

TOWN OF RUTHERFORD COLLEGE

LIST OF ORDINANCE OFFENSES PUNISHABLE AS MISDEMEANOR

SESSION LAW 2018-69

As of November 30, 2018

TITLE I: GENERAL PROVISIONS

§10.99: GENERAL PENALTY: Any person, firm or corporation violating any of the provisions of any section or division of this code of ordinances for which no other penalty is provided or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense.

TITLE V: PUBLIC WORKS

§50.03 LITTERING PROHIBITED: It shall be unlawful for any person to place, throw, leave or cause to be placed or left, temporarily or permanently, any trash, refuse, garbage, cans, cartons or bottles on the public streets or sidewalks of the town, or into private property, except that which is placed in a lawful container for pickup by the Sanitation Department. **Penalty see § 10.99**

§50.04 DUMPING OR BURYING IN TOWN PROHIBITED: It shall be unlawful for any person to dump, deposit or bury any garbage, trash or other refuse on any lot or space in the town, that is owned by the municipality., **Penalty see § 10.99**

TITLE IX: ABANDONED VEHICLES

§93.03: ABANDONED MOTOR VEHICLES UNLAWFUL: (A) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle and for owner, lessee or occupant of the real property upon which the vehicle is located to leave, allow or suffer the vehicle to remain on the property after it has been declared an abandoned motor vehicle. (B) A motor vehicle shall be deemed to be an abandoned motor vehicle for the purposes of this chapter in the following circumstances: any vehicle that is left upon a public street or highway in violation of a law or ordinance prohibiting parking; on a public street or highway for longer than seven days; on property owned or operated by the town for longer than 24 hours without written consent from the Town Administrator or his or her designee; or on private property without the consent of the owner, occupant or lessee thereof, for longer than 24 hours. **Penalty, see §10.99**

§93.05: NUISANCE MOTOR VEHICLES UNLAWFUL: (A) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle and for the owner, lessee or occupant of the real property upon which the vehicle is located to leave, allow or suffer the vehicle to remain on the property after it has been declared a nuisance vehicle. **Penalty, see §10.99**

§93.07 JUNKED MOTOR VEHICLES REGULATED: (D) It shall be unlawful for the registered person or person entitled to the possession of a junked motor vehicle to place, store, leave or allow it to remain on any property in violation of this chapter or to allow it to remain on any property after the vehicle has been ordered removed from that property. (E) It shall be unlawful for the owner, lessee or occupant of the real property upon which a junked motor vehicle is located to permit, leave, allow or suffer it to remain on the property in violation of the ordinance after the vehicle has been ordered removed. **Penalty, see §10.99**

§93.14 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 town any vehicle which has been impounded pursuant to the provisions of this chapter unless and until all towing, impoundment fees and violations fees which are due, or bond in lieu of such fees, have been paid. **Penalty, see §10.99**

TITLE XI: BUSINESS REGULATIONS

§113.11 UNLAWFUL FOR UNLICENSED PERSONS TO KEEP JUNK; REMOVAL: (A) It shall be unlawful for any person, other than licensed junk dealers, to place, keep, store or otherwise allow any worn out, discarded or old iron, other metal, automobile parts, chain, copper, parts of machinery, automobile tires, appliances or old wrecked, or unusable automobiles and trucks, and other articles commonly known as junk. (B) In the event any of the above described junk shall be left upon the premises located within the town, the town may, as its option, cause the same to be removed after serving the property owner or parties in charge of the property with a written notice, ten days in advance of the removal of the same, that the town does intend to remove said junk in accordance with this chapter. **Penalty, see §10.99**

TITLE XIII: GENERAL OFFENSES

§130.01 DISORDERLY CONDUCT: Any person convicted of disorderly conduct, as defined in §130.01, shall be punished as provided in §10.99. **Penalty, see §10.99**

§130.02 DISTURBING PUBLIC MEETINGS OR GATHERINGS: It shall be unlawful for any person willfully or wantonly to disturb any public meeting or gathering. **Penalty, see §10.99**

§130.04 MALICIOUS MISCHIEF: It shall be unlawful for any person to willfully injure, damage, deface, break, mutilate or otherwise harm any real or personal property, whether public or private, not his or her own. **Penalty, see §10.99**

§131.01 UNNECESSARY NOISES PROHIBITED: (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 unreasonable loud, disturbing and unnecessary noise in the town. (B) Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited. **Penalty, see §10.99**

§131.03 POSTING BILLS; OTHER ADVERTISING: (A) It shall be unlawful for any person, firm or corporation to post, nail, stick or otherwise affix bills, posters, advertisements, notices or any other printed or graphic matter upon public property in the town. 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 town without the consent of the owner. **Penalty, see §10.99**

§131.04 FIRE BOMBS PROHIBITED: (B) It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb. (C) It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other fire bombs; other than on his or her on their premises. The provisions of this section shall be cumulative and in addition to any other ordinance or state statute on the subject. **Penalty, see §10.99**

§131.05 LEAVING ICE BOXES, REFRIDGERATORS AND THE LIKE UNATTENDED: It shall be unlawful for any person, firm or corporation to leave ice boxes, refrigerators, dee freeze units, and boxes

of similar nature, which have thereon a latch door, in the open and unattended, without first removing the door, latch or back of such unit. **Penalty, see §10.99**

§131.06 OBSCENITY; DISPLAYING OBCENE PICTURE AND THE LIKE: It shall be unlawful for any person to display on any street or in any store, shop or public place any obscene pictures, marks, words or representations of any kind. **Penalty, see §10.99**

§131.07 PROTITUTION; RENTING HOUSE TO BE USED AS HOUSE OF ILL FAME: It shall be unlawful for any person, as a lessor, to knowingly rent or lease, in any manner whatsoever, any house to be sued as a house of ill fame or disorderly house. **Penalty, see §10.99**

§131.08 KEEPING HOUSE OF ASSIGNATION; RECEIVING PERSONS FOR PURPOSE OF PROSTITUTION: It shall be unlawful for any person to keep a house of assignation of knowingly to receive a man or woman for the purpose of prostitution. **Penalty, see §10.99**

§131.10 GATHERING OF DISORDERLY CHARACTER: It shall be unlawful for any person to permit a gathering or party of disorderly character to assemble in his or her house, to the disturbance of the neighborhood. **Penalty, see §10.99**

§131.11 CONVEYING PROSTITUTES IN TAXICABS: It shall be unlawful for any person driving a taxicab to carry or convey any prostitute on any street or alley for an immoral purpose. **Penalty, see §10.99**

§131.12 SOLCITATION BY PROSTITUTES: It shall be unlawful for any prostitute to solicit for the purpose of illicit sexual intercourse. **Penalty, see §10.99**

§131.13 GAMBLING: If any person at any game of chance at which any money, property or other thing of value is bet, whether the same in the stake of not, both those who play and those who bet thereon shall be guilty of a misdemeanor. **Penalty, see §10.99**

§131.14 INDECENT EXPOSURE: (A) Any person who in any place willfully exposes his or her person, or private parts thereof in the presence of one or more persons of the opposite sex whose person, or the private parts thereof are similarly exposed, or who aids or abets in any such act, or who procures another so as to expose his or her person, or the private parts thereof shall be guilty of a misdemeanor. (B) Any person who shall willfully make any indecent public exposure of the private parts of his or her person in any public place, street or highway shall be guilty of a misdemeanor. **Penalty, see §10.99**

§131.15 CURFEW: (A) It shall be unlawful for any person under 15 years of age to be found upon the streets of the town after 12:00 pm without the written permission of his or her parents or guardian. **Penalty, see §10.99**

§131.16 NUISANCES GENERALLY: (A) It shall be unlawful for any person to create a nuisance on his or her lot or a lot occupied by him or her, or to allow a nuisance to remain on his or her lot or a lot occupied by him or her. **Penalty, see §10.99**

§131.17 WEAPONS/DANGEROUS MISSILES: (A)(1) Rifles and firearms above a .22 caliber and shotguns above a 12-gauge are prohibited, and the use of all shotgun slugs are prohibited; (2) All shooting will be prohibited within 500 feet of any house, building or across any street or road is prohibited; and (3) Hunting will be allowed on your own property, or on someone else's property by written permission only. (B)(3) All target practice will be prohibited within 100 feet of adjacent property not in the direction of any occupiable building and across any street or road; (4) All target shooting is expressly prohibited on

Sundays. (C) (2) All archery shooting, and practice will be prohibited within 100 feet of adjacent property not in the direction of any occupiable building and not across any street or road. (D) It shall be unlawful for any person to display or be in possession of any gun, firearm, knife, dagger, blackjack, club, sling shot, metallic knuckles, razor, bow and arrow or other deadly weapon of any kind on any town property.

Penalty, see §10.99

§150.02 ABANDONDED, NUISANCE AND JUNKED MOBILE HOMES UNLAWFUL: (A) It shall be unlawful for the registered owner, lessee or occupant of the real property upon which the manufactured home is located to leave, allow or suffer the manufactured home to remain on the property after it has been declared an abandoned manufactured home or public nuisance. **Penalty, see §10.99**

TITLE IX: GENERAL REGULATIONS

§ 90.99 PENALTY: The violation of any provision of this chapter shall constitute a misdemeanor, punishable upon conviction by a fine not exceeding an amount set by Council from time to time or imprisonment not exceeding 30 days as provided in G.S. §14-4.

§90.02 PERMIT REQUIRED: It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group of demonstration in or upon any street, sidewalk, alley or other public place within the town, unless a permit therefore has been issued by the town in accordance with the provisions of this chapter. **Penalty, see § 90.99**

§90.06 CERTAIN ACTIVITIES PROHIBITED: The following acts or activities, when performed or undertaken in conjunction with or as a part of any parade, picket line or group demonstration, are hereby prohibited and declared unlawful:

- A. The carrying on or about the person, or on or about any vehicle, any firearm;
- B. The taking or keeping of any dog or other vicious animal, whether leashed or un-leashed;
- C. For any minor below the age of 18 years to participate or be allowed to participate in any parade, picket line or group demonstration unless a permit therefor has been issued;
- D. For any person to lead, guide, participate in or in any way support or encourage such parade, picket line or group demonstration when a minor below the age of 18 years is participating therein, unless a permit for participation by such minor has been issued;
- E. For any parent to knowingly permit any minor child of such parent under 18 years to participate in such parade, picket line or group demonstration, unless a permit for participation by such minor has been issued;
- F. To cause, participate in, lead or encourage any parade, picket line or group demonstration to deviate in any manner from the authority therefor specified in the permit;
- G. The carrying of any banner, poster, sign, or other similar devise which is made from or has a component part made from a club, police baton, night stick, sharp object or other dangerous weapon or could be used as such. In applying this section, the Chief Executive Officer shall have the authority to restrict the size and shape of all supports for signs, banners, posters or other similar items; and
- H. The carrying of any other dangerous device or weapon.

Penalty, see §90.99

§91.99 PENALTY: (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to §10.99. (B) All persons found guilty of violation of §§ 91.15 through 91.28 shall be guilty of a misdemeanor and shall be fined in an amount set by Council from time to time or imprisoned for not more than 30 days. (1979 Code, § J-9)

§91.22 EXCAVATIONS; LEAVING UNPROTECTED: (A) 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 town without placing and maintaining proper guardrails three feet from the ground and signal lights or other warnings at, in or around the same, sufficient to warn the public of such excavation or work, and to protect all persons using reasonable care from injuries on account of same. (B) It shall be unlawful to cut drains or ditches across the sidewalks or streets unless boxing be used and the same covered on a level with the sidewalk. **Penalty, see § 91.99**

TITLE XI: BUSINESS REGULATIONS

§116.99 PENALTY: Any person violating any provision of this chapter shall be guilty of as provided in G.S. §14-4 and, upon conviction, shall be subject to a maximum fine of \$50 per occurrence. (Ord. passed 3-7-2016)

§116.03 SOLICITING REGULATIONS: It shall be unlawful for any person to beg, solicit, or panhandle as follows: (A) By accosting or by forcing oneself upon the company of another; (B) In or near any thoroughfare or place open to the public, no person shall procure or attempt to procure goods or money from another in a manner or under circumstances manifesting an express or implied threat or coercion; (C) Within 50 feet of any entrance or exit of any bank or financial institution, or within 50 feet of any automated teller machine, without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated tell machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility; (D) On private property of the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; (E) From any operator or passenger of a motor vehicle while standing, sitting or loitering in any street or highway, including the shoulders of median strip, but excluding sidewalks and to solicit or accept contributions from the occupants of any stopped vehicle or to distribute merchandise or services to the occupants of any stopped vehicle; (F) In a manner that impedes pedestrians or traffic; (G) In a public park owned by the city; (H) Within 50 feet of any outdoor dining area or outdoor merchandise area, provided such areas are in active use at the time; (I) While the person being solicited is standing in line waiting to be admitted to a commercial establishment; (J) In any public area within the Central Business District and Highway Business District in the downtown area, as established in the zoning code and as such areas are modified from time to time. This prohibition is not intended to apply and shall not apply to; (1) Any person, business, or organization currently located within the town limits of Rutherford College taking part in any festival or other activity under a Council approval from the town; or (K) After dark. **Penalty, see §116.99**

TITLE XV: LAND USAGE

§152.999 PENALTY: (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to §10.99. (B) Any violation of this chapter or amendments thereto shall substitute a misdemeanor, and those convicted of such violation shall be punished as proved by G.S. §14-4, with a fine not exceeding G.S. §14-4, with a fine not exceeding 50 a day or by imprisonment not to exceed 30 days.

§152.091 PERMIT FOR MOBILE HOME PARKS REQUIRED: (A) It shall be unlawful for any person to construct, maintain or use any lot or other parcel of land within the jurisdiction of the town for a mobile home park until application has been made and a permit therefore has been issued by the Town Council. (C) It shall be unlawful for any person, firm or corporation to continue to operate such mobile home park after one permit therefor, as required herein, has been revoked by the Town Council. **Penalty, see 152.999**

§154.99 PENALTY: Violation of the provisions of this chapter or failure to comply with any of its requirements including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offence. Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violations.