

Ordinance Reporting - Town of Waynesville

General Description of Ordinance	Actual Ordinance Section referencing misdemeanor	Ordinance Wording
Buildings and Building Regulations	Chapter 10 - Section 10-76- Required; application	No person shall commence or proceed with the construction, reconstruction alteration repair, movement to another site, removal or demolition of any building or structure; the installation, extension or general repair of any plumbing system; the installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment without first securing from the inspection department any and all permits required by the state building code and any other state or local laws applicable to the work.
Buildings and Building Regulations	Chapter 10 - Section 10-120 Inspection procedure	At the conclusion of all work done under a permit, the codes administrator or other authorized inspector shall make a final inspection; and if he finds that the completed work complies with all applicable state and local laws and with the terms of the permit, he shall issue a certificate of compliance. No new building or part may be occupied, no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or moved may be occupied prior to final completion of the entire building.
Buildings and Building Regulations	Chapter 10 - Section 10-123 Remedies	Whenever any violation is denominated a misdemeanor under the provisions 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.
Buildings and Building Regulations	Chapter 10 Section 10-157 Condemnation of especially dangerous buildings	Every building which shall appear to the codes administrator or other authorized inspector to be especially dangerous to life because of its liability to fire or because of bad condition 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 codes administrator or other authorized inspector shall affix a notice of the dangerous character of the structure, shall be guilty of a misdemeanor
Buildings and Building Regulations	Chapter 10 Section 10 - 160 Enforcement pcedures against owner	If the owner of a building or structure fails to comply with an order issued pursuant to written notice by mail, posting publishing of notice, of an order requiring remedy of defective conditions that constitutes a fire or safety hazard or renders it dangerous fo life, health, or other property, snd no appeal has been taken, or fails to comply with an order of the Board of Aldermen following an appeal he shall be guilty of a misdemeanor

Buildings and Building Regulations	Chapter 10 Section 10 - 161 Enforcement	Whenever any violation is denominated a misdomeanor under the provisions of this sction, the town, either in adition to or in lieu of other remedies, may initiate any appropriate action or proceedings to preven, restrain, correct, or abade the violation or to prevent the occupancy of the building or structures involved.
Businesses - Street Vendors	Chapter 14 Section 14 - 79 Street vendor license in general	A statement of whether or not the applicant (street vendor) has been convicted of any state or federal crime, misdemeanor or violation of any municipal orcdinance in the last ten years; the nature of the offense; and the punishment or penalty assessed.
Businesses - Pawn Brokers and Second Hand Dealers	Chapter 14 Section 14-113 Penalties Pawnbrokers and Secondhand dealers	Every person, their guests or employeed who shall knowingly violate any of the provisions of this article shall, on conviction thereof, be deemed guilty of a Class 2 misdemeanor, and shall be fined a sum not to exceed \$500.00 for each offense, and at the discretion of the court, may be imprisoned for a period of time not to exceed six months. If the violation is by an owner or major stockholder or managing partner of the pawnshop and the violation is knowingly committed by the owner, major stockholder or managng partner of the pawnshop, the license of the pawnshop may be suspended at the descretion of the court.
Businesses - Pawn Brokers and Second Hand Dealers	Chapter 14 Section 14-115 - Qualifications of licensee	In order to establish evidence of good moral character, an applicant shall, among other things, provide references from two or more local citizens. In addition, the applicant shall not have been convicted of a misdemeanor which is related to offenses against property, including but not limited to misdemeanor offrnses of larceny and receiving stolen goods. In order to determine whether or not the applicant has been convicted of a felony within the last ten yeas, a criminal record check from the clerk of court eery county where the applicant has resided during the past ten years shall be made.
Businesses - Pawn Brokers and Second Hand Dealers	Chapter 14 Section 14-122 Electronic recordkeepig required.	Any secondhand dealer, with the exception of secondary metal recyclers, convicted of violating any provision of this article, shall be guilty of a Class 2 misdemeanor, and shall be fined no more that \$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).
Businesses - Street Vendors	Chapter 14 Section 14-131 Enforcement	Any person who fails or refuses to comply with the regulations contained in this section, or to produce a license issued herin upon request of a tow ofical, shall be guilty of a class 3 misdemeanor. Except as otherwise provided herein, a police officer shall issue a citation for a violation of this section

Cemeteries	Chapter 18 - Cemeteries Section 18-21 - Prohibited acts	No person shall destroy, mutilate, deface, injure or remove in any way from where it is place any tomb, monument, gravestone or other structure placed in the town cemetery or any plank or fence or part of a fence, railing or other structure within the cemetery or from the fence surrounding the cemetery, which is placed for the protection or ornament of the cemetery or any tomb, monument, gravestone or space. Any person who shall destroy, cut down, break, remove or injure any space tree, shrub, plant or flower that may have been planted or that may be growing in the cemetery or commit any other trespass in the cemetery shall be guilty of a misdemeanor.
Civil Emergencies - when a state of emergency has been called and a person violates the conditions of the state of emergency this section applies.	Chapter 22 Sec 22-35 Penalty	Civil Emergencies - State of Emergency - Any person violating any provision of this article shall be guilty of a misdemeanor, punishable upon conviction 1-8
Environment - Public Nuisances - there are varying categories of nuisances including noise, weeds, noise from construction or motor vehicles and junked or abandoned vehicles	Chapter 26 - Environment Article III Noise - Division 2	Any person who has been issued a citation for a violation of this division and who has not paid the civil penalty within five business days after the issuance of the citation shall be guilty of a misdemeanor punishable upon conviction by a fine not exceeding \$250.00 or by imprisonment not exceeding 30 days.
Fire Prevention and Protection - relates to the violation of the fire code or compliance with such fire code	Chapter 30- Fire Prevention and Protection Article III - Fire Code	Any person who shall violate any of the provisions of the fire code adopted in this section, fail to comply with such code, or who shall violate or fail to comply with any orders made under such code, or who shall build in violation of any detailed statement of specifications or plans submitted and approved under such code, or any certificate or permit issued under such code, and from which no appeal had been taken, or who shall fail to comply with such an order as affirmed or modified by the codes administrator or by a court of competent jurisdiction, within the time fixed in this section, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor punishable as provided in section 1-8.
Housing - Pursuant to G.S. 160A-441, it is found and declared that there exist in the town dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities; and other conditions rendering dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the town.	Chapter 38 - Housing Article II - Administration and Enforcement	After failure of an owner of a dwelling or dwelling unit to comply with an order of the codes administrator issued pursuant to the provisions of this chapter, and upon adoption by the board of aldermen of an ordinance authorizing and directing him to do so, as provided by G.S. 160A-443(5) and 152.37(C), the codes administrator shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the board of aldermen, and shall cause to be posted on the main entrance of the dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.

Housing	Chapter 38 - Housing-Article II Administration and Enforcement	The violation of any provision of this chapter shall constitute a misdemeanor, as provided by G.S. 14-4; and any person who shall violate the provisions of this chapter shall, upon conviction, be punished in accordance with section 1-8
Offenses and Miscellaneous Provisions	Chapter 42 - Article I - In General - Acts prohibited in Public Places	Violations of this section shall be a class 3 misdemeanor punishable upon conviction in accordance with section 1-8. With respect to subsection (b) of this section, each separate incident shall constitute a separate offense. With respect to subsection (c) of this section, each day's violation shall constitute a separate offense.
Offenses and Miscellaneous Provisions	Consumption or possession of alcohol on the public street and sidewalks of the Town - Chapter 42 - Offenses and Miscellaneous provisions Section 42-4	Violations of subsections (a), (b) and (c) of this section shall be misdemeanors, punishable upon conviction in accordance with section 1-8.
Offenses and Miscellaneous Provisions - relates to trespassing on town owned properties after posted hours such as in parks, playgrounds and other facilities	Chapter 42-Section 42.5 - Acts Prohibited on Town Owned Property except for Town Sidewalks and Streets	Violations of this section shall be a class 3 misdemeanor punishable upon conviction in accordance with Section 1-8. With respect to section (1) each separate incident and each day's violation shall constitute a separate offense.
Solid Waste and Weed Management - this relates to accumulation of solid waste, dumping or littering on private or public property and yard and bulky waste items	Chapter 44 - 5 Solid Waste and Weed Management Article 1 - In General	A violation of any of the provisions of this chapter shall constitute a misdemeanor punishable as provided in G. S. 14-4
Traffic and Vehicles	Chapter 54 - Traffic and vehicles Article 1 - in General Penalty	Any person who violates any provision of this chapter shall be guilty of a misdemeanors and shall, upon conviction, be punished in accordance with section 1 - 8
Traffic and Vehicles	Chapter 54 Sec 54-89 Traffic and Vehicles - Use of roller skates, coasters, and the like	Except as otherwise provided, any person who violates subsection (b) of this section shall be guilty of a misdemeanor and shall, upon conviction, be punished in accordance with section 1-8, provided further that any roller skate, in-line skates, skateboard, coaster, toy vehicle or similar device used in the violation of this section shall be subject to forfeiture.
Traffic and Vehicles	Chapter 54 Section 54-92 Commercial motor vehicles prohibited on certain town streets	Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with section 1-8.
Traffic and Vehicles - relates to the use of compression brakes within the Town limits outside of an emergency	Chapter 54 Section 54-93 - Engine compression brakes prohibited	Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with section 1-8.

Land Development Standards - relates to environmental conservation standards and failure to comply with necessary permitting requirements	Appendix A - Land Development Standards Chapter 12 Environmental Conservation Standards	Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor
Land Development Standards - this section is the general violations and penalties for any failure to comply with a land development standard outlined in Appendix A.	Appendix A - Land Development Standards Chapter 16 - Violations and Penalties Penalties for Violation and Enforcement Mechanisims	Pursuant to GS § 14-4, any person, firm, or corporation convicted of violating the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount consistent with the General Statutes.

Sec. 1-8. - General penalty.
(a) Any person violating or failing, refusing or neglecting to comply with any provision or requirement of any section or subsection of this Code, or any ordinance of the town, to which no specific penalty is affixed, shall be punished by a fine not to exceed \$500.00, or shall be imprisoned for not more than 30 days, for each offense.
(b) Any ordinance in this Code may be enforced by an appropriate legal remedy issuing from a court of competent jurisdiction. It shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law.
(c) Each day any breach or violation of or any failure to comply with any provision or requirement of any section or subsection of this Code or any ordinance of the town continues or is allowed to continue shall constitute a separate and distinct offense; but nothing contained in this section or this Code shall be construed to relieve, or shall have the effect of relieving, any offender of any fine, imprisonment or penalty for repeated violations on any one day of any ordinance, or any section or subsection.
(d) The imposition of a penalty under the provisions of this Code shall not prevent the revocation or suspension of any license, franchise or permit issued or granted under this Code.

(e) If any violation of this Code is designated as a nuisance under the provisions of this Code, such nuisance may be summarily abated by the town in addition to the imposition of a fine or imprisonment.

(f) Any provision of this Code or other ordinance of the town may be enforced by any one or more of the remedies authorized by G.S. 160A-175.

(Code 1987, § 10.99; Ord. No. 25-94, § 1, 9-27-1994)

State Law reference— Penalty for violation of municipal ordinances, G.S. 160A-175.