

## Town of Sylva

### Ordinance Provisions Resulting in Criminal Penalties pursuant to G.S. 14.4(a)

#### **Chapter 4. Alcoholic Beverages**

##### **Article 1.**

##### Sec. 4-2. - Consumption and possession in public places.

(a) It shall be unlawful for any person to consume or possess malt beverages, unfortified wine, beer, wine or any other intoxicating liquor or alcoholic beverages in anything other than the manufacturer's unopened original sealed container, on property owned or occupied by the town, including but not limited to property owned, occupied or controlled by the town, including the town hall, parking lots, sidewalks, recreational facilities, parks, fire department and the water shed.

(c) Any violation of this section shall be a misdemeanor, punishable in accordance with [section 1-7](#) of the Town of Sylva Code of Ordinances.

#### **Chapter 6. Animals** *All Animal ordinances can be charged criminally*

##### Sec. 6-3. - Town declared bird sanctuary.

The entire area within the corporate limits of the town shall be and the same is hereby designated and established as a bird sanctuary. No person shall hunt, kill, trap or decoy birds or rob their nests of eggs or young in the town.

##### Sec. 6-4. - Livestock running at large.

(a) It shall be unlawful for any livestock to run at large in the town.

(b) Any livestock found at large may be taken up by the chief of police or his agents, anywhere in the town, or by any person on whose land such livestock is found trespassing and delivered to the chief of police.

##### Sec. 6-5. - Stock pens.

To allow any animal or stock pen to remain in an unsanitary condition so as to emit an unpleasant odor is declared a public nuisance.

##### Sec. 6-6. - Fowl ownership.

(a) It shall be unlawful to permit any fowl, including but not limited to chickens, ducks, geese, turkeys, guineas, or other fowl to run at large within the town limits.

(b) Any fowl kept within the town limits must be contained by a fence, building, or other enclosure which will ensure that the fowl will not run at large.

(c) Any fowl found running at large may be taken into possession and/or destroyed by the town police officers anywhere in the town or by any person on whose land such fowl is found trespassing.

##### Sec. 6-7. - Keeping of wild animals prohibited.

(a) It shall be unlawful for any person to own, keep, possess or in any way maintain a wild animal within the corporate limits of the town. After a determination by the designated agent or employee of the town that a particular animal is wild or vicious, the owner or keeper of such animal shall have it humanely destroyed, or shall otherwise remove it from within the corporate limits of the town.

(b) Any person who owns or keeps an animal which has been declared wild shall have the right to appeal this decision to the town manager. The town manager or his representative shall

conduct an informal hearing to determine whether the animal is wild. If the animal is judged not to be wild, it shall be returned to the owner.

Sec. 6-8. - Dangerous animals prohibited.

No person shall keep any dangerous animal within the town limits.

(1) Potentially dangerous animals as defined in G.S. 67-4.1 are not automatically excluded from the town limits.

(2) No animal shall be classified as dangerous if it is determined that the provisions provided for in G.S. 67-4.1 and subsequent amendments are satisfied.

Sec. 6-9. - Leash law.

Animals must be on leashes or contained. It shall be permissible for an animal to be unsecured for short periods of time so long as it is under voice control of the person in custody of the animal. This section shall not apply to domesticated cats.

Sec. 6-10. - Public nuisance.

It shall be unlawful for any person to own, keep, possess, or maintain any animal in such a manner so as to constitute a public nuisance.

Sec. 6-11. - Animals must be properly maintained.

In no event shall any person keep at his premises more pet animals than can be properly maintained in a healthy condition without presenting a health or safety hazard to the owners, keepers, or others and without constituting a nuisance to the occupants of neighboring properties.

Sec. 6-12. - Duty to remove fecal matter.

The owner or keeper of any animal shall be responsible for the immediate removal of any feces deposited by such animal on streets, sidewalks, parks, and recreation areas or private property. Such animal owner or keeper shall sanitarily dispose of such fecal matter in a lawful manner.

Sec. 6-13. - Female animals in heat.

An owner of or person responsible for an animal known to be in heat shall keep the animal confined in a building, secure enclosure, or veterinary hospital in such a manner as to prevent random breeding.

Sec. 6-14. - Non-neutered animals.

An owner of or person responsible for a non-neutered animal shall at all times keep such animal confined or restrained in such a manner as to prevent random breeding.

## ARTICLE II. - ANIMAL PROTECTION AND CONTROL

Sec. 6-32. - Required identification.

(a) All animals kept within the town shall be required to have a collar indicating the name and address or phone number of the animal's owner and a valid rabies tag from the county health director. The county health director may exempt species that normally do not require rabies inoculation from the rabies tag requirement.

(b) A person shall not use or allow the use of a rabies tag for an animal other than the animal for which such tag was issued.

Sec. 6-33. - Animals confined in vehicles.

(a) No animal shall be confined within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal, including but not limited to a dangerous temperature, lack of food, water or attention, or confinement with a dangerous animal.

(b) Any officer of the county health department or town police department is authorized to remove any animal from a motor vehicle at any location when the officer reasonably believes it is confined in violation of subsection (a) of this section and no owner of the vehicle or animal can be reasonably located. The officer shall leave notice to where he removed the animal.

Sec. 6-34. - Animal abandonment.

(a) A person commits the crime of animal abandonment if the person intentionally, knowingly, recklessly or with criminal negligence leaves a domesticated animal unattended without proper care at a location without providing for the animal's continued care.

(b) It is no defense to the crime of animal abandonment that the defendant abandoned the animal at or near an animal shelter, veterinary clinic or other place of shelter if the defendant did not make reasonable arrangements for the care of the animal.

Sec. 6-35. - Exhibition of animals.

It shall be unlawful for any person to put on a performing animal exhibition in which an animal is induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering to the animal.

Sec. 6-36. - Minimum care.

All animal owners must provide minimum care for all animals under their care and control.

Sec. 6-37. - Enforcement.

(a) The town shall arrange for the enforcement of this article by separate agreement with the county health director.

(b) The town police shall be responsible for the enforcement of all other provisions in this chapter.

(c) Unless otherwise provided for in state law, violation of any section of this chapter is a Class 3 misdemeanor.

**Chapter 10. Civil emergencies.**

Sec. 10-19. - State of emergency; restrictions authorized.

(a) A state of emergency shall be deemed to exist whenever during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property, or whenever the occurrence of any such condition is imminent.

(b) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the town or any part thereof, or threatening damages to or destruction of property, the mayor is hereby authorized and empowered under G.S. 14-288.13, a-7 and a-8, 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 and property of people within the county, to place in effect any or all of the restrictions hereinafter authorized.

(c) The mayor is hereby authorized and empowered to limit by the proclamation the application of all or any part of such restrictions to any area specifically designated or described within the city and to specific hours of the day or night; and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firefighters and other public employees, rescue squad members, doctors, nurses, and employees of hospitals and other medical facilities; on-duty military personnel, whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated

for profit; 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 people within the town.

Sec. 10-31. - Penalty for violation.

Except as provided in [section 10-24](#), any person violating any prohibition or restriction imposed by a proclamation authorized by this chapter shall be guilty of a Class 3 misdemeanor, punishable upon conviction by a fine not exceeding \$50.00 or imprisonment not exceeding 30 days, as provided by G.S. [14-4](#).

## **Chapter 12. Fire Prevention and Protection**

Sec. 12-2. - Interfering with fire department.

Any person who shall in any way interfere with, obstruct or hinder the fire department, or any member thereof, in the performance of his duties with the fire department, or who shall drive or ride over or across any part of the hose belonging to the fire department shall be guilty of a misdemeanor punishable as provided by [section 1-7](#).

## **Chapter 14. Flood Damage Prevention**

Sec. 14-13 – Penalties for violations

Any violations of this chapter or failure to comply are considered a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both.

## **Chapter 18. Housing**

Sec. 18-38. - Violations; penalty.

(a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the inspector duly made and served as herein provided, within the time specified in such order. Each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.

(b) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 18-30, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(c) The violation of any provision of this article shall constitute a misdemeanor, as provided by G.S. 14-4.

(d) In addition to the penalty established by subsection (c) of this section, and the remedies provided by other provisions of this article, this article may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

## **Chapter 19. Parks, Article II. Pinnacle Park**

Sec. 19-24. - Prohibited conduct.

No person, firm, or corporation shall commit any of the following conduct in Pinnacle Park:

- (1) Occupy or use any portion of Pinnacle Park 30 minutes prior to sunrise or 30 minutes following sunset, unless in possession of a valid park use permit.
- (2) Transport or use any alcoholic beverages in Pinnacle Park.

- (3) Possess a firearm or weapon in Pinnacle Park, unless the person is a sworn police officer acting within the scope of his duties.
- (4) Hunt or trap any animals or birds within any portion of Pinnacle Park.
- (5) Use, park, or operate any type of motorized vehicle in Pinnacle Park unless the person is a town employee or designee acting within the scope of their duties.
- (6) Damage, destroy, deface, or remove any tree, shrub, plant, sign, marker or any other equipment or facility within Pinnacle Park.
- (7) Light or maintain a fire within Pinnacle Park, except in an area provided in designated camping areas.
- (8) Suffer or cause any litter to remain in Pinnacle Park.
- (9) Failure to observe any of the requirements of a park use permit, or fail to abide by the rules and regulations for the use of Pinnacle Park.

Sec. 19-25. - General penalty for violation of Code.

Violation of this code is a criminal offense punishable by any applicable criminal state law or if none, the same constitutes a Class 3 misdemeanor pursuant to G.S. 14-4 and Town [Code section] 1-7.

## **Chapter 22. Licenses and Business Regulations**

### **Article II. Required Reporting for Certain Businesses**

Sec. 22-119. – Electronic record keeping required

- (b) Secondhand dealers must obtain the following information when purchasing or exchanging secondhand goods from a seller at the secondhand dealer's place of business:
  - (1) A clear and accurate description of the property, including model and serial number if indicated on the property;
  - (2) The name, residence address, phone number and date of birth of the seller;
  - (3) The date and time of the sale;
  - (4) Type of identification and the identification number accepted from the seller;
  - (5) A description of the seller, including approximate height, weight, sex and race; and
  - (6) Amount of consideration given for the property.
- (c) This information needs to be available for police within 48 hours.
- (e) Any secondhand dealer, with the exception of secondary metal recyclers, convicted of violating any provision of this article shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.00. Secondary metal recyclers convicted of violating any provision of this article shall be subject to the provisions set forth in G.S. 66-11(f).

## **Chapter 24. Miscellaneous Provisions and Offenses**

### **Article I. In General**

Sec. 24-6. -Unreasonably loud or disturbing noise levels

- (d) Penalty for violation. A person violating any provision of this section may be charged with either a civil fine or charged with a criminal misdemeanor.
  - (1) Civil fine. In the event that a person is charged with a civil fine, a first violation will result in a civil fine of \$50.00. A second violation within 365 days shall result in a fine of \$150.00 and a third violation within the past 365 days shall result in a fine of \$300.00. Failure to pay a civil fine shall result in delinquent penalties in accordance with [section 1-9](#).
  - (2) Criminal misdemeanor. Issuance of a criminal misdemeanor may be issued in accordance with [section 1-7](#) and G.S. [14-4](#).

## **Article V. Sex Offenders in Parks**

### *Sec. 24-140. - Definitions.*

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- Public park means any publicly owned or maintained land which is designated by the town as a public park or recreation facility. Public park further includes any town, county, or state owned parking area adjoining a public park, including but not limited to the parking lots and parking areas adjoining Charles Poteet Park, the town swimming pool, Municipal Hall, Bridge Park, Bicentennial Park, Bryson Park, Pinnacle Park and Mark Watson Park.
- Registered sex offender means an individual who is registered by any state or federal agency in a sex offender listing, including, but not limited to, the sex offender registry established in article 27A of North Carolina General Statutes Chapter 14 (G.S. 14-208.5 et seq.).

### *Sec. 24-141. - Penalty.*

Any person who is found in violation of this article shall be guilty of a misdemeanor punishable by a fine of not less than \$500.00 and/or imprisonment for not more than 30 days, in the discretion of the court, as provided in G.S. 160A-175. Each and every violation shall constitute a separate offense.

## **Chapter 28. Solid Waste**

### *Sec. 28-2. - Littering.*

It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk, canal, ditch or any yard or premises, public or private, any garbage, trash or filth of any kind, or any cans, paper, trash, paper containers, rubbish, bottles or any other form of litter or waste matter.

### *Sec. 28-3. - Property bordering running streams to be kept clean.*

All persons owning property on either side of any running stream shall keep said stream free from any obstruction whatsoever, and any owner allowing any obstruction to remain, or any person throwing or placing any obstruction into running streams, shall be guilty of a misdemeanor punishable as provided in [section 1-7](#).

### *Sec. 28-4. - Burning or burying garbage and refuse.*

It shall be unlawful to burn or set fire to or bury any garbage for the purpose of disposal. In addition, it shall be unlawful to burn any refuse for the purpose of disposal unless a permit therefor has been granted.

### *Sec. 28-5. - Accumulation of garbage and refuse prohibited.*

All garbage and refuse shall be collected and placed in containers as required by this chapter. It shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit same in approved containers as required herein.

### *Sec. 28-8. - Penalties.*

Any person violating this chapter shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00 or imprisonment for not more than 30 days, or both. Each day's continuing violation shall constitute a separate offense.

## **Chapter 31. Subdivisions**

### **Article I. In General**

#### *Sec. 31-6. Application, effect*

(e) Penalties for selling lots in unapproved subdivision. The owner or agent of the owner of any land to be subdivided within the area of jurisdiction of this chapter who transfers or sells or agrees to sell such land by reference to or exhibition of or by any other use of a plat of a subdivision of such land, before such plat has been approved by the applicable authority and recorded by the register of deeds, shall be guilty of a misdemeanor. Upon conviction thereof, he shall be punished as provided by [section 31-149](#). The description of the land by metes and bounds in the instrument of transfer shall not exempt the transaction from these penalties. Such transfer, sale or agreement may be enjoined by appropriate action.

(g) Effect of subdivision regulations on naming streets. It shall be unlawful for any person, in laying out any new street or road, to name such street or road on any plat, by any marking, or in any deed or instrument without first getting the approval of the appropriate authority. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in [section 31-149](#).

### **Article VI. Administration, Enforcement, and Appeals**

#### *Sec. 31-149. – Criminal Penalty*

Any violation of this chapter shall constitute a misdemeanor.

## **Chapter 34. Taxicabs**

#### *Sec. 34-18. Refusal to pay taxi fare*

Anyone who refuses to pay a taxi fare shall be guilty of a misdemeanor.