

HOMESLEY, GAINES, DUDLEY & CLODFELTER, LLP
ATTORNEYS AT LAW

STATESVILLE OFFICE
316 EAST BROAD STREET
STATESVILLE, NORTH CAROLINA
28677
(704) 873-2172
(704) 924-2103 FAX

EDMUND L. GAINES
(1946-2017)

T. C. HOMESLEY, JR.
RAGAN DUDLEY
CHRISTINA E. CLODFELTER
LEAH GAINES MESSICK
JAMIE GENTRY

www.homesleylaw.com

MOORESVILLE OFFICE
116 MORLAKE DRIVE, SUITE 103A
MOORESVILLE, NORTH CAROLINA
28117
(704) 662-6072
(704) 662-6081 FAX

REPLY TO:
STATESVILLE OFFICE

November 30, 2018

RE: City of Statesville, North Carolina
Reporting Requirement for Session Law 2018-69

To Whom It May Concern,

Attached to this letter is a list of all city ordinances, and a description of that ordinance, that we believe can be criminally enforced as a Class 3 Misdemeanor. Further, each ordinance that is set forth, is printed off and attached to the list for your review.

Please let me know if you have any questions or concerns.

Sincerely,



Leah Gaines Messick
City Attorney of Statesville, North Carolina

The City of Statesville, North Carolina

Reporting Requirements pursuant to Session law 2018-2019 (House Bill 379), "An Act to Assist the Criminal Law Recodification Working Group"

November 30, 2018

1. Code, Chapter 2, Art. IV, §2-76 – Treatment of dishonored checks; fee; imposition of cash payment only
 - A. *Description:* when a person delivers to the city a check in payment of any debt due to or for any goods or services furnished by the city, and the check is not honored by the bank upon presentment, due to the status of the drawer's account and not for any error made by the bank or the city or by the drawer in making the check.
2. Code, Chapter 4, Art. I, §4-4 – Height Limitations
 - A. *Description:* No structure or tree shall be erected, altered, allowed to grow or maintained in any of the zones to a height in excess of the applicable height limit herein established for such zones.
3. Code, Chapter 4, Art. I, §4-5 – Use Restrictions
 - A. *Description:* No use may be made of land or water within any zone established by this article in such a manner as to create electrical interference with the operation of airborne aircraft.
4. Code, Chapter 4, Art. I, §4-8 – Permits
 - A. *Description:* You must have a permit to erect or alter any structure within the airport zones without first applying for and receiving a permit in accordance with the provisions of this article.
5. Code, Chapter 4, Art. II, §4-31 – Licensed Operators Only
 - A. *Description:* Only aircraft and airmen licensed by the government of the United States shall operate on or over the municipal airport.
6. Code, Chapter 4, Art. II, §4-32 – Operation Must conform with article; licensing of instructors
 - A. *Description:* You must obtain a pilot's license with appropriate rating classifications and flight instructor certificates issued by the federal government to give flying instructions or student training.
7. Code, Chapter 4, Art. II, §4-33 – Register of Employees, students; management of the public
 - A. *Description:* Any person receiving instruction or operating from the municipal airport, employed by the airport, or stationed at the airport property shall register their

name, address, telephone number and nature of business or occupation with the airport manager.

8. *Code, Chapter 4, Art. II, §4-34 – Closing of Landing Areas and Runways*
 - A. *Description:* When landing areas or runways are marked with standard obstruction markers they are not to be used.
9. *Code, Chapter 4, Art. II, §4-35 – Accidents; reports*
 - A. *Description:* Attaches of the municipal airport who witness or participate in aircraft accident must render a prompt detailed report to the airport manager's office.
10. *Code, Chapter 4, Art. II, §4-38 00 Air Traffic Control*
 - A. *Description:* Pilots and operators shall obey, follow and conform to any visual or other system established for control of air traffic into and from the municipal airport.
11. *Code, Chapter 4, Art. II, §4-39 Disposal of wrecked aircraft*
 - A. *Description:* Aircraft owners, pilots, or agents must promptly disposal of wrecked aircraft and the parts thereof to avoid interference with field operations.
12. *Code, Chapter 4, Art. II, §4-40 Property damage due to carelessness, negligence*
 - A. *Description:* Pilots, lessees, and others using any part of the municipal airport are accountable for property damage caused by carelessness or negligence.
13. *Code, 4-41, Chapter 4, Art. II, §4-41 Fire Regulations*
 - A. *Description:* All persons and tenants must use utmost care to guard against fire or injury to persons or property; No person can smoke within 50 feet of any aircraft gasoline truck or fuel pump; no aircraft can be fueled while the engine is running; all aircrafts shall be positively grounded when being serviced with fuel; all operators must provide first aid and emergency firefighting equipment.
14. *Code, Chapter 4, Art. II, §4-43 Operational Procedures – Ground*
 - A. *Description:* Sets forth all ground operational procedures that should apply at the municipal airport.
15. *Code, Chapter 4, Art. II, §4-44 Same – Flying*
 - A. *Description:* Sets forth all flying operational procedures that should apply at the airport.
16. *Code, Chapter 6, Art. I, §6-1 Interment within cemeteries only*

- A. *Description:* It shall be unlawful for any person to inter or bury or cause to be buried the body of any deceased person at any place within the city other than in the municipal cemetery or such other cemetery as has been lawfully established.
17. *Code, Chapter 6, Art. I, §6-2 Privately Owned Cemeteries*
- A. *Description:* It shall be unlawful for any person to establish any privately owned and operated cemetery within the city without first obtaining from the city council a permit or right to do so.
18. *Code, Chapter 6, Art. I, §6-3 Ingress and Egress*
- A. *Description:* No person shall enter any cemetery or go out therefrom except at the entrances and exits provided for ingress and egress.
19. *Code, Chapter 6, Art. I, §6-4 Injuring, defacing, removing gravemarkers, monuments, fences*
- A. *Description:* No person shall in any way disturb any grave or injure, deface, pull up, or remove anything put up or placed to mark a grave, monument, gravestone, fence, railing, or other structure in the cemetery.
20. *Code, Chapter 6, Art. I, §6-5 Picking, cutting down flowers, plants*
- A. *Description:* No person shall pluck any flowers, shrubs, or plants or cut, destroy, break, remove, or injure any tree, shrub or plant that may have been planted or that may be growing in any of the cemeteries.
21. *Code, Chapter 6, Art. I, §6-6 Burial of Animals*
- A. *Description:* It shall be unlawful to bury the body of any dog or cat or any other animal, fowl, or thing within the cemetery for the interment of human bodies.
22. *Code, Chapter 6, Art. I, §6-7 Trapping or killing animals, birds*
- A. *Description:* No person shall kill or trap in any manner whatever any bird or animal in the cemeteries of the city.
23. *Code, Chapter 6, Art. I, §6-9 Noise, improper conduct*
- A. *Description:* Unlawful for any person to disturb the quiet and good order of any cemetery by noise of any kind or other improper conduct.
24. *Code, Chapter 6, Art. II, §6-23 Water Supply*
- A. *Description:* No person shall be permitted to use any water from the city water supply at any cemetery except with the consent of the enforcement officer.
25. *Code, Chapter 6, Art. II, §6-37 Trespassing*

- A. *Description:* It shall be unlawful for any person to trespass by entering upon the premises of Oakwood Cemetery, Belmont Cemetery and Fourth Creek Cemetery between the hours of 9 PM and 6 AM.
26. Code, Chapter 9, Art. I, §9-2 False alarms
- A. *Description:* No person shall give or cause to be given any false alarm of fire.
27. Code, Chapter 9, Art. I, §9-3 – Obstructing, crowding, interfering at fire site
- A. *Description:* It shall be unlawful for persons to congregate in the streets or squares next to a fire, so as to interfere with the work of the department.
28. Code, Chapter 9, Art. I, §9-4 –Damaging fire hose
- A. *Description:* It shall be unlawful to damage or mutilate any fire hose.
29. Code, Chapter 9, Art. I, §9-5 – Obstructing fire hydrants
- A. *Description:* It shall be unlawful to obstruct any hydrant or fire plug in such manner as to interfere with the easy approach to or the convenient use of such hydrant by the fire department.
30. Code, Chapter 9, Art. I, §9-6 – Climbing on Fire Department Apparatus
- A. *Description:* No person, other than a bona fide member of the fire department or the police department, shall mount any fire engine, wagon or apparatus at any time, unless by permission of the driver or command officer of such engine, wagon, or other apparatus.
31. Code, Chapter 9, Art. I, §9-7 – Closing off streets, lots adjacent to fires
- A. *Description:* It shall be unlawful to cross over or enter enclosures made on streets or lots by the fire or police departments, as they are necessary to fight fires, without the permission of the fire department.
32. Code, Chapter 9, Art. I, §9-8 – Open Burning
- A. *Description:* No person shall intentionally or deliberately set fire to or cause the open burning of any leaves, tree branches, garden space, grasslands, or trash materials inside the corporate limits of the City of Statesville without first obtaining a permit from the office of the fire marshal and complying with all the conditions and instructions set forth in the permit.
33. Code, Chapter 9, Art. I, §9-31 – Premises creating fire hazard; notice to occupant, owner; compliance

- A. *Description:* It shall be unlawful to fail to comply within a reasonable time after the service of any order, which states that someone's building or premises constitutes a fire hazard, for any reason.
34. Code, Chapter 9, Art. I, §9-32 – Taking equipment out of city; agreements with county
- A. *Description:* No fire apparatus shall leave the city without the consent of the city manager or chief of the fire department to be used for any other fire purposes.
35. Code, Chapter 12, Art. III, §12-87 – Interference with
- A. *Description:* No person shall, without lawful authority, attempt to or in fact, alter, deface, injure, knock down or remove any official traffic-control device, sign, or signal.
36. Code, Chapter 12, Art. III, §12-102 – Use of driveways to avoid traffic control signals
- A. *Description:* It shall be unlawful for any driver of a motor vehicle to cut through the driveway of any property to avoid a traffic light. It is also unlawful for any driver of a motor vehicle to make a U-turn when it is not permitted by law.
37. Code, Chapter 12, Art. III, §12-103 – Obedience to no-turn signs
- A. *Description:* Drivers of motor vehicles may not make U-turns when signs are erected indicating that no right or left turn or U-turn is permitted.
38. Code, Chapter 12, Art. III, §12-103.1 – Obedience to right-turn only signs
- A. *Description:* Drivers of motor vehicles shall not disobey directions of right turn only signs.
39. Code, Chapter 12, Art. III, §12-104 – Limitations on turning around
- A. *Description:* Drivers of motor vehicles shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.
40. Code, Chapter 12, Art. III, §12-105 – Motor Vehicles prohibited in public parks; exceptions
- A. *Description:* Drivers of motor vehicles shall not drive within the boundaries of a public park of the city.
41. Code, Chapter 12, Art. III, §12-106 – Play streets
- A. *Description:* Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed

area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

42. Code, Chapter 12, Art. III, §12-107 – Vehicles entering intersections not to obstruct traffic
 - A. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians.
43. Code, Chapter 12, Art. III, §12-108 – Driving through or around railroad crossing barriers
 - A. *Description:* No person shall drive any vehicle through, around and under crossing gate or barrier at a railroad crossing while such gate is closed or is being opened or closed.
44. Code, Chapter 12, Art. III, §12-109 – Manner of riding on motorcycles
 - A. *Description:* No person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and shall not carry any additional people that the motorcycle is not designed to carry.
 - B. Under state law – this is a traffic infraction.
45. Code, Chapter 12, Art. III, §12-110 – One-way streets and alleys
 - A. *Description:* On one-way streets, vehicular traffic must following the indicated direction on the one-way sign.
46. Code, Chapter 12, Art. III, §12-111 – Truck Routes
 - A. *Description:* It shall be unlawful for any person to operate any truck along any route in violation of this section.
47. Code, Chapter 12, Art. VI, §253 – Rental Agencies
 - A. *Description:* A rental agency shall not rent or offer any bicycle for rent unless it is licensed and has a license plate and is supplied with the equipment required by law.
48. Code, Chapter 12, Art. VI, §254 – Dealers, reports of bicycles bought or sold
 - A. *Description:* Every person engaged in the buying or selling of new or secondhand bicycles shall make a report to the police department of every bicycle purchased or sold by such dealer.
49. Code, Chapter 12, Art. VI, §256 – Obedience to traffic control devices
 - A. *Description:* Bicycle operators must obey the instructions of official traffic control signals, signs, and other devices applicable to vehicles.

50. Code, Chapter 12, Art. VI, §257 – Manner of riding – Attached seat; number of persons
 - A. *Description:* Bicycle riders must have a permanent and regular seat attached thereto, and must be used to carry the number of people or less than what the bicycle is designed for.
51. Code, Chapter 12, Art. VI, §258 – Same – roadways and bicycle paths
 - A. *Description:* Sets forth the direction of travel that bicyclist must travel.
52. Code, Chapter 12, Art. VI, §261 – Carrying articles
 - A. *Description:* No person operating a bicycle shall carry any package that keeps them from maintaining at least one hand on the handlebars.
53. Code, Chapter 12, Art. VI, §264 – Altering, changing, destroying frame numbers
 - A. *Description:* No person can propel or ride a bicycle which has had the frame number altered, changed or destroyed.
54. Code, Chapter 12, Art. VI, §273 – Required; compliance by rental agencies
 - A. No person can propel or ride a bicycle on any street or sidewalk unless the bicycle has been registered and a license plate is attached.
55. Code, Chapter 12, Art. VI, §276 – Attachment and removal of license plate' transfer
 - A. *Description:* No person shall transfer a permanent license plate from 1 bicycle to another bicycle, nor shall any person remove a permanent license plate from a bicycle.
56. Code, Chapter 12, Art. VI, §278 – Transfer of ownership
 - A. *Description:* Every person who sells or transfers ownership of any bicycle to report the sale or transfer by returning to the chief of police the license card and the license plate, together with the name of the transferee.
57. Code, Chapter 12, Art. VI, §279 – Destroying, altering license plate or card
 - A. *Description:* It shall be unlawful to destroy, mutilate or alter the license plate or license card of a bicycle.
58. Code, Chapter 12, Art. VI, §303 – Leaving curb, etc., suddenly
 - A. *Description:* No pedestrian shall leave a place of safety to walk or run into the path of a vehicle, which is so that it is impossible for the driver to yield.
59. Code, Chapter 12, Art. VI, §305 – Obedience to bridge and railroad signals

- A. *Description:* No pedestrian shall pas through, around over or under any crossing gate or barrier at a railroad grade crossing or bridge which such gate or barrier is closed or is being opened or closed.
60. *Code, Chapter 12, Art. VIII, §327 – Trains blocking streets*
- A. *Description:* It shall be unlawful for the directing officer of any railroad train to direct operation of or to operate the same in such manner as to prevent the use of any street for purpose of travel for a period of time longer than 5 minutes.
61. *Code, Chapter 12, Art. VIII, §329 – Skates, coasters, similar devices*
- A. *Description:* It shall be unlawful for any person to skate, ride bicycles, or any form of coaster on the sidewalks of the city in the downtown tax district.
62. *Code, Chapter 12, Art. VIII, §330 – Boarding or alighting from moving vehicles*
- A. *Description:* No person shall board or alight from any vehicle while the vehicle is in motion.
63. *Code, Chapter 12, Art. VIII, §331 – Opening and closing vehicle doors*
- A. *Description:* No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so.
64. *Code, Chapter 12, Art. VIII, §332 – Improper manner of riding in vehicles*
- A. *Description:* No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers.
65. *Code, Chapter 12, Art. VIII, §333 – Clinging to vehicles*
- A. *Description:* No person riding on any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.
66. *Code, Chapter 12, Art. VIII, §334 – Quiet Zones*
- A. *Description:* No person shall sound the horn or other warning sound from any vehicle, except in a emergency when in a duly authorized quiet zone.
67. *Code, Chapter 14, Art. II, §11(b) – Defacing pavements, curbstones; posting notices, advertisements on utility poles*
- A. *Description:* Only subsection (b) is a class 3 misdemeanor. It states that it shall be unlawful for any person to post any bill notice of advertising matter on any of the utility poles in the city or within the police jurisdiction thereof.
68. *Code, Chapter 14, Art. II, §12 – Removing, defacing signs*

- A. *Description:* It shall be unlawful for any person to injure, deface or remove any lawfully erected sign belonging to another within the city.
- 69. *Code, Chapter 14, Art. II, §13 – Hanging Banners across streets; permit; city supervision*
 - A. *Description:* It shall be unlawful for any person to place or hand, or cause to be placed or hung, any banner or advertisement across any street in the city at any time, unless a permit shall have first been obtained from the city manager.
- 70. *Code, Chapter 14, Art. II, §14 – Injuring, defacing, posting bills on buildings, walls, or fences*
 - A. *Description:* It shall be unlawful for any person to write, paint, draw, carve or cut any letter, letters, word, words, or device or to in any way mutilate or deface any church, public building, private wall or fence belonging to another, or post any utility bills on the same without the owner's consent.
- 71. *Code, Chapter 14, Art. II, §15 – Injuring, tampering with city-owned property*
 - A. *Description:* It shall be unlawful for any person to injure, deface, mutilate, destroy, tamper with or in anyway injure any public buildings or other property belonging to the city.
- 72. *Code, Chapter 14, Art. II, §16 – Damaging school property*
 - A. *Description:* It shall be unlawful to damage any school building in the city or any furniture therein or to injure the grounds.
- 73. *Code, Chapter 14, Art. II, §20 – Same – on railroad tracks or shops*
 - A. *Description:* It shall be unlawful for any person to loiter or loaf about the railroad tracks or shops or to use the railroad tracks as a public highway.
- 74. *Code, Chapter 14, Art. III, §51 – State of emergency; imposition of restrictions*
 - A. *Description:* It shall be unlawful for anyone to violate the restrictions imposed by the mayor in a proclaimed state of emergency.
- 75. *Code, Chapter 14, Art. IV, §77 – Loitering for the purpose of engaging in drug-related activity*
 - A. *Description:* It shall be unlawful for a person to remain or wander about in a public place in a manner and under circumstances manifesting the purpose to engage in a violation of any subdivision of the North Carolina Controlled Substances Act.
- 76. *Code, Chapter 14, Art. IV, §78 – Public health, safety and welfare at special events*
 - A. *Description:* It shall be prohibited for any person to have within the boundaries of a city event any bicycles, roller skates, skateboards, roller devices, mopeds and other

transportation devices with motor powered or self-propelled. Animals of all types are also prohibited (with exceptions).

77. Code, Chapter 14, Art. V, §100 – Prohibited acts
- A. *Description:* It shall be unlawful for any person to activate burglary, robbery, or fire alarm for the purpose of summoning police/fire when no burglary or robbery, or crime dangerous to life, is being committed or attempted on the premises.
78. Code, Chapter 15, Art. II, §22 – Trespass
- A. *Description:* It shall be unlawful for any person to fail to leave a city recreation facility after having been asked to leave by an employee on account of a violation of the rules and regulations.
79. Code, Chapter 15, Art. II, §23 – Vehicles in parks
- A. *Description:* It shall be unlawful for any vehicles to travel through city recreation facilities except along roadways.
80. Code, Chapter 15, Art. II, §24 – Advertising
- A. *Description:* It shall be unlawful for any person to place or erect any structure, sign, etc. in any recreation facility.
81. Code, Chapter 15, Art. II, §25 – Firearms, air rifles, toy arms
- A. *Description:* It shall be unlawful for any person to possess or discharge any deadly weapon.
82. Code, Chapter 15, Art. II, §26 – Climbing on roof of building
- A. *Description:* It shall be unlawful for any person to climb upon the roof of any recreational building.
83. Code, Chapter 15, Art. II, §27 – Animals running at large; horseback riding
- A. *Description:* It shall be unlawful for the owner or the person in possession to permit any horses, dogs, or other animals to run at large within the city recreation facility except upon designated and marked bridle paths.
84. Code, Chapter 15, Art. II, §28 – Molesting Animals
- A. *Description:* It shall be unlawful for any person to trap, catch, injure, tease, kill or treat cruelly any animal.
85. Code, Chapter 15, Art. II, §29 – Throwing rocks, bottles, dirt

- A. *Description:* It shall be unlawful to throw or otherwise place rocks, bottles, etc. against any city recreation building or facility.
- 86. *Code, Chapter 15, Art. II, §30 – Alcoholic beverages, controlled substances*
 - A. *Description:* It shall be unlawful to possess or consume alcoholic beverages on parks and recreation property.
- 87. *Code, Chapter 15, Art. II, §31 – Littering*
 - A. *Description:* It shall be unlawful for any person to litter at city recreation facilities.
- 88. *Code, Chapter 15, Art. II, §32 – Fires*
 - A. *Description:* It shall be unlawful for any person to make or kindle a fire in or upon any city recreation facility.
- 89. *Code, Chapter 15, Art. II, §33 – Excavations –*
 - A. *Description:* It shall be unlawful for any person to make an excavation in any city recreation facility for any purpose without written permission from the director.
- 90. *Code, Chapter 15, Art. II, §34 – Digging up, cutting, injuring plants*
 - A. *Description:* It shall be unlawful for any person to dig up or injure plants within any city recreation facility within written consent.
- 91. *Code, Chapter 15, Art. II, §35 – Water use other than drinking*
 - A. *Description:* It shall be unlawful for any person to use water in a city recreational building for any purpose except for drinking unless authorized by the director.
- 92. *Code, Chapter 15, Art. II, §36 – Swimming in city lakes*
 - A. *Description:* It shall be unlawful for any person to swim in any lake which is the property of the city.
- 93. *Code, Chapter 15, Art. II, §38 – Fishing prohibited at all times*
 - A. *Description:* It shall always be prohibited to fish at Colliers Lake on Sullivan Road.
- 94. *Code, Chapter 15, Art. II, §39 – Feeding of water fowl*
 - A. *Description:* Feeding of water fowl shall be prohibited on the property owned by the City on and adjacent to Collier's Lake on Sullivan Road.
- 95. *Code, Chapter 15, Art. II, §40 – Ban on registered sex offenders from city parks, greenway trails and recreation facilities*

- A. *Description:* No registered sex offender shall enter into or upon any public park, greenway trail, or recreation facility owned, operated or maintained by the city.
96. *Code, Chapter 22, Art. I, §2 – Procuring cab with intent not to pay fare; presumption*
- A. *Description:* It shall be unlawful to engage the services of any taxicab or other public passenger conveyance with the intention of being transported free or not intending at the time to pay the usual fare for such transportation.
97. *Code, Chapter 23, Art. I, §8 – Tampering with water meters or electric meters*
- A. *Description:* No person shall in any way tamper with the city electric or water meters.
98. *Code, Chapter 23, Art. III, §60 – Meters – Required*
- A. *Description:* No person shall use water from the city water main without first having a meter installed.
99. *Code, Chapter 23, Art. III, §65 – Private Use of water from city water main*
- A. *Description:* It shall be unlawful for any person to use or take water from the city water main in any way for private use.
100. *Code, Chapter 23, Art. III, §66 – Use of fire hydrants*
- A. *Description:* No person – except those authorized – shall take water from any public fire hydrant.
101. *Code, Chapter 23, Art. IV, §152 – Unauthorized connections, tampering; causing injury to facilities*
- A. *Description:* No person shall uncover the sanitary sewer for any purpose, or make any connection therewith, or open any manhole or flush tank, except with the permission of the director or his duly authorized representative.
- B. No person shall do, or cause to be done, any injury to the wastewater treatment system or storm sewers.
102. *Code, Chapter 23, Art. IV, §153 – Stormwater, surface water, groundwater, roof runoff, subsurface drainage*
- A. *Description:* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff or subsurface drainage into any sanitary sewer.
103. *Code, Chapter 23, Art. IV, §183 – Prohibited discharge standards*
- A. *Description:* No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass-through.

104. Code, Chapter 23, Art. IV, §199 – Wastewater dischargers
- A. *Description:* It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the City of Statesville. Pursuant to NCGS 143-215.6(B)(f) and Sec. 23-221 of the City Code, this provision can be criminally enforced.
105. Code, Chapter 23, Art. IV, §200 – Wastewater permits
- A. *Description:* This provision sets forth how a wastewater permit must be obtained, and when the permit must be obtained. Pursuant to NCGS 143-215.6(B)(f) and Sec. 23-221 of the City Code, this provision can be criminally enforced if someone fails to comply.
106. Code, Chapter 23, Art. IV, §201 – Baseline monitoring reports
- A. *Description:* This provision sets forth a reporting requirement for discharge users. Pursuant to NCGS 143-215.6(B)(f) and Sec. 23-221 of the City Code, this provision can be criminally enforced for noncompliance.
107. Code, Chapter 23, Art. IV, §202 – Compliance schedule progress reports
- A. *Description:* This provision sets forth a schedule for progress reporting requirements for discharge users. Pursuant to NCGS 143-215.6(B)(f) and Sec. 23-221 of the City Code, this provision can be criminally enforced for noncompliance.
108. Code, Chapter 23, Art. IV, §203 – Reports on compliance with categorical standard deadline
- A. *Description:* This provision sets forth a pretreatment reporting requirement for discharge users. Pursuant to NCGS 143-215.6(B)(f) and Sec. 23-221 of the City Code, this provision can be criminally enforced for noncompliance.
109. Code, Chapter 23, Art. IV, §204 – Periodic compliance reports
- A. *Description:* This provision sets forth a pretreatment reporting requirement for discharge users. Pursuant to NCGS 143-215.6(B)(f) and Sec. 23-221 of the City Code, this provision can be criminally enforced for noncompliance.
110. Code, Chapter 23, Art. IV, §205 – Reports of changed conditions
- A. *Description:* This provision sets forth a pretreatment reporting requirement for discharge users when there has been a changed condition. Pursuant to NCGS 143-215.6(B)(f) and Sec. 23-221 of the City Code, this provision can be criminally enforced for noncompliance.
111. Code, Chapter 23, Art. IV, §206 – Reports of potential problems

- A. *Description:* This provision sets forth a pretreatment reporting requirement for discharge users. Pursuant to NCGS 143-215.6(B)(f) and Sec. 23-221 of the City Code, this provision can be criminally enforced for noncompliance.
- 112. *Code, Chapter 23, Art. IV, §207 – Reports from unpermitted users*
 - A. *Description:* This provision sets forth a pretreatment reporting requirement for discharge users. Pursuant to NCGS 143-215.6(B)(f) and Sec. 23-221 of the City Code, this provision can be criminally enforced for noncompliance.
- 113. *Code, Chapter 23, Art. IV, §213 – Record Keeping*
 - A. *Description:* This provision sets forth a pretreatment requirement for discharge users to maintain records. Pursuant to NCGS 143-215.6(B)(f) and Sec. 23-221 of the City Code, this provision can be criminally enforced for noncompliance.
- 114. *Code, Chapter 23, Art. IV, §215 – Monitoring facilities*
 - A. *Description:* This provision sets forth a requirement for discharge users to provide and operate monitoring facilities to allow inspection, sampling, and flow measurement. Pursuant to NCGS 143-215.6(B)(f) and Sec. 23-221 of the City Code, this provision can be criminally enforced for noncompliance.
- 115. *Code, Chapter 23, Art. IV, §216 – Inspection and sampling*
 - A. This provision sets forth a requirement for discharge users to allow the City of Statesville. Pursuant to NCGS 143-215.6(B)(f) and Sec. 23-221 of the City Code, this provision can be criminally enforced for noncompliance.
- 116. *Code, Chapter 24, §24-6 – Trimming, pruning, planting and removal of trees on city property or right of way; permit required*
 - A. *Description:* No person shall remove, destroy, cut, prune (including the root system) or otherwise any tree or shrub having its trunk in or upon any city property or street or contract with another person to perform such acts without first obtaining a written permit of the city manager. Further, no person shall plant or contract with another to plant any tree or shrub in any public street right of way or city property without a permit from the city.
- 117. *Code, Chapter 24, §24-7 – Injuring trees or shrubbery on city property or right-of-way*
 - A. *Description:* It shall be unlawful for any person to place or maintain upon the ground in any public street or city property any compacted stone, cement or other impervious matter or substance in such manner as may obstruct the free access of air and water to the roots of any tree or shrub on any such street or place. No person shall perform or contract with another to be performed construction work within the critical root zone of

any rare or specimen tree having its trunk on any public street or city property without first obtaining a permit. It shall be unlawful for any person to attach any object to any tree or shrub on any public street or city property.

Sec. 2-76. - Treatment of dishonored checks; fee; imposition of cash payment only.

If any person shall deliver to the city a check in payment of any debt due to or for any goods or services furnished by the city, and the check is not honored by the bank upon presentment, due to the status of drawer's account and not for any error made by the bank or the city or by the drawer in making the check, then the city treasurer or appropriate department head shall charge the offending drawer a fee in the amount established by the council to help defray the cost of collection. If any person is charged such fee three (3) times or more, the city treasurer or appropriate department head shall require that further payments be made by cash, certified check or money order.

(Code 1959, § 2-30)

Sec. 4-4. - Height limitations.

- (a) No structure or tree shall be erected, altered, allowed to grow or maintained in any of the zones to a height in excess of the applicable height limit herein established for such zones, as depicted on the height zoning map referred to in section 4-3. Structures and/or trees that exceed the height limitations established for each zone in this article are hereby determined to be airport hazards. Except for the City of Statesville, the property owner of a tree determined to be an airport hazard shall not be responsible for bringing such tree into conformance with this article.
- (b) In addition to the height limitations defined in this section, any structure or tree that would cause a minimum obstruction clearance altitude (MOCA), minimum descent altitude (MDA), or a decision height (DH) for Statesville Regional Airport to be raised is hereby determined to be an airport hazard.
- (c) Notwithstanding any other provision of this article, any structure or tree that exceeds the following height limitations within the jurisdictional limits of the city shall be considered an airport hazard:
 - (1) A height of five hundred (500) feet above ground level at the site of the structure.
 - (2) A height that is two hundred (200) feet above ground level, or the established airport elevation, whichever is higher, within three (3) nautical miles of the established airport reference point.

(Ord. No. 9-04, 4-19-04; Ord. No. 67-07, 12-17-07)

Sec. 4-5. - Use restrictions.

Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this article in such a manner as to create electrical interference with the operation of airborne aircraft. The following special requirements shall apply to each permitted use:

- (1) All lights, lasers or illumination used in conjunction with streets, parking, signs, or use of land, and structures, shall be arranged and operated in such a manner so that it is not misleading or dangerous to aircraft operating from the airport or in the vicinity thereof.
- (2) No operations or use of land of any type shall produce smoke, glare or other visual hazards which impair the visibility in the vicinity of the airport, create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.
- (3) No operations or use of land of any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

(Ord. No. 9-04, 4-19-04; Ord. No. 67-07, 12-17-07)

Sec. 4-8. - Permits.

- (a) *Permit requirements.* No person shall erect or alter any structure within the airport zones without first applying for and receiving a permit in accordance with the provisions of this article. A person shall be required to obtain a permit whenever a structure or tree exceeds the following height limitations:
- (1) Any construction or alteration of a structure that is two hundred (200) feet above ground level or greater at its site.
 - (2) Any construction or alteration of a structure or tree that exceeds an imaginary surface extending outward and upward from the nearest point of the nearest runway at the airport, at a slope of one hundred (100) feet horizontally for every one (1) foot vertically, for a horizontal distance of twenty thousand (20,000) feet.
- (b) When compliance with the aerial contour height limits cannot be clearly established without further information, the zoning administrator may require that the permit include, but not be limited to, the ground elevation of the area in question with certification by a registered land surveyor or professional engineer.
- (c) Each applicant for a permit shall include as an attachment to the application an airspace determination issued by the FAA pursuant to the requirements of 14 CFR Part 77, and a copy of FAA Form 7460.
- (d) The regulations prescribed in this article shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the article, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this section shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration was begun prior to the effective date of this article from which this section is derived, and is diligently prosecuted.
- (e) Any person desiring to erect or increase the height of any structure or tree, or use their property not in accordance with the regulations prescribed in this article, may apply to the board of adjustment for a variance from such regulations. Such variances may be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or undue hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the intent of this article. Any variances granted shall require the owner to mark and light the structure in accordance with FAA Advisory Circular 70-7460-1 or subsequent revisions.
-

(Ord. No. 9-04, 4-19-04; Ord. No. 67-07, 12-17-07)

Sec. 4-31. - Licensed operators only.

Only aircraft and airmen licensed by the government of the United States shall operate on or over the municipal airport; provided, however, that this restriction shall not apply to public aircraft of the federal government, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.

(Code 1959, § 2-97)

Sec. 4-32. - Operation must conform with article; licensing of instructors.

- (a) No person shall navigate any aircraft over, land upon or fly the same from, or service, maintain or repair any aircraft on the municipal airport, or conduct any aircraft operations on or from the airport, otherwise than in conformity with this article and the requirements of the federal government agency having jurisdiction thereof.
- (b) No person will be allowed to give flying instructions or student training on or from the municipal airport without first obtaining a pilot's license with appropriate rating classification and a flight instructor certificate issued by the federal government.

(Code 1959, § 2-98)

Sec. 4-33. - Register of employees, students; management of the public.

- (a) The name, address, telephone number and nature of business or occupation of all persons stationed or employed upon the municipal airport property or receiving instruction or operating therefrom shall be registered at the office of the airport manager.
- (b) The airport manager shall at all times have authority to take such action as may be necessary in the handling, conduct and management of the public in attendance at the airport.

(Code 1959, § 2-99)

Sec. 4-34. - Closing of landing areas and runways.

Any parts of the landing areas or runways of the municipal airport temporarily unsafe or unavailable will be clearly marked, both day and night, with standard obstruction markers and, when so marked, are not to be used.

(Code 1959, § 2-102)

Sec. 4-35. - Accidents; reports.

Attaches of the municipal airport who witness or participate in aircraft accident will be required to render a prompt detailed report to the airport manager's office, together with the names and addresses of all witnesses.

(Code 1959, § 2-103)

Sec. 4-38. - Air traffic control.

All pilots and operators shall obey, follow and conform to any visual or other system which may be established for control of air traffic into and from the municipal airport.

(Code 1959, § 2-107(a))

Sec. 4-39. - Disposal of wrecked aircraft.

The aircraft owner, his pilot or agent, shall be responsible for the prompt disposal of wrecked aircraft and the parts thereof to avoid all interference with field operations, unless directed to delay such action pending investigation of the accident.

(Code 1959, § 2-107(b))

Sec. 4-40. - Property damage due to carelessness, negligence.

All pilots, lessees and others using any part of the municipal airport will be accountable for any property damage caused by carelessness or negligence on or over the municipal airport.

(Code 1959, § 2-107(c))

Sec. 4-41. - Fire regulations.

The following fire regulations will apply at the municipal airport:

- (1) All persons and tenants using any or part of the airport or the facilities of the airport shall exercise the utmost care to guard against fire or injury to persons or property.
- (2) No person shall smoke within fifty (50) feet of any aircraft gasoline truck or fuel pump.
- (3) No aircraft shall be fueled while the engine is running.
- (4) All aircraft shall be positively grounded when being serviced with fuel.
- (5) All operators must provide first-aid and emergency firefighting equipment.

(Code 1959, § 2-108)

Sec. 4-43. - Operational procedures—Ground.

The following ground operational procedures shall apply at the municipal airport:

- (1) The loading apron is not to be used for landing or taking off. This restriction applies to all aprons and taxi strips around the adjoining hangars.

- (2) In testing or warming-up motors, the wheel brakes must be locked, or blocks with ropes attached must be placed against the wheels of the undercarriage.
- (3) It will be the duty of all attaches of this airport to instruct and warn uninitiated persons of the danger of moving propellers and aircraft.
- (4) After landing, all aircraft are to be taxied to the line or base of operation.
- (5) When testing motors, pilots will so point their aircraft as not to bring buildings or spectators in the propeller stream.
- (6) Engines are not to be started and/or run unless a qualified pilot or competent mechanic is in the aircraft attending the controls.
- (7) Aircraft loitering on landing area is prohibited. All aircraft taxiing out to the takeoff area shall use all available runways and take off immediately. Aircraft testing engines or engaging in student conversation shall be parked facing incoming traffic, well off the landing area or at the edge of the field.
- (8) Unhoused aircraft must be parked in the space allotted therefor and, when left unattended overnight or during treacherous weather conditions, must be properly secured to the ground by ropes, stakes and/or other adequate devices.

(Code 1959, § 2-110)

Sec. 4-44. - Same—Flying.

- (a) All aircraft traveling in or around the municipal airport shall operate same in accordance with state law and the rules and regulations of the Federal Aviation Administration.
- (b) Experimental and test flying will be permitted, but only upon previous arrangement and with the approval of the airport commission and in compliance with applicable published Federal Aviation Administration regulations.
- (c) Acrobatic flying will be permitted, but only upon previous arrangement and with the approval of the airport commission and in compliance with applicable published Federal Aviation Administration regulations.
- (d) Experimental and exhibition parachute jumping will be permitted only on previous arrangement and with the approval of the airport commission and in compliance with applicable published Federal Aviation Administration regulations.
- (e) The operation or flying of model aircraft on the municipal airport property is expressly prohibited without the permission of the airport manager. The airport manager may designate areas, hours of operation, or other requirements for the operation of flying model aircraft and may authorize such under conditions where the safety of persons and property will not be jeopardized.

(Code 1959, § 2-111)

Sec. 6-1. - Interment within cemeteries only.

It shall be unlawful for any person to inter or bury or cause to be buried the body of any deceased person at any place within the city other than in the municipal cemetery or such other cemetery as has been lawfully established.

(Code 1959, § 6-8)

Sec. 6-2. - Privately owned cemeteries.

It shall be unlawful for any person to establish any privately owned and operated cemetery within the city without first obtaining from the city council a permit or right to do so. Anyone violating this section shall be guilty of a misdemeanor.

(Code 1959, § 6-9)

Sec. 6-3. - Ingress and egress.

No person shall enter any cemetery or go out therefrom except at the entrances and exits provided for ingress and egress.

(Code 1959, § 6-10)

Sec. 6-4. - Injuring, defacing, removing gravemarkers, monuments, fences.

- (a) No person shall in any way disturb any grave or injure, deface, pull up or remove anything put up or placed to mark a grave.
- (b) No person shall destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure in the cemeteries; or any fence, railing or other object built for the protection or ornamentation of any lot, tomb, monument, grave or other structure or built for the protection or ornamentation of the cemeteries.

(Code 1959, §§ 6-25, 6-26)

State Law reference— Desecrating graves, G.S. § 14-148 et seq.

Sec. 6-5. - Picking, cutting down flowers, plants.

It shall be unlawful for any person to willfully pluck any flowers, shrubs or plants or to cut, destroy, break, remove or injure any tree, shrub or plant that may have been planted or that may be growing in any of the cemeteries.

(Code 1959, § 6-24)

Sec. 6-6. - Burial of animals.

It shall be unlawful to bury the body of any dog, cat or any other animal, fowl or thing within any cemetery for the interment of human bodies used as a cemetery and place of interment by the city.

(Code 1959, § 6-27)

Sec. 6-7. - Trapping or killing animals, birds.

No person shall kill or trap in any manner whatever any bird or animal in the cemeteries of the city.

(Code 1959, § 6-28)

Sec. 6-9. - Noise, improper conduct.

It shall be unlawful for any person to disturb the quiet and good order of any cemetery by noise of any kind or other improper conduct; or to refuse to leave the cemetery when notified to do so, for any disturbance, improper conduct or other violations of the regulations. Any person violating this section may be ejected from the grounds.

(Code 1959, § 6-30)

Sec. 6-23. - Water supply.

The water supply at city cemeteries shall be and remain under the absolute control of the enforcement officer. No person shall be permitted to use any water from the city water supply at any cemetery except with the consent of the enforcement officer.

(Code 1959, § 6-4)

Sec. 6-37. - Trespassing.

It shall be unlawful for any person to trespass by entering upon the premises of Oakwood Cemetery, Belmont Cemetery and Fourth Creek Burying Grounds between the hours of 9:00 p.m. and 6:00 a.m.

(Code 1959, § 6-31)

Sec. 9-2. - False alarms.

No person shall give or cause to be given any false alarm of fire.

(Code 1959, § 8-26)

State Law reference— False alarms, G.S. § 14-286.

Sec. 9-3. - Obstructing, crowding, interfering at fire site.

It shall be unlawful for persons to congregate in the streets or squares next to a fire, so as to interfere with the work of the department, or for any person to interfere with any member of the fire department or to obstruct the work of the fire department in any way, at or during a fire or while answering an alarm of fire.

(Code 1959, § 8-27)

Sec. 9-4. - Damaging fire hose.

It shall be unlawful to damage or mutilate any fire hose.

(Code 1959, § 8-28)

State Law reference— Driving over fire hose, G.S. § 20-157.

Sec. 9-5. - Obstructing fire hydrants.

It shall be unlawful to obstruct any hydrant or fire plug in such manner as to interfere with the easy approach to or the convenient use of such hydrant by the fire department.

(Code 1959, § 8-29)

State Law reference— Blocking firefighting apparatus, G.S. § 20-157.)

Sec. 9-6. - Climbing on fire department apparatus.

No person, other than a bona fide member of the fire department or the police department, shall mount any fire engine, wagon or apparatus at any time, unless by permission of the driver or officer in command of such engine, wagon or other apparatus.

(Code 1959, § 8-17)

Sec. 9-7. - Closing off streets, lots adjacent to fires.

The fire and police departments are authorized to lay off by rope or otherwise such portions of the streets or lots adjacent thereto as may be deemed necessary for properly fighting any fire, and it shall be unlawful to cross over or enter such enclosure without the permission of the police or fire department.

(Code 1959, § 8-23)

Sec. 9-8. - Open burning.

No person shall intentionally or deliberately set fire to or cause the open burning of any leaves, tree branches, garden space, grasslands, or trash materials inside the corporate limits of the City of Statesville without first obtaining a permit from the office of the fire marshal and complying with all the conditions and instructions set forth in the permit.

(Ord. No. 17-90, 5-21-90)

Sec. 9-31. - Premises creating fire hazard; notice to occupant, owner; compliance.

- (a) Whenever the chief of the fire department finds that any building or any premises constitutes a fire hazard, for any reason, he shall serve or cause to be served upon the owner and the occupant of such building a written notice specifying the condition complained of, ordering such condition to be remedied promptly, and indicating what is considered a reasonable time for compliance with such order.
- (b) The service of any order as provided by subsection (a) may be made on the occupant of the premises to whom it is directed either by delivering a copy of the same to the occupant personally or by delivering the same to and leaving it with any person in charge of such premises or, in case no person is found upon such premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. In case the owner of the premises is some person other than the occupant thereof, service of the notice may be made by delivering a copy to such owner personally or by mailing the copy to his last known address. If the occupant or owner is a partnership, service upon any partner shall be sufficient; and if a corporation, upon any officer or any local agent thereof. Such notice may be served by any police officer.
- (c) It shall be unlawful to fail to comply within a reasonable time after the service of any order with the requirements thereof.

(Code 1959, §§ 8-12—8-14)

Sec. 9-32. - Taking equipment out of city; agreements with county.

No fire apparatus shall leave the city without the consent of the city manager or be used for other than fire purposes without the consent of the chief of the fire department or the city manager; provided, that this section shall not apply to any agreements now existing or which may be made in the future between the city and the county relative to the taking of equipment outside the corporate limits of the city.

(Code 1959, § 8-18)

State Law reference— Fire calls beyond city, G.S. §§ 69-40,160A-293.

Sec. 12-87. - Interference with.

No person shall, without lawful authority, attempt to or in fact, alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

(Code 1959, § 13-37)

Sec. 12-102. - Use of driveways to avoid traffic control signals.

It shall be unlawful for any driver of a motor vehicle to cut through the driveway of any property to avoid a traffic light. It shall be unlawful for the driver of any motor vehicle to operate the same at a street intersection where authorized signs are erected indicating that no right or left turn or U-turn is permitted by driving the same through the driveway of any property to avoid such signs; provided, however, that this provision shall not apply to the driver of any motor vehicle in driving the same onto the premises of any property for the purpose of conducting business on said premises. Any person violating the provisions of this section shall be guilty of a misdemeanor.

(Code 1959, § 13-95; Ord. No. 27-97, 6-16-97)

Sec. 12-103. - Obedience to no-turn signs.

Whenever authorized signs are erected indicating that no right or left turn or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(Code 1959, § 13-135)

Sec. 12-103.1. - Obedience to right-turn only signs.

Whenever authorized signs are erected indicating that right-hand turns only are permitted, no driver of a vehicle shall disobey the directions of any such sign.

Right-turn only:

Sherwood Lane

Eastbound at U.S. 21 (Sullivan Road).

Eastbound at U.S. 64 (Davie Avenue).

(Ord. No. 18-05, 6-6-05; Ord. No. 19-05, 6-6-05)

Sec. 12-104. - Limitations on turning around.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

(Code 1959, § 13-138)

Sec. 12-105. - Motor vehicles prohibited in public parks; exceptions.

The driver of any motor vehicle shall not drive within the boundaries of a public park of the city. This shall not prohibit operation of same within boundaries of any public streets in such parks.

(Code 1959, § 13-96)

State Law reference— Driving on sidewalk prohibited, G.S. § 20-160.

Sec. 12-106. - Play streets.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Code 1959, § 13-39)

Sec. 12-107. - Vehicles entering intersections not to obstruct traffic.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(Code 1959, § 13-118)

Sec. 12-108. - Driving through or around railroad crossing barriers.

No person shall drive any vehicle through, around and under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(Code 1959, § 13-119(b))

Sec. 12-109. - Manner of riding on motorcycles.

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

(Code 1959, § 13-104)

State Law reference— Motor passengers, helmets, etc., G.S. § 20-140.4.

Sec. 12-110. - One-way streets and alleys.

Upon those streets and parts of streets and in those alleys designated as one-way streets and alleys vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(Code 1959, § 13-121)

Sec. 12-111. - Truck routes.

- (a) The city council shall have the authority to declare any street or part thereof a truck route. When signs have been installed pursuant to this section, trucks shall travel to their point of destination or from their point of origin to and from the nearest truck route and shall use the truck routes exclusively except when making pickups or deliveries at their points of destination or points of origin.
- (b) The word "truck" as used in this section shall mean any vehicle having dual rear tires on one (1) axle.
- (c) It shall be unlawful for any person to operate any truck along any route in violation of this section.

(Code 1959, §§ 13-123.1, 13-123.3)

Sec. 12-253. - Rental agencies.

A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate is attached thereto as provided herein and such bicycle is supplied with the equipment required by law.

(Code 1959, § 13-56)

Sec. 12-254. - Dealers; reports of bicycles bought or sold.

Every person engaged in the business of buying or selling new or secondhand bicycles shall make a report to the police department of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof, and the number of license plate, if any, found thereon.

(Code 1959, § 13-57)

Sec. 12-256. - Obedience to traffic-control devices.

- (a) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other devices applicable to vehicles, unless otherwise directed by a police officer.
- (b) Whenever authorized signs are erected indicating that no right or left turn or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

(Code 1959, § 13-59)

Sec. 12-257. - Manner of riding—Attached seat; number of persons.

- (a) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.

(Code 1959, § 13-60)

Sec. 12-258. - Same—Roadways and bicycle paths.

- (a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (b) Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
- (c) Whenever a usable path for bicycles has been provided adjacent to a roadway bicycle riders shall use such path and shall not use the roadway.

(Code 1959, § 13-61)

Sec. 12-261. - Carrying articles.

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one (1) hand upon the handlebars.

(Code 1959, § 13-64)

Sec. 12-264. - Altering, changing, destroying frame numbers.

No person shall have in his possession or ride or propel a bicycle on any street, sidewalk, alleyway, any other public way, or upon any public path set aside for the exclusive use of bicycles within the city, a bicycle which has had the frame number altered, changed or destroyed.

(Code 1959, § 13-52(a))

Sec. 12-273. - Required; compliance by rental agencies.

No person shall ride or propel a bicycle on any street, sidewalk, alleyway, any other public way, or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been registered and a license plate is attached thereto as provided herein.

(Code 1959, § 13-49)

Sec. 12-276. - Attachment and removal of license plate; transfer.

- (a) The license plate issued pursuant to this division shall bear the license number assigned to the bicycle and the name of the city.
- (b) The police department shall cause such license plate to be firmly attached to the bicycle for which issued in such a manner as to be plainly visible.
- (c) No person shall transfer a permanent license plate from one (1) bicycle to another bicycle. Nor shall any person remove a permanent license plate from a bicycle for which the license plate was issued, except that if the bicycle is dismantled and/or no longer operated within the city where a license plate is needed, the person in whose name the bicycle is registered shall return to the police department his license plate for the bicycle.

(Code 1959, § 13-53)

Sec. 12-278. - Transfer of ownership.

It shall be the duty of every person who sells or transfers ownership of any bicycle to report the sale or transfer by returning to the chief of police the license card and the license plate, together with the name and address of the transferee, if applicable. The report must be made within five (5) days of the transfer. It shall be the duty of the transferee to apply for a transfer of registration within five (5) days of the date of the transfer.

(Code 1959, § 13-55)

Sec. 12-279. - Destroying, altering license plate or card.

It shall be unlawful to destroy, mutilate or alter the license plate or license card; provided, that nothing herein shall be construed to prohibit the chief of police from stamping the numbers on bicycle frames for identification purposes, or from removing or destroying license plates and license cards if necessary to comply with the provisions of this article.

(Code 1959, § 13-52(b))

Sec. 12-303. - Leaving curb, etc., suddenly.

No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(Code 1959, § 13-69(b))

Sec. 12-305. - Obedience to bridge and railroad signals.

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

(Code 1959, § 13-74)

Sec. 12-327. - Trains blocking streets.

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching.

(Code 1959, § 13-106)

Sec. 12-329. - Skates, coasters, similar devices.

- (a) It shall be unlawful for any person to skate, ride bicycles or any form of coaster on the sidewalks of the city in the downtown tax district. It shall be unlawful for any person to skate upon any traveled portion of the roadway of any street or dedicated alleyway or on any municipal parking lot in the downtown tax district.
- (b) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go on any roadway except while crossing a street at an intersection or on

crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

- (c) This section shall not apply upon any street while set aside as a play street as authorized by ordinance.
- (d) This section shall not apply to police officers using bicycles or other specialized modes of transportation when used for law enforcement purposes.

(Code 1959, §§ 13-21, 13-24; Ord. No. 39-97, 8-4-97; Ord. No. 56-08, 12-15-08; Ord. No. 16-11, 6-20-11)

Sec. 12-330. - Boarding or alighting from moving vehicles.

No person shall board or alight from any vehicle while the vehicle is in motion.

(Code 1959, § 13-99)

Sec. 12-331. - Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(Code 1959, § 13-100)

Sec. 12-332. - Improper manner of riding in vehicles.

- (a) No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.
- (b) No person, when riding in any vehicle, shall allow any part of his body to protrude beyond the limits of the vehicle in which he is riding, except to give signals as required by law.

(Code 1959, §§ 13-101, 13-102)

Sec. 12-333. - Clinging to vehicles.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

(Code 1959, § 13-105)

Sec. 12-334. - Quiet zones.

Whenever authorized signs are placed, erected or installed indicating a zone of quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of any vehicle, except in an emergency.

(Code 1959, § 13-109)

Sec. 14-11. - Defacing pavements, curbstones; posting notices, advertisements on utility poles.

- (a) It shall be unlawful for any person to write, paint or print any letters, figures, signs, devices, pictures or marks on any of the pavements or curbstones of the city. This subsection shall not apply to traffic regulatory markings required or authorized by ordinance.
- (b) It shall be unlawful for any person to post any bill, notice or advertising matter on any of the utility poles in the city or within the police jurisdiction thereof.

(Code 1959, §§ 14-4, 14-24)

State Law reference— Unlawful posting of advertisements, G.S. § 14-145.

Sec. 14-12. - Removing, defacing signs.

It shall be unlawful for any person to injure, deface or remove any lawfully erected sign belonging to another within the city.

(Code 1959, § 14-6)

Sec. 14-13. - Hanging banners across streets; permit; city supervision.

It shall be unlawful for any person to place or hang, or cause to be placed or hung, any banner or advertisement across any street in the city at any time, unless a permit shall have been first obtained from the city manager. All such banners shall be installed under the supervision of the director of electric utilities and that department.

(Code 1959, § 14-7)

Sec. 14-14. - Injuring, defacing, posting bills on buildings, walls or fences.

It shall be unlawful for any person to write, paint, draw, carve or cut any letter, letters, word, words or device, or to in any way mutilate or deface any church, public building, private wall or fence belonging to another, or post any bills on the same without the owner's consent.

(Code 1959, § 14-21)

State Law reference— Unlawful posting of advertisements, G.S. § 14-145; injuring houses, churches, fences and walls, G.S. § 14-144; injuring buildings or fences, G.S. § 14-159.

Sec. 14-15. - Injuring, tampering with city-owned property.

- (a) It shall be unlawful for any person to injure, deface, mutilate, destroy, tamper with or in anywise injure any public buildings or other property belonging to the city.
- (b) It shall be unlawful for any person to wantonly break, injure, deface or misplace any of the

street signboards, lamps, lampposts, light poles, telephone or telegraph poles or wires, in any manner whatsoever, belonging to or placed within the city, or to break or injure any fountain, hydrant, water fixtures, or other property belonging to the city or located within the same.

(Code 1959, §§ 14-22, 14-23)

State Law reference— Malicious injury to real property, G.S. § 14-127; injury to public buildings, G.S. § 14-132; injury to houses, churches, fences and walls, G.S. § 14-144; injuring personal property, G.S. § 14-160; injuring wires, fixtures, etc., of telephone and power companies, G.S. §§ 14-154, 14-156.

Sec. 14-16. - Damaging school property.

It shall be unlawful to deface, despoil or otherwise injure or damage any school building in the city or any furniture or fixtures therein or to commit any injury, waste or depredation upon the grounds of any schoolhouse or building or to injure in any way any flowers, trees or shrubbery upon any schoolgrounds or at or near any schoolhouse or building.

(Code 1959, § 14-25)

State Law reference— Malicious injury to real property, G.S. §§ 14-127, 14-128; injury to public buildings, G.S. § 14-132; injuring houses, churches, fences and walls, G.S. § 14-144; injuring personal property, G.S. § 14-160.

Sec. 14-20. - Same—On railroad tracks or shops.

It shall be unlawful for any person to loiter or loaf about the railroad tracks or shops or to use the railroad tracks as a public highway. The provisions of this section shall in no way abridge, limit or affect the right of the public to use the tracks or other property of any railroad company in cases where such tracks or other property are in or upon the public highways of the city.

(Code 1959, § 14-16)

Sec. 14-51. - State of emergency; imposition of restrictions.

- (a) A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, civil disturbance, catastrophe or for any other reasons, municipal public safety authorities are unable to maintain public order or afford adequate protection for life, safety, health, welfare or property.
- (b) In the event of a state of emergency threatening or endangering the lives, safety, health and welfare of the people within the city, or threatening damage to or destruction of property, the mayor of the city is authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency and, in order to more effectively protect the lives, safety and property of people within the city impose restrictions upon:

- (1) Movements of people in public places;
 - (2) The operation of offices, business establishments and other places to or from which people may travel or at which they may congregate;
 - (3) The possession, transportation, sale, purchase and consumption of alcoholic beverages;
 - (4) The possession, transportation, sale, purchase, storage and use of dangerous weapons and substances, and gasoline;
 - (5) Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.
- (c) The mayor is authorized and empowered to limit the application of such restrictions to any area specifically designated and described within the jurisdiction of the city and to specific hours of the day or night; and to exempt from the restrictions police officers, firefighters, doctors, nurses and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the city.
- (d) The mayor shall proclaim the end of such state of emergency and restrictions as soon as circumstances warrant or when directed to do so by the city council.
- (e) The city council shall be notified within twenty-four (24) hours after a state of emergency has been proclaimed by the mayor.
- (f) During the existence of a proclaimed state of emergency it shall be unlawful for any person to violate the restrictions imposed by the mayor.

(Code 1959, § 14-50; Ord. No. 3-03, 2-18-03)

State Law reference— Ordinance dealing with state of emergency authorized, G.S. § 14-288.12.

Sec. 14-77. - Loitering for the purpose of engaging in drug-related activity.

- (a) For the purposes of this section, "public place" means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility, or the doorways and entranceways to any building which fronts on any of those places, or a motor vehicle in or on any of those places, or any property owned by the City of Statesville.
- (b) For the purposes of this section, a "known unlawful drug user, possessor, or seller" is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any of the substances referred to in the North Carolina Controlled Substances Act, Chapter 90, Article 5 of the North Carolina General Statutes, or has been convicted of any violation of any substantially similar laws of any political subdivision of this state or of any other state or of federal law,
- (c) It shall be unlawful for a person to remain or wander about in a public place in a manner and

under circumstances manifesting the purpose to engage in a violation of any subdivision of the North Carolina Controlled Substances Act, North Carolina General Statutes, Chapter 90, Article 5. Such circumstances shall include:

- (1) Repeatedly beckoning to, stopping, or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation; or
 - (2) Repeatedly stopping or attempting to stop motor vehicles; or
 - (3) Repeatedly interfering with the free passage of other persons; or
 - (4) Such person is a known unlawful drug user, possessor, or seller; or
 - (5) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaged in an unlawful drug-related activity; or
 - (6) Such person repeatedly passes to or receives from passers-by, whether on foot or in a vehicle, money or objects; or
 - (7) Such person takes flight upon the approach or appearance of a police officer; or
 - (8) Such person is at a location frequented by persons who use, possess, or sell drugs; or
 - (9) Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or is known to be or have been involved in drug-related activities.
- (d) A violation of any provisions of this section shall subject the offender to the penalties of a fifty dollar (\$50.00) fine, or thirty (30) days incarceration, or both.
- (e) If any subsection, paragraph, sentence, clause, phrase, or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions thereof.

(Ord. No. 47-89, 11-20-89)

Sec. 14-78. - Public health, safety and welfare at special events.

It shall be prohibited for any person to have within the boundaries of any city sponsored, supported and/or approved event any bicycles, roller skates, skateboards, roller devices, mopeds and other transportation devices whether motor powered or self-propelled. Animals of all types, not restricted to dogs, cats, snakes, rodents, etc. are also prohibited within the boundaries of the events.

These restrictions do not apply to dogs associated with law enforcement operations or visually impaired persons, handicapped persons using motorized or nonmotorized wheelchairs, and baby strollers used to transport shall children. This section does not pertain to any of the aforementioned when such is a registered or sanctioned part or function of the event sponsors. A violation of any provisions of this section shall subject the offender to criminal penalties of a fifty dollar (\$50.00) fine, or thirty (30) days incarceration, or both.

(Ord. No. 22-95, 6-5-95)

Sec. 14-100. - Prohibited acts.

It shall be unlawful for any person to activate a burglary, robbery or fire alarm for the purpose of summoning police/fire when no burglary or robbery, or crime dangerous to life, is being committed or attempted on the premises, no evidence of fire or smoke or otherwise to cause a false alarm.

(Ord. No. 46-94, 10-3-94)

Sec. 15-22. - Trespass.

- (a) All employees of the parks and recreation department of the city shall enforce the rules and regulations of the department that define those activities within or upon a city recreation facility that are prohibited or mandated.
- (b) It shall be unlawful for any person to fail to leave a city recreation facility after having been asked to leave by an employee on account of a violation of the rules and regulations.
- (c) It shall be unlawful, during the hours that the city recreation facilities are closed to the public, for any person to trespass thereon.

(Code 1959, § 2-91(b))

Sec. 15-24. - Advertising.

It shall be unlawful for any person to place or erect any structure, sign, bulletin board, posthole, or advertising device of any kind whatsoever in any city recreation facility, or to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, fence, railing, post or structure within any city recreation facility. This section shall not apply to persons authorized to do the same by the director.

(Code 1959, § 2-91(e))

Sec. 15-25. - Firearms, air rifles, toy arms.

It shall be unlawful for any person, except law enforcement officers, and members of the armed services when acting in the discharge of their official duties, to possess or discharge, shoot, fire or explode or cause to be discharged, shot, fired or exploded any deadly weapon, air rifle or toy pistol, toy rifle or other toy arms so designed and capable of forcibly hurling a projectile or missile within any city recreation facility. This section shall not apply to archery equipment, slingshots and similar devices which are shot or discharged in those areas designated for such use within city recreation facilities or which are possessed for such use.

- (1) This section shall not apply to the lawful possession of a concealed handgun by North Carolina concealed carry handgun permit holders while on City of Statesville greenways and park properties.
- (2) This section shall properly recognize out of state permit holders that possess concealed handgun permits from reciprocal states as recognized by North Carolina law.
- (3) This concealed carry handgun permit exception shall not allow the carrying of concealed handguns at competitive athletic fields and events, recreation centers and swimming pools owned and operated by the City of Statesville.

(Code 1959, § 2-91(f); Ord. No. 10-13, 6-3-2013)

Sec. 15-26. - Climbing on roof of building.

It shall be unlawful for any person, except a person authorized by the director, to climb upon the roof of any recreation building.

(Code 1959, § 2-91(g))

Sec. 15-27. - Animals running at large; horseback riding.

It shall be unlawful for the owner or the person in possession to permit any horses, dogs or other animals to run at large within any city recreation facility or to ride horses within the same except upon designated and marked bridle paths.

(Code 1959, § 2-91(h))

Sec. 15-28. - Molesting animals.

It shall be unlawful for any person to trap, catch, injure, tease, kill or treat cruelly any bird or animal, or cause the same to occur, or molest or rob any nest of any bird, or any lair, den, burrow or similar structure of any animal within any city recreation facility

(Code 1959, § 2-91(i))

Sec. 15-29. - Throwing rocks, bottles, dirt.

It shall be unlawful to throw or otherwise place rocks, bottles, dirt, mud and any similar materials at or against any city recreation building or facility or any person within any city recreation facility.

(Code 1959, § 2-91(j))

Sec. 15-30. - Alcoholic beverages, controlled substances.

It shall be unlawful for any person to possess, consume or display any alcoholic beverages within properties under the regulation of the parks and recreation department except by special permit granted by the city manager or his designee. It shall further be unlawful for any person to possess any substance included within the schedules of North Carolina Controlled Substances Act without a proper prescription therefore within or upon any facility or property regulated by the city recreation department.

(Code 1959, § 2-91(k) ; Ord. No. 53-07, § 1, 9-17-07)

Sec. 15-31. - Littering.

It shall be unlawful for any person to place or cause to be placed any trash, ashes, soil, paper or leaves and other plant debris in or upon any city recreation facility except in containers provided for this purpose.

(Code 1959, § 2-91(l))

Sec. 15-32. - Fires.

It shall be unlawful for any person to make or kindle a fire in or upon any city recreation facility except within a fireplace or grill provided for this purpose or to leave an authorized fire unattended by a competent person without having completely extinguished the same and the embers thereof.

(Code 1959, § 2-91(m))

Sec. 15-33. - Excavations.

It shall be unlawful for any person to make an excavation in any city recreation facility for any purpose without written permission from the director.

(Code 1959, § 2-91(n))

Sec. 15-34. - Digging up, cutting, injuring plants.

It shall be unlawful for any person to dig up, cut, bruise, debark, mutilate or otherwise injure any plant of any type whatsoever within any city recreation facility without written permission from the director. This section shall not apply to a person walking normally on grass or other similar plants or if an injury to a plant was incidental to an authorized recreational activity.

(Code 1959, § 2-91(o))

Sec. 15-35. - Water use other than drinking.

It shall be unlawful for any person in or on any city recreation facility to use water belonging to the city for any purpose other than drinking unless such person is authorized by the director to use city water for an otherwise impermissible purpose.

(Code 1959, § 2-91(q))

Sec. 15-36. - Swimming in city lakes.

It shall be unlawful at any time for any person to swim in any lake which is the property of the city.

(Code 1959, §§ 2-91(p), 14-33)

Sec. 15-38. - Fishing prohibited at all times.

Fishing shall be prohibited as follows:

Colliers Lake on Sullivan Road.

(Ord. No. 66A-91, 9-16-91)

Sec. 15-39. - Feeding of water fowl.

Feeding of water fowl shall be prohibited at the following locations.

That property owned by the City of Statesville on and adjacent to Collier's Lake on Sullivan Road.

(Ord. No. 30-03, 8-18-03)

Sec. 15-40. - Ban on registered sex offenders from city parks, greenway trails, and recreation facilities.

- (a) *Prohibition.* No person registered with the State of North Carolina and/or any other state or federal agency as a registered sex offender, including, but not limited to the sex offender registry established pursuant to G.S. Ch. 14, Art. 27A, shall enter into or upon any public park, green-way trail, or recreation facility owned, operated or maintained by the city.
- (b) *Penalties.* Violation of this section shall be punishable by a fine of five hundred dollars (\$500.00) and/or incarceration for up to thirty (30) days. Each entry into a public park, recreational facility, or greenway trail regardless of the time period between such entries, shall constitute a separate offense under this article.
- (c) *Definitions.* For purposes of this amendment, the following definitions shall apply:

Greenway trail. Any linear open space within a natural setting designated by the city parks and recreation department as a space for the purpose of recreational walking, hiking and bicycling.

Official meeting. A meeting that is required to be open to the public by the Open Meetings Law, G.S. Ch. 143, Art. 33C.

Public park. Any publicly owned, leased, operated or maintained property that is designated as a park by the city including any adjacent public parking area as well as the driveway, entrance way or pedestrian walkway used by the public to access the public park or recreation facility.

Recreation facility. Any publicly owned, leased, operated or maintained property that is designated as a recreation facility by the city including any adjacent public parking area as well as the driveway, entrance way or pedestrian walkway used by the public to access the recreation facility.

Registered sex offender. An individual who is registered by any state or federal agency as a sex offender and/or whose name is published or required to be published on any state or federal sex offender registry, including, but not limited to the North Carolina Sex Offender and Public Protection Registry established pursuant to G.S. Ch. 14, Art. 27A.

- (d) *Signage required.* The city manager or his/her designee shall be charged with posting this regulation at the entrances to each public park, recreation facility and greenway trail within thirty (30) days of the passage of this article.
- (e) *Limited exceptions.*
 - (1) *Official meetings.* A registered sex offender who has the right to be present at an official meeting shall have the limited privilege of entering on and into a park or recreation facility for such time as is necessary to attend said meeting or function, but any form of loitering or lingering shall be a violation of this section.

The privilege shall only extend to those parts of the park and/or recreation facility that are commonplace for meetings of that kind and any registered sex offender found outside of those parts shall be punished as outlined in section 15-40.
 - (2) *Polling place.* When such recreation facility is used as a polling place for an election, the registered sex offender may enter for the facility for the limited purpose of voting if he/she qualifies to do so at that polling place. The offender must then expeditiously leave park properties when such polling business is concluded.
- (f) *Violation of section.* Any offender in violation of this section that would also be in violation of G.S. § 14-208.18 (a, 1) or (a, 2) would be charged under the North Carolina Statutes, and not in addition to.

(Ord. No. 22-09, 6-15-09)

Sec. 22-2. - Procuring cab with intent not to pay fare; presumption.

It is unlawful to engage the services of any taxicab or other public passenger conveyance with the intention of being transported free or not intending at the time to pay the usual fare for such transportation. The willful failure to pay for such transportation or service shall be considered as prima facie evidence of a fraudulent intention to procure the services or transportation.

(Code 1959, § 20-1.1)

Sec. 23-8. - Tampering with water meters or electric meters.

- (a) No person shall in any way tamper with the city electric or water meters, nor shall any customer permit the meters to be tampered with. Any violation of this section shall subject such person to the civil penalty provisions of section 1-7(b) of this Code and shall further justify discontinuance of services by the city.
- (b) Any seal broken on such meter shall be considered *prima facie* evidence of intent to violate this section, and of the violation of this section by the person in whose name such meter is installed, or the person so using or receiving the benefits of the electricity or water measured by such meter.

(Ord. No. 4-88 (16A-14.1), 2-15-87)

State Law reference— Similar provisions, G.S. § 14-151.1.

Sec. 23-60. - Meters—Required.

No person shall use water from the city water main without first having a meter installed, nor shall any person intercept the service pipe between the main and the meter and thus use water not having passed through the meter. Each establishment having a private water storage tank with a capacity of one hundred (100) gallons or more connected to a fire line which is connected to the city's water supply system shall install a city-approved water meter on such fire line at a location approved by the city manager.

(Code 1959, § 21-9)

Sec. 23-65. - Private use of water from city water main.

It shall be unlawful for any person to use or take water from the city water main in any way for private use unless such person shall first pay for the privilege and receive the usual permit from the finance department.

(Code 1959, § 21-17)

Sec. 23-66. - Use of fire hydrants.

No person except the director of public works or his authorized representative, chief of fire department, or other authorized person shall take water from any public fire hydrant.

(Code 1959, § 21-18)

Sec. 23-152. - Unauthorized connections, tampering; causing injury to facilities.

- (a) No person shall uncover the sanitary sewer for any purpose, or make any connection therewith, or open any manhole or flush tank, except with the permission of the director or his duly authorized representative.
- (b) No person shall do, or cause to be done, any injury to the wastewater treatment system or storm sewers.

(Ord. No. 25-12, 12-3-2012)

Sec. 23-153. - Stormwater, surface water, groundwater, roof runoff, subsurface drainage.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff or subsurface drainage into any sanitary sewer. No person shall connect or cause to be connected to the sanitary sewer system any pipe or conduit which will allow the discharge of the aforementioned inflow source into the sanitary sewer system.

(Ord. No. 25-12, 12-3-2012)

Sec. 23-183. - Prohibited discharge standards.

- (a) *General prohibitions.* No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any

pollutant or wastewater which causes interference or pass-through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any national, state or local pretreatment standards or requirements.

- (b) *Specific prohibitions.* No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test methods specified in 40 CFR 261.21.
 - (2) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half (½) inch in any dimension.
 - (3) Total fat, wax, grease or oil concentration of more than two hundred (200) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (zero and sixty-five (65) degrees Celsius) at the point of discharge into the system.
 - (4) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.
 - (5) Any wastewater which will cause corrosion or deterioration of the wastewater treatment system. All wastewater discharged to the wastewater treatment system must have a pH value in the range of five (5) to eleven (11) standard units.
 - (6) Any wastewater containing pollutants including oxygen-demanding pollutants, (BOD, etc.) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
 - (7) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
 - (8) Any substance which may cause the POTW's effluent or any other product of the POTW which as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
 - (9) Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.
 - (10) Any wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (sixty-six (66) degrees Celsius) or which will inhibit biological activity in the POTW treatment plant resulting in interference but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius).
 - (11) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW director in compliance with applicable state or federal regulations.
 - (12) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 - (13) Any trucked or hauled pollutants, except at discharge points designated by the POTW director in accordance with section 23-191 of this article.
 - (14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than two hundred (200) mg/l.
 - (15) Any sludge, screenings or other residues from the pretreatment of industrial wastes.
 - (16) Any medical wastes, except as specifically authorized by the POTW director in a wastewater discharge permit.

- (17) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that enter the municipal wastewater system.
- (18) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the POTW director.
- (19) Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances as described in 15A NCAC 2B .0200.
- (20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (21) Recognizable portions of the human or animal anatomy.
- (22) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.
- (23) Any wastewater that constitutes a slug load.
- (24) Any toxic substances in amounts exceeding standards promulgated by the administrator of the United States Environmental Protection Agency pursuant to section 307(a) of the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, and chemical elements or compounds, phenols or other taste- or odor-producing substances, or any other substances which are not susceptible to treatment which may interfere with the biological processes or efficiency of the wastewater treatment system, or that will pass through the system.
- (25) Any clothing, rags, textile remnants or waste, cloth, scraps, except fibers of scrap that will pass through a one-fourth-inch mesh screen or its equivalent in screening ability.
- (26) Any waters or wastes in which the total fixed solids exceed one thousand five hundred (1,500) ppm by weight.
- (27) At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.
- (28) Stormwater, surface water, ground water, artesian well water, roof run off, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW director.

Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

- (c) When the POTW director determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts which may cause or contribute to interference of POTW operation or pass-through, the POTW director shall:
 - (1) Advise the user(s) of the potential impact of the contribution on the POTW in accordance with section 23-217; and
 - (2) Take appropriate actions in accordance with subdivision IV of this article for such user to protect the POTW from interference or pass-through.

(Ord. No. 25-12, 12-3-2012)

Sec. 23-199. - Wastewater dischargers.

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the City of Statesville. When requested by the POTW director, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The director is authorized to prepare a form for this purpose and may require users to update this information.

(Ord. No. 25-12, 12-3-2012)

Sec. 23-200. - Wastewater permits.

All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the POTW director to be significant industrial users shall obtain a significant industrial user permit within one hundred eighty (180) days of receiving notification of the POTW director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the POTW director be required to obtain a wastewater discharge permit for non-significant industrial users.

- (1) *Significant industrial user determination.* All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the POTW director a significant industrial user determination. If the POTW director determines or suspects that the proposed discharge fits the significant industrial user criteria he will require that a significant industrial user permit application be filed.
- (2) *Significant industrial user permit application.* Users required to obtain a significant industrial user permit shall complete and file with the City of Statesville, an application in the form prescribed by the POTW director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within ninety (90) days after notification of the POTW director's determination in subsection 23-200(1) above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
 - a. Name of industrial user;
 - b. Address of industrial user;
 - c. Location, (if different from the address);
 - d. Standard industrial classification (SIC) code(s) or expected classification and industrial user category;
 - e. Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
 - f. Major products manufactured or services supplied;
 - g. Description of existing on-site pretreatment facilities and practices;
 - h. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation;
 - i. Raw materials used or stored at the site;
 - j. Flow diagram or sewer map for the industrial user;
 - k. Number of employees;
 - l. Operation and production schedules;
 - m. Description of current and projected waste reduction activities in accordance with G.S. 143-215.1(g);
 - n. Analytical data on wastewater constituents and characteristics including, but not limited to, those mentioned in subdivision II of this article, any of the priority pollutants (section 307(a) of the Act) which the applicant knows or suspects are present in the discharge as determined by a certified analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136, as amended and as required in sections 23-210 and 23-211.
 - o. Time and duration of the indirect discharge;
 - p. Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
 - q. Description of activities, facilities and plant processes on the premises including all materials which are or could be accidentally or intentionally discharged;

- r. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule will provide such additional pretreatment. The completion date in this schedule shall not be longer than the completion date established for the applicable pretreatment standard. The following conditions apply to this schedule:
1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine (9) months.
 2. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW director including at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the POTW director.
- (3) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the control authority and/or municipality as defined in subsection 23-182(a) and contain the following certification statement:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- (4) *Application review and evaluation.* The POTW director will evaluate the data furnished by the user and may require additional information.
- a. The POTW director is authorized to accept applications for the city and shall refer all applications to the POTW staff for review and evaluation.
 - b. Within thirty (30) days of receipt the POTW director shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.
- (5) *Tentative determination and draft permit.*
- a. The POTW staff shall conduct a review of the application and an on-site inspection of the significant user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.
 - b. If the staff's tentative determination in paragraph (5)a. above is to issue the permit, the following additional determinations shall be made in writing;
 1. Proposed discharge limitations for those pollutants proposed to be limited;
 2. A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 3. A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
 - c. The staff shall organize the determinations made pursuant to paragraphs (5)a. and b. above and the city's general permit conditions into a significant industrial user permit.
- (6) *Permit supporting documentation.* The control authority staff shall prepare the following documents for all significant industrial user permits.
- a. An allocation table (AT) listing permit information for all significant industrial users, including but not limited to permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with division approved maximum allowable loadings of the POTW, including flow, on forms or in a format approved

by the division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.

- b. The basis, or rationale, for the pretreatment limitations, including the following.
 1. Documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
 2. Documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e) (2).
- (7) *Final action on significant industrial user permit applications.*
- a. The POTW director shall take final action on all applications not later than ninety (90) days following receipt of complete application.
 - b. The POTW director is authorized to:
 1. Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this division and G.S. 143-215.1;
 2. Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements.
 3. Modify any permit upon not less than sixty (60) days' notice and pursuant to subsection 23-200(9) of this article.
 4. Revoke any permit pursuant to section 23-217 of this article.
 5. Suspend a permit pursuant to section 23-217 of this article.
 6. Deny a permit application when in the opinion of the POTW director such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.
- (8) *Permit modification.*
- a. Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
 1. Changes in the ownership of the discharge when no other change in the permit is indicated;
 2. A single modification of any compliance schedule not in excess of four (4) months;
 3. Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin discharge until control facilities are operational.
 - b. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required by section 23-200, the user shall apply for a wastewater permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard.
 - c. A request for a modification by the permittee shall constitute a waiver of the sixty-day notice required by G.S. 143-215.1(b) for modifications.
- (9) *Permit conditions.*
- a. The POTW director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this article and G.S. 143-215.1. Wastewater permits shall contain, but not be limited to, the following:
 1. A statement of duration (in no case more than five (5) years);
 2. A statement of non-transferability;
 3. Applicable effluent limits based on categorical standards or local limits or both;

4. Applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law;
 5. Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in subsection 23-182(a);
 6. Requirements to implement a plan or other controls for prevention of accidental discharges and/or slug loads as defined in subsection 23-182(a) if determined by the POTW director to be necessary for the user and;
 7. Requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in subsection 23-182(a). Also see sections 23-205 and 23-206.
 8. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.
- b. In addition, permits may contain, but are not limited to, the following:
1. Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
 2. Limits on the instantaneous, daily and/or monthly average and/or maximum concentration, mass, or other measures of identified wastewater pollutants or properties.
 3. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
 4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
 5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 7. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, type, and standards for tests, and reporting schedules.
 8. Requirements for immediate reporting of any instance of noncompliance and for automatic re-sampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).
 9. Compliance schedules for meeting pretreatment standards and requirements.
 10. Requirements for submission of periodic self-monitoring or special notification reports.
 11. Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in section 23-212 and affording the POTW director, or his representatives, access thereto.
 12. Requirements for prior notification and approval by the POTW director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
 13. Requirements for the prior notification and approval by the POTW director of any change in the manufacturing and/or pretreatment process used by the permittee.
 14. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the terms of the permit.
 15. Other conditions as deemed appropriate by the POTW director to ensure compliance with this article, and state and federal laws, rules and regulations.

(10) *Permits duration.* Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be

issued for a period less than a year or may be stated to expire on a specific date.

- (11) *Permit transfer.* Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation, without written approval of the POTW director.
- (12) *Permit re-issuance.* A significant industrial user shall apply for permit re-issuance by submitting a complete permit application in accordance with section 23-200 a minimum of one hundred eighty (180) days prior to the expiration of the existing permit.
- (13) *Industrial waste permits outside city limits.* Any person owning or controlling premises located beyond the corporate limits of the City of Statesville and desiring to install a plumbing system for the purpose of discharging domestic sewage and industrial waste into the sanitary sewer of the city may do so by complying with the requirements of this article and by paying an additional permit fee and sewer rental charge to be fixed by the council.

(Ord. No. 25-12, 12-3-2012)

Sec. 23-201. - Baseline monitoring reports.

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW director a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW director a report which contains the information listed in paragraph (b) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below.
 - (1) *Identifying information.* The name and address of the facility, including the name of the operator and owner.
 - (2) *Environmental permits.* A list of any environmental control permits held by or for the facility.
 - (3) *Description of operations.* A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 - (5) *Measurement of pollutants.*
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW director of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 23-210 of this article.
 - c. Sampling must be performed in accordance with procedures set out in section 23-211 of this article and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).
 - (6) *Certification.* A statement, reviewed by the user's current authorized representative as defined in subsection 23-182(a) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

- (7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards the schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant must meet the requirements set out in section 23-202 of this article.
- (8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with subsection 23-200(c) of this article.

(Ord. No. 25-12, 12-3-2012)

Sec. 23-202. - Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by subsection 23-201(b)(7) of this article:

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (2) No increment referred to above shall exceed nine (9) months;
- (3) The user shall submit a progress report to the POTW director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (4) In no event shall more than nine (9) months elapse between such progress reports to the POTW director.

(Ord. No. 25-12, 12-3-2012)

Sec. 23-203. - Reports on compliance with categorical pretreatment standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW director a report containing the information described in subsection 23-201(b)(4)—(6) of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection 23-200(3) of this article.

(Ord. No. 25-12, 12-3-2012)

Sec. 23-204. - Periodic compliance reports.

Municipalities may sample and analyze user discharges in lieu of requiring the users to conduct sampling and analysis.

- (1) All significant industrial users shall, at a frequency determined by the POTW director but in no case less than once every six (6) months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedure set out in sections 23-210 and 23-211. All periodic compliance reports must be signed and certified in accordance with subsection 23-200(3) of this article.
- (2) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW director, using the procedures prescribed in sections 23-210 and 23-211 of this article, the results of

this monitoring shall be included in this report.

(Ord. No. 25-12, 12-3-2012)

Sec. 23-205. - Reports of changed conditions.

Each user must notify the POTW director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change. The permittee shall not begin the changes until receiving written approval from the control authority and/or municipality. See subsection 23-206(d) for other reporting requirements.

- (1) The POTW director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 23-200 of this article.
- (2) The POTW director may issue a wastewater discharge permit under section 23-200 of this article or modify an existing wastewater discharge permit under section 23-200 of this article in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of twenty (20) percent or greater and the discharge of any previously unreported pollutants. Increases or decreases to production; increases in discharge of previously reported pollutants; discharge of pollutants not previously reported to the control authority and/or municipality; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers.

(Ord. No. 25-12, 12-3-2012)

Sec. 23-206. - Reports of potential problems.

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in subsection 23-182(a), that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume if known, and corrective actions taken by the user.
- (b) Within five (5) days following such discharge, the user shall, unless waived by the POTW director submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.
- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in subsection 23-182(a).

(Ord. No. 25-12, 12-3-2012)

Sec. 23-207. - Reports from unpermitted users.

All users classified as non-significant categorical industrial users under subsection 23-182(a) shall provide appropriate reports to the POTW director as the POTW director may require. At a minimum, this shall include the annual certification of continuing to meet the non-significant categorical industrial user criteria as required under 40 CFR 403.12(q).

(Ord. No. 25-12, 12-3-2012)

Sec. 23-213. - Record keeping.

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the POTW director.

(Ord. No. 25-12, 12-3-2012)

Sec. 23-215. - Monitoring facilities.

The City of Statesville requires the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City of Statesville.

(Ord. No. 25-12, 12-3-2012)

Sec. 23-216. - Inspection and sampling.

The City of Statesville will inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City of Statesville, approval authority and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The City of Statesville, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City of Statesville, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the City of Statesville, approval authority's or EPA's access to the user's premises shall be a violation of this article. Unreasonable delays may constitute denial of access.

(Ord. No. 25-12, 12-3-2012)

Sec. 24-6. - Trimming, pruning, planting and removal of trees on city property or right-of-way; permit required.

- (a) No person shall remove, destroy, cut, prune (including the root system) or otherwise treat any tree or shrub having its trunk in or upon any city property or street right-of-way or contract with another person to perform such acts without first obtaining a written permit from the city manager or his duly appointed agent/s and without complying strictly with the provisions of the permit and provisions of this chapter.
- (b) Public and private utilities shall submit written specifications for pruning and trenching operations to the city for approval. Upon approval of its specifications, a utility shall not be required to obtain a permit for routine trenching and pruning operations affecting trees or shrubs having their trunks on public streets or city property so long as such work is done in strict accordance with the approved specifications.
- (c) No person shall plant or contract with another to plant any tree or shrub in any public street right-of-way or city property without a permit from the city.
- (d) Individual permits will not be required for city and/or North Carolina Department of Transportation projects so long as tree preservation and protection requirements are included in the project plans, and approved by the city manager or his duly appointed agent/s.

(Ord. No. 33-91, § 6, 5-6-91)

Sec. 24-7. - Injuring trees or shrubbery on city property or right-of-way.

- (a) It shall be unlawful for any person, except with written permit, to place or maintain upon the ground in any public street or city property any compacted stone, cement or other impervious matter or substance in such a manner as may obstruct the free access of air and water to the roots of any tree or shrub in any such street or place. This provision shall not apply to the paving, repairing or altering of the public streets, sidewalks and other public places by the city.
- (b) No person shall perform or contract with another to perform construction work (including the operation or storage of equipment or materials) within the critical root zone of any rare or specimen tree having its trunk on any public street or city property without first obtaining a permit from the city and complying with requirements which may include erecting protective barricades or enclosures at designated locations.
- (c) It shall be unlawful for any person to attach any object, including but not limited to rope, wire, chain or sign, to any tree or shrub in or upon any public street or city property or to the guard or stake intended for the protection of such tree except for the purpose of protecting it or the public.
- (d) Damages to city trees or shrubs in violation of the provisions of this article shall be determined by the city manager or his designated agent/s in accordance with section 24-12.

However, no claims shall be made more than five (5) years after damage can be proven to have occurred.

(Ord. No. 33-91, § 7, 5-6-91)