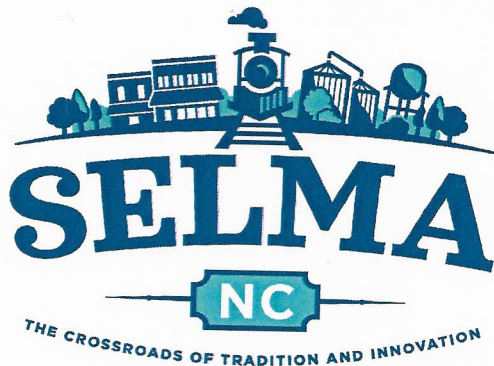


MAYOR
Byron James McAllister

MAYOR PRO-TEM
Joe Scarboro

COUNCILMEMBERS
Amy West Whitley
Susan Parrish Watson
William Overby



TOWN MANAGER
Alexis Carter

TOWN CLERK
Dalton Larsen-Batten

TOWN ATTORNEY
Alan "Chip" Hewett

2025-012-O: AN ORDINANCE TO AMEND CHAPTER TWELVE AND CHAPTER THIRTEEN OF THE CODE OF ORDINANCES OF THE TOWN OF SELMA

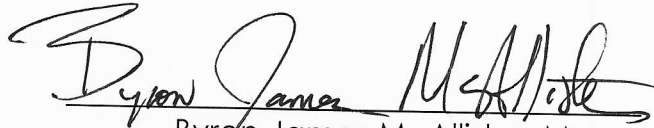
- WHEREAS,** Town of Selma staff has initiated text amendments to Chapter Twelve and Chapter Thirteen of the Town Code of Ordinance to further clarify code enforcement practices and expectations; and
- WHEREAS,** On June 23, 2025, the Planning Board reviewed the amendment(s); made a motion to recommend to Town Council with a statement that the proposed amendments are consistent with the goals and objectives of the Town of Selma Land Use Plan; and
- WHEREAS,** On August 12, 2025, after due notice by publication, the Town Council reviewed the formal amendment(s) and unanimously voted to approve all proposals as submitted.


NOW, THEREFORE, BE IT ORDAINED THAT:

1. The Town of Selma Code of Ordinance is hereby amended o read as follows in **Exhibit A.**
2. The Clerk is hereby authorized to insert such amendments into the official Code of Ordinances of the Town of Selma kept on file in the Office of the Clerk.
3. This ordinance shall become effective upon adopted.

Approved this 12 day of August, 2025.




Byron James McAllister, Mayor


Dalton Larsen-Batten, Town Clerk



Page 1
 Date: 10/10/2017
 Time: 10:10:10
 User: admin

Page 1
 Date: 10/10/2017
 Time: 10:10:10
 User: admin

STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION

WHEREAS, the Department of Transportation has the honor to acknowledge the receipt of a letter from the Delaware Department of Transportation dated 10/10/2017, and

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STATE OF DELAWARE

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[Handwritten signatures and text]



- MUNICIPAL CODE
Chapter 12 - MOTOR VEHICLES AND TRAFFIC
ARTICLE IX. ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES

ARTICLE IX. ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES¹

Sec. 12-181. Definitions.

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

Abandoned vehicle means a motor vehicle, as authorized and defined in G.S. 160A-303, means an abandoned motor vehicle that meets any of the following conditions:

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking;
- (2) Is left on a public street or highway for longer than seven (7) consecutive days;
- (3) Is left on property owned or operated by the town for longer more than twenty-four (24) hours; or
- (4) Is left on private property without the consent of the owner, occupant or lessee thereof for longer more than two (2) hours.

Authorizing official means the a designated supervisory employee of the police department, the building inspector, and-or the code enforcement officer (or assistant code enforcement officer) respectfully, designated to who is authorized to order the removal of vehicles under the provisions of this article.

Insufficiently tagged vehicle means a vehicle that does not display a current, lawful license plate, lawfully and has been parked unattended on any residential street or right-of-way for longer more than thirty (30) days. For the purposes of enforcement purposes, an insufficiently tagged vehicles are subject to removal under is prohibited and shall be removed by the same procedures used for authorized for those vehicles defined as junked motor vehicles.

Junked motor vehicle means a motor vehicle, as authorized and defined in G.S. 160A-303.2, means a vehicle that meets all the following conditions:

- (1) Does not lawfully display a current license plate lawfully upon that vehicle and that;
- (2) Is partially dismantled or wrecked;
- (3) Cannot be self-propelled or moved in the manner in which it as originally was intended to move; or
- (4) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).

Motor vehicle or *vehicle* means all machines designated or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

Nuisance vehicle means any vehicle located on public or private property that is determined and declared to be pose a health or safety hazard, create a public nuisance, or otherwise violate this article and unlawful, including a vehicle found to be:

¹Cross reference(s)—Garbage and refuse collection and disposal, § 16-211 et seq.; community appearance, ch. 17, art. XII; enforcement, ch. 17, art. XV.

State law reference(s)—Public health nuisances, G.S. § 160A-193; junked and abandoned motor vehicles, G.S. §§ 160A-303, 160A-303.2.

-
- (1) A breeding ground or harbor for mosquitoes or other insects or a breeding ground or harbor for rats, snakes or other pests;
 - (2) A point of heavy growth of weeds or other noxious vegetation over ten (10) inches in height;
 - (3) A point of collection of pools or ponds of water;
 - (4) A point of concentration of combustible items such as gasoline, oil, other flammable or explosive materials, including but not limited to boxes, paper, old clothes, rags, refuse or any other combustible materials or objects of a like nature;
 - (5) One (1) from which parts thereof may fall and injure members of the public or one (1) which may have parts which fall or be closed and become an area of confinement which may not be released or opened from the inside;
 - (6) One (1) which is so situated and located that there is a danger of the vehicle falling, rolling, turning over or creating an unsafe movement such as unattended, blocked or jacked vehicles;
 - (7) One (1) which is a point of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind;
 - (8) One (1) which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
 - (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the city council.

(Ord. of 2-13-90; Ord. of 5-13-97, § 1; Mo. of 4-14-98; Ord. of 9-14-10, § 1; Ord. of 4-14-15(2), § 1)

Sec. 12-182. Administration.

The police department, building inspector, code enforcement officer and the assistant code enforcement officer shall be responsible for the administration and enforcement of this article. The police department shall be responsible for administering the removal and disposition of vehicles determined to be abandoned on the public streets and highways within the town and property owned **or operated** by the town. The building inspector, code enforcement officer and/or the assistant code enforcement officer shall be responsible for administering the removal and disposition of abandoned, nuisance or junked motor vehicles located on private property. The town may, on an annual basis, contract with private tow-truck operators or towing businesses to remove, store and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this article and applicable state laws. Nothing in this article shall be construed to limit the legal authority or powers of officers of the police department and fire department in enforcing other laws or in otherwise carrying out their duties.

(Ord. of 2-13-90; Ord. of 5-13-97, § 2)

Cross reference(s)—Administration, ch. 2; buildings and construction, ch. 5.

Sec. 12-183. Abandoned vehicle prohibited; removal authorized.

- (a) It shall be unlawful for ~~a~~**the** registered owner or **any** person entitled to possession of a vehicle to ~~cause~~ **abandon** or allow ~~such~~ vehicle to be abandoned.
- (b) Upon investigation, proper **authorized town** officials ~~of the town~~ may determine that a vehicle is an abandoned vehicle, **as defined in this article**, and order the vehicle removed **from public or private property**.

(Ord. of 2-13-90)

Sec. 12-184. Nuisance vehicle prohibited; removal authorized.

- (a) It shall be unlawful for the registered owner, ~~or person entitled to possession 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 a~~ vehicle to remain on the property after it has been declared a nuisance vehicle.
- (b) Upon investigation, the building inspector and/or code enforcement officers may determine and declare that a vehicle **to be a nuisance due to** a health or safety hazards, and **may order its removal in accordance with this article.** ~~a nuisance vehicle and order the vehicle removed.~~

(Ord. of 2-13-90; Ord. of 5-13-97, § 3)

Cross reference(s)—Nuisances, § 13-46 et seq.

Sec. 12-185. Junked motor vehicle; removal authorized.

- (a) It shall be unlawful to ~~have~~ **keep or store** a junked motor vehicle on the premises of public or private property **within the town.**
- (b) Subject to the provisions of this section, the building inspector or code enforcement officer may order the removal of a junked **motor** vehicle after **making written** findings in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. ~~Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:~~ **Considerations may include:**
 - (1) Protection of property values;
 - (2) Promotion of tourism and ~~other~~ **or** economic development opportunities;
 - (3) Indirect protection of public health and safety;
 - (4) Preservation of the **neighborhood** character and integrity of the community; and
 - (5) Promotion of the **resident** comfort, happiness and emotional stability of area residents **and quality of life.**
- (c) It shall be unlawful for the registered owner or person entitled to the possession of a motor vehicle or for the owner, lessee ~~or~~ occupant of the real property upon which a junked motor vehicle is located to ~~leave~~ **allow** the vehicle to remain on the property after ~~the vehicle has been ordered to be removed~~ **a removal order has been issued.**

(Ord. of 2-13-90; Ord. No. 5-13-97, § 4; Ord. of 3-10-98(1), § 1; Ord. of 9-14-99(3), §§ 1, 2)

Sec. 12-186. Notice of removal—Generally.

- (a) Except as set forth in section 12-187, **vehicles may be towed** ~~a vehicle to be removed because it has been abandoned, declared to be a nuisance vehicle or is a junked motor vehicle which has been ordered removed shall be towed only after two (2) weeks~~ **after written** notice has been given to the registered owner or person entitled to possession of the vehicle.
- (b) **For nuisance, abandoned, or junked vehicles:**
 - a. ~~In the case of a vehicle to be towed or removed because it has been declared to be a nuisance vehicle or it is a junked motor vehicle which has been ordered removed by the building~~

inspector and/or code enforcement officer, If the name and mailing address of the registered owner or person entitled to the possession of the vehicle or the owner, lessee or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail.

- b. ~~The person who mails the notice shall retain a written record to show the name and address to which mailed and the date mailed.~~ **A written record of the date and address of mailing shall be retained.**
- c. If such names and addresses cannot be ascertained **through reasonable diligence**, or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other **posted** conspicuously place on the vehicle a notice indicating that the vehicle will be removed by the town on a specified date, no sooner than seven (7) days after the notice is affixed. The notice shall state that the vehicle will be removed by the town on a specified date, no sooner than seven (7) days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

(c) If the abandoned, junked or nuisance motor vehicle is not removed, and the owner contests the determination:

- a. ~~With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or, in the case of a junked motor vehicle, that the aesthetic benefits of removing the vehicle outweigh the burdens, such~~ **A written appeal shall must be submitted made to the Board of Adjustment town council in writing within (10) days of notice.**
- b. **The Council Board of Adjustment shall hear the appeal at its next regular meeting after due notice has been provided.** ~~heard at the next regularly scheduled meeting of the town council, and further~~
- c. ~~Proceedings~~ **to remove the vehicle shall be stayed until the appeal is heard and decided.**

(Ord. of 2-13-90; Ord. of 5-13-97, § 5; Ord. of 3-10-98(2), § 1)

Sec. 12-187. Same—Exceptions.

The requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. ~~Such findings shall in all such cases, the official must document the findings and justification for immediate removal in the department's be entered by the authorized official in the appropriate daily records.~~ Circumstances justifying the removal of vehicles without prior notice include:

- (1) ~~Vehicles abandoned on the streets~~ **Immediate Removal from Public Streets or Highways.** For vehicles left located on the public streets and or highways, such circumstances include, and the city council hereby determines that immediate removal of such vehicles may be warranted where they are **authorized under the following circumstances:**
 - a. **The vehicle is obstructing the flow of traffic;**
 - b. **The vehicle is parked in violation of any ordinance prohibiting or restricting parking;**
 - c. **The vehicle is Parked located in a no-stopping or no-standing zone;**

- d. **The vehicle is parked in a designated** loading zones;
 - e. **The vehicle is parked a in in a** bus zones; or
 - f. **The vehicle is** ~~Parked~~ in violation of temporary parking restrictions imposed ~~under~~ **pursuant to** this Code.
- (2) ~~Other abandoned or nuisance vehicles~~ **Immediate Removal from Town Property or Private Property.** With respect to ~~abandoned or nuisance vehicles left on city owned property, other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice~~ **For vehicles located on other Town-owned property or on private property, prior notice may be omitted only in those circumstances where the authorizing official finds when there is a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation such circumstances include** **Examples include but are not limited to:**
- a. **Vehicles blocking or obstructing ingress or egress access** to businesses and residences;
 - b. **Vehicles parked in such a location or a manner as to that poses a traffic or fire hazard;** and
 - c. **Vehicles causing damage to public or private property.**

(Ord. of 2-13-90)

Sec. 12-188. Notice after removal.

- (a) ~~Any vehicle which has been determined to be an abandoned vehicle or a nuisance vehicle or that is a junked motor vehicle which has been ordered removed, may, as directed by the town, be removed to a storage garage or area by the town truck operator or towing business contracting to perform such services for the town. Whenever such a vehicle is removed, When a vehicle has been removed pursuant to this article---~~ **whether as an abandoned vehicle, nuisance vehicle or junked motor vehicle--- it may be towed to a designated storage facility by the Town or a contracted towing service. Upon removal,** the authorizing town official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:
- (1) The description of the removed vehicle;
 - (2) The location where the vehicle is stored;
 - (3) The violation with which the owner is charged, if any;
 - (4) The procedure the owner must follow to redeem the vehicle; and
 - (5) The procedure the owner must follow to request a probable cause hearing on the removal.
- (b) The town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsection (a)(1) through (a)(5) above, shall, unless this notice is waived in writing by the vehicle owner or his agent, also be mailed to the registered owner's last known address.
- (c) If the vehicle is registered in ~~the~~ **this** state, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within seventy-two (72) hours from the removal of the vehicle.
- (d) Whenever an abandoned, nuisance vehicle or junked motor vehicle is removed and such vehicle has no valid registration or registration plates, the authorizing town official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information as set forth in subsection (a)(1) through (a)(5) above.

(Ord. of 2-13-90)

Sec. 12-189. Right to **probable cause hearing before sale or final disposition of vehicle.**

After the removal of an abandoned vehicle, nuisance vehicle or a junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle, unless such person requested and received a hearing under section 12-186. A request for hearing must be filed in writing with the county magistrate designated by the chief district court judge to receive such hearing requests. The magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-222.

(Ord. of 2-13-90)

Sec. 12-190. Redemption of vehicle.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. **Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this article.**

(Ord. of 2-13-90)

Sec. 12-191. Sale and disposition of unclaimed vehicle.

Any **abandoned, nuisance or junked motor** vehicle ~~declared to be an abandoned vehicle or a nuisance vehicle or that is a junked motor vehicle which has been ordered removed under this article~~ which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the town and in accordance with Article I of Chapter 44A of the **North Carolina** General Statutes.

(Ord. of 2-13-90)

Sec. 12-192. Removal of vehicles from private property.

As a general policy, the town shall not remove a vehicle ~~under the provisions of this article~~ from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state law procedures. In no case shall a vehicle be removed by the town from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is declared a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the building inspector and/or code enforcement officers. The town may require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the town against any loss, expense or liability incurred because of the removal, storage or sale thereof.

(Ord. of 2-13-90; Ord. of 5-13-97, § 6)

Sec. 12-193. Exemption from Liability.

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

(Ord. of 2-13-90)

Sec. 12-194. Exceptions.

Nothing in this article shall apply to any vehicle:

- (1) Which is located in a bona fide automobile graveyard or junkyard as defined in G.S. 136A-143, in accordance with the "Junkyard Control Act", G.S. 136-141 et seq.;
- (2) Which is in an enclosed building;
- (3) Which is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or
- (4) Which is in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Ord. of 2-13-90)

Sec. 12-195. Unlawful removal of impounded vehicles.

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 article unless and until all towing and impoundment fees which are due or bond in lieu of such fees have been paid.

(Ord. of 2-13-90)

~~Sec. 12-196. Fees and charges.~~

~~Any vehicle lawfully impounded under this article shall be subject to the following fees and charges, which shall be subject to change annually by the town council. Changes shall be reflected in the fee schedule available in the offices of the town clerk and the town finance officer.~~

~~(1) Towing charges~~

- ~~a. Vehicles weighing less than 10,000 pounds gross vehicle weight (GVW) \$75.00~~
- ~~b. Large vehicles weighing more than 10,000 pounds gross vehicle weight (GVW) 150.00~~

~~(2) Administrative fee 50.00~~

(Ord. of 7-11-00 § 1)

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS AND ARCHITECTURE

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THE UNIVERSITY OF CHICAGO

Chapter 13 OFFENSES AND MISCELLANEOUS PROVISIONS¹

ARTICLE I. IN GENERAL

Sec. 13-1. Improper sign posting—Definitions.

As used in section 13-2:

Posting or attaching ~~includes~~ means placing a sign on a tree or utility pole using any method, such as but not limited to nailing, tacking, stapling, tying with string, and any other method of using a pole or tree to fix the location of a sign.

Sign includes political advertising and announcements of nonprofit events, as well as any notice of amusements or commercial events.

(Code 1974, § 9.28.020)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 13-2. Same—Prohibited.

The posting or attaching of signs or any similar matter to utility poles or trees in the public right-of-way in the town is a misdemeanor.

(Code 1974, § 9.28.010)

State law reference(s)—Defacing or destroying public notices and advertisements, G.S. § 14-385.

Sec. 13-3. Discharge of firearms, fireworks.

- (a) Any person who shoots any firearm for sport or pastime or uses any fireworks or explosive within the corporate limits of the town shall be guilty of a misdemeanor.
- (b) Subsection (a) shall not apply to firearms used in defense of person or property or pursuant to lawful directions of law-enforcement officers.

(Code 1974, § 9.48.010)

Cross reference(s)—Fire prevention and protection, ch. 9.

State law reference(s)—Discharging certain barreled weapons or a firearm into occupied property, G.S. § 14-34.1; riots and civil disorders, G.S. § 14-288.1 et seq.; sale of weapons, G.S. § 14-402 et seq.; use of firearms in municipalities, G.S. § 160A-189.

¹Cross reference(s)—Animals, ch. 4.

State law reference(s)—Criminal law, G.S. Ch. 14; general ordinance-making power, G.S. § 160A-174.

Sec. 13-4. Air rifles prohibited.

Any person using an air rifle in the town shall be guilty of a misdemeanor.

(Code 1974, § 9.48.020)

Sec. 13-5. Motion picture previews—Definitions.

As used in section 13-6:

R-rated motion picture means a presentation containing sufficient subject matter which relates to or displays conduct of a violent or sexual nature that children who are younger than seventeen (17) years of age are forbidden to view unless they are accompanied by a parent.

NC-17-rated motion picture means a presentation which contains sufficient subject matter which relates to or displays conduct of a violent or sexual nature that children who are younger than eighteen (18) years of age are forbidden to view under any circumstances.

(Code 1974, § 9.18.010)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 13-6. Same—Limitation.

No person shall permit R-rated motion pictures or X-rated motion pictures to be previewed during the screening of any theater of a PG- or G-rated motion picture.

(Code 1974, § 9.18.020)

State law reference(s)—Preparation of obscene motion pictures, G.S. § 14-190.5.

~~Sec. 13-7. Trespassing; enforcement.~~

~~Present and future officers of the police department are hereby authorized to act as agents for property owners and tenants to enforce regulations against trespassing on private property located within the corporate limits of the town upon specific request by such property owners or tenants, pursuant to a written agreement with the police department.~~

~~(Ord. of 4-10-90(3), § 1)~~

~~Editor's note(s)—Section 1 of an ordinance adopted Apr. 10, 1990, amended the town's 1974 Code by adding provisions to be included as § 9.22.010. Such provisions have been included herein as § 13-7 at the discretion of the editor.~~

Sec. 13-8. Masks; wearing in public.

- (a) It shall be unlawful for any person to appear in the town on or in any street or alley or upon any property other than his own premises while wearing a mask, hood or other device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, except as provided in subsection (b) of this section.
- (b) Subsection (a) of this section shall not apply to the following:
 - (1) Children under the age of twelve (12);

-
- (2) Workers while engaged in a work wherein a covering is worn for physical safety and protection against occupational hazards or because of the nature of the occupation, trade or profession;
 - (3) Persons while engaged in theatrical productions or masquerade balls;
 - (4) Persons while wearing gas masks prescribed in civil defense drills and exercises or by authorized persons in emergencies.

(5) Persons wearing a mask for the purpose of ensuring the physical health or safety of the wearer or others.

- (c) It shall be unlawful for any parent, guardian or other person standing in loco parentis to knowingly permit any minor child or ward in his care and custody to violate the provisions of this section. Violation of this section shall be punishable by fine not exceeding fifty dollars (\$50.00) or imprisonment of not less than thirty (30) days.

(Ord. of 10-12-93(2), § 1)

Sec. 13-9. Trick or treat visitations.

- (a) It shall be unlawful for any person to appear on or in any public street or alley of the town or upon any property than his own premises for the purpose of making trick or treat visitations, except as provided in subsection (b) of this section.
- (b) Subsection (a) of this section shall not apply to children twelve (12) years of age and under before the hour of 8:00 p.m. on each Halloween night in the residential areas of the town.
- (c) It shall be unlawful for any parent, guardian or other person standing in loco parentis to knowingly permit any minor child or ward in his care and custody to violate the provisions of this section.

(Ord. of 10-12-93(2), § 1)

Sec. 13-10. Weapons prohibited on town property.

- (a) Except as provided in subsection (b) below, all persons are prohibited from possessing weapons as defined in N.C.G.S. § 14-269 in town owned buildings and their appurtenant premises.
- (b) Except as provided in subsection (c) below, all persons are prohibited from possessing weapons within the following recreational facilities:
 - (1) Brack Wilson Park athletic field(s) including any appurtenant facilities such as restrooms, during an organized athletic event when the field has been scheduled for use with the Town of Selma.
 - (2) Edgebrook Park athletic field(s) including any appurtenant facilities such as restrooms, during an organized athletic event when the field has been scheduled for use with the Town of Selma.
 - (3) Richard B. Harrison Athletic Complex gymnasium and athletic field(s), including any appurtenant facilities such as restrooms, during an organized athletic event when the gymnasium or field has been scheduled for use with the Town of Selma.

This section does not preclude persons with a concealed handgun permit from securing a handgun in a locked vehicle, within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle at the locations listed above.

- (c) This prohibition shall not apply to the following persons:
 - (1) 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 and weapons;

-
- (2) Civil officers of the United States while in the discharge of their official duties;
 - (3) Officers and soldiers of the militia and the National Guard when called into actual service;
 - (4) Sworn law enforcement officers.
- (d) Any person in violation of this section shall be guilty of a Class 2 misdemeanor and upon conviction may be fined up to five hundred dollars (\$500.00) or imprisoned for up to one (1) month or both.
- (Ord. of 2-13-24(1); Ord. of 4-9-24(1); Ord. No. 2024-021-O, § 1, 4-9-24)

Secs. 13-11—13-25. Reserved.

ARTICLE II. DISTURBING THE PEACE²

Sec. 13-26. Fighting in streets.

Any person causing a breach of the peace by a street quarrel or fight shall be guilty of a misdemeanor.

(Code 1974, § 9.20.010)

State law reference(s)—Prize fights, G.S. § 14-271.

Sec. 13-27. Prohibited acts.

All disorderly conduct, hollering or indecent exposure of the person shall be a misdemeanor.

(Code 1974, § 9.20.020)

State law reference(s)—Indecent exposure, G.S. § 14-190.9.

Sec. 13-28. ~~Indecent language~~ Disorderly Conduct- Offensive Language prohibited.

~~Any person who engages in loud and boisterous profanity and the use of indecent language upon any street, alley or public facility in the town shall be guilty of a misdemeanor.~~ Any person who engages in language that is likely to provoke a violent response or create a clear and present danger of violence or disruption, when such language is directed toward another person in a public place in the town shall be guilty of a misdemeanor.

(Code 1974, § 9.20.030)

State law reference(s)—Using profane or indecent language on passenger trains, G.S. § 14-195; telephone harassment, G.S. § 14-196; using profane or indecent language on public highways, G.S. § 14-197.

²State law reference(s)—Offenses against the public peace, G.S. § 14-269 et seq.; protection of public safety and peace, G.S. § 160A-174.

Sec. 13-29. Playing in public ways.

Any person who shall play or catch a ball or play marbles on any of the streets, sidewalks or alleys of the town within the fire district or on the premises of any person without the consent of the owner or occupant of the premises shall be guilty of a misdemeanor.

(Code 1974, § 9.20.040)

Cross reference(s)—Fire district, § 5-71 et seq.

Secs. 13-30—13-45. Reserved.

ARTICLE III. NUISANCES³

DIVISION 1. GENERALLY

Sec. 13-46. Authority.

This division is adopted pursuant to the authority granted to North Carolina municipalities through the G.S. ch. 160A, art. 8.

(Ord. of 7-9-02(1), § 1)

Sec. 13-47. Purpose.

It is ~~in~~ the intent of this article to encourage a clean, healthy and satisfying environment for town citizens, one free from nuisances, and unhealthy or devaluating conditions. To these ends, this article seeks to regulate, identify and provide a means to enforce the regulations and to protect the health, safety and welfare of residents and property owners.

(Ord. of 7-9-02(1), § 1)

Sec. 13-48. Enactment.

For the purposes cited above and for the general purposes of promoting the health, safety and general welfare of the town, the town council does hereby ordain, adopt, and enact this division, in its entirety, including text, and all regulation. All of this article shall be known as the Selma Nuisance Ordinance and shall apply to all land within the corporate limits of the town.

(Ord. of 7-9-02(1), § 1)

³Cross reference(s)—Fire prevention and protection, ch. 9; nuisance vehicles, § 12-184.

State law reference(s)—Municipal noise regulation, G.S. § 160A-184; abatement of health and safety nuisances, G.S. § 160A-193; offenses against public morals, G.S. § 19-1 et seq.; obscenity, G.S. § 14-190.1 et seq.

Sec. 13-49. Conflicting ordinances.

All ordinances or parts of ordinances in conflict with this article or inconsistent with its provisions, specifically including previous ordinances of the town or amendments thereto, are hereby repealed or ~~superseded~~ **superseded** to the extent necessary to give this article full force and effect.

(Ord. of 7-9-02(1), § 1)

Sec. 13-50. Separability.

Should any provision of this article be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this article as a whole or any part hereof except that specific provision which was the subject of the declaration.

(Ord. of 7-9-02(1), § 1)

Sec. 13-51. Reserved.

Sec. 13-52. Definitions.

- (a) For the purposes of this chapter, a "public nuisance" is a thing, act, occupation, or use of property or thing that:
 - (1) Annoys, injures, or endangers the safety, health, comfort, welfare, or repose of any considerable number of persons;
 - (2) Without permission of the owner or the trustee thereof, interferes with, obstructs or tends to obstruct, or renders dangerous or hazardous for passage or use, any navigable water or public place;
 - (3) In any way renders any considerable number of persons insecure in life, physical safety, or in the use of property; or
 - (4) Adversely and unreasonably affects the community or neighborhood.
- (b) This section, as well as other sections of this Code, declares certain uses, actions, and activities to be public nuisances. It is the express intent of the town council that those declarations are in addition to, and not subject to, the generic determinations of public nuisances contained in and authorized by this section. Furthermore, none of the express declarations of public nuisances contained in this chapter or this Code are to, or shall be construed to be exclusive, or in any other way to limit the authority of the town to identify and abate public nuisances pursuant to town, county, state, or federal law.
- (c) For purposes of this division, "animal" means every organism of the animal kingdom, one (1) of the three (3) divisions into which natural objects have been traditionally divided, the others being mineral and plant.
"Animal" includes, but is not limited to, any amphibian, bird, mammal, reptile, fish, or insect.
- (d) *Chronic violator* means a person who owns property where, in the previous calendar year, the **city-town** gave notice of a violation of the provision regarding overgrown and/or excessive vegetation at least three (3) times.
- (e) *Excessive code enforcement violation* refers to two (2) things.
 - (1) If a fourth notice of violation is issued, that is deemed excessive.

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- (2) When a citizen exceeds the volume or amount allowed for a bulk pickup (twelve (12) cubic feet) by the public works department. Such excessive volume can be abated upon the original or first occurrence of the violation.

(Ord. of 7-9-02(1), § 1; Ord. of 7-12-16(1), § 1; Ord. No. 2024-028-O, § 1, 1-9-25)

Sec. 13-53. Illustrative enumeration.

- (a) *Health nuisances.* The following are expressly declared to be public nuisances adversely affecting the public health:
- (1) All decayed, infected, or unwholesome food, bartered, sold, or offered for sale to the public, or designed or offered for human consumption, including milk from diseased or otherwise unfit animals;
 - (2) All animals affected with disease or animal disease carriers, when the disease is one that may adversely affect the health of humans or other animals;
 - (3) All ponds, pools, depressions, or vessels holding stagnant water in which mosquitoes may breed;
 - (4) All ponds, pools, or vessels holding stagnant water that is generating or may tend to generate offensive or dangerous gasses;
 - (5) All uncovered or inadequately covered accumulations of manure, plant material, fruits, or rubbish that provide a breeding place for flies, mosquitoes, or vermin, or which release gases;
 - (6) Pollution or contamination of any water supply or water course by sewage, creamery, industrial, chemical, oil, junk, debris, or any other waste or product;
 - (7) Smoke, fumes, gas, dust, soot, cinders, or other particulate matter in such quantities as to render the occupancy or use of property uncomfortable to a person of ordinary sensibilities;
 - (8) Public exposure of persons having a contagious disease, or one defined as contagious by state law that is subject to ready transmission to others;
 - (9) Maintenance, existence, or presence of a livery stable, brick yard, or automobile wrecking yard, or the depositing, storage, maintenance, existence, or presence of junk or junk iron or metal, abandoned or salvaged appliances or furniture, or automobile parts or dilapidated or dismantled vehicles or vehicle parts, or manure or fertilizer, within any residential district in the town as the same are or hereafter are defined and described by the Selma Development Ordinance; and
 - (10) Any other acts, conditions, occupations, and uses of property that are in fact a menace to the public health.
- (b) *Public nuisances adversely affecting public peace and safety.* The following are expressly declared to be public nuisances adversely affecting the public peace and safety:
- (1) Storage, leakage, release, or use of any explosive, flammable liquid, or other dangerous, toxic, or hazardous substance in any manner or in any amount other than as permitted pursuant to this Code and county, state, or federal laws;
 - (2) All buildings and alteration of buildings, or parts thereof, made or erected in violation of any applicable town, county, state, or federal laws prescribing the manner and materials for the construction or alteration;
 - (3) Obstructions, impediments, or excavations that interfere with the ordinary use by the public of any public street, way, or sidewalk or an attraction to persons, except when and as permitted pursuant to this Code or state law;

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- (4) Rainwater or drainage water issuing in a collected or directed manner or falling from any building, structure, or paved area upon any sidewalk or pedestrian way, or flowing across any sidewalk or pedestrian way;
 - (5) Any barbed wire or electrified fence within a plane of four (4) horizontal feet from any public street, way, sidewalk, path, or park; any wire, twine, or rope fences, consisting of one (1) or more strands of wire, twine, or rope that is less than three (3) feet in height and less than three (3) feet from any public street, way, sidewalk, path, or park;
 - (6) Any dangerous, unguarded machinery or appliances left in any public place or so operated or situated on private property so as to attract the public;
 - (7) Any dead, diseased, infested, or dying tree or shrub on any property so near to a street, public right-of-way, or a public utility easement as to constitute a danger to street trees, public utility services, streets, sidewalks, vehicle travel, persons, or property, other than that of the owner of the tree;
 - (8) Vines or climbing plants growing into or over any street tree, fire hydrant, pole, or utility wire;
 - (9) Branches, roots, trees, shrubs, or foliage that interfere with visibility on, illumination of, or the free, safe, or undamaged use of, or access to or along, any portion of any public street or sidewalk;
 - (10) Hedges or dense, thorny shrubs extending into the public right-of-way;
 - (11) Branches of trees or shrubs that extend within eight (8) vertical feet from any portion of a public sidewalk or within fourteen (14) vertical feet from any portion of a public street;
 - (12) Weeds or vegetation on all portions of a parcel of land, including the area located in the public right of way between the sidewalk and the edge of pavement allowed to grow to the height greater than ten (10) inches on the average, or any accumulation of dead weeds, grass, or brush, on any occupied or unoccupied lot or land, excluding woodlands and farms that may provide safe harborage for rats, mice, snakes, and other vermin.
 - (13) Generation of intense glare or heat that unreasonably affects use and enjoyment of neighboring property or confuses or interferes with travel along a street or sidewalk;
 - (14) Excavations or ponds that are open and attractive to persons; and
 - (15) Any other act, occupation, and use of property that in fact endangers or jeopardizes the public peace and safety.
- (c) *Property nuisances.* The following are expressly declared to be public nuisances [affecting property]:
- (1) Buildings or structures that are structurally unsafe or which constitute a fire hazard, or which are otherwise dangerous to human safety and life;
 - (2) Erosion, undercutting, excessive sloping, subsidence, saturation of soil, or surface water drainage of such magnitude or effect to be injurious or potentially injurious to the public or adjacent properties, whether caused by grading operations, excavations, or fill, directed or disregarded drainage, or as a result of the topography, geology, or configuration of the land in its natural or altered state;
 - (3) Accumulation of debris or rank overgrowth constituting a fire hazard, potential to become a fire hazard, or a likely harborage for vermin;
 - (4) Buildings, fences, signs, or other structures that are or have been abandoned, boarded up, partially destroyed, or permitted to remain in a state of partial construction for a period of ninety (90) days or more, except in the case of partial construction, in which case the time shall be for a period of one hundred eighty (180) days or more, and where continuation of the condition is unsightly or is hazardous to the public health, safety, or welfare;

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- (5) Unpainted buildings, or deteriorated exterior coatings, cladding, or finishes causing or tending to admit moisture, cause dry rot, warping, or termite infestation;
 - (6) Buildings with windows containing broken glass or missing glass, where the opening is of a type that normally contains glass and invites trespassers and malicious mischief;
 - (7) Trees, weeds, or other vegetation, which by reason of being overgrown, dead, decayed, or diseased, are:
 - a. Likely to harbor vermin; or
 - b. A serious risk of physical injury to inhabitants or occupants of the premises or to the public.
 - (8) Any wrecked, disabled, inoperative, salvaged or dismantled vehicle, lawn or garden equipment, vessel, apparatus, appliances, or parts stored or parked for more than seven (7) consecutive days or more than ten (10) days total during a calendar month where the vehicle, vessel, equipment, or parts are visible from a public street or adjacent property, unless the vehicle, vessel, apparatus, appliances, equipment or parts are stored or parked pursuant to the provisions of this Code for operation of a dismantler, new or used vehicle or vessel dealer, automotive or boat repair or body shop, or junkyard;
 - (9) Packing boxes, litter, garbage, junk metal, automobile parts, wood, or any other refuse or debris that by reason of its volume, type, location, or length of storage has promoted or will promote:
 - a. Infestation by rats, vermin, or other pests; or
 - b. A serious risk of harm to inhabitants or occupants of the premises or the public.
 - (10) Broken, inoperative, or discarded furniture or other household equipment or appliances kept visible from a public street or adjacent property for more than seven (7) consecutive days or more than ten (10) days during any one (1) calendar month;
 - (11) Clotheslines in a front yard;
 - (12) Condition of premises that is so defective, unsightly, deteriorated, or disrepair as to be materially detrimental to the use and enjoyment or value of nearby properties and improvements; and
 - (13) Emanation of noise or vibrations of such a loud, unusual, unnecessary, penetrating, lengthy, raucous, annoying, untimely, or boisterous nature as to unreasonably disturb, annoy, injure, interfere with, or endanger the comfort, repose, health, peace, safety, or welfare of the users of neighboring property.
 - (14) The accumulation of no more than one (1) television satellite dish per dwelling unit or any satellite dish attached to natural vegetation or extending into a public or private right-of-way.

(Ord. of 7-9-02(1), § 1; Ord. of 5-11-10, § 1; Ord. of 3-13-12(4), § 1; Ord. Of 5-14-2019(1))

Sec. 13-54. Prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

(Ord. of 7-9-02(1), § 1)

Sec. 13-55. Notice to abate.

Except in cases involving excessive vegetation as described in below chapters, whenever a nuisance is found to exist within the town, after the first notice to abate, the town manager or his designated officer shall issue a citation, in accordance with the current Fee Schedule, along with a written notice to the owner or occupant of the

property upon which such nuisance exists or upon the person causing or maintaining the nuisance except as otherwise stated here in.

In cases involving excessive vegetation, the city manager or his designee may send an annual notice to chronic violators. After annual notice to a chronic violator, the city may take any action in this article to abate the nuisance and the costs shall be in accordance with the current Fee Schedule.

(Ord. of 7-9-02(1), § 1; Ord. of 7-14-09(14), § 1; Ord. of 7-12-16(1), § 2; Ord. No. 2024-007-O, § 1, 3-12-24; Ord. No. 2024-028-O, § 1, 1-9-25)

Sec. 13-56. Contents of notice.

The notice to abate a nuisance issued under the provisions of this chapter shall contain:

- (1) A citation not to exceed fifty dollars (\$50.00) for the first offense, along with an order to abate the nuisance within ten (10) days of notice. Each subsequent citation in any given calendar year shall be accompanied by an increased penalty by one hundred dollars (\$100.00); i.e., one hundred fifty dollars (\$150.00), two hundred fifty dollars (\$250.00), three hundred fifty dollars (\$350.00), etc.);
- (2) The location of the nuisance, if the same is stationary;
- (3) A description of what constitutes the nuisance;
- (4) A statement of acts necessary to abate the nuisance. In cases involving excessive vegetation on residential lots, the broadcast of herbicide shall not be considered an adequate corrective action demonstrating compliance or abatement. Such action will be subject to a citation not to exceed fifty dollars (\$50.00). This prohibition only applies to the use of herbicide on the majority part of any residential lot in response to a town-issued notice of violation, and does not apply to agricultural uses or targeted uses (i.e., around mailboxes, fence posts, etc.) or residential lots;
- (5) A statement that waives citation if the nuisance is abated within the allotted time;
- (6) A statement that if the nuisance is not abated as directed within the prescribed time, the town will abate such nuisances and assess the citation and cost thereof against such person.

(Ord. of 7-9-02(1), § 1; Ord. of 7-14-09(14), § 2; Ord. of 9-14-10, § 1; Ord. No. 2024-007-O, § 1, 3-12-24)

Sec. 13-57. Service of notice.

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law. The annual notice to abate excessive vegetation shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice shall also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused but the regular mail is not returned by the post office within ten (10) days after the mailing. If service only by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.

(Ord. of 7-9-02(1), § 1; Ord. of 7-12-16(1), § 3)

Sec. 13-58. Abatement by town.

Upon the failure of the person upon whom in time notice to abate a nuisance was served pursuant to the provisions of this chapter to abate the same, the town manager shall cause the condition to be removed or otherwise remedied by having employees of the town or a private contractor to go upon the premises and remove

or otherwise abate such nuisance under the supervision of the director of public works and shall prepare a statement of costs incurred in the abatement thereof.

(Ord. of 7-9-02(1), § 1)

Sec. 13-59. Payment of costs.

Upon completion of the abatement of any nuisance by the town under the provisions of this chapter, the Town Finance Department will send an initial invoice to the property owner, if the cost is not paid within thirty (30) days, past due notices are then sent to the property owner. If costs are not paid within ten (10) days, the overdue bills will be handled through the debt set-off procedures. For more information involving the debt-set off procedure please contact town finance department.

(Ord. of 7-9-02(1), § 1; Ord. No. 2024-028-O, § 1, 1-9-25)

Sec. 13-60. Criminal action; other civil remedies.

Violations of this division shall constitute a criminal liability. The procedure set forth in this division shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this division shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in G.S. 14-4. In addition, except in those cases involving excessive vegetation as noted above, each day's violation shall constitute a separate offense, and upon conviction of said penalty, is punishable by a fine of fifty dollars (\$50.00) for each violation and violators shall be civilly liable for costs incurred by the town to abate said nuisances.

(Ord. of 7-9-02(1), § 1; Ord. of 7-14-09(14), § 3)

Secs. 13-61—13-70. Reserved.

DIVISION 2. OFFENSES AGAINST PUBLIC MORALS

Sec. 13-71. Definitions.

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

Commercial exploitation means participating in the production of an obscene performance or dealing in obscene material for the purpose of receiving economic benefit in the present or future and includes:

- (1) Participating in the production of an obscene performance or dealing in obscene material pursuant to a contract of employment or similar economic arrangement;
- (2) Selling, renting or participating in any transaction in which any valuable consideration is received for transferring the use or possession of obscene material;
- (3) Engaging in or promoting any exhibition, performance or other transaction in which any valuable consideration is received for permitting the viewing or hearing of obscene material or an obscene performance; or

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- (4) Distributing obscene material or participating in an obscene performance, whether for consideration or not, for the purpose of advertising or for the purpose of entertaining the patrons of a commercial establishment.

Knowledge or knowledge of such nuisance means having knowledge of the contents and character of the patently offensive sexual conduct which appears in the lewd matter, or knowledge of the acts of lewdness, assignation, gambling, the illegal possession or sale of intoxicating liquor, the illegal possession or sale of narcotic drugs as defined in the state Controlled Substances Act, or prostitution which occurs on the premises.

Lewd matter is synonymous with obscene matter and means any matter:

- (1) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and
- (2) Which depicts patently offensive representations of:
 - a. Ultimate sexual acts, normal or perverted, actual or simulated;
 - b. Masturbation, excretory functions, or lewd exhibition of the genitals or genital area;
 - c. Masochism or sadism; or
 - d. Sexual acts with a child or animal.

Nothing herein contained is intended to include or proscribe any writing or written material, nor to include or proscribe any matter which, when considered as a whole, and in the context in which it is used, possesses serious literary, artistic, political, educational or scientific value.

Lewdness is synonymous with obscenity and means the act of selling, exhibiting or possessing for sale or exhibition lewd matter.

Matter means ~~a motion picture film or publication or both~~ **any object or medium that communicates information, images, or messages. This includes, but is not limited to: books, magazines, photographs, illustrations, movies, videos and/or recordings.**

Motion picture film includes any:

- (1) Film or plate negative
- (2) Film or plate positive
- (3) Film designed to be projected on a screen for exhibition;
- (4) Films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen; and
- (5) Video tape or any other medium used to electronically reproduce images on a screen.

Performance means any preview, play, show, skit, dance, film or other exhibition projected or performed before an audience.

Place includes, but is not limited to, any building, structure or place or any separate part or portion thereof, whether permanent or not, or the ground itself, but excluding a private dwelling place not used for a profit.

Publication includes any book, magazine, pamphlet, illustration, photograph, picture, sound recording or a motion picture film which is offered for sale or exhibited in a coin-operated machine.

Sale means a passing of title or right of possession from a seller to a buyer for valuable consideration and includes, but is not limited to, any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of or transfer or possession of lewd matter.

(Code 1974, § 9.17.010)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

State law reference(s)—Similar provisions, G.S. § 19-1.1; North Carolina Controlled Substances Act, G.S. § 90-86 et seq.

Sec. 13-72. Nuisance declared.

- (a) The erection, establishment, continuance, maintenance, use, ownership, or leasing of any building or place for the purpose of assignation, prostitution, gambling, illegal possession or sale of intoxicating liquors, illegal possession or sale of narcotic drugs as defined in the state Controlled Substances Act or illegal possession or sale of obscene or lewd matters as defined in this division shall constitute a nuisance.
- (b) The building or place or vehicle or the ground itself, in or upon which a nuisance, as defined in subsection (a), is carried on and the furniture, fixtures and contents are also declared a nuisance and shall be enjoined and abated as provided in this division.
- (c) The commercial exploitation of obscene matter and performance is also declared to be a public nuisance.

(Code 1974, § 9.17.020)

Cross reference(s)—Alcoholic beverages, ch. 3.

State law reference(s)—Similar provisions, G.S. § 19-1; North Carolina Controlled Substances Act, G.S. § 90-86 et seq.

Sec. 13-73. Liability of successive owners for continuing nuisance.

After notice of a temporary restraining order, preliminary injunction or permanent injunction, every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property created by a former owner pursuant to this division is liable therefor in the same manner as the one who first created it.

(Code 1974, § 9.17.030)

State law reference(s)—Similar provisions, G.S. § 19-1.4.

Sec. 13-74. Abatement.

- (a) The abatement of a nuisance does not prejudice the right of any person to recover damages for its past existence.
- (b) Any person designated in G.S. Chapter 19 may maintain an action for abatement or injunction in the same manner and upon the same conditions as contained in G.S. Chapter 19 as presently enacted and subsections thereunder or as amended which are incorporated verbatim herein.

(Code 1974, § 9.17.040)

State law reference(s)—Similar provisions, G.S. § 19-1.5.

Secs. 13-75—13-90. Reserved.

- MUNICIPAL CODE
Chapter 13 - OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE III. - NUISANCES
DIVISION 3. VEGETATION AND REFUSE

DIVISION 3. VEGETATION AND REFUSE⁴

Sec. 13-91. Depositing trash, etc., on public or private property.

- (a) *Prohibited generally.* It shall be unlawful for any person, firm, organization or private corporation to throw or deposit upon any street or sidewalk or upon any private property, except with written permission of the owner or occupant of such private property, any trash, refuse, garbage, building material, cans, bottles, broken glass, paper or any type of litter.
- (b) *Prohibited from vehicle.* It shall be unlawful for any person, while a driver or a passenger in a vehicle, to throw or deposit litter upon any street or other public place within the town or upon private property.
- (c) *Penalty.* Any person found guilty of violating this section shall be punished as provided in section 1-12 of this Code.

(Ord. of 4-10-90(2), § 1; Ord. of 7-9-02(1), § 3)

Editor's note(s)—Section 1 of an ordinance adopted Apr. 10, 1990, amended the town's 1974 Code by adding provisions to be included as §§ 9.26.010—9.26.030. Such provisions were included herein as § 13-94 at the discretion of the editor.

An ordinance adopted July 9, 2002, repealed the former § 13-91, which pertained to conditions constituting public nuisances and derived from Code 1974, § 8.20.010, § 13-92, which pertained to responsibility and procedure for abatement and derived from Code 1974, § 8.20.020, and § 13-93 which pertained to conflict with other provisions and derived from Code 1974, § 8.20.030. Said ordinance renumbered the existing § 13-94 as § 13-91. The historical notation has been retained with the amended provisions for reference purposes.

Secs. 13-92—13-110. Reserved.

ARTICLE IV. NOISE CONTROL⁵

⁴Cross reference(s)—Garbage and refuse collection and disposal, § 16-211 et seq.

State law reference(s)—Plant pests, G.S. § 106-419 et seq.; abatement of health and safety nuisances, G.S. § 160A-193.

⁵Editor's note(s)—An Ordinance adopted on Aug. 9, 2022, repealed and readopted Art. IV to read as set out herein. Former Art. IV, §§ 13-111—13-119, pertained to similar subject matter and derived from an Ordinance adopted on October 14, 2003 and an Ordinance adopted on April 14, 2015.

State law reference(s)—Authority to regulate noise, G.S. § 160A-184.

Sec. 13-111. Loud and disturbing noise. Definitions.

Subject to the provisions of this article, the creation, causing, or allowing of any unreasonably loud or disturbing noise in the town is prohibited and unlawful.

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

Unreasonably loud. Noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace, order, or calm of the area. ~~or which is obnoxious to or unreasonably disturbing to a person whose residence, work or commercial enterprise is within a reasonable proximity to the point, place or person from which such noise is emanating or emanated and the noise is such a kind, nature, duration or extent that a reasonable person would consider the noise to be unreasonably loud or disturbing.~~

- (a) In determining whether a noise is unreasonably loud or disturbing, the following non-exclusive factors incident to such noise are to be considered: time of day; proximity to residential structures; whether the noise is consistent with the nature of the surrounding area (that is, within a reasonable degree of proximity such that the noise could reasonably be expected to affect the persons or persons who occupy, live or dwell in such proximity); the range or distance from the point of emanation that the sound may be unreasonably loud or disturbing; whether the noise is recurrent, repetitive, intermittent, or constant; the volume or intensity of the noise; whether the noise has been enhanced in volume or range by any type of mechanical, electronic, or other similar means; the nature and zoning of the area; whether the noise is related to the normal operation of a business or other labor activity, whether the noise is subject to being controlled without unreasonable effort or expense to the creator or person or entity causing or allowing the emanation of such noise; and any other factor which reasonably should be considered in determining whether a noise is unreasonably loud or disturbing.

Disturbing. Noise which is perceived by ~~that a~~ reasonable person of reasonable and ordinary firmness and sensibilities ~~would perceive~~ as interrupting the normal peace, order, or calm of such person or persons or that of the proximal area; ~~or noise that tends to annoy, disturb, or frighten such persons in such proximity to the source of the noise point, place or person from which such noise is emanating or emanated such that a person of reasonable and ordinary firmness and sensibility would reasonably be or reasonably be expected to be disturbed in his or her use, occupation, or pursuits.~~

Nighttime means between 11:00 p.m. and 7:00 a.m.

Sec. 13-112. Noises prohibited; nuisances.

(da) It shall be unlawful to create, cause, or allow the continuance of any unreasonably loud, disturbing, unusual, frightening or unnecessary noise, particularly during nighttime, which seriously interferes with neighboring residents' reasonable use of their properties. The following acts, among others, are declared to be loud and disturbing noises in violation of this article, but such enumeration shall not be deemed to be ~~exclusive-an~~ exhaustive list:

- (1) ~~The use of any loud, boisterous, or raucous language or shouting so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity or otherwise to be a loud or disturbing noise as defined under this article. Yelling, shouting, whistling, or singing. Yelling, shouting, whistling or singing on the public streets or private property at nighttime.~~
- (2) The sounding of any horn or signal device on or from any automobile, motorcycle, bus, or other vehicle, except as a danger signal or as required by law, so as to create any unreasonably loud or harsh sound, or the sounding of such device for an unreasonable period of time.

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- (3) **Amplified sound.** The playing of any radio, television set, record player, musical instrument or sound-producing or sound-amplifying device in such manner or with such volume, particularly, but not limited to, the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of reasonable and ordinary firmness and normal sensibilities in any dwelling, motel, hotel or other type of residence.
- (4) The keeping of any animal, except livestock and poultry maintained and kept consistent with the zoning applicable to the property where kept, which by causing frequent or long continued noise on a regular basis, shall disturb the comfort and repose of any person of reasonable and ordinary firmness and sensibilities in the vicinity or which may otherwise be an unreasonably loud or disturbing noise as defined under this article. With respect to this subsection only, if the violation continues or complaints are received from other households, the owner shall be granted ten (10) working days to remedy and rectify the situation before issuance of a citation.
- (5) ~~The use of any automobile, motorcycle, ATV or other motor vehicle or vehicle of any kind which may be so out of repair, so modified from factory settings or equipment, and/or so loaded or operated in such manner, as to create loud grating, grinding, rattling or other noise caused by or emanating from such vehicle or its operation or which otherwise shall be, create or cause an unreasonably loud or disturbing noise as defined under this article.~~ **Repair of motor vehicles.** The repair, rebuilding, or testing of any motor vehicle during nighttime hours, that produces an unreasonably loud or disturbing noise as defined in this article.
- (6) **Operating motor vehicles.** Operating or permitting the operation of any motor vehicle or motorcycle not equipped with a muffler or other device in good working order so as to effectively prevent loud or explosive noises therefrom.
- (7) **Power equipment.** Operating or permitting the operation of any power saw, sander, drill, grinder, leaf blower, lawn mower, street sweeper or other garden equipment, or tools of similar nature, outdoors, during nighttime.
- (8) **Exterior loud speakers.** Operating or permitting the operation of any mechanical device or loud speaker, without permit to do so, in a fixed or movable position exterior to any building, or any motor vehicle.

(Ord. of 8-9-2022(1))

Sec. 13-113. Exceptions.

The following are exempt from the provisions of this article:

- (1) Noises generated, made or created during the regular operations of a manufacturing or industrial facility, defined as any premises where goods or wares are made, processed, warehoused or stored or where manufacturing is legally permitted and carried on and the owner of such manufacturing or industrial facility takes or has taken reasonable steps not to cause, create or allow unreasonably loud or disturbing noise not necessarily inherent to such manufacturing or industrial facility.
- (2) Noises generated, made, or created by fire, law enforcement, ambulance, rescue, or other emergency vehicles while such vehicles are engaged in their proper functions.
- (3) Parades, fairs, circuses, other similar public entertainment events, sanctioned sporting events, athletic contests, sporting events and sporting activities taking place in areas set aside for such activities, or any activities normally associated with any of the above, when such events and activities take place between the hours of 7:00 a.m. and 11:00 p.m.
- (4) Construction operations for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of government; provided all equipment

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- is operated in accordance with manufacturer's specifications and with all standard equipment, manufacturer's mufflers, and noise-reducing equipment in use and in proper operating condition.
- (5) All noises coming from the normal operations of properly equipped aircraft, not including scale model aircraft.
 - (6) Lawnmowers and agricultural equipment and landscape maintenance equipment when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in reasonable operating condition.
 - (7) Emergency work necessary to restore property to a safe condition following a fire, accident, or natural disaster, or to restore public utilities, or to protect persons or property from an imminent danger.
 - (8) Noises resulting from the provision of government services.
 - (9) Noise from noisemakers and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to G.S. 14-410 et seq.
 - (10) Noise from trains and associated railroad rolling stock when operated in proper repair and manner.
 - (11) Noise from the discharge of a firearm or firearms when the firearm is being used to take birds or animals pursuant to G.S. chapter 113, subchapter IV, or when lawfully used in defense of person or property, or when used pursuant to lawful directions of law-enforcement officers.
- (Ord. of 8-9-2022(1))

Sec. 13-114. Penalties.

The violation of this article shall be punished as provided under G.S. 14-4. Any person or corporation or other legal entity violating this article shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). A first violation of this article shall be punishable by a fine of not less than fifty dollars (\$50.00); a second violation shall be punishable by a fine of not less than one hundred fifty dollars (\$150.00); and a third violation, or more, each shall be punishable by a fine of not less than five hundred dollars (\$500.00).

(Ord. of 8-9-2022(1))

Sec. 13-115. Severability.

- (a) All ordinances inconsistent or in conflict with the provisions of this article are hereby repealed to the extent of the inconsistency or conflict.
- (b) If any section, subsection, sentence, clause or phrase of this program or ordinance is for any reason, held or determined to be invalid, such a decision shall not affect the validity of the remaining portions of the program of this article.

(Ord. of 8-9-2022(1))

Secs. 13-116—13-119. Reserved.

ARTICLE V. PARK REGULATIONS

DIVISION 1. GENERALLY

Sec. 13-120. Town-owned recreation parks and facilities established.

The ~~city~~-town council hereby establishes the following town-owned parks to be utilized for the purpose of public recreation. These parks are for use through approved recreation programs as authorized by the ~~city~~-town council and the ~~city~~-town manager in accordance with all town ordinances and such policies, rules and regulations as may be adopted pursuant to this chapter:

- (1) M. Brack Wilson Park;
- (2) Jaycee Park;
- (3) Raiford Street Park;
- (4) Sumner Street Park;
- (5) Edgebrook Park;
- (6) Lizzie Street Park.

(7) Richard B. Harrison Athletic Complex

(Ord. of 1-14-92, § 1)

Sec. 13-121. Hours of operation.

~~All parks~~ Parks and recreation facilities will ~~close by~~ open at 6:00 a.m. and close at 10:30 p.m. daily ~~sundown until sunrise~~ unless specific authorization is given by the ~~city~~-town manager or his authorized designee. ~~Normal hours of operation shall be from sunrise to sunset. Special hours of operation shall be established from time to time by the city manager or his designee and shall be conspicuously posted as may be appropriate.~~ Park hours at facilities without lighted fields, courts etc. or regularly scheduled recreation activities are dusk to dawn.

(Ord. of 1-14-92, § 1)

Sec. 13-122. Permitted activities—Daytime.

During daytime hours, activities will be based primarily on free play through use of the children's activity areas (swings, climbers, etc.), basketball (multi-purpose) court and baseball/football fields.

At the Jaycee Park located at 306 North Raiford Street, Raiford Street Park located at 808 South Raiford Street, Sumner Street Park located at 500 South Sumner Street and Lizzie Street Park located at 805 East Lizzie Street, only persons twelve (12) years of age or younger are permitted, as facilities are only designed for use of that age group and are hereby designated as children's playgrounds. Young children must be supervised by an older child or adult with a limit of two (2) such persons for each child.

At Harry W. Blackley, Sr., Park at Harrison Campus, only persons eighteen (18) years of age or younger are permitted, as facilities are only designated for use of that age group and are hereby designated as a youth playground. Youths should be accompanied by not more than one (1) adult.

(Ord. of 1-14-92, § 1; Ord. of 4-12-94, § 1; Ord. of 9-10-02(1), § 1)

Sec. 13-123. Same—Nighttime.

- (a) There will be scheduled activities, sanctioned by the parks and recreation department, taking place on the baseball/football field during the respective seasons. These activities will take priority over any others and may last past normal park closing hours.

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- (b) It shall be unlawful for any person to be present on the premises of town park and recreation facilities outside of the posted normal hours of operation, except for town employees conducting town business thereon and for emergency personnel and law enforcement personnel on official business.
 - (c) It shall be unlawful for any person to drive, park or otherwise operate or leave unattended any type of vehicle on the premises of town park and recreation facilities outside of posted normal hours of operation, except for town employees conducting town business thereon and for emergency personnel and law enforcement personnel on official business.

(Ord. of 1-14-92, § 1)

Secs. 13-124—13-129. Reserved.

DIVISION 2. RESTRICTIONS

Sec. 13-130. Advertising.

It shall be unlawful for any person to place or erect any structure, sign, bulletin board, post, pole or advertising device of any kind whatever in any park, or to attach any notice, bill, poster, sign, wire or cord to any tree, shrub, fence, railing, post or structure within any park, except as the same may be authorized by the **city** **town** manager or his designee.

(Ord. of 1-14-92, § 1)

Sec. 13-131. Alcoholic beverages.

It shall be unlawful for any person to consume or to display publicly any alcoholic beverage in any park or **town recreational facility**; and it shall be unlawful for any person under the influence of alcoholic beverages to enter or remain in any park or **town recreational facility**.

(Ord. of 1-14-92, § 1)

Sec. 13-132. Animals—Running at large.

It shall be unlawful for any person to allow or permit any horses, dogs or other animals to run at large in any park; and it shall be unlawful to ride horses in any park.

(Ord. of 1-14-92, § 1)

Sec. 13-133. Same—Molesting.

It shall be unlawful for any person to trap, catch, wound or kill or cause to be injured, treated cruelly or teased or attempt to trap, catch, wound, injure, kill or tease any bird or animal; or to rob any nest of any bird or any lair, den or burrow of any animal in or upon any land owned by the town.

(Ord. of 1-14-92, § 1)

Sec. 13-134. Destruction of park property.

It shall be unlawful for any person to remove, destroy, mutilate or deface any structure, monument, statue, planter, fountain, wall, fence, railing, vehicle, bench, tree, plant or any other property in any park.

(Ord. of 1-14-92, § 1)

Sec. 13-135. Disorderly conduct.

It shall be unlawful for any person to use any boisterous or insulting language or to be guilty of disorderly conduct of any kind in any park.

(Ord. of 1-14-92, § 1)

Sec. 13-136. Dumping.

No person shall deposit, dump, throw, cast, lay or place or cause to be deposited, dumped, thrown, cast, laid or placed any ashes, trash, rubbish, soil or earth, paper, garbage, refuse, debris, plant clippings, limbs or leaves in or upon any park or park land or any watercourse, lake, pond or slough within any park lands.

(Ord. of 1-14-92, § 1)

Sec. 13-137. Excavations.

It shall be unlawful for any person to make an excavation in any park for any purpose without written permission from the city manager or his designee.

(Ord. of 1-14-92, § 1)

Sec. 13-138. Firearms.

- (a) It shall be unlawful for any person, except duly authorized town employees in the course of their duties, to shoot, fire or explode or cause to be shot, fired or exploded any firearm, including but not limited to toy pistols, toy guns or other toy arms designed to forcibly hurl a projectile or missile, at any time or under any circumstances within any park or to carry any firearms in any park.
- (b) Archery equipment, slingshots or other similar devices may be shot or discharged only in those areas within the park which may be specifically set aside for such purposes by the city manager and so posted.

(Ord. of 1-14-92, § 1)

Sec. 13-139. Fires.

It shall be unlawful for any person to make or kindle a fire in any park except in a regularly-constructed or appropriate portable fireplace or grill. It shall be unlawful for any person to leave any fire unattended or to fail to completely extinguish a fire and all embers thereof before leaving such fire.

(Ord. of 1-14-92, § 1)

Sec. 13-140. Gambling.

It shall be unlawful for any person to conduct or carry on any game of chance at which money, property or any other thing of value is bet, whether the same be in stake or not, in any park.

(Ord. of 1-14-92, § 1)

Sec. 13-141. Games and sports.

- (a) It shall be unlawful for any person to play football, golf, baseball or other games of like character in any area in any park when signs are posted in such areas specifically prohibiting such games.
- (b) At no time and under no circumstances shall such games be played in such proximity to playground equipment or park structures as to threaten harm to persons using the park or damage to the park structures.

(Ord. of 1-14-92, § 1)

Sec. 13-142. Indecent behavior.

No person shall make indecent or vulgar motions or do any indecent or vulgar acts whatever or exhibit any indecent, vulgar or lewd articles or pictures in view of any person within any parks in the town.

(Ord. of 1-14-92, § 1)

Sec. 13-143. Plant material tampering.

It shall be unlawful for any person to dig, cut, bruise, mutilate or cause to be transplanted, cut, bruised, debarked or mutilated any plant material of all and any description within any park land.

(Ord. of 1-14-92, § 1)

Sec. 13-144. Selling, peddling, etc.

It shall be unlawful for any person to engage in soliciting, peddling, begging or selling goods or merchandise or to sell, hawk or vend food or drink within the parks unless written authorization is given by the city manager or his designee and unless such selling, peddling, soliciting, etc., is in accordance with other applicable provisions of this article and state and local laws and regulations.

(Ord. of 1-14-92, § 1)

Sec. 13-145. Vehicle usage.

- (a) The term "motor vehicle" is hereby defined to include, but is not limited to, automobiles, trucks, minibikes, go-carts, motor bikes, motorcycles or any other self-propelled motorized vehicle.
- (b) The term "other vehicle" is hereby defined to include, but is not limited to, bicycles.
- (c) It shall be unlawful for any person to drive or propel any motor vehicle or other vehicle in, over or through any park, except along and upon regularly established roadways and parking lots.

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- (d) It shall be unlawful for any person to park or permit the parking of any vehicle anywhere, except upon designated parking areas authorized by the ~~city~~**town** manager or his designee.
 - (e) It shall be unlawful to park a vehicle and leave it unattended in a public park for more than two (2) hours, unless the lawful user of the vehicle and vehicle occupants are using park facilities or attending an activity or event in that park or originating therefrom, or attending an athletic event or practice.
 - (f) No person shall cause or permit a vehicle to obstruct the flow of traffic in a park.
 - (g) No person shall cause or permit a vehicle to be parked unattended or abandoned overnight except by written permission of the director.
 - (h) No person in a park shall leave a bicycle lying on the ground or paving, or against trees, or in any place or position where other persons may trip over or be injured by it.

(Ord. of 1-14-92, § 1)

Secs. 13-146—13-155. Reserved.

ARTICLE VI. YOUTH PROTECTION ORDINANCE

Sec. 13-156. Purpose.

The purpose of this article is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for juveniles under the age of sixteen (16) years in the town. The youth protection ordinance is intended to reinforce and promote the role of the parent in raising and guiding children, and promote the health, safety and welfare of both juveniles and adults by creating an environment offering better protection and security for all concerned.

(Ord. of 8-13-96, § 1(A))

Sec. 13-157. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Function. Any event including but not limited to activities involving the free exercise or religion, speech, assembly and activities sponsored by the town, a church, the county public schools, or other nonprofit or community organization.

Guardian. Any person having legal custody of a minor such as:

- (1) A natural or adopted parent;
- (2) A legal guardian;
- (3) A person who stands in loco parentis; or
- (4) A person to whom legal custody has been given by the court.

Minor. A person who had not reached his/her sixteenth (16th) birthday and is not married, emancipated or a member of the armed services of the United States.

Public place. Any street, alley, highway, sidewalk, parks, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include any

store, shop, restaurant, tavern, cafe, theater, drugstore, poolroom or other place devoted to amusement or entertainment of the general public.

Restricted hours. The time of night referred to herein is based upon the prevailing standard time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed at that hour by the public in the town. Restricted hours shall mean between the hours of 11:00 p.m. and 6:00 a.m. each day.

(Ord. of 8-13-96, § 1(B))

Sec. 13-158. Offenses.

Except as provided by section 13-159, the following offenses constitute a violation of this article:

- (1) A juvenile commits an offense by being present in or remaining in any public place or on the premises of any establishment within the town during the restricted hours.
- (2) A parent or guardian of a juvenile commits an offense if he knowingly permits, or by insufficient control, allows the juvenile to remain in any public place or on the premises of any establishment within the town during the restricted hours. The term "knowingly" included knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in the parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.
- (3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours. The term "knowingly" includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment. The standard for "knowingly" shall be applied through an objective test; whether a reasonable person in the operator's or employee's position should have known that the patron was a juvenile in violation of this article.
- (4) It shall be a violation of this article for any person sixteen (16) years of age or older to aid or abet a juvenile in the violation of subsection (1).
- (5) It shall be a violation of this article for a parent or guardian to refuse to take custody during the restricted hours of a juvenile for whom the parent or guardian is responsible.

(Ord. of 8-13-96, § 1(C))

Sec. 13-159. Exceptions.

The restrictions shall not apply to any minor who is traveling between his/her home and his/her place of employment, church, municipal building or school where a function is being held. Nor shall the restriction apply to emergency errands or errands for parents, and inter- and intra-state travel or while accompanied by the minor's guardian.

(Ord. of 8-13-96, § 1(D))

Sec. 13-160. Defense.

It is a defense to prosecution under subsection 13-158(3) that the owner, operator, or employee of an establishment promptly notified the police department that a juvenile was present on the premises of the establishment during the restricted hours and refused to leave.

(Ord. of 8-13-96, § 1(E))

Sec. 13-161. Enforcement.

- (a) When a minor is found to be in violation of this article, the officer will complete the applicable juvenile custody report. After completing the report, the officer will take the juvenile to the residence of his/her guardian. A written warning shall be issued to the guardian of such minor and a copy of the written warning attached to the juvenile custody report.
 - (1) The written warning shall describe the action of the minor that constitutes a violation of this article, advise the guardian that if the guardian allows and permits or has allowed and permitted the minor to commit a second or subsequent violation of this subchapter that the guardian shall be subject to criminal prosecution for allowing a violation of this subchapter to occur. The written warning shall also advise the guardian that in all cases in which the minor is under twelve (12) years of age a report will be made to the county department of social services.
 - (2) A copy of the written warning shall be attached to the juvenile custody report and turned in with the officers daily reports, where it shall be entered into the police department records system.
 - (3) The chief of police or his designee shall review all reports on a daily basis. If a juvenile custody report has been filed pertaining to a violation of this article, the chief of police or his designee will examine the appropriate records and determine if the violation is a first offense or it is a second or subsequent offense.
- (b) If upon checking the appropriate records, the juvenile is found to be a first offender, the record will be filed and no further action will be taken. If the juvenile is found to have a record of prior violations of this article, the guardian described in section 13-157 shall be subject to a criminal citation. The reporting officer will be notified and the appropriate action will be taken. A copy of any such action shall be added to the appropriate file within the police department records system, serving as a part of the case files for any criminal action.
- (c) If the juvenile is under twelve (12) years of age, a report will be made and a copy forwarded to the county department of social services.

(Ord. of 8-13-96, § 1(F))

Sec. 13-162. Refusal of guardian to take custody of a minor.

If any guardian refuses to take custody of his/her minor child found to be in violation of this article, the officers with physical custody of such minor shall contact the county department of social services and release the minor to that agency pending further investigation by the police department and the department of social services. The guardian will be subject to a criminal citation.

(Ord. of 8-13-96, § 1(G))

Sec. 13-163. Penalty.

The punishment for violation of this article by any guardian of such minor shall be guilty of a misdemeanor as defined by G.S. Section 14-4(a).

(Ord. of 8-13-96, § 1(H))

Secs. 13-164—13-169. Reserved.

ARTICLE VII. BEGGING.

Sec. 13-170. Begging.

It shall be unlawful for any person to beg upon the right-of-way of streets or elsewhere within the city limits of the town without written permission from the director of public safety of the town and the chief of police.

(Ord. of 10-14-03(2), § 1)

State law reference(s)—Authority to regulate and prohibit begging, G.S. 160A-179.

12-12-1964

The following information was received from the Bureau of the Census, Washington, D.C., on 12-12-1964:

12-12-1964

12-12-1964

12-12-1964

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