

## **Chapter 10-Rules of Construction; General Penalty**

### **10.99 PENALTY.**

(A) In accordance with G.S. § 160A-175, and unless this code of ordinances provides otherwise, violation of any provision hereof shall be a misdemeanor as provided in G.S. § 14-4, punishable upon conviction by a fine not exceeding \$50 or by imprisonment not exceeding 30 days. An ordinance may provide by express statement that the maximum fine or term or imprisonment to be imposed for its violation shall be some figure or number of days less than the maximum penalties prescribed by G.S. § 14-4.

(B) By express statement, an ordinance contained herein may provide for its enforcement by other remedies, as authorized in G.S. § 160-175, including the imposition of civil fines, the ordering of appropriate equitable relief, including injunctions or a combination of remedies.

(C) An ordinance may provide, when appropriate, that each day's continuing violation shall be a separate and distinct offense.

## **Chapter33-State of Emergency:**

### **33.99 PENALTY.**

As provided in G.S. § 14-288.20A, any person who violates any provision of § [33.05](#)(B) of this chapter after a curfew has been imposed pursuant to this chapter shall be guilty of a misdemeanor punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both.

### **33.05 EFFECT OF PROCLAMATION; CURFEW.**

(B) The Mayor is authorized in the proclamation to impose a curfew applicable to all persons within the area described in the proclamation. The curfew may be made effective during all or any portion of any day during the state of emergency. During such curfew, no person may, within the area affected by the curfew:

(1) Possess off his or her own premises, buy, sell, give away or otherwise transfer or dispose of any explosives, firearms ammunition or dangerous weapon of any kind;

(2) Sell beer, wines or intoxicating beverages of any kind or possess or consume the same off his or her own premises;

(3) Sell gasoline or any similar petroleum products, except when pumped or piped directly into the tank of a motor vehicle; and/or

(4) Travel upon any public street or highway or upon public property unless such person is in search of medical assistance, food or other commodity or service necessary to sustain the well-being of himself or herself or his or her family or some member thereof or unless such person is engaged in the performance of some function necessary to preserve the public health or safety, such as police and fire officers, other emergency service personnel, utility employees, doctors and nurses and the like.

## **Chapter 73-Golf Carts:**

### **73.99 PENALTY.**

Any act constituting a violation of this chapter or failure to comply with any of its requirements shall subject the offender to a civil penalty of \$100 for the first offense, \$200 for the second offense and revocation of permit for a period of two years for the third offense. If the

offender fails to pay the penalty within ten days of receiving notice of the violation, the penalty may be recovered by the town in a civil action in the nature of the debt, and the offender shall be responsible for any court costs and attorneys' fees incurred by the town. In addition to the foregoing, if any person shall violate this chapter, he or she shall be guilty of a Class 3 misdemeanor.

**Chapter 90-Streets and Sidewalks:**

**90.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is provided shall be subject to § [10.99](#).

(B) (1) A violation of any of the following sections shall constitute a misdemeanor, punishable as provided in G.S. § 14-4: §§ [90.01](#), [90.02](#), [90.15](#) through [90.20](#) and [90.35](#) through [90.37](#) of this chapter.

(2) A violation of any of the sections listed in division (A) above shall also subject the offender to a civil penalty of \$25. If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(3) The town may seek to enforce this chapter through any appropriate equitable action.

(4) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(5) The town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.

**90.01 DAMAGING STREET SURFACES, STREET SIGNS AND OTHER FACILITIES.**

(A) No person may intentionally mutilate, deface, remove, damage or, in any manner, interfere with any of the street name signs, traffic-control signs and devices and other signs erected by any public body.

(B) No person may drag, run or cause to be dragged or run upon any public street any barrow or other implement, machine or tool likely to injure or cut the surface of such street.

(C) No person may intentionally damage, injure, obstruct or otherwise interfere with any street, sidewalk, bridge, culvert, ditch or drain owned or maintained by the town.

**90.02 HOUSE AND BUILDING NUMBERS.**

(A) (1) The owner of every house and every principal building shall display or cause to be displayed on the front thereof, or on the grounds in a position easily observed from the street, the number assigned to his or her house or building by the Administrator.

(2) No person may display or cause to be displayed on any house or building any number other than the number assigned by the Administrator.

(3) No person may remove, obliterate or destroy any number displayed in accordance with division (A) (1) above.

(B) (1) The minimum size of the house, building or unit number shall not be less than three inches; however, the building number of an apartment, townhouse or condominium complex shall be not less than six inches and shall be placed either in the approximate center of the building or on the street end of the building so that it can be visible from either the public or private street or from the parking lot which serves said building.

(2) The house or building numbers shall be maintained within three feet of the front entrance whereby they are visible and readable. However, in the event a building is located more than 100 feet from the public street on which it fronts or the lot on which the building is located is landscaped such that said numbers cannot be seen from the public street, the assigned street address shall also be posted on the property at or near the property line at a driveway or walkway to said building.

(3) Said house or building number shall be in a contrasting color to the color scheme of the house or building so that it is clearly visible and shall be maintained in a clearly visible manner.

(4) Following the posting of the assigned number as required, the owner or occupant shall maintain such house or building number at all times in compliance with the above mentioned standards.

#### 90.15 OBSTRUCTIONS PROHIBITED.

(A) Except as otherwise authorized by statute or ordinance (including §§ [90.35](#) and [90.36](#) of this chapter), and except to the extent required by the performance of some function authorized or mandated by a statute or ordinance, no person may obstruct or impede travel in the public streets or sidewalks within the town by placing or leaving any object within the traveled portion of the public right-of-way.

(B) Except as provided in this division (B), division (A) above applies, but is not limited to, goods, wares or merchandise displayed for sale. Partial obstruction of a public sidewalk for a sidewalk sale is permissible in accordance with a permit issued by the Administrator upon a finding that:

(1) The sale will not extend for more than three consecutive days;

(2) The obstruction will take place only during daylight hours;

(3) The permit, together with any other permits issued to the same applicant or to other applicants for sale at the same location, will not authorize an obstruction for more than ten days during any 365-day period; and

(4) The sidewalk will only be partially obstructed in a manner that does not seriously inconvenience the public or threaten the public safety.

(C) Division (A) above shall not apply to temporary obstructions caused by persons engaged in construction work on abutting property when proper warning devices are maintained in accordance with § [90.18](#) of this chapter.

#### 90.20 SNOW AND ICE REMOVAL.

Every occupant of a store building, in front of which the sidewalk is paved with stone, brick, asphalt or cement, shall remove snow, ice or other similar obstruction from such sidewalk at the earliest possible time and as soon as the weather permits.

#### 90.35 DRIVEWAYS.

(A) Except as otherwise provided in this section, no person may open, construct, alter or relocate any driveway across any public sidewalk or into any street, or cut any curb for such purpose without have obtained a written permit from the Administrator.

(B) Any person who receives a permit under this section shall be responsible for repairing any damage to the sidewalk or street (including curb and gutter) caused by the driveway construction.

(C) The Administrator shall review the driveway construction and design plans and shall issue the permit unless he or she finds the driveway, if constructed as proposed, will substantially interfere with or pose a danger to:

(1) Persons using the street or sidewalk intersected by the driveway; or

(2) Public facilities (including utility poles, traffic signal standards and the like), or will fail to comply with any of the provisions of this section.

(D) (1) *Residential.* No driveway may be constructed closer than three feet to a fire hydrant or catch basin or closer than 30 feet to the right-of-way line of a street that intersects with the street the driveway opens onto.

(2) *Non-residential areas.* No driveway may be constructed closer than 15 feet to a fire hydrant or catch basin or closer than 30 feet to the right-of-way line of a street that intersects with the street the driveway opens onto.

(E) If the driveway crosses a drainage ditch on a lot that abuts a street without curb or gutter, then piping of sufficient size and strength (as approved by the Administrator) shall be installed beneath the driveway surface so the drainage capability of the drainage ditch is not materially impaired.

(F) This section shall not apply to driveways that open into state-maintained streets to the extent that the state has approved the driveway. Nor shall a person be required to obtain a permit under this section to the extent that the driveway is being constructed in accordance with plans approved pursuant to a review process authorized by a zoning or subdivision ordinance.

#### 90.37 TOWN INDEMNIFIED.

Any person obtaining a permit authorized by §§ [90.35](#) and [90.36](#) of this chapter agrees, as a condition of the permit, to indemnify the town for and hold the town harmless from any expense (including, but not limited to, attorneys' fees, litigation costs and judgments) incurred as a result of claims made for damages arising out of operations conducted by the permit recipient pursuant to the permit.

### **Chapter 91-Fire Prevention and Protection:**

#### 91.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#) of this code.

(B) (1) A violation of §§ [91.01](#), [91.02](#), [91.03](#) and [91.05](#) of this chapter, as well as a violation of any of the provisions of the A.I.A. Fire Prevention Code adopted by reference in § [91.04](#)(A) shall constitute a misdemeanor, punishable as provided in G.S. § 14-4.

(2) A violation of any of the provisions listed in division (B) (1) above shall also subject the offender to a civil penalty of \$25. If a person fails to pay this penalty within ten days after being cited for violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(3) The town may seek to enforce this chapter through any appropriate equitable action.

(4) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(5) The town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.

## Town of Stoneville-Ordinances Creating Criminal Offences

### 91.01 INTERFERENCE WITH FIREFIGHTERS; FALSE ALARMS.

(A) As provided in G.S. § 58-82-1, no person may willfully interfere in any manner with firefighters engaged in the performance of their duties.

(B) As provided in G.S. § 14-286, no person may wantonly and willfully give a false alarm or damage fire alarm, detection or extinguishing equipment.

### 91.02 RIDING ON FIRE DEPARTMENT APPARATUS.

No person other than a member of the Fire Department may mount or ride upon any fire engine, wagon or apparatus before it leaves the station or while on its way to or from a fire or at any other time, except by permission of the driver or officer in command.

### 91.03 CONGREGATING AT FIRES.

It shall be unlawful for persons to congregate on the streets, sidewalks or other areas adjacent to a fire so as to interfere with the operations of members of the Fire Department.

### 91.04 FIRE PREVENTION CODE.

#### (A) *Adoption of A.I.A. Fire Prevention Code.*

(1) The current edition of the Fire Prevention Code recommended by the American Insurance Association is hereby adopted by reference, subject to the additions and modifications set forth in this section. The term "municipality", as used in the Fire Protection Code, shall mean the "Town of Stoneville" and the term "Corporation Counsel" shall mean the "Town Attorney".

(2) The A.I.A. Fire Protection Code, herein adopted by reference, shall not apply to the extent that any of its provisions are superseded or preempted by the North Carolina State Building Code.

(3) A copy of the A.I.A. Fire Protection Code shall be made available to any person requesting it at the office of the Town Clerk.

(Prior Code, § 12-9)

(B) *Modifications to A.I.A. Fire Prevention Code.* The district within which the regulations contained in the following sections of the Fire Prevention Code shall apply is hereby established as the entire Town of Stoneville:

- (1) Section 126.5b: storage of explosives and blasting agents;
- (2) Section 13.3a: manufacture and storage of fireworks;
- (3) Section 16.22a: storage of flammable liquids in outside aboveground tanks;
- (4) Section 16.61: new bulk plants for flammable or combustible liquids; and
- (5) Section 21.6: bulk storage of liquefied petroleum gases.

### 91.05 OPEN BURNING.

(A) Except as provided in division (D) below, no person may burn or cause to be burned any material outside of a building without a permit issued by the Fire Chief.

(B) The Fire Chief shall issue the permit, authorizing the named applicant to burn specified materials at a designated location on a specified date, if he or she finds that the applicant will comply with the requirements of division (C) below and that no atmospheric conditions or other local circumstances exist that would make the requested burning hazardous.

(C) Burning shall be permitted only on property owned or occupied by the person doing the burning, or his or her agent, and only in accordance with the terms of the permit. Burning shall not be allowed within 50 feet of any structure, except as provided in division (D) below. No outside burning shall be allowed within the primary fire district. Outdoor fires shall be constantly

attended, and the person in charge shall have a garden hose or other fire extinguishing equipment readily available for use.

(D) Outdoor burning of trash, leaves, grass and the like on property owned or occupied by the person doing the burning is permissible without a permit if done within a container approved by the Fire Chief, so long as the container is located not less than 15 feet from any structure.

(E) Nothing in this section shall relieve any person of the requirements of any other provision of law governing outdoor burning or pollution from burning.

### **Chapter 92-Cemeteries:**

#### **92.99 PENALTY.**

(A) A violation of any of the following provisions shall constitute a misdemeanor, punishable as provided in G.S. § 14-4: §§ [92.03](#), [92.04](#), [92.07](#), [92.08](#), [92.22](#), [92.23](#), [92.50](#) and [92.52](#) .

(B) Violations of any of the sections listed in division (A) above subject the offender to a civil penalty of \$25. If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of the debt.

(C) The town may seek to enforce this chapter through any appropriate equitable action.

(D) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(E) The town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.

#### **92.03 BURIAL ONLY IN CEMETERIES.**

No person may bury or cause to be buried the body of any deceased person within the town limits in any place other than a church cemetery or cemetery operated by a governmental entity or a private cemetery licensed or specifically exempted from licensing according to the State Cemetery Act (G.S. Ch. 65, Art. 9).

#### **92.04 DISRUPTIVE ACTIVITY PROHIBITED.**

(A) No person may drive any motor vehicle of any kind in any cemetery, except upon the main roads and avenues provided therein for vehicular traffic.

(B) No person may drive any motor vehicle or park any motor vehicle in any cemetery unless in attendance at burial services or otherwise engaged in activities consistent with the use of a cemetery as a cemetery.

(C) No person may take any dog, horse or other animal into any cemetery or allow any animal to run at large therein.

(D) No person may intentionally disrupt any funeral services or disturb the quiet and good order of any cemetery by extremely loud or boisterous conduct. Except in the case of military funerals and veterans or military commemorative exercises, no person may carry or discharge firearms in any cemetery.

(E) No person may post or attach any bills, posters, placards, pictures or other form of political or commercial advertising within any cemetery or on the inside or outside of any wall or fence enclosing any cemetery.

## Town of Stoneville-Ordinances Creating Criminal Offences

### 92.07 HOURS OF OPERATION.

(A) The town cemetery shall remain open to the public throughout the year from sunrise until sunset.

(B) No person may enter the town cemetery at any time other than the hours of operation established by division (A) above.

### 92.08 GENERAL RULES AND REGULATIONS.

(A) No person may plant, prune, or remove any tree, shrub, flower, grass or other plant of any kind except with the consent of and in accordance with the directions of the Cemetery Administrator.

(B) The Cemetery Administrator or designee may enter any lot and remove or trim any tree, shrub or any other plant that encroaches upon any other lot or any walkway, driveway or other part of the cemetery.

(C) The Cemetery Administrator or designee may remove from the cemetery all floral designs and flowers (natural or artificial), weeds or plants of any kind from the cemetery as soon as they deteriorate or otherwise become unsightly.

(D) No trinkets, toys, shells, pickle jars, tin cans, sand, rocks or anything, which in the opinion of the Cemetery Administrator is unsightly, will be allowed on any lot or single grave and all such articles, materials and things will be removed without notice and the town shall not be responsible for the loss or destruction of same.

(E) No person shall place or caused to be placed on any lot in the cemetery any stone, planting or obstacle other than markers, monuments, headstones or footstones allowed in § [92.35](#).

### 92.35 MARKERS.

(A) All grave site markers shall conform to the following requirements:

(1) A grave site may only have one marker.

(2) Grave site markers shall be constructed of granite or some equally durable or more durable natural stone or durable bronze alloy or some more durable metallic alloy or a combination of natural stone or metallic alloy.

(3) Grave site markers shall be no larger than 18 inches in width and 18 inches in length.

(4) Grave site markers may only be installed so that the topmost surface is no more than one-half inch above the surface of the surrounding areas.

(B) Grave site markers shall only be installed in the location assigned to them by the Cemetery Administrator.

(C) Notwithstanding the foregoing, the Town Council in its discretion may allow the placement of other monuments, including head stones, to be installed within certain sections of the cemetery. In such cases, the Town Council reserves the right to approve on a case by case basis the dimensional requirements of such monuments

### 92.22 SPECULATION IN BURIAL RIGHTS PROHIBITED.

(A) No person may purchase or otherwise acquire any burial right for the purpose of sale or exchange.

(B) No person may sell or exchange any burial right for a profit or gain

**92.23 TRANSFER OF BURIAL RIGHTS.**

(A) The purchaser of burial rights may not transfer the same. However, the town will refund, without interest, any sum paid for burial rights if requested to do so in writing by the purchaser of such rights prior to the opening of a grave in the grave space purchased. No refund may be made until the purchaser surrenders his or her certificate of burial right.

(B) Upon the death of the owner of a burial right, the owner's heirs, legatees or devisees shall succeed to all rights evidenced by the certificates or burial right.

**92.50 NO BURIAL WITHOUT PERMIT.**

(A) No grave may be opened and no burial may take place without a written permit issued by the Cemetery Administrator.

(B) Application for the permit authorized by this section shall be made at least eight hours prior to the opening of the grave. This application shall be submitted in writing, and unless the application is made to permit the interment of the person who owns the burial right for the space requested, it must be accompanied by a written statement signed by the owner of such space authorizing the use of such space. The application shall include the information necessary to create the record required by § [92.51](#).

(C) The permit required by this section shall be issued if the application contains the information specified in this section and if all fees and charges authorized by this chapter have been paid.

**92.52 MINIMUM DEPTH OF GRAVES.**

(A) No grave may be opened to a depth of less than 5 feet to the bottom thereof.

(B) All graves shall be level with the surrounding areas and no mounds shall be allowed.

**Chapter 93-Animals:**

**93.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#) of this code.

(B) (1) Violation of § [93.03](#) of this chapter is a Class 3 misdemeanor which is punishable by a maximum fine not to exceed \$200 or imprisonment or both.

(2) The owner of a dangerous dog, as per § [93.03](#) of this chapter, that attacks a person and causes physical injuries requiring medical treatment in excess of \$100 shall be guilty of a Class 1 misdemeanor. The owner shall be subject to court imposed fines, imprisonment or both. The owner of a dangerous dog shall be strictly liable in civil damage for any injuries or property damage the dog inflicts upon a person, his or her property or another animal.

(C) Ownership or possession of more than one dog in excess of the limit on numbers contained in § [93.04](#) of this chapter shall subject the owner or possessor to a separate penalty for each dog exceeding the limitation set out in § [93.04](#) of this chapter. Any person who owns or possesses any dog or dogs in excess of the maximum of three as set out in § [93.04](#) of this chapter shall constitute a violation of § [93.04](#) of this chapter and be charged with a Class 3 misdemeanor and shall be subject to a jail sentence, or a fine of up to \$200, or both.

**93.03 DANGEROUS DOGS.**

(A) For the purpose of this section, the following definitions, except as modified in division (B) below, shall apply unless the context clearly indicates or requires a different meaning.

***DANGEROUS DOG.***

(a) A dog that:

1. Without provocation has killed or inflicted serious injury on a person; or
2. Is determined by the person or board designated by the county or municipal authority responsible for animal control to be potentially dangerous because the dog has engaged in one or more of the behaviors listed herein.

(b) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

**OWNER.** Any person or legal entity that has a possessory property right in a dog

**OWNER'S REAL PROPERTY.** Any real property owned or leased by the owner of the dog, but does not include any public right-of-way or a common areas of a condominium, apartment complex or townhouse development.

**POTENTIALLY DANGEROUS DOG.** A dog that the person or board designated by the county or municipal authority responsible for animal control determines to have:

(a) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalizations;

(b) Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or

(c) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

**SEVERE INJURY.** Any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.

(B) The provisions of this section do not apply to:

(1) A dog being used by a law enforcement officer to carry out the law enforcement officer's official duty;

(2) A dog being used in a lawful hunt;

(3) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog or predator control dog on the property of or under the control of, its owner or keeper and the damage or injury as to a species or type of domestic animal appropriate to the work of the dog; or

(4) A dog where the injury inflicted by the dog was sustained by a person who, at the time of injury, was committing a willful trespass or other tort, was tormenting, abusing or assaulting the dog, has tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

(C) (1) The Council designates the Animal Control Officer to be responsible for determining when a dog is a "potentially dangerous dog". The Council shall hear any appeal. The person or Council making the determination that a dog is a "potentially dangerous dog" must notify the owner, giving reasons for determination, before the dog may be considered potentially dangerous under this section.

(2) The owner may appeal the determination by filing written objections with the appellate board within three days. The appellate board shall schedule a hearing within ten days of the filing of the objections. Any appeal from the final decision of such appellate board shall be taken to the Superior Court by filing notice of appeal and petition for review within ten days of the final decision of the appellate board. Appeals from rulings of the appellate board shall be heard in the Superior Court Division. The appeal shall be heard de novo before a Superior Court Judge Sitting in the county in which the appellate board whose ruling is being appealed is located.

(D) Precautions against attacks by dangerous dogs:

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(1) It shall be unlawful for an owner to:

(a) Leave a dangerous dog unattended on the owner's real property unless the dog is confined indoors, in a securely enclosed and locked pen, or in another structure designed to restrain the dog; and/or

(b) Permit a dangerous dog to go beyond the owner's real property unless the dog is leashed or muzzled or is otherwise securely restrained and muzzled.

(2) If the owner of a dangerous dog transfers ownership or possession of the dog to another person (as defined in G.S. § 12-3(6)), the owner shall provide written notice to:

(a) The authority that made the determination under this section; stating the name and address of the new owner or possessor of the dog; and

(b) The person taking ownership or possession of the dog, specifying the dog's dangerous behavior and the authority's determination.

### 93.04 NUMBER OF DOGS LIMITED.

(A) No household may own or possess more than three dogs on the premises of that household at any time; provided, however, that, dogs under six months of age, and dogs which are indoor pets shall not count against this limit of three dogs.

(B) Any time a household is found to own or possess more than three dogs, excluding any indoor dogs or dogs under six months of age, this household shall be notified by the municipal animal control authority that the household is violating this section limiting the number of dogs. The household may retain only the three dogs. Dogs in excess of the three shall be removed within five days of notification from the municipality or the dog owners of the household shall be subject to being charged with a misdemeanor for violating this section for possession of more dogs than permitted.

### **Chapter 112- Insulation Contractors:**

#### 112.99 PENALTY.

(A) A violation of § [112.02](#) of this chapter shall constitute a misdemeanor, punishable as provided in G.S. § 14-4.

(B) A violation of § [112.02](#) of this chapter shall also subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of debt.

(C) Each day that a violation continues after notification that such violation exists shall constitute a separate offense for purposes of the penalties and remedies specified in this section.

(D) This chapter may be enforced by any appropriate equitable action.

(E) This chapter may be enforced by any one, all or any combination of the remedies authorized by this section.

#### 112.02 LICENSE REQUIRED.

(A) Subject to division (B) below, no person may, for a consideration, install, alter or restore within the town any insulation or other materials or energy utilization equipment design or intended to meet the State Building Code requirements without a license issued pursuant to this chapter.

(B) Division (A) above shall not apply to:

(1) General contractors licensed under G.S. Ch. 87;

- (2) Persons working under the supervision of a registered architect or professional engineer; or
- (3) An owner working upon his or her own building.

**Chapter 113-Peddlers, Itinerate Merchants, Solicitors:**

**10.99 PENALTY.**

(A) In accordance with G.S. § 160A-175, and unless this code of ordinances provides otherwise, violation of any provision hereof shall be a misdemeanor as provided in G.S. § 14-4, punishable upon conviction by a fine not exceeding \$50 or by imprisonment not exceeding 30 days. An ordinance may provide by express statement that the maximum fine or term or imprisonment to be imposed for its violation shall be some figure or number of days less than the maximum penalties prescribed by G.S. § 14-4.

(B) By express statement, an ordinance contained herein may provide for its enforcement by other remedies, as authorized in G.S. § 160-175, including the imposition of civil fines, the ordering of appropriate equitable relief, including injunctions or a combination of remedies.

(C) An ordinance may provide, when appropriate, that each day's continuing violation shall be a separate and distinct offense.

***Statutory reference:***

*Authorizing municipalities to employ alternate remedies in the enforcement of local ordinances, see G.S. § 160A-175*

**113.09 CITY POLICY ON SOLICITING.**

It is hereby declared to be the policy of the city that the occupants of the residences in the city shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

**113.10 NOTICE REGULATING SOLICITING.**

(A) Notice of the refusal of invitation to solicitors, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

“NO SOLICITORS INVITED”

(B) The letters shall be at least one-third inch in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting, at the cost thereof.

(C) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

**113.12 PROHIBITED SOLICITATION.**

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 113.10 above.

**Chapter 130-General Offenses:**

**130.99 PENALTY.**

(A) (1) A violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable as provided in G.S. § 14-4.

(2) A violation of any of the provisions of this chapter shall also subject the offender to a civil penalty of \$10. If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(3) The town may seek to enforce this chapter through any appropriate equitable action.

(4) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(5) The town may seek to enforce this chapter by using any one or a combination of the foregoing remedies.

(B) The violation of § 130.05 of this chapter shall be punishable as provided in division (A) above.

**130.01 NOISE.**

(A) Unnecessary noises prohibited. It shall be unlawful for any person, firm or corporation to create or assist in creating, permit, continue or permit the continuance of any unreasonable loud, disturbing and unnecessary noise in the town. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

(B) Noises expressly prohibited. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time;

(2) The use of any gong or siren upon any vehicle, other than a police, fire or other emergency vehicle;

(3) The use or operation of any piano, manual or automatic, phonograph, radio, loud speaker or any other instrument, or sound amplifying devices so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance; provided, however, that, upon application to the Mayor, permits may be granted to responsible organizations to produce programs in music, speeches or general entertainment;

(4) The keeping of any animal or bird which, by causing frequent or loud continued noise, shall disturb the comfort and repose of any person in the vicinity;

(5) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud unnecessary grating, grinding, rattle or other noise;

(6) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger;

(7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

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- (8) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;
- (9) The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same is in session, or within 150 feet to any hospital, which unreasonably interferes with the working of such institution; provided, conspicuous signs are displayed in such streets indicating that the same is a school, court or hospital street;
- (10) The creation of any excessive noise on Sundays on any street adjacent to any church; provided, conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street;
- (11) The creation of loud and excessive noise in connection with loading or unloading any vehicle, of the opening and destruction of bales, boxes, crates and containers;
- (12) The sounding of any bell or gong, attached to any building or premises which, disturbs the quiet or repose of persons in the vicinity thereof;
- (13) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood;
- (14) The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise;
- (15) The use of any mechanical loud speakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes, except where specific license is received from the Council;
- (16) The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.; and
- (17) The firing or discharging of squibs, crackers, gunpowder or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance, except by permit from the Council.

### 130.02 FIREARMS AND AIR RIFLES; DISCHARGE.

- (A) Subject to division (B) below, no person may discharge any firearm within the town.
- (B) Division (A) above shall not apply to private citizens acting in justifiable self-defense or pursuant to the lawful directions of a police officer, nor to police officers acting in a lawful performance of their duties.
- (C) No person may discharge or shoot within the town any air rifle, air pistol, B-B gun, pellet gun, pump gun or similar weapon within 100 yards of any building or house or gathering of people.

### 130.03 PUBLIC ENTERPRISE OPERATION WITHOUT FRANCHISE.

Except as otherwise provided by law, no person may operate within the town any public enterprise, as defined in G.S. § 160A-311, without first obtaining a franchise from the town, nor may any person continue to operate such public enterprise after the expiration of such franchise.

### 130.04 BEER AND WINE CONSUMPTION ON PUBLIC PROPERTY.

It shall be unlawful for any person to consume alcoholic beverages on property owned or occupied by the town except as provided below:

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(A) By permit of the Town Administrator for a special event under the following circumstances:

- (1) The applicant shall be the organizer of the event and shall also be a small business or non-profit organization;
- (2) The location of the event must be on municipal property or public rights-of-way;
- (3) The date, location and times of operation of the event shall be clearly defined in the application, and the area shall be cordoned off or otherwise adequately marked for the participants, and alcohol shall not be served or consumed before 10:00 a.m. or after 11:00 p.m., and the event shall not exceed beyond the approved time;
- (4) The organizers of the event shall show proof of insurance that will cover any and all incidents involving the event and the consumption of alcohol;
- (5) All other state and local licenses must be obtained prior to the issuance of the permit by the Town Administrator;
- (6) The organizers must hire a sufficient number of off-duty police officer(s), determined by the Chief of Police, to provide security at the event and the officer(s) must be present for the duration of the event; and
- (7) The permit may be revoked as a result of a violation of the conditions of the permit or violation of state law or local ordinance.

(B) By permit of the Town Administrator for a restaurant that sells alcohol pursuant to a license by the Alcoholic Beverage Control Commission as provided below:

- (1) The applicant shall be the owner of the restaurant or store;
- (2) A restaurant that sells alcohol will be able to serve alcohol to customers seated at tables on sidewalks immediately outside of their respective businesses or adjacent to their businesses, provided the area is cordoned off and separated from the general public;
- (3) The duration of the permit shall not exceed one year and the applicant shall pay all fees associated with the permit as established by the Town Council through a separate ordinance or through the annual Schedule of Fees passed with the annual budget ordinance;
- (4) The owner of the restaurant or store shall show proof of insurance that will cover any and all incidents involving the sale and consumption of alcohol;
- (5) The Town of Stoneville will be named as an additional insured and the amount of insurance coverage will be at the level recommended by the North Carolina League of Municipalities;
- (6) All other state and local licenses must be obtained prior to the issuance of the permit by the Town Administrator; and
- (7) The permit may be revoked as a result of a violation of the conditions of the permit or violation of state law or local ordinance.

### 130.05 BEGGING.

(A) Permitted. It shall be lawful to beg or solicit alms, except in a manner set forth in division (B) below.

(B) Prohibited conduct while begging or soliciting alms. It shall be unlawful for any person to ask, beg or solicit alms or contributions of money, food or clothes, or exhibit oneself for the purpose of begging or soliciting alms or such contributions, by:

- (1) Aggressively accosting another; or
- (2) Forcing oneself upon the company of another.

(C) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGGRESSIVELY ACCOSTING. As approaching or speaking to someone in such manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his or her person, or upon property in his or her immediate possession.

ASK, BEG or SOLICIT. Without limitation, the spoken, written or printed word, or such other acts as are conducted in furtherance of the purpose of obtaining alms or contributions of money, food or clothing.

FORCING ONESELF UPON THE COMPANY OF ANOTHER.

(a) Continuing to request, beg or solicit alms or contributions of money, food or clothing in close proximity to the person addressed after the person to whom the request is directed has made a negative response;

(b) Blocking the passage of the person addressed; or

(c) Otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

## **Chapter 150-Building Regulations:**

### **150.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code.

(B) Whenever any violation is denominated a misdemeanor under the provisions of §§ 150.01 through 150.08 of this chapter, the town, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct or abate the violation or to prevent the occupancy of the building or structure involved.

### **150.01 ENFORCEMENT.**

The Building Inspector shall be responsible for the enforcement of any ordinances or codes adopted by the Town Council relating to the repair, closing and demolition of dwellings unfit for human habitation, pursuant to G.S. Ch. 160A, Art. 19.

### **150.02 POWERS AND DUTIES OF BUILDING INSPECTOR.**

(A) Any building or structure or part thereof, partially destroyed or otherwise, which is found by the Building Inspector to be in such a dilapidated state of disrepair or other substandard condition as to be dangerous to life, health or other property or to constitute a fire or safety hazard or a public nuisance shall be declared by the Building Inspector to be unsafe.

(B) Such unsafe condition may be caused by defective construction, overloaded structural parts, decay, susceptibility to fire or any other hazardous conditions or circumstances.

(C) Any abandoned building or structure, which shall be a vacant building or structure which, in the opinion of the Building Inspector, creates a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants, shall be declared by the Building Inspector to be unsafe.

(D) The Building Inspector shall have authority and it shall be his or her duty to declare all such buildings or structures unsafe and to take appropriate action to have such conditions corrected or removed.

(E) Such declaration by the Building Inspector shall constitute an order of condemnation for the purposes of this subchapter.

**150.03 WHAT CONSTITUTES UNSAFE CONDITIONS; NOTICE.**

Every building which shall appear to the Building Inspector to be especially dangerous to life because of its liability to fire or because of bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress or other causes shall be held to be unsafe, and the Inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of such building.

**150.04 DEFECTS IN BUILDING TO BE CORRECTED; PRELIMINARY PROCEDURE.**

(A) Whenever the Building Inspector finds any defects, which are prohibited by this subchapter, to exist in a building or structure or finds that such building or structure has not been constructed in accordance with the applicable state and local laws or that a building or structure, because of its condition, is dangerous to life, health or other property or contains fire or safety hazards, or is a public nuisance, it shall be his or her duty to notify the owner of the building or structure of its defects, hazardous conditions or failure to comply with law. The owner of the building or structure shall immediately remedy such defects, hazardous conditions or violations of law.

(B) Whenever the Building Inspector shall find conditions existing which require action by him or her under the provisions of this subchapter and G.S. Ch. 160A, Art. 19, part 5, the preliminary procedure for notices and hearings shall be as follows.

(1) The Building Inspector shall notify the owner by certified or registered mail or by personal service, which notification shall be in writing and which shall contain:

(a) A brief statement of the hazardous conditions or defects existing in the building or structure or why the building or structure fails to comply with the law;

(b) A request that the owner voluntarily take action to correct the hazardous conditions, defects or non-compliance with the law within a reasonable time; and

(c) A statement advising the owner that if prompt action is not taken to correct such conditions, defects or non-compliance, the owner shall be required to correct such conditions as by law provided.

(2) If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question and a copy of the notice is published in a newspaper having general circulation in the town at least once.

(3) If the owner fails to take corrective action within a reasonable time after service of said notice, the Building Inspector shall proceed to obtain an order for corrective action as is provided in § 150.06 of this chapter.

(C) The Building Inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of such building or structure.

**150.05 REMOVAL OF NOTICE PROHIBITED.**

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If any person shall remove any notice which has been affixed to any building or structure by the Building Inspector and which notice states the dangerous character of the building or structure, he or she shall be guilty of a misdemeanor.

### 150.06 ACTION IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION.

(A) If the owner of a building or structure which has been condemned as unsafe pursuant to 150.04 of this chapter shall fail promptly to take corrective action, the Building Inspector shall give such owner written notice by certified or registered mail to the last known address of the owner or by personal service as follows:

(1) Such building or structure is in a condition that appears to constitute a fire or safety hazard or to be dangerous to life, health or other property;

(2) A hearing will be held before the Building Inspector at a designated place and time, which time shall be not less than ten days after the date of such notice, at which hearing the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and/or

(3) Following the hearing, the Building Inspector may issue such order to repair, close, vacate or demolish the building or structure as appears appropriate.

(B) If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten days prior to the hearing and a notice of the hearing published in a newspaper having general circulation in the municipality at least once and at least one week prior to the hearing.

### 150.07 ORDER TO TAKE CORRECTIVE ACTION; APPEAL; FINALITY IF NOT APPEALED; FAILURE TO COMPLY.

(A) Generally. If, upon a hearing held pursuant to the notice prescribed in § 150.06 of this chapter, the Inspector shall find the building or structure is in condition that constitutes a fire or safety hazard or renders it dangerous to life, health or other property, he or she shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy the defective conditions by repairing, closing, vacating or demolishing the building or structure or taking other necessary steps within such period, not less than 60 days, as the Inspector may prescribe; provided that, where the Inspector finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

(B) Appeal; finality if not appealed. Any owner who has received an order under division (A) above may appeal from the order to the Town Council by giving notice of appeal in writing to the Inspector and to the Town Clerk within ten days following issuance of the order. In the absence of an appeal, the order of the Inspector shall be final. The Town Council shall hear an appeal within a reasonable time and may modify and affirm or revoke the order.

(C) Failure to comply. If the owner of a building or structure fails to comply with an order issued pursuant to division (B) above from which no appeal has been taken or fails to comply with an order of the Town Council following an appeal, he or she shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

**AUTHORITY.**

This subchapter is adopted pursuant to G.S. § 160A-194.

**Chapter 151-Zoning:**

**151.999 PENALTY.**

(A) Criminal and equitable. The town attorney shall prosecute violations of this chapter under this section

(1) If any person shall violate any provision of this chapter he or she shall be guilty of a misdemeanor and shall be fined not more than \$50 or imprisoned for not more than 30 days, as provided by G.S. § 14-4. Each calendar day during which a violation continues shall constitute a separate offense.

(2) Pursuant to the provisions of G.S. § 153A-123(d), the town may also seek any appropriate equitable relief that it deems necessary to ensure the health, safety and welfare of the citizens or the natural resources of the town, including but not limited to civil damages resulting from violation of this section of the chapter.

(B) Civil.

(1) First notice of violation. The Enforcement Officer shall notify the owner or occupant of the violation. The owner or occupant shall immediately remedy the violation.

(2) Written notice of violation. If the owner or occupant fails to take prompt corrective action, the Enforcement Officer shall give written notice of violation by certified or registered mail, by personal service, or by posting notice on the property. The notice shall state:

- (a) That the land, building, structure, sign or use is in violation of this chapter;
- (b) The nature of the violation, and citation of sections of this chapter violated; and
- (c) The measures necessary to remedy the violation.

(3) Appeal to Town Council. Any owner or occupant who has received a notice of violation may appeal in writing the decision of the Enforcement Officer to the Town Council within ten days following the date of written notice. The Town Council shall hear an appeal within a reasonable time, and it may affirm, modify or revoke the written notice of violation. In the absence of an appeal, the decision of the Enforcement Officer shall be final.

(4) Failure to comply with notice. If the owner or occupant of a property fails to comply with a notice of violation from which no appeal has been taken within ten days of receipt of notice, or a final decision by the Town Council, the town may subject the owner or occupant to civil penalties and remedies.

(5) Citation. If after receiving a written notice of violation, the owner or other violator fails to take corrective action, a civil penalty may be imposed in the form of a citation. The citation shall be served in the same manner as a written notice. The citation shall state the nature of the violation, the penalty to be imposed and shall direct that the violator pay the civil penalty within 15 days of the date of the citation.

(6) Continuing violation. For each day after the fifteenth day following the citation that the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

(7) Penalties. Violators shall be subject to a civil penalty in the amount of \$25 for the first violation (day one), \$50 for the second violation (day two), \$100 for the third violation (day three), and \$200 for the fourth day and successive violations.

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(8) Demand for payment. The Enforcement Officer shall make written demand for payment upon the owner or the person in violation and shall set forth a description of the violation for which the civil penalty has been imposed.

(9) Nonpayment. If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the town shall pursue one of the following actions:

(a) Referral to the Town Attorney to institute a civil action for recovery of the civil penalty;

(b) Issuance of a criminal summons or warrant by the Enforcement Officer; or

(c) Attachment of a lien against the property in the nature of a tax assessment to be collected in the manner of property tax payments.

(C) Watershed regulation penalty. In addition to the penalties imposed for violating the zoning chapter, the North Carolina Environmental Management Commission may assess civil penalties in accordance with G.S. § 143-215.6(a). Each day that the violation continues shall constitute a separate violation.