

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS AND FOWL**
- 91. HEALTH AND SANITATION**
- 92. LITTER**
- 93. PARKS**
- 94. STREETS AND SIDEWALKS**
- 95. PARADES**
- 96. ALARM SYSTEM REGULATION**

CHAPTER 90: ANIMALS AND FOWL

Section

General Provisions

- 90.001 Definitions
- 90.002 Responsibility
- 90.003 Livestock prohibited within town
- 90.004 Walk-in trap cage

Rabies Control

- 90.015 Rabies tag
- 90.016 Bite cases
- 90.017 Refusal to surrender
- 90.018 Interference with warden
- 90.019 Emergencies
- 90.020 Methods of capture
- 90.021 Vicious animal
- 90.022 Confinement at residence; sanitation
- 90.023 Fights

Bird Sanctuary

- 90.035 Designated
- 90.036 Hunting, trapping or shooting prohibited
- 90.037 Erection of signs

Dogs

- 90.050 Running at large
- 90.051 Tax
- 90.052 Inoculation
- 90.053 Obstructing impoundment
- 90.054 Dogs at large
- 90.055 Lifetime registration

Animal Control

- 90.070 Definitions
- 90.071 Vaccination required
- 90.072 Impoundment
- 90.073 Animals at large
- 90.074 Vicious animals
- 90.075 Animal bites
- 90.076 Injured, sick or diseased animals
- 90.077 Public nuisance
- 90.078 Unwanted animals
- 90.079 Cruelty to animals
- 90.080 Fees
- 90.081 Hearings
- 90.082 Interference
- 90.083 Jurisdiction

- 90.999 Penalty

GENERAL PROVISIONS**90.001 DEFINITIONS.**

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

ANIMAL SHELTER. Any premises designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this chapter.

AT LARGE. Any dog which is off the property of its owner and on any public road or other public place in the county or on any private property without the permission of the occupant of the private property and is not under control by means of a chain, leash, cord or other like device, or, is not sufficiently near the owner or handler to be under his or her direct control and is not obedient to that person's command, or is not within a vehicle being driven or parked, or is not within a secure enclosure.

EXPOSED TO RABIES. Having been bitten by, or been exposed to any animal known or suspected to have been infected with rabies.

LIVESTOCK. Include, but shall not be limited to, equine animals, bovine animals, sheep, goats, swine, poultry and fowl.

OWNER. Any person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal.

VICIOUS ANIMAL. One who has made an unprovoked attack on a human by biting or in any manner causing abrasions or cuts of the skin, or one who habitually or repeatedly attacks farm stock and other pets.
(1989 Code, ' 3-1)

' 90.002 RESPONSIBILITY.

The owner is responsible for the care, actions, and behavior of his or her animals.
(1989 Code, ' 3-2) Penalty, see ' 90.999

' 90.003 LIVESTOCK PROHIBITED WITHIN TOWN.

No person shall have livestock or keep or raise livestock within the town.
(1989 Code, ' 3-3) Penalty, see ' 90.999

' 90.004 WALK-IN TRAP CAGE.

(A) Anyone requesting the use of the walk-in trap cage owned by the Town of Rockwell shall come by the town office and sign a request form.

(B) By requesting the use of the walk-in trap cage, the undersigned agrees to the following conditions.

(1) To provide food and water to any animal which may be caught in the cage in amounts sufficient to sustain the animal until picked up by a Rowan County animal control officer. In no case, shall any animal be without food or water for a period to exceed 6 hours.

(2) To cover and protect any trapped animal from the effects of inclement weather which may be detrimental to the health and comfort of the animal.

(3) To release, without any undue delay, any lactating female which may be entrapped.

(4) To notify the Rowan County animal control office without delay following the capture of any animal. Office hours: Monday through Friday from 7:30 a.m. until 4:00 p.m.

(5) To provide for the physical safety of the cage, and to replace the cage if stolen or severely damaged while on the owner=s property.

Rockwell - General Regulations

(6) To let the door down on weekends and holidays.

(C) The Police Department has full responsibility to prosecute any violation which may occur.
(Res. passed 3-4-1991) Penalty, see ' 90.999

RABIES CONTROL**' 90.015 RABIES TAG.**

(A) No dog or cat owner shall fail to comply with the state laws relating to the control of rabies, and no dog owner shall fail to provide any dog he or she owns (over 4 months old) with a suitable collar for the wearing of the rabies tag to be issued upon compliance with the state law, and to take action as is necessary to see that the tag is worn by the dog at all times. Cats shall not be required to wear tags.

(B) No person shall use for any dog a vaccination tag issued for a dog other than the one using the tag.
(1989 Code, ' 3-26) Penalty, see ' 90.999

' 90.016 BITE CASES.

(A) Every animal which has bitten anyone shall be confined immediately and shall be promptly reported to the county dog warden or his or her agent. These animals shall be confined in a veterinary hospital or at the animal shelter. The expense at the veterinary hospital will be borne by the owner; confinement at the animal shelter will be without charges. Quarantine time will be 10 days.

(B) The county dog warden may authorize the animal to be confined on the owner's premises if the owner has a fenced-in area in his or her yard, the construction of which is acceptable to the warden. The fenced-in area shall have no entrances or exits that are not locked. If the animal is confined on the owner's premises, the dog warden is to revisit the premises for inspection purposes at approximately the middle of confinement period and again at the conclusion of the confinement period. No quarantined animal shall be released except by written permission of the dog warden.

(C) In the case of stray animals whose ownership is not known, the supervised quarantine shall be at the animal shelter.
(1989 Code, ' 3-28) Penalty, see ' 90.999

' 90.017 REFUSAL TO SURRENDER.

No owner shall refuse to surrender to the dog warden upon demand, any animal which has bitten a human, for the purpose of supervised quarantine for rabies or other canine diseases.
(1989 Code, ' 3-29) Penalty, see ' 90.999

' 90.018 INTERFERENCE WITH WARDEN.

No person shall interfere with or hinder the dog warden or his or her agents in the performance of any duty authorized by this chapter, or refuse to release any animal into the custody of the warden and his or her agents.
(1989 Code, ' 3-30) Penalty, see ' 90.999

' 90.019 EMERGENCIES.

(A) The county health director may seek and secure from the appropriate court, injunctive relief from the acts of any owner who may violate or threaten to violate the provisions of this chapter, when these acts may result in a danger to public health.

(B) Further, when a positive diagnosis of rabies has been reported, the health director may order an area-wide quarantine for the period as he or she deems necessary in order to carry out mass immunizations throughout the county.
(1989 Code, ' 3-31) Penalty, see ' 90.999

' 90.020 METHODS OF CAPTURE.

(A) It shall be lawful for the dog warden to employ any methods or means necessary to effect capture and confinement of animals where necessary to carry out the provisions of this chapter, except that these activities be considered as humane by the health director and the state board of health.

(B) These methods and means shall not exclude the use of tranquilizing devices and trap cages which are under the control and supervision of the dog warden.
(1989 Code, ' 3-32)

' 90.021 VICIOUS ANIMAL.

(A) Any animal which has made an unprovoked attack on a human by biting or in any manner causing abrasions or cuts of the skin, or one which habitually or repeatedly attacks livestock or household pets may, after investigation supported by evidence, be declared by the warden as vicious.

(B) No owner shall keep any vicious, fierce or dangerous animal within the county unless it is confined within a secure building or enclosure or unless it is securely muzzled and under restraint by a competent person who, by means of a leash, has the animal firmly under control at all times.

(1989 Code, ' 3-33) Penalty, see ' 90.999

' 90.022 CONFINEMENT AT RESIDENCE; SANITATION.

(A) When an owner confines his or her animal at his or her premises, whether by choice or by reason of provisions contained in this chapter, it shall be unlawful for him or her to allow the area in which the animal is held to become insanitary through failure to practice effective cleaning procedures.

(B) Excrement shall be removed frequently to preclude the breeding and harborage of flies and vermin and the area shall be limed when necessary to minimize excessive odor.

(C) Preventive measures shall be taken which would minimize problems of a public health nature resulting from the confinement of the animal.

(1989 Code, ' 3-34) Penalty, see ' 90.999

' 90.023 FIGHTS.

No person shall promote, sponsor or attend any animal fight within the town.

(1989 Code, ' 3-36) Penalty, see ' 90.999

BIRD SANCTUARY**' 90.035 DESIGNATED.**

The area embraced within the corporate limits of the town, and all lands owned or leased by the town outside the corporate limits, are hereby designated as a bird sanctuary.

(1989 Code, ' 3-51)

' 90.036 HUNTING, TRAPPING OR SHOOTING PROHIBITED.

(A) No person shall trap, hunt, shoot or otherwise kill, within the sanctuary established by ' 90.035, any native wild bird, provided that it shall be lawful to trap any bird declared a pest under G.S. Chapter 113, Article 22A; or the Structural Pest Control Law of 1955, being G.S. ' ' 106-65.22 *et seq.* or the Pesticide Law of 1971, being G.S. ' ' 143-434 *et seq.*, when the birds are found to be congregating in numbers in a particular locality that they constitute a nuisance or a menace to the health or property.

(B) A permit issued by the mayor shall be required before any bird may be trapped, hunted or shot in accordance with division (A).

(1989 Code, ' 3-52) Penalty, see ' 90.999

' 90.037 ERECTION OF SIGNS.

The bird clubs of the town are hereby granted permission to erect artistic signs, giving notice of the regulations provided in this subchapter, at places and of the design as may be approved by the Board of Aldermen.

(1989 Code, ' 3-53) Penalty, see ' 90.999

DOGS

' 90.050 RUNNING AT LARGE.

No person shall permit any dog to run at large in the town.

(1989 Code, ' 3-71) Penalty, see ' 90.999

' 90.051 TAX.

(A) There is hereby levied an annual tax of \$1 upon every dog within the town.

(B) Payment of the tax imposed by this section shall not be deemed permission to allow the dog to run at large within the town.

(1989 Code, ' 3-72) Penalty, see ' 90.999

' 90.052 INOCULATION.

No dog shall be permitted within the corporate limits unless it shall have been inoculated against rabies as required by the G.S. ' ' 130A-185, 130A-190. Proof of the inoculation shall be attached to the dog.

(1989 Code, ' 3-73) Penalty, see ' 90.999

' 90.053 OBSTRUCTING IMPOUNDMENT.

No person shall obstruct or interfere with the impoundment of any dog in any way if the dog is found in violation of the provisions of this chapter. No person shall release, or attempt to release, any dog which has been impounded.

(1989 Code, ' 3-74) Penalty, see ' 90.999

' 90.054 DOGS AT LARGE.

(A) Any dog found at large whether or not it is displaying its current, valid rabies tag, will be subject to pickup, impoundment and an effort by the animal warden to identify the owner, and will be retained for no less than 3 days for redemption by its legal owner. The penalty on the owner for violation of this section will be established by the Board of Aldermen from time to time.

(B) Should any owner not elect to pay the charges assessed against his or her dog, the animal shall become the property of the county by forfeit, and the animal may then be offered for adoption to any person who, in the judgment of the warden, would be capable of caring for the animal in a proper and humane manner and who will pay the total fees which have accrued on its behalf.

(1989 Code, ' 3-75) Penalty, see ' 90.999

' 90.055 LIFETIME REGISTRATION.

(A) A \$5 lifetime registration fee is imposed on the owner for each dog owned and kept by residents of the town; provided that registration shall not be required until a dog is 6 months of age. Registration shall be evidenced by a tag issued by the town at the time of registration, which shall be affixed to the dog by collar.

(B) Any dog not so registered shall be subject to capture and delivery to the Rowan County animal shelter. The dog shall not be released to the owner for return to Rockwell until the time as the registration fee has been paid.

(C) Violation of this section shall be enforceable as a criminal misdemeanor.

(Res. passed 7-1-1992) Penalty, see ' 90.999

ANIMAL CONTROL

' 90.070 DEFINITIONS.

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

ANIMAL CONTROL OFFICER. A Rowan County employee designated as dog warden, animal control officer, animal control official or other designation that may be used whose responsibility includes animal control.

AT LARGE. Any animal that is off the owner's or keeper's property and not under physical restraint or is not sufficiently near the owner or keeper to be under his or her direct control and is not obedient to that person's command.

HARBOR. An animal shall be deemed to be harbored if it is fed, or watered, or sheltered, or allowed to remain unmolested on or about any premises over which a person has control.

HEALTH DIRECTOR. The administrative head of the Rowan County Health Department or his or her authorized representative.

KEEPER. A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by the person.

KITTEN. A cat of either sex under the age of 4 months.

OWNER. Any person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner of an animal is responsible for the care, actions and behavior of the animal.

PERSON. Any individual, family, group of individuals, corporation, partnership, firm, organization or institution which may be recognized by law as a person.

PUBLIC NUISANCE. Any animal which is found to be in violation of ' 90.077 of this subchapter and whose owner or keeper has been properly notified of the violation.

PUP. A dog of either sex under the age of 4 months.

STRAY. Any animal that is not under restraint, or is not on the property of its owner, or is wandering at large, or is lost, or does not have an owner, or does not bear evidence of the identification of any owner.

VICIOUS ANIMAL. Any animal which is found to be in violation of ' 90.074 of this subchapter and whose owner or keeper has been properly notified of the violation.
(Ord. passed 11-5-1990)

' 90.071 VACCINATION REQUIRED.

It shall be the duty of the owner or keeper of each and every dog or cat over 4 months of age to have same vaccinated against rabies as follows:

(A) Dogs and cats shall be vaccinated pursuant to the laws of the State of North Carolina, G.S. ' 130A-185; and

(B) Dogs and cats shall wear the rabies tag at all times.
(Ord. passed 11-5-1990) Penalty, see ' 90.999

Statutory reference:

Rabies tags, see G.S. ' 130A-185

' 90.072 IMPOUNDMENT.

(A) An animal within the purview of the categories described below may be taken up by the animal control officer or other law enforcement officer and impounded at the Rowan County animal shelter:

- (1) Any animal observed at large;
- (2) Any stray or lost animal;
- (3) Any animal which is a public nuisance;
- (4) Any animal involved in an animal bite or other exposure; or

(5) A dog or cat over the age of 4 months which has not been vaccinated against rabies pursuant to ' 90.071 of this subchapter.

(B) Upon impoundment of an animal, the animal control officer shall notify the owner or keeper of the animal, if the owner or keeper can be readily identified, that the animal has been impounded and procedures for reclaiming the animal.

(C) (1) Impounded animals can be released to their owners or keepers upon compliance with all applicable laws and payment of all fees at any time following impoundment.

(2) Any owner reclaiming a dog or cat shall:

(a) Furnish proof that the dog or cat is presently immunized against rabies; or

(b) Have the dog or cat vaccinated by a county veterinarian against rabies within 3 days after release and provide a statement of proof of vaccination and signed by the veterinarian administering the vaccine.

(D) The following animals shall be retained by the Animal Control Officer at the Animal Shelter for periods listed below.

(1) All animals except injured, sick or diseased animals and those pups or kittens not capable of nourishment, not reclaimed by the owner shall be kept a minimum of 3 days.

(2) All pups and kittens not reclaimed by their owner shall be kept for a minimum of 24 hours, unless incapable of nourishment.

(3) Any injured, sick, or diseased animal(s) whose owner cannot be located may, at the discretion of the animal control officer, be impounded at the animal shelter and held for a minimum of 12 hours.

(4) Pups and kittens incapable of nourishment may be retained for a minimum of 12 hours as in division (D)(3) above.

(5) Any animal(s) held for the minimum time periods may be placed for adoption in a suitable home or may be humanely euthanized at the discretion of the animal control officer.

(6) Any person adopting a dog, cat, puppy or kitten shall:

(a) Furnish proof that the dog or cat is presently immunized against rabies;

(b) Have the dog or cat vaccinated against rabies within 3 days after release and provide a statement of proof of vaccination containing the date of vaccination and signed by the county veterinarian administering the vaccine;

(c) Have the animal spayed or neutered within 60 days after adoption. Spaying or neutering may be postponed for animals which are too young, upon presentation to the Rowan County animal shelter of a statement to that effect, signed by a licensed veterinarian along with an appointment date indicating when the procedure is to be performed;

Rockwell - General Regulations

(d) Furnish proof that spaying or neutering has been completed. All monies paid to the Rowan County animal shelter for the adoption shall be refunded to the owner of the animal. However, no fees collected for rabies vaccination shall be refunded; or

(e) Return the animal to the Rowan County animal shelter if the animal has not been spayed or neutered within the required time period. Ownership of the animal shall revert to Rowan County, and all fees paid in connection with the adoption of the animal shall be forfeited.

(E) If an owner surrenders his or her animal voluntarily to the shelter and no other section of this subchapter has been violated, the animal control officer may allow for the immediate adoption or euthanization of the animal.

(F) The owner of an animal or a person who has in his or her possession or under his or her control an animal having rabies or reasonably suspected of having rabies shall immediately report the animal's condition to the animal control officer and confine the animal subject to rules and provisions of the General Statutes of North Carolina.

(Ord. passed 11-5-1990) Penalty, see ' 90.999

' 90.073 ANIMALS AT LARGE.

(A) Any animal found at large as defined by ' 90.070 of this subchapter, whether or not it is displaying its current, valid rabies tag, will be subject to pick-up and impoundment. An effort will be made by the Rowan County animal warden to identify its owner. Any animal impounded for running at large shall be retained for no less than 3 days for redemption by its legal owner.

(B) Should any owner elect not to pay the charges assessed against the animal, it becomes the property of Rowan County by forfeit, and the animal may then be offered for adoption to any person who, in the judgment of the warden, would be capable of caring for the animal in a proper and humane manner and who will pay the total fees which have accrued on its behalf.

(C) This section shall not apply to incorporated areas within Rowan County unless governing officials specifically request by formal resolution that the Health Department enforce this subchapter within the corporate limits and the Rowan County Board of Health so agrees.

(Ord. passed 11-5-1990) Penalty, see ' 90.999

' 90.074 VICIOUS ANIMALS.

(A) Any animal which has made an unprovoked attack on a human by biting or in any manner causing abrasions or cuts of the skin, or which has attacked any livestock or pets resulting in death or injury through physical contact, may, after investigation supported by evidence, be declared by the warden as vicious. It shall be unlawful for any owner or keeper to permit his or her animal to run at

large after the animal has been declared vicious and the owner or keeper has been so notified in writing by the Health Department. It shall be unlawful for any owner or person to keep any vicious, fierce or dangerous animal within the county unless it is confined within a secure building or enclosure or unless it is securely muzzled and under restraint by a competent person who, by means of a leash, has the animal firmly under control at all times.

(B) No animal which has been declared vicious may be adopted from the animal shelter.
(Ord. passed 11-5-1990) Penalty, see ' 90.999

' 90.075 ANIMAL BITES.

(A) *Dogs and cats.*

(1) Any dog or cat which bites a person shall be reported pursuant to G.S. ' 130A-196 to the animal shelter immediately and quarantined for no less than 10 days. It shall be the responsibility of the animal control officer to decide whether to quarantine the animal at the animal shelter, at the owner's home or at the owner's expense and request, in a veterinary hospital. Before an owner is allowed to quarantine his or her animal at home, he or she must satisfy the animal control officer that the animal will be securely confined at home and that no threat to other animals or humans exists. If the animal is a dog or cat, the owner must show proof that the animal has been currently vaccinated against rabies. If the animal control officer decides that the animal should be quarantined at the shelter, the owner shall surrender the animal and bear the expense of the confinement.

(2) After 10 days, if the animal is determined to be free of rabies, the owner shall be notified by the animal control officer that, upon payment of fees, he or she can reclaim the animal. However, if the animal does show signs of rabies during the observation period, the animal shall be beheaded and the head of the animal shall be sent to the state laboratory of public health for examination.

(3) Any stray dog or cat whose owner cannot be located shall be quarantined at the shelter and euthanized at the end of the observation period.

(4) Any dog or cat which has been involved in a bite or any animal under quarantine that dies during the observation shall be immediately beheaded and the head shall be promptly delivered to the state laboratory of public health for testing.

(B) *All other animals.*

(1) All wild carnivores involved in bites will be beheaded immediately and sent to the state laboratory of public health for testing.

(2) Other animals will be beheaded for testing at the discretion of the animal control officer, after consultation with the local health director.
(Ord. passed 11-5-1990) Penalty, see ' 90.999

' 90.076 INJURED, SICK OR DISEASED ANIMALS.

Rockwell - General Regulations

(A) When the owner of an injured, sick or diseased animal can be located, it will be his or her responsibility to provide veterinary care for the animal.

(B) In the event the owner cannot be located, the injured, sick or diseased animal will be taken to the animal shelter and held for 12 hours, if it is not severely injured, sick, diseased or incapable of nourishment.

(C) After the 12 hours, the animal may be adopted with the agreement that the person adopting the animal will bear the cost of veterinary care.

(D) If the animal is severely injured, sick, diseased or totally incapable of nourishment, the animal may be euthanized in the field or at the shelter at the discretion of the animal control officer.
(Ord. passed 11-5-1990) Penalty, see ' 90.999

' 90.077 PUBLIC NUISANCE.

(A) Any animal(s) shall be deemed to be a public nuisance when it commits the following acts 2 or more times or any combination of 2 or more offenses or otherwise is declared a public nuisance by a law enforcement officer or an appropriate public health official:

- (1) Chases, snaps at or attacks pedestrians, bicyclists, vehicles or domestic animals;
- (2) Turns over garbage pails;
- (3) Damages gardens, flowers, vegetables or other property; or
- (4) Otherwise is a menace or threat to public health or safety.

(B) It shall be unlawful for an owner or keeper to permit his or her animal to run at large if the animal is deemed to be a public nuisance, provided a law enforcement officer has determined after investigation that the report is supported by the evidence and the Health Department has notified the owner or keeper in writing of his or her findings. In these cases, the owner must keep the animal that has been found to be a public nuisance on his or her property at all times, unless the animal is under physical restraint.

(C) Any public nuisance, vicious or feral animal without any recognizable identification may be destroyed after the animal control officer has been unsuccessful in his or her attempt to catch, trap or tranquilize, within a closed area, the animal. Any feral dog or cat left at the animal shelter may be impounded or euthanized at the discretion of the animal control officer.
(Ord. passed 11-5-1990) Penalty, see ' 90.999

' 90.078 UNWANTED ANIMALS.

(A) Animal control officers are not responsible for picking up animals that are unwanted by their owners.

(B) Owners wishing to surrender their animals will be responsible for bringing the animals to the shelter.

(Ord. passed 11-5-1990) Penalty, see ' 90.999

' 90.079 CRUELTY TO ANIMALS.

(A) It shall be unlawful for any owner or keeper to willfully fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. It shall be unlawful for any person to beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse animals, or cause or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.

(B) It shall be unlawful for any owner or keeper to restrain any animal with any collar, rope, chain or other device which causes a break in the skin of the animal or is so tight as to severely restrict swallowing or breathing.

(C) When an owner or keeper confines a dog or cat at his or her residence or elsewhere whether by choice or by reason of provisions contained in this subchapter, it shall be unlawful for him or her to allow the area in which the animal is held to become unsanitary through failure to practice effective cleaning procedures. Excrement shall be removed frequently to preclude the breeding and harborage of flies and vermin and disposed of in the county landfill or buried. The area shall be kept limed when necessary to minimize excessive odors.

(Ord. passed 11-5-1990) Penalty, see ' 90.999

' 90.080 FEES.

Fees charged for animal control activities shall be set at the discretion of the Rowan County Board of Health.

(Ord. passed 11-5-1990)

' 90.081 HEARINGS.

(A) (1) Any owner or keeper of an animal declared to be vicious under ' 90.074 or a public nuisance under ' 90.077 shall be notified by personal delivery, certified mail delivery or registered mail delivery of the declaration, and may then request a hearing before the health director if he or she desires to contest the declaration.

(2) The hearing must be requested in writing received by the director within 10 days after receipt of notice of declaration of viciousness or public nuisance.

(B) There is hereby established a rebuttal presumption that the adult tax-listing property owner, or lessee of the premises, if rental property, at which the animal is kept, sheltered, harbored, or taken care of, is the owner or keeper of the animal for purposes of this subchapter.

(Ord. passed 11-5-1990) Penalty, see ' 90.999

' 90.082 INTERFERENCE.

It shall be unlawful for any person to interfere with, hinder or molest any animal control officer or his or her agents in the performance of those duties authorized by this subchapter or by the North Carolina General Statutes, or to refuse to release any animal into the custody of the officer upon direction.

(Ord. passed 11-5-1990) Penalty, see ' 90.999

' 90.083 JURISDICTION.

This subchapter shall be effective in all unincorporated areas of Rowan County, and within the corporate limits or municipalities within Rowan County which shall so agree by formal resolution of both the governing body of the municipality and the Board of Health.

(Ord. passed 11-5-1990)

' 90.999 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) *Rabies control.* Pursuant to state law, it is a misdemeanor to violate any ordinance adopted by a Board of Health.

(1998 Code, ' 3-35)

(C) *Bird sanctuary.* Any person violating the provisions of ' ' 90.035 *et seq.* shall be deemed guilty of a misdemeanor.
(1998 Code, ' 3-54)

(D) *Animal control.* Any violation of ' ' 90.070 *et seq.* shall be a misdemeanor punishable by a fine of not more than \$50 or imprisonment for not more than 30 days.
(Ord. passed 11-5-1990)

CHAPTER 91: HEALTH AND SANITATION

Section

Nuisance and Junk Vehicles

- 91.01 Administration
- 91.02 Definitions
- 91.03 Abandoned vehicle unlawful; removal authorized
- 91.04 Nuisance vehicle unlawful; removal authorized
- 91.05 Junked motor vehicle regulated; removal authorized
- 91.06 Removal of abandoned, nuisance or junked motor vehicles; pretowing requirements
- 91.07 Exceptions to prior notice requirement
- 91.08 Removal of vehicle; post-towing notice requirements
- 91.09 Right to probable cause hearing before sale or final disposition of the vehicle
- 91.10 Redemption of vehicle during proceedings
- 91.11 Sale and disposition of unclaimed vehicle
- 91.12 Conditions on removal of vehicles from private property
- 91.13 Protection against criminal or civil liability
- 91.14 Exceptions
- 91.15 Unlawful removal of impounded vehicle

Open Burning

- 91.25 Control and prohibition
- 91.99 Penalty

*NUISANCE AND JUNK VEHICLES***' 91.01 ADMINISTRATION.**

(A) The Police Department of the town shall be responsible for the administration and enforcement of this subchapter. 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 on property owned by the town. The Public Services Department shall be responsible for administering the removal and disposition of abandoned, nuisance and junked motor vehicle located on private property.

(B) If appropriate inspecting officers have probable cause to expect a violation of this subchapter, they shall have the right, upon presentation of proper credentials, to enter on any premises within the town ordinance-making jurisdiction at any reasonable hour in order to determine if any motor vehicle is in violation of this subchapter.

(C) 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 subchapter and applicable state laws.

(D) Nothing in this subchapter shall be construed to limit the legal authority or powers of officers of the Town Police Department or Fire Department in enforcing other laws or in otherwise carrying out their duties.

(Res. passed 2-13-2006) Penalty, see ' 91.99

' 91.02 DEFINITIONS.

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

ABANDONED VEHICLE is defined as authorized and defined in G.S. ' 160A-303 and is a vehicle that:

(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 7 days;

(3) Is left on property owned or operated by the town for longer than 24 hours; or

(4) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than 2 hours.

AUTHORIZING OFFICIALS means the Police Department or the Director of Public Services,

respectively, designated to authorize the removal of vehicles under the provisions of this subchapter.

JUNKED MOTOR VEHICLE is defined as authorized and defined in G.S. ' 160A-303.2 and means a vehicle that does not display a current license plate lawfully upon that vehicle and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
- (3) Is more than 5 years old and appears to be worth less than \$500.

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

NUISANCE VEHICLE means a vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
 - (2) A point of heavy growth of weeds or other noxious vegetation over 8 inches in height;
 - (3) A point of collection of pools or ponds of water;
 - (4) A point of concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor;
 - (5) One, which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.;
 - (6) So situated or located that there is a danger of it falling or turning over;
 - (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;
 - (8) One 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 Public Services Director.
- (Res. passed 2-13-2006) Penalty, see ' 91.99

' 91.03 ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

Rockwell - General Regulations

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

(B) Upon investigation, proper authorizing officials of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

(Res. passed 2-13-2006) Penalty, see ' 91.99

' 91.04 NUISANCE VEHICLE UNLAWFUL; 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 vehicle to remain on the property after it has been declared a nuisance vehicle.

(B) Upon investigation by the police department, the Director of Public Services may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle and order the vehicle removed.

(Res. passed 2-13-2006) Penalty, see ' 91.99

' 91.05 JUNKED MOTOR VEHICLE REGULATED; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located, to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(B) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located, to fail to comply with the concealment requirements of this section.

(C) (1) Subject to the provisions of divisions (D) and (E), after investigation by the Police Department, the police department may order the removal of a junked motor vehicle after finding 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.

(2) The following, among other relevant factors, may be considered:

(a) Protection of property values;

(b) Promotion of tourism and other economic development opportunities;

(c) Indirect protection of public health and safety;

- (d) Preservation of the character and integrity of the community; and
- (e) Promotion of the comfort, happiness, and emotional stability of area residents.

(D) Any junked motor vehicle must be kept in a garage or accessory building structure that provides a complete enclosure so that the junked motor vehicle cannot be seen from a public street or abutting property. A garage or accessory building structure means a lawful, nonconforming use or a garage or accessory building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations. The Police Department has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision.

(E) Motor vehicles that are used on a regular basis for business or personal use are exempt from removal and disposal as junk vehicles.
(Res. passed 2-13-2006) Penalty, see ' 91.99

**' 91.06 REMOVAL OF ABANDONED, NUISANCE, OR JUNKED MOTOR VEHICLES;
PRETOWING REQUIREMENTS.**

(A) Except as set forth in this code, an abandoned, nuisance, or junked vehicle, which is to be removed, shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses 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. The person who mails the notice shall retain a written record to show the names and addresses to which mailed, and the date mailed.

(B) If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the town no sooner than 15 days for a nuisance or junked motor vehicle, or 7 days for an abandoned vehicle, after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

(C) 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 appeal shall be made in writing through the public services director to the town council, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(Res. passed 2-13-2006)

91.07 EXCEPTIONS TO PRIOR NOTICE REQUIREMENT.

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. The authorizing official in the appropriate daily records shall in all cases, enter such findings. A circumstance justifying the removal of vehicle without prior notice includes:

(A) *Vehicles abandoned on the streets.* For vehicle left on the public streets and highways, the Town Council hereby determines that immediate removal of such vehicles may be warranted when they are:

- (1) Obstructing traffic;
- (2) Parked in violation of an ordinance prohibiting or restricting parking;
- (3) Parked in a no stopping or standing zone;
- (4) Parked in a loading zone;
- (5) Parked in a bus zone; or
- (6) Parked in violation of temporary parking restrictions imposed under code sections.

(B) *Other abandoned or nuisance vehicles.* With respect to abandoned or nuisance vehicles left on private property and on town-owned property other than the streets and highways, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds 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 vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicle causing damage to public or private property.

(Res. passed 2-13-2006)

' 91.08 REMOVAL OF VEHICLES; POST-TOWING NOTICE REQUIREMENTS.

(A) Any abandoned, nuisance, or junked motor vehicle, which has been removed, may, as directed by the town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the town. Whenever such a vehicle is removed, 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;
- (5) The procedure the owner must follow to request a probable cause hearing on the removal;

and

(6) The possible sale or other disposition that may be made of the vehicle under this subchapter.

(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 division (A)(1) through (6) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

(C) If the vehicle is registered in North Carolina, notice shall be given within 24 hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within 72 hours from the removal of the vehicle.

(D) Whenever an abandoned, nuisance, 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 set forth in division (A)(1) through (6).

(Res. passed 2-13-2006)

' 91.09 RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF THE VEHICLE.

After the removal of an abandoned vehicle, nuisance vehicle, or junked motor vehicle, the owner or any person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. 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 72 hours of receipt of the request, and the hearing will be conducted.
(Res. passed 2-13-2006)

' 91.10 REDEMPTION OF VEHICLE DURING PROCEEDINGS.

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 subchapter.
(Res. passed 2-13-2006)

' 91.11 SALE AND DISPOSITION OF UNCLAIMED VEHICLE.

Any abandoned, nuisance, or junked motor vehicle which is not claimed by the owner or other person 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 G.S. ' ' 44A-4, 44A-5, and 44A-6.
(Res. passed 2-13-2006)

' 91.12 CONDITIONS ON REMOVAL OF VEHICLES FROM PRIVATE PROPERTY.

As a general policy, the town will not remove a vehicle 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 will 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 a nuisance vehicle or is a junked motor vehicle that has been ordered removed by the code enforcement officer. 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.
(Res. passed 2-13-2006)

' 91.13 PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.

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

(Res. passed 2-13-2006)

' 91.14 EXCEPTIONS.

Nothing in this subchapter shall apply to any vehicle:

(A) Which is located in a bona fide automobile graveyard or junkyard as defined in G.S. ' ' 136-141 *et seq.*;

(B) Which is in an enclosed accessory building;

(C) 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

(D) Which is in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Res. passed 2-13-2006)

' 91.15 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE.

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

(Res. passed 2-13-2006) Penalty, see ' 91.99

OPEN BURNING**' 91.25 CONTROL AND PROHIBITION.**

(A) The Town of Rockwell provides leaf, limb and other biodegradable trash pickup services in accordance with U.S. Environmental Protection Agency rules and regulations, to its constituents, and is thereby precluded by the EPA from allowing the burning of those materials within the city limits.

(B) The burning of leaves, limbs and other combustible trash within the town limits is hereby prohibited.

(Ord. passed 11-5-1990; Am. Ord. passed 3-1-1997) Penalty, see ' 91.99

' 91.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) *Open burning.* Any violator of ' 91.25 shall be subject to a citation and fines provided in the town code and by state law.

(Ord. passed 11-5-1990; Am. Ord. passed 3-1-1997)

CHAPTER 92: LITTER

Section

Litter Generally

- 92.01 Prohibited generally
- 92.02 Truck loads causing litter
- 92.03 Littering lakes and the like prohibited
- 92.04 Owner to maintain premises free of litter
- 92.05 Clearing litter from vacant property

Garbage and Refuse - Public Nuisance

- 92.20 Prohibited
- 92.21 Breeding ground for pests and disease
- 92.22 Jagged edges and places of confinement
- 92.23 Water-related nuisances
- 92.24 Declaration of dangerous condition; procedure

Accumulation of Trash, Rubbish or Noxious Weeds

- 92.35 Notice to clean premises
- 92.36 Plots adjoining sidewalks to be kept clean
- 92.37 Expense of lot cleaning to be assessed against owner
- 92.38 Notice to owner
- 92.39 Cleaning cost determined
- 92.40 Method of assessment
- 92.41 Criminal liability not waived

- 92.99 Penalty

Cross-reference:

Buildings, see Ch. 150

Health and sanitation, see Ch. 91

Streets and sidewalks, see Ch. 94

Statutory reference:

Authority to regulate garbage and trash, see G.S. ' ' 160A-303.1

Litter, see G.S. ' 14-399

Solid waste management generally, see G.S. ' ' 130A-290 et seq.

LITTER GENERALLY

' 92.01 PROHIBITED GENERALLY.

No person shall throw or deposit litter upon any street or other public place within the town or upon private property.

(1989 Code, ' 8-26) Penalty, see ' 92.99

Statutory reference:

Littering, see G.S. ' 14-399

Placing injurious substance on road, see G.S. ' 136-91

' 92.02 TRUCK LOADS CAUSING LITTER.

(A) No person shall drive or move any truck or other vehicle within the town unless the vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place; provided further, that no person shall use any truck or vehicle to haul any kind of sand, gravel, rock or dirt, unless the truck or vehicle is covered to prevent any part of its load from spilling or dropping at all times while the vehicle is in motion on any street, alley or other public place within the town.

(B) No person shall drive or move any vehicle or truck within the town, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

(1989 Code, ' 8-27) Penalty, see ' 92.99

' 92.03 LITTERING LAKES AND THE LIKE PROHIBITED.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water within the town.

(1989 Code, ' 8-28) Penalty, see ' 92.99

' 92.04 OWNER TO MAINTAIN PREMISES FREE OF LITTER.

(A) The owner or person in control of any private property shall at all times maintain the premises free of litter.

(B) This section shall not prohibit the storage of litter in authorized private receptacles for collection.

(1989 Code, ' 8-29) Penalty, see ' 92.99

' 92.05 CLEARING LITTER FROM VACANT PROPERTY.

(A) The Director of Public Works is hereby authorized and empowered to notify the owner of any open or vacant private property within the town or the agent of the owner to properly dispose of litter located on the owner's property which is dangerous to public health, safety or welfare.

(B) The notice shall be by registered mail and addressed to the owner at his or her last known address.
(1989 Code, ' 8-30)

GARBAGE AND REFUSE - PUBLIC NUISANCE

' 92.20 PROHIBITED.

The conditions enumerated and described in this subchapter are hereby found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the town and are found, deemed and declared to be public nuisances whenever the same may exist and the creation, maintenance or failure to abate the nuisances is hereby declared unlawful.
(1989 Code, ' 8-66) Penalty, see ' 92.99

' 92.21 BREEDING GROUND FOR PESTS AND DISEASE.

The following conditions are hereby declared to be nuisances:

(A) Any condition which is a breeding ground or harbor for mosquitoes or a breeding ground or harbor for rats or other pests;

(B) A place of heavy growth of weeds or other noxious vegetation over 24 inches in height;

(C) An open place of collection of water where insects tend to breed;

(D) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags or other combustible materials or objects of a like nature; or

(E) An open place of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind.
(1989 Code, ' 8-67) Penalty, see ' 92.99

' 92.22 JAGGED EDGES AND PLACES OF CONFINEMENT.

Any furniture, appliances or other metal products of any kind or nature openly kept which have jagged edges of metal or glass or areas of confinement is declared to be a hazard and a nuisance. (1989 Code, ' 8-68) Penalty, see ' 92.99

' 92.23 WATER-RELATED NUISANCES.

(A) Any improper or inadequate drainage on private property which causes flooding, interferes with the use of, or endangers in any way the streets, sidewalks, parks or other town-owned property of any kind; provided, that the notices required and powers conferred by this chapter by and on the inspection department in abating the nuisances defined by this paragraph shall be given and exercised by the Director of Public Works.

(B) Any condition which blocks, hinders, or obstructs, in any way, the natural flow of branches, streams, creeks, surface waters, ditches or drains to the extent that lots or properties are not free from standing water. (1989 Code, ' 8-69) Penalty, see ' 92.99

' 92.24 DECLARATION OF DANGEROUS CONDITION; PROCEDURE.

(A) Any condition which is a danger to the public health, safety, morals and general welfare of inhabitants of the town and a public nuisance shall be so declared pursuant to a proceeding before the Board of Aldermen. The proceeding may be initiated after giving written notice to the owner.

(B) The notice shall state the following:

- (1) The condition existing;
- (2) The location;
- (3) That after a public hearing at which the person notified may appear and be heard; and

(4) That the Board of Aldermen will be requested on a day certain to declare that the conditions existing constitute a danger to the public health, safety, morals and general welfare of the inhabitants of the town and a public nuisance.

(C) If the Board determines after the hearing that a nuisance does exist, the owner shall have 10 days to abate the nuisance himself or herself. Upon failure of the owner to so abate the nuisance, the town shall abate the nuisance and the cost of abatement shall become a lien against the premises. (1989 Code, ' 8-70)

ACCUMULATION OF TRASH, RUBBISH OR NOXIOUS WEEDS

' 92.35 NOTICE TO CLEAN PREMISES.

Whenever trash, rubbish or debris shall accumulate upon any lot or tract of land in the town, or whenever any lot or tract of land shall become covered with an excessive growth of noxious weeds, it shall be the duty of the Town Clerk to notify the owner thereof to clean the premises within 10 days from the receipt of the notice.

(1989 Code, ' 8-86) Penalty, see ' 92.99

' 92.36 PLOTS ADJOINING SIDEWALKS TO BE KEPT CLEAN.

(A) Every occupant of a lot abutting any sidewalk shall keep the grass plot adjoining neatly mowed; and all property owners shall keep the sidewalks abutting their property clean and free from weeds.

(1989 Code, ' 8-88)

(B) The discharge of grass clippings and debris from any property onto sidewalks, streets or highways shall be prohibited.

Penalty, see ' 92.99

' 92.37 EXPENSE OF LOT CLEANING TO BE ASSESSED AGAINST OWNER.

Whenever any lot or tract of land in the town becomes covered with an excessive growth of noxious weeds and the owner thereof, after due notice as provided for in this subchapter, fails, refuses or neglects to cut and remove the same therefrom, the town may, in its discretion, cause noxious weeds to be cut and removed therefrom and the cost and expense thereof shall be assessed against the lot or tract of land as provided in this subchapter, and the assessment so levied shall constitute a prior lien upon the premises of equal dignity with the lien of taxes.

(1989 Code, ' 8-89)

' 92.38 NOTICE TO OWNER.

The notice provided for in ' 92.35, shall be personally served upon the owner of the lot by the Town Clerk and Treasurer, shall set forth a brief description of the premises and shall state that the noxious weeds shall be cut and removed from the premises within 10 days from the date of the service of the notice. If the owner is a nonresident of the town, it shall be sufficient to mail the notice, by registered mail, to the last known address of the owner. However, if the owner is unknown or has

disappeared and cannot be located, it shall be sufficient to publish the notice 1 time in a newspaper of general circulation in the town, and the owner may be designated by a general description or by a fictitious name in the notice.

(1989 Code, ' 8-90)

' 92.39 CLEANING COST DETERMINED.

The cleaning of any premises under the provisions of ' ' 92.37 and 92.38 shall be done under the supervision of the Town Clerk or Treasurer and upon the completion thereof, the town tax collector shall be furnished with an itemized statement of the cost of same. The cost shall be based upon a schedule as determined from time to time by the Board of Aldermen.

(1989 Code, ' 8-91)

' 92.40 METHOD OF ASSESSMENT.

Upon the receipt of the itemized statement provided for in ' 92.39, the tax collector shall record in a special assessment ledger the name of the owner of the premises, the amount of the costs of the cleaning of same, the date thereof and a brief description of the premises. The amount of the cost shall constitute a lien upon the premises from the date of the recording of same in the assessment ledger. The tax collector shall then mail a statement of the assessment to the owner of the premises and if the owner fails, refuses or neglects to pay the assessment within 30 days thereafter, the lien of the assessment may be enforced in an action in the Superior Court of the county in the nature of an action to foreclose a mortgage. In the action the court shall order a sale of the real estate in satisfaction of the amount adjudged to be due on the lien, together with interest thereon at 6% per annum from the date of the recording of the assessment.

(1989 Code, ' 8-92)

' 92.41 CRIMINAL LIABILITY NOT WAIVED.

The provisions of ' ' 92.37 to 92.40, inclusive, of this subchapter shall not relieve any persons from any liability for criminal prosecution for failure to clean any lot or tract of land as provided for in ' ' 92.35 and 92.37.

(1989 Code, ' 8-93) Penalty, see ' 92.99

' 92.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) *Penalty for failure to clean lot.* If the owner of a premises who has been notified as provided in ' 92.35, fails to clean the premises within 10 days from the date of service of such notice, he or she shall be deemed guilty of a misdemeanor.

(1989 Code, ' 8-87)

CHAPTER 93: PARKS

Section

- 93.01 Regulation of town parks
- 93.02 Park rules
- 93.03 Park hours

- 93.99 Penalty

' 93.01 REGULATION OF TOWN PARKS.

(A) The operation of all terrain vehicles, motorcycles, mopeds or any other motor vehicle of any kind within the boundaries of any town park is prohibited.

(B) The operation of skateboards, roller blades or bicycles within the boundaries of any town park is prohibited.

(C) Licensed motor vehicles and bicycles may, however, be operated in designated public parking areas.

(Ord. passed 8-10-1998) Penalty, see ' 93.99

' 93.02 PARK RULES.

(A) No firearms, alcohol or drugs. No one under the influence of alcohol or illegal drugs permitted in park.

(B) No skateboards, bikes, roller blades or scooters permitted on shelter floor, trails or basketball courts.

(C) No personal or disorderly conduct, which may constitute a hazard to the safety of themselves or others or to engage in threatening language or excessively noisy.

(D) Noise. Creation of any unreasonably loud disturbing and unnecessary noise that disturbs park patrons or neighbors.

Rockwell - General Regulations

(E) All dogs and/or animals must be on a leash.

(F) Park speed limit is 15 mph.

(G) No outside grills, cookers or deep fryers allowed in park unless by permit.

(H) No ATVs, motor bikes, motor scooters or go carts allowed in the park.

(Ord. passed 4-9-2001) Penalty, see ' 93.99

' 93.03 PARK HOURS.

Park hours daylight to dusk.

<i>Month</i>	<i>Hours</i>
November, December, January	8:00 a.m. to 5:00 p.m.
February, March, April	8:00 a.m. to 6:00 p.m.
May, June, July	8:00 a.m. to 8:30 p.m.
August, September, October	8:00 a.m. to 7:30 p.m.

(Ord. passed 4-9-2001) Penalty, see ' 93.99

' 93.99 PENALTY.

Any person, firm or corporation violating the provisions of this chapter shall upon conviction be guilty of a misdemeanor and shall be punished in accordance with the provisions of ' 10.99 and G.S. ' 14-4.

(Ord. passed 8-10-1998; Am. Ord. passed 4-9-2001)

CHAPTER 94: STREETS AND SIDEWALKS

Section

- 94.01 Obstructions
- 94.02 Duty of property owners as to abutting sidewalks
- 94.03 Barbed wire fences along streets
- 94.04 Doors in sidewalks
- 94.05 Discharge of stormwater upon sidewalk
- 94.06 Plantings on sidewalks
- 94.07 Maintenance of railroad crossings
- 94.08 Requirements for new streets
- 94.09 Street spanning banner
- 94.10 Visibility at intersections
- 94.11 Requirements for existing streets

' 94.01 OBSTRUCTIONS.

No person shall block or obstruct any public road or street for a period of more than 15 minutes at any given time.

(1989 Code, ' 15-1) Penalty, see ' 10.99

' 94.02 DUTY OF PROPERTY OWNERS AS TO ABUTTING SIDEWALKS.

(A) All property owners shall keep the sidewalks abutting their property clean and free from weeds.

(B) The owner or tenant in possession of any lot or building abutting a paved sidewalk shall remove, or cause to be removed, by 10:00 a.m. of each day, any accumulation of ice or snow upon the sidewalk abutting the lot or building.

(1989 Code, ' 15-2) Penalty, see ' 10.99

' 94.03 BARBED WIRE FENCES ALONG STREETS.

No owner, agent or occupant of any lot or premises shall erect, maintain or allow on the premises or along any street or alley any barbed wire or barbed wire fence.

(1989 Code, ' 15-3) Penalty, see ' 10.99

' 94.04 DOORS IN SIDEWALKS.

The owner of any building or other structure having a cellar door or vault opening in a sidewalk shall keep the same in good repair.

(1989 Code, ' 15-4) Penalty, see ' 10.99

' 94.05 DISCHARGE OF STORMWATER UPON SIDEWALK.

No person shall permit or allow stormwater from his or her premises to be discharged from any collecting pipe or drain upon any sidewalk within the town. All pipes or drains shall be constructed below the sidewalk level.

(1989 Code, ' 15-5) Penalty, see ' 10.99

' 94.06 PLANTINGS ON SIDEWALKS.

No person shall plant, or cause to be planted, any shrubbery, trees or other vegetable growth, except grass or low shrubs, upon any sidewalk within the town. Except that a temporary permit may be issued by the town engineer for the erection of identification markers on the town's right-of-way at or near the entrance to subdivisions. Any temporary permit issued by the town engineer will stipulate the owner's recognition that the identification marker is within the street right-of-way and, if at the time use of the right-of-way on which the marker rests is necessary, the owner will remove the marker at his or her expense.

(1989 Code, ' 15-6) Penalty, see ' 10.99

' 94.07 MAINTENANCE OF RAILROAD CROSSINGS.

No person operating, maintaining or controlling any railroad shall fail or refuse to place, keep or maintain all places where the railway track in question crosses any public highway or street in repair and condition that the same may be used as a highway by the public, so that no part of the crossing shall be more than 1-1/2 inches higher than any other part.

(1989 Code, ' 15-7) Penalty, see ' 10.99

' 94.08 REQUIREMENTS FOR NEW STREETS.

(A) The town shall not accept any new streets or a part thereof which does not have the following dimensions:

- (1) Twenty-eight feet from ditch to ditch; and
- (2) Minimum overall right-of-way of 40 feet.

(B) Surface material shall be 1-1/2-inch blacktop or asphalt on a base of not less than 6 inches of stone. Property owners shall assume the total cost of the base plus 1/2 the cost of asphalt.

(C) New streets shall have slope and grade driveways. Pipe shall not be used unless absolutely necessary.

(D) New streets shall have suitable and proper surface drainage.

(E) If new street is curbed or curbed and guttered, the minimum right-of-way should be 30 feet from center or 60 feet over all.

(1989 Code, ' 15-8) (Ord. passed 12-7-1992)

' 94.09 STREET SPANNING BANNER.

(A) Except as otherwise provided in this section, banners spanning the streets are expressly prohibited.

(B) The Board of Aldermen may approve banners for special events and their placement and location that may span town streets, provided that:

- (1) No banner shall be up for more than 15 days;
- (2) Banners shall be constructed of materials as to withstand the elements;
- (3) No banner shall be greater than 30 inches in height and 36 feet in length;

(4) The organization requesting the banners shall be a nonprofit organization and the event organized shall have bona fide civil, charitable or educational purposes; or

(5) The organization shall contract with the Fire Department or any other organization as may be approved by the Board for the placement and removal of the banner; placement of a device by anyone other than the Department or other approved organization shall be expressly prohibited.

(1989 Code, ' 15-9)

' 94.10 VISIBILITY AT INTERSECTIONS.

Rockwell - General Regulations

(A) On any corner lot, in any district, abutting a public street, no hedge, shrubbery, tree, natural growth, sign, fence, wall or other obstruction of any kind to vision which obstructs cross visibility at a level between 2 feet and 9 feet above the level of the center of the street (where the projection of the sight triangles intersect the centerline of the street) shall be placed or maintained within the triangular area formed by the intersection of front or rear lots lines and the side lot line and straight line connecting points on lot lines, which are located 15 and 75 feet from the point of intersection.

(B) In instances where NCDOT site triangle provision are applicable, such regulation shall prevail.

(Res. passed 9-11-1999)

94.11 REQUIREMENTS FOR EXISTING STREETS.

(A) No street shall be paved when:

- (1) Right-of-way is less than 20 feet from center of road;
- (2) Is less than 16 feet; and
- (3) Will not meet Powell Bill requirements.

(B) The Town Board may elect to pay for the entire expense to pave streets that would be considered in the best interest of the town such as cost to maintain the unpaved streets.

(C) Property owners will be responsible for full amount of the cost of removing old pavement and their full appropriation for cost of curbing or guttering street which shall be 1/4 of the total cost. The town shall be 1/2 of the total cost. If pavement is not removed, then the property owner will be responsible for 1/4 of any cost of construction.

(Ord. passed 12-7-1992)

CHAPTER 95: PARADES

Section

General Provisions

- 95.01 Title
- 95.02 Definitions
- 95.03 Congregations of people
- 95.04 Officials to be notified
- 95.05 Fees for unusual requirements

Permit

- 95.20 Applicability
- 95.21 Required
- 95.22 Filing of application
- 95.23 Contents of application
- 95.24 Contents
- 95.25 Standards for issuance
- 95.26 Notice of denial
- 95.27 Alternate permit
- 95.28 Appeal
- 95.29 Parade chairperson to carry parade permit
- 95.30 Compliance with conditions

Statutory reference:

Authority to regulate use of streets, etc., see G.S. ' 160A-296

Disorderly conduct, see G.S. ' ' 14-288.4 et seq.

Motor vehicles in parades, see G.S. ' 20-169

Picketing and parading, see G.S. ' 14-225.1

GENERAL PROVISIONS**' 95.01 TITLE.**

This chapter shall be known and may be cited as the Parade Chapter.
(1989 Code, ' 15-31)

' 95.02 DEFINITIONS.

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

PARADE. Any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the town.

PARADE PERMIT. A permit as required by this chapter.
(1989 Code, ' 15-32)

' 95.03 CONGREGATIONS OF PEOPLE.

No person shall congregate on the sidewalks or streets of the town in a manner as to block, impede or obstruct the sidewalks or to congregate in the streets of the town in a manner as to block, impede or obstruct the passage of traffic.
(1989 Code, ' 15-33) Penalty, ' 10.99

' 95.04 OFFICIALS TO BE NOTIFIED.

Immediately upon the issuance of a parade permit, the Chief of Police shall give notice thereof to the following:

- (A) The Mayor and Town Manager;
- (B) The Town Attorney;
- (C) The Fire Chief;
- (D) The Postmaster; and

(E) The general manager or responsible head of any public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade.
(1989 Code, ' 15-34)

' 95.05 FEES FOR UNUSUAL REQUIREMENTS.

The Board of Aldermen, at its discretion, may set an appropriate fee to cover costs of any unusual requirements upon town employees in connection with a parade.
(1989 Code, ' 15-35)

PERMIT

' 95.20 APPLICABILITY.

The permit provisions of this division shall not apply to:

(A) Funeral processions;

(B) Students going to and from school classes or participating in educational activities, providing the conduct is under the immediate direction and supervision of the proper school authorities; or

(C) A governmental agency acting within the scope of its functions
(1989 Code, ' 15-51)

' 95.21 REQUIRED.

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit therefor shall have been obtained from the Chief of Police.
(1989 Code, ' 15-52) Penalty, ' 10.99

' 95.22 FILING OF APPLICATION.

(A) A person seeking issuance of a parade permit shall file an application with the Chief of Police on forms provided by him or her.

(B) An application for a parade permit shall be filed with the Chief of Police not less than 5 days nor more than 15 days before the date on which it is proposed to conduct the parade.

(C) The Chief of Police, where good cause is shown therefor, shall have the authority to consider any application under this chapter which is filed less than 5 days before the date the parade is proposed to be conducted.

(1989 Code, ' 15-53) Penalty, ' 10.99

' 95.23 CONTENTS OF APPLICATION.

The application for a parade permit shall set forth the following information:

(A) The name, address and telephone number of the person seeking to conduct the parade;

(B) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of the organization;

(C) The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;

(D) The date when the parade is to be conducted;

(E) The route to be traveled, the starting point and the termination point;

(F) The approximate number of persons who, and animals and vehicles which will constitute the parade, the type of animals and description of the vehicles;

(G) The hours when the parade will start and terminate;

(H) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(I) The location by streets of any assembly areas for the parade;

(J) The time at which units of the parade will begin to assemble at any assembly area or areas;

(K) The interval of space to be maintained between units of the parade;

(L) If the parade is designed to be held by, and on behalf of or for any person other than the applicant, the applicant for the permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his or her behalf; and

(M) Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(1989 Code, ' 15-54)

' 95.24 CONTENTS.

Each parade permit shall state the following information:

(A) Starting time;

(B) Minimum speed;

(C) Maximum speed;

(D) Maximum interval of space to be maintained between the units of the parade;

(E) The portions of the streets to be traversed that may be occupied by the parade;

(F) The maximum length of the parade in miles or fractions thereof; and

(G) Other information as the Chief of Police shall find necessary for the enforcement of this chapter.

(1989 Code, ' 15-55)

' 95.25 STANDARDS FOR ISSUANCE.

The Chief of Police shall issue a permit as provided for under this chapter when, from a consideration of the application and from the other information as may otherwise be obtained, he or she finds that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the town to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the town;

(C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the town other than that to be occupied by the proposed line of march and areas contiguous thereto;

(D) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;

(E) The conduct of the parade will not interfere with the movement of firefighting equipment en route to a fire;

(F) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

(G) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route; and

(H) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

(1989 Code, ' 15-56)

' 95.26 NOTICE OF DENIAL.

The Chief of Police shall act upon the application for a parade permit within 2 days after the filing thereof. If the Chief of Police disapproves the application, he or she shall mail to the applicant within 5 days after the date upon which the application was filed, a notice of his or her action, stating the reasons for his or her denial of the permit.

(1989 Code, ' 15-57)

' 95.27 ALTERNATE PERMIT.

The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within 2 days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under this chapter.

(1989 Code, ' 15-58)

' 95.28 APPEAL.

Any person denied a parade permit shall have the right to appeal the denial to the Board of Aldermen. The appeal shall be taken within 1 day after notice. The Board shall act upon the appeal within 5 days after its receipt.

(1989 Code, ' 15-59)

' 95.29 PARADE CHAIRPERSON TO CARRY PARADE PERMIT.

The parade chairperson or other person leading or heading the activity shall carry the parade permit upon his or her person during the conduct of the parade.
(1989 Code, ' 15-60) Penalty, see ' 10.99

' 95.30 COMPLIANCE WITH CONDITIONS.

A permittee under this chapter shall comply with all permit directions and conditions as provided in this chapter and with all other applicable laws and ordinances.
(1989 Code, ' 15-61) Penalty, see ' 10.99

CHAPTER 96: ALARM SYSTEM REGULATION

Section

- 96.01 Definitions
- 96.02 General regulations
- 96.03 Alarm responses
- 96.04 Exclusions
- 96.05 Prohibited acts
- 96.06 Effective date

- 96.99 Penalty

96.01 DEFINITIONS.

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

ALARM. The activation of an alarm signal that produces either an audible sound that can be heard from the interior or exterior of the commercial or residential building, structure or premises housing the alarm system, or the emission of a signal to a direct monitoring service which in turn notifies the Rowan County Communications Center that the alarm has been activated.

ALARM BUSINESS. The business by any individual, partnership or corporation serving, repairing, altering, replacing, moving or installing any alarm system, or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed, any alarm system in or on any commercial or residential building, structure or premises, and shall not include any other activity of the business.

ALARM INSTALLATION. Any alarm device or combination of devices installed for 1 or more commercial or residential buildings, structures or premises.

ALARM RESPONSE. The dispatch or response of a fire or police unit as the result of an alarm.

ALARM SYSTEM. Any electronic or mechanical device which emits any signal (electronic, visible, audible, silent, recorded, or otherwise) which is designed, intended or used to detect fire, or an unauthorized entry into a commercial or residential building, structure, or premises, to signal a fire or

an attempted robbery or holdup, or to alert others of a fire or the commission of an unlawful act in or around a building, structure, or premises. **ALARM SYSTEM** shall include automatic dialing devices, local alarms, and tape dialer alarms.

ALARM USER. Any person, corporation, partnership, governmental or educational entity owning or leasing an alarm system, or on whose commercial or residential premises an alarm system is maintained for the protection of the premises.

AUTOMATIC DIALING DEVICE. Any type of device which automatically sends a signal over regular telephone lines as opposed to dedicated alarm lines.

LOCAL ALARM. An alarm or device which produces a signal such as store or home actuating bell device which is not connected in any way to any alarm monitoring centers.

OFFICER. An officer of the Rockwell City Fire Department or sworn law enforcement officer.

TAPE DIALER ALARM. An alarm system which automatically sends a signal over regular telephone lines and plays a prerecorded message.
(Ord. passed 10-8-2001)

' 96.02 GENERAL REGULATIONS.

(A) The alarm user shall be responsible for knowing the contents of the chapter.

(B) Alarm system shall be connected directly to a private alarm control center. No alarm system shall be connected directly to the Rowan County Communications Center.

(C) Local alarms shall be of a type that sounds for no more than 15 minutes.

(D) Any alarm existing as of the effective date of this chapter shall also be governed by the regulations of this chapter.

(E) Each alarm user shall furnish to the Rowan County Communications Center and the Rockwell City Fire and Police Departments in writing the name(s) and telephone number(s) of at least 1, but no more than 3, persons authorized and able to deactivate the alarm system.

(F) After the effective date of this chapter, it shall be unlawful to connect a local alarm without first notifying the Rowan County Communications Center in writing of the name(s) and the telephone number(s) of person(s) authorized and able to deactivate the alarm system. Any changes in the name(s) or the telephone number(s) authorized and able to deactivate the alarm system must be communicated to the Rowan County Communications Center in writing immediately.

(G) Alarm systems installed after the effective date of this chapter will be required to reset within 15 minutes. An alarm system cut-off shall be installed to override all malfunctioning alarms. Users whose alarm systems were installed prior to the date of this chapter shall have 1 year from the effective date of this subchapter to convert their systems to comply with the provisions herein.

(Ord. passed 10-8-2001) Penalty, see ' 96.99

' 96.03 ALARM RESPONSES.

(A) It is hereby found and determined that 5 or more police false alarms and 3 or more fire false alarms within any 12-month period is excessive and constitutes a public nuisance.

(B) The city will provide a maximum of 5 police and 3 fire false alarm responses to any alarm user within any calendar year without penalty. Thereafter, a civil penalty shall be issued for any excess false alarm responses as follows:

<i>Police Responses</i>	
6th False Alarm	\$50
7th False Alarm	\$100
8th False Alarm	\$150
9th False Alarm	\$100
10 or more False Alarms	\$250
<i>Fire Department Responses</i>	
4th False Alarm	\$50
5th False Alarm	\$100
6th False Alarm	\$150
7th False Alarm	\$200
8th False Alarm	\$250
9th False Alarm	\$275
10 or more False Alarms	\$300

(C) The alarm user or their representative shall reset an alarm system when notified by an officer or by the Rowan County Communications Center that the alarm has be activated.

(Ord. passed 10-8-2001) Penalty, see ' 96.99

' 96.04 EXCLUSIONS.

(A) For the purpose of computing the number of alarm responses in ' 96.03, an alarm shall not include an alarm which is:

(1) Determined to be activated by adverse weather conditions as reported by the Rockwell Police or Fire Department to the Rowan County Communications Center.

(2) Activated by an electrical power outage to the electric meter on the commercial or residential building housing the activated alarm system, provided that the alarm user shall provide proof in writing of the electrical outage within 5 business days of the alarm response.

(3) An alarm where there is physical evidence of a fire or either an attempted or actual unauthorized entry at the location where the alarm was activated. Any determination that an alarm activation was not one of the exclusions herein may be appealed in writing to the Fire Chief or the Police Chief as the case may be, within 72 hours of the alarm activation. The decision of the Fire Chief or Police Chief shall be final.

(B) An alarm system activated during alarm system testing shall not be considered an alarm for the purpose of computing alarm responses, if the user first notifies the Rowan County Communications Center.

(Ord. passed 10-8-2001) Penalty, see ' 96.99

' 96.05 PROHIBITED ACTS.

Except for alarm testing as provided in ' 96.04 division (B), it shall be unlawful for any person to knowingly activate an alarm when no fire exists or no burglary, robbery or other criminal activity is being committed or attempted on the commercial or residential building, structure or premises housing the alarm system.

(Ord. passed 10-8-2001) Penalty, see ' 96.99

' 96.06 EFFECTIVE DATE.

Effective date of this subchapter is 10-8-2001.

(Ord. passed 10-8-2001)

' 96.99 PENALTY.

(A) Violations of ' 96.05 shall be a misdemeanor, punishable by a fine of not more than \$50, or imprisonment for not more than 30 days.

(B) Civil penalties under ' 96.03, if not paid within 15 days of the issuance of the citation, may be recovered by the town in a civil action in the nature of a debt.

(C) All other violations of this subchapter shall subject the offender to a civil penalty in the amount of \$50 which, if not paid within 15 days of the issuance of the citation, may be recovered by the town in a civil action in the nature of a debt.

(D) As of the effective date of this subchapter, alarm users shall be deemed to have zero alarm responses for purposes of ' 96.03.

(Ord. passed 10-8-2001)

