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TO: Rep. Jonathan C. Jordan and Sen. Andy Wells—Co-Chairs of the Joint Legislative Administrative Procedure Oversight Committee

Rep. James L. Boles, Jr., Rep. Ted Davis, Jr., and Sen Shirley B. Randleman--- Co-Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety

Susan Sitze, Legal Council

FROM: Sherry Scoggins, Special Assistant to the Town Manager & Town Clerk

DATE: November 30, 2018

RE: Response to the Requirements set forth in Section 3 of Session Law 2018-69 (House Bill 379) for the Town of Wendell, NC

Attached is the response of the Town of Wendell to the requirements set forth in Section 3 of Session Law 2018-69 for local governmental units. The attached contains a list of the Town of Wendell's ordinances that create criminal offenses pursuant to NCGS 14-4(a) that includes the ordinance excerpt. Additionally, there is a link to Wendell's website for the ordinances referenced.

Please acknowledge receipt of this Memorandum and its sufficiency in complying with Session Law 2018-69, Section 3.

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Chapter 1 - General Provisions

Sec. 1-18. - General penalty.

Whenever in this Code or in any ordinance of the town any act is prohibited or declared to be unlawful or an offense or a misdemeanor or whenever in the Code or an ordinance the doing of any act is required or the failure to do such act is declared to be unlawful where no specific penalty is provided therefor, the violation of any such provision of this Code or other ordinance shall be punishable by a fine not exceeding \$50.00 or by imprisonment for a term not exceeding 30 days. Each day that any violation of this Code or of any ordinance continues shall constitute a separate offense. Fines imposed by this Code or any ordinance of the town for violation of this Code or an ordinance shall subject the offender to a civil penalty to be recovered by the town in a civil action in the nature of a debt if the offender does not pay the fines within the prescribed period of time after he has been cited for violation of this Code.

(Code 1969, § 1-6; Code 1986, § 10.99; Ord. No. O-7-2012, § 2, 6-25-2012)

State Law reference— Authority of town to impose penalty, G.S. 160A-175; violation of town ordinances, G.S. 14-4.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEP_R_S1-18GEPE

Chapter 2 – Administration

Sec. 2-43. - Proclamation by mayor, and restrictions authorized to be imposed thereby.

(a)

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 threatening damage to or destruction of property, the mayor is authorized and empowered following consultation with essential emergency agencies, to include the Wendell Police Department, Wendell Fire Department and Wake County Emergency Management as well as the town manager prior to the issuance of 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 town, to place in effect any or all of the restrictions hereinafter authorized in subsection (b) of this section.

(b)

During the existence of a proclaimed state of emergency, the mayor may impose by proclamation any or all of the following restrictions:

(1)

Prohibit or regulate the possession off one's premises of explosives, firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof;

(2)

Prohibit or regulate the buying or selling of beer, wine or intoxicating beverages of any kind and their possession or consumption off one's own premises;

(3)

Prohibit or regulate any demonstration, parade, march, vigil or participation thereon from taking place on any of the public ways or upon any public property;

(4)

Prohibit or regulate the sale of gasoline, kerosene, naphtha or any other explosive or inflammable fluids or substances;

(5)



Prohibit or regulate travel upon any public street or roadway or upon any other public property;
(6)

Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment and any other places of public assembly;

(7)

Prohibit or regulate, by what is commonly called a curfew, persons being upon any or all streets, sidewalks, public places and vacant lots within the town during such periods of the day or night, or both day and night, as the mayor may specify.

(Ord. No. O-6-2011, 12-12-2011)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIIMABOCO_DIV2MA_S2-43PRMAREAUBEIMTH

Sec. 2-48. - Required compliance with proclamation.

During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this chapter.

(Ord. No. O-6-2011, 12-12-2011)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIIMABOCO_DIV2MA_S2-48RECOPR

Chapter 4 - Animals

Sec. 4-9. - Penalty.

(a)

Criminal. Any owner found violating any provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$50.00 and/or 30 days in jail for such offense, in the discretion of the court.

(b)

Civil. Imposition of civil penalties for violations of this chapter are as follows:

(1)

If any exotic animal shall attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay a \$1,500.00 civil penalty, and said exotic animal shall be destroyed by the animal control program.

(2)

If any exotic animal shall kill, wound or worry or assist in killing or wounding any domestic animal or pet, or damage property, the owner or keeper of said exotic or dangerous animal shall pay a \$500.00 civil penalty, and after a ten-day waiting period exclusive of Sundays and holidays, said exotic animal may be destroyed by the animal control program.

(3)

If any dangerous animal or dangerous dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay a \$500.00 fine and, after a ten-day waiting period exclusive of Sundays and holidays, said animal or dog shall be destroyed by the animal control program. Each owner/keeper shall pay a \$1,500.00 civil penalty for owning or keeping a dangerous animal or dangerous dog which attacks, assaults, wounds, bites or otherwise injures or kills a human being.

(4)



If any dangerous animal or dangerous dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal or pet, the owner or keeper of said dog shall pay a \$250.00 civil penalty and the animal control department is empowered to confiscate and, after the expiration of a ten-day waiting period exclusive of Sundays and holidays, may destroy said dangerous dog or animal. For each subsequent violation the owner or keeper of said dog or animal shall pay a civil penalty of \$500.00.

(5)

The violation of any provision of this chapter shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4. Each day's violation of this chapter is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve a person of his liability for taxes, civil penalties or fees imposed under this chapter.

(6)

Officers of the police department are empowered to issue citations to any person if there is probable cause to believe that the person has violated any provision of this chapter.

(7)

In addition, enforcement of this chapter may be by appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction.

Each day that a violation continues shall constitute a separate offense.

(Code 1986, § 91.99; Ord. No. 0-18-92, 3-9-1992)

State Law reference— Penalty for attacks by dangerous dogs, G.S. 67-4.3.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AN_ARTIINGE_S4-9PE

Sec. 4-39. - Cruelty to animals.

It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon any animal or subject any animal to conditions detrimental to its health or general welfare, or to cause or procure such action. The terms "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit an animal's owner, a veterinarian, the health director or animal control program agents from destroying dangerous, unwanted, injured or exotic animals in a humane manner, nor to prohibit the lawful use of animals in scientific research.

(Code 1986, § 91.10; Ord. No. 0-18-92, 3-9-1992)

State Law reference— Cruelty to animals, G.S. 14-360 et seq.; authority to adopt ordinance regarding abuse of animals, G.S. 160A-182.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AN_ARTIID_S4-39CRAN

Sec. 4-67. - Animals at large.

(a)

It shall be unlawful for any owner or keeper to permit an animal to be at large. The animal control department may confiscate any animals found to be at large and impound such animals at the town animal shelter.

(b)

An owner or keeper may lawfully permit an animal to be at large in the course of a show, obedience school, tracking tests, field training, or other events sanctioned or supervised by a recognized organization. Hunting dogs may be at large in the course of hunting if under the control of the owner or keeper.

(c)

Any owner or keeper permitting animals to be at large shall pay a civil penalty of:



(1)

First violation, \$15.00 plus shelter reclaim fee;

(2)

Second violation, \$30.00 plus shelter reclaim fee; and

(3)

Succeeding violation, \$50.00 plus shelter reclaim fee.

(d)

The penalty provided for in subsection (c) of this section shall be paid when the animal is released.

(Code 1986, § 91.11; Ord. No. 0-18-92, 3-9-1992)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AN_ARTIICACOAN_S4-67ANLA

Chapter 6 – Businesses

Sec. 6-23. - Penalty.

Any person who shall offer for sale or shall sell any merchandise or services by means of door-to-door sales within the jurisdiction of the town without first having obtained a permit to do so from the chief of police shall be guilty of a misdemeanor and shall be fined in an amount not to exceed \$50.00 or imprisoned for a term not to exceed 30 days, or both, in the discretion of the court. Each day that a violation continues shall constitute a separate offense.

(Code 1986, § 111.99; Ord. No. 0-1-76, 1-12-1976)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH6BU_ARTIIDO-DSA_S6-23PE

Sec. 6-131. - Massage of private parts prohibited.

(a) It shall be unlawful for any person to massage or to offer to massage the private parts of another for hire.

(b) The provisions of this section shall not apply to licensed medical practitioners, osteopaths, or chiropractors, or persons operating at their direction, in connection with the practice of medicine, chiropractic, or osteopathy.

(Code 1986, § 113.04; Ord. No. 0-1-75, 11-10-1975)

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Sec. 6-161. - Required.

No person shall operate a massage business unless the person shall have first applied for and received the privilege license provided by this division.

(Code 1986, § 113.10; Ord. No. 0-1-75, 11-10-1975)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH6BU_ARTIVMABU_DIV2LIBUOP_S6-161RE

Sec. 6-163. - Approval of application; payment of fee.

(a)

An application in proper form, accompanied by all reports required by this division, shall be submitted to the Board of Commissioners, which shall approve the application if the Board of Commissioners determines that:

(1)



The application contains no misstatement of fact;

(2)

The applicant, or any person having any legal or beneficial ownership interest in the applicant, has not been convicted of any crime involving sexual misconduct, including, but not limited to:

a.

G.S. 14-177—14-202.1, pertaining to offenses against public morality and decency and G.S. 14-203—14-208, pertaining to prostitution;

b.

Any federal statute relating to prostitution; or

c.

Any violation of any law or ordinance of any governmental unit concerning or related to the business or profession of massage;

(3)

The applicant conforms to all requirements of applicable zoning, building, and fire prevention codes; and

(4)

The applicant or any person having a legal or beneficial ownership interest in the applicant has not, for the three-year period preceding the application, had a previously issued license revoked for engaging in the business or profession of massage.

(b)

Upon approval of the application by the Board of Commissioners, and upon receipt of a license fee, as provided in the fee schedule which is on file in the town clerk's office, the collector of revenue shall issue a privilege license to the applicant.

(Code 1986, § 113.12; Ord. No. 0-1-75, 11-10-1975)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH6BU_ARTIVMABU_DIV2LIBUOP_S6-163APAPPAFE

Sec. 6-164. - Revocation of license.

(a)

A license issued pursuant to this division shall be revoked by action of the Board of Commissioners if the board determines that:

(1)

The licensee has violated any provision of this division;

(2)

The licensee, or any agent of the licensee, employs or permits to be on the premises of the applicant's massage business any person practicing the business or profession of massage who has not been issued the privilege license required by sections [6-184](#) through [6-186](#) hereof, or whose license under sections [6-184](#) through [6-186](#) has been revoked;

(3)

The licensee, or the legal or beneficial owner of any interest in the licensee is convicted of any crime involving sexual misconduct, including but not limited to, G.S. 14-177—14-202.1, pertaining to offenses against public morality and decency, and G.S. 14-203—14-208, pertaining to prostitution;

(4)

Any employee of the licensee is convicted of any felony in connection with his employment, or is convicted of any crime involving sexual misconduct, including, but not limited to, G.S. 14-177—14-202.1, pertaining to offenses against public morality and decency, and G.S. 14-203—14-208, pertaining to prostitution; or

(5)

The licensee violates any zoning, building, or fire prevention ordinance.

(b)



A license issued pursuant to this article is void if the licensee moves or ceases operating a massage parlor at the location required to be stated in the application for license pursuant to [section 6-162\(a\)\(2\)](#).

(Code 1986, § 113.13; Ord. No. 0-1-75, 11-10-1975)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH6BU_ARTIVMABU_DIV2LIBUOP_S6-164RELI

Sec. 6-165. - Employer to use only licensed employees.

(a)

No person licensed under sections [6-161](#) through [6-163](#) shall allow or permit any person to massage or treat any person upon the premises operated by the licensee unless the person giving the massage or treatment has complied with all requirements of licensing under sections [6-161](#) through [6-163](#), including periodic medical examinations by a licensed physician.

(b)

Violation of this section shall be grounds for revocation of the license issued to such violator pursuant to this division.

(Code 1986, § 113.14; Ord. No. 0-1-75, 11-10-1975)

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Sec. 6 DIVISION 3. - LICENSING OF MASSAGISTS

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH6BU_ARTIVMABU_DIV3LIMA

Sec. 6 DIVISION 4. – ADMINISTRATION

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH6BU_ARTIVMABU_DIV4AD

Sec. 6-249. - Permit required; application requirements.

Any person proposing to engage in the business of buying, selling, handling, or storing junk in buildings or on vacant lots or any part of vacant lots, shall comply with the following regulations:

(1)

He shall make a written application to the town manager for a permit which shall state the place where the business is to be conducted, and the application shall be signed by five residents of the town vouching for a good character of the applicant.

(2)

The written application shall, by proper endorsement thereon, be approved by the county board of health showing that the place where the business is to be conducted complies with the regulations of the county board of health.

(3)

The application shall also, by proper endorsement thereon, be approved by the town manager, showing that the place where the business is to be conducted is not within a zone prohibiting such business, and no permit shall be issued by the building inspector if the location of the junkyard or automobile bone yard will create or be likely to create a fire hazard to adjoining or adjacent properties or create or be likely to create an unsightly or unhealthy condition.

(Code 1969, § 7-3; Code 1986, § 90.22)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH6BU_ARTVJU_S6-249PEREAPRE



Sec. 6-250. - Repair.

Nothing but automobile dismantling shall be carried on in any automobile junkyard or bone yard. If repairs are made to any automobile or other self-propelled vehicle, those repairs shall be made in a building meeting all the requirements of a public garage as prescribed by the building code.

(Code 1969, § 7-4; Code 1986, § 90.23)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH6BU_ARTVJU_S6-250RE

Sec. 6-251. - Permit required for burning automobiles for wrecking or salvage purposes.

No automobile or any part thereof shall be burned for wrecking or salvage purposes in or on any premises occupied as a junkyard or automobile bone yard within the town without a written permit therefor.

(Code 1969, § 7-5; Code 1986, § 90.24)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH6BU_ARTVJU_S6-251PEREBUAUWRSAPU

Chapter 10 – Environment**Sec. 10-42. - Abandoned vehicle unlawful; removal authorized.**

(a)

It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned.

(b)

Upon investigation, proper town officials may determine that a vehicle is an abandoned vehicle, and order the vehicle removed.

(Code 1986, § 90.03; Ord. No. 0-14-87, 10-12-1987)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH10EN_ARTIIJUWRABPR_DIV2ABVE_S10-42ABVEUNREAU

Sec. 10-43. - Nuisance vehicle unlawful; removal authorized.

(a)

It shall be unlawful for the registered owner of a motor vehicle or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(b)

Upon investigation, proper officials of the zoning department may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle, and order the vehicle removed.

(Code 1986, § 90.04; Ord. No. 0-14-87, 10-12-1987)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH10EN_ARTIIJUWRABPR_DIV2ABVE_S10-43NUVEUNREAU

Sec. 10-51. - Protection against criminal or civil liability.

No person shall be held to answer to any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned or nuisance vehicle, for disposing of such vehicle as provided in this division.

(Code 1986, § 90.12; Ord. No. 0-14-87, 10-12-1987)



Sec. 10-53. - Unlawful removal of impounded vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the town any vehicle which has been impounded pursuant to the provisions of this division, unless and until all towing and impoundment fees, or bond in lieu of such fees, have been paid.

(Code 1986, § 90.14; Ord. No. 0-14-87, 10-12-1987)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH10EN_ARTIIJUWRABPR_DIV2ABVE_S10-53UNREIMVE

Sec. 10-80. - Prohibited acts enumerated.

(a)

Unnecessary noise prohibited. It shall be unlawful for any person to create or assist in creating, permit, continue, or permit the continuance of any unreasonably 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 this enumeration shall not be deemed to be exclusive. Namely:

(1)

Horns and signaling devices. 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)

Sirens. The use of any gong or siren upon any vehicle, other than police, fire, rescue or other emergency vehicle.

(3)

Radios, loudspeakers, etc. The use or operation of any piano, manual or automatic, phonograph, radio, loudspeaker, 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. However, upon application to the town manager, permits may be granted to responsible organizations to produce programs in music, speeches, or general entertainment.

(4)

Animals. The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort and repose of any person in the vicinity.

(5)

Operation of vehicles. The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in such manner as to create loud or unnecessary grating, grinding, rattling, or other noise, to include intentional squealing of tires.

(6)

Blowing whistles. 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)



Exhaust discharge. 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.

(8)

Compressed air devices. The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.

(9)

Construction noises. The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 6:00 a.m. and 8:00 p.m. daily, except in the case of urgent necessity in the interest of public safety, and then only with a permit from the town manager, which permit may be renewed for a period of three days or less while the emergency continues.

(10)

Excessive noise—Near schools, courts, etc. 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 of any hospital, which noise unreasonably interferes with the working of the institution; provided conspicuous signs are displayed indicating that the same is a school, court, or hospital.

(11)

Same—Near churches. The creation of any excessive noise on Sundays on any street adjacent to any church, while the same is in session, provided conspicuous signs are displayed indicating that the same is a church.

(12)

Same—Loading vehicles. The creation of loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates, and containers.

(13)

Bells, gongs. The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity.

(14)

Hawking, peddling or soliciting. The shouting and crying of peddlers, barkers, hawkers, and vendors which disturb the quiet and peace of the neighborhood.

(15)

Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show, sale, or display of merchandise.

(16)

Loudspeakers or amplifiers. The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the town manager.

(17)

Garages and filling stations. The conducting, operating, or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises between the hours of 11:00 p.m. and 7:00 a.m.

(18)

Discharge of firearms, etc. The firing or discharging of a gun, 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 town manager.

(19)

Locomotive whistles—Employees. No railroad, nor any employee thereof, shall blow, or cause or allow to be blown within the town limits any locomotive whistle, except when necessary for proper signals.

(20)



Same—Persons. It shall be unlawful for any person to blow or allow to be blown any locomotive whistle under his control within the town limits.

(Code 1986, § 130.03; Ord. of 11-2-1970; Ord. No. 0-43-93, 6-14-1993)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH10EN_ARTIIIINO_S10-80PRACEN

Sec. 10-104. - Enumerated.

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits of the town is hereby declared to be dangerous, prejudicial to the public health or safety, aesthetically unpleasing, or detrimental to the economic well-being of the community, thereby constituting a public nuisance:

(1)

The uncontrolled growth of noxious weeds or grass to a height in excess of eight inches for improved property or in excess of 24 inches for unimproved property causing or threatening to cause a hazard detrimental to the public health or safety.

(2)

Any accumulation of rubbish, trash, tires, motor vehicle parts, or junk.

(3)

The accumulation of debris, discarded items, upholstered furniture, weight equipment, building and construction materials and tools, lawn and garden equipment and other items not designated as patio or lawn furniture within the yard, on unenclosed porches or visible from the street or in yard areas.

(4)

Items or materials causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation of rats, mice, snakes, mosquitoes, insects, or other pests of any kind, or causing an unattractive nuisance.

(5)

Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(6)

The open storage of any abandoned icebox, refrigerator, stove, glass, building material, building rubbish, or similar items.

(7)

Dead or downed trees.

(8)

Any condition detrimental to the public health which violates the rules and regulations of the county health department.

(Ord. of 6-11-2007(2), § 94.70)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH10EN_ARTIVPUHESANU_S10-104EN

Sec. 10-107. - Removal of nuisance by town.

(a)

Upon the failure of any person to remove and abate a nuisance under this article within seven days, or 72 hours in the case of bulky waste as defined in [section 18-2](#), from the date the notification letter is deposited in the United States Post Office, postage prepaid, the town may enter on the premises of the offending person and cause the nuisance to be removed.

(b)

The cost for removal shall be charged to the owner of the premises.



(Code 1986, § 94.71; Ord. No. 0-46-93, 10-11-1993; Ord. of 7-14-2003, § 94-71; Ord. of 6-11-2007(2), § 94.73)

State Law reference— Noxious weeds and other plant pests, G.S. 106-419 et seq.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH10EN_ARTIVPUHESANU_S10-107RENUTO

Chapter 12 – Fire Protection

Sec. 12-3. - Burning permits.

No person shall burn or cause to be burned any trash, refuse, shavings, debris, grass, leaves, brush, litter, or structure outside any building, or on any street, sidewalk, lot, or yard within the town limits, without the prior written approval of the fire chief, town manager, or the town manager's designee.

(Code 1986, § 93.04; Ord. No. 0-3-81, 3-9-1981)

State Law reference— Inspection for inflammable material or conditions, G.S. 58-79-20; gasoline and oil regulations, G.S. 119-1 et seq.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH12FIP_R_S12-3BUPE

Sec. 12-4. - Tampering with fire equipment.

It shall be unlawful for any person to tamper with the fire hose or all other fire equipment or enter any of the firehouses except in case of fire or with permission of the town.

(Code 1969, § 10-6; Code 1986, § 93.06)

State Law reference— Tampering with fire alarms, etc., G.S. 14-286.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH12FIP_R_S12-4TAFIEQ

Sec. 12-5. - False fire alarms.

It shall be unlawful for any person to break the glass in any fire alarm box or turn in a false alarm or in any way tamper with the alarm boxes, except in case of fire.

(Code 1969, § 10-4; Code 1986, § 93.07)

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

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH12FIP_R_S12-5FAFIAL

Chapter 14 – Offenses

Sec. 14-19. - Cursing.

If any person shall, on any public road or highway and in the hearing of two or more persons, in a loud and boisterous manner, use indecent or profane language, he shall be guilty of a class 3 misdemeanor.

State Law reference— Using profane, indecent language in public, G.S. 14-197.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTIIIOFAGPUPE_S14-19CU



Sec. 14-20. - Intoxicated and disruptive behavior in public.

(a)

Unlawful. It shall be unlawful for any person in a public place to be intoxicated and disruptive in any of the following ways:

(1)

Blocking or otherwise interfering with traffic on a highway or public vehicular area;

(2)

Blocking or lying across or otherwise preventing or interfering with access to or passage across a sidewalk or entrance to a building;

(3)

Grabbing, shoving, pushing or fighting others or challenging others to fight;

(4)

Cursing or shouting at or otherwise rudely insulting others; or

(5)

Begging for money or other property.

(b)

Penalty. Any person who violates this section shall be guilty of a class 3 misdemeanor.

Notwithstanding the provisions of G.S. 7A-273(1), a magistrate is not empowered to accept a guilty plea and enter judgment for this offense.

(Code 1969, § 10-2; Code 1986, § 130.01(A); Ord. No. 0-5-86, 3-10-1986; Ord. of 8-14-2000, § 130.01)

State Law reference— Intoxicated and disruptive in public, G.S. 14-444; alcoholism as a defense to charge of public intoxication, G.S. 14-445; intoxication, coupled with disruptive behavior, still a chargeable offense, G.S. 14-444; no prosecution permitted for public intoxication, G.S. 14-447.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTIIOFAGPUPE_S14-20INDIBEPU

Sec. 14-21. - Public consumption of alcohol.

It shall be unlawful for any person to consume, serve, or drink wine, beer, whiskey, or any other alcoholic beverage as defined by G.S. ch. 18B, on or within the rights-of-way of any municipal street, public vehicular area, alley, or any public property owned or occupied by the town, except as allowed under paragraph 16 of the Wendell Community Center Policies and Procedures; as an approved restaurant participant in the Wendell Outdoor Dining Program; or as otherwise approved by the Wendell Board of Commissioners.

(Code 1969, § 10-2; Code 1986, § 130.01(B); Ord. No. 0-5-86, 3-10-1986; Ord. of 8-14-2000, § 130.01; [Ord. No. O-2-2014, § 2, 3-10-2014](#); [Ord. No. O-12-2014, § 1, 7-14-2014](#).)

State Law reference— Authority to prohibit consumption on public streets, etc., G.S. 18B-300.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTIIOFAGPUPE_S14-21PUCOAL

Sec. 14-22. - Disorderly conduct.

(a)

As used in this section the term "building" or "facility" includes the surrounding grounds and premises of any building or facility used in connection with the operation or functioning of such building or facility.

(b)

Disorderly conduct is a public disturbance intentionally caused by any person who does any of the following:



(1)

Engages in fighting or other violent conduct or in conduct creating the threat of imminent fighting or other violence.

(2)

Makes or uses any utterance, gesture, display or abusive language which is intended and plainly likely to provoke violent retaliation and thereby cause a breach of the peace.

(3)

Takes possession of, exercises control over, or seizes any building or facility of any public or private educational institution without the specific authority of the chief administrative officer of the institution, or his authorized representative.

(4)

Refuses to vacate any building or facility of any public or private educational institution in obedience to any of the following:

a.

An order of the chief administrative officer of the institution, or the officer's representative, who shall include for colleges and universities the vice-chancellor for student affairs or the vice-chancellor's equivalent for the institution, the dean of students or the dean's equivalent for the institution, the director of the law enforcement or security department for the institution, and the chief of the law enforcement or security department for the institution.

b.

An order given by any firefighter or public health officer acting within the scope of the firefighter's or officer's authority.

c.

If a state of emergency is occurring or is imminent within the institution, an order given by any law enforcement officer acting within the scope of the officer's authority.

(5)

After being forbidden to do so by the chief administrative officer, or the officer's authorized representative, of any public or private educational institution:

a.

Engages in any sitting, kneeling, lying down, or inclining so as to obstruct the ingress or egress of any person entitled to the use of any building or facility of the institution in its normal and intended use; or

b.

Congregates, assembles, forms groups or formations, whether organized or not, blocks, or in any manner otherwise interferes with the operation or functioning of any building or facility of the institution so as to interfere with the customary or normal use of the building or facility.

(6)

Disrupts, disturbs or interferes with the teaching of students at any public or private educational institution or engages in conduct which disturbs the peace, order or discipline at any public or private educational institution or on the grounds adjacent thereto.

(7)

Engages in conduct which disturbs the peace, order, or discipline on any public school bus or public school activity bus.

(8)

Except as provided in subsection (b)(9) of this section, disrupts, disturbs, or interferes with a religious service or assembly or engages in conduct which disturbs the peace or order at any religious service or assembly.

(9)

Engages in conduct with the intent to impede, disrupt, disturb, or interfere with the orderly administration of any funeral, memorial service, or family processional to the funeral or memorial service, including a military funeral, service, or family processional, or with the normal activities



and functions occurring in the facilities or buildings where a funeral or memorial service, including a military funeral or memorial service, is taking place. Any of the following conduct that occurs within one hour preceding, during, or within one hour after a funeral or memorial service shall constitute disorderly conduct under this section:

a.

Displaying, within 300 feet of the ceremonial site or location being used for the funeral or memorial, or the family's processional route to the funeral or memorial service, any visual image that conveys fighting words or actual or imminent threats of harm directed to any person or property associated with the funeral, memorial service, or processional route.

b.

Uttering, within 300 feet of the ceremonial site or location being used for the funeral or memorial service, or the family's processional route to the funeral or memorial service, loud, threatening, or abusive language or singing, chanting, whistling, or yelling with or without noise amplification in a manner that would tend to impede, disrupt, disturb, or interfere with a funeral, memorial service, or processional route.

c.

Attempting to block or blocking pedestrian or vehicular access to the ceremonial site or location being used for a funeral or memorial.

(c)

Except as provided in subsection (d) of this section, any person who willfully engages in disorderly conduct is guilty of a class 2 misdemeanor.

(d)

A person who commits a violation of subsection (b)(9) of this section is guilty of:

(1)

A class 2 misdemeanor for a first offense.

(2)

A class 1 misdemeanor for a second offense.

(Code 1969, § 10-3; Code 1986, § 130.02)

State Law reference— Disorderly conduct, G.S. 14-288.4.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTIIIOFAGPUPE_S14-22DICO

Sec. 14-48. - Failing to assist an officer.

No person shall fail to act in making an arrest or to assist any officer any way after being summoned by the officer, nor in any way interfere with or threaten or jeer at any officer in the discharge of his duty.

(Code 1969, § 10-10; Code 1986, § 130.10)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTIIIOFAGSA_S14-48FAASOF

Sec. 14-49. - Ball playing in business district.

It shall be unlawful for any person to engage in pitching ball or playing ball in any other way on Main Street and Third Street in the business part of the town.

(Code 1969, § 10-1; Code 1986, § 130.11)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTIIIOFAGSA_S14-49BAPLBUDI

Sec. 14-50. - Discharge of firearms, fireworks, etc.

No person shall discharge any firearms, fireworks, or any other explosive contrivance within the inhabited portion of the town, without the town manager's consent.

(Code 1969, § 10-5; Code 1986, § 130.12)



State Law reference— Town's authority to regulate use of firearm, see G.S. 160A-189.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTIIIOFAGSA_S14-50DIFIFIET

Sec. 14-51. - Loitering.

(a)

No person shall loiter, or obstruct the access to any public building or any part thereof, or obstruct passage through or on any public street, park, or public place.

(b)

For the purposes of this section, the term "loiter" shall encompass, but shall not necessarily be limited to, one or more of the following acts:

(1)

Obstructing the free unhampered passage of pedestrians or vehicles.

(2)

Obstructing, molesting, or interfering with any person lawfully on any street, park, or other public place.

(3)

Remaining idle in essentially one location without being able to establish having a legitimate business or purpose in so remaining idle or who by his conduct has exhibited the absence of a lawful purpose in so remaining idle.

(4)

Engaging in conduct involving the concept of standing idly by, loafing, walking about aimlessly without purpose and including the colloquial expression of "hanging around."

(5)

Refusing to move on when so requested by a peace officer provided that the peace officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.

(c)

For the purpose of this section, the term "other public place" shall be deemed to include the quasi-public area in front of or adjacent to any store, shop, restaurant, luncheonette, or other place of business and shall include also any parking lots or other vacant private property not owned or under the dominion of the person charged with a violation of this section.

(Code 1969, § 10-18; Code 1986, § 130.13)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTIIIOFAGSA_S14-51LO

Sec. 14-52. - Boarding or leaving train while it is moving.

It shall be unlawful for any person to get on or off of any moving train within the town, other than regular passengers or crew assisting a passenger to get on a moving train.

(Code 1969, § 10-16; Code 1986, § 130.14)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTIIIOFAGSA_S14-52BOLETRWHISMO

Sec. 14-53. - Penalty.

- (a) Whoever violates any provision of this article or article II of this chapter for which no penalty is otherwise provided, shall, upon conviction, be subject to such penalties as are provided by [section 1-18](#).
- (b) Any person violating any provision of [section 14-82](#) shall be guilty of a misdemeanor and shall be fined not more than \$50.00 or imprisoned for more than 30 days, or both such fine and imprisonment at the discretion of the court.



- (c) Any person violating any provision of [section 14-82](#) shall, upon conviction, be guilty of a misdemeanor and shall be punished in accordance with G.S. 14-4. Each day that a violation continues shall constitute a separate offense.

(Code 1986, § 130.99; Ord. No. 0-5-86, 3-10-1986; Ord. of 11-2-1970)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTIIIOFAGSA_S14-53PE

Sec. 14-80. - Climbing on roofs.

It shall be unlawful for any person to climb or tramp upon any of the roofs of any business or house in the town without a lawful purpose.

(Code 1969, § 10-17; Code 1986, § 131.01)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTIVOFAGPR_S14-80CLRO

Sec. 14-81. - Climbing on water tanks.

It shall be unlawful for any person to climb or go on the ladder or any part of the water tank without the permission of the town manager, chief of police, or City of Raleigh Public Utilities Department.

(Code 1969, § 10-22; Code 1986, § 131.02)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTIVOFAGPR_S14-81CLWATA

Sec. 14-82. - Damaging town fixtures.

It shall be unlawful for any person to injure, break, or otherwise tamper with any lamp, wire, or any other fixture of the town.

(Code 1969, § 10-21; Code 1986, § 131.03)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTIVOFAGPR_S14-82DATOFI

Sec. 14-83. - Graffiti.

(a)
Prohibited. It shall be unlawful for any person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building, structure or any other real or personal property. Any person convicted of a violation of this subsection shall be fined not less than \$250.00 for a first offense and \$500.00 for second and subsequent offenses.

(b)
Exemption. Subsection (a) of this section shall not be construed to prohibit temporary, easily removable chalk or other water-soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with traditional children's activities, such as drawings or bases for stickball, kickball, handball, hopscotch or similar activities, nor shall it be construed to prohibit temporary, easily removable chalk or other water soluble markings used in connection with any lawful business or public purpose or activity.

(c)
Removal. It shall be unlawful for any person owning property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or effectively obscure any graffiti upon such property. Any such person convicted of a violation of this subsection shall be fined not more than \$100.00. In determining the fine to be imposed, the court may consider the efforts, if any, taken by the violator to remove or effectively obscure the graffiti during the preceding calendar year. The mandatory fine provided in this subsection shall not apply to a property owner, agent, manager, or possessor of property if such property owner, agent, manager or possessor has been victimized two or more times by graffiti within any calendar year and,

during such time, has removed or effectively obscured such graffiti from the property in a timely manner.

(d)

Restitution. In addition to any other punishment imposed, the court shall order the person convicted of a violation of this section to make restitution to the victim for the damage or loss suffered by the victim as a result of the offense. The court may determine the amount, terms, and conditions of the restitution.

(e)

Removal by town.

(1)

Notice. Whenever the town becomes aware of the existence of graffiti on any property, the town is authorized to remove the graffiti as set forth in this section after giving or causing to be given written notice to remove or effectively obscure such graffiti to the property owner, such property owner's agent or manager, or any other person in possession or control of the property. If the town intends to place a lien on the property, as provided in subsection (e)(2) of this section, it must also notify all other persons whose names appear on the tax rolls of the county as having an interest in the property. Notice shall be given by personal service or certified mail, except that notice may be given by first class mail to those persons, other than the property owner, whose names appear on the tax rolls of the county as having an interest in the property. All notices shall state the procedure for appeals under this section.

(2)

Costs and liens. If the person owning the property, acting as manager or agent for the owner of the property, or in possession or control of the property fails to remove or effectively obscure the graffiti within seven days from receipt of the notice described in subsection (e)(1) of this section, the town may cause the graffiti to be removed or effectively obscured and charge the property owner, or the property owner's manager or agent, or the person in possession or control of the property, for the expenses incurred by the town in removing the graffiti. The town may sue in a court of competent jurisdiction to recover all such expenses, which shall include, but not be limited to, all administrative personnel costs, attorney's fees and costs related to enforcing this section; and/or the town may record a lien in the public records of the county, which lien shall be for all such expenses, and the amount of the lien shall bear interest from the date of recording.

(3)

Appeal procedure. Appeals may be taken to the town board or its designee by the person owning the property, acting as manager or agent for the property, or in possession or control of the property to prevent the removal of any graffiti, within seven days of having received notice from the town that the graffiti must be removed. Appeals shall be in writing and shall state the reasons for the appeal. If the party filing the appeal requests a hearing, such hearing shall be held at the next scheduled business meeting of the town board. If, on appeal, the town board or its designee determines that the graffiti must be removed, the board or its designee may set a new deadline date for compliance or authorize the town to proceed to remove or obscure the graffiti. The town shall not remove or obscure any graffiti during the pendency of an appeal.

(4)

Emergency removal. If the town determines that any graffiti is a danger to the health, safety, or welfare of the public and is unable to provide notice by personal service after at least two attempts to do so, the town may remove or cause the graffiti to be removed at its expense, 48 hours after either:

a.

The mailing of the notice described in subsection (e)(1) of this section by certified and first class mail to the person owning the property, acting as agent or manager for the owner of such property, or in possession or control of such property; or

b.



The posting of the notice in a conspicuous place on the property.

(5)

Repair/restoration. In no case shall the town paint or repair any area obscured by graffiti more extensively than where the graffiti itself is located. The town shall not be required to restore the obscured area to its original condition (e.g., color, texture, etc.).

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTIVOFAGPR_S14-83GR

Sec. 14-110. - Weapons prohibitions in town facilities.

(a)

Pursuant to authority granted in G.S. 14-409.40(f), the Town of Wendell hereby ordains that persons are prohibited from having in their immediate possession any bowie knife, dirk, dagger, slingshot, loaded cane, brass, iron or metallic knuckles, razor, pistol, shotgun, rifle, pellet or air gun or other unusual weapon or deadly weapon of like kind in any building, or on the grounds or parking areas of any building owned or leased or otherwise controlled by the Town of Wendell. A person otherwise lawfully possessing any of these weapons may secure same in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle in the parking lot said facilities.

(b)

Any and all primary public entrances to structures identified in subsection (a) shall display signage reflecting this prohibition.

(c)

If any person shall have in his immediate possession and control any bowie knife, dirk, dagger, slingshot, loaded cane, brass, iron or metallic knuckles, razor, pistol, shotgun, rifle, air or pellet rifle or other unusual weapon or deadly weapon of like kind while under the influence of intoxicating drink, controlled substance, drug, or at the premises of a church, polling place, place of public assembly; or using the same to terrorize one or more persons on the streets, sidewalks, public parking lots or other public property in the city, shall be punishable as provided by G.S. 14-4.

(d)

This section shall not be deemed to prohibit the lawful possession of a concealed handgun by a concealed handgun permittee in accordance with the laws and regulations of the State of North Carolina, the federal government, and any agency or subdivision thereof, and as further provided in [section 14-111](#).

(e)

Nothing in this section shall prohibit the possession of weapons described in instances where they are being sold, raffled, or used as training devices provided they are under the possession of a vendor engaged in lawful commerce or training provided said possession has been approved by facility coordinator prior to a specific event. Firearms allowed under this subsection shall, at no time, be loaded with live ammunition. Additionally this section shall not apply to law enforcement officers engaged in the lawful performance of their duties.

(Ord. of 11-13-1995, §§ 1, 2; [Ord. No. O-35-2017](#), § 1, 11-13-2017)

State Law reference— Carrying concealed weapons in certain areas prohibited, G.S. 14-415.11(c); authority to adopt signs prohibiting carrying concealed weapons, G.S. 14-45.23.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTVWE_S14-110WEPRTOFA

Sec. 14-111. - Legally concealed weapons prohibited where posted.

(a)

The Town of Wendell hereby prohibits the carrying of a legally concealed handgun at any of the following locations:



(1)

Any buildings and their appurtenant premises, such as parking lots owned, leased or otherwise under the control of the Town of Wendell; and

(2)

Any municipal recreational facilities.

(b)

As used herein, the term "recreational facility" includes those facilities specifically identified by the town's parks and recreation director and shall include the following:

(1)

An athletic field, including any appurtenant facilities, owned or controlled by the town and within the corporate city limits provided the field has been scheduled for use with the Town of Wendell. Such fields are identified as:

a.

Jake May Field;

b.

Doug Procter Field;

c.

Field 3;

d.

T-Ball Field;

e.

Lighted Multi-Purpose Field.

Any fields addressed under this subsection shall be labeled by name and include signage citing the prohibition of weapons on same.

(2)

A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool; and

(3)

A facility used for athletic events, including, but not limited to, a gymnasium.

(4)

Nothing in this section shall prohibit the carrying of a concealed weapon into a restroom facility on parks and recreation property provided that the restroom can be accessed from outside a building and does not allow direct access into a building or facility.

(c)

As used herein, the term "recreational facility" does not include any greenway, designated biking or walking path, an area that is customarily used as a walkway or bike path although not specifically designated for such use, open areas or fields where athletic events may occur unless the area qualifies as an "athletic field" or other outdoor facility pursuant to subsection (b)(1) of this section, and any other area that is not specifically described in subsection (b) of this section.

(d)

It shall be unlawful for any person other than those listed in subsection (e) hereto, including a concealed handgun permittee, to carry a concealed handgun on or in any building, property, or facility which has been posted in accordance with subsection (b) of this section, except as otherwise specifically provided by law; and, provided further, that a concealed handgun permittee may, at a recreational facility posted in accordance with subsection (b) of this section, secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle.

(e)

The provisions of subsection (d) shall not apply to any of the following persons: officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms or weapons, civil officers of



the United States while in the discharge of their official duties, officers and soldiers of the militia and the state guard when called into actual service, officers of the state or of any county, city or town, charged with the execution of the laws of the state, when acting in the discharge of their official duties, and any other person by law specifically exempt.
([Ord. No. O-35-2017](#), § 1, 11-13-2017)

State Law reference— Carrying concealed weapons in certain areas prohibited, G.S. 14-415.11(c); authority to adopt signs prohibiting carrying concealed weapons, G.S. 14-45.23.
https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OF_ARTVWE_S14-111LECOWEPRWHPO

Chapter 16 — Parks and Recreation

Sec. 16-6. - Fees and charges.

(a)

Authorized. The parks and recreation department on occasion will charge fees to cover the cost for administering the use of rental facilities under its control. These fees will be as set out in the fee schedule on file in the town clerk's office.

(b)

Use of athletic fields, game courts, community center or grounds and facilities.

(1)

Application. Application must be made to the director of the parks and recreation department prior to rental. Requests will be honored on a first-come basis. School activities shall have priority on all school-owned properties.

(2)

Fee for nighttime use of fields or courts. Private groups shall pay a rental fee, as provided in the town's fee schedule on file in the office of the town clerk for nighttime use of fields or courts.

(3)

Deposit. A deposit fee, as provided in the town's fee schedule on file in the office of the town clerk, shall accompany each application for rental. This deposit shall be forfeited if the field or courts area is not left in a clean condition.

(4)

Basis of cost. The cost of rental of town park facilities for tournaments is based upon the number of days the field or courts is requested, the maintenance and the required parks and recreation department personnel, including police officers.

(c)

Payment of fees required. It shall be unlawful for any person to reserve use of any facility, land, or area for which a fee or charge has been established by the parks and recreation department without payment of the fee or charge.

([Ord. No. O-24-2017](#), § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PA_RE_ARTIINGE_S16-6FECH

Sec. 16-7. - Hours.

- (a) No person shall remain on property administered by or under the jurisdiction of the parks and recreation department between dusk to dawn, except at designated fishing sites, camp areas, and other special use areas. However, on application to the parks and



recreation department or its authorized agent or the scheduling of organized, calendared events by the parks and recreation department, the hours may be extended.

- (b) It shall be unlawful for any person to enter on any portion of park lands or waters which have been designated as closed to public use or entry.

([Ord. No. O-24-2017](#), § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOR_CH16PA_RE_ARTIINGE_S16-7HO

Sec. 16-8. - Peddling and soliciting.

It shall be unlawful for any person to peddle or solicit business of any nature whatsoever, or to distribute handbills, or other advertising matter, to post unauthorized signs on any lands, waters, structures, or property administered by or under the control of the parks and recreation department, or to use such lands, waters, structures, or property unless first authorized in writing by the parks and recreation department or its agent.

([Ord. No. O-24-2017](#), § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOR_CH16PA_RE_ARTIINGE_S16-8PESO

Sec. 16-9. - Unlawful obstruction.

No person shall by force, threats, intimidations, unlawful fencing, enclosing, or by any other means prevent or obstruct any person from entering, leaving, or making full use of any property administered by or under the jurisdiction of the parks and recreation department.

([Ord. No. O-24-2017](#), § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOR_CH16PA_RE_ARTIINGE_S16-9UNOB

Sec. 16-10. - Hindering employee; resisting law enforcement officers.

(a) No person shall interfere with, or in any manner hinder any employee or agent of the parks and recreation department while performing his official duties.

(b) No person shall interfere with any law enforcement officer in the discharge of his duties, or fail or refuse to obey any lawful command of any law enforcement officer.

(c) No provisions of this chapter shall prohibit or hinder duly authorized agents of the parks and recreation department or any peace officers from performing their official duties.

([Ord. No. O-24-2017](#), § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOR_CH16PA_RE_ARTIINGE_S16-10HIEMRELAENOF

Sec. 16-11. - Possession of alcohol or drugs and use of tobacco products.

(a) No person shall have in his possession any alcoholic or other intoxicating beverage while in or on the property administered by or under the jurisdiction of the parks and recreation department other than inside the community center during a scheduled event or as otherwise allowed by the Wendell Board of Commissioners.

(b) No person shall sell, use, or have in his possession any drug or narcotic, the sale, use, or possession of which is prohibited by state law, while in or on the property administered by or under the jurisdiction of the parks and recreation department.

(c)



No person shall use any tobacco products, including, but not limited to, cigarettes, cigars, pipes, chewing tobacco, snuff, while in or on parks and recreation property.

([Ord. No. O-24-2017](#), § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PA_RE_ARTIINGE_S16-11POALDRUSTOPR

Sec. 16-12. - Disorderly conduct; gambling.

(a)

Disorderly conduct as outlined in [section 14-22](#) of the Town Code of Ordinances is prohibited in or on the property administered by or under the jurisdiction of the parks and recreation department.

(b)

Any form of gambling, lottery or game of chance is prohibited in or on the property administered by or under the jurisdiction of the parks and recreation department except as otherwise allowed in accordance with G.S. Chapter 14, Article 37 and Chapter 18C.

([Ord. No. O-24-2017](#), § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PA_RE_ARTIINGE_S16-12DICOGA

Sec. 16-14. - Public exhibitions.

No person shall carry on any performance or do anything whatsoever, which shall cause persons to congregate so as to interfere with the proper use of the property by the general public or to obstruct the passage of vehicles or persons, without first having obtained written permission from the parks and recreation department or its agent.

([Ord. No. O-24-2017](#), § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PA_RE_ARTIINGE_S16-14PUEX

Sec. 16-32. - Regulation of animals.

(a)

It shall be unlawful for any person while on parks and recreation property to do the following:

(1)

Cause any animal or fowl to run at large. For the purposes of this chapter, within the dog park is not considered at large.

(2)

Bring, drive, or lead any animal onto parks and recreation property, except that horses and other beasts of burden and draft animals may be ridden by persons in charge thereof or driven before a vehicle attached thereto, on such portions of parks and recreation property as may be designated for riding or driving by the parks and recreation department by obtaining permission of the parks and recreation director.

(3)

Bring, drive, lead, or carry any dog or other animal or pet which is unleashed, or upon parks and recreation property, except for animals used in designated waterfowl hunting, dog shows, or field trial areas or within the dog park or on a leash under immediate control of a competent person.

(4)

Suffer his dog or pet to enter any public building or to be on any designated beach, except as a service dog.

(5)

Torture, ill-treat, or neglect any animal or fowl.

(6)



Nothing in this or related sections shall prohibit the use of public safety canines, to include law enforcement, search and rescue or similarly designated canines, from performing there anointed duties while under the control of a handler.

(b)

In spite of the provisions in subsection (a) of this section, fishing will be permitted within or on parks and recreation property in accordance with the laws of the state and the rules of the state department of natural resources in such areas designated for those purposes.

(c)

It shall be unlawful to violate any of the laws of the state relating to hunting or fishing while on parks and recreation property.

([Ord. No. O-24-2017](#) , § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PA_RE_ARTIIANPAAR_S16-32REAN

Sec. 16-33. - Animals taken unlawfully to be confiscated as contraband.

All game, animals, fowl, birds, fish and other aquatic life hunted, killed, taken or destroyed, bought, sold, bartered or had in possession, contrary to any of the provisions hereof, are declared to be contraband and shall be disposed of in accordance with North Carolina Administrative Code, NCAC 15A, Chapter 10 (Wildlife Resources and Water Safety).

([Ord. No. O-24-2017](#) , § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PA_RE_ARTIIANPAAR_S16-33ANTAUNBECOCO

Sec. 16-55. - Buildings, markers, and monuments.

No person, without the permission of the parks and recreation department or its agents, shall do the following on parks and recreation property:

(1)

Willfully destroy, deface, alter, change, or remove any monument, stone marker, bench mark, stake, post, or blaze marking or designating any boundary line, survey line, or reference point.

(2)

Cut, break, mark on, or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamppost, fence, gate, hedge, or other structure.

(3)

Deface, destroy, or remove any placard, notice, or sign, whether permanent or temporary, posted or exhibited within or on park property.

(4)

Appropriate, excavate, injure, or destroy any historical or pre-historical ruin or any object of antiquity, without permission of the parks and recreation department or its agent.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PA_RE_ARTIIIPRPR_S16-55BUMAMO

Sec. 16-56. - Destruction of plant life and natural surroundings.

(a)

No person shall, on parks and recreation property, cut, remove, or destroy any tree, sapling, seedling, bush, or shrub, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub, or break or remove any branch, foliage, flower, or any tree or shrub, or pick, gather, uproot, remove, or destroy any flower, plant, or grass without permission of the parks and recreation department or its agents.

(b)



No person shall, on parks and recreation property, remove or cause to be removed any sod, earth, humus, peat, boulders, gravel, or sand, without written permission of the parks and recreation department or its agent.

([Ord. No. O-24-2017](#), § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PA_RE_ARTIIIIPRPR_S16-56DEPLLINASU

Sec. 16-57. - Fire regulations.

(a)

No person shall willfully set or cause to be set on fire any tree, woodland, brushland, grassland, or meadow within or on parks and recreation property.

(b)

No person shall build any fire on parks and recreation property except within the fireplaces, grills, receptacles, or open spaces approved and designated by the parks and recreation department for such purpose.

(c)

No person shall drop, throw, or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper, or other inflammable material within or on any parks and recreation property.

(d)

Fires shall not be left unattended. All fires shall be extinguished on leaving the immediate vicinity. Ashes from fires are to be disposed of when cooled and prior to leaving.

([Ord. No. O-24-2017](#), § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PA_RE_ARTIIIIPRPR_S16-57FIRE

Sec. 16-58. - Littering; polluting.

(a)

It shall be unlawful to discard or deposit refuse of any kind or nature in or on parks and recreation property except by placing the refuse in containers provided for such purpose.

(b)

In addition, it shall be unlawful to throw, cast, lay, drop, or discharge into or leave in waters administered by or under the jurisdiction of the parks and recreation department any substance, matter, or thing, liquid or solid, which may or shall result in the pollution of the waters.

([Ord. No. O-24-2017](#), § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PA_RE_ARTIIIIPRPR_S16-58LIPO

Sec. 16-92. - Cruising in park area.

It shall be unlawful to continuously cruise in any motor-driven vehicle in, through, and around the park for the purpose of attracting or distracting persons or visitors using park areas.

([Ord. No. O-24-2017](#), § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PA_RE_ARTIVSPGAACET_S16-92CRPAAR

Sec. 16-119. - Parking or driving in prohibited areas.

(a)

It shall be unlawful for the operator of a vehicle to stop, stand, or park the vehicle on any roadway or in any parking area in such a manner as to form an obstruction to traffic thereon.

(b)

It shall be unlawful to park any vehicle in any area which is not designated as a parking area.

(c)



It shall be unlawful to drive or park any motor vehicle in or on parks and recreation property which is used for recreational purposes, unless otherwise allowed by this chapter.

(d)

It shall be unlawful for any vehicle, not owned or controlled by the Town of Wendell, to be left parked overnight unless so authorized by the parks and recreation staff.

([Ord. No. O-24-2017](#), § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PA_RE_ARTVTRPARE_S16-119PADRPRAR

Sec. 16-120. - Operation of motor vehicles.

(a)

Operation of motor vehicles shall be in accordance with NC GS [Chapter 20](#):

(1)

Operate a motor-driven vehicle of any kind or nature except on roads or designated parking areas. This does not include vehicles used by the parks and recreation department for maintenance of grounds and facilities or emergencies.

(2)

Operate a motor-driven vehicle on any park road at a speed exceeding 25 mph or at any speed greater than that posted. However, notwithstanding any provision herein, any person driving a vehicle on any park road shall drive at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the road and of any other condition then existing. No person shall drive any vehicle upon a park road at a speed greater than will permit him to bring the vehicle to a stop within the assured clear distance ahead.

(3)

Operate any motorcycle, minibike, moped, motor-B-can, and the like on any property under the management, supervision, or control of the parks and recreation department except where permitted by posted notice.

(4)

Operate a motor vehicle on parks and recreation department property for the unlawful purpose of racing (G.S. 20-141.3).

(5)

Operate any vehicle on parks and recreation property, including, but not limited to, any area designated for the parking of vehicles, in a careless or negligent manner likely to endanger any person or property.

(6)

Drive any vehicle on parks and recreation property while under the influence of intoxicating liquor or narcotic, drug, barbitol, or any derivative of barbitol.

(7)

Operate a motor vehicle on parks and recreation property without having a valid operator's license, motor vehicle registration certificate, and proof of the minimum liability coverage or uninsured motor vehicle fee as required by the state vehicle code in his possession.

(8)

Operate any vehicle on parks and recreation property contrary to posted traffic signs, symbols, rules, or regulations or marked roadways.

(9)

Operate any motor vehicle in any manner on parks and recreation property which results in excessive noise or disturbs the peace and tranquility of the area.

(10)

Leave, or cause to be left any vehicle on property administered by or under the jurisdiction of the parks and recreation department between dusk to dawn without the permission of the parks and recreation department.



([Ord. No. O-24-2017](#), § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PA_RE_ARTVTRPARE_S16-120OPMOVE

Sec. 16-121. - Operation of bicycles.

(a)

Bicycles shall be operated as closely to the right-hand curb or right-hand side of the path, trail, or roadway as conditions will permit and not more than two bicycles shall be operated abreast.

(b)

It shall be unlawful for the operator of any bicycle, when on any path, trail, or roadway, to carry any person on the handlebar or frame of any bicycle, or for any person to so ride on the bicycle.

(c)

Bicycles may be operated on those paths, trails, or roadways as may be posted allowing such use. However, no such use shall be allowed between dusk to dawn.

([Ord. No. O-24-2017](#), § 1, 9-11-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PA_RE_ARTVTRPARE_S16-121OPBI

Chapter 18 — Solid Waste

Sec. 18-6. - Unauthorized use of solid waste system.

It shall be unlawful for any person to use or cause to be used any container or mobile container that is picked up by the town or by the contractor for the town unless the person is an active financial participant in the town's solid waste collection system.

([Ord. No. O-25-2017](#), § 1, 8-14-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH18SO_WA_ARTIINGE_S18-6UNUSSOWASY

Sec. 18-38. - Prohibited materials.

No materials originating, transported or collected from locations outside of town, including discarded construction and roofing materials and rural residents' solid waste, may be placed in the containers by any person. The following substances and materials are also prohibited from being placed in the containers and are not eligible for collection: corrugated cardboard, vehicle tires, aluminum cans, household hazardous waste, volatile and caustic substances, animal wastes, and uncompacted materials. Trimmings from butchered meat, poultry, and fish shall be tightly sealed within plastic bags or other firmly sealed enclosures before being placed in the containers.

([Ord. No. O-25-2017](#), § 1, 8-14-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH18SO_WA_ARTIICORESOWACO_S18-38PRMA

Sec. 18-100. - Prohibited material.

Mobile containers shall be used for the disposal of residential solid waste only. In accordance with state Senate Bill 111, 1989 Session of the North Carolina General Assembly, the following materials shall not be placed on or within the mobile containers: rocks, dirt, cardboard, aluminum cans, batteries, electronics, tires, white goods, sod, paint, gasoline, oil, flammable liquids, solvents, hot coals or ashes, heavy building materials or recyclable materials, when recycling is



available, or any other material which is banned by the state or the county from the county landfill. Violations of these prohibitions will be treated as abuse and improper use of the container. In addition, no pet litter, animal waste, or disposable diapers shall be placed within a mobile container unless the material is thoroughly sealed within a paper or plastic bag.

([Ord. No. O-25-2017](#), § 1, 8-14-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOR_CH18SO_WA_ARTIVRESOWACO_S18-100PRMA

Sec. 18-136. - Ownership of yard waste material.

Upon placement of yard waste material at curbside for collection by the town or its contractor in accordance with this chapter, such yard waste materials shall become the property of the town. It shall be a violation of this chapter for any person, other than authorized agents of the town acting in the course of their employment, to collect or pick up any yard waste material so placed.

([Ord. No. O-25-2017](#), § 1, 8-14-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOR_CH18SO_WA_ARTVYAWACO_S18-136OWYAWAMA

Sec. 18-211. - Required.

Effective January 1, 1992, all commercial enterprises or industries in the town which use, store or manufacture on-site hazardous materials that must be reported under the state right-to-know laws, G.S. 95-173 et seq., or under title III of the Federal Super Fund Amendments and Reauthorization Act and the regulations promulgated thereunder must have an approved on-site hazardous materials data storage box containing material safety data sheets (MSDS) at each facility where hazardous materials may be found.

([Ord. No. O-25-2017](#), § 1, 8-14-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOR_CH18SO_WA_ARTVIIHAMADASTBO_S18-211RE

Sec. 18-212. - Contents, types and location.

(a)

This data storage box may contain keys providing access to secured portions of the facility. The box shall contain current specific information to assist fire departments and hazardous materials teams responding to emergencies at the facility, including, but not limited to, facility maps or plans showing the type and location of hazardous materials, tier II forms, lists of chemicals with CAS numbers, telephone numbers for facility employees and other persons to be contacted in case of such emergencies.

(b)

All information requested on county emergency management data storage sheets must be provided on the forms provided by the county or in a substantially similar format and must be placed in the data storage box. Such information must be updated continuously to ensure its accuracy.

(c)

The data storage box itself shall be of the type designated and approved by the county local emergency planning committee and shall be located at or near the primary entrance to the facility and installed in accordance with directives of the chief of the fire department servicing the facility.

([Ord. No. O-25-2017](#), § 1, 8-14-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOR_CH18SO_WA_ARTVIIHAMADASTBO_S18-212COTYLO

Sec. 18-213. - Enforcement.

(a)



Violation of this article shall be a misdemeanor as provided under G.S. 160A-175 and G.S. 14-4. Each day's continuing violation shall constitute a separate offense as provided by G.S. 160A-175.

(b)

The town may also secure effective and other appropriate equitable remedies to ensure compliance with this article, as provided by G.S. 160A-175.

(c)

Enforcement actions may be initiated by the county fire marshal, the county emergency management director, chief of the fire department or town's code compliance officer.

([Ord. No. O-25-2017](#), § 1, 8-14-2017)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH18SO_WA_ARTVIIHAMADASTBO_S18-213EN

Sec. 18-214. - Right of entry.

The town code compliance officer, town manager, or chief of police shall have the right to enter at any reasonable time any premises for the purpose of making any inspections or investigations to ensure the health, welfare, and safety of the public.

([Ord. No. O-25-2017](#), § 1, 8-14-2017)

State Law reference— Use of solid waste collection services, G.S. 160A-317(b).

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH18SO_WA_ARTVIIHAMADASTBO_S18-214RIEN

Chapter 20 — Streets, Sidewalks and Other Public Places

Sec. 20-1. - Selling merchandise or produce.

No person shall be allowed to sell merchandise or produce on the street without first receiving approval of the Town of Wendell.

(Code 1969, § 15-2; Code 1986, § 97.01)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH20ST_SIOTPUPL_ARTIINGE_S20-1SEMEPR

Sec. 20-2. - Bicycling; skateboarding; roller skating.

- (a) No person shall ride a bicycle on any sidewalk in the downtown area as defined in subsection (d) below.
- (b) No person shall ride or roll upon any skateboard, roller skates or similar device on any public street or sidewalk within the downtown area, as defined in subsection (d) below, or upon any public street in the corporate town limits.
- (c) It shall be unlawful for any person, being the parent or guardian of a minor, to suffer or permit such minor to violate subsection (a) or (b) of this section. The term "minor," as used in this section, shall mean any person under the age of 16 years.
- (d) The boundaries of the downtown area shall be defined as the following: the northern boundary shall be Wendell Boulevard, the southern boundary shall be Second Street, the western boundary shall be Cypress Street and the eastern boundary shall be Pine Street. For purposes of this ordinance, the downtown area shall include all streets, sidewalks, alleyways, and parking areas maintained by the Town of Wendell or the State of North Carolina within the boundary as described, along with the streets and adjacent sidewalks of the boundary.



(Code 1969, §§ 15-3, 15-5; Code 1986, § 97.02; Ord. of 7-9-2001; [Ord. No. O-19-2014](#), § 1, 11-10-2014)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH20ST_S10TPUPL_ARTIINGE_S20-2BISKROSK

Sec. 20-3. - Leaving goods, boxes, and the like on sidewalks.

(a)

It shall be unlawful for any person to leave any boxes, barrels, or any other encumbrances on the sidewalk between sunrise and sunset.

(b)

It shall be unlawful for any person to leave any goods, wares, merchandise, boxes, or anything else on the sidewalk after sunset that will tend to obstruct the traveling public.

(Code 1969, §§ 15-6, 15-7; Code 1986, § 97.03)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH20ST_S10TPUPL_ARTIINGE_S20-3LEGOBOLISI

Sec. 20-4. - Placing trash, refuse, and the like on streets and public property.

(a)

It shall be unlawful for any person to place or leave or cause to be placed or left temporarily or permanently, any trash, refuse, garbage, scrapped automobile, scrapped truck, or part thereof on the streets or rights-of-way of any streets or other publicly owned places in the town unless the refuse, garbage, scrapped automobile, scrapped truck, or part thereof is placed in a designated location or container for removal by the garbage or trash collector for the town.

(b)

It shall be unlawful for any person to place on or under any street or sidewalk in the town any gasoline tank, kerosene tank, oil tank, or pump.

(c)

The placing or leaving of the articles or matter forbidden by this section shall for each day or portion thereof that the articles or matter are placed or left, constitute a separate offense.

(Code 1969, §§ 15-4, 15-8; Code 1986, § 97.04; Ord. No. 0-1-1973, 11-12-1973)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH20ST_S10TPUPL_ARTIINGE_S20-4PLTRRELSTPUPR

Sec. 20-5. - Removal of sand or soil from streets prohibited; exception.

It shall be unlawful for any person to remove from any street in the town any sand or other soil, unless it is for the working or improving of the street.

(Code 1969, § 15-10; Code 1986, § 97.05)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH20ST_S10TPUPL_ARTIINGE_S20-5RESASOSTPREX

Sec. 20-6. - Escape of water from building onto street or sidewalk.

(a)

It shall be unlawful for any person to permit or allow any water to escape out of any building through any drainpipe or otherwise onto any sidewalk or street in the town.

(b)

The escape of water is declared a nuisance, and in addition to any penalty imposed under this Code, the nuisance may be abated by the town.

(Code 1969, § 15-9; Code 1986, § 97.06)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH20ST_S10TPUPL_ARTIINGE_S20-6ESWABUONSTSI



Chapter 24 — Traffic and Vehicles

Sec. 24-88. - Civil enforcement of parking provisions.

(a)

Parking violations department established. In order to promote and protect the public health, safety and welfare pursuant to the police powers of the town, and in order to regulate more efficiently the parking of vehicles upon the public streets of the town, there is hereby established a parking violations department with the person in charge thereof to be designated or appointed by the town manager.

(b)

Procedure for notification of violator. When any person charged with the duty of enforcement of the law regulating or prohibiting the parking of vehicles upon any street or public way or place within the town as provided by law shall find any vehicle parked upon such street, public way or place contrary to and in violation of any statute or town ordinance, when such violation was not committed in his presence or under such circumstances as would indicate sufficient evidence to support a conviction of the person who violated such statute or ordinance, the person so charged with such enforcement may notify the owner of such vehicle of the violation so found by conspicuously attaching to such vehicle a notice or ticket which shall require the owner or operator of such vehicle to pay to the town, within five days after the date of such notice, a fee or penalty in the amount hereinafter prescribed.

(c)

Content of notice of violation. Such parking violation notice or ticket shall, among other things:

(1)

Contain a description of the vehicle and the time and place of the violation;

(2)

State upon its face the nature of the parking violation and the amount of the fee or penalty due to the town.

(d)

Parking violations enumerated.

(1)

The parking violations referred to in this subsection may be described on the notice or ticket referred to in subsection (b) of this section as follows: In violation of the law or ordinance this vehicle (describe vehicle) was parked at the stated date and time (violation checked).

(2)

The fines for parking violations are as follows:

a.

In a no parking zone, \$25.00.

b.

Too close to intersection, \$25.00.

c.

On a sidewalk, \$25.00.

d.

Too far from curb or street edge, \$25.00.

e.

On roadway side of standing vehicle (double-parked), \$25.00.

f.

In loading zone, \$25.00.

g.

Obstructing traffic, \$25.00.

h.

In fire lane, \$50.00.



- i.
In parking zone for handicapped, \$50.00.
- j.
In restricted time zone, \$25.00.
- k.
Wrong side of street facing traffic, \$25.00.
- l.
Parking in front of a fire hydrant, \$50.00.
- m.
Other violations, \$25.00.

(e)
Penalty fee. The fee or penalty to be paid to the town for any one violation of a parking law or ordinance as set out in subsection (d) of this section is hereby fixed as noted. Any parking penalty or fee not paid within 30 days from the date of issuance will subject the violator to a \$25.00 late penalty. An additional \$25.00 late penalty will accrue each and every 30 days beyond the late payment period. Any such fees or penalties received by the town shall be applied toward the cost of enforcing and administering traffic and parking laws and ordinances within the town.

(f)
Misdemeanor status of parking violations; towing of illegally parked vehicles. Nothing herein is intended to provide that the violation of any law or ordinance regulating traffic or the parking of vehicles upon the public streets shall not constitute a misdemeanor as provided in G.S. 14-4, and nothing herein is intended to provide that vehicles parked in violation of a law or ordinance may not be towed away as provided by law. Failure to pay parking fines as indicated in subsection (e) of this section may be cause for vehicle immobilization or towing.

(g)
Authority of town police to carry out or assist enforcement. In addition to such person as may be designated or appointed by the town manager with the enforcement of the provisions of this section, police officers and nonsworn police personnel, as designated by the chief of police, are hereby authorized to carry out or to assist in such enforcement.

(h)
Appeals. Appeal of parking tickets must be made within five business days of receipt by contacting the town manager.

(Ord. of 6-11-2007)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH24TRVE_ARTIIISPSTRE_DIV3STSTPA_S24-88CIENPAPR

Sec. 24-124. - Permit required.

It shall be unlawful for any person to organize, conduct or participate in any parade or group demonstration in or on any street, sidewalk, alley, or other public place within the town unless a permit therefor has been issued by the town in accordance with the provisions of this article.

(Code 1969, 15-1; Code 1986, § 95.02; Ord. of 11-14-1983)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH24TRVE_ARTIVPAPILIGRDE_S24-124PERE

Sec. 24-126. - Prohibited activities.

The following acts or activities, when performed or undertaken in conjunction with or as a part of any parade, picket line, or group demonstration, are hereby prohibited and declared unlawful:

(1)

The carrying on or about the person any firearm, or any weapon or article, including, but not limited to, blackjacks, nightsticks, or flashlights, which by their use might, constitute a deadly weapon;



(2)

The taking or keeping of any dog or other vicious animal, whether leashed or unleashed.
(Code 1986, § 95.04; Ord. of 11-14-1983)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH24TRVE_ARTIVPAPILIGRDE_S24-126PRAC

Sec. 24-127. - Regulations concerning parades, picket lines, and group demonstrations.

(a)

Interference prohibited. No person shall hamper, obstruct, impede, or interfere with any parade or group demonstration being conducted under authority of a permit duly issued by the town.

(b)

Additional regulations applicable to picketing. Picket lines and picketing shall be subject to the following additional regulations:

(1)

Picketing may be conducted only on the sidewalks reserved for pedestrian movement, and may not be conducted on the portion of a street used primarily for vehicular traffic.

(2)

Not more than 10 pickets promoting the same objective shall be permitted to use either of the two sidewalks within a single block at any one time.

(3)

Pickets may carry written or printed placards or signs not exceeding two feet in width and two feet in length promoting the objective for which the picketing is done, as long as the words used are not defamatory in nature.

(4)

Pickets must march in single file and not abreast and not march closer together than 15 feet, except in passing one another. Pickets shall not be allowed to walk more than five feet from the curbline and shall be in continuous motion.

(5)

If pickets promoting different objectives desire to use the same sidewalk for picketing and such use would result in the presence of more than 10 pickets thereon, the chief of police shall allot time to each group of pickets for the use of the sidewalk on an equitable basis.

(Code 1986, § 95.06; Ord. of 11-14-1983)

State Law reference— Picketing or parading within certain distance of court prohibited, G.S. 14-225.1.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH24TRVE_ARTIVPAPILIGRDE_S24-127RECOPAPILIGRDE

Sec. 24-129. - Penalty.

The violation of any provision of this article shall constitute a misdemeanor, punishable on conviction by a fine not exceeding \$50.00 or imprisonment not exceeding 30 days, as provided in G.S. 14-4. Each day that a violation continues shall constitute a separate offense.

(Code 1986, § 95.99; Ord. of 11-14-1983)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH24TRVE_ARTIVPAPILIGRDE_S24-129PE

Sec. 24-158. - Violations.

Any operator of a golf cart in violation of either this section or the motor vehicle laws of the State of North Carolina shall be charged the same as any other driver of any registered vehicle in the state.

([Ord. No. O-17-2016, § 1, 7-11-2016](#))

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH24TR_VE_ARTVGOCA_S24-158VI

Sec. 24-159. - Penalties.

Violations of this section or the motor vehicle laws of the State of North Carolina shall result in fines and penalties as described in this section for similar violations made with registered vehicles or in the case of violations of the motor vehicle laws of the state, the penalties shall be the same as those set by applicable state statute.

Additionally, violation of either this section or the motor vehicle laws of the state through a particular registered golf cart may be grounds for the inability to renew the registration which shall be at the discretion of the chief of police.

([Ord. No. O-17-2016, § 1, 7-11-2016](#))

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH24TR_VE_ARTVGOCA_S24-159PE

Chapter 26 — Utilities

Sec. 26-2. - Drilling for water without permission.

(a)

It shall be unlawful for any person, firm, or corporation to bore, dig, or drill in the ground to obtain water for personal, domestic, or commercial use within the town limits except as provided below in subsections (b) or (c).

(b)

No well shall be drilled or installed within the corporate limits of the Town of Wendell without first securing permit approval from the Town of Wendell. Such approval shall be limited to uses as follows: (1) for heating and cooling systems, (2) for maintenance or operation of public and common areas for the public good, (3) as a water source required to operate a business when regulations prohibit the use of the public water supply, and/or (4) as a source for irrigation.

(c)

Once approved by the Town of Wendell, a utility/plumbing plan must be submitted to, and approved by, the City of Raleigh Public Utilities Department and Wake County Environmental Services prior to drilling or installation.

(Code 1986, § 51.03; Ord. No. 0-1-74, 8-12-1974; Ord. No. 0-2-82, 3-8-1982; Ord. No. O-01-08, 2-11-2008)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH26UT_S26-2DRWAWIPE

Chapter 28 — Vegetation

Sec. 28-23. - Topping.

It shall be unlawful as normal practice except as described in this section for any person to top any street tree, park tree, or other tree on publicly owned property. Trees which are severely damaged by storms or other causes, or certain trees that interfere with or are an imminent threat



to utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the Tree Board.

(Code 1986, § 98.05; Ord. of 10-10-1983)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH28VE_ARTIITR_S28-23TO

Sec. 28-25. - Interference with Tree Board.

It shall be unlawful for any person to prevent, delay, or interfere with the Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on public grounds, as authorized in this article.

(Code 1986, § 98.07; Ord. of 10-10-1983)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH28VE_ARTIITR_S28-25INTRBO

Sec. 28-27. - Penalty.

Any person violating the provisions of this article shall be, upon conviction or plea of guilty, subject to a fine not to exceed \$50.00 and/or a jail term of not more than 30 days in the discretion of the court. Each day that a violation continues shall constitute a separate offense.

(Code 1986, § 98.99; Ord. of 10-10-1983)

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=PTIICOOR_CH28VE_ARTIITR_S28-27PE



Unified Development Ordinance [UDO]

Chapter 1 — Purpose and Applicability

1.7 - Conflict with Other Laws

It is not intended that this Ordinance repeal, supersede, annul, impair, or interfere with any existing easements, private agreements, vested rights or building permits previously adopted or issued pursuant to law and currently effective.

All existing lots of record, platted prior to the adoption of this ordinance and upon which no buildings have been erected, shall be grandfathered upon the date of adoption of this ordinance and shall not be subject to the new lot standards herein. However, buildings upon such lots shall be subject to standards in this Ordinance.

Furthermore, should the courts declare any section or provisions of this chapter invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof, other than the part so declared to be invalid.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=UNDEORUD_CH1PU_AP_1.7COOTLA

1.11 - Effective Date

These regulations shall become effective on July 27, 2010. Upon adoption, these regulations shall supersede, repeal, and replace the Wendell Zoning Ordinance, as amended, adopted on January 14, 1980 and the Wendell Subdivision Ordinance, as amended, adopted on September 9, 2002.

Many provisions herein are a restatement of previous provisions of the Wendell Zoning Ordinance or the Wendell Subdivision Ordinance and are hereby continued without interruption. All other provisions of this Ordinance shall become effective July 27, 2010.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=UNDEORUD_CH1PU_AP_1.11EFDA

1.12 - Violations Continue

Any violation of provisions existing on the effective date of this ordinance shall continue to be a violation under this ordinance and be subject to penalties and enforcement under Chapter 18, unless the use, development, construction or other activity complies with the provisions of this Ordinance.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=UNDEORUD_CH1PU_AP_1.12VICO

1.13 - Validity

Should the courts declare any section or provisions of this UDO invalid, such decision shall not affect the validity of the UDO as a whole or any part thereof, other than the part so declared to be invalid.

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Chapter 6 — Environmental Protection

6.5 - Stormwater Runoff Provisions: Post-Construction Stormwater Ordinance

A.

Title: This section and related sections shall officially be known as the "Post-Construction Stormwater Ordinance."

B.

Authority: The Town of Wendell is authorized to adopt this ordinance pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; the municipal Charter of the Town of Wendell; North Carolina General Statutes 143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2004-163; Chapter 160A, §§ 174, 185 [as well as Chapter 113A, Article 4 (Sedimentation Pollution Control)]; [Article 21, Part 6 (Floodway Regulation)]; [Chapter 160A, Article 19 (Planning and Regulation of Development); Chapter 153A, Article 18]; as well as Chapter 153A, Article 18 related to statutory authority for planning and regulation of development (Parts 1, 2, and 3), including particularly but not limited to G.S. 153A-324 (enforcement), G.S. 153A-330 and 331 (subdivision), G.S. 153A-340 (zoning).

Remedies and Penalties. The remedies and penalties provided for violations of this ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

a.

Remedies:

i.

Withholding of Building Permit: The Stormwater Administrator or other authorized agent may refuse to issue a building permit for a building or other improvements constructed or being constructed on any development site and served by the Structural BMP in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

ii.

Withholding of Certificate of Occupancy: The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

iii.

Disapproval of Subsequent Permits and Development Approvals: As long as a violation of this ordinance continues and remains uncorrected, the Stormwater Administrator or other authorized agent may withhold, and the Wendell Board of Commissioners may disapprove, any request for permit or development approval or authorization provided for by this ordinance or the zoning, subdivision, and/or building regulations, for the land on which the violation occurs.

iv.

Injunction, Abatements, etc.: The Stormwater Administrator, with the written authorization of the Town Manager, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this ordinance. Any person violating this ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

v.

Correction as Public Health Nuisance, Costs as Lien, etc.: If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by North Carolina G.S. § 160A-193, the Administrator, with the written authorization of the Town



Manager, may cause the violation to be corrected and the costs to be assessed as a lien against the property.

vi.

Stop Work Order: The Stormwater Administrator may issue a stop work order to the person(s) violating this ordinance. The stop work order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.

b.

Civil Penalties: Violation of this ordinance may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Stormwater Administrator. Civil penalties may be assessed up to the full amount of penalty to which the Town of Wendell is subject for violations of its Phase II Stormwater permit, or if no Phase II Stormwater permit exists for the jurisdiction, civil penalties may be assessed up to the full amount allowed by law.

c.

Criminal Penalties: Violation of this ordinance may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.

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Chapter 8 — Tree Protection And Landscaping

8.12 - General Installation and Maintenance Standards

Protection of Existing Vegetation During Construction Protection of Existing Vegetation During Construction

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=UNDEORUD_CH8TRPRLA_8.12GEINMAST

Chapter 18 — Violations and Penalties

18.1 - Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Any written complaint stating fully the cause and basis of the complaint shall be filed with the Administrator who shall properly record such complaint, investigate in a timely manner and take appropriate action as provided by this Ordinance.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=UNDEORUD_CH18VPE_18.1COREVI

18.2 - Penalties for Transferring Lots in Unapproved Subdivisions

Any property owner or owner's agent of any land located within the jurisdiction of the Town of Wendell, who subdivides land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has



been properly approved under this Ordinance and recorded in the office of the Register of Deeds, shall be guilty of a misdemeanor, with a fine not exceeding \$100.00 or imprisonment not exceeding 30 calendar days.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town of Wendell may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Ordinance. In addition, the Town may refuse to issue any permits.

https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=UNDEORUD_CH18V_IPE_18.2PETRLOUNSU

18.3 - Penalties for Violation

Failure to comply with any provision of this Ordinance is hereby declared unlawful. The following remedies and enforcement powers may be used to administer and enforce this Ordinance and one, all or a combination of the remedies authorized and prescribed by this Chapter may be used.

A.

Civil Penalty: The Administrator may, in addition to other remedies found in this Chapter, issue civil penalties.

1.

Penalties for Violation:

a.

Any person determined to be in violation of any of the provisions of this Ordinance shall receive a warning citation. Such citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs, and attorney fees.

b.

If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated.

c.

Where the Administrator determines that the period of time stated in the original warning citation or consent agreement is not sufficient for abatement based upon the work required, the Administrator may amend the warning citation to provide for additional time.

d.

Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the Administrator and either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States Postal Service by first class mail addressed to the last known address of the violator as contained in the records of the Town or County property tax records or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to pay the civil assessment within 15 calendar days of the date of the citation.

e.

The violation for which the citation is issued must have been corrected by the time the citation is paid otherwise further citations shall be issued. Citations may be issued for each calendar day the offense continues until the prohibited activity is ceased or abated.

f.



Civil penalties shall be in the amount of \$100.00 for each violation and each calendar day any single violation continues shall be a separate violation.

g.

The owner, tenant, or occupant of any building or land or part thereof or any person who participates in or acts in concert, assists, directs, creates, or maintains any condition found to be a violation shall be subject to the penalties and remedies herein provided.

2.

Failure to Pay: If the civil penalty is not paid within 15 calendar days of the issuance of a citation, the Town may initiate a civil action in the nature of a debt collection to recover the penalty, costs, attorney fees, and such other relief as permitted by law. Such action shall be in the amount of \$100.00 for each violation and each calendar day any single violation continues shall be a separate violation and shall not stop further civil penalties from accruing if the violation has not been corrected.

3.

Civil Citations not Exclusive: Civil penalties are an additional remedy for code enforcement. In addition thereto, all remedies allowed in North Carolina General Statutes and this Ordinance may also be pursued by the Town at the same time without waiving the civil penalties authorized in this Chapter.

4.

Appeal of determination of violation:

a.

A person notified of a violation may appeal such determination to the Board of Adjustment. Such appeal shall be filed in writing with the Town not later than ten work days after the receipt of the first notice issued. Failure to file a timely appeal shall constitute acceptance of the determination that a violation exists. If an appeal is filed, further action by the Administrator shall be suspended until a ruling is issued by the Board of Adjustment.

b.

The Board shall only have power in the manner of administrative review and interpretation where it is alleged that the Administrator has made an error in the application of the Ordinance, in the factual situation as it relates to the application of the Ordinance, or both.

c.

If the Board finds that a violation exists, enforcement under this Chapter shall continue despite any further appeals by the violator. The fact that an appeal has been filed or ruled upon by the BOA shall not prevent the Town from pursuing other enforcement remedies allowed by law on the same violation..

B.

Criminal: Pursuant to North Carolina General Statute 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.

C.

Equitable Remedy: In addition to the civil penalties set out above, any provision of this Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. The Administrator may apply to a judicial court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. It is not a defense to the Administrator's application for equitable relief that there are other remedies provided under general law or this Ordinance.

D.

Injunction: In addition to the civil penalties set out above, enforcement of the provisions of this Ordinance may also be achieved by injunction. When a violation occurs, the Administrator may, either before or after the initiation of other authorized action, apply to the appropriate division of the court for a mandatory or prohibitory injunction commanding the defendant to correct the



unlawful condition or cease the unlawful use of the property. The action shall be governed in all respect by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

E.

Order of Abatement: In addition to an injunction, the Administrator may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:

1.

Buildings or other structures on the property be closed, demolished, or removed;

2.

Fixtures, furniture or other moveable property be moved or removed entirely;

3.

Improvements alterations, modifications or repairs be made; or

4.

Any other action be taken that is necessary to bring the property into compliance with this Ordinance.

F.

Execution of Court Decisions: If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, the defendant may be cited for contempt. The Administrator may execute the order of abatement and will have a lien on the property in the nature of a mechanic's and materialman's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and shall be conditioned for the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

G.

Stop Work Order Issuance and Revocation of Permits: Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in material violation of any applicable provision of this Ordinance, the Administrator may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

The Administrator may revoke any permit (e.g., Building Certificate of Occupancy) by written notification to the permit holder when violations of this Ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance, or a permit has been mistakenly issued in violation of this Ordinance.

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