

To: Joint Legislative Administrative Procedure Oversight Committee
Joint Legislative Oversight Committee on Justice and Public Safety
From: Daniel J. Thurston, Assistant City Attorney - City of Wilmington
Re: An Act to Assist the Criminal Law Recodification Working Group
Date: November 30, 2018

As directed, per section 3 of Session Law 2018-69, please find below the City of Wilmington's applicable ordinances with a description of the conduct subject to criminal punishment in each ordinance.

CITY OF WILMINGTON - ORDINANCES PUNISHABLE PURSUANT TO G.S. 14-4(a)

Chapter 3 – Fire Prevention and Protection

Article I – In General

3.2. Obstructing Hydrant: No person shall obstruct any fire hydrant in such manner as to interfere with its use by the fire department.

3.3 Interfering with firemen: No person shall interfere with members of the fire department during a fire or alarm of fire.

Article II – Fire Prevention Code

3.19. Outside fire protection systems: Outside fire protection systems on public and private property shall be installed in accordance with Fire Prevention Code and the National Fire Protection Association (hereinafter "NFIPA") standards.

3-20. Placarding of facilities handling hazardous materials: Owners and operators of facilities in the city, engaged in the manufacturing or storage of hazardous materials, shall display and maintain symbols on the facilities in accordance with NFIPA 704.

3-21. Permits for hazardous materials and fire hazard activities: Owners and operators of facilities in the city, engaged in the manufacturing or storage of hazardous materials or engaged in operations which produce conditions considered to present an extra or unusual fire hazard to life or property, shall obtain a permit from the fire department prior to the commencement of such activities. Any person, firm, or corporation who fails to obtain a permit as required by this

section shall be required to pay twice the amount of the standard permit fee prior to the issuance of a permit.

3-22. Fires within city limits: It shall be unlawful for any person to build a fire on public or private property within the city without a permit issued by the fire department. This section does not apply to the use of open-flame cooking devices.

Chapter 4 – Licenses and Business Regulations

Article I – In General

4-3. Sunday Sale hours: Licensed establishments are permitted to sell alcoholic beverages beginning at 10:00am on Sunday.

Article II – Privilege License Taxes

4-38. Period of License; due date: Annual privilege license tax is due and payable not later than June first of each year. A person may not commence a business until the privilege license tax is paid and may not continue business beyond the period for which the license is issued.

4-41. Separate businesses: A separate license is required and a separate privilege license tax must be paid for each place of business.

4-42. Computation of tax based on gross receipts: If the gross receipts for the license year is more than estimated gross receipts, the licensee shall pay the amount of additional tax that would have been due had the estimate been accurate.

4-43. Exemptions: A person exempt from paying a privilege license tax shall nevertheless obtain a license from the supervisor of collections.

4-56. Application: A person shall apply to the supervisor of collections for each license required not less than thirty days before the date the tax is due. The application shall contain certain information.

4-64. Changes in business during license year: A licensee shall report a change in the information contained in the license application to the supervisor of collections within ten days after the change occurs.

4-76. Duty to determine whether tax due: Each person has the duty to determine whether the business he conducts is taxed and, if so, whether that tax has been paid for the current tax year.

4-78. Records generally: Each person who conducts a business taxed under this article shall keep all records and books necessary to compute his tax liability.

4-79. Inspection: Each person who conducts business in the city shall permit the supervisor of collections to inspect his business premises and to examine his books and records.

4-80. Duty to post license: A licensee shall post his licenses conspicuously in the place of business licensed. Coin operated machines, devices, and other equipment for which a city privilege license is required shall affix a sticker thereto as provided by the supervisor of collections.

Article III – Sales of Merchandise on Public Property

4-102. Sales of merchandise generally: It shall be unlawful for any person to establish a location upon any public street, sidewalk, right-of-way, plaza, or city-owned or leased property as a place of business for selling or offering for sale products or merchandise.

4-103. Sale of farm products: The sale of fruits, vegetables, meats, produce, and farm products shall be permitted house-to-house between 8:00 a.m. and 6:00 p.m.

4-104. Sale of ice cream products on city streets: Any person may sell ice cream products on city streets subject to certain restrictions pertaining to location, parking, time, and noise.

4-105. Special event concessions: The sale of merchandise and concession stands by nonprofit organizations may be authorized by the city manager. However, no sales shall take place unless required privilege licenses have been acquired. The sponsoring nonprofit organization shall pay all applicable privilege license taxes. Only persons holding street vendor permits are allowed to sell goods.

4-106. Obstruction of sidewalk or street: No person shall obstruct a sidewalk or street by selling goods thereon.

4-108. Permit for sale of goods and services generally: It is unlawful for any person to go upon public streets or private property for the purpose of soliciting or offering goods and services without having first obtained a permit from the chief of police. This section also outlines the requirements of the permit application and the carrying requirements.

4-109. Sidewalk cafes: Any restaurant desiring to operate a sidewalk café shall file an application with the city manager and provide certain information to include contact information, insurance, and site plans. These permits are not transferable or assignable. No person shall operate a sidewalk café later than 11:00 p.m. The approved site plan shall be

posted at all times and the site area shall be kept clean. The section further outlines the requirements for serving alcohol at sidewalk cafes.

Article IV – Massage Parlors

4-123. Training masseurs; health certificate: Licensees who train masseurs shall furnish a health certificate to the police department.

4-124. List of Employees: All licensees shall file employee's contact information with the chief of police.

4-125. Record of persons receiving treatment: Licensees shall maintain accurate records of persons receiving treatment at the establishment.

4-126. Hours of operation: Masseurs shall only engage in business between the hours of 8:00am and 10:00pm.

4-127. Treatment of person of opposite sex: No licensee shall treat a person of the opposite sex, except upon the signed order of a medical professional.

4-128. Treatment of minors: Minors must carry with them a written order from physician when receiving treatment.

4-129. Treatment by unlicensed persons: Massages may only be given by unlicensed person if a licensed person is in the room.

4-141. Required; application: A masseur shall, before engaging in business, file an application for a license.

Article IV.A - Massage and Bodywork Therapy

4-152. Privilege license: No person shall operate a massage and bodywork establishment unless they have applied for and received a privilege license.

4-153. Persons or businesses to use only licensed massage and bodywork therapist: No person or business shall permit anyone to perform massage and bodywork therapy upon the premises unless the individual has been issued a license.

Article V – Vehicles for Hire

4-177. Vehicle for hire license: No person shall transport or offer to transport a passenger on the streets of the city until he has obtained a license to do so.

4-178. Liability insurance: A person operating a vehicle for hire shall obtain and keep in effect at all times a policy of liability insurance.

4-180. Regularity of operation: Every licensee shall operate such vehicle for hire with reasonable regularity and have a telephone number listed in the telephone directory.

4-181. Driver's permit: No person shall drive a vehicle for hire until they have been granted a permit by the city manager to do so.

4-183. Regulations applicable within a five-mile radius of the city: This chapter also applies to operators of taxis within a five mile radius of the city limits.

4-191. Approved taximeter required: No person may operate any taxi unless such vehicle is equipped with a taximeter.

4-192. Characteristics of taximeter: This section outlines the requirements of the taximeter.

4-193. Inspection of taximeters: Each taxi shall have the taximeter inspected by a certified person and provide the evidence of such to the city manager.

4-194. Defective taximeters: No person may operate a taxi with a taximeter that is defective.

4-195. Location and operation of taximeter and flag: This section outlines the requirements for the placement and operation of the taximeter and flag.

4-199. Records to be maintained: Every operator shall maintain outlined records for each vehicle for hire.

4-200. Inspection of records and reports: The city manager shall have the right to inspect the records of an operator and shall provide reports to the city manager.

4-204. Compliance with traffic regulations: All operators shall be subject to all traffic provisions.

4-205. Designation of vehicles for hire stands: This section outlines the type of vehicles that may use the stands and the rules that are associated with them.

4-206. Soliciting fares and persons for transportation: An operator may not leave his vehicle for soliciting fares a distance greater than ten feet, unless upon request to assist in the handling of baggage.

4-207. Proper treatment of taxicab passengers: Drivers may not deceive passengers, take longer routes than necessary, and permit other passengers to occupy the taxi without the consent of the original passenger.

4-208. Display of certain information inside vehicles for hire: The driver and owner of vehicle shall be responsible for displaying within the vehicle the permit, photograph of driver, and a schedule of fares.

4-209. Markings for taxicabs: Each taxi shall have the name of the owner thereof and the number assigned legibly painted on each side of the taxi and on the rear.

4-210. Schedule of fares and fees; payment of fares and fees: The operator may not charge fares or fees in excess of those prescribed in the schedule of fares and fees. The rates shall be displayed and no passenger may refuse to pay the fares of fees.

4-211. Method of determining fare, taxicabs: This section outlines the rules of how fares are to be charged in different situations.

4-212. Requirements: In addition to all other requirements in this article, horse-drawn vehicles for hire are also subject to other restrictions and requirements.

4-213. Markings for horse-drawn vehicles for hire: Every vehicle shall have a sign, in letters at least four inches high, containing the company name.

4-214. Additional requirements: This section lists certain restricted days, locations, and times where horse-drawn carriages may not operate and also sets forth certain rules for the safety of the horses and the public.

4-215. Prohibited business practices: Operators are prohibited from employing certain business practices on city streets pertaining to soliciting and parking.

4-216. Standard operating medallion issuance, fees, and carriage loading zones: This section outlines the rules for obtaining an operating medallion, the fees associated with them, and how the loading zones should be managed.

14-217. Single-day temporary operating medallion: This section outlines the rules pertaining to single-day medallions and subjects the operator to the rules in the other sections.

Article VI. – Pawnbrokers

4-225. Licensing of Pawnbrokers: Pawnshops shall procure a license to conduct business in compliance with the NC General Statutes. An application for a pawnbroker's license shall be filed with the city manager's office.

4-226. Issuance of license: The applicant shall file a bond with the city clerk and the license must be renewed annually.

4-227. Record keeping requirements and pawn transactions: Pawnbrokers shall maintain and keep records and utilize a reporting system that offers an electronic data transmission system that is compatible with the police department's computer system.

Article VII. – Telecommunication

4-236. Franchise required; grant of franchise; general provisions: No telecommunications system shall be allowed to occupy or use the public rights-of-way of the city or be allowed to operate within the city without a franchise.

4-238. Franchise fees: To the extent permitted by law, the grantee of any franchise hereunder shall pay to the city a franchise fee in the amount specified in the franchise.

4-239. Service: A grantee shall provide service within the city in accordance with the conditions of its Certificate of Public Convenience and Necessity or other applicable requirements of the North Carolina Utilities Commission.

4-240. Construction and technical standards; use of streets: This section outlines the rules for construction, use of existing poles, tree trimming, construction plans, underground installations, and excavations.

4-121. Service to the city: To the extent permitted by law, a grantee shall negotiate terms of service to the city at grantee's most favorable rates for the same services provided to similarly situated customers.

4-242. Transfer of ownership and control: To the extent applicable, a transfer of ownership or control of the system shall comply with the NC Utilities Commission Rules and Regulations and the grantee shall promptly notify the city of its intent to transfer ownership or control of the system.

4-246. Performance bond and letter of credit: A grantee shall deliver to the city a letter of credit from a bank and a performance bond issued by a surety in the amount of \$50,000.00.

4-247. Insurance: Not later than sixty days after the effective date of the franchise, a grantee shall furnish to the city, certificates of insurance, approved by the city.

4-248. Indemnification: The grantee shall release and hold harmless the city, its agents, officials, and employees.

4-250. Reports and other requirements: Grantee shall maintain with the city engineer maps and reports of the location of grantee's system and deliver to city, in certain circumstances, a copy of its annual reports.

4-251. Equal opportunity policy: Grantee shall afford equal opportunity to all qualified persons, not discriminate and, when feasible, procure supplies from the grantee's service area.

4-252. Notices: With exceptions, grantee shall maintain, within the city, an address for service of notices by mail.

4-258. Acceptance of grantee required: This article and the franchise and all of their terms, provisions, and amendments shall be accepted by a grantee in writing within fifteen days of the grant of a franchise by the city council.

Chapter 5 – Motor Vehicles and Traffic

Article VII. – Abandoned, Junked and Health or Safety Hazard Vehicles

5-120. Prohibition of solicitation at accident scenes: This section is intended to prohibit towing services from soliciting business at the scenes of accidents and emergencies.

5-121. Limitation on rates for nonconsensual tows: Each towing service shall post in a conspicuous place on the business premises and in any tow truck the permitted tow charges and not charge amounts in excess of those fees for nonconsensual tows. This section does not apply to nonconsensual tows from private lots.

5-121.1. Towing of vehicles for compensation: Towing services must comply with the provisions of this division.

5-121.2. Trespass towing of vehicles from private lots; signs required: This section addresses the signage rules that are required before a vehicle can be towed and the exceptions to those rules.

5-121.3. Trespass towing for failure to pay parking fees: No vehicle shall be towed from a private parking lot for failure to pay an advanced parking fee unless one of the exceptions applies.

5-121.5. Return of Class A vehicle to owner prior to a trespass tow: No towing service may tow a vehicle or charge for its services where the registered owner or person in control of the vehicle arrives at the scene prior to towing, unless the owner refuses to remove the vehicle or the owner refuses to provide the lot owner with information.

5-121.6. Return of Class A vehicle to owner after a trespass tow: The owner of a towing service shall have someone on call from 7:00am to 7:00pm for the return of the vehicle to the owner.

5-121.7. Trespass towing notice to police required: The towing service shall notify police within thirty minutes of the removal of a vehicle of the tow.

5-121.8. Booting of vehicles on a private lot: No booting service shall boot a vehicle within the city without complying with the provisions of this division unless they are acting on behalf of a governmental agency.

5-121.9. Booting of vehicles on private lots; signage required: This section addresses the signage rules that are required before a vehicle can be booted. It also states that a designated employee of the company will respond within one hour after contact.

5-121.10. Booting for failure to pay parking fees: No vehicle shall be booted for failure to pay an advanced parking fee unless one of the exceptions applies.

5-121.11. Fee charged for removing boot: The fee to remove a boot on a motor vehicle parked in the public right of way shall not exceed \$50.00.

Chapter 6 – Offenses – Miscellaneous

Article I – Miscellaneous

6.2. Poultry, livestock and wild animals: No person may keep within the city any poultry, livestock, or wild animal except in accordance with a permit issued pursuant to this section.

6.2.2. Permits for kennels: No person may maintain a kennel within the city except in accordance with a permit issued pursuant to this section.

6.2.3. Animals at festivals: It is unlawful to have an animal at a festival or fail to remove an animal after being ordered to do so by a law enforcement officer. This section does not apply to animals that are part of an authorized exhibit or parade, service animals, law enforcement animals, or animals used by a vehicle for hire.

6.3. Protection of birds: It is unlawful for any person to hunt, kill, maim, injure, trap, or otherwise take birds within the city subject to certain exceptions.

6.3.1. Dogs running at-large prohibited: It is unlawful for the owner of a dog to allow it to run at-large off the premises of its owner unless such dog is restrained by a leash.

6.4. Permit for public meeting: It is unlawful to hold or participate in a public meeting in a public place of the city without having a permit from the city manager.

6.5. Discharging or concealing pellet gun: It is unlawful for a person to shoot or conceal about their person a pellet or similar gun.

6.6. Discharging firearms generally: It shall be unlawful for a person to fire a firearm within the city, except in cases of self-defense or necessity.

6.7. Using sling, slingshot, throwing stones: No person shall throw stones or use a slingshot, or other device along, across, or upon any sidewalk or street.

6.7.1. Possession of weapons or concealed handguns prohibited on city property: With certain exceptions, it is unlawful for any person to possess any weapon in city buildings, premises, and any recreational facilities.

6.8. Certain conduct prohibited in city parking decks: No person shall obstruct areas, damage property, or skateboard in city parking decks.

6.12. Consumption and possession of malt beverages, unfortified wine, and alcoholic beverages: It is unlawful for a person to consume or possess alcoholic beverages in or on certain city owned property and public property.

6.13. Picketing – Notice of intent; receipt of notice: No picketing shall be conducted on the public ways of the city and no person shall participate in the same unless notice of intent to picket has been given to the chief of police. This section also outlines the rules that must be followed during the picket.

6.14. Same – Interference; authority to disperse crowds: It is unlawful for a person to physically interfere with pickets in the use of the sidewalk or to address profane or threatening language to or at such pickets which would tend to provoke such pickets or others to a breach of the peace.

6-15. Topless Entertainment, etc.: This section addresses the rules pertaining to a female exposing her breasts in certain places. It also discusses the rules for topless entertainment and the permit requirements for dancers.

6-16. Begging or soliciting alms, contributions, goods, or services by intimidation: It is unlawful for a person to solicit, beg, or offer the sale of goods or services in certain places, in an aggressive manner, and during certain times.

6-18. Outdoor swimming pools: With certain exceptions, no person shall construct or maintain in the city any outdoor swimming pool unless the pool is completely surrounded by a fence or wall no less than four feet in height.

6-19. Loitering for the purpose of engaging in drug activity: It is unlawful for a person to remain or wander about in a public place in a manner and under circumstances manifesting the purpose to engage in a violation of any subdivision of the North Carolina Controlled Substances Act.

6-20. Hours of operation of certain temporary places: The hours of operation for any circus, fair, bazaar, or special entertainment event are limited to certain times.

6-21. Urination and defecation on certain property prohibited: It is unlawful for any person to urinate or defecate on any public place or on any private property.

Article II – Noise Control

6-28. General Prohibitions: No person shall willfully engage in any activity on any premises or public area which activity produces or constitutes a noise disturbance on occupied neighboring premises or public area. A noise is deemed to be a noise disturbance if it exceeds certain decibel levels at specified times of the day.

6-29. Specific prohibitions: This section lists the activities which are recognized as tending to produce unreasonably loud and raucous noises and as tending to constitute a noise disturbance. No person shall engage in any of these enumerated activities so as to cause a noise disturbance on neighboring premises.

6-29.1. Same – Commercial Establishment: No commercial establishment shall play, operate, or cause to be played or operated, any amplified or non-amplified musical instrument or sound reproduction device in a manner that causes a noise disturbance on any neighboring premises or public areas.

6-30. Permits are required for certain activities: Permits are required for any activity that exceeds the sound levels set out in section 6-28.

Chapter 7 – Parks and Recreation

Article I – In General

7.2. Park closing hours: With certain exceptions, no person shall enter or remain in any city park from sunset each day to sunrise the following day.

7.3. Municipal golf course – Trespass: It is unlawful for any person to trespass upon or damage the municipal golf course.

7.4. Same – Use of carts: It is unlawful for any person to operate a power-driven golf cart on the municipal golf course other than carts which are owned by the golf professional.

7.5. Certain conduct prohibited in city recreational facilities, rulemaking authority to be exercised by city manager: No person shall engage in enumerated conduct in any park, which includes leaving trash, damaging property, dangerous conduct, camping, loud music, selling of items, and smoking.

7.6. Safety equipment at city skate parks: No person shall ride or use a skateboard, in-line skates, or freestyle bicycle ant any park unless that person is wearing protective gear.

7.7. Registered sex offenders prohibited in public parks: It is unlawful for any person registered as a sex offender to knowingly enter into or on any public park.

Article II – Parks

7-21. Digging or collecting bait and fishing: It is unlawful for any person to fish or dig bait in any park.

7-22. Bathing: It is unlawful for any person or dog to bathe or swim in any water feature in any park.

7-23. Taking or destroying flowers, plants, etc.: It is unlawful for any person to take, cut, remove, destroy, or injure any artifact, rock, tree, flower, shrub, fern, or other plant or mineral in any park.

7-24. Advertisements: It is unlawful for any person to erect signs or other advertising placards in any park.

7-25. Starting fires; leaving paper or trash: It is unlawful for a person to start a fire, leave a fire unattended, or leave trash in any park.

7-26. Control and removal of animal waste: No person shall allow any dog to discharge any fecal matter in any park unless it is promptly removed.

7-27. Unlawful operation and parking of motor vehicles: This section addresses rules pertaining to parking and operating a vehicle in any park.

7-28. Hunting: It is unlawful for a person to hunt, catch, trap, wound, injure, or kill any bird or animal in any park.

7-29. Motorboats: It is unlawful for a person to operate a motorboat on the waters of any park without a permit.

7-37. Rules and regulations as to operation: Boat operators must comply with the rules and regulations established by the city manager and launch in park areas designated for launching boats.

7-28. Riverfront Park performers: No performer shall perform in Riverfront Park except after issuance of a permit by the city manager. This section also outlines the rules which the

performer must follow if a permit is granted including time, place, and manner of the performance.

7-53. Trees, shrubs and plants in public streets and areas: The city manager shall be responsible for the trees and plants that are growing in public areas. No person shall interfere with the city manager in the execution of his duties under this article.

7-54. Permit generally: No person shall take any of the enumerated actions, including tree and plant work, electric wiring, excavations, and placing signs in public areas, without first obtaining a written permit from the city manager.

7-60. Order for temporary protection, etc., or service wire: Whenever the city manager determines it to be necessary, in order to prune or remove any tree or shrub in a public area of the city, or for any other reason temporarily to protect or move any service wire or cut off the electricity therefrom, he shall serve written notice on the owner of such wire, requiring him to protect or move such wire or cut off the electricity therefrom and such owner shall comply with such order within 24 hours after the service of such notice.

7-61. Injuring, mutilating, etc.; setting fire: No person shall break or destroy any tree or plant in any public street or public area of the city or set a fire that will injure any portion of such trees or plants.

7-62. Permitting leak in gas pipe: No person shall knowingly permit any leak to exist in any gas pipe or main within the root zone of any tree or plant in any public street or public area of the city.

7-63. Permitting drainage, etc., of toxic chemical: No person shall permit any toxic chemical to seep, drain, or be emptied on or about any tree or plant in any public street or public area of the city.

7-64. Contact with electric wire: No person shall knowingly permit any wire designed to carry electric current to come in contact with any tree or plant in any public street or public area of the city.

Chapter 10 – Solid Waste

10-4. Charges generally: Owners of rental properties shall upon vacancy of property resume financial responsibility of solid waste collection and fees until notification to terminate solid waste by the owner.

10.8. Containers, preparation and storage: No person shall damage, deface, or alter the city owned rollout carts. Carts and containers may only hold trash from the premise served and may

not weigh more than 150 pounds. Customers exempted from using the roll-out cart shall provide for their premises durable metal or plastic containers with tight-fitting covers which shall comply with enumerated rules. Furthermore, refuse shall be stored in conformity to enumerated regulations.

10.9. Containers for apartments, commercial and industrial establishments: Each customer must have enough city issued roll-out carts to accommodate refuse accumulated between pick up dates and must be set out for collection.

10.10. Solid wastes the city will not collect: No person may place enumerated items in any container intended for collection by the city to include hazardous or contagious waste, building materials, human tissue, hot coals, hypodermic instruments, paint, banned electronics, and fluorescent bulbs containing mercury.

10.13. Scavenging, private collection: It is unlawful for any unauthorized person to scavenge through or remove waste set out for collection.

10-14. Collection schedules; routes; placement of containers: Roll-out carts and other containers shall be set out for collection no sooner than noon the day before those days designated for the premises and shall be removed from the street by midnight on the scheduled collection day.

10.15. Private collection: It is unlawful for any person, not an employee of the city, to collect garbage in the city, to transport garbage over the streets of the city, or to allow spillage of refuse unless certain conditions apply.

10-16. Accumulation of solid wastes prohibited: No person may cause refuse to accumulate on his premises. Contractors must keep their sites as clean as reasonably possible. Parking lots shall be kept reasonably clean.

10-17. Dumping, littering, or unattended property on public or private property: No person shall deposit any litter on public areas or private property without consent of the owner of the property. No person shall leave private property unattended on public property.

10-18. Creation of public nuisances unlawful: It shall be unlawful for property owners and occupants to create or fail to abate any public nuisance and they shall keep their property clean and clear.

10-19. Distribution of handbills: No person shall attach to any vehicle advertisements or cards without consent of the owner.

10-20. Special regulations for downtown business area: All owners in the DBA shall use the bag system and trash containers of any kind are prohibited on public property. Bags must be obtained using a voucher system and placed outside for collection no sooner than twenty minutes prior to scheduled collection.

10-21. Recycling in downtown business area: Cardboard must be flattened and all glass must be placed in recycling containers and placed outside for collection after 2:00am only on their scheduled collection days.

Article III – Emergency Collections

10-38. Storage of trash: All trash stored on premises shall be sealed in a suitable container. Cans shall be crushed and all containers shall be rinsed with water. Bulky items and yard waste shall not be placed on the curb during emergency conditions.

10-39. Placement of garbage in containers on city property: It is illegal to place any trash on city property during emergency conditions.

10-41. It is unlawful for any person, not under contract with or having permission from the city, to collect recyclables in the city.

10-42. On designated collection days, recyclables shall be placed in the recycling container, which shall be placed at the same location as the roll-out carts.

10-43. Preparation of recyclables: All containers shall be rinsed out or otherwise made free of residue and cardboard should be flattened.

Chapter 11 – Streets and Sidewalks

Article I – In General

11-4. Railing around lot below street level: The owner of property that is more than 18 inches below any street of the city, and bordering thereon, shall erect and maintain along the edge of the lot a railing or fence to prevent persons from falling from the street or sidewalk into such low lot.

11-5. Barbed-wire fences: It is unlawful for a person to erect on any premises, within one foot of any street, any barbed wire.

11-6. Vaults, basements, etc., under street: It is unlawful to have a structure of any kind under a street or right-of-way.

11-7. Maintenance of cellar doors, covering, etc.: Every opening through the pavement or sidewalk of any street shall be constructed and maintained in a safe condition. Dangerous conditions must be repaired within ten days after notification by the city engineer to do so.

11-9. Temporary closing of streets, etc.: It is unlawful for any driver to drive a vehicle along a street that has been closed.

11.11. Permit to move buildings: No person shall move any structure over any street unless a permit has been issued by the city engineer.

11.12. Parades: No parade shall take place without a permit. Heavy equipment shall not be moved over any street without a cash bond. No person participating in or viewing a parade shall throw any objects or substances.

11.13. Obstructing streets, sidewalks, crossings or seated areas: It is unlawful for a person to obstruct traffic on a street or use a seating area so as to interfere with its use by other persons, including storing of materials thereon.

11-14. Defacing sidewalk, roadway or curb: It is unlawful for a person to write or paint on a sidewalk or road.

11-15. Playing ball in streets; use of skates, skateboards and similar devices: No person shall play ball sports or use a device self propelled by human power on streets or sidewalks.

Article III – Sidewalks Generally

11-41. The occupant of any building or property bordering on any street, where there is a sidewalk abutting, shall keep the sidewalk clean, which includes trash and snow.

11-42. Grass and weeds on sidewalks; gutters kept open: Owners of property bordering a sidewalk shall remove weeds and cut the grass on the edge of the roadway cut.

11-43. Removal of oil, grease, etc., from sidewalks: The occupant of any building or property bordering on any street, where there is a sidewalk abutting, shall keep the sidewalk free of oil and grease.

11-45. Benches, chairs, planters, and other street furniture on sidewalks and plazas: No person shall maintain furniture on any publicly owned right-of-way without a permit.

11-46. Newsracks on public rights-of-way: It is unlawful for a person to maintain a newsrack within a right-of-way unless it has been registered with the city manager. The section further outlines safety and visual restrictions pertaining to the newsracks.

11-47. Distribution of food on city streets and sidewalks: No person shall establish a location on a street or sidewalk to distribute food.

Article IV – Sidewalk and Driveway Construction

11-57. Construction of sidewalks and driveways; permits; compliance with specifications: No person shall construct, reconstruct, or repair any sidewalk or driveway in the city without first obtaining a permit from the city engineer.

Article V – Excavation and Use of Rights-Of-Way

11-65. Indemnification of city by users of public rights-of-way: All persons placing any object, doing construction, or making an excavation under or upon any public rights-of-way shall indemnify the city and its employees.

11-67. Use of safety vests required: No person shall enter the travelled portion of any street for the purpose of making an excavation without wearing a safety vest.

11-70. Insurance: A utility and any person making an excavation shall purchase liability insurance.

11-74. Utility exception: No person shall make any excavation in any public right-of-way without obtaining a permit.

11-75. Permit application: Any person desiring a permit shall file an application with the city engineer and include certain information.

11-76. Permit terms: A permit for making an excavation in the public right-of-way shall describe the work to be performed.

11-79. Utility right-of-way master permit required: It is unlawful to own any utility located on or under the public right-of-way without a master permit.

11-82. Identification of contractors: Any contractor performing utility work shall identify their worksite, vehicles, and equipment.

11-83. Maps of utility facilities: Each utility must maintain accurate maps and records of its facilities.

11-84. Removal and relocation of utility facilities; street closures: It is the duty of any utility, upon reasonable notice, by the proper authority to remove or relocate its utility facility whenever the city or DOT is doing work and such work requires the removal of the utility.

11-85. Information to be filed by utility: Any utility issued a utility right-of-way permit shall file with the city certain information.

11-86. Abandoned facilities: Upon abandoning a facility, a utility shall remove the aboveground portions of the facility and abandon the underground portions.

11-87. Notification of sale or transfer; nonassignability of permits: Any utility shall notify the city of the sale of title to any utility facilities located in public right-of-way within thirty days of such sale or transfer.

11-91. General standard of use: Any person making an excavation or performing utility work in public right-of-way shall take reasonable precautions to ensure that such work does not interfere with or endanger others.

11-92. Compliance with law, construction and technical standards: Any person making an excavation or performing utility work in public right-of-way shall undertake such work in an orderly and workmanlike manner and in compliance with all regulations.

11-94. Traffic control; lane closure: Any person making an excavation or performing utility work in public right-of-way shall provide proper traffic control and if a closure is allowed, it is unlawful for any person to fail to comply with the terms of the permit during the closure.

11-95. Special provisions concerning excavations and underground installations: Any person making an excavation or performing utility work in public right-of-way shall follow all applicable state and local laws regarding the need for proper notification and directional drilling shall be conducted in compliance with industry standards. Work should also be performed in a safe manner.

11-96. Restoration of public right-of-way, streets and sidewalks: Any person making an excavation or performing utility work in public right-of-way, upon completion thereof, shall be responsible for the restoration of the public right-of-way to its prior condition.

Article VII – Railroads

11-107. Application for permission to lay tracks: Any railroad company that may desire to lay railroad tracks on any street or public place shall, before beginning such work, make application in writing to the council for permission to do such work.

11-109. Conditions for construction and maintenance of railroad over streets: Every railroad company shall follow certain rules when constructing or maintaining any railroad over the streets of the city.

11-111. Bridges and culverts: When public safety requires a repair to a bridge or culvert, any railroad company that neglects to comply with an order from the council to make repairs within thirty days shall be guilty of a misdemeanor. No railroad company shall build or repair any bridge or culvert in any street, except after notice to and under the direction of the city engineer.

Chapter 12 – Utilities

Article I – In General

12.3. Enforcement of this chapter: No person shall obstruct, hamper, or interfere with the city manager while he is carrying out official duties.

Article II – Protection of Public Water Supply and Public Water and Sewer Systems

12.6. Injury to or interference with public water or sewer system: It is unlawful for any person to damage or interfere with any pipe, meter, reservoir, tank, manhole, or fixture that is part of or used in connection with the water or sewer system of Cape Fear Public Utility Authority.

12.7. Protection of reservoirs from pollution: It is unlawful for any person to deposit filth of any kind in the waters of CFPWA which shall pollute the waters.

12.8. Public sewer use required: Except as provided in this section, when the owner of a property shall use such property in any manner which results in the generation of wastewater, such wastewater shall be discharged into a public sanitary sewer.

Article III – Stormwater Utility and Illicit Discharges

12-14. Exemptions and credits: Except as provided in this section, no public or private property shall be exempt from stormwater service charges or receive a credit against such charges.

12-22. Illicit discharges prohibited: No person shall discharge any substance other than stormwater to any stormwater conveyance or waters of the state. There are certain exceptions to this.

12-23. Illicit connections: No person shall install any connection to the stormwater system for the discharge of nonstormwater.

12-24. Accidental discharge or spills: Spills of polluting substances released to the stormwater conveyance shall be immediately contained, collected and properly disposed.

12-28. No person shall allow an animal to discharge any fecal matter on any public property unless the person immediately removes the feces. It is unlawful to take an animal off its own property without the means to properly remove the animal's feces from any public property.

12-29. Debris in stormwater drainage system: It is unlawful for any person to put debris into the storm drainage system of the city.

Chapter 16 – Buildings and Building Regulations

Article I – In General

16-233(c). Remedies: It shall be unlawful for any occupant of a dwelling to fail to comply with an order to vacate a dwelling, after a hearing officer finds that a dwelling is unfit for human habitation or dangerous within the meaning of this article, and has notified the owner to such effect, and the time limit set by the officer for the correction of defects or vacating same has expired.