

PROPOSED NEW ORDINANCES

Sec. 10-65 Exception to noise regulations (Commerce Square Events)

Code subsection 14-31 (b) (4), regarding noise restrictions, shall not apply to vendors and entertainers approved by the city participating in events at Commerce Square including but not limited to: Market & Music Concerts, N.C. Food Truck Championship, Christmas Festival, July Fun 5th, Halloween, etc. and in the designated Commerce Square Festival Area and during set event hours. Any violation of this section not covered by this specific exception shall be punishable by the same provision as subsection 14-31(b) (4).

Sec. 14-64. Annual notice to chronic violators of public nuisance ordinance.

The city may notify a chronic violator of the city's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the city shall, without further notice in the calendar year in which the notice is given, take action to remedy, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may 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 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected. A chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three (3) times under any provision of the public nuisance ordinance. (G.S. 160A-200.1)

Sec. 22-35 Human Waste.

No person shall urinate, defecate or deposit any human waste on any street, sidewalk, lot or premises, public place except in approved sanitary facilities.

- Mandatory court appearance.

Sec. 26-36 Smoking and Littering on City Properties.

In order to maintain the health and environment of the public within the corporate limits, smoking will be limited to certain designated areas during public events on public properties or when the public is using public properties. These areas will be properly marked and smoking receptacles for proper disposal of tobacco waste will be available on site. Disposal of cigarette or tobacco products upon city property, streets and sidewalks shall be considered littering and the offender will be fined \$50.00 per offense. The fine will be payable to the City Clerk within 7 days of issuance.

Sec. 32-72. Parking Fines and Penalties.

Violation of the parking ordinances are subject to a penalty fine of \$25.00 per offense. The fine will be payable to the City Clerk within 7 days of issuance.

PROPOSED ORDINANCE CHANGES

Bold print indicates additions; ~~marked through and red print~~ indicates deletions.

Sec. 6-34. - Investigative authority of police.

To discharge the duties imposed by this article and to enforce its provisions, any police officer may obtain an administrative search warrant to enter any premises where a dog **or cat** is kept or harbored and may require the ~~dog's~~ **animal's** owner to show its ~~license.~~ **rabies tag.**

Sec. 6-37. - Fines for violation of section 6-36.

Violations of the preceding section subjects the offender to fines ~~as set from time to time by the board of aldermen and on file in the city clerk's office.~~ **of \$50.00 for the first offense and \$150 for each subsequent offense after that. The fine will be payable to the City Clerk within 7 days of issuance.**

For Reference:

Sec. 6-36. - Restraint.

It shall be unlawful for a dog owner to permit a dog to go beyond the owner's real property unless the dog is leashed or is otherwise securely restrained. (*Ord. of 5-1-1992*)

Sec. 14-63. - Removal of weeds, trash and debris.

- (a) The growth and accumulation of noxious weeds **and grass exceeding 12 inches in height**, trash and debris, including discarded appliances, furniture, toys and all other types of discarded property, used building materials, buildings and mobile homes burned beyond ability to repair and any and all other kinds of trash and debris, human waste and forms of animal and vegetable refuse, and standing water so as to render the premises dangerous, threaten the economic values of the neighborhood, or prejudicial to the public health is hereby declared to be a public nuisance.
- (b) Every person owning or occupying any premises in the corporate limits shall keep the premises free of all things and matters set out in subsection (a) of this section.
- (c) If any person shall violate subsection (b) of this section, it shall be the duty of the city manager, or **his their** authorized representative, to give notice to the owner or person in possession of such premises, that within 15 days from the date of the notice, the unlawful matter or things be removed from such premises. If the name or the whereabouts of the owner cannot be located, the notice will be considered properly served if a copy is posted in a conspicuous place on the property. Any owner so notified may file a written appeal within ten days of the notice disputing such violations with the city manager or his designee. Any adverse decision made by the city manager or **his their** designee may be timely appealed to the Board of Aldermen. Should the owner or occupant fail to comply with the notice, the city manager shall proceed to have the nuisance removed **either by city employees and city equipment and / or contracted services** and shall charge the expense thereof to the owner or occupant. If the charges for removal or abatement of the public nuisance are not paid within 30 days after the work is completed, such charges may be levied in the form of a lien against the property **by order of the Board of Aldermen.**

Sec. 32-18. - Unlawful riding.

- (a) No person shall ride on any public conveyance or vehicle or any portion thereof not designed or intended for the use of passengers. This section shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in spaces intended for merchandise.
- (b) No person shall enter, jump on or ride any automobile or other vehicle without the consent of the owner or driver of such vehicle.
- (c) No person when riding **or operating any automobile or other vehicle** shall allow any part of his body to protrude beyond the limits of the vehicle in which he is riding, except to give such signals as may by law be required, and no person shall hang onto any vehicle whatsoever. (Code 1975, § 12-35)

SUGGESTED FOR REPEAL

Sec. 6-32. - License and registration—Required; fee; exemptions.

All dogs kept, harbored or maintained by their owners in the city must be licensed and registered in accordance with the provisions of this section. Dog licenses shall be issued by the city clerk and finance director upon payment of a license fee in the amount as set from time to time by the board of aldermen and on file in the city clerk's office. The owner shall state at the time application is made for license and upon printed forms provided for such purpose, his name and address, and the name, breed, color and sex of each dog owned or kept by him. The provisions of this article shall not be intended to apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show, nor to disability assistance dogs properly trained to assist disabled persons when such dogs are actually being used by disabled persons for aiding them in going from place to place. (*Code 1975, § 4-5*)

Sec. 6-33. - Same—Tag and collar; expiration date.

Upon payment of the license fee, the city clerk and finance director shall issue to the owner a license certificate and a metallic tag for each dog so licensed. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued upon presentation of a receipt showing the payment of the license fee for the current year, and the payment of a fee for such duplicate. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the city before expiration of the license period. The license period shall expire annually on December 31. (*Code 1975, § 4-6*)