

TO: Joint Legislative Administrative Procedure Oversight
Committee and the Joint Legislative Oversight Committee on
Justice and Public Safety

FROM: William E. Anderson, Town Attorney, Wilson's Mills, NC

Date: November 29, 2018

The following report is in response to SECTION 3 of the
Session Law 2018-69 requiring the following action:

SECTION 3. Every county, city, town, or metropolitan
sewerage district that has enacted an ordinance punishable
pursuant to G.S. 14-4(a) shall create a list of applicable
ordinances with a description of the conduct subject to criminal
punishment in each ordinance. Each county, city, town, or
metropolitan sewerage district shall submit the list to the
Joint Legislative Administrative Procedure Oversight Committee
and the Joint Legislative Oversight Committee on Justice and
Public Safety no later than December 1, 2018.

This report will include of ordinances with specific
misdemeanor penalties, and ordinances without specific
penalties, but which are punishable by a misdemeanor under the
general penalty in Sec. 1-10 of the Town Code.

Chapter 1 - GENERAL PROVISIONS; Sec. 1-10. - General penalty;
enforcement of ordinances; continuing violations. Unless
otherwise specifically provided, violation of any provision of
this Code or any other town ordinance shall be a misdemeanor, as
provided by G.S. 14-4.

Chapter 4 - ANIMALS; ARTICLE I - IN GENERAL; Sec. 4-5 - Stray
animals off-premises and not under direct control. Unlawful to
permit or negligently allow an animal to be off the owner's
premises and not under direct control of the person.

Chapter 4 - ANIMALS; ARTICLE I - IN GENERAL; Sec. 4-6 - Vicious
animals. Unlawful to keep vicious, fierce or dangerous animal
within town unless confined to secure building or enclosure,
unless muzzled and under restraint.

Chapter 4 - ANIMALS; ARTICLE I - IN GENERAL; Sec. 4-7 - Barking
dogs. Unlawful to have a dog that habitually/repeatedly disturbs

the peace and repose of a reasonable person in the immediate vicinity.

Chapter 4 - ANIMALS; ARTICLE I - IN GENERAL; Sec. 4-8 - Teasing and molesting. Unlawful to tease or molest any animal.

Chapter 4 - ANIMALS; ARTICLE I - IN GENERAL; Sec. 4-9 - Number of animals. Unlawful to keep more than five dogs or five cats, or five of any combination thereof, without first receiving a permit from an animal control officer.

Chapter 4 - ANIMALS; ARTICLE I - IN GENERAL; Sec. 4-10 - Animals creating nuisance. Unlawful to let a dog run at large if the animal control officer has notified the owner in writing that the dog has been deemed to be creating a nuisance.

Chapter 4 - ANIMALS; ARTICLE I - IN GENERAL; Sec. 4-11 - Cruel treatment. Unlawful to molest, torture, torment, fail to provide adequate shelter, sufficient food and water being detrimental to the animal's health, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon, or subject conditions detrimental to the health or general welfare of any animal.

Chapter 4 - ANIMALS; ARTICLE I - IN GENERAL; Sec. 4-12 - Setting humane animal traps. Unlawful for any person other than an animal control officer or the officer's designee to remove any animal from the trap or to damage, destroy, move or tamper with the trap.

Chapter 4 - ANIMALS; ARTICLE I - IN GENERAL; Sec. 4-13 - Rabies tag. Unlawful to fail to comply with state rabies control laws, unlawful to fail to provide collar or harness for dog displaying rabies tag, and unlawful to use one dog's rabies tag on another dog.

Chapter 4 - ANIMALS; ARTICLE I - IN GENERAL; Sec. 4-14 - Rabies vaccination and control. Unlawful to fail to show proof of current inoculation against rabies for a dog or cat.

Chapter 4 - ANIMALS; ARTICLE I - IN GENERAL; Sec. 4-15 - Wearing of collar; tags and identification required. Unlawful to fail to provide a dog with a collar or harness to which current vaccination and registration tags are securely attached.

Chapter 4 - ANIMALS; ARTICLE I - IN GENERAL; Sec. 4-17 - Interference. Unlawful for any person to interfere with, hinder or molest the animal control department or its agents.

Chapter 4 - ANIMALS; ARTICLE I - IN GENERAL; Sec. 4-18 - Enforcement and penalties. Sec. 4-18(e) establishes that, in addition to or in lieu of the fines set forth in subsections (b) and (c), violations of the Article may be prosecuted with a misdemeanor.

Chapter 4 - ANIMALS; ARTICLE II - LIVESTOCK AND WILD ANIMALS; Sec. 4-43. - Penalty. Establishes that violation of the article is a misdemeanor. The article sets forth livestock, fowl, and wild animal regulations.

Chapter 6 - BUILDINGS AND BUILDING REGULATIONS; ARTICLE III - MINIMUM HOUSING STANDARDS; Sec. 6-58. - Administration. Establishes that it is unlawful for a person, firm, or corporation to be in violation of the minimum housing standards set forth in the article.

Chapter 8 - BUSINESSES AND BUSINESS REGULATIONS; ARTICLE II. - BUSINESS LICENSING; Sec. 8-24. - License application; false statement thereon. Establishes that making a false statement on a business license application is a misdemeanor.

Chapter 8 - BUSINESSES AND BUSINESS REGULATIONS; ARTICLE II. - BUSINESS LICENSING; Sec. 8-34. - Unlawful to conduct business without a license. Establishes that conducting business without a license as required by the article is a misdemeanor.

Chapter 12 - ENVIRONMENT; ARTICLE II. - NUISANCE; Sec. 12-22. - Unlawful deposit of garbage, wastes within town. Establishes that it is unlawful to deposit excrement, garbage, or waste in the town in an unsanitary manner.

Chapter 12 - ENVIRONMENT; ARTICLE III. - NOISE; Sec. 12-60. - General prohibitions of unreasonably loud noise. Unlawful for any person or business to cause, make or contribute to creating any loud or disturbing noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or such noises as to disturb the quiet and peace of any citizen of the town.

Chapter 12 - ENVIRONMENT; ARTICLE III. - NOISE; Sec. 12-61. - Certain acts, activities and sounds deemed unlawful. Unlawful to engage in various noise-creating activities that are deemed unlawful including car horns, amplified music, continued loud animal noises, and loud construction activities.

Chapter 12 - ENVIRONMENT; ARTICLE III. - NOISE; Sec. 12-62. - Loudspeakers, amplifiers; use on vehicles. Unlawful for any person to speak into a loudspeaker or amplifier within the town when such loudspeaker or amplifier is so adjusted that the voice of the speaker is amplified to the extent that it is audible at a distance in excess of 100 feet from the person speaking.

Chapter 12 - ENVIRONMENT; ARTICLE IV. - ABANDONED AND NUISANCE VEHICLES; Sec. 12-92. - Abandoned vehicle unlawful; removal authorized. Unlawful to abandon a vehicle.

Chapter 12 - ENVIRONMENT; ARTICLE IV. - ABANDONED AND NUISANCE VEHICLES; Sec. 12-93. - Nuisance vehicle unlawful; removal authorized. Unlawful to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

Chapter 12 - ENVIRONMENT; ARTICLE IV. - ABANDONED AND NUISANCE VEHICLES; Sec. 12-94. - Junked motor vehicle regulated; removal authorized. Unlawful to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

Chapter 12 - ENVIRONMENT; ARTICLE IV. - ABANDONED AND NUISANCE VEHICLES; Sec. 12-104. - Unlawful removal of impounded vehicle. Unlawful to remove or attempt to remove a vehicle that has been impounded from a storage facility without paying all authorized fees.

Chapter 14 - FIRE PREVENTION; ARTICLE II. - OPEN BURNING; Sec. 14-22. - Penalty. Establishes that violation of the open burning ordinance is a misdemeanor.

Chapter 16 - FLOOD DAMAGE PREVENTION; ARTICLE I. - IN GENERAL; Sec. 16-13. - Penalties for violation. Establishes that violation of the flood damage prevention ordinance is a misdemeanor.

Chapter 16 - FLOOD DAMAGE PREVENTION; ARTICLE II. - ADMINISTRATION; Sec. 16-47. - Duties and responsibilities of the

floodplain administrator. Subsection (16) establishes that violation of a stop-work order issued by the floodplain administrator is a misdemeanor.

Chapter 16 - FLOOD DAMAGE PREVENTION; ARTICLE II. - ADMINISTRATION; Sec. 16-48. - Corrective procedures. Establishes an owner of a building or property who fails to comply with an order to take corrective action for which no appeal has been made, or fails to comply with an order of the governing body following an appeal, shall be guilty of a misdemeanor.

Chapter 17 - OFFENSES AND MISCELLANEOUS PROVISIONS; ARTICLE I. - IN GENERAL; Sec. 17-1. - General prohibitions of discharging weapons. Subsection (d) establishes that violation of the firearms ordinance is a misdemeanor.

Chapter 17 - OFFENSES AND MISCELLANEOUS PROVISIONS; ARTICLE II. - BEGGING, PANHANDLING AND SOLICITATION OF CONTRIBUTIONS; Sec. 17-24. - Penalty. Establishes that violation of the begging, panhandling and solicitation of contributions ordinance is a misdemeanor.

Chapter 17 - OFFENSES AND MISCELLANEOUS PROVISIONS; ARTICLE III. - JUVENILE CURFEW; Sec. 17-59. - Penalty. Establishes that violation of the curfew between 10PM and 6AM for those under 16 years old, with various exceptions, is a misdemeanor.

Chapter 17 - OFFENSES AND MISCELLANEOUS PROVISIONS; ARTICLE IV. - TRICK OR TREAT VISITATIONS; Sec. 17-77 through 17-79. Establishes that it is unlawful to trick or treat except for in specified hours/dates; also establishes that upon a second violation of the ordinance limiting trick or treat to specified hours/dates, the child's parent/guardian will be found in violation of the article, which constitutes a misdemeanor.

Chapter 20 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; ARTICLE II. - EXCAVATIONS; Sec. 20-20. - Excavation permit required. Establishes that it is unlawful to dig under a town street, sidewalk, or any other public place without a permit from the town administrator or other authorized town official.

Chapter 20 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; ARTICLE II. - EXCAVATIONS; Sec. 20-22. - Application for permit; fees. Unlawful not to comply with an excavation permit.

Chapter 20 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; ARTICLE II. - EXCAVATION; Sec. 20-24. - Responsibility for street repair and damage. Unlawful to drag a tool or instrument on the town's streets in such a manner that it scratches the asphalt.

Chapter 20 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; ARTICLE III. - OFFENSES AGAINST PUBLIC PROPERTY; Sec. 20-53. - Consumption of alcoholic beverages prohibited on municipal property. Unlawful to drink or possess an open container of alcohol on public property or town streets or parking lots.

Chapter 20 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; ARTICLE III. - OFFENSES AGAINST PUBLIC PROPERTY; Sec. 20-54. - Defacing public property. Unlawful to mark or deface the walls of any public building or waiting room, the paved sidewalk of any street, or town-maintained streets and signs.

Chapter 20 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; ARTICLE III. - OFFENSES AGAINST PUBLIC PROPERTY; Sec. 20-55. - Damaging town fixtures. Unlawful to injure, break or otherwise tamper with any lamp, wire or other fixture of the town.

Chapter 20 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; ARTICLE III. - OFFENSES AGAINST PUBLIC PROPERTY; Sec. 20-56. - Forbidding certain persons to enter public property. Unlawful to reenter a property after a police officer has told the person not to reenter that property.

Chapter 20 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; ARTICLE III. - OFFENSES AGAINST PUBLIC PROPERTY; Sec. 20-57. - Climbing on roofs and water tanks. Unlawful to climb or tramp on business houses or water tanks, also unlawful to tamper with the public water system.

Chapter 20 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; ARTICLE III. - OFFENSES AGAINST PUBLIC PROPERTY; Sec. 20-58. - Smoking on municipal properties. Unlawful to smoke in any building or portion of a building now or hereafter owned, leased, operated, occupied, managed or controlled by the town.

Chapter 20 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; ARTICLE III. - OFFENSES AGAINST PUBLIC PROPERTY; Sec. 20-59. - Penalty. Establishes that violating the article is a misdemeanor.

Chapter 24 - TAXATION; ARTICLE II. - GROSS RECEIPTS TAX ON MOTOR VEHICLE RENTAL; Sec. 24-23. - Misdemeanor for willful violation. Establishes that violating the article, which creates a tax on motor vehicle rentals in the town, is a misdemeanor.

Chapter 26 - TRAFFIC AND MOTOR VEHICLES; ARTICLE I. - Sec. 26-4. - Herding and driving animals. Unlawful to herd or drive any horse, cattle or other livestock upon the streets and roadways of the town unless each animal is safely secured with a halter or otherwise under the control and in the charge of an attendant.

Chapter 26 - TRAFFIC AND MOTOR VEHICLES; ARTICLE I. - Sec. 26-5. - Removal of vehicles. Unlawful to obstruct traffic with a vehicle or to fail to remove a vehicle from a location once a police officer has told the owner to move it.

Chapter 26 - TRAFFIC AND MOTOR VEHICLES; ARTICLE I. - Sec. 26-8. - Penalty. Establishes that violation of the article is a misdemeanor.

Chapter 26 - TRAFFIC AND MOTOR VEHICLES; ARTICLE VI. - JUNKYARDS AND AUTOMOBILE GRAVEYARDS; Sec. 26-134. - Prohibitions. Unlawful to begin operation in Town of Wilson's Mills of a junkyard or automobile graveyard within 300 feet of the centerline of any public road, or 1,000 feet of a school, residence, or church nor can they be located within the 100-Year or 500-Year Floodplain as determined by the NFIP rate map.

Chapter 26 - TRAFFIC AND MOTOR VEHICLES; ARTICLE VI. - JUNKYARDS AND AUTOMOBILE GRAVEYARDS; Sec. 26-140. - Remedies and penalties for violation. Establishes requirements for junkyards and automobile graveyards, and provides that any violation of the article is a misdemeanor.

Chapter 30 - ZONING; ARTICLE II. - DISTRICT REGULATIONS; DIVISION 6 - GENERAL REGULATIONS; Sec. 30-139. - Application of regulations. Establishes that land or structures shall not be used or occupied, structures shall not be built or altered, and yards and lots shall not be created or altered except in compliance with the chapter for the appropriate zoning district.

Chapter 30 - ZONING; ARTICLE II. - DISTRICT REGULATIONS; DIVISION 6 - GENERAL REGULATIONS; Sec. 30-140. - Visibility at

intersections. Establishes that nothing shall be erected, placed, planted or allowed to grow which obstructs vision of motorists; creates minimum clear sight lines.

Chapter 30 - ZONING; ARTICLE II. - DISTRICT REGULATIONS; DIVISION 6 - GENERAL REGULATIONS; Sec. 30-141. - Sec. 30-141. - Street frontage required. Establishes that buildings, structures, or uses shall abut at least 50 feet on a public street with limited exceptions.

Chapter 30 - ZONING; ARTICLE II. - DISTRICT REGULATIONS; DIVISION 6 - GENERAL REGULATIONS; Sec. 30-145. - Uses prohibited. If any use or class of use is not specifically permitted in a district, then the use or class of use is prohibited in the district.

Chapter 30 - ZONING; ARTICLE II. - DISTRICT REGULATIONS; DIVISION 6 - GENERAL REGULATIONS; Sec. 30-146. - Exceptions and modifications. Sets height and yard size requirements with limited exceptions.

Chapter 30 - ZONING; ARTICLE III. - DEVELOPMENT STANDARDS; DIVISION 3 - SIGN REGULATIONS; Sections 30-243 through 30-255. Sets requirements for signs.

Chapter 30 - ZONING; ARTICLE III. - DEVELOPMENT STANDARDS; DIVISION 4 - LANDSCAPING REQUIREMENTS; Sec. 30-274 through 30-283. Sets requirements for landscaping.

Chapter 30 - ZONING; ARTICLE III. - DEVELOPMENT STANDARDS; DIVISION 5 - STANDARDS FOR INDIVIDUAL USES; Sec. 30-316. - Accessory buildings or uses (nonresidential). Sets requirements for the location, height, and setbacks for accessory buildings and uses; establishes that accessory uses/structures shall not be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.

Chapter 30 - ZONING; ARTICLE III. - DEVELOPMENT STANDARDS; DIVISION 5 - STANDARDS FOR INDIVIDUAL USES; Sec. 30-317 through 30-318. Sets requirements for attached and detached accessory dwelling units.

Chapter 30 - ZONING; ARTICLE III. - DEVELOPMENT STANDARDS; DIVISION 5 - STANDARDS FOR INDIVIDUAL USES; Sec. 30-319. - Adult establishments. No adult establishment shall be located within

300 yards of a church, school, day care, public park, residence or playground, or another adult establishment; no adult establishments in the same building with another adult establishment.

Chapter 30 - ZONING; ARTICLE III. - DEVELOPMENT STANDARDS;
DIVISION 5 - STANDARDS FOR INDIVIDUAL USES; Sec. 30-320. -
Automotive repair services, screening. The automotive storage area must have an opaque fence six feet high.

Chapter 30 - ZONING; ARTICLE III. - DEVELOPMENT STANDARDS;
DIVISION 5 - STANDARDS FOR INDIVIDUAL USES; Sec. 30-321. -
Automotive storage. No more than 20 vehicles at any one time in B-1 districts; no more than 100 vehicles in the I district.

Chapter 30 - ZONING; ARTICLE IV. - WATERSHED REGULATIONS;
DIVISION 2 - SUBDIVISION REGULATIONS; Sec. 30-429. - Penalties for transferring lots in unapproved subdivisions. Establishes that a person who subdivides land in violation of this chapter 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 chapter and recorded in the office of the register of deeds shall be guilty of a misdemeanor.

Chapter 30 - ZONING; ARTICLE IV. - WATERSHED REGULATIONS;
DIVISION 3 - DEVELOPMENT REGULATIONS; Sec. 30-462. - Application of regulations. If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

Chapter 30 - ZONING; ARTICLE VII. - ENFORCEMENT; Sec. 30-730. - Criminal penalties. Establishes that any violation of the zoning ordinance is a misdemeanor.