

**TOWN OF
RUTHERFORDTON,
NORTH CAROLINA]**

CODE SECTION / ORDINANCE CRIMINAL PENALTY LISTING

The following table sets forth code (and uncodified ordinance) sections, violations of which impose a criminal penalty under G.S. 14-4(a). This listing excludes civil penalties and provisions imposing only civil (not criminal) fines and penalties.

CODE SECTION / ORDINANCE	DESCRIPTION OF CONDUCT	PENALTY
1-21	Defacing town ordinances	Misdemeanor, max fine \$50 or max 30 days imprisonment
4-3	Unlawfully allowing domestic animals to run at large	Class 1 misdemeanor, max \$500 fine or 30 days imprisonment <i>possible under § 4-27; however, warnings and civil penalties are definite</i>
4-4	Unlawful lack of animal restraint on owner's property	same
4-5	Required rabies vaccination and tags for domestic animals	same
4-6	Duty to confine domestic animals in heat	same
4-7	Unlawful operation of kennel, cattery, or pet shop	same
4-8	Control of domestic animals in certain public areas	Same
4-9	Unlawful keeping of livestock and equine animals	same

4-10	Unlawful keeping of chickens	same
4-11	Conditions for keeping equine animals, sheep, goats	Class 1 misdemeanor, max \$500 fine or 30 days imprisonment <i>possible under § 4-27; however, warnings and civil penalties are definite</i>
4-12	Conditions for lawful keeping of bees	same
4-13	Unlawful keeping of exotic animals	same
4-14	Unlawful keeping of wild animals	same
4-15	Standards for lawful keeping of exotic or wild animals	same
4-17	Unlawful keeping of nuisance animal	same
4-18	Unlawful keeping of dangerous animals	same
6-78	Moving of building within town without permit	Misdemeanor, max fine \$50 or max 30 days imprisonment
6-82	Moving historic property w/o certificate of appropriateness	same
6-111	Unlawful demolition of building without a permit	same
8-19	Unlawful posting of bills, posters, signs, etc.	same
8-43	Alcohol consumption in certain public places	same
8-75	License required for certain amusements (e.g., pool rooms)	Class 3 misdemeanor, \$500 max fine per § 8-83
8-79	Prohibited acts by amusements' licensees	same

8-80	Certain amusements' rules of operation	same
8-111	Prohibited peddling and soliciting	Misdemeanor, max fine \$50 or max 30 days imprisonment
10-31	Unlawful burial	same
10-32	Unlawful plantings in cemetery	same
10-31	Unlawful landscaping and grading in town cemetery	same
10-35	Unlawful deposit of rubbish, etc. in town cemetery	same
10-36	Unlawful disturbance of property damage in town cemetery	same
10-37	Unlawful operation of vehicles at town cemetery	same
10-38	Unlawful removal or damaging of gravestones, etc.	same
12-23	Failure to comply with restrictions in emergency proclamation	same
14-19	Unlawfully leaving dead animals, etc. in town	same
14-20	Unlawful storage of fertilizer under certain conditions	same
14-75	Creation of certain conditions constituting a public nuisance	same
14-106	Failure to control weeds, grass, etc. near streets	same
14-110	Refusal to comply w/ notice to cut and remove weeds, etc.	same
16-23	Only authorized personnel on fire department trucks	same
20-23	Unlawful to refuse police summons to assist police	same

20-25	Police officer neglect of duty	same
22-29	Unlawful to abandon vehicle	Misdemeanor, max fine \$50 or max 30 days imprisonment
22-30	Unlawful to leave vehicle on property after declared a nuisance vehicle	same
22-31	Unlawful to leave junked motor vehicle on property after removal order	same
22-41	Unlawful removal of impounded vehicle	same
22-51	Unlawful use of profane or offensive language	same
22-52	Public intoxication	same
22-53	Unlawful abandonment of refrigerators, containers, etc.	same
22-54	Prowling	Same
22-79	Damaging property	same
22-80	Failure to pay fares and admission fees	same
22-101	Unlawful discharge of weapon	same
22-102	Unlawful use, creation, transport, etc. of firebombs, Molotov cocktails	same
22-127	Littering on public and private property	same
22-128	Littering on streets and sidewalks	same
22-129	Throwing litter from vehicle	same
22-130	Failure to maintain as clean certain public areas	same

22-159	Creation of unreasonably loud, disturbing noise	Class 3 misdemeanor, max fine of \$500
22-160	Creation of prohibited particular noises	Class 3 misdemeanor, max fine of \$500
22-161	Violation of noise standards in Central Business District	same
22-163	Unauthorized use of police or fire whistle, bell, horn, etc.	same
24-20	Proper storage and transport of refuse	Misdemeanor, max fine \$50 or max 30 days imprisonment
24-21	Proper disposal of dead animals	same
24-48	Proper containers required; improper disposal of leaves, debris	same
24-50	Unlawful scattering of garbage during hauling or transport	same
26-19	Damage to municipal property	Misdemeanor, max fine \$50 or max 30 days imprisonment
26-20	Assemblages unlawfully obstructing streets or sidewalks	same
26-21	Placing objects on streets and sidewalks	same
26-22	Depositing debris on streets, sidewalks, or private property	same
26-23	Placing fruit debris on town sidewalks	same
26-25	Placing building materials on streets without permit	same
26-26	Negligent hauling rock, gravel on streets	same
26-27	Damaging pavement on streets	same
26-28	Damaging bridges, culverts, etc.	same

26-29	Unlawful washing or repair of vehicle on streets	same
26-30	Unlawful construction of awning, etc. over sidewalk	Misdemeanor, max fine \$50 or max 30 days imprisonment
26-31	Playing in streets or sidewalks in primary fire limits	same
26-33	Unlawful moving of house over streets or sidewalks	same
26-34	Prohibited display of merchandise on sidewalks	same
26-57	Street excavation prohibited without permit	same
26-62	Failure to repair street, sidewalk, etc.	same
26-63	Sidewalk construction prohibited without permit	same
26-64	Construction or repair of driveway without permit	same
26-65	Improper excavation without barricades and warning lights	same
26-98	Interference with street closure during resurfacings	same
26-136	Prohibited structures and merchandise, etc. on sidewalks	same
26-139	Unlawful awnings, signage, etc., over public rights-of-way	same
26-140	Unlawful operation of bikes, scooters, etc., on Central Business District sidewalks	same
26-141	Central Business District regulations	same
26-142	Unlawful use of space under sidewalk	same
26-169	Prohibited sidewalk café in Central Business District w/o permit	same

26-209	Unlawful parade or demonstration on public property without permit	Class 3 misdemeanor; fine of \$50-500 and/or imprisonment not more than 30 days
26-213	Acts prohibited in conjunction with parade or demonstration	same
26-214	Counter-demonstrations subject to regulations as demonstrations	same
26-215	Unlawful interference with parades or demonstrations	same
30-376	Violation of Unified Development requirements (see Addendum 1)	Misdemeanor under G.S. 14-4; max fine \$50
34-20	Permit required to operate taxicab	Misdemeanor, max fine \$500 or max 30 days imprisonment per § 34-28
34-24	Taxicab permit must be posted in taxis and terminal/depot	same
34-25	Taxicab permit cannot be transferred or assigned	same
34-27	Taxicabs must be dispatched from approved central terminal	same
34-30	Taxicab operators must keep insurance in effect	same
34-31	Taxicab accidents must be reported to police	same
34-32	Taxicab operations must have depot/terminal on private property	Same
34-55	Operation of taxicab without certificate of convenience	Default to General Penalty, § 1-22
34-91	Town taxicab license required for operation of business	same
34-99	Required records to be kept by taxicab owner	same

34-127	Taxicab driver's permit required	Default to General Penalty, § 1-22
34-130	Driver qualifications	same
34-153	Use of unlicensed vehicles as taxicabs, prohibited	same
34-154	Restriction on passengers in driver's compartment	same
34-155	Required taxicab equipment	same

NOTE re GENERAL PENALTY in CODE

Code § 1-22 provides as a default that violation of a code section, unless otherwise specified, is “a misdemeanor as provided in G.S. 14-4, punishable upon conviction by a fine not exceeding \$50.00 or by imprisonment not exceeding 30 days. . . .”

Code § 1-22(b) provides that motor vehicle *operation* as well as parking violations are *infractions* – not crimes – and accordingly such non-criminal offenses do not fall within the reach of this report. Furthermore, code § 28-428 states that Traffic chapter violations are infractions, not offenses, subject to maximum \$50 penalty.

- *See addendum pages below, concerning the Unified Development chapter*

ADDENDUM 1

Chapter 30 UNIFIED DEVELOPMENT

Violations of the following sections of Chapter 30, including failure to comply with its requirements, are punishable as misdemeanors with a maximum \$50 fine. (Violations also trigger civil penalties, beyond the scope of this list.)

IN GENERAL

Sec. 30-7. No use, lease or sale of land or buildings except in conformity with chapter provisions.

ZONING, SPECIAL USE, AND CONDITIONAL USE PERMITS

Sec. 30-216. Permits required.

Sec. 30-217. No occupancy, use or sale of lots until requirements fulfilled.

Sec. 30-223. Authorizing use or occupancy before completion of development.

Sec. 30-230. Additional requirements on special use and conditional use permits.

MAJOR AND MINOR SUBDIVISIONS

Sec. 30-271. No subdivision without plat approval.

Sec. 30-276. Protection against defects.

Sec. 30-277. Maintenance of dedicated areas until acceptance.

NONCONFORMING SITUATIONS

Sec. 30-403. Extension or enlargement of nonconforming situations.

Sec. 30-404. Repair, maintenance and reconstruction.

PERMISSIBLE USES

Sec. 30-513. Table of permissible uses.

Sec. 30-516. Permissible uses and specific exclusions.

Sec. 30-517. Accessory uses.

Sec. 30-518. Permissible uses not requiring permits.

SUPPLEMENTARY USE REGULATIONS

Sec. 30-538. Planned residential developments.

Sec. 30-539. Mobile home parks.

Sec. 30-540. Temporary emergency, construction or repair residences.

Sec. 30-542. Gasoline service or filling stations.

Sec. 30-543. Junkyards.

Sec. 30-544. Sexually oriented businesses.

Sec. 30-545. Restaurants, hotels, motels and inns serving alcohol.

Sec. 30-546. Private clubs.

Sec. 30-547. Telecommunication towers.

Sec. 30-548. Tattoo and body piercing parlors.

Sec. 30-549. Central Business District Apartments.

Sec. 30-550. Breweries, distilleries, wineries, and cideries.

Sec. 30-551. Indoor shooting ranges.

INDUSTRIAL/PROCESSING PERFORMANCE STANDARDS

Sec. 30-564. Smoke.

Sec. 30-565. Noise.

Sec. 30-566. Vibration.

Sec. 30-567. Odor.

Sec. 30-568. Air pollution.

Sec. 30-569. Disposal of liquid wastes.

Sec. 30-570. Electrical disturbance or interference

DENSITY AND DIMENSIONAL REGULATIONS

Sec. 30-591. Minimum lot size.

Sec. 30-592. Residential density.

Sec. 30-593. Minimum lot widths.

Sec. 30-594. Building setback requirements.

Sec. 30-595. Accessory building setback requirements.

Sec. 30-596. Building height limitations.

OPEN SPACE

Sec. 30-617. Usable open space.

Sec. 30-618. Ownership and maintenance of required open space.

STREETS AND SIDEWALKS

Sec. 30-647. Access to lots.

Sec. 30-648. Access to arterial streets.

Sec. 30-649. Entrances to streets.

Sec. 30-650. Coordination with surrounding streets.

Sec. 30-651. Relationship of streets to topography.

Sec. 30-652. Street width, sidewalk, and drainage requirements in subdivisions.

Sec. 30-653. General layout of streets.

Sec. 30-654. Street intersections.

Sec. 30-655. Construction standards and specifications.

Sec. 30-656. Public streets and private roads in subdivisions.

Sec. 30-657. Road and sidewalk requirements in unsubdivided developments.

Sec. 30-659. Street names and house numbers.

Sec. 30-660. Bridges.

Sec. 30-661. Utilities.

UTILITIES

Sec. 30-682. Lots served by town, county or water authority owned water or sewer lines.

Sec. 30-683. Sewage disposal facilities required.

Sec. 30-685. Water supply systems required.

Sec. 30-687. Lighting requirements.

Sec. 30-688. Excessive illumination.

Sec. 30-689. Electric power.

Sec. 30-690. Telephone service.

Sec. 30-691. Underground utilities.

Sec. 30-692. Utilities to be consistent with internal and external development.

Sec. 30-693. As-built drawings required.

Sec. 30-694. Fire hydrants.

Sec. 30-695. Sites for and screening of dumpsters.

FLOOD DAMAGE PREVENTION

NOTE: Violations of this article (XVII) are misdemeanors, offenses triggering a fine not greater than \$50 **or** imprisonment not more than 30 days, or both. Accordingly, this article's criminal penalties are greater than those for other Unified Development violations.

Sec. 30-726. Basis for establishing the special flood hazard areas.

Sec. 30-727. Establishment of floodplain development permit.

Sec. 30-728. Compliance with this article required for structures and land.

Sec. 30-784. General standards.

Sec. 30-785. Specific standards.

Sec. 30-786. Standards for floodplains without established base flood elevations.

Sec. 30-787. Standards for riverine floodplains with base flood elevations but without established floodways or nonencroachment areas.

Sec. 30-788. Floodways and nonencroachment areas.

SIGNS

Sec. 30-815. General provisions.

Sec. 30-816. Signs expressly prohibited.

Sec. 30-818. Signs permitted with a zoning permit in all zoning districts.

Sec. 30-819. Signs for permitted nonresidential uses permitted in residential districts.

Sec. 30-820. General rules for signs permitted in the C-1, C-2, C-3, C-4, CI-1, and HM-1 districts.

Sec. 30-821. Signs permitted in the C-1 district.

Sec. 30-822. Signs permitted in the C-3, C-4 and HM-1 districts on-premises.

Sec. 30-823. Signs permitted in the C-2 and CI-1 districts.

Sec. 30-824. Additional freestanding sign surface area for common sign.

Sec. 30-825. Signs permitted by special permit.

Sec. 30-826. Nonconforming signs.

PARKING

Sec. 30-849. Number of parking spaces required.

Sec. 30-851. Parking space dimensions.

Sec. 30-852. Required widths of parking area aisles and driveways.

Sec. 30-853. General design requirements.

- Sec. 30-854. Vehicle accommodation area surfaces.
- Sec. 30-855. Joint use of required parking spaces.
- Sec. 30-856. Satellite parking.
- Sec. 30-857. Special provisions for lots with existing buildings.
- Sec. 30-858. Loading and unloading areas.

SCREENING AND SHADE TREES

- Sec. 30-881. General screening standard.
- Sec. 30-882. Compliance with screening standard.
- Sec. 30-883. Descriptions of screens.
- Sec. 30-884. Table of screening requirements.
- Sec. 30-887. Subdivisions.
- Sec. 30-889. Required trees along dedicated streets.
- Sec. 30-890. Retention and protection of large trees.
- Sec. 30-891. Shade trees in parking areas.

SPECIFICATIONS ON DRIVEWAY

- Sec. 30-1047. Entrances.

SPECIFICATIONS FOR STREET DESIGN AND CONSTRUCTION

- Sec. 30-1078. Design speed, sight distance, centerline radius.
- Sec. 30-1079. Cut and fill slopes.
- Sec. 30-1080. Sight distances at intersections.
- Sec. 30-1081. Radius at street intersections.
- Sec. 30-1082. Clearing and grubbing.
- Sec. 30-1083. Grading and compacting.
- Sec. 30-1084. Street base.
- Sec. 30-1085. Street surfaces.
- Sec. 30-1086. Pavement section variations.
- Sec. 30-1087. Street cross sections.

Sec. 30-1088. Curb and gutter.

Sec. 30-1089. Sidewalks.

Sec. 30-1090. Wheel chair ramps.

Sec. 30-1091. Stormwater runoff control.

Sec. 30-1092. Sedimentation control.

VEHICLE ACCOMMODATION AREA SURFACES

Sec. 30-1123. Paved surfaces.

Sec. 30-1224. Unpaved surfaces.

GUIDE FOR LANDSCAPING

Sec. 30-1142. Guide for protecting existing trees.

Sec. 30-1143. Standard for street and parking lot trees.