Department of Motor Vehicles against such vehicle, the Chief of Police or his or her designee may, after holding such vehicle for 30 days and after having the value thereof determined by three disinterested automobile dealers or garagemen and after giving 20 days' notice to the State Department of Motor Vehicles, such notice to include all information which can be reasonably ascertained to identify such vehicle, dispose of the same by private or public sale and shall forward the proceeds of such sale to the Town Clerk.

(1987 Code, § 8-3-09)

§ 90.069 DISPOSITION OF UNSOLD VEHICLES.

Whenever any motor vehicle which has been removed pursuant to this chapter shall remain unsold for a period of 60 days from and including the day of its removal, such vehicle may be destroyed or otherwise disposed of by the town official charged with its safekeeping. Notice of any such destruction or disposition shall be given to the State Department of Motor Vehicles, such notice to include all information on which can be reasonably ascertained to identify such vehicle.

(1987 Code, § 8-3-11)

§ 90.071 UNLICENSED MOTOR VEHICLES.

No person shall park, store or leave or permit the parking or storage of any unlicensed motor vehicle of any kind, for a period in excess of 48 hours, whether attended or not, upon any private property within the town, unless the vehicle is enclosed within a building, garage, carport or, further, is connected with and essential to the operation of a business enterprise conducted in a lawful place and manner and properly licensed. The Chief of Police, upon notice of a violation, may cause either personal or written notice of such violation to be served upon the owner, tenant, occupant, lessee and/or the owner of the motor vehicle.

(1987 Code, § 8-3-14) Penalty, see § 90.999

§ 90.072 TRAILERS.

The provision of this subchapter shall pertain to trailers in the same manner as to other vehicles.
(1987 Code, § 8-3-15)

§ 90.116 LITTER IN PUBLIC PLACES.

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

(1987 Code, § 8-5-02) Penalty, see § 90.999

§ 90.117 POLLUTING RIVERS.

No person shall deposit any rubbish, paper, paper waste, rags or waste material of any kind in any river, stream or natural waterway or upon the banks of same.

(1987 Code, § 8-5-03) Penalty, see § 90.999

§ 90.118 SCATTERING RUBBISH.

No person shall deposit in or upon, or scatter over or upon any of the streets, parks or public grounds within the town any paper, paper waste, rags or waste material of any kind. No person who is the owner of lessee of any lot or land within the town shall deposit upon any such lot or land, or allow to be deposited therein.

(1987 Code, § 8-5-04) Penalty, see § 90.999

§ 90.119 PLACEMENT OF LITTER IN RECEPTACLE SO AS TO PREVENT SCATTERING.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other grounds within the town.

(1987 Code, § 8-5-05) Penalty, see § 90.999

§ 90.120 SWEEPING LITTER INTO GUTTERS PROHIBITED.

(A) No person shall sweep into or deposit in any gutter, ditch, street or other public place within the town the accumulation of litter from any building or lot or from the public sidewalks.

(B) Nor shall any owner or tenant abutting a public thoroughfare allow or suffer to remain litter upon the adjacent public sidewalk including medians, so that in such manner, litter rubbish and refuse shall not be allowed to pile up or accumulate on such public right-of-way.

(1987 Code, § 8-5-06) Penalty, see § 90.999

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

No merchant or business within the town shall allow litter to accumulate, and shall clean and otherwise rid his or her premises, including sidewalks, of waste matter and litter although the same may not have been deposited by him or her, his or her agents or his or her patrons.

(1987 Code, § 8-5-07) Penalty, see § 90.999

§ 90.122 LITTER THROWN BY PERSONS IN VEHICLES.

No operator or passenger in any motor vehicle shall throw or deposit litter on any public street, right-of-way, sidewalk or upon private premises while such vehicle is either stopped or in motion.

(1987 Code, § 8-5-08) Penalty, see § 90.999

§ 90.123 TRUCK LOADS CAUSING LITTER.

No operator of any truck or hauling motor vehicle shall cause to be scattered on or about public or private premises or streets while in motion or stopped, any litter, refuse, mud, dirt, sticky substances or rubbish. All loads shall be secured in such a manner so as to effect compliance with this section.

(1987 Code, § 8-5-09) Penalty, see § 90.999

§ 90.124 LITTER IN PARKS, LAKES AND FOUNTAINS.

No camper, spectator, participant, pedestrian, person engaged in recreational pursuit or other person shall cause litter, rubbish or refuse to be cast, thrown, deposited or scattered in or around public parks, lakes, waterways or other public lands, except in containers and receptacles designed for such use.

(1987 Code, § 8-5-10) Penalty, see § 90.999

§ 90.125 LITTER ON OCCUPIED AND VACANT PRIVATE PROPERTY; OWNER'S DUTY.

Litter, rubbish or refuse shall not be cast, scattered, thrown or deposited on or about private property within the corporate limits to the detriment of public health, safety and welfare. The owner, lessees, agents or others in charge of premises within the town shall rid such lands and abutting sidewalks and medians of such nuisance or place it in an authorized receptacle. It shall likewise be unlawful for any person to dump, place or scatter litter, refuse or rubbish on or about private premises, whether such premises are vacant or inhabited.

(1987 Code, § 8-5-11) Penalty, see § 90.999

§ 90.140 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.

(1987 Code, § 8-7-04) Penalty, see § 90.999

§ 90.141 DRINKING IN PUBLIC.

It shall be unlawful for any person to consume or sell beer, unfortified wine, whiskey or alcoholic beverages of any kind on any property owned or occupied by the town or as approved or permitted by the Board of Aldermen.

(1987 Code, § 8-7-06) Penalty, see § 90.999

§ 91.030 ASSEMBLY ON STREETS AND SIDEWALKS.

Except as provided in Ch. 92 of this code, it shall be unlawful for crowds or assemblages of persons to congregate on the streets or sidewalks of the town 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.

(1987 Code, § 6-2-01) Penalty, see § 91.999

§ 92.02 PERMIT REQUIRED.

It shall be unlawful for any person to organize, conduct or participate in any parade, in or upon any public street within the town limits, unless a permit therefor has been issued by the Chief of Police in accordance with the provisions of this chapter. A parade permit shall not be required for any parade consisting of fewer than four pedestrians or three vehicles; however, notice of such small parade may be made in accordance with § 92.15 of this chapter.

(Ord. 2012-01, passed 1-1-2012) Penalty, see § 92.99

§ 92.11 PROHIBITION OF VENDING DURING PARADES AND PICKETING.

It is unlawful for any persons to sell or offer for sale any goods, wares or merchandise in or on any portion of the adjacent streets, sidewalks or rights-of-way of a parade or picketing location during

the times that a parade or picket is in progress and for 30 minutes before and for 30 minutes after the end of the parade or picket.

(Ord. 2012-01, passed 1-1-2012) Penalty, see § 92.99

§ 92.12 INTERFERENCE PROHIBITED.

No person shall hamper, obstruct, impede or interfere with any parade being conducted under authority of a lawfully issued permit. No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and identifiable as a parade under this chapter. No person shall hamper, obstruct, impede or interfere with any picket line or picketing lawfully conducted.

(Ord. 2012-01, passed 1-1-2012) Penalty, see § 92.99

§ 92.17 COMPLIANCE AND STANDARDS.

(A) It shall be unlawful for any person to conduct or participate in any picketing in the town unless in the company of the person to whom a receipt of notice of intent to picket has been issued, unless the person qualifies under the small group exception. It shall be unlawful for any person to conduct or participate in picketing except in compliance with the provisions of this chapter.

§ 92.18 INTERFERENCE PROHIBITED.

(A) It shall be unlawful for any person to physically interfere with pickets in the use of the sidewalk or to address profane, indecent, abusive or threatening language to or at those pickets which would tend to provoke the pickets or others to a breach of the peace.

(B) The police officers of the town may, in the event of the assemblage of persons in such numbers as would tend to intimidate pickets pursuing their lawful objectives, direct the dispersal of persons so assembled and may arrest any person who fails to absent himself or herself from the place of assemblage when so directed by the police.

(C) Whenever the free passage of any street or sidewalk in the town shall be obstructed by a crowd, the persons composing such crowd shall disperse or move on when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed by a police officer, as herein provided.

(Ord. 2012-01, passed 1-1-2012) Penalty, see § 92.99

§ 93.02 CURFEW.

(D) During the existence of a proclaimed state of emergency when a curfew has been imposed, it shall be unlawful for anyone subject to the curfew:

(1) To be or travel upon any public street, alley or roadway or upon public property, unless in search of medical assistance, food or other commodity or service necessary to sustain the well-being of himself or herself or his or her family or some member thereof;

(2) To possess off one's own premises, buy, sell, give away or otherwise transfer or dispose of any explosives, firearms, ammunition or dangerous weapon of any kind;

(3) To sell beer, wines or intoxicating beverages of any kind; or to possess or consume the same off one's own premises; and/or

(4) To sell gasoline or any other similar petroleum products, or any other inflammable substances, except as expressly authorized by the provisions of the curfew imposed.

(1987 Code, § 3-3-05)

Penalty, see § 93.99

§ 94.05 INTERFERENCE OR CONCEALMENT.

(A) Interference. It shall be unlawful to interfere with, hinder, molest, resist or obstruct employees of Animal Control or its agents or veterinarians in the performance of any duty authorized by law or ordinance, including removing animals from traps, cages or other enclosures, except as specifically provided or authorized by Animal Control.

(B) Concealment of animal. It shall be unlawful for any person to conceal, for the purpose of evading the licensing requirement or rabies vaccination requirement of the law or any applicable ordinance, any unlicensed animal from any employee of Animal Control.

(1987 Code, § 8-2-05) (Ord. passed 2-8-2005) Penalty, see § 94.99

§ 94.09 PUBLIC NUISANCES.

(A) The actions of an animal constitute a public nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of another person's property.

(B) (1) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute a public nuisance. By way of example, and not limited to, the following acts or actions by an owner or possessor of an animal are hereby declared to be a public nuisance and are therefore unlawful:

(a) The keeping or maintenance outside a proper enclosure of any dog or dogs having dangerous propensities;

(b) Having an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with ordinary use and enjoyment of another person's property;

(c) Allowing or permitting an animal to damage the property of anyone other than its owner/possessor, including, but not limited to, turning over garbage containers, damaging gardens, flowers or vegetables or defecating upon the property of another;

(d) Maintaining the animals in an unsanitary environment, which results in offensive odors or is dangerous to the animal or the public health, safety or welfare, or a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease;

(e) Maintaining the owner's property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property;

(f) Allowing or permitting an animal to habitually bark, whine, howl, crow, cackle or any other noise that might interfere with the reasonable use and enjoyment of neighboring premises between the hours of 10:00 p.m. and 6:00 a.m.;

(g) Maintaining an animal that is diseased and dangerous to the public health;

(h) Maintaining an animal that habitually or repeatedly chases, snaps at or attacks pedestrians, joggers, animals walked on a leash by owners, bicycles or other vehicles; and/or

(i) Failing to confine a female dog or cat while in heat in a building or secure enclosure in such a manner that she will not be in contact with another dog or cat or attract other animals; provided, this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area.

94.10 MISTREATMENT OF ANIMALS PROHIBITED.

It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment or to deprive or cause to be deprived any animal of adequate food and water, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions.

(D) Unlawful. It shall be unlawful for any person(s) to operate and or maintain a puppy mill.

§ 94.10 MISTREATMENT OF ANIMALS PROHIBITED.

It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment or to deprive or cause to be deprived any animal of adequate food and water, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions.

§ 94.11 CRUEL TREATMENT PROHIBITED

- (A) Molestation, torture and the like prohibited.
- (B) Luring, enticing, seizing, molesting or teasing an animal.
- (C) Abandonment
- (D) Performing animal exhibitions
- (E) Confinement of animals in motor vehicle.
- (F) Intentionally striking animals with motor vehicle

§ 94.12 NOTICE IN CASE OF INJURY.

It shall be unlawful for any person who causes injury to an animal (including livestock) including, but not limited to, running over or hitting a domesticated animal with any vehicle to fail to notify immediately at least one of the following: the owner(s) or keeper(s) of the animal (if known or ascertainable with reasonable efforts made to locate the owner or keeper), an Animal Control Officer, the appropriate Police or Sheriff's Department or the animal shelter.

(1987 Code, § 8-2-12) (Ord. passed 2-8-2005) Penalty, see § 94.99

It is unlawful for any person other than an Animal Control Officer to remove any animal from the trap, or to damage, destroy, move or tamper with the trap. Animal Control is authorized to receive and impound animals that are trapped by other agencies or persons within the county.

(1987 Code, § 8-2-14) (Ord. passed 2-8-2005) Penalty, see § 94.99

§ 94.17 HANDLING OF STRAY ANIMALS BY THE PUBLIC.

It shall be unlawful for any person, without the consent of the owner or keeper, knowingly and intentionally to harbor, keep in possession by confinement or otherwise any animal that does not belong to him or her.

§ 94.18 DOGS IN PUBLIC PARKS

No person shall permit any dog, either owned or in his or her personal control, to be allowed on property owned by the town where such restriction is posted by sign(s). No exception shall be made as to size and/or breed of dog. Service animals are exempt from this section.

§ 94.19 WILD ANIMALS.

- (A) No person shall keep or permit to be kept on his or her premises any dangerous wild animal.

§ 94.20 KEEPING LIVESTOCK

Except as provided in Ch. 153 of this code, it shall be unlawful for any person, firm or corporation to possess or harbor any livestock within the corporate limits of the town. This section shall not apply to traveling zoos, circuses or other traveling commercial animal exhibitions, bona fide farms as defined in Ch. 153 of this code or small native wildlife species where possession has been specifically permitted by the State Wildlife Resources Commission. Furthermore, the Richlands High School is permitted to possess and harbor livestock on the campus for educational purposes while school is in session. All livestock must be removed from school grounds in between academic years.

§ 94.21 TETHERING OF HORSES.

No person shall tether or permit to graze or stand any goat, sheep, cow, horse, mule or other beast of burden within 50 feet of any residence, dining room or sleeping apartment.

§ 94.22 DISPOSAL OF DEAD ANIMALS.

No person shall deposit, or cause to be deposited, the carcass of any dead animal in the streets, roads, alleys, woods or waters within the corporate limits of the town.

§ 94.23 ANIMAL; CHICKEN FIGHTING PROHIBITED.

No person shall incite or cause, any dogs, chickens or other animals to fight within the town.

§ 94.24 NUMBER OF ANIMALS ALLOWED.

It shall be unlawful for any person to keep on any lot or premises within the corporate limits more than three dogs, cats or rabbits. This limitation shall not apply to dogs or cats less than six months of age.

§ 94.41 UNLAWFUL TO KILL BIRDS.

It shall be unlawful to trap, hunt, shoot or otherwise kill, within the sanctuary established by § 94.40 of this chapter, any native wild bird; provided that, it shall be lawful to trap starlings or similar birds or fowls when such birds or fowls are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property.

§ 94.55 COMPLIANCE WITH STATE RABIES LAWS.

It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.

§ 94.56 VACCINATION OF DOGS, CATS AND OTHER PETS.

It shall be unlawful for any person to keep, harbor or have in his or her custody or control for longer than 14 days a dog/cat four months old or older unless such dog/cat has been vaccinated with rabies vaccine, approved by the United States Department of Agriculture. A certificate must be signed by a licensed veterinarian specifying the vaccine used, the rabies tag number, the sex and breed of the dog/cat and name of owner.

§ 94.57 WEARING OF COLLAR AND TAGS.

General. It shall be unlawful for any dog or cat owner or keeper to fail to provide the dog or cat with a collar or harness to which a current rabies tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times, except during the time the dogs are performing at show, obedience trials, tracking test, field trials, training school or hunting or other event sanctioned and supervised by a recognized organization.

Use of another animal's tag prohibited. It shall be unlawful for any person to use for any animal a rabies vaccination tag issued to another animal.

§ 110.14 UNLAWFUL TO CONDUCT BUSINESS WITHOUT A LICENSE.

It shall be unlawful for any person to engage in a business within the town, upon which a privilege license tax is imposed by this chapter, without having paid the license as alluded to in § 110.16 of this chapter.

(1987 Code, § 2-4-24) Penalty, see § 110.99

§ 110.99 PENALTY.

(A) Any person who willfully makes a false statement on a license application, per § 110.05 of this chapter, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50, or imprisoned for not less than 30 days.

(1987 Code, § 2-4-15)

§ 111.03 DISPLAY.

Subject to § 111.04 of this chapter, no person, knowing the character of the materials involved, shall display or cause or permit the display of any sexually explicit materials in or on any window, showcase, newsstand, display rack, billboard, display board, viewing screen, motion picture screen, marquee or similar place in such manner that the display is visible from any public street, highway, sidewalk or other public right-of-way, or in any business or commercial establishment where minors as a part of the general public or otherwise, are or will probably be exposed to view all or any part of such materials.

(1987 Code, § 6-4-03) Penalty, see § 111.99

§ 151.30 FLOODPLAIN ADMINISTRATOR.

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

§ 151.32 CORRECTIVE PROCEDURES.

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

§ 152.999 PENALTY.

After the effective date of this chapter, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this chapter, thereafter subdivides his or her land in violation of this chapter 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 chapter and recorded in the office of the County Register of Deeds, shall be guilty of a misdemeanor.

§ 153.418 PENALTIES AND REMEDIES FOR VIOLATIONS

Violations of the provisions of this chapter or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances, or special use or conditional use permits, shall constitute a misdemeanor, punishable as provided in G.S. § 14-4.

§ 154.07 ENFORCEMENT; VIOLATIONS; PENALTIES

Any person who violates a provision of this chapter or fails to comply with any order made thereunder and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by appeal, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in this chapter.