

# CITY OF SALISBURY

## CODE OF ORDINANCES

### CRIMINAL PENALTY LISTING

*The following table sets forth code sections and uncodified ordinance provisions, if any, that specifically impose a criminal penalty under or derived from G.S. 14-4(a) authority. This listing excludes provisions imposing only civil fines, the civil fine portion of provisions imposing civil and criminal fines, provisions imposing criminal fines derived from other (non-G.S. 14-4(a) related) statutory authority, and provisions providing that all other remedies and penalties are preserved. Penalties that may be derived from other publications adopted by reference are not included in this listing. (See the bottom of the final page for notes concerning the city's general penalty.) Included with this listing and incorporated by reference is an appendix listing those criminal violations derived from the City of Salisbury's Land Development ordinance.*

CODE §	DESCRIPTION	PENALTY
<b>Chapter 1, General Provisions</b>		
1-12	Alteration of city code	<sup>1</sup> Sec. 1-9, General Penalty
<b>Chapter 2, Administration</b>		
2-3	Smoking in municipal buildings	<sup>2</sup> G.S. 14-4 Misdemeanor
<b>Chapter 3, Advertising</b>		
3-1	Closing out and similar sales	Sec. 1-9, General Penalty
3-2	Posting on buildings, fences, etc.	Sec. 1-9, General Penalty
3-3	Marking on streets, sidewalks prohibited	Sec. 1-9, General Penalty
3-4	Distributing handbills on streets, sidewalks	Sec. 1-9, General Penalty
3-5	Distributing medicine samples	Sec. 1-9, General Penalty
<b>Chapter 4, Amusements</b>		
4-27	Pool halls—General: Requirements as to building	Sec. 1-9, General Penalty
4-28	Pool halls—General: Hours of operation regulated	Sec. 1-9, General Penalty
4-29	Pool halls—General: Playing when establishment is closed	Sec. 1-9, General Penalty
4-31	Pool halls—General: Prohibited conduct	Sec. 1-9, General Penalty
4-32	Pool halls—General: Presence of minors	Sec. 1-9, General Penalty
4-34	Pool halls—General: Condition of premises; inspection by police	Sec. 1-9, General Penalty
4-51	Pool halls—Permits: Required	Sec. 1-9, General Penalty
4-60	Pool halls—Permits: Change of location	Sec. 1-9, General Penalty
4-62	Pool halls—Permits: Posting	Sec. 1-9, General Penalty
4-63	Pool halls—Permits: Defacing or destroying	Sec. 1-9, General Penalty
4-111	Dance halls—Permits: Required	Sec. 1-9, General Penalty

<sup>1</sup> "Sec. 1-9, General Penalty", standing alone, means that there is no penalty stated in the section, making it subject to section 1-9, or that the cited section includes an express reference to section 1-9.

<sup>2</sup> "G.S. 14-4 Misdemeanor" means that the penalty provided is a reference to 14-4 generally, without specifying maximum amounts.

CODE §	DESCRIPTION	PENALTY
<sup>3</sup> Chapter 5, Animals and Fowl		
5-1	General—Fowl running at large	Sec. 1-9, General Penalty
5-2	General—Maintenance of pens, lots, etc.	Sec. 1-9, General Penalty
5-21	Livestock generally—Securing in streets and other public places	Sec. 1-9, General Penalty
5-22	Livestock generally—Keeping of cattle, goats	Sec. 1-9, General Penalty
5-41	Livestock—Hogs—Keeping generally	Sec. 1-9, General Penalty
5-42	Livestock—Hogs—Keeping in annexed areas	Sec. 1-9, General Penalty
5-62	Bird sanctuary—Protection of birds	Sec. 1-9, General Penalty
5-83	Animal control—Running at large, etc.	Sec. 1-9, General Penalty and § 5-119—Fine of \$50.00
5-84	Animal control—Restraint of vicious animal	Sec. 1-9, General Penalty—Fine of \$250.00
5-85	Animal control—Identification and marking	Sec. 1-9, General Penalty and § 5-119—Fine of \$250.00
5-86	Animal control—Wearing of a collar	Sec. 1-9, General Penalty and § 5-119—Fine of \$250.00
5-87	Animal control—Teasing and molesting	Sec. 1-9, General Penalty and § 5-119—Fine of \$50.00
5-88	Animal control—Rabies inoculation	Sec. 1-9, General Penalty and § 5-119—Fine of \$50.00
5-89	Animal control—Cruelty to animals	Sec. 1-9, General Penalty and § 5-119—Fine of \$100.00
5-90	Animal control—Abandonment	Sec. 1-9, General Penalty and § 5-119—Fine of \$100.00
5-91	Animal control—Care of animals	Sec. 1-9, General Penalty and § 5-119—Fine of \$100.00
5-92	Animal control—Dog fighting	Sec. 1-9, General Penalty and § 5-119—Fine of \$100.00
5-93	Animal control—Cock fighting	Sec. 1-9, General Penalty and § 5-119—Fine of \$100.00
5-112	Impoundment—Obstructing or interfering with impoundment	Sec. 1-9, General Penalty and § 5-119—Fine of \$100.00
5-113	Impoundment—Impoundment—Public nuisances	Sec. 1-9, General Penalty and § 5-119—Fine of \$25.00 for 1 <sup>st</sup> offense, \$50.00 for 2 <sup>nd</sup> offense, \$75.00 for 3 <sup>rd</sup> offense, and \$200.00 for 4 <sup>th</sup> and subsequent violations.

<sup>3</sup> Code Chapter 8.5, Civil Citations, states that all violations of this chapter are subject to civil citation and penalties; however, since section 8.5-4 of that chapter specifically preserves alternative criminal penalties, applicable sections of this chapter are included in this listing.

CODE §	DESCRIPTION	PENALTY
5-114(a)	Notification of bite by animal—Failure to notify officials of animal bit	Sec. 1-9, General Penalty and § 5-119—Fine of \$50.00
5-114(b)	Notification of bite by animal—Failure to confine or give animal up for confinement	Sec. 1-9, General Penalty and § 5-119—Fine of \$500.00
5-114(h)	Notification of bite by animal—Unlawful killing or releasing of certain animals	Sec. 1-9, General Penalty and § 5-119—Fine of \$500.00
5-117	Dangerous dog/potentially dangerous dogs—Owner requirements	Sec. 1-9, General Penalty and § 5-119—Fine of \$500.00
5-118	Exotic animals—Failure to register	Sec. 1-9, General Penalty and § 5-119—Fine of \$25.00
<b>Chapter 6, Aviation</b>		
6-3	Operators to have certificate; aircraft certificate	Sec. 1-9, General Penalty
6-4	Compliance with federal regulations	Sec. 1-9, General Penalty
6-5	Height of operation of aircraft	Sec. 1-9, General Penalty
6-6	Acrobatic flying prohibited	Sec. 1-9, General Penalty
6-7	Landing at other than established airports	Sec. 1-9, General Penalty
6-8	Lights and equipment for night operation	Sec. 1-9, General Penalty
6-9	Unnecessary noise	Sec. 1-9, General Penalty
6-10	Dropping objects from aircraft; parachuting	Sec. 1-9, General Penalty
<b><sup>4</sup>Chapter 7, Buildings</b>		
7-21	Construction code incorporated—Adoption of building code	Sec. 1-9, General Penalty
7-22	Construction code incorporated—Adoption of residential building code	Sec. 1-9, General Penalty
7-23	Construction code incorporated—Adoption of mechanical code	Sec. 1-9, General Penalty
7-41	Plumber's bond required	Sec. 1-9, General Penalty
7-42	Elevation of fixtures and drains	Sec. 1-9, General Penalty
7-61	Demolishing or razing—Permit required	Sec. 1-9, General Penalty
7-641	Demolition within a national register historic district	Sec. 1-9, General Penalty
7-76	Demolition of structures within certain areas of the city restricted	Sec. 1-9, General Penalty
7-77	Demolition of structures within the downtown local historic district	Sec. 1-9, General Penalty
<b><sup>5</sup>Chapter 8, Cemeteries</b>		
8-4	General—Sites where burial permitted	Sec. 1-9, General Penalty

<sup>4</sup> Code Chapter 8.5, Civil Citations, states that all violations of this chapter are subject to civil citation and penalties; however, since section 8.5-4 of that chapter specifically preserves alternative criminal penalties, applicable sections of this chapter are included in this listing.

<sup>5</sup> Code Chapter 8.5, Civil Citations, states that all violations of this chapter are subject to civil citation and penalties; however, since section 8.5-4 of that chapter specifically preserves alternative criminal penalties, applicable sections of this chapter are included in this listing.

<b>CODE §</b>	<b>DESCRIPTION</b>	<b>PENALTY</b>
8-5	General—Burial-transit certificate prerequisite to burial of person dying outside county or state	Sec. 1-9, General Penalty
8-7	General—Use as playground	Sec. 1-9, General Penalty
8-8	General—Driving vehicles generally	Sec. 1-9, General Penalty
8-9	General—Speed limit for vehicles	Sec. 1-9, General Penalty
8-10	General—Crossing walls	Sec. 1-9, General Penalty
8-11	General—Discharging firearms	Sec. 1-9, General Penalty
8-12	General—Disturbing funerals	Sec. 1-9, General Penalty
8-13	General—Removal of trees or other plants injuring monument or decorations in adjoining lot	Sec. 1-9, General Penalty
8-14	General—Mausoleums and vaults	Sec. 1-9, General Penalty
3-15	General—Grave ledgers	Sec. 1-9, General Penalty
8-31	Chestnut Hill—Planting of trees and shrubbery	Sec. 1-9, General Penalty
8-32	Chestnut Hill—Monument permit required	Sec. 1-9, General Penalty
8-33	Chestnut Hill—Coping, curbing, etc.; placement of grave markers	Sec. 1-9, General Penalty
8-36	Chestnut Hill—Approval of plans	Sec. 1-9, General Penalty
Sec 8-38	Chestnut Hill—Number of monuments on lot	Sec. 1-9, General Penalty
8-39	Chestnut Hill—Height and area of monuments	Sec. 1-9, General Penalty
8-40	Chestnut Hill—Setting monuments in concrete; monument foundations	Sec. 1-9, General Penalty
8-41	Chestnut Hill—Use of stone not of monumental quality	Sec. 1-9, General Penalty
8-42	Chestnut Hill—Use of uncut stone	Sec. 1-9, General Penalty
8-43	Chestnut Hill—Installation, permit required	Sec. 1-9, General Penalty
8-52	Memorial Park—Purpose for which lots may be sold	Sec. 1-9, General Penalty
8-53	Memorial Park—Coping, curbing, etc.	Sec. 1-9, General Penalty
8-54	Memorial Park—Grave mounds, grade of lots	Sec. 1-9, General Penalty
8-55	Memorial Park—Planting trees, shrubs etc.	Sec. 1-9, General Penalty
8-57	Memorial Park—Leaving construction materials on lot	Sec. 1-9, General Penalty
8-58	Memorial Park—Interments in single grave	Sec. 1-9, General Penalty
8-77	Memorial Park—Approval of plans, permit required	Sec. 1-9, General Penalty
8-79	Memorial Park—Number of monuments on lot	Sec. 1-9, General Penalty
8-80	Memorial Park—Height and area of monuments	Sec. 1-9, General Penalty
8-81	Memorial Park—Setting monuments in concrete; monument foundations	Sec. 1-9, General Penalty
8-82	Memorial Park—Use of stone not of monumental quality	Sec. 1-9, General Penalty
8-83	Memorial Park—Use of uncut stone	Sec. 1-9, General Penalty
8-84	Memorial Park—No-monument lots	Sec. 1-9, General Penalty
8-85	Memorial Park—Installation, permit required	Sec. 1-9, General Penalty
8-102	Oakwood—Purpose for which lots may be sold	Sec. 1-9, General Penalty
8-103	Oakwood—Coping curbing, etc.	Sec. 1-9, General Penalty
8-104	Oakwood—Grave mounds; grade of lots	Sec. 1-9, General Penalty
8-126	Oakwood—Number of monuments on lot	Sec. 1-9, General Penalty

CODE §	DESCRIPTION	PENALTY
8-127	Oakwood—Height and area of monuments	Sec. 1-9, General Penalty
8-128	Oakwood—Setting monuments in concrete; monument foundations	Sec. 1-9, General Penalty
8-129	Oakwood—Use of stone not of monumental quality	Sec. 1-9, General Penalty
8-130	Oakwood—No-monument lots	Sec. 1-9, General Penalty
8-131	Oakwood—Use of uncut stone	Sec. 1-9, General Penalty
8-132	Oakwood—Installation, permit required	Sec. 1-9, General Penalty
<b><sup>6</sup>Chapter 9, Fire Prevention and Protection</b>		
9-1	General—Interfering with fire alarm system	Sec. 1-9, General Penalty
9-2	General—False alarms	Sec. 1-9, General Penalty
9-3	General—Protection of gas service facilities	Sec. 1-9, General Penalty
9-23	Fire department—Loitering at fire station; tampering with firefighting equipment	Sec. 1-9, General Penalty
9-24	Fire department—Unauthorized mounting of fire engines or apparatus	Sec. 1-9, General Penalty
9-25	Fire department—Assistance during fires, unlawful to obey order to assist	Sec. 1-9, General Penalty
9-26	Fire department—Interference by spectators at fires	Sec. 1-9, General Penalty
9-50	Fire code adopted—Penalty for all violations	Sec. 1-9, General Penalty
<b><sup>7</sup>Chapter 10, Housing</b>		
10-7	General—Buildings unfit for human habitation declared nuisance	Sec. 1-9, General Penalty
10-8	General—Compliance with orders; violations	Sec. 1-9, General Penalty
10-9	General—Responsibilities of owners and occupants	Sec. 1-9, General Penalty
10-10	General—Access by owner	Sec. 1-9, General Penalty
10-60	Enforcement—Alternative remedies	Sec. 1-9, General Penalty
10-61	Vacant, neglected and abandoned residential properties	Sec. 1-9, General Penalty
<sup>8</sup> 10-62	Boarded up residential structures	Sec. 1-9, General Penalty
10-77	Minimum standards of fitness—Unsafe conditions	Sec. 1-9, General Penalty
10-78	Minimum standards of fitness—Minor violations	Sec. 1-9, General Penalty
10-187	Rooming houses—Water closet, lavatory and bath facilities	Sec. 1-9, General Penalty

<sup>6</sup> Code Chapter 8.5, Civil Citations, states that all violations of this chapter are subject to civil citation and penalties; however, since section 8.5-4 of that chapter specifically preserves alternative criminal penalties, applicable sections of this chapter are included in this listing. Additionally, for this chapter, section 9-50 specifically provides misdemeanor penalties under section 1-9 for all fire code violations.

<sup>7</sup> Code Chapter 8.5, Civil Citations, states that all violations of this chapter are subject to civil citation and penalties; however, since section 8.5-4 of that chapter specifically preserves alternative criminal penalties, applicable sections of this chapter are included in this listing. Additionally, for this chapter, section 10-8 and 10-60 specifically provide misdemeanor penalties for violations of the housing code generally and certain violations specifically.

<sup>8</sup> This section provides civil penalties but preserves the alternative for criminal penalties, so it is included in this listing.

CODE §	DESCRIPTION	PENALTY
10-188	Rooming houses—Minimum floor area for sleeping purposes	Sec. 1-9, General Penalty
10-189	Rooming houses—Maintenance of sanitary conditions	Sec. 1-9, General Penalty
<b>Chapter 11, Licenses</b>		
<sup>9</sup> 11-1	General—Definitions—Soliciting alms or begging charity for a livelihood as nuisance, etc.	Sec. 1-9, General Penalty
11-5	General—License required	Sec. 1-9, General Penalty
11-14	General—Notice required for moving, going-out-of-business sale; fire sale, etc.	Sec. 1-9, General Penalty
11-15	General—Display of business license required	Sec. 1-9, General Penalty
<sup>10</sup> 11-24	Schedule—Taxes enumerated	Sec. 1-9, General Penalty
<b><sup>11</sup>Chapter 12, Mobile Homes</b>		
12-2	General—Parking of homes used for living or sleeping purposes	Sec. 1-9, General Penalty
12-3	General—Compliance with zoning ordinance; minimum facilities	Sec. 1-9, General Penalty
12-21	Parks—Register of occupants	Sec. 1-9, General Penalty
12-22	Parks—Sanitary maintenance	Sec. 1-9, General Penalty
12-23	Parks—Marking and occupancy of spaces	Sec. 1-9, General Penalty
<b><sup>12</sup>Chapter 13, Motor Vehicles and Traffic</b>		
13-341	Reserved handicapped parking	Sec. 1-9, General Penalty— Fine of \$100.00.
<b><sup>13</sup>Chapter 14, Nuisances</b>		
14-1	General—Prohibited	Sec. 1-9, General Penalty
14-8	General—Overgrown lots, trash, and lot maintenance	G.S. 14-4 Misdemeanor.
14-33	Smoke control—Emission of dense smoke	Sec. 1-9, General Penalty
14-34	Smoke control—Excessive fly ash	Sec. 1-9, General Penalty
14-35	Smoke control—Chimneys and stacks	Sec. 1-9, General Penalty
14-36	Smoke control—Firing of steam boilers	Sec. 1-9, General Penalty
14-46	Noise—Excessive noise prohibited	Sec. 1-9, General Penalty
14-47	Noise—Vehicle horns, signal devices	Sec. 1-9, General Penalty
14-48	Noise—Vehicle gongs, sirens	Sec. 1-9, General Penalty

<sup>9</sup> Although this is a definitions section, there are certain regulatory provisions imbedded as indicated.

<sup>10</sup> Although this section is a schedule of taxes and license fees, there are regulatory provisions imbedded throughout, so the section is included in this listing.

<sup>11</sup> Code Chapter 8.5, Civil Citations, states that all violations of this chapter are subject to civil citation and penalties; however, since section 8.5-4 of that chapter specifically preserves alternative criminal penalties, applicable sections of this chapter are included in this listing.

<sup>12</sup> Code Chapter 8.5, Civil Citations, states that all violations of this chapter are subject to civil citation and penalties. All sections of this chapter fall with the Chapter 85 range (\$50.00) with the exception of the single section listed.

<sup>13</sup> Code Chapter 8.5, Civil Citations, states that all violations of this chapter are subject to civil citation and penalties; however, since section 8.5-4 of that chapter specifically preserves alternative criminal penalties, applicable sections of this chapter are included in this listing.

CODE §	DESCRIPTION	PENALTY
14-49	Noise—Radios, phonographs, etc.	Misdemeanor—Fine of \$100.00 for 2 <sup>nd</sup> offense and \$200.00 for subsequent offenses.
14-50	Noise—Animals, birds	Sec. 1-9, General Penalty
14-51	Noise from operation of vehicle	Sec. 1-9, General Penalty
14-52	Noise—Steam whistles	Sec. 1-9, General Penalty
14-53	Noise—Engine exhaust	Sec. 1-9, General Penalty
14-54	Noise—Compressed air devices	Sec. 1-9, General Penalty
14-55	Noise—Building construction	Sec. 1-9, General Penalty
14-56	Noise—School, court, hospital zones	Sec. 1-9, General Penalty
14-57	Noise—Church zones	Sec. 1-9, General Penalty
14-58	Noise—Loading and unloading	Sec. 1-9, General Penalty
14-59	Noise—Bells, gongs on buildings	Sec. 1-9, General Penalty
14-60	Noise—Shouting by peddlers, hawkers, etc.	Sec. 1-9, General Penalty
14-61	Noise—Use of loudspeaker or similar device in merchandising	Sec. 1-9, General Penalty
14-62	Noise—Loudspeakers or amplifiers on vehicles	Sec. 1-9, General Penalty
14-63	Noise—Garages; filling stations	Sec. 1-9, General Penalty
14-64	Noise—Unreasonable sound amplification	Misdemeanor—Fine of \$100.00 for 2 <sup>nd</sup> offense and \$300.00 for subsequent offenses.
14-75	Odors	Sec. 1-9, General Penalty
14-104	Downtown maintenance—Responsibilities of the owner	Sec. 1-9, General Penalty
14-105	Downtown maintenance—Regulations of duties and responsibilities to occupancy	Sec. 1-9, General Penalty
<b><sup>14</sup>Chapter 15, Offenses</b>		
15-1	Abandoned iceboxes, appliances, etc.	Sec. 1-9, General Penalty
15-2	Wells, excavations to be enclosed or covered	Sec. 1-9, General Penalty
15-3	Malicious mischief; vandalism	Sec. 1-9, General Penalty
15-4	Obstructing natural flow of water	Sec. 1-9, General Penalty
15-5	Contaminating, damaging or tampering with public water system	Sec. 1-9, General Penalty
15-6	Walking or driving on grass plots in West Innes Street	Sec. 1-9, General Penalty
15-7	Impersonation of public officer	Sec. 1-9, General Penalty
15-8	Obstructing or interfering with public officer	Sec. 1-9, General Penalty
15-9	Buying of junk—Failure to require proof of ownership	Sec. 1-9, General Penalty
15-10	Buying of junk—Failure to keep record of purchases	Sec. 1-9, General Penalty
15-11	Displaying obscene material	Sec. 1-9, General Penalty

<sup>14</sup> Code Chapter 8.5, Civil Citations, states that all violations of this chapter are subject to civil citation and penalties; however, since section 8.5-4 of that chapter specifically preserves alternative criminal penalties, applicable sections of this chapter are included in this listing.



CODE §	DESCRIPTION	PENALTY
15-12	Refusal to admit police to pawnshop	Sec. 1-9, General Penalty
15-13	Soliciting alms	Sec. 1-9, General Penalty
15-14	Consumption of beer or wine on property owned by city	Sec. 1-9, General Penalty
15-15	Smoking on buses	Sec. 1-9, General Penalty
15-16	Riding bus without paying fare	Sec. 1-9, General Penalty
15-36	Disturbing public meeting or gathering	Sec. 1-9, General Penalty
15-37	Gatherings or parties of disorderly character	Sec. 1-9, General Penalty
15-38	Loitering near church or schoolhouse	Sec. 1-9, General Penalty
15-39	Loitering in aisles of theatre or moving picture house	Sec. 1-9, General Penalty
15-40	Loitering in bus terminal	Sec. 1-9, General Penalty
15-41	Dangerous missiles	Sec. 1-9, General Penalty
15-42	Discharge of firearms	Sec. 1-9, General Penalty
15-43	Display of guns or firearms on city property	Sec. 1-9, General Penalty
15-44	Public urination, defecation	Sec. 1-9, General Penalty
15-45	Loitering for the purpose of engaging in illegal drug-related activity	Sec. 1-9, General Penalty
15-63	Unlawful activities during proclaimed state of emergency curfew	Sec. 1-9, General Penalty
<b>Chapter 16, Parks and Recreation</b>		
16-52	Commercial enterprise permit required, activities restricted	Sec. 1-9, General Penalty
16-53	Advertising	Sec. 1-9, General Penalty
16-54	Signs	Sec. 1-9, General Penalty
16-55	Hunting; fishing; wildlife	Sec. 1-9, General Penalty
16-56	Preservation of park and plant life	Sec. 1-9, General Penalty
16-57	Water; water pollution	Sec. 1-9, General Penalty
16-58	Swimming; wading; boating	Sec. 1-9, General Penalty
16-59	Facilities; building; structures; etc.	Sec. 1-9, General Penalty
16-60	Aviation	Sec. 1-9, General Penalty
16-62	Parking	Sec. 1-9, General Penalty
16-63	Vehicles	Sec. 1-9, General Penalty
16-64	Alcohol; drugs	Sec. 1-9, General Penalty
16-65	Fireworks; fires; firearms	Sec. 1-9, General Penalty
16-66	Gambling	Sec. 1-9, General Penalty
16-67	Noise	Sec. 1-9, General Penalty
16-68	Personal conduct	Sec. 1-9, General Penalty
<sup>15</sup> <b>Chapter 17, Peddlers</b>		
17-1	Exhibition of license required	Sec. 1-9, General Penalty

<sup>15</sup> Code Chapter 8.5, Civil Citations, states that all violations of this chapter are subject to civil citation and penalties; however, since section 8.5-4 of that chapter specifically preserves alternative criminal penalties, applicable sections of this chapter are included in this listing. In addition, section 17-2 provides that violation of the section is an undesignated misdemeanor.



CODE §	DESCRIPTION	PENALTY
17-2	Peddlers and solicitors going on private premises	Misdemeanor
<b>Chapter 20, Police</b>		
20-1	Alarm systems—Permit required for burglary and robbery alarm systems	Sec. 1-9, General Penalty
20-123	Alarm systems—Duties of the alarm user	G.S. 160A-175 and 14-4 Misdemeanor— Fine per each violation: 3 <sup>rd</sup> , 4 <sup>th</sup> and 5 <sup>th</sup> —\$50.00 6 <sup>th</sup> and 7 <sup>th</sup> —\$100.00 8 <sup>th</sup> and 9 <sup>th</sup> —\$250.00 10 <sup>th</sup> and above—\$500.00
20-141	Registration of alarm users required	Sec. 1-9, General Penalty
20-142	Alarm systems in apartment complexes	Sec. 1-9, General Penalty
20-143	Multiple alarm systems on same property	Sec. 1-9, General Penalty
20-144	Registration duration and renewal	Sec. 1-9, General Penalty
20-152	Youth protection—Curfew offenses, violation by person other than juvenile	Misdemeanor—Maximum fine of \$100.00.
<b><sup>16</sup>Chapter 21, Solid Waste</b>		
21-2	General—Dumping of garbage or other offensive material	Sec. 1-9, General Penalty
21-3	General—Deposit of waste from business establishment in public receptacle	Sec. 1-9, General Penalty
21-52	Litter—Deposit on street, sidewalk or other public place	Sec. 1-9, General Penalty
21-53	Litter—Use of receptacles	Sec. 1-9, General Penalty
21-54	Litter—Sweeping into street, gutter, etc.; duty to keep sidewalk litter-free	Sec. 1-9, General Penalty
21-55	Litter—Use of a motor vehicle in the offense of littering	Misdemeanor—Maximum penalty of \$500.00.
21-56	Litter—Vehicles spilling load or carrying foreign material on tires	Sec. 1-9, General Penalty
21-57	Litter—Deposit in parks	Sec. 1-9, General Penalty
21-58	Litter—Deposit in lake, stream, etc.	Sec. 1-9, General Penalty
21-59	Litter—Deposit on private property	Sec. 1-9, General Penalty
21-60	Litter—Duty to keep private premises litter-free	Sec. 1-9, General Penalty
21-61	Litter—Deposit on vacant lot	Sec. 1-9, General Penalty
<b><sup>17</sup>Chapter 22, Streets and Sidewalks</b>		

<sup>16</sup> Code Chapter 8.5, Civil Citations, states that all violations of this chapter are subject to civil citation and penalties; however, since section 8.5-4 of that chapter specifically preserves alternative criminal penalties, applicable sections of this chapter are included in this listing. Additionally, section 21-55 specifically provides for a penalty up to \$500.00.

<sup>17</sup> Code Chapter 8.5, Civil Citations, states that all violations of this chapter are subject to civil citation and penalties; however, since section 8.5-4 of that chapter specifically preserves alternative criminal penalties, applicable sections of this chapter are included in this listing. Additionally, violations of sections 22-125, 22-126, 22-127 and 22-146 are

<b>CODE §</b>	<b>DESCRIPTION</b>	<b>PENALTY</b>
22-3	General—Attracting crowd on street or sidewalk	Sec. 1-9, General Penalty
22-4	General—Holding auction sale on street	Sec. 1-9, General Penalty
22-5	General—Congregating on, blocking street or sidewalk	Sec. 1-9, General Penalty
22-6	General—Sale of ice cream on street or sidewalk	Sec. 1-9, General Penalty
22-8	General—Barbed wire fences along streets	Sec. 1-9, General Penalty
22-9	General—Cellar doors, gratings and manholes in sidewalks	Sec. 1-9, General Penalty
22-10	General—Maintenance of grass plot adjoining sidewalk	Sec. 1-9, General Penalty
22-11	General—Cleaning of sidewalks; removal of weeds	Sec. 1-9, General Penalty
22-12	General—Removal of ice and snow from sidewalk	Sec. 1-9, General Penalty
22-13	General—Discharge of stormwater on sidewalk	Sec. 1-9, General Penalty
22-14	General—Discharge of sewage or other offensive liquid on street or sidewalk	Sec. 1-9, General Penalty
22-15	General—Planting shrubbery on sidewalk	Sec. 1-9, General Penalty
22-16	General—Placement of subdivision identification markers in right-of-way	Sec. 1-9, General Penalty
22-17	General—Encroachments on or under street or sidewalk	Sec. 1-9, General Penalty
22-18	General—Projections over sidewalk or right-of-way generally	Sec. 1-9, General Penalty
22-19	General— —Permit required for projections over sidewalk or right-of-way	Sec. 1-9, General Penalty
22-20	General—Construction of sidewalks generally	Sec. 1-9, General Penalty
22-21	General—Specifications for concrete sidewalks	Sec. 1-9, General Penalty
22-22	General—Specifications for brick sidewalks	Sec. 1-9, General Penalty
22-23	General—Use of sidewalk as part of driveway	Sec. 1-9, General Penalty
22-24	General—Sidewalk drainage	Sec. 1-9, General Penalty
22-41	Obstructions and excavations—Permit required	Sec. 1-9, General Penalty
22-42	Obstructions and excavations—Placing goods or merchandise on sidewalk	Sec. 1-9, General Penalty
22-43	Obstructions and excavations—Removal of sand, gravel, etc., from street or sidewalk	Sec. 1-9, General Penalty
22-44	Obstructions and excavations—Protection of openings	Sec. 1-9, General Penalty
22-45	Obstructions and excavations—Filling of openings; restoration of surface	Sec. 1-9, General Penalty
22-46	Obstructions and excavations—Sidewalk dining, permit and restrictions	Sec. 1-9, General Penalty
22-47	Obstructions and excavations—Sidewalk furniture not placed by the city	Sec. 1-9, General Penalty
22-48	Obstructions and excavations—Newspaper vending racks	Sec. 1-9, General Penalty
22-49	Obstructions and excavations—Sidewalk entertainment	Sec. 1-9, General Penalty

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declared to be misdemeanors punishable as provided by law. Sections 22-151, 22-152, 22-153, 22-154 and 22-155 are declared to be misdemeanors punishable under G.S. 14-4.

<b>CODE §</b>	<b>DESCRIPTION</b>	<b>PENALTY</b>
22-50	Obstructions and excavations—Right-of-way use for construction and maintenance	Sec. 1-9, General Penalty
22-66	Driveway construction—Permit required	Sec. 1-9, General Penalty
22-70	Driveway construction—Proximity of entrance to intersections, hydrants and other public improvements	Sec. 1-9, General Penalty
22-71	Driveway construction—Minimum size of serviced area	Sec. 1-9, General Penalty
22-72	Driveway construction—Side clearance	Sec. 1-9, General Penalty
22-73	Driveway construction—Number, width of openings	Sec. 1-9, General Penalty
22-74	Driveway construction—Driveway approaches	Sec. 1-9, General Penalty
22-75	Driveway construction—Paving generally	Sec. 1-9, General Penalty
22-76	Driveway construction—Thickness of pavement	Sec. 1-9, General Penalty
22-77	Driveway construction—Paving materials for residential driveways	Sec. 1-9, General Penalty
22-78	Driveway construction—Replacement of sidewalk	Sec. 1-9, General Penalty
22-79	Driveway construction—Driveways from state highway streets	Sec. 1-9, General Penalty
22-80	Driveway construction—Cleanup of work site; safety requirements; liability of city	Sec. 1-9, General Penalty
22-81	Driveway construction—Maintenance and repairs	Sec. 1-9, General Penalty
22-105	Property numbering—Official numbers; display of number	Sec. 1-9, General Penalty
22-125	Parades, picket lines and group demonstrations—Interference prohibited	Misdemeanor
22-126	Parades, picket lines and group demonstrations—Carrying of weapons	Misdemeanor
22-127	Parades, picket lines and group demonstrations—Picketing restrictions	Misdemeanor
22-146	Parades, picket lines and group demonstrations—Permit required	Misdemeanor
22-151	Public street festivals, etc.—Allowance of public street festival or special event upon issuance of a permit	G.S. 14-4 Misdemeanor
22-152	Public street festivals, etc.—Sale of alcoholic beverages permitted at public street festivals	G.S. 14-4 Misdemeanor
22-153	Public street festivals, etc.—Sale of alcoholic beverages permitted at special events	G.S. 14-4 Misdemeanor
22-154	Public street festivals, etc.—Firearms	G.S. 14-4 Misdemeanor
22-155	Public street festivals, etc.—Signs for street festivals	G.S. 14-4 Misdemeanor
<b>Chapter 23, Taxicabs</b>		
23-3	Proof of financial responsibility required	Sec. 1-9, General Penalty
23-22	Certificate—Required	Sec. 1-9, General Penalty
23-51	Driver's permit—Required	Sec. 1-9, General Penalty
23-57	Driver's permit—Unlawful to drive cab during appeal of revocation	Sec. 1-9, General Penalty

CODE §	DESCRIPTION	PENALTY
23-58	Driver's permit—Display	Sec. 1-9, General Penalty
23-76	Operation—Vehicle equipment	Sec. 1-9, General Penalty
23-77	Operation—Condition of vehicle	Sec. 1-9, General Penalty
23-78	Operation—Repair of vehicle	Sec. 1-9, General Penalty
23-79	Operation—Identification of vehicles	Sec. 1-9, General Penalty
23-80	Operation—Inspections, operation of vehicle without making corrections	Sec. 1-9, General Penalty
23-81	Operation—Business headquarters restrictions	Sec. 1-9, General Penalty
23-82	Operation—Driver's manifests required	Sec. 1-9, General Penalty
23-83	Operation—Refusal to carry passenger	Sec. 1-9, General Penalty
23-84	Operation—Carrying additional passengers	Sec. 1-9, General Penalty
23-85	Operation—Schedule of fares, maintenance, display, etc.	Sec. 1-9, General Penalty
23-87	Operation—Refusal to pay fare	Misdemeanor
23-90	Operation—Required method of determining fare	Sec. 1-9, General Penalty
<b>Chapter 24, Trees</b>		
24-46	Permit for pruning, planting, removal, etc.	Maximum fine of \$50.00
24-47	License, insurance for commercial work	Maximum fine of \$50.00
24-49	Interference with tree board	Maximum fine of \$50.00
24-51	Protection during construction	Maximum fine of \$50.00
24-52	Tree topping	Maximum fine of \$50.00
24-53	Removal of stumps	Maximum fine of \$50.00
<sup>18</sup> <b>Chapter 25, Utilities</b>		
25-4	Water and sewer connections	Sec. 1-9, General Penalty
25-6	Tampering with meters	Misdemeanor—\$500.00 maximum fine and up to two years imprisonment or both
25-7	Tampering with hydrants, valves, etc.	Misdemeanor—\$500.00 maximum fine and up to two years imprisonment or both
25-8	Water consumers not to supply other persons	Sec. 1-9, General Penalty
25-9	Use of private fire hydrants	Sec. 1-9, General Penalty
25-10	Use of water for private fire protection systems	Sec. 1-9, General Penalty
25-86	Water and sewer connections—Unauthorized connections	Sec. 1-9, General Penalty
25-87	Water and sewer connections—Mandatory connection; use of private systems	Sec. 1-9, General Penalty
25-89	Water and sewer connections—Installation requirements	Sec. 1-9, General Penalty

<sup>18</sup> Code Chapter 8.5, Civil Citations, states that all violations of this chapter are subject to civil citation and penalties; however, since section 8.5-4 of that chapter specifically preserves alternative criminal penalties, applicable sections of this chapter are included in this listing. Additionally, sections 25-6, 25-7, 25-157, 25-258, 25-259, 25-260, 25-263, 25-303 and 25-304 are specifically punishable as misdemeanors with penalties as indicated (some as an alternative to civil enforcement).

<b>CODE §</b>	<b>DESCRIPTION</b>	<b>PENALTY</b>
25-157	Water emergencies—Staged water use restrictions SAME AS ABOVE	Sec. 1-9, General Penalty
25-258	Stormwater—Discharge prohibitions	Misdemeanor—\$100.00 maximum fine and up to 30 days imprisonment or both
25-259	Stormwater—Watercourse protection	Misdemeanor—\$100.00 maximum fine and up to 30 days imprisonment or both
25-260	Stormwater—Industrial or construction activity discharges	Misdemeanor—\$100.00 maximum fine and up to 30 days imprisonment or both
25-263	Stormwater—Notification of spills	Misdemeanor—\$100.00 maximum fine and up to 30 days imprisonment or both
25-303	Delegated water distribution system permits—When permit is required	G.S. 160A-175 Misdemeanor
25-304	Delegated water distribution system permits—Standards and technical requirements	G.S. 160A-175 Misdemeanor
<b>Chapter 26, Telecommunications</b>		
26-31	Wireless facilities—Special use permit and other requirements	Misdemeanor
26-56	Adherence to state and federal rules required	Misdemeanor
26-84	Cable television—Unlawful to operate without a franchise	Unspecified fine of \$500.00 per day

## NOTES RE CITY'S GENERAL PENALTY AND RELATED STATUTES

City Code § 1-9 provides, in pertinent part: "Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision or the failure to perform any such act shall be punished by a fine not exceeding \$50.00 or by imprisonment not to exceed 30 days or both such fine and imprisonment in the discretion of the court."

G.S. § 160A-175(b) provides: "Unless the Council shall otherwise provide, violation of a city ordinance is a misdemeanor or infraction as provided by G.S. 14-4. An ordinance may provide by express statement that the maximum fine, term of incarceration, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4."

G.S. § 14-4(a) provides, in pertinent part: "Any person [who] shall violate an ordinance ... shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.00. No fine shall exceed \$50.00 unless the ordinance expressly states that the maximum fine is greater than \$50.00."

G.S. § 14-3 provides that the maximum punishment for a Class 3 misdemeanor is a fine of up to \$500.00 and incarceration of up to 30 days.

# CITY OF SALISBURY

## LAND DEVELOPMENT ORDINANCE APPENDIX

### CRIMINAL PENALTY LISTING

CODE §	DESCRIPTION	PENALTY
<b>Chapter 1, Purpose and Applicability</b>		
1.5	Requires conformity with all of the LDO	<sup>1</sup> Sec. 17.3, General Penalty
1.8	Requires development plans be in conformity with all plans adopted by City Council	Sec. 17.3, General Penalty
<b>Chapter 2, Districts</b>		
2.4	Establishes specific requirements for various districts, including lot size requirements, building requirements, and density	Sec. 17.3, General Penalty
2.5	Establishes density requirements	Sec. 17.3, General Penalty
2.6	Establishes additional development requirements for overlay districts	Sec. 17.3, General Penalty
2.7	Prohibits uses not permitted in various districts according to the Use Matrix	Sec. 17.3, General Penalty
<b>Chapter 3, Additional Use Standards</b>		
3.3	Establishes requirements for certain types of land uses, including adult entertainment, alcohol beverage stores, animal services, campgrounds, cemeteries, child care homes, drive-thrus, and multi-family dwellings	Sec. 17.3, General Penalty
<b>Chapter 4, Subdivisions and Infrastructure</b>		
4.2	Establishes subdivision requirements, including lot size, shape, and street frontage	Sec. 17.3, General Penalty
4.3	Establishes specific types of subdivisions (conservation neighborhood, rural subdivision)	Sec. 17.3, General Penalty
4.4–4.5	Requires infrastructure and improvements for various developments in conformity with city’s uniform construction standards	Sec. 17.3, General Penalty
4.7–4.9	Establishes construction requirements for streets, alleys, sidewalks, curb and gutter, street lighting	Sec. 17.3, General Penalty
4.10	Establishes street connectivity formula by which developers must comply	Sec. 17.3, General Penalty
4.11	Prohibits vertical traffic calming treatments; requires horizontal calming treatments comply with city’s uniform construction standards	Sec. 17.3, General Penalty

<sup>1</sup> “Sec. 17.3, General Penalty”, standing alone, means that there is no penalty stated in the section, making it subject to section 17.3, or that the cited section includes an express reference to section 17.3.



CODE §	DESCRIPTION	PENALTY
4.13	Establishes driveway spacing requirements	Sec. 17.3, General Penalty
4.14	Requires Transportation Impact Analysis for certain developments	Sec. 17.3, General Penalty
<b>Chapter 5, Building Types and Standards</b>		
5.5	Prohibits building types not permitted for each zoning districts	Sec. 17.3, General Penalty
5.6	Establishes requirements for building placement, construction, encroachments, and establishes exceptions to said requirements	Sec. 17.3, General Penalty
5.7	Requirements for manufactured homes	Sec. 17.3, General Penalty
5.8–5.10	Establishes specific requirements for houses, townhouses, apartments	Sec. 17.3, General Penalty
5.11	Establishes general requirements for mixed-use, commercial, and institutional	Sec. 17.3, General Penalty
5.12–5.15	Establishes specific requirements for mixed-use, commercial, institutional, and public landmark	Sec. 17.3, General Penalty
5.16	Establishes dimension standards for residential buildings	Sec. 17.3, General Penalty
<b>Chapter 6, Lot, Infill and Accessory Provisions</b>		
6.2	Establishes requirements for lot size and shape, yard size, number of buildings, and dimensions	Sec. 17.3, General Penalty
6.3	Establishes requirements for infill lots within the city	Sec. 17.3, General Penalty
6.4	Establishes requirements for additions to existing structures	Sec. 17.3, General Penalty
6.5	Establishes requirements for accessory structures	Sec. 17.3, General Penalty
6.6	Establishes requirements for temporary structures	Sec. 17.3, General Penalty
6.7–6.9	Establishes requirements for trash and recyclable containment areas, mechanical equipment screening, and outdoor storage	Sec. 17.3, General Penalty
<b>Chapter 7, Recreational Open Space</b>		
7.2–7.5	Requires developments of a certain size to allocate recreational/open space and establishes standards for the open space, including ownership of open space	Sec. 17.3, General Penalty
<b>Chapter 8, Landscaping</b>		
8.3	Prohibits unauthorized planting vegetation in utility easements; requires permit to remove trees on property subject to ordinance	Sec. 17.3, General Penalty
8.4	Requires Landscape Plan for development of property subject to ordinance	Sec. 17.3, General Penalty
8.5–8.6	Establishes requirements for tree preservation and tree replacement of property subject to ordinance	Sec. 17.3, General Penalty

CODE §	DESCRIPTION	PENALTY
8.7	Establishes requirements for planting yard, including size and type, of property subject to ordinance	Sec. 17.3, General Penalty
8.8–8.9	Establishes requirement for street yards and street trees for property subject to ordinances	Sec. 17.3, General Penalty
8.10	Establishes landscape requirements for parking lots	Sec. 17.3, General Penalty
8.11	Establishes landscape specifications	Sec. 17.3, General Penalty
<b>Chapter 9, Environmental Protection</b>		
9.2	Prohibits subdividing landfills into commercial or residential lots	Sec. 17.3, General Penalty
9.3	Requires compliance with NC Sedimentation Pollution Control Act of 1973 and that a sedimentation plan be in place before disturbing any land	Sec. 17.3, General Penalty
9.4	Requires permit before any development activity commences	Sec. 17.3, General Penalty
9.6	Establishes permitting requirement for all development within the city’s watershed areas, as defined in the ordinance. Includes use restrictions, building restrictions, storm water drainage facilities, erosion and sedimentation control, and exceptions. Includes explicit criminal liability for subdividing land in a watershed protection area in violation of this ordinance.	<sup>2</sup> G.S. 14-4 Misdemeanor
9.7	Requires storm water permit for all development unless specifically exempted in the ordinance. Includes application, review, and appeals process. Includes requirements for ongoing maintenance of storm water control measures, and submission of an annual maintenance report. Prohibits the illicit discharge into or connection with storm water systems. Includes explicit criminal liability for violating the ordinance.	G.S. 14-4 Misdemeanor
<b>Chapter 10, Parking</b>		
10	Not applicable pursuant to NCGS 14-4(b)	N/A
<b>Chapter 11, Lighting on Private Property</b>		
11.2	Requires lighting plan for all developments that require a site plan or for anyone requesting a sign permit.	Sec. 17.3, General Penalty
11.3	Establishes outdoor lighting requirements. Includes prohibition on shining directly into doors or windows of adjacent neighbors, light poles of a certain height,	Sec. 17.3, General Penalty

<sup>2</sup> “G.S. 14-4 Misdemeanor” means that the penalty provided is a reference to 14-4 generally, without specifying maximum amounts.

CODE §	DESCRIPTION	PENALTY
	lights of a specified brightness. Prohibits flickering, rotating, or strobe lighting. Provides exceptions for uses such as stadiums and gas stations.	
11.4	Establishes lighting design standards for lighting in certain zoning districts	Sec. 17.3, General Penalty
<b>Chapter 12, Signs</b>		
12.3	Requires that all signs be permitted, except where explicitly exempt from application of ordinance	Sec. 17.3, General Penalty
12.6	Prohibits certain types of signs, including flashing signs, signs that resemble traffic signals, and inflatable signs	Sec. 17.3, General Penalty
12.8 – 12.10	Regulates sign area (size), height, illumination	Sec. 17.3, General Penalty
12.11	Regulates electronic message center signs	Sec. 17.3, General Penalty
12.12	Regulates residential signs	Sec. 17.3, General Penalty
12.13	Regulates non-residential signs	Sec. 17.3, General Penalty
12.14	Regulates sandwich board signs, directional signs, temporary signs	Sec. 17.3, General Penalty
12.15	Requires a Certificate of Appropriateness for signs in historic preservation districts	Sec. 17.3, General Penalty
12.18	Regulates sign placement, removal, and vehicle and pedestrian and fire escape clearance	Sec. 17.3, General Penalty
12.19	Requires sign maintenance	Sec. 17.3, General Penalty
<b>Chapter 13, Nonconformities</b>		
13.3	Prohibits expanding, changing, enlarging, or adding to nonconforming land uses	Sec. 17.3, General Penalty
13.4	Requires a permit to rebuild nonconforming structure where damaged	Sec. 17.3, General Penalty
13.5–13.8	Regulates nonconforming accessory uses, nonconforming lots, nonconforming signs, nonconforming lighting	Sec. 17.3, General Penalty
13.9	Regulates nonconformities in watershed areas	Sec. 17.3, General Penalty
<b>Chapter 14, Agencies, Boards and Commissions</b>		
14.2	Establishes the Historic Preservation Commission (and other boards and commissions not relevant for this report). Adopts as ordinances the “The Secretary of the Interior’s Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings” and the “Historic District Guidelines.” Requires compliance with said guidelines for all development within historic preservation districts.	Sec. 17.3, General Penalty
<b>Chapter 15, Development Process</b>		

15.2	Requires all development activity to be properly permitted	Sec. 17.3, General Penalty
15.4 C	Sets expiration date zoning permits issued in accordance with the ordinance	Sec. 17.3, General Penalty
15.4. D	Prohibits dimensional changes to plans once approved and permitted	Sec. 17.3, General Penalty
15.4.F	Requires a Certificate of Occupancy before a dwelling may be occupied	Sec. 17.3, General Penalty
15.5	Requires a permit for predevelopment site grading	Sec. 17.3, General Penalty
15.6	Requires a zoning permit for buildings, signs and development applications	Sec. 17.3, General Penalty
15.7	Requires Certificate of Appropriateness for buildings and structures in locally designated historic districts, designated historic landmarks, and demolition of designated landmarks	Sec. 17.3, General Penalty
15.8 – 15.10	Establishes requirements for minor site plans, major site plans, and subdivision procedures and prohibits concurrently-approved plans for the same property	Sec. 17.3, General Penalty
15.12- 15.13	Establishes requirements for approval of minor and major subdivisions	Sec. 17.3, General Penalty
15.14 – 15.15	Establishes procedures for quasi-judicial hearings and appeals	Sec. 17.3, General Penalty
15.16 D	Requires conformance of appropriate conditions granted by Board of Adjustment as part of an approved variance	Sec. 17.3, General Penalty
15.18	Requires a Special Use Permit for certain uses within zoning districts and establishes requirements for their applicability	Sec. 17.3, General Penalty
15.23	Prohibits concurrently approved plans for the same property for Conditional Districts	Sec. 17.3, General Penalty
15.23 E-F	Prohibits amendments to approved Conditional Districts without going through the approval process	Sec. 17.3, General Penalty
15-26	Requires a storm water permit for all development and redevelopment	Sec. 17.3, General Penalty
<b>Chapter 16, Development Plan Requirements</b>		
None	None	N/A
<b>Chapter 17, Violations and Penalties</b>		
17.1 – 17.3	Prohibits the sale of subdivided property if the property has not been properly subdivided and recorded. Establishes penalties for violation of the ordinance, and a means for appeal of violation as well as use of the courts for to order abatement and execution of court decisions.	Sec. 17.3, General Penalty