

**AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, DECEMBER 9, 2021, 7:00 PM**

Pre-Organizational Phase of the Meeting

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Public comment period.
4. Consent agenda:
 - (a) Approval of the meeting minutes for the regular city council meeting on November 4, 2021;
 - (b) Approval of the meeting minutes for the special city council meeting on November 18, 2021;
 - (c) Acknowledgement of the receipt from the Asheboro ABC Board of the board's meeting minutes for October 4, 2021;
 - (d) Acknowledgement of the receipt from the Randolph County Board of Elections of the results of the municipal election held on November 2, 2021;
 - (e) Final approval of an ordinance previously considered on November 4 and 18, 2021, to update the Code of Asheboro;
 - (f) Approval of an ordinance to amend the General Fund to account for police department expenditures and activities;
 - (g) Approval of two ordinances to amend the General Fund to account for expenditures and activities related to Downtown Asheboro Inc.;
 - (h) Approval of an ordinance to amend the Water and Sewer Fund to account for personnel changes in the water billing department;

- (i) Approval of the community development division's request to schedule for January 6, 2022, and to advertise, a legislative hearing on the following applications:
 - (i) Request to rezone property located southeast of 801 Hub Morris Road (a portion of Randolph County Parcel Identification Number 7763544550) from R10 and R40 zoning to R10 (CZ) zoning to allow a manufactured/mobile home park; and
 - (ii) Request for text amendments to the zoning and subdivision ordinances related to local planning and development regulation in response to Senate Bill 300/SL 2021-138.
- 5. Finance Director Deborah Reaves will present a request to fund an Asheboro/Randolph Chamber of Commerce economic development initiative:
 - (a) Public hearing on the funding request;
 - (b) Consideration of an ordinance to amend the General Fund; and
 - (c) Consideration of an ordinance to amend the Economic Development Fund.
- 6. City Engineer Michael Leonard, PE and Finance Director Deborah Reaves will request council action on the Zoo City Sportsplex Project:
 - (a) Consideration of Change Order No. 3 in the amount of \$1,132,055.00;
 - (b) Consideration of an ordinance to amend the General Fund; and
 - (c) Consideration of an ordinance to amend the Zoo City Sportsplex Fund.
- 7. City Engineer Michael Leonard, PE will request council action on a grant agreement with the North Carolina Department of Transportation for the Airfield Lighting Rehabilitation Project.

Administration of the Oaths of Office

8. Oath of office for Mayor David H. Smith.
9. Oath of office for Council Member Clark R. Bell.
10. Oath of office for Council Member Kelly L. Heath.
11. Oath of office for Council Member William N. McCaskill.
12. Oath of office for Council Member Walker B. Moffitt.

Organizational Phase of the Meeting

13. Election of Mayor Pro Tempore and administration of the oath of office.
14. Committee appointments:
 - (a) Appointments by Mayor; and
 - (b) Council concurrence with the list of appointments.
15. Consideration of a Resolution Honoring Linda H. Carter for 20 years of service on the City Council.
16. Consideration of a Resolution Honoring Katie L. Snuggs for 6 years of service on the City Council.
17. Mayor Smith and Representative Pat Hurley (NC House 70) will present awards to Ms. Carter and Ms. Snuggs for their service.

Post-Organizational Phase of the Meeting

18. Rebekah McGee, Executive Director of Downtown Asheboro Inc., will present a plan for the proposed Downtown Asheboro Social District as allowed per NCGS 160A-205 and NCGS Chapter 18B.

19. Community Development Director Trevor Nuttall will introduce the following community development items:
 - (a) Case No. RZ-21-14: A legislative hearing on a request to rezone property located at 481 and 539 Veterans Loop Road (identified as a portion of Randolph County Parcel Identification Number 7659370575) from R10 to I2 zoning;
 - (b) Case No. SUB-19-02: Final plat certification for Hillcrest, Phase 2 subdivision; and
 - (c) Consideration of applications submitted for vacancies on the Asheboro Redevelopment Commission.
20. Water Resources Director Michael Rhoney, PE will request approval of an engineering services agreement with the Wooten Company for the City of Asheboro Wastewater Treatment Plant Master Plan Document.
21. Mayor Smith will introduce a proposed ordinance setting the Asheboro City Council's schedule for regular meetings during the 2022 calendar year.
22. Mayor Smith will lead a discussion of upcoming events and items not on the agenda.
23. Adjournment.

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, NOVEMBER 4, 2021
7:00 PM**

This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following elected officials and city management team members present:

David H. Smith) – Mayor Presiding

Clark R. Bell)
Edward J. Burks)
Linda H. Carter)
Jane H. Redding) – Council Members Present
Walker B. Moffitt)
Katie L. Snuggs)
Charles A. Swiers)

Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
John L. Evans, Assistant Community Development Director
Jason A. Hanson, Police Major
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney

1. Call to Order

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Moment of Silent Prayer and Pledge of Allegiance

After a moment of silence was observed in order to allow for private prayer and meditation, Mayor Smith asked everyone to stand and recite the pledge of allegiance.

3. United Way Campaign Update

Assistant Community Development Director John Evans provided an update on the city’s participation in the 2021-2022 United Way Campaign. A total of 132 city employees actively participated and just under \$38,000.00 was pledged.

No formal action was requested of the council, and none was taken.

4. Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association

Mayor Smith recognized Finance Director Deborah Reaves for her vital role in the city’s receipt of the above-described certificate of achievement.

No formal action was requested of the council, and none was taken.

5. Public Comment Period

When Mayor Smith opened the floor for public comments, Mr. James Armstrong was the only person who asked to speak. Mr. Armstrong commented on his concerns about public safety and quality of life issues in Asheboro.

When no other comments were offered, Mayor Smith closed the public comment period. No formal action was taken by the council.

6. Consent Agenda

Council Member Burks moved, and Council Member Bell seconded the motion, to approve/adopt the consent agenda as presented. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

Consequently, the following items were approved/adopted without modification.

(a) City Council Meeting Minutes for October 7, 2021

The meeting minutes for the city council's regular meeting on October 7, 2021, were approved and have been filed in the city clerk's office. An electronic copy of the approved document has been posted on the city's website.

(b) Asheboro ABC Board Meeting Minutes for August 30, 2021, including Audited Financial Statements for FY 2020-2021

The council acknowledged the receipt of the Asheboro ABC Board's approved meeting minutes for August 30, 2021, including the board's FY 2020-2021 audited financial statements. These documents have been filed in the city clerk's office and distributed to the city's elected officials.

(c) Audit Contract Amendment

The council approved an audit contract amendment in order to move the completion date for the audit of the city's accounts from October 31, 2021, to December 31, 2021. A copy of the executed audit contract amendment is on file in the city clerk's office.

(d) Scheduling of a Legislative Hearing for December 9, 2021, on a Zoning Map Amendment Application

The council approved a request from the community development division to schedule for December 9, 2021, and to advertise, a legislative hearing on an application to rezone property at 481 and 539 Veterans Loop Road (a portion of Randolph County Parcel Identification Number 7659370575) from R10 to I2 zoning.

(e) Resolution Declaring the Official Intent of the City of Asheboro to Purchase Municipal Vehicles and Equipment and to Reimburse the General Fund with Installment Financing Proceeds

With the approval/adoption of the consent agenda items, the following resolution was adopted by reference.

RESOLUTION NUMBER 25 RES 11-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF ASHEBORO TO PURCHASE MUNICIPAL VEHICLES AND EQUIPMENT AND TO REIMBURSE THE GENERAL FUND WITH INSTALLMENT FINANCING PROCEEDS

WHEREAS, in order to maintain a satisfactory level of municipal services, the Asheboro City Council has adopted a budget ordinance for fiscal year 2021-2022 that allocates funding for the acquisition of vehicles and equipment deemed essential for maintaining uninterrupted high-quality municipal services; and

WHEREAS, the following vehicles and equipment are to be acquired by city departments that receive their funding from the City of Asheboro General Fund (the "General Fund"):

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1. \$580,000.00 has been budgeted for the environmental services department to acquire three vehicles and pieces of equipment;
2. \$114,000.00 has been budgeted for the facilities maintenance department to acquire three vehicles and pieces of equipment;
3. \$32,000.00 has been budgeted for the fire department to acquire a vehicle;
4. \$29,000.00 has been budgeted for the fleet maintenance department to acquire a vehicle;
5. \$32,000.00 has been budgeted for the operations department to acquire a vehicle;
6. \$394,000.00 has been budgeted for the police department to acquire twelve vehicles and pieces of equipment, inclusive of a trailer that can function as a mobile office workspace;
7. \$105,000.00 has been budgeted for the recreation services department to acquire three vehicles;
8. \$921,000.00 has been budgeted for the street maintenance department to acquire eleven vehicles and pieces of equipment; and

WHEREAS, the total budgeted amount for the purchase of the above-listed vehicles and equipment needed by the listed city departments to deliver essential municipal services is \$2,207,000.00; and

WHEREAS, Section 160A-20 of the North Carolina General Statutes authorizes the city to finance the purchase of personal property by means of installment financing that creates a security interest in the purchased property; and

WHEREAS, in order to provide uninterrupted high-quality municipal services, the above-listed vehicles and equipment will be purchased and placed into service as soon as possible with available funds in the General Fund; and

WHEREAS, the Asheboro City Council has decided that the above-stated expenditures are to be reimbursed to the General Fund during the current fiscal year with proceeds from an installment financing agreement that will create security interests in the above-listed municipal vehicles and equipment acquired by the city during its 2021-2022 fiscal year; and

WHEREAS, more favorable financing terms can be obtained if the city takes the steps necessary to allow the lending institution from which financing is ultimately obtained to exclude the interest paid or payable under an installment financing agreement with the city from the gross income of the lending institution; and

WHEREAS, in accordance with the applicable treasury regulations, one of the steps necessary to avoid jeopardizing the ability of a lender to exclude from its gross income the interest paid or payable under an installment financing agreement is for the city to declare its official intent to reimburse the General Fund for the expenditures used to purchase the needed vehicles and equipment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, consistent with the city's budget ordinance for fiscal year 2021-2022 and with the explicit intent of seeking reimbursement for the expenditures from installment financing proceeds, a maximum of \$2,207,000.00 may be expended from the General Fund for the

acquisition of the above-listed vehicles and equipment prior to the execution of any installment financing agreement; and

BE IT FURTHER RESOLVED that the City Council of the City of Asheboro does hereby formally and explicitly declare the official intent of the City of Asheboro to fully reimburse, with loan proceeds from an installment financing agreement that is to be executed prior to the end of the 2021-2022 fiscal year, any and all expenditures from the General Fund for the purchase during this fiscal year of the vehicles and equipment referenced hereinabove and that are necessary to the provision of essential municipal services; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that this Resolution adopted during the city council's regular meeting in November 2021 supersedes any previously adopted resolution declaring the official intent of the City of Asheboro to fully reimburse, with loan proceeds from an installment financing agreement that is to be executed prior to the end of the 2021-2022 fiscal year, any and all expenditures from the General Fund for the purchase during the current fiscal year of vehicles and equipment needed for the provision of essential municipal services.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of November, 2021.

/s/ David H. Smith
David H. Smith, Mayor

ATTEST:

/s/ Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

(f) Ordinance to Amend the General Fund (FY 2021-2022)

With the approval/adoption of the consent agenda items, the following ordinance was adopted by reference in order to account for the expense associated with roof repairs at the Asheboro Regional Airport.

35 ORD 11-21

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2021-2022**

WHEREAS, the two original roofs at the NC Aviation Museum have been leaking in multiple areas, and;

WHEREAS, the City of Asheboro received three bids for repair pm September 28, 2021 and the lowest responsive bid was for \$85,590 with McCrae Roofing in Asheboro NC, and;

WHEREAS, the City of Asheboro desires amend the 2021-2022 budget to incorporate this expense and to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Allocation	\$85,600

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-650-1500	Building Maintenance and repair	\$85,600

Adopted this the 4th day of November 2021.

/s/ David H. Smith
David H. Smith, Mayor

ATTEST:

/s/ Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

7. Legislative Hearings

(a) Zoning Map Amendment (Case No. RZ-21-13): Application to Apply B2 Zoning to Parcels of Land Identified by Randolph County Parcel Identification Nos. 7761837268, 7761837067, and 7761827912

Mayor Smith opened the legislative hearing on the zoning map amendment application filed on behalf of the property owner by an agent, H.R. Gallimore, (collectively, the “Applicant”) to place approximately 1.93 acres of land into a B2 General Commercial zoning district. The 1.93 acres, more or less, of land is currently zoned R10 Medium-Density Residential and R40 Low-Density Residential.

This land (hereinafter referred to as the “Zoning Lot”) is located at 1819 United States Highway 64 East and 1801 United States Highway 64 East (a portion) and is more specifically identified by Randolph County Parcel Identification Numbers 7761837268, 7761837067, and 7761827912.

The listed owners for the Zoning Lot are Phillip M. Ragsdale and Delbert G. Ragsdale Jr. The owner of the real property signed the zoning map amendment application in order to demonstrate consent to the placement of the Zoning Lot in the requested B2 zoning district.

Legal notices of this hearing were published on October 22 and 29, 2021. The prescribed legal notices were mailed on October 18, 2021.

Community Development Director Trevor Nuttall utilized a slide show to present the planning staff’s analysis of the application. During his presentation, Mr. Nuttall noted the following:

1. The Zoning Lot is located beyond the city limits, but the lot is located within the city’s extraterritorial planning jurisdiction.
2. United States Highway 64 East is considered a state-maintained boulevard, which is classified as a type of major thoroughfare.
3. The requested B2 district is described by the zoning ordinance as “intended to serve the convenience goods, shoppers’ goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets.” The request would allow any use allowed by right in the B2 zoning district.
4. The area, including properties adjacent to the Zoning Lot, have seen a transition to primarily commercial uses.
5. The western portion of the Zoning Lot is subject to an access easement (Ragsdale Road).

6. Along with other zoning requirements (including but not limited to paving of required parking, landscaping, etc.), new commercial construction requiring a building permit and located on a street with curb and gutter generally requires the owner or developer to construct a sidewalk along the property's public street frontage.

Mr. Nuttall noted that, when evaluating a rezoning application, careful consideration must be given to each goal and policy as outlined in the Land Development Plan.

Proposed Land Use Map Designation: Commercial

Small Area Plan: East

Growth Strategy Map Designation: Economic Development

LDP Goals/Policies Supporting the Request:

Checklist Item 1: Rezoning is compliant with the LDP Proposed Land Use Map.

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the zoning ordinance. (*Article 200, Section 210, Schedule of Statements of Intent*)

Checklist Item 7: The proposed rezoning is compatible with the applicable Small Area Plan.

Checklist Items 12-14: The property is located outside of the watershed area, Special Hazard Flood Area, or an area with steep slopes (>20%).

LDP Goals/Policies Which Do Not Support the Request:

2.1.5: The city will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial / commercial and low-intensity residential uses.

The City of Asheboro Planning Board considered the rezoning application and recommended placement of the Zoning Lot into the requested B2 General Commercial zoning district. In making this recommendation, the planning board concurred with the planning staff's consistency statement, which provided as follows:

The request is consistent with the Land Development Plan Proposed Land Use map's designation of the property for commercial use. The map also recommends commercial use for adjoining properties.

The East Small Area plan advocates for the expansion of commercial uses on US 64 East, which have been occurring for several decades, and properties on both sides of the subject property are zoned B2 and have commercial activities occurring.

Also, the designation of the property on the growth strategy map as part of an "economic development area" supports the B2 rezoning.

Although ideally a transitional land use separates a heavier commercial and lighter residential use, the residentially zoned property adjacent to the property is vacant and requirement for buffers or screening between these uses and the presence of

other commercial and industrial uses in the area help mitigate compatibility concerns.

Given these factors, staff believes that the proposed zoning map amendment is reasonable and in the public interest.

In light of the above-stated analysis, the planning department staff recommended approval of the map amendment application.

With the conclusion of Mr. Nuttall's presentation of the planning staff's analysis, Mayor Smith asked if there was anyone else who would like to address the council on the question of the requested rezoning. The only request to speak was on behalf of the Applicant.

Mr. H. R Gallimore offered comments in support of the application and was willing to answer any questions. When no other comments were offered, Mayor Smith transitioned to the deliberative phase of the process.

At the conclusion of the deliberations, the governing board members concurred with the analysis received from the planning staff and the planning board. With a combined motion that acted on the zoning map amendment application and adopted a consistency statement as well as a statement of reasonableness, Council Member Bell moved, and Council Member Carter seconded the motion, to ordain that the requested B2 General Commercial zoning district was approved and to adopt the following combined consistency and reasonableness statements:

1. The requested zoning map amendment is consistent with the Land Development Plan because the requested B2 zoning district is consistent with the proposed land use map, is compliant with the objectives of the growth strategy map, is compatible with the applicable small area plan, and the Zoning Lot is located outside of the watershed area, the Special Flood Hazard Area, and does not have steep slopes (> 20%); and
2. The proposed zoning map amendment is reasonable and in the public interest. As noted above, commercial land uses have been expanding on United States Highway 64 East for decades. There are properties on both sides of the Zoning Lot with B2 zoning and have commercial activities occurring. The residentially zoned property adjacent to the Zoning Lot is vacant. Buffering and screening requirements between residential and commercial uses as well as the presence of other commercial and industrial land uses in the area help mitigate compatibility concerns.

When Mayor Smith asked for a vote on the above-stated combined motion, Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes. Consequently, the zoning map amendment ordinance requested by the Applicant to apply B2 zoning to the Zoning Lot was approved by the city council for the above-stated reasons.

A copy of the slide show utilized by Mr. Nuttall is on file in the city clerk's office.

(b) Implementation of Session Law 2021-138 (Senate Bill 300)

On September 2, 2021, Governor Cooper signed into law a wide ranging criminal justice reform legislation. This legislation is found in Session Law 2021-138 (Senate Bill 300).

Part XIII of Session law 2021-138 removes the current presumption that all local ordinances may be enforced criminally. Effective December 1, 2021, local ordinances may be enforced criminally only if the unit of local government specifies within the ordinance that a violation of the ordinance is punishable as a misdemeanor or infraction.

Furthermore, the enacted legislation provides that certain types of ordinances cannot impose criminal penalties. With the exception of unsafe buildings, planning and

regulation of development ordinances adopted under Chapter 160D of the North Carolina General Statutes cannot impose criminal penalties.

Due to the fact that the city's current planning and regulation of development ordinances do impose criminal penalties, these ordinances must be amended in order to come into compliance with Session Law 2021-138. Before amending any ordinance or development regulation authorized by Chapter 160D, the city council must hold a legislative hearing.

Notice of the legislative hearing must be published in accordance with Section 160D-601(a) of the North Carolina General Statutes. In compliance with this statutory requirement, notice of the legislative hearing was published on October 22 and 29, 2021, in *The Courier-Tribune*.

Prior to the city attorney discussing the police power provisions of the Code of Asheboro that will be amended in advance of December the 1st, Community Development Director Trevor Nuttall presented an overview of the planning and regulation of development sections in the Code of Asheboro that must be amended. Mr. Nuttall's presentation was provided during the portion of the meeting designated for the legislative hearing on the question of the decriminalization of ordinances adopted under Chapter 160D.

Within the Code of Asheboro, the planning and regulation of development ordinances adopted under Chapter 160D of the North Carolina General Statutes are found in the following chapters:

- Chapter 10 (General Provisions);
- Chapter 34 (Departments, Boards, and Commissions);
- Chapter 94 (Fair Housing);
- Chapter 95 (Fire Prevention);
- Chapter 150 (Buildings);
- Chapter 151 (Housing Code);
- Chapter 152 (Nonresidential Building Maintenance Code);
- Chapter 153 (Subdivisions); and
- Chapter 154 (Zoning).

Additionally, Mr. Nuttall noted that, within the above-listed chapters, certain ordinance amendments are proposed to align city ordinance references to other recent changes in state law that were not specific to Session Law 2021-138.

The Land Development Plan generally supports keeping regulations related to land use periodically updated. In consideration of this factor and in order to comply with state law, the planning staff provided a favorable recommendation for proceeding with the proposed amendments to the Code of Asheboro.

Mr. Nuttall reported that, on November 1, 2021, the City of Asheboro Planning Board considered the proposed text amendments to the planning and regulation of development ordinances in the Code of Asheboro. During the meeting on November 1st, the planning board concluded that the proposed amendments are consistent with the city's adopted comprehensive plan.

No one other than Mr. Nuttall asked to be recognized during the legislative hearing. With no one else wishing to be heard, Mayor Smith transitioned to the deliberative phase and asked for council action.

The council members expressed their concurrence with the recommendations offered by the planning staff and the planning board. Council Member Moffitt moved, and Council Member Bell seconded the motion, to approve the proposed text amendments by adopting a statement confirming that the proposal is consistent with the adopted comprehensive plan and its support for periodically updating the city's planning and regulation of development ordinances.

Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

Due to conflicting obligations, City Attorney Jeff Sugg was unable to present the recommended amendments to certain police power ordinances when Mr. Nuttall discussed the planning and regulation of development ordinances during the legislative hearing. However, Mr. Sugg did present certain police power provisions for initial approval at the time Mayor Smith discussed items not on the agenda. Due to the fact that this discussion and council action are tightly connected to the city's compliance with Session Law 2021-138, the action taken near the closure of the regular meeting has been brought forward for discussion in this section of the meeting minutes.

The proposed amendments to existing provisions within the Code of Asheboro are as follows:

§ 10.99 GENERAL PENALTY

(A) ~~Wherever in this code or in any ordinance of the city or in any rule or regulation of any officer or agency of the city, under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code, ordinance, rule or regulation the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance, rule or regulation shall be punished as provided in G.S. § 14-4 for each separate violation. Each day any violation of this code or of any ordinance, rule or regulation shall continue shall constitute a separate offense, except as may be otherwise specifically provided.~~

(B) ~~If any person shall violate an ordinance of the city regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50.~~

(A) Where no specific penalty is otherwise provided, any act constituting a violation of the provisions within this code of ordinances or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$100 for each day the violation continues. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of debt.

(B) In addition to the provisions of division (A) above, any provision of this code or other ordinance of the city may be enforced by any one or more of the remedies authorized by G.S. § 160A-175.

**§ 130.01 REGULATION OF USE OF FIREARMS OR ANY DEVICE
DESIGNED OR USED TO PROJECT PELLETS, ARROWS, OR
OTHER PROJECTILES**

(A) Subject to the exceptions listed in division (B), it is unlawful for a person to discharge any pistol, rifle, gun, or other type of firearm within the city or within the boundary lines of any city-owned property that is located beyond the city limits.

(B) The prohibition listed above in division (A) does not apply to the following situations:

- (1) The discharge of a firearm at a shooting gallery or range that is operating in compliance with the Asheboro Zoning Ordinance.
- (2) The discharge of a firearm by a sworn law enforcement officer.
- (3) The discharge of a firearm by a person in self-defense, in the lawful defense of others, in the lawful defense of property, pursuant to lawful directions of law enforcement officers, and/or pursuant to a duty established by federal, state, or local statute or ordinance, specifically including by way of illustration and

not limitation the discharge of a firearm by a duly appointed animal control officer or his or her designee.

- (4) Upon receipt of written permission from the Chief of Police or his or her designee, blank cartridges may be discharged during historical reenactments, military or similar displays, or during theatrical, athletic, or like performances. Such written permission from the Chief of Police or his or her designee cannot be granted unless and until the applicant establishes that the proposed activity for which the use of blank cartridges is requested will occur with the consent of the property owner and in compliance with the city's noise ordinance and zoning ordinance.
- (5) A person 21 years of age or older may use an exploding device or similar scare device for the purpose of dispersing birds, fowl, or other wildlife on the condition that the device does not have the capacity to physically harm such bird, fowl, or other wildlife and on the additional condition that the use of the device conforms with all federal and state laws as well as the regulations adopted by the North Carolina Wildlife Resources Commission. The person utilizing such a device shall exercise due care in the use of the device so as not to cause injury to persons or damage to another person's property. Prior to the utilization of such a device, the person using the device shall notify his or her adjacent property owners (or lessees) and the Asheboro Police Department of the intended use of such a device, including the location, the date, and the approximate time of day of such use. Such a device shall not be used between the hours of 11:00 p.m. and 8:00 a.m. on any day of the week.
- (6) The use of a firearm for hunting ducks and dark geese (includes Canada geese and white-fronted geese) is permitted at Lake Reese when such hunting is undertaken in compliance with Chapter 91 of the Code of Asheboro.
- (C) Subject to the exceptions listed in division (D), it is unlawful for a person to shoot or project any arrow, shot, pellet, stone, rock, or other hard substance by means of a bow, air rifle, pellet gun, paintball gun, popgun, slingshot, bean shooter, or other similar type of device or contrivance within the city or within the boundary lines of any city-owned property that is located beyond the city limits.
- (D) The prohibition listed above in division (C) is subject to the following exceptions:
 - (1) Archery is permitted at an archery range that is operating in compliance with the Asheboro Zoning Ordinance.
 - (2) The discharge of air rifles, pellet guns, paintball guns, and similar devices is permitted at shooting galleries or ranges that are operating in compliance with the Asheboro Zoning Ordinance.
 - (3) Activities undertaken by a person in self-defense, in the lawful defense of others, in the lawful defense of property, pursuant to lawful directions of law enforcement officers, and/or pursuant to a duty established by federal, state, or local statute or ordinance, specifically including by way of illustration and not limitation the use of a device that would otherwise fall within the scope of division (C) by a duly appointed animal control officer or his or her designee.

(E) A violation of this section is punishable as a misdemeanor.

§ 130.03 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN CERTAIN LOCATIONS

- (A) *Consumption of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume a malt beverage or unfortified wine on any public street, sidewalk, or alley in the city; or on any other property owned, occupied, or controlled by the city.

- (B) *Possession of open containers of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess open container(s) of malt beverages and unfortified wines on any public street, sidewalk, or alley in the city; or on any other property owned, occupied, or controlled by the city. For the purposes of this section, an **OPEN CONTAINER** means a container whose seal has been broken or a container other than the manufacturer's unopened original container.
- (C) *Possession of malt beverages and unfortified wines on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.* It shall be unlawful for any person to possess any malt beverage or unfortified wine on any public street, alley, or parking lot which has been temporarily closed to regular traffic for a special event.
- (D) *Possession and consumption of fortified wine, spirituous liquor, and mixed beverages.* The possession or consumption of fortified wine, spirituous liquor, or mixed beverages is hereby prohibited on property owned or leased by the city.
- (E) *Exceptions.* Notwithstanding the prohibitions prescribed by the above-listed divisions of this section, the following acts shall not be deemed to be unlawful.
 - (1) The possession or consumption of alcoholic beverages by either a sworn law enforcement officer acting in the performance of his or her official duties or a person acting under the immediate and direct supervision of a sworn law enforcement officer discharging his or her official duties.
 - (2) The possession or consumption of malt beverages at McCrary Park as part of collegiate or professional baseball events hosted by legal entities with whom the City of Asheboro has entered into a lease agreement for the use of McCrary Park; provided, however, any such malt beverages found within McCrary Park must have been obtained in accordance with a sale/distribution plan developed and implemented by the hosting of legal entity in compliance with all applicable laws and administrative regulations.
 - (3) The possession or consumption of unfortified wine and malt beverages on the premises of the Sunset Theatre and Bicentennial Park facilities, including without limitation the Rotary Pavilion. The possession or consumption of unfortified wine and malt beverages on these premises will be lawful only if such possession or consumption is conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation the regulations adopted by the city for these facilities that are part of the municipal cultural and recreation services system, inclusive of any and all sale/distribution plans specified by the City of Asheboro Cultural and Recreation Services Policy Manual.
 - (4) The possession of unfortified wine on the premises of the Downtown Farmers' Market facility. The possession of unfortified wine on these premises will be lawful only if such possession occurs as part of the retail sale by an approved Downtown Farmers' Market vendor of unfortified wine for off-premise consumption. The retail sale of unfortified wine shall be conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation the regulations prescribed for the Downtown Farmers' Market in the City of Asheboro Cultural and Recreation Services Policy Manual.
 - (5) The possession or consumption of unfortified wine and malt beverages on the premises leased to the nonprofit North Carolina Aviation Museum and Hall of Fame, Incorporated (these premises are shown as Hangar G and Hangar L on Schedule C of the Asheboro Regional Airport) during events conducted by the nonprofit corporation. The sale or service of wine and malt beverages must be conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation any laws and regulations pertaining to either alcoholic beverage control or the operation of the airport by the Asheboro Airport Authority.

- (F) ~~*Penalties.* Any person who violates the prohibitions prescribed by divisions (A), (B), and (C) above shall be guilty of a misdemeanor in accordance with G.S. § 14-4. A violation of this section is punishable as a misdemeanor.~~
-

§ 130.05 AGGRESSIVE SOLICITATION PROHIBITED

- (A) *Definitions.* For purposes of this section:

- (1) ***AGGRESSIVE MANNER.*** Includes:
 - (a) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;
 - (b) Following the person being solicited, if that conduct is: intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
 - (c) Continuing to solicit within five feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or, is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
 - (d) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's Constitutional right to picket or legally protest, and acts authorized by a permit issued pursuant to Chapter 97 of the Code of Asheboro shall not constitute obstruction of pedestrian or vehicular traffic;
 - (e) Intentionally or recklessly using obscene or abusive language or gestures: intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or, words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or
 - (f) Approaching the person being solicited in a manner that: is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or, is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.
- (2) ***AUTOMATED TELLER MACHINE.*** A device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.
- (3) ***AUTOMATED TELLER MACHINE FACILITY.*** The area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.
- (4) ***PUBLIC AREA.*** An area to which the public or a substantial group of persons has access and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets

open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

- (5) **SOLICIT.** To request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.
- (B) *Prohibited acts.* It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:
 - (1) In an aggressive manner in a public area;
 - (2) Within 15 feet of any entrance or exit of any bank or within 15 feet of any automated teller machine during the hours of operation of such bank or automated teller machine without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility; or
 - (3) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property.

(C) ~~Penalty. If any person shall violate this section, he or she shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500 in accordance with G.S. § 14-4.~~

(C) A violation of this section is punishable as a misdemeanor.

- (D) *Construction and severability.*
 - (1) Severability is intended throughout and within the provisions of the section. If any sentence, clause, or phrase of this section is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this section.
 - (2) This section is not intended to ~~prescribe~~ proscribe any demand for payment for services rendered or goods delivered.
 - (3) This section is not intended to create a result through enforcement that is absurd, impossible or unreasonable. The section should be held inapplicable in any such cases where its application would be unconstitutional under the Constitution of the State of North Carolina or the Constitution of the United States of America.

§ 130.06 PUBLIC URINATION AND DEFECATION PROHIBITED

(A) Except in designated water closets or toilet facilities, it shall be unlawful for any person to urinate or defecate on any public place, sidewalk, street, alleyway or right-of-way, or in any public building, or on private property. Having the permission of the owner or person in lawful possession of the real property shall constitute an affirmative defense to the charge of urinating or defecating on private property. Any person who violates this section shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.

(B) A violation of this section is punishable as a misdemeanor.

§ 130.99 **PENALTY**

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Council Member Bell moved, and Council Member Burks seconded the motion, to approve the first reading of the above-stated ordinance amendments relating to police power provisions within the Code of Asheboro. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

8. McCrary Baseball Park Renovation Project

(a) Design Services Contract with CPL Architects and Engineers, PC

City Engineer Michael Leonard, PE, reported that the Request for Qualifications (RFQ) process was advertised in connection with the need for an architectural and engineering firm for the McCrary Baseball Park Renovation Project. Responses were received by October 21, 2021.

After evaluating the responses, the engineering department recommended the award of the design services contract for the project to CPL Architects and Engineers, PC. The design services contract negotiated with the firm was provided to the council and has been filed in the city clerk's office.

Council Member Bell moved, and Council Member Swiers seconded the motion, to award the recommended contract to CPL Architects and Engineers, PC. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

(b) Selection of Rogers Builders, Inc. as the Construction Manager at Risk

City Engineer Michael Leonard, PE reported that the Request for Qualifications (RFQ) process was advertised for selecting a Construction Manager at Risk (CMR) for the McCrary Ballpark Renovation Project. Responses were received by October 18, 2021.

After evaluating the responses, the engineering department selected Rodgers Builders, Inc. as the first choice for the project. The firm has completed multiple ballpark projects, including BB&T Ballpark (Charlotte Knights Stadium).

Mr. Leonard reported that city staff will negotiate a contract with Rogers Builders, Inc. for the entire project (all phases). When a contract is ready for award, the contract will be brought to the city council for approval.

At this time, no action was requested of the council, and none was taken.

9. Engineering Services at the Asheboro Regional Airport

City Engineer Michael Leonard, PE reported that, after conducting a Request for Qualifications (RFQ) process, W.K. Dickson & Company, Inc. had been selected, with the concurrence and recommendation of the Asheboro Airport Authority, as the first choice to provide engineering services for improvements at the Asheboro Regional Airport for the next five years.

With this selection, the engineering department and the airport authority recommended the award of a negotiated contract to the above-listed engineering firm. A copy of the recommended contract has been filed with the city's engineering department.

Based on the recommendation of city staff and the airport authority, Council Member Moffitt moved, and Council Member Burks seconded the motion, to award the

recommended design services contract to W.K. Dickson & Company, Inc. to provide engineering services for improvements at the Asheboro Regional Airport for the next five years. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

10. Crosswalk Improvements in the Downtown Area

City Engineer Michael Leonard, PE utilized a slide show presentation in order to update the council on the proposed downtown area crosswalk improvements. These improvements are part of the city's placemaking project. During his presentation, Mr. Leonard presented an example of elephant foot prints for the sidewalk located at the Worth Street and Cox Street Intersection near the Randolph County Public Library.

This presentation was provided for informational purposes. No formal action was asked of the council during this portion of the meeting, and none was taken.

11. Special City Council Meeting on Thursday, November 18, 2021

Mayor Smith announced that a special meeting of the city council will be held on November 18, 2021 at 7:00 pm for the purpose of receiving additional engineering study information on the proposed Newbern Avenue storm sewer improvements.

No formal action was taken by the council during this portion of the meeting.

12. Schedule for Regular City Council Meetings during 2022

Mayor Smith led a discussion of the council's regular meeting schedule for the 2022 calendar year. Due to the Independence Day holiday, the July meeting will be scheduled for July 14, 2022. No other scheduling changes were proposed.

An ordinance setting the schedule for regular meetings during the 2022 calendar year will be presented for adoption during the City Council's next regular meeting on December 9, 2021.

13. Upcoming events and items not on the agenda

An action item that was not on the agenda was the temporary closure of certain portions of streets in downtown Asheboro for the Veterans Day parade. The parade route will start at a staging area on Church Street near Wainman Avenue and proceed north on Church Street; then east on Sunset Avenue to Fayetteville Street; north on Fayetteville Street to Worth Street; and then east on Worth Street to the area in close proximity to the new courthouse.

In order to accommodate the needs of the parade organizers, the public works division needs authority to temporarily close the portions of streets in downtown Asheboro needed for the above-described parade route between 3:00 p.m. and 6:00 p.m. on November 11, 2021. In response to this request, Council Member Burks moved, and Council Member Bell seconded the motion, to approve the requested temporary street closure.

Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

Mayor Smith then led a discussion of upcoming events within the city government and the community in general. No formal action was taken during this discussion.

There being no further business, the meeting was adjourned at 8:20 pm.

**SPECIAL MEETING NOTICE
CITY COUNCIL OF THE CITY OF ASHEBORO**

MEETING DATE: THURSDAY, NOVEMBER 18, 2021

MEETING TIME: 7:00 P.M.

LOCATION: COUNCIL CHAMBER ON THE 2ND FLOOR OF
ASHEBORO CITY HALL,
146 NORTH CHURCH STREET,
ASHEBORO, NORTH CAROLINA 27203

At 7:00 p.m. on Thursday, November 18, 2021, the Asheboro City Council will convene for a special meeting in the council chamber located on the 2nd floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203. The following agenda items will be considered and acted upon:

1. A request for the temporary closure of the normal traffic flow patterns on certain streets in downtown Asheboro in support of activities, including a drive-through parade, planned for the holiday season;
2. A report on engineering studies completed in connection with a potential Newbern Avenue storm sewer improvements project; and
3. In addition to ordinances to amend the General Fund and the Economic Development Fund, an ordinance to amend the Code of Asheboro to properly reflect current, controlling legislative and regulatory enactments, specifically including Session Law 2021-138 (Senate Bill 300) and Chapter 160D of the North Carolina General Statutes.

The above-listed agenda items will be considered in open session. Public attendance at the meeting is welcomed.

This special meeting notice was issued on the 12th day of November, 2021.

/s/ David H. Smith
David H. Smith, Mayor

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**SPECIAL MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY NOVEMBER 18, 2021
7:00 P.M.**

This being the time and place for a special meeting of the Asheboro City Council, a meeting was held with the following elected officials and city management team members present:

David H. Smith	) – Mayor Presiding
Clark R. Bell	)
Edward J. Burks	)
Linda H. Carter	)
Walker B. Moffitt	) – Council Members Present
Jane H. Redding	)
Katie L. Snuggs	)
Charles A. Swiers	)
John N. Ogburn, III, City Manager	
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal	
Jeffrey C. Sugg, City Attorney	
Deborah P. Reaves, Finance Director	

1. Call to Order

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Temporary Street Closures of downtown for holiday events

Mr. Ogburn utilized a slide show presentation to indicate the requested temporary street closure, as requested by the Asheboro/Randolph Chamber of Commerce, for a “drive-thru style” Christmas Parade and the Christmas on Sunset event on December 3, 2021, from 7:00 – 9:00 p.m. The Christmas Parade and Christmas on Sunset will be a combined event this year. The “drive-thru style” parade is a reverse parade where the floats will be stationary. (In case of inclement weather, the reverse parade will be held on December 10, 2021).

The route for the reverse parade will start at Academy and Church Street and travel north to Sunset Avenue. The route will then travel East on Sunset Avenue to Bicentennial Park, through the park and back to Academy Street. Vehicles must keep moving throughout the route, and multiple trips through will be allowed as time and traffic permits.

Council Member Bell moved, and Council Member Carter seconded the motion, to approve the requested temporary street closure, including the potential rain date. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers all voted in favor of the motion. There were no dissenting votes.

A copy of the presentation is on file in the city clerk’s office.

3. Newbern Avenue Storm Sewer Study

At the regular city council meeting on July 15, 2021, Mr. John Grey, PE discussed a study conducted by the Wooten Company as part of the city’s inquiry to concerns about flooding in the Newbern Avenue and Karla Drive area. Since that meeting, the Wooten Company has prepared and completed additional engineering examinations.

Mr. Grey used a slide show presentation during the current meeting to provide an update on additional engineering examinations that have been completed. Between the homes at 840 Newbern Avenue and 862 Newbern Avenue, the peak water elevation associated with a 100-year storm is 691.25 feet. The finished floor elevation for the basement at 840 Avenue is 687.3 feet, and the elevation for the basement at 862 Newbern Avenue is 688.55 feet.

The modifications studied by the engineering firm would reduce, during a 100-year storm, the peak water elevation between 840 Newbern Avenue and 862 Newbern Avenue by approximately five feet to 686.7 feet. In order to implement the modifications that produced this result, according to the opinion of probable project cost prepared by the engineering firm, a project cost of approximately \$684,221.25 could be anticipated.

No action was requested of the council at this time, and none was taken.

4. Funding Request from the Asheboro/Randolph Chamber of Commerce

In response to a request from the Asheboro/Randolph Chamber of Commerce (the “Chamber”), the city is contemplating a proposed one-time economic development appropriation to the Chamber. The proposed one-time appropriation of \$50,000.00 is in addition to the \$25,000.00 appropriated to the Chamber in the annual budget ordinance for fiscal year 2021-2022, which was adopted on June 22, 2021.

The proposed \$50,000.00 appropriation is not for property-related activities or business location incentives. The proposed appropriation is for enhanced programming to support entrepreneurs and new businesses in Asheboro. The planned

programming includes measurable strategies such as the establishment of a mentor network to work with new business owners in Asheboro, one-on-one coaching to assist Asheboro entrepreneurs, and classes/workshops to share solutions that can be used to address difficulties encountered by new businesses.

Finance Director Deborah Reaves asked for the consent of the governing board to schedule and advertise a public hearing on the question of the requested appropriation. Mayor Smith and the council members expressed their general consensus that the appropriation should be considered and a public hearing held on the question of the requested economic development funding.

The public hearing will be held during the council's next regular meeting, which will begin at 7:00 p.m. on Thursday, December 9, 2021, in the council chamber on the second floor of Asheboro City Hall. At the public hearing, oral and written comments will be received from individuals who wish to be heard on the proposed appropriation.

No other action on this subject matter was requested of the council at this time, and none was taken.

5. Legal Services Items

City Attorney Jeff Sugg discussed a comprehensive ordinance that was first reviewed and voted upon, in part, during the council's regular meeting on November 4, 2021. This ordinance is designed to update the Code of Asheboro to conform to recent enactments by the General Assembly of North Carolina.

Council Member Bell moved, and Council Member Burks seconded the motion, to approve the following ordinance that is designed to implement a comprehensive update of the Code of Asheboro. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers all voted aye. There were no dissenting votes.

The ordinance will be on the consent agenda for the regular city council meeting on December 9, 2021 for final approval.

ORDINANCE NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE AMENDING THE CODE OF ASHEBORO TO CONFORM WITH
CURRENT LEGISLATIVE AND ADMINISTRATIVE ENACTMENTS,
SPECIFICALLY INCLUDING CHAPTER 160D OF THE GENERAL STATUTES OF
NORTH CAROLINA AND SESSION LAW 2021-138 (SENATE BILL 300)**

WHEREAS, Chapter 160D of the General Statutes of North Carolina has consolidated city and county enabling statutes pertaining to planning and development regulations into a single, unified chapter; and

WHEREAS, the General Assembly of North Carolina has enacted Session Law 2021-138 (Senate Bill 300), which in Part XIII, effective December 1, 2021, provides that a violation of a city ordinance may be a misdemeanor as provided by Section 14-4 of the General Statutes of North Carolina only if the city specifies within the ordinance that such a violation is a misdemeanor (hereinafter references to sections of the General Statutes of North Carolina such as Section 14-4 will be cited as follows: G.S. § 14-4); and

WHEREAS, prior to December 1, 2021, state law provided that the violation of a city ordinance was a misdemeanor unless the city council provided otherwise; and

WHEREAS, the Asheboro City Council intends for certain ordinance violations to continue to be punishable as misdemeanors; and

WHEREAS, the Asheboro City Council has concluded that it is advisable to adopt this Ordinance in order to amend the Code of Asheboro and achieve conformance with the applicable legislative and administrative enactments.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. Section 10.21 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 10.21 EXTRATERRITORIAL JURISDICTION OF THE CITY

All of the powers for the planning and regulation of development authorized by G.S. Art. 19, Ch. 160A, for municipalities Chapter 160D of the General Statutes of North Carolina shall be exercised by the city within the extraterritorial planning jurisdiction area shown on the map (a total of seven sheets) dated September 12, 2012, prepared under City of Asheboro Engineering Department Job No. 12030, and entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area."

Section 2. Section 10.99 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 10.99 GENERAL PENALTY

(A) Wherever in this code or in any ordinance of the city or in any rule or regulation of any officer or agency of the city, under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code, ordinance, rule or regulation the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance, rule or regulation shall be punished as provided in G.S. § 14-4 for each separate violation. Each day any violation of this code or of any ordinance, rule or regulation shall continue shall constitute a separate offense, except as may be otherwise specifically provided.

(B) If any person shall violate an ordinance of the city regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50.

(A) Where no specific penalty is otherwise provided, any act constituting a violation of the provisions within this code of ordinances or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$100 for each day the violation continues. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of debt.

(B) In addition to the provisions of division (A) above, any provision of this code or other ordinance of the city may be enforced by any one or more of the remedies authorized by G.S. § 160A-175.

Section 3. Section 34.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 34.01 CREATED

Pursuant to Part 7 of Article 19 of Chapter 160A Chapter 160D of the General Statutes of North Carolina, there is hereby created a Community Appearance Commission of the city, to perform the functions and duties herein prescribed.

Section 4. Section 34.51 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 34.51 CREATION; COMPOSITION AND MEMBERSHIP

- (A) Pursuant to Article 19 of Chapter 160A Chapter 160D of the General Statutes of North Carolina, there is hereby created a Planning Board, which shall consist of seven members, five of whom shall be residents of the city and two of whom shall be residents of the extraterritorial area shown on the map entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area" and recorded in the Office of the Randolph County Register of Deeds in Plat Book 135, Pages 28-34.
- (B) All members of the Planning Board shall have equal rights, privileges, and duties with the other members in all matters, wherever they might arise of the board to which they are appointed, regardless of whether the matters at issue arise within the city or within the extraterritorial area.
- (C) The Planning Board may exercise the powers granted by this Code and other ordinances and by G.S. Ch. 160A, Art. 19, Chapter 160D of the General Statutes of North Carolina within the city and within the extraterritorial area shown on the map entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area" and recorded in the Office of the Randolph County Register of Deeds in Plat Book 135, Pages 28-34.

Section 5. Section 34.54 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 34.54 POWERS AND DUTIES

- (A) The Planning Board shall have the powers and discharge the duties provided by law for Planning Boards established under the provisions of G.S. Ch. 160A, Art. 19 Chapter 160D of the General Statutes of North Carolina.
- (B) It shall be the duty of the Planning Board, in general:
 - (1) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends and present conditions appertaining to matters which must be considered in planning the development of the area, and forces at work to cause changes in these conditions;
 - (2) To prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area;
 - (3) To establish principles and policies for guiding action in the development of the area;
 - (4) To prepare and recommend to the City Council ordinances promoting orderly development along the lines indicated in the comprehensive plan;
 - (5) To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area;
 - (6) To make any studies and plans necessary as part of an urban renewal program within the area;
 - (7) To keep the City Council and the general public informed and advised as to these matters;
 - (8) To perform any other duties which may lawfully be assigned to it.
- (C) As background for its comprehensive plan and any ordinances it may prepare, the Planning Board may gather maps and aerial photographs of man-made and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the community, land use, and such other information as is important or likely to be important in determining

the amount, direction and kind of development to be expected in the area and its various parts.

Section 6. Section 34.56 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 34.56 ZONING

The Planning Board shall, in addition to its other powers and duties, have the powers and perform the duties of a City Planning Board with respect to city zoning, as provided in G.S. Ch. 160A, Art. 19, Chapter 160D of the General Statutes of North Carolina and in Chapter 154 of this Code.

Section 7. Section 50.003 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.003 PERMIT REQUIRED TO CONNECT TO WATER OR SEWER SYSTEM; APPLICATION

(A) It shall be unlawful for any person to cause a connection to be made to any city water main or city sewer of any type without a permit to do so issued by the Water and Sewer Department. Each application for a permit for any such connection shall be made by the owner of the premises to be served by such connection, or his duly authorized agent, to the Water and Sewer Department upon blanks furnished by the department, and upon the payment of the required tapping fees. A written permit shall be issued for the connection.

(B) A violation of this section is punishable as a misdemeanor.

Section 8. Section 50.019 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.019 TURNING ON WATER WHEN SHUT OFF BY CITY PROHIBITED

(A) It shall be unlawful for any person, except an officer or agent of the Water and Sewer Department, to turn on the water to any premises from which the water has been shut off by order of the Water and Sewer Department.

(B) A violation of this section is punishable as a misdemeanor.

Section 9. Section 50.020 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.020 PERSONS NOT ENTITLED TO SERVICE

(A) It shall be unlawful for any consumer of water from the city water system to supply water to any person whose supply has been cut off by the Water and Sewer Department for nonpayment of the water bill or for any other violation of this chapter or other provision of this Code, or for the consumer to permit any such person to take water from the fixtures on the consumer's premises.

(B) It shall be unlawful for any person not entitled to be supplied with water from the City Water System to take water from any fixture thereof.

(C) A violation of this section is punishable as a misdemeanor.

Section 10. Section 50.023 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.023 METER BY-PASS REGULATED

(A) It shall be unlawful for any person to have a "by-pass" around any water meter, without a written permit therefor from the Water and Sewer Department; and it shall be unlawful for any person lawfully having a "by-pass" to open or use it except when permitted to do so by the Water and Sewer Department. Each day such "by-pass" is unlawfully used shall constitute a separate violation of this section.

(B) A violation of this section is punishable as a misdemeanor.

Section 11. Section 50.024 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.024 USE OF FIRE HYDRANTS

(A) It shall be unlawful for any person to open, turn on, or use water from any fire hydrant connected to the City of Asheboro water distribution system, or to attach any hose, pipe, or any other type of apparatus to such a fire hydrant, without a written revocable permit issued by the Water Resources Director or his or her designee; provided, that this prohibition shall not apply to employees of the City of Asheboro qualified to use fire hydrants in the course of performing their official duties. Portable meters for connection to fire hydrants may be furnished by the city after a permit application and security deposit have been submitted to the Water Resources Director or his or her designee. The permit holder shall be responsible for any damage to the hydrant, portable meter, connections, or any other component of the city's water distribution system. Such damages will be billed to the permit holder. Subject to the following exception, all charges for water consumption shall be billed to the permit holder in accordance with the adopted rate schedule. Contractors performing work for the city and contractors blowing off newly constructed water lines will not be billed for the water used for these particular tasks. While a hydrant is in use, no wrench shall be used on the hydrant other than an approved hydrant wrench.

(B) A violation of this section is punishable as a misdemeanor.

Section 12. Section 50.026 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.026 TRESPASS UPON PREMISES USED IN PROVIDING CITY WATER

(A) It shall be unlawful to enter upon, walk, ride, bathe, swim, boat, skate, hunt, fish or trespass in any manner whatsoever upon any portion of any pond or reservoir or any land or building owned, leased or controlled by the city for the purpose of providing water, whether such property is located within or without the city limits, unless such activity is approved by the Parks and Recreation Services Department.

(B) A violation of this section is punishable as a misdemeanor.

Section 13. Section 50.039 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.039 TAPPING TO SERVICE CONNECTION; INSTALLATION OF METER

(A) It shall be unlawful for any person other than an employee of the Water and Sewer Department to connect any premises with the city water system. When a service connection has been made between the water main and curb and the owner of the premises desires that his premises be connected with such service connection he shall make application to the Water and Sewer Department for the installation of a water meter. Upon the payment of the prescribed fee such meter will be installed and connection made by the city.

(B) A violation of this section is punishable as a misdemeanor.

Section 14. Section 50.076 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.076 TAMPERING WITH SYSTEM

(A) It shall be unlawful for any person to remove, damage, tamper or interfere with any sewer pipe belonging to the city or to remove, break, tamper with or injure any portion of any manhole, flush tank or any part of the city sewerage system or any installation thereunto appertaining.

(B) A violation of this section is punishable as a misdemeanor.

Section 15. Section 50.077 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.077 INJURIOUS SUBSTANCES PROHIBITED

(A) No exhaust steam or other injurious products, liquids or substances shall be allowed to enter any sanitary sewer. In addition to any other penalty provided for the violation of this section, the City Council may prevent or discontinue any connection with a sanitary sewer which discharges any liquid or substance liable to injure the sewer, sewerage disposal plant or equipment or obstruct the flow of sewage.

(B) A violation of this section is punishable as a misdemeanor.

Section 16. Section 50.102 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.102 PROHIBITED CONNECTIONS

(A) It shall be unlawful for any person to directly or indirectly connect or permit the connection of any open gutter, cesspool, privy, vault, or rain water conductor to any sanitary sewer.

(B) A violation of this section is punishable as a misdemeanor.

Section 17. Section 50.199 of the Code of Asheboro is hereby enacted to provide as follows:

§ 50.199 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 18. Section 51.06 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 51.06 TRANSPORTATION OF SOLID WASTE INTO CITY FOR COLLECTION PROHIBITED

(A) It shall be unlawful for any person to haul, carry, or in any other manner transport solid waste into the city from outside the city for the purpose of leaving or depositing such solid waste for collection by city forces. A violation of this division is punishable as a misdemeanor.

(B) For the purpose of interpreting and applying this section, the term **SOLID WASTE**, in addition to including any materials that are collected by the city's Environmental Services Department and regulated elsewhere in this chapter, is defined as any hazardous or nonhazardous garbage, refuse, sludge, and any other material that has served its original intended use and has been discarded.

- (C) If nonhazardous solid waste transported into the city in violation of this section is left for collection by or with the acquiescence of an otherwise lawful customer of the city's Environmental Services Department, and such solid waste would be subject to collection but for the fact it was transported into the city in violation of this section, the otherwise lawful customer who placed or acquiesced in the placement of such solid waste for collection shall be billed for the collection of the illegally placed solid waste in the same manner and to the same extent as customers billed for improperly placed waste material under the provisions of § 51.22(A)(5) and § 51.22(E) of this chapter. If the illegally placed solid waste can be collected without the use of a knuckle boom truck, the charge for the collection services will be based on the amount of solid waste actually collected and how many scoops would have been required to remove such a quantity of solid waste if a knuckle boom truck had been used.
- (D) Notwithstanding any other provision in this section, recyclable materials transported to a recycling collection point/facility and solid waste transported to the city's transfer station are permitted so long as such materials are delivered and unloaded in accordance with all applicable laws and regulations, specifically including without limitation the regulations governing the operations of the recycling center(s) and/or the city's transfer station.

Section 19. Section 51.07 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 51.07 OFFENSIVE MATERIALS NOT TO BE BROUGHT INTO OR BURIED IN CITY

(A) It shall be unlawful to fill any land with, or dump upon any vacant lot within the city, garbage, dead animals, decaying vegetable matter or any offensive material; nor shall any of the aforementioned offensive materials be buried within the city.

(B) A violation of this section is punishable as a misdemeanor.

Section 20. Section 51.21 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 51.21 INTERFERENCE WITH SOLID WASTE/ RECYCLABLES CONTAINERS PROHIBITED

- (A) It shall be unlawful for anyone other than the person who initially placed the solid waste/recyclables for collection to open, move, or otherwise disturb a solid waste/recyclables container that has been placed for collection adjacent to a street or sidewalk in compliance with the regulations prescribed by this chapter.
- (B) It shall be unlawful for anyone other than the person who initially placed the solid waste/recyclables for collection to open a plastic bag placed inside a solid waste/recyclables container or to remove or otherwise disturb in any manner the contents of the solid waste/ recyclables container after the container has been placed for collection adjacent to a street or sidewalk in compliance with the regulations prescribed by this chapter.
- (C) Notwithstanding divisions (A) and (B) of this section, the prohibition against opening, moving, removing, or otherwise disturbing a solid waste/ recyclables container, or its contents, after placement for collection is inapplicable to the following individuals and entities:
 - (1) Employees or contractors of the United States of America, the State of North Carolina, or the City of Asheboro when such employees or contractors are operating within the scope of their employment or contractual responsibilities.
 - (2) Any and all individuals who belong to the same household as the person who initially placed the solid waste/recyclables container adjacent to the street or sidewalk for collection.

(D) A violation of this section is punishable as a misdemeanor.

Section 21. Section 51.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 51.99 PENALTY

Any violation of a division or section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 22. Section 70.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.15 OBEDIENCE REQUIRED; EXCEPTIONS

(A) The driver of any vehicle shall obey the instructions of any applicable official traffic control device unless otherwise directed by a police officer, subject to the exemptions granted by this title to the driver of an authorized emergency vehicle; provided, that no provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being placed to give notice thereof.

(B) A violation of this section is punishable as an infraction.

Section 23. Section 70.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.16 PREVIOUSLY INSTALLED DEVICES

(A) All traffic and parking control devices, signals, signs and markings heretofore placed, erected or installed by authority of the City Council and which are in place on the effective date of this code shall be deemed to be official traffic control devices until such time as they may be removed by authority of the City Council pursuant to this chapter, and until they are so removed it shall be unlawful for any person to fail to comply with any instruction or directive indicated by any such official traffic control device.

(B) A violation of this section is punishable as an infraction.

Section 24. Section 70.17 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.17 TURNING INDICATORS

(A) Whenever authorized signs are placed, erected, or installed indicating that no right, left or "U" turn is permitted, no driver of a vehicle shall disobey the directions of any such sign; and when authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles traversing or turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(B) A violation of this section is punishable as an infraction.

Section 25. Section 70.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.18 NO-PARKING AND SAFETY ZONE INDICATORS

(A) Whenever authorized signs or markings are placed, erected or installed indicating no-parking zones or safety zones, no driver of a vehicle shall disobey the directions contained in or given by such signs or markings.

(B) A violation of this section is punishable as an infraction.

Section 26. Section 70.19 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.19 LIMITED PURPOSE PARKING INDICATORS

- (A) Whenever authorized signs or markings are placed, erected or installed indicating zones in which parking or standing is limited to specified purposes, no driver of a vehicle shall disobey the directions contained in or given by such signs or markings.
- (B) This section shall be applicable to taxicab stands, bus stops, commercial loading spaces, reserved parking spaces and other places authorized by this title to be restricted to certain uses only.

(C) A violation of this section is punishable as an infraction.

Section 27. Section 70.20 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.20 LIMITED PARKING TIME INDICATORS

- (A) Whenever authorized signs or markings are placed, erected or installed indicating parking zones in which parking time is limited, no driver of a vehicle shall disobey the directions contained in or given by such signs or markings.

(B) A violation of this section is punishable as an infraction.

Section 28. Section 70.21 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.21 ONE-WAY STREET SIGNS

- (A) Whenever authorized signs are placed, erected or installed indicating that traffic shall proceed only in a certain direction, no driver of a vehicle shall disobey the directions contained in or given by such signs.

(B) A violation of this section is punishable as an infraction.

Section 29. Section 70.22 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.22 STOP AND YIELD SIGNS

- (A) Whenever authorized stop signs are placed, erected or installed indicating that vehicles shall be brought to a stop before proceeding into an intersection, no driver of a vehicle shall disobey the directions contained in or given by such signs, nor shall he proceed into any such intersection until he has first determined that no conflict with traffic will be involved.
- (B) Whenever authorized yield or yield right of way signs are placed, erected or installed indicating that no vehicle shall enter an intersection without first yielding the right of way to other vehicles approaching from any direction, no driver of a vehicle shall disobey the directions contained in or given by such signs, nor shall he proceed into any such intersection until he has first determined that no conflict with traffic will be involved.

(C) A violation of this section is punishable as an infraction.

Section 30. Section 70.23 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.23 SIGNS INDICATING VEHICLES OF CERTAIN TYPES OR WEIGHT PROHIBITED

(A) Whenever authorized signs are placed, erected or installed indicating that vehicles of certain types or in excess of certain weights are prohibited on certain streets or portions of certain streets, no driver of a vehicle shall disobey the prohibitions of any such sign.

(B) A violation of this section is punishable as an infraction.

Section 31. Section 70.24 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.24 SPEED LIMIT SIGNS

(A) Whenever authorized signs are placed, erected or installed indicating speed limits, no driver of a vehicle shall disobey the directions contained in or given by such signs.

(B) A violation of this section is punishable as an infraction.

Section 32. Section 70.25 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.25 ZONES OF QUIET

(A) Whenever authorized signs are placed, erected or installed indicating a zone of quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency, nor shall he permit a radio to emit sound that can be heard above the sound of traffic within such zone, or make any unnecessary noise.

(B) A violation of this section is punishable as an infraction.

Section 33. Section 70.26 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.26 PLAY STREETS

(A) Whenever authorized signs are placed, erected or installed indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof, except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

(B) A violation of this section is punishable as an infraction.

Section 34. Section 70.27 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.27 SCHOOL ZONES

(A) Whenever authorized signs are placed, erected or installed indicating any street or part thereof as a school zone, all drivers of motor vehicles using such street or part thereof shall exercise the greatest care in driving for the protection of children.

(B) A violation of this section is punishable as an infraction.

Section 35. Section 70.40 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.40 THROUGH STREETS; DUTY TO STOP

- (A) Those streets and parts of streets described in schedule 6 of § 72.02 are hereby declared to be through streets for the purpose of this chapter.
- (B) When authorized stop signs are placed, erected or installed upon highways intersecting a through street at the entrance thereto, or at the entrance to any intersection, every driver of a vehicle shall stop and shall not proceed into or across the through street until he has first determined that no conflict with traffic will be involved.
- (C) Failure to stop before entering a through street, except in accordance with a traffic stop light signal at an intersection where such light is in operation, is prohibited.

(D) A violation of this section is punishable as an infraction.

Section 36. Section 70.41 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.41 DUTY OF DRIVERS AT STOP INTERSECTIONS

(A) Those intersections described in schedule 7 of § 72.02 are hereby declared to be stop intersections, when entered from streets first named; and when authorized stop signs are placed, erected or installed at such intersections, every driver of a vehicle shall stop, in obedience to such signs, before entering the intersection and shall not proceed into or across the through street until he has first determined that no conflict with traffic will be involved.

(B) A violation of this section is punishable as an infraction.

Section 37. Section 70.42 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.42 INTERSECTIONS AND CROSSWALKS

(A) No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(B) A violation of this section is punishable as an infraction.

Section 38. Section 70.43 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.43 OPERATION ON ONE-WAY STREETS

(A) Upon those streets and parts of streets described in schedule 8 of § 72.02, vehicular traffic shall move only in the indicated direction when authorized signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(B) A violation of this section is punishable as an infraction.

Section 39. Section 70.44 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.44 DRIVING THROUGH FUNERAL PROCESSIONS

(A) No vehicle shall be driven through a funeral procession, except authorized emergency vehicles when responding to calls.

(B) A violation of this section is punishable as an infraction.

Section 40. Section 70.45 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.45 LEFT TURNS

(A) In making left turns at the street intersections described in schedule 9 of § 72.02, all traffic shall travel to the left of the center of such intersections as may be indicated by authorized buttons, markers or other directing signs.

(B) A violation of this section shall be punishable as an infraction.

Section 41. Section 70.46 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.46 INTERSECTIONS AT WHICH LEFT AND RIGHT TURNS PROHIBITED

(A) No vehicle shall make a left turn at any street intersection described in schedule 10 of § 72.02.

(B) No vehicle shall make a right turn at any street intersection described in schedule 11 of § 72.02.

(C) A violation of this section is punishable as an infraction.

Section 42. Section 70.47 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.47 INTERSECTIONS AT WHICH U-TURN PROHIBITED

~~No driver shall turn any vehicle so as to proceed in the opposite direction except at a street intersection; and no vehicle shall make a U-turn even at street intersections:~~

~~(A) Within the business district;~~

~~(B) Where an official traffic control device is in operation, unless such device indicates that U-turns are permissible;~~

~~(C) In the streets or portions of streets described in schedule 12 of § 72.02.~~

(A) No driver shall turn any vehicle so as to proceed in the opposite direction except at a street intersection; and no vehicle shall make a U-turn even at street intersections:

(1) Within the business district;

(2) Where an official traffic control device is in operation, unless such device indicates that U-turns are permissible;

(3) In the streets or portions of streets described in schedule 12 of § 72.02.

(B) A violation of this section is punishable as an infraction.

Section 43. Section 70.48 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.48 LIMITATIONS ON BACKING

(A) The driver of a vehicle shall not back it into any intersection or over a crosswalk, and shall not in any event or at any place, back a vehicle unless such movement can be made in safety and he shall have given ample warning to those who may be behind, by hand, horn or other signal.

(B) A violation of this section is punishable as an infraction.

Section 44. Section 70.49 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.49 EMERGING FROM ALLEY, DRIVEWAY OR BUILDING

(A) The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk areas extending across any alleyway, and upon entering the roadway shall yield the right of way to all vehicles approaching on the roadway.

(B) A violation of this section is punishable as a misdemeanor.

Section 45. Section 70.50 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 70.50 COMPLIANCE WITH TRAFFIC CONTROL
DEVICES REQUIRED**

(A) Failure to observe any official traffic control device or signal or any authorized traffic control sign or marker, and failure to comply with the directions thereof, shall be unlawful.

(B) A violation of this section is punishable as an infraction.

Section 46. Section 70.51 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 70.51 OPERATION OF VEHICLES ON SIDEWALKS, PARKS, OR
OTHER CITY PROPERTY**

(A) It shall be unlawful for any person to operate any motor vehicle, as defined by G.S. § 20-4.01(23), including "mini-bikes", on any sidewalk, in parks, or other property owned or under the control of the city; provided, that nothing herein shall prohibit the operation of a registered motor vehicle on the public streets or highways in the city in accordance with the laws of the state, or upon property set aside for the use of motor vehicles; provided, however, that nothing herein shall prohibit the operation of a motor vehicle across sidewalks at a driveway to obtain ingress or egress to any lot or parcel of land served by such driveway.

(B) A violation of this section is punishable as an infraction.

Section 47. Section 70.52 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.52 OPERATION OF BICYCLES AND MOTORCYCLES

(A) The operator of a motorcycle or bicycle when upon a street shall not carry any person upon the handlebar, frame, or tank of any such vehicle, nor shall any person so ride upon any such vehicle.

(B) No person shall ride a bicycle or motorcycle on any street without having both hands upon the handlebars.

(C) A violation of this section is punishable as an infraction.

Section 48. Section 70.53 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.53 USE OF PLAY VEHICLES RESTRICTED

- (A) It shall be unlawful for any person riding on a skateboard, roller skates, coaster, toy vehicle or similar device to ride any of such devices on the premises of the municipal buildings, on any of the facilities or structures located in Bicentennial Park, on any municipal parking facility, or to ride any such devices on any sidewalk or street located in the central business district of the city, as designated on the City Zoning Map as a B-3 District.
- (B) It shall be unlawful for any person riding on a skateboard, roller skate or any other toy vehicle to ride on a roadway except while crossing a street at a crosswalk or intersection; provided, that this section shall not apply upon streets set aside as play streets.
- (C) It shall be unlawful for any person to ride on a skateboard, roller skates, or any other toy vehicle on private property when signs are placed, erected, or installed giving notice that skateboarding, roller skating or riding any other toy vehicle is regulated, prohibited, or prohibited during certain hours, in that space or area.

(D) A violation of this section is punishable as an infraction.

Section 49. Section 70.54 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.54 CLINGING TO VEHICLES PROHIBITED

(A) Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates or any toy vehicle shall not attach the same or himself to any public conveyance or moving vehicle upon any roadway.

(B) A violation of this section is punishable as an infraction.

Section 50. Section 70.55 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 70.55 RIDING IN SPACE NOT INTENDED FOR
PASSENGERS PROHIBITED**

(A) No person shall ride on any public conveyance or other vehicle or any portion thereof not designed or intended for the use of passengers. This provision 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) A violation of this section is punishable as an infraction.

Section 51. Section 70.56 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.56 MANNER OF RIDING IN VEHICLES REGULATED

(A) No person when riding 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 by law required, and no person shall hang on to any vehicle from the outside.

(B) A violation of this section is punishable as an infraction.

Section 52. Section 70.57 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.57 UNAUTHORIZED RIDERS

(A) No person shall enter, jump on or ride in any vehicle without the consent of the owner or driver.

(B) A violation of this section is punishable as an infraction.

Section 53. Section 70.58 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.58 BOARDING OR LEAVING VEHICLE WHILE IN MOTION PROHIBITED

(A) No person shall board or alight from any public conveyance or other vehicle while such conveyance or vehicle is in motion.

(B) A violation of this section is punishable as an infraction.

Section 54. Section 70.59 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.59 AVOIDANCE

(A) It shall be unlawful to drive across a sidewalk or through other property for the purpose of avoiding an official traffic-control device.

(B) A violation of this section is punishable as an infraction.

Section 55. Section 70.61 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.61 GOLF CARTS

(A) Unless the context requires otherwise, the definitions found in G.S. § 20-4.01 apply throughout this section. As specified in G.S. § 20-4.01(12a), a golf cart is a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour. The definition of golf cart is republished here for convenience only, and the definition set out in the North Carolina General Statutes, as amended from time to time, is controlling for all purposes.

(B) The operation of golf carts on designated public streets, roads, and highways within the corporate limits of the City of Asheboro in compliance with the provisions of this section is permitted; however, it shall be unlawful to operate any golf cart at any place or in any manner that is not authorized herein. Notwithstanding the immediately preceding sentence, the operation of golf carts is not subject to the provisions of this section under the following circumstances:

- (1) The operation of golf carts at golf courses, private clubs, or on private property with the consent of the owner of the property;
- (2) The operation of golf carts within gated or limited access communities unless the streets of the community are dedicated for public use and maintained by the city;
- (3) The use of golf carts by city personnel for official business on property owned or leased by the city; and
- (4) The operation of golf carts in connection with a properly permitted parade or a street festival/special event so long as the person or entity in charge of the parade or event consents to the use of the golf cart, the golf cart is only used during the parade or event, and the public street, road, or highway upon which the golf cart is operated has been closed by order of the proper governmental authorities.

(C) Golf carts may be operated on the following streets so long as such use of the public streets is conducted in full compliance with the provisions of this section:

- (1) Deer Ridge Road.
 - (2) Grey Rabbit Run.
 - (3) Stable Brook Road.
 - (4) Stone Bridge Road.
 - (5) Fox Ridge Road.
 - (6) High Meadow Drive.
 - (7) Tot Hill Trail.
 - (8) Johns Ridge Drive.
 - (9) Maple Hill Court.
 - (10) Stonewall Court.
- (D) No person who is less than 16 years of age may operate a golf cart on any public street, road, or highway within the city. Additionally, it is unlawful for a person to operate a golf cart on any public street, road, or highway within the city without having in his or her possession a valid driver's license issued in accordance with the laws of North Carolina or another state.
- (E) No golf cart may be operated on any public street, road, or highway within the city unless the golf cart has been registered with the City of Asheboro Police Department. The registration shall be renewed thereafter in accordance with the provisions of this section. Upon successful completion of the registration process, a biennial permit shall be issued to the owner of the registered golf cart by the Asheboro Chief of Police or his or her designee, and this sticker shall be attached to the rear fender of the registered golf cart in a manner that will render the sticker readily observable to the occupant of a motor vehicle approaching the rear of the golf cart. At a minimum, this registration sticker shall display the registration number assigned to the golf cart and the sticker's expiration date. The type and format of registration sticker to be utilized on golf carts shall be developed and approved by the Asheboro Chief of Police. For purposes of administrative efficiency, the Chief of Police is hereby authorized to establish standardized pre-printed expiration dates for the registration stickers so long as each registration sticker is valid, as measured from the date of the physical issuance of the sticker, for a minimum duration of 24 calendar months.
- (F) An application to initially register or renew the registration of a golf cart shall be submitted on a form developed and approved by the Asheboro Chief of Police. At a minimum, the approved form shall obtain the owner's name, street address, mailing address, a contact number, and the make, model, and identification or serial number of the golf cart to be registered. Additionally, with the submission of the approved form, an applicant shall acknowledge the city's disclaimer of liability and notification of assumption of risk by the applicant for accidents involving the registered golf cart.
- (G) Prior to issuing the initial registration permit or any renewal thereof, a registration fee of \$25 per golf cart shall be collected by the police department, and the golf cart shall be inspected by the Chief of Police or his or her designee to ensure compliance with the following standards:
- (1) The golf cart is equipped with a rear vision mirror and at least two red reflectors that are at least three inches in height and width on the rear of the golf cart;
 - (2) The golf cart is equipped with a reflective "slow moving vehicle" sign on the rear of the golf cart that conforms to generally accepted highway safety standards in North Carolina;

- (3) The brakes provided by the manufacturer of the golf cart are in proper working order;
 - (4) The golf cart has all of the standard safety features provided by the manufacturer and has not been modified to exceed a speed of 20 miles per hour nor otherwise modified in any way that creates a hazard; and
 - (5) The golf cart is equipped with any other mechanical systems and safety equipment required for compliance with the provisions found in this section.
- (H) The registration of a golf cart may be denied or subsequently revoked by the Asheboro Chief of Police or his or her designee if it is determined that:
 - (1) The submitted application contains any material misrepresentation;
 - (2) The golf cart is not in compliance with one or more of the requirements prescribed by this section;
 - (3) The golf cart has been altered or customized and no longer meets the definition of a "golf cart;" or
 - (4) Equipment installed by the manufacturer, specifically including without limitation safety equipment and the vehicle identification or serial number, has been removed from the golf cart.
- (I) It is unlawful to operate a golf cart on a public street designated for golf carts in any manner that fails to comply with the following requirements:
 - (1) Only the number of people the golf cart was designed to seat may ride on the golf cart at any single point in time. By way of illustration and not limitation, passengers shall not be transported on the part of a golf cart designed to carry golf bags.
 - (2) A golf cart must not be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than 20 miles per hour.
 - (3) No golf cart may be operated in a careless and reckless manner.
 - (4) Golf carts must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.
 - (5) Golf carts are permitted to operate on public streets only during daylight hours unless the cart is equipped with at least one operating headlight that has, at a minimum, a 55 watt halogen, or equal, bulb on the front of the golf cart and two operating tail lights on either side of the rear of the golf cart. If the lighting specified in the immediately preceding sentence is installed and operational, such a golf cart may operate for one hour before sunrise and one hour past sunset.
 - (6) Golf carts must be operated in accordance with all applicable state and local laws and ordinances, including without limitation all laws, regulations, and ordinances pertaining to the possession and use of alcoholic beverages.
- (J) Notwithstanding any other provision in this section, golf carts that are operated on public streets for the limited purposes of (1) crossing the streets listed in division (C) at designated crossing points marked with signage installed by the city and/or (2) utilizing Tot Hill Trail in furtherance of golfing activities are exempt from the requirements prescribed by divisions (E), (F), (G), and (H).
- (K) All-terrain vehicles, 4-wheel utility vehicles, and other similar utility vehicles that are not manufactured for operation on a golf course as well as golf carts that have been

modified so as to no longer conform with the prescribed definition of "golf cart" may not be registered under this section, and these types of vehicles are not permitted to operate on the public roads, streets, and highways within the city unless such vehicles are otherwise registered with and allowed under the motor vehicle laws of the State of North Carolina.

- (L) Golf carts are neither designed for nor manufactured to be used on public streets, and the City of Asheboro neither advocates nor endorses the golf cart as a safe means of travel on public streets, roads, and highways. Any person who operates or rides upon a golf cart on a public street, road, or highway within the city, or encourages others to use a golf cart owned by the individual for such purposes and activities, does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

(M) A violation of this section is punishable as an infraction.

Section 56. Section 70.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 70.99 **PENALTY**

Any violation of a section of this chapter that is specifically designated as an infraction shall be punishable as provided in G.S. § 14-4.

Section 57. Section 71.02 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.02 **STOPPING, STANDING, AND PARKING PROHIBITED
FOR CERTAIN PURPOSES**

~~No person shall stop, stand or park a vehicle upon any street for the principal purpose of:~~

~~(A) Displaying it for sale;~~

~~(B) Washing, greasing or repairing, except repairs necessitated by an emergency;~~

~~(C) The storing thereof by garages, dealers or any individuals such storage is not incident to the bona fide use and operation of such vehicle.~~

~~(D) Storage of any detached trailer or van when the towing unit has been disconnected, or for the purpose of transferring merchandise or freight from one vehicle to another.~~

~~(E) Advertising.~~

~~(F) Violation of this section is punishable as provided for in section 14-4 of the General Statutes of North Carolina for each separate violation. Each day any violation of this section shall continue shall constitute a separate offense. This section may be also enforced by any appropriate, equitable action.~~

~~(G) Any act constituting a violation of this section shall also subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of a debt.~~

(A) No person shall stop, stand, or park a vehicle upon any street for the principal purpose of:

(1) Displaying it for sale;

(2) Washing, greasing, or repairing, except repairs necessitated by an emergency;

- (3) The storing thereof by garages, dealers, or any individuals such storage is not incident to the bona fide use and operation of such vehicle;
- (4) Storage of any detached trailer or van when the towing unit has been disconnected, or for the purpose of transferring merchandise or freight from one vehicle to another; or
- (5) Advertising.
- (B) Each separate violation of this section is punishable as an infraction. Each day any violation of this section shall continue shall constitute a separate offense. This section may be also enforced by any appropriate, equitable action.
- (C) Any act constituting a violation of this section shall also subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of a debt.

Section 58. Section 71.03 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 71.03 STOPPING, STANDING, AND PARKING PROHIBITED
AT CERTAIN LOCATIONS**

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the following places:

- (A) On a sidewalk.
- (B) Within an intersection.
- (C) On a crosswalk.
- (D) Within 30 feet of any flashing beacon, stop sign or traffic control signal located at the side of a street or roadway.
- (E) Underpass approaches. No vehicle shall park on either side of any street approaching a railroad underpass or overhead bridge or within 50 feet in any direction of the outer edge of such underpass or overhead bridge.
- (F) Grade crossing approaches. No vehicle shall park on either side of any street approaching a grade crossing within 50 feet of the closest rail; provided, that where existing permanent structures are located along the street and closer than 50 feet, parking may be permitted in front of such structures, unless otherwise prohibited, if such parking does not interfere with the view in either direction of an approaching locomotive or train.
- (G) Beside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (H) Upon any bridge or other elevated structure or within any underpass structure.
- (I) Within 15 feet in either direction of the entrance to a hotel, theatre, hospital, sanatorium or any public building.
- (J) On the roadway side of any vehicle standing or parked at the edge or curb of a street.
- (A) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the following places.
 - (1) On a sidewalk.

- (2) Within an intersection.
 - (3) On a crosswalk.
 - (4) Within 30 feet of any flashing beacon, stop sign, or traffic control signal located at the side of a street or roadway.
 - (5) Underpass approaches. No vehicle shall park on either side of any street approaching a railroad underpass or overhead bridge or within 50 feet in any direction of the outer edge of such underpass or overhead bridge.
 - (6) Grade crossing approaches. No vehicle shall park on either side of any street approaching a grade crossing within 50 feet of the closest rail; provided, that where existing permanent structures are located along the street and closer than 50 feet, parking may be permitted in front of such structures, unless otherwise prohibited, if such parking does not interfere with the view in either direction of an approaching locomotive or train.
 - (7) Beside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
 - (8) Upon any bridge or other elevated structure or within any underpass structure.
 - (9) Within 15 feet in either direction of the entrance to a hotel, theatre, hospital, sanatorium, or any public building.
 - (10) On the roadway side of any vehicle standing or parked at the edge or curb of a street.
- (B) A violation of this section is punishable as an infraction.

Section 59. Section 71.04 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.04 GENERAL PARKING REGULATIONS AND PROHIBITIONS

- (A) General requirements. When parking a vehicle on a public street or highway within the city, every vehicle shall be parked parallel to the curb and with both front and rear wheels not more than 12 inches from the curb except where the street is marked for diagonal or angle parking. Parking space lines shall be observed so that the vehicle shall neither extend beyond the space marked for parking nor occupy, in whole or in part, more than one parking space. Except as noted in division (D) below, parking contrary to these general requirements is unlawful.
- (B) Definitions. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARK OR PARKING. The standing of a vehicle, whether occupied or not, in any manner other than temporarily stopping for the purposes of avoiding conflict with other traffic, complying with the direction of a law enforcement officer or traffic control sign or signal, or while actually engaged in loading or unloading.

STANDING. Any stopping of a vehicle, whether occupied or not.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

- (C) Specific prohibitions for purposes of clarification and not limitation.
- (1) Parking within ten feet of a fire hydrant is prohibited.

- (2) Parking within a nonparking space is prohibited.
 - (3) Diagonal parking with rear to curb is prohibited. This regulation shall not apply to vehicles while actually being loaded or unloaded; provided, that no unnecessary time for the loading or unloading shall be taken and traffic is not obstructed thereby. If the vehicle be horse-drawn, the horse or horses shall stand parallel to the curb and face the direction of traffic.
 - (4) Parking to the left within the business district is prohibited, except upon one-way streets, in which case vehicles shall be parked headed in the direction of traffic.
 - (5) Double parking is prohibited; that is to say, it is unlawful to park alongside another vehicle that is already parked parallel to the curb and thereby cause an obstruction.
 - (6) The parking of a vehicle in the travel lane(s) of a public street or highway is expressly prohibited when such an action impedes the efforts of city forces and/or North Carolina Department of Transportation personnel to clear public streets and highways of snow, ice, or any other form of frozen precipitation. The parking of a vehicle in violation of this prohibition is unlawful and subjects the offending vehicle to removal and storage. The registered owner of the towed vehicle shall become liable for the removal and storage fees/charges. All of the post-towing procedures prescribed by G.S. Ch. 20, Article 7A apply.
- (D) Exceptions and limitations to the general requirements:
- (1) Those worshipping at the First Presbyterian Church of Asheboro may for Sunday morning services diagonally park their vehicles on Walker Avenue. However, under no circumstances are any vehicles to be diagonally parked after 1:00 p.m. each Sunday.
 - (2) This section shall apply only to vehicles on the streets, highways and other public places of the city, and shall have no application to any vehicle as long as it remains on private premises.

(E) A violation of this section is punishable as an infraction.

Section 60. Section 71.05 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.05 POSTING OF NO PARKING AREAS ON PRIVATE PROPERTY

- (A) Parking in violation of signs prohibited. No person shall stop, leave standing, or park a motor vehicle in the area specified in this section in violation of posted signs, when signs are placed, erected or installed giving notice that stopping, standing or parking is regulated, prohibited, or prohibited during certain hours, in that space or area.
- (B) Locations designated. The following locations are designated as "no parking" spaces: (Area and time of parking restrictions to be described--Schedule 17 of § 72.02).
- (C) Cost of signs. The cost of erecting or installing signs, and the cost of all necessary signs as determine by the Chief of Police shall be paid for by the individual requesting regulations.
- (D) Enforcement. The provisions of this section shall be enforceable in the same manner and in accordance with G.S. § 14-4. A violation of this section is punishable as an infraction.

Section 61. Section 71.06 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.06 PARKING WITHIN MARKED SPACES

(A) On any street which is marked off with lines indicating the parking spaces for vehicles, vehicles shall be parked between such lines.

(B) A violation of this section is punishable as an infraction.

Section 62. Section 71.07 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.07 PARALLEL PARKING; DISTANCE FROM CURB

(A) Where not otherwise indicated in this chapter and where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb and not more than 12 inches therefrom.

(B) A violation of this section is punishable as an infraction.

Section 63. Section 71.08 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.08 PARKING AT LEFT CURBS

(A) No vehicle shall stop with its left side to the curb in the business district, except that on one-way streets vehicles shall stop headed in the direction of traffic.

(B) A violation of this section is punishable as an infraction.

Section 64. Section 71.09 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.09 WHEN STOPPING OF VEHICLES IN STREET PROHIBITED

(A) No vehicle shall stop in any street except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by the approach of an authorized emergency vehicle, by the approach of a funeral or other procession which is given the right of way, by the stopping of a public conveyance or school bus, by the lowering of railway gates, by the giving of traffic signals, the passing of some other vehicle or a pedestrian, or by some emergency; and in any case covered by these exceptions such vehicles shall not stop so as to obstruct any footway, pedestrian aisle, safety zone, crossing or street intersection if stopping can be avoided with safety.

(B) A violation of this section is punishable as an infraction.

Section 65. Section 71.10 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 71.10 STOPPING OR STANDING NOT TO INTERFERE
WITH TRAFFIC**

(A) No person shall stop a vehicle on any street so as to interrupt or interfere with the passage of traffic.

(B) A violation of this section is punishable as an infraction.

Section 66. Section 71.11 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 71.11 INTERFERENCE WITH PEDESTRIAN TRAFFIC
ON SIDEWALKS AND CROSSWALKS**

(A) Obstructing traffic by stopping or standing a vehicle across or on, in whole or in part, any sidewalk or crosswalk for pedestrians is prohibited.

(B) A violation of this section is punishable as an infraction.

Section 67. Section 71.12 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.12 NO PARKING AT ANY TIME; YELLOW CURBS

(A) When authorized signs are placed, erected or installed, giving notice that parking is prohibited at all times, or the curbing has been painted yellow in lieu of such signage, no person shall park a vehicle at any time upon all streets or parts of streets so designated.

(B) A violation of this section is punishable as an infraction.

Section 68. Section 71.13 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.13 COMPLIANCE WITH CHAPTER

(A) It shall be unlawful for any person to do any act prohibited by this chapter, specifically including without limitation parking in violation of the restrictions authorized by § 71.01. For the purposes of determining whether a person has complied with the parking restrictions authorized by § 71.01, the changing of the position of a vehicle from one point directly to another point within the same block shall be deemed one continuous parking period.

(B) A violation of this section is punishable as an infraction.

Section 69. Section 71.16 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 71.16 PARKING SPACES RESERVED FOR BUS STOPS, TAXICAB STANDS
AND OTHER SPECIFIED PURPOSES**

(A) Those streets or parts of streets described in Schedule 5 of § 72.02 shall be reserved as stands for the specific purpose and at the exact location named therein, and no vehicle shall park therein except those for which the space or stand has been designated.

(B) A violation of this section is punishable as an infraction.

Section 70. Section 71.17 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.17 WHERE ANGLE PARKING REQUIRED

(A) Where an angle parking zone has been established on a street or portion of a street and described in Schedule 13 of § 72.02, vehicles shall be parked within the marked spaces at the indicated angle with the curb of either approximately 30°, 45°, 60°, or 90°. The provisions of this section of Chapter 71 shall not be deemed to be applicable to the parking authorized and regulated by § 71.04(a) of this chapter along Walker Avenue for persons attending Sunday morning services at the First Presbyterian Church of Asheboro.

(B) A violation of this section is punishable as an infraction.

Section 71. Section 71.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.18 PARKING WITHIN LOADING ZONES

(A) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of material within any place marked as a loading zone. In no case shall the stop for loading and unloading of materials exceed 20 minutes.

(B) A violation of this section is punishable as an infraction.

Section 72. Section 71.19 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.19 OVERTIME PARKING PROHIBITED

(A) Parking beyond the time limited by any authorized sign placard, erected or installed giving notice thereof is prohibited.

(B) A violation of this section is punishable as an infraction.

Section 73. Section 71.20 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.20 MANNER OF EMERGENCE FROM PARKING PLACES

(A) Cars parked shall move out in the direction in which they are headed, or if they are parked at any angle with the curb they shall back out on that angle until they have cleared the other cars and shall proceed in the direction they are most nearly headed in.

(B) A violation of this section is punishable as an infraction.

Section 74. Section 71.22 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.22 NO PARKING ALLOWED ON CERTAIN DAYS BETWEEN THE HOURS OF 7:00 A.M. AND 4:00 P.M. ALONG A CERTAIN PORTION OF WEST WALKER AVENUE

(A) With the exception of Saturdays, Sundays, and any calendar day when the Asheboro City Schools are not scheduled to be in session for students, no person shall park a vehicle between the hours of 7:00 a.m. and 4:00 p.m. upon any portion of the north side of West Walker Avenue that is situated between a point located 128 feet east from the center of South Park Street and a point located 376 feet east from the center of South Park Street.

(B) With the exception of Saturdays, Sundays, and any calendar day when the Asheboro City Schools are not scheduled to be in session for students, no person shall park a vehicle between the hours of 7:00 a.m. and 4:00 p.m. upon any portion of the south side of West Walker Avenue that is situated between a point located 84 feet east from the center of South Park Street and a point located 686 feet east from the center of South Park Street; provided, however, the preceding prohibition of parking on the south side of West Walker Avenue shall not be deemed applicable to those vehicles engaged exclusively in the immediate and uninterrupted loading and unloading of passengers, materials, and cargo.

(C) For the purpose of this section, the term **VEHICLE** shall be deemed to mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway or street.

- (D) Upon the effective date of this section, the City Manager shall post the portions of West Walker Avenue specified in divisions (A) and (B) of this section with signs that are placed, erected, and/or installed in a manner designed to give notice of the prohibitions of parking specified by this section.

(E) A violation of this section is punishable as an infraction.

Section 75. Section 71.31 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.31 MARKED SPACES

(A) The City Manager is hereby directed to designate and mark off such individual parking spaces as he deems proper along the streets in the congested area for the parking of vehicles. At each place where individual parking spaces are so marked off, each vehicle shall be parked entirely within an individual parking space. When, in the opinion of the City Manager, any individual parking space no longer serves its intended purpose, he or she shall obliterate the markings thereof.

(B) A violation of this section is punishable as an infraction.

Section 76. Section 71.35 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.35 MOVING OF VEHICLE TO EVADE PARKING REQUIREMENTS

(A) No person shall move a vehicle from one parking space directly to another parking space within the same city block to evade parking regulations. The movement of a vehicle from one parking space directly to another parking space within the same block shall be deemed as a continuous parking period.

(B) A violation of this section is punishable as an infraction.

Section 77. Section 71.52 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.52 USE OF MARKED SPACE REQUIRED

(A) No motor vehicle shall be parked within any city parking lot except completely within a space therein marked and designated for the parking of a vehicle.

(B) A violation of this section is punishable as an infraction.

Section 78. Section 71.53 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.53 DAYS AND HOURS REGULATED

(A) With the exception of Saturdays, Sundays, and legal holidays, the regulation of parking within city parking lots shall be effective and enforceable daily between the hours of 7:00 a.m. and 7:00 p.m.

(B) Notwithstanding any other provision in this chapter, and pursuant to G.S. § 160A-302, as modified by Session Law 2012-105, the following supplemental regulations are applicable to the municipal parking lot that is accessed from South Church Street and is part of the Downtown Farmers' Market facility located at 134 South Church Street:

- (1) The parking of motor vehicles, other than city-owned motor vehicles, in the Downtown Farmers' Market facility parking lot for a time period in excess of 24 consecutive hours is prohibited.
- (2) On the days of the week when the Downtown Farmers' Market is in operation (Tuesday, Thursday, and Saturday), it is unlawful for any motor vehicle, other

than city-owned motor vehicles, to be parked in the Downtown Farmers' Market facility parking lot between the hours of 4:30 a.m. and 6:00 a.m. With the exception of city-owned motor vehicles, any and all motor vehicles found in the parking lot of the Downtown Farmers' Market facility between the hours of 4:30 a.m. and 6:00 a.m. may be removed from the parking lot at the direction of a city police officer to a place of storage and the registered owner of the motor vehicle shall become liable for the removal and storage fees/charges.

(3) When a motor vehicle is towed pursuant to § 71.53(B)(2), the person or company that tows the motor vehicle at the request of a city police officer is responsible for collecting any removal/towing and storage fees. All of the post-towing procedures prescribed by G.S. Ch. 20, Art. 7A apply. If a court of competent jurisdiction finds that no probable cause existed for the towing of a motor vehicle, the city shall compensate the tower for the fees/charges that are directly attributable to the Asheboro police officer's direction to tow the motor vehicle from the parking lot.

(4) The parking regulations found in § 71.53(B) shall be prominently displayed at the vehicular entrance to the Downtown Farmers' Market facility parking lot by means of a sign that is no smaller than 24 inches by 24 inches.

(5) For purposes of interpreting this subsection, the definition of "motor vehicle" found in G.S. § 20-4.01 shall be the controlling definition.

(C) A violation of this section is punishable as an infraction.

Section 79. Section 71.54 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.54 VIOLATIONS

(A) It shall be unlawful and a violation of this subchapter for any person to park a motor vehicle in any space within a city parking lot other than in those spaces designated as parking spaces, or to park for a longer period of time within such designated spaces than indicated by any authorized sign placed, erected or installed; and any person violating any of the terms of this subchapter shall be guilty of an offense against this subchapter.

(B) A violation of this section is punishable as an infraction.

Section 80. Section 71.99 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.99 PENALTY

(A) In accordance with G.S. § 14-4, any person who violates an ordinance provision of this chapter regulating the operation or parking of vehicles shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50; Any violation of a section of this chapter that is specifically designated as an infraction shall be punishable as provided in G.S. § 14-4; provided, however, any person found responsible for an infraction pursuant to the prima facie rule of evidence for the enforcement of parking regulations found in G.S. § 20-162.1 shall be subject to a penalty of not more than \$5.

(B) There shall be an established civil penalty in the amount of \$5 for each violation specified in this chapter. This civil penalty may be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within the time period prescribed by this section. When the city receives proper payment of a parking ticket within seven days of the issuance of the ticket, the owner's liability thereunto shall be discharged. If payment is not received within seven days of the issuance of the parking ticket, such ticket shall be considered delinquent and shall be subject to an additional penalty of \$5 plus court costs necessary to insure collection. The parking citation shall have printed upon its face a statement that "payment is due within seven days from the date of issuance; failure to comply

will result in an additional penalty of \$5 and court costs.” Acceptance and payment of the additional penalty by the vehicle’s owner shall be deemed a full and final release of any and all claims or right of action arising out of the parking violation.

(C) The ordinance provisions in this chapter may be enforced by any one, all, or a combination of the remedies authorized by this section.

(D) Each day’s continuing violation of an ordinance provision in this chapter shall be a separate and distinct offense.

Section 81. Section 90.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 90.16 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE

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

(B) A violation of this section is punishable as a Class 3 misdemeanor as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 82. Section 91.06 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.06 INSPECTIONS AND PROHIBITION OF INTERFERENCE WITH ANIMAL CONTROL OFFICERS

(A) Whenever it is necessary to make an inspection to enforce any of the provisions of this chapter, or other applicable law, or whenever an animal control officer has reasonable cause to believe that there exists in any building or upon any premises any violation of this chapter or other applicable law, the animal control officer is empowered to enter and inspect such property at any reasonable time and perform any duty imposed upon them by this chapter or other applicable law, but only if the consent of the occupant or owner of the property is freely given or an administrative search warrant or criminal search warrant is obtained as follows:

(1) If such property is occupied, the animal control officer shall first present credentials to the occupant and request entry, explaining the reasons for the request; or

(2) If such property is unoccupied, the animal control officer shall first make a reasonable effort to locate the owner or other persons having control of the property, present proper credentials, and request entry, explaining the reasons for the request; and

(3) If entry is refused or cannot be obtained because the owner or other person having control or charge of the property cannot be found after due diligence, an animal control officer may obtain an appropriate warrant to conduct a search or inspection of the property or seizure on the property. Notwithstanding any other provision of this chapter, and so long as the animal control officer's actions are consistent with federal and state constitutional and statutory protections afforded to persons and their property, an animal control officer shall have the authority to enter upon any land to enforce the provisions of this chapter, specifically including the seizure of animals running at large or to take enforcement action due to any other violation of an applicable animal control law if the violation of such a law is being committed in the presence of the officer and requires immediate action on the part of the officer to protect the health or safety of the animal or the public. In the case of animals at large, so long as the animal is within sight of the officer, this section shall not be interpreted to require that a warrant be obtained before seizing the animal.

(B) It shall be unlawful for any person to interfere with, hinder, resist, or obstruct employees of the Animal Control Unit while they are carrying out any duty created under this chapter or other applicable animal control law.

(C) It shall be unlawful for any person to conceal from any employee of the Animal Control Unit any animal for the purpose of evading the requirements of this chapter or any other applicable animal control law.

(D) It shall be unlawful for any person to refuse to show, upon request, proof of a required rabies inoculation to any employee of the Animal Control Unit.

(E) It is unlawful for any person to seek to release, attempt to release, or to release any animal in the custody of the Animal Control Unit, except as otherwise specifically provided in this chapter. An animal captured in a trap set by the Animal Control Unit shall be deemed to be in the custody of the Animal Control Unit.

(F) A violation of this section is punishable as a misdemeanor.

Section 83. Section 91.08 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.08 BIRD SANCTUARY CREATED

(A) The territory embraced within the corporate limits of the city and all lands owned by the city outside of the corporate limits are hereby designated as a bird sanctuary.

(B) Within the bird sanctuary established by division (A) of this section, it shall be unlawful for any person to intentionally hunt, kill, trap, or otherwise take any native wild birds.

(C) Notwithstanding the provisions of divisions (A) and (B) of this section, the protection afforded to native wild birds within the established sanctuary does not extend to the following situations:

(1) No bird classed as a pest under G.S. Ch. 113, Art. 22A and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971 is protected;

(2) A person may hunt, kill, trap, or otherwise take any bird pursuant to a permit issued by the North Carolina Wildlife Resources Commission under G.S. § 113-274(c)(1a) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use in taking birds within the city limits; and

(3) The use of a firearm for hunting ducks and dark geese (includes Canada geese and white-fronted geese) is permitted at Lake Reese when such hunting is undertaken in compliance with § 91.10 of the Code of Asheboro.

(D) A violation of this section is punishable as a misdemeanor.

Section 84. Section 91.11 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.11 HUNTING PROHIBITED ON PROPERTY BEYOND THE CITY LIMITS

(A) No person shall intentionally hunt, trap, or snare, with or without firearms, animals on any city-owned property that is located outside the city limits.

(B) Notwithstanding division (A) of this section, the following activities are permitted on city-owned property located outside the city limits:

(1) Fishing that is conducted in accordance with all applicable federal, state, and local statutes, ordinances, and regulations, specifically including without limitation the regulations adopted by the city's Recreation Services Department, is permitted upon the waters of Lake Reese and Lake Lucas;

(2) Duck and dark geese (including Canada geese and white-fronted geese) hunting is permitted upon the waters of Lake Reese only during the date(s) and time(s) established by the City Council prior to the season opening each year; and

(3) City employees and/or contractors may hunt, trap, or snare animals in compliance with the adopted rules and regulations of the North Carolina Wildlife Resources Commission when such action is deemed necessary by the City Manager in order to ensure the safe and efficient operation of city-owned infrastructure.

(C) A violation of this section is punishable as a misdemeanor.

Section 85. Section 91.12 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.12 ABANDONED ANIMALS

(A) It shall be unlawful for any person owning, possessing, or harboring an animal to abandon that animal.

(B) If the Animal Control Unit finds that an animal has been abandoned, the animal may be impounded. If the animal has been abandoned in a house or within a fenced area, the Unit must make a reasonable effort to locate the owner or manager of the property. If the property owner or manager is not the animal owner, then the Unit shall secure permission to remove the animal from the person who occupies the property. If the person who occupies the property is the animal owner and cannot be located or refuses to give permission to remove the animal, the animal control officer shall secure an appropriate warrant to seize the animal.

(C) An animal seized pursuant to this section shall be impounded as provided in § 91.07.

(D) A violation of this section is punishable as a misdemeanor.

Section 86. Section 91.13 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.13 WILD AND DANGEROUS ANIMALS

(A) It is unlawful for any person to possess or harbor a wild and dangerous animal or their hybrids.

(B) Wild and dangerous animals privately owned and maintained within the city limits on or before April 1, 2012 may remain in the city, but such wild and dangerous animals must be registered with the Animal Control Section of the Randolph County Health Department. Furthermore, at the time of registration, owners must submit a recapture plan in the event their animal escapes. Breeding or allowing the reproduction of wild and dangerous animals is prohibited.

(C) Escapes of wild and dangerous animals must be immediately reported to 911 emergency communications.

(D) Owners are liable for costs to agencies associated with the recapture of an escaped wild and dangerous animal.

(E) In order for the owner of a wild and dangerous animal registered in compliance with division (B) of this section to lawfully house such an animal within the city, strict compliance must be maintained at all times with the following requirements:

(1) The enclosure housing the animal must securely contain the animal, including secondary containment from escape;

(2) The enclosure housing the animal must be adequately ventilated, cooled, heated, lighted, and constructed so that it may be kept in a clean and sanitary condition;

- (3) The enclosure housing the animal must be compliant with the Asheboro Zoning Ordinance;
- (4) The physical and psychological health and well-being of the animal must not be endangered by the manner of confinement;
- (5) The keeper/caregiver must have adequate knowledge of the nutritional, physical, and behavioral needs of the species in his or her care; and
- (6) The owner/caregiver must be able to identify the veterinarian providing medical care for the animal.

(F) A violation of this section is punishable as a misdemeanor.

Section 87. Section 91.14 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.14 EXOTIC REPTILES

- (A) Individuals must be greater than 18 years of age to own a venomous exotic reptile or an exotic reptile weighing in excess of 40 pounds.
- (B) Owners are required to report to 911 emergency communications any escapes of venomous exotic reptiles and exotic reptiles weighing in excess of 40 pounds.
- (C) It is unlawful for exotic reptiles to run loose unsupervised.
- (D) Owners are required to register venomous exotic reptiles with the Animal Control Section of the Randolph County Health Department which notifies 911 emergency communications of the location of venomous reptiles in order to protect rescue workers and the public during any emergency situations.
- (E) Owners are liable for costs to agencies associated with the recapture of an escaped exotic reptile.

(F) A violation of this section is punishable as a misdemeanor.

Section 88. Section 91.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.15 EXOTIC MAMMALS

- (A) It is unlawful for any person to possess, sell, or harbor an exotic mammal or their hybrids.
- (B) Exotic mammals privately owned prior to any embargo or protection orders may remain in the city if so allowed by the order, but such animals must be registered with the Animal Control Section of the Randolph County Health Department.
- (C) Breeding or allowing the reproduction of exotic mammals is prohibited.

(D) A violation of this section is punishable as a misdemeanor.

Section 89. Section 91.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.16 ANIMAL BITE AND NOTIFICATION; RABIES CONTROL

- (A) It is unlawful for an animal to bite a human being who does not ordinarily reside on the premises of the animal unless the animal has been subject to provocation or unless the victim has been trespassing.
- (B) It is unlawful for a person to fail to report to the Animal Control Unit as soon as possible that an animal has bitten a person.

(C) It is unlawful for any person to fail to inform the Animal Control Unit of the location to which an animal that has bitten a human being has been taken if the owner has given the animal away, or caused in any way the animal to be taken from the owner's premises.

(D) The Animal Control Unit shall ensure that all bite notifications are forwarded to the Randolph County Health Department and shall fully cooperate, assist, and strictly comply with all of the rabies control measures required by all applicable state laws and regulations, the County Animal Control Ordinance, specifically including without limitation the county ordinance's quarantine and confinement/destruction measures, and any orders issued by the Randolph County Health Director.

(E) In furtherance of the prevention component of rabies control, the following prevention measures are required. It is unlawful for an owner to fail to comply with the following requirements:

(1) In accordance with state law, the owner of every dog, cat, and ferret over four months of age shall have the animal vaccinated against rabies. The time or times of vaccination shall be established by the North Carolina Commission for Health Services, or any successor entity to this Commission;

(2) As required by G.S. § 130A-190(a), dogs and cats shall wear rabies vaccination tags at all times. The rabies vaccination tag shall show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C.," and the words "rabies vaccine;" and

(3) Ferrets are not required to wear the rabies inoculation tags, but the owner of a ferret shall maintain the tag or the rabies vaccination certificate as written evidence to prove the ferret has a current rabies inoculation and shall produce such tag or certificate as requested by animal control and as otherwise required by law.

(F) A violation of this section is punishable as a misdemeanor.

Section 90. Section 91.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§91.18 NUISANCE ANIMALS

(A) It is unlawful for any person to own, keep, possess, harbor, or maintain an animal or group of animals in such a manner as to unreasonably annoy humans, endanger the life or health of other persons or animals, or substantially interfere with the rights of other citizens to the enjoyment of life or property. By way of example and not of limitation, the following activities are hereby declared to be a public nuisance and are, therefore, unlawful:

(1) Allowing an animal to get into or turn over waste or garbage containers;

(2) Allowing an animal to repeatedly walk on or sleep on the automobile of another;

(3) Allowing an animal to damage the real or personal property of anyone other than its owner;

(4) Allowing an animal to repeatedly be or run at large;

(5) Maintaining an animal in an unsanitary condition so as to render the animal noxious or offensive to sight or smell;

(6) Not confining an animal to a building or secure enclosure while the animal is in estrus;

(7) Maintaining an animal that is vicious or failing to effectively prevent an animal from chasing, snapping at, attacking, or otherwise molesting others, including pedestrians, bicyclists, motor vehicle passengers, or domestic animals;

(8) Allowing or permitting an animal or group of animals to make frequent or long continued sounds, including barking, whining, screeching, calling, howling, or yowling in an excessive, continuous, habitual, or untimely fashion; or to make other noise in such a manner

and at such intervals so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises (such sounds shall be collectively referred to as "annoying sound"). For illustrative purposes and without limitation, any such sound made by cats or dogs for more than 15 minutes during any 30-minute period shall be deemed to be an annoying sound. The normal clucking of chickens that are otherwise kept in accordance with the provisions of the Code of Asheboro shall not constitute an annoying sound. Any person owning, using, or possessing premises affected by an annoying sound ("person annoyed by sounds") shall follow the procedures specified in division (E) below;

(9) Housing or restraining an animal less than five feet from a public street, road, or sidewalk such that the animal, without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way, or the location of the animal poses a threat to the general safety, health, and welfare of the general public;

(10) Keeping an animal that is diseased and creating a threat to the public health; and

(11) Keeping or maintaining an animal or group of animals in such a manner as to attract excessive insects, pests, rodents, raccoons, snakes, or other wild animals.

(B) Upon the initiative of an animal control officer or upon receipt of a detailed complaint made to the Animal Control Unit by any of the city's residents that any person is maintaining a nuisance animal or animals, the Animal Control Unit may cause the owner of the animal or animals in question to be notified that a complaint has been received and may cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing by the investigating animal control officer. Notwithstanding any other provision in this section, any person other than an animal control officer who wants to initiate a complaint pertaining to a nuisance animal or group of animals engaged in the activity described in division (A)(8) above shall follow the procedures specified in division (E) below.

(C) If the written findings of the investigating animal control officer indicate that the complaint is justified, then the Chief or designee shall cause the owner or keeper of the animal or animals in question to be so notified in writing, served by personal delivery or by certified mail, return receipt requested, and ordered to abate such nuisance within a reasonable time that is not to exceed seven days after notification. A citation may, in the discretion of the Animal Control Unit, be issued at the same time for a violation of this chapter or any other animal control law. The Chief may specify the particular abatement measures that must be taken, which measures may include, but are not limited to, a requirement that the animal be penned or that a secure enclosure be erected or improved. In the event the owner of the animal is unknown and cannot be ascertained, the notice and order, along with a general description of the animal, shall be published in a local newspaper.

(D) If any person actually or constructively receiving notice in the manner herein described shall fail or refuse to abate the nuisance upon order of the Chief within the specified time, the Chief may cause any of the remedies and enforcement measures authorized by this chapter to be utilized in order to bring about an abatement of the nuisance.

(E) If a complaint pertains to annoying sound, the person annoyed by the sound shall follow the procedures specified below:

(1) Upon receipt of a detailed written and signed complaint by the person annoyed by the sound, the Animal Control Unit shall provide written notice to the owner or possessor of the premises on which the animal(s) making an annoying sound is maintained ("animal owner") that a complaint has been received about the animal's (animals') annoying sound. The notice shall detail the complaint and may make suggestions on ways to correct the situation;

(2) Upon receipt of such notice of complaint, the animal owner shall cure the violation. If the violation is not cured, or if a second complaint is made to the Animal Control Unit about the same animal(s) within any six-month period, the Animal Control Unit shall cause the animal owner to be served with an order to abate the annoying sound within a reasonable period of time, not to exceed seven days ("abatement order"). Such notice shall be served by personal delivery or by certified mail, return receipt requested; and

(3) If the original complainant, or any other affected person notifies the Animal Control Unit that the animal owner has failed or refuses to abate the annoying sound as provided in the abatement order, the Animal Control Unit shall investigate and may utilize any of the remedies and enforcement measures authorized by this chapter to bring about an abatement of the nuisance.

(F) Nothing in this section shall prevent a private citizen from bringing an action at any time against an animal owner.

(G) A violation of this section is punishable as a misdemeanor.

Section 91. Section 91.20 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.20 ANIMAL ABUSE PROHIBITED

(A) All animals shall be kept and treated under sanitary and humane conditions, and it shall be unlawful for any owner to engage in one or more of the following acts:

(1) Failing to provide adequate feed, water, and shelter for an animal;

(2) Confining an animal in a storage room, shed, or other building without proper ventilation and access to natural light;

(3) Failing to keep an animal under sanitary and humane conditions that promote the animal's health and general welfare and which maintain a condition of good order and cleanliness that reduces the possibility of the transmission of disease;

(4) Failing or refusing to provide adequate medical attention for any sick, diseased, or injured animal;

(5) Poisoning or exposing a domestic animal to any known poisonous substance or mixing a poisonous substance with food so that it will likely be eaten by a domestic animal. This prohibition does not include attempts or acts of persons to lawfully rid their own property of mice or rats or other vermin, nor does it include other acts permitted by the North Carolina Wildlife Resources Commission;

(6) Allowing a collar, rope, or chain to become embedded in or cause injury to an animal's neck, or allowing a choke or pinch collar to be used as a primary collar on an unsupervised animal;

(7) Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably, or having access to adequate food, water, and shelter; and

(8) Placing or confining an animal or allowing an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability, or death.

(B) Subject to the following divisions that contain limitations and clarifications of the general prohibition found in this subsection, the tethering of one or more dogs as a method of keeping the dog(s) on the owner's or owners' property is unlawful:

(1) The owner(s) may tether a dog or dogs for a reasonable period of time to allow for waste elimination;

(2) The owner(s) may tether a dog or dogs on a runner for a reasonable period of time to allow the dog(s) to exercise;

(3) The owner(s) may tether a dog or dogs during an emergency situation when such a situation is found by the animal control unit to have been caused by unique circumstances

triggering an isolated occurrence as opposed to a repeat occurrence that provides evidence of a pattern of non-compliance with the city's anti-tethering regulations; and

(4) Notwithstanding any other provision in this chapter and without exception, the tethering of a dog on a 24-hour a day basis is unlawful. For the sole and limited purpose of evaluating the validity of the assessment of a civil penalty pursuant to the provisions found in this chapter, the observation by an animal control officer of a tethered dog or dogs on the same property during the same approximate time of day (a variation in the time of day of no more than one hour shall be regarded as the same approximate time of day, e.g. observing a dog at 10:30 a.m. on one day and at 11:15 a.m. on the next day is considered to be the same approximate time of day) on consecutive calendar days shall be prima facie evidence that the observed dog(s) have been unlawfully tethered for 24 hours.

(C) Nothing in this section shall be deemed to prohibit the following activities:

(1) The humane transportation of horses, cattle, sheep, poultry, or other livestock in trailers or other vehicles designed, constructed, and adequate for the size and number of animals being transported;

(2) Nothing in this section shall be construed to prohibit the Animal Control Unit, law enforcement officers, employees of the Randolph County Health Department, or veterinarians from euthanizing dangerous, unwanted, injured, or diseased animals in a humane manner; and

(3) Nothing in this section shall be construed to prohibit slaughterhouses or medical facilities from the proper, humane, and lawful carrying out of their activities or duties.

(D) The Animal Control Unit shall have the authority to conduct inspections of pet shops, kennels, dealers, or breeders, to the extent not preempted by state law, in order to determine if there is any abuse of animals. It shall be unlawful for any owner or employee of any pet shop or kennel or any dealers or breeders to violate this section.

(E) A violation of this section is punishable as a misdemeanor.

Section 92. Section 91.21 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.21 PROHIBITION OF DOMESTIC ANIMALS AT LARGE

(A) It is unlawful for the owner of any domestic animal to allow such animal to be or run at large in the city or on any city property.

(B) A violation of this section is punishable as a misdemeanor.

Section 93. Section 91.23 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.23 RESPONSIBILITY FOR ANIMALS ON PUBLIC PROPERTY AND THE PROPERTY OF OTHERS

~~It shall be unlawful for the owner or custodian of an animal to fail to remove feces deposited by the animal on either of the following types of property:~~

~~(A) Any public street, sidewalk, gutter, park, or other publicly owned property; or~~

~~(B) Any property owned or legally controlled by another person or entity that has not given permission for entry onto the property by the animal that defecated on the property.~~

(A) It shall be unlawful for the owner or custodian of an animal to fail to remove feces deposited by the animal on either of the following types of property:

(1) Any public street, sidewalk, gutter, park, or other publicly owned property; or

(2) Any property owned or legally controlled by another person or entity that has not given permission for entry onto the property by the animal that defecated on the property.

(B) A violation of this section is punishable as a misdemeanor.

Section 94. Section 91.24 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.24 MAXIMUM NUMBER OF DOGS ON PREMISES

(A) It shall be unlawful for any person to keep or maintain more than three dogs per household on any parcel of land or zoning lot having less than 30,000 square feet, and an additional 7,000 square feet shall be required for each additional dog. A total of no more than five dogs per household shall be allowed on any parcel of land or zoning lot within the city limits regardless of square footage.

(B) The limitation prescribed by this section on the number of dogs per household on a single parcel of land or zoning lot shall not apply to dogs that are less than six months of age.

(C) Notwithstanding the preceding provisions, and subject to the limitation that, on or after April 1, 2012, no new or additional dogs that would increase or perpetuate the noncompliance of a household with this section may be kept or maintained in a household, any dog lawfully kept or maintained as part of a household located within the corporate limits of the City of Asheboro prior to April 1, 2012 may continue to be kept or maintained as part of the same household for the remainder of the dog's life.

(D) A violation of this section is punishable as a misdemeanor.

Section 95. Section 91.25 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.25 MAXIMUM NUMBER OF CATS ON PREMISES

(A) It shall be unlawful for any person to keep or maintain more than three cats per household on any parcel of land or zoning lot having less than 30,000 square feet, and an additional 7,000 square feet shall be required for each additional cat. A total of no more than five cats per household shall be allowed on any parcel of land or zoning lot within the city limits regardless of square footage.

(B) The limitation prescribed by this section on the number of cats per household on a single parcel of land or zoning lot shall not apply to cats that are less than six months of age.

(C) Notwithstanding the preceding provisions, and subject to the limitation that, on or after April 1, 2012, no new or additional cats that would increase or perpetuate the noncompliance of a household with this Section may be kept or maintained in a household, any cat lawfully kept or maintained as part of a household located within the corporate limits of the City of Asheboro prior to April 1, 2012 may continue to be kept or maintained as part of the same household for the remainder of the cat's life.

(D) A violation of this section is punishable as a misdemeanor.

Section 96. Section 91.26 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.26 KEEPING SWINE

(A) Except as provided in division (B) of this section, it shall be unlawful for any person to keep any hogs, pigs, or swine within the city limits.

(B) A person may have or keep no more than two miniature or potbellied pigs per household within the corporate limits of the city if the following conditions are satisfied:

(1) The miniature or potbellied pig(s) must be provided with adequate shelter to protect the pig(s) from the elements.

(2) Any and all miniature or potbellied pigs kept or maintained in the City of Asheboro must be spayed or neutered.

(3) The owner of the miniature or potbellied pig(s) shall provide the pig(s) with access to food and clean water. Active measures shall be taken to limit the availability of this food and water to rodents, wild birds, and predators.

(4) If an outdoor pen or enclosure is utilized, the dimensions of such a pen or enclosure must be no less than 10 feet by 12 feet for one pig or no less than 16 feet by 16 feet for two pigs.

(5) No outdoor pen or enclosure, including without limitation fencing, used for sheltering or confining a miniature or potbellied pig is permitted within 30 feet of any property line or public street right-of-way line, and no such outdoor pen or enclosure may be located within 100 feet of a hospital, school, eating establishment, or dwelling other than the dwelling of the owner of the miniature or potbellied pig. These separation requirements are in addition to and not in lieu of the land use regulations prescribed by the Asheboro Zoning Ordinance. No provision in this chapter shall be construed or interpreted in any manner that preempts or impacts the application of the land use regulations found in the Asheboro Zoning Ordinance.

(6) A pen or enclosure used for sheltering or confining a miniature or potbellied pig shall be kept clean, sanitary, and free from accumulations of animal excrement that cause an objectionable odor. Such a pen or enclosure shall be cleaned at least twice each week. All waste material removed from a pen or enclosure used to shelter the miniature or potbellied pig shall be disposed of in a manner that is lawful, does not attract flies, and prevents any detectable odor at the property or street right-of-way line.

(7) All food kept for feeding the miniature or potbellied pig(s) shall be kept and stored in rat-free and rat- proof containers, compartments, or rooms unless kept in a rat- proof building.

(C) A violation of this section is punishable as a misdemeanor.

Section 97. Section 91.27 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.27 KEEPING OF DOMESTIC FOWL

(A) Up to two chicken hens or other fowl may be kept by a household within the corporate limits of the City of Asheboro so long as the fowl do not, by reason of noise, odor, or attraction of flies, become a nuisance or health hazard.

(B) Between three and eight chicken hens or other fowl may be kept on any single lot or parcel in the city if the following conditions are satisfied:

(1) The fowl shall not be permitted to run at large and must be maintained in a coop or enclosure of suitable construction and size for the number of fowl maintained in the enclosure.

(2) The fowl must be provided with adequate shelter for protection from the elements.

(3) The owner of the fowl shall provide the animal with access to food and clean water. Active measures shall be taken to limit the availability of this food and water to rodents, wild birds, and predators.

(4) No outdoor coop or enclosure used for keeping fowl is permitted within 30 feet of any property line or public street right-of-way line, and no such outdoor coop or enclosure may be located within 100 feet of a hospital, school, eating establishment, or dwelling other than the dwelling of the owner of the fowl. These separation requirements are in addition to and not in lieu of the land use regulations prescribed by the Asheboro Zoning Ordinance. No provision in this chapter shall be construed or interpreted in any manner that preempts or impacts the application of the land use regulations found in the Asheboro Zoning Ordinance.

(5) A coop or enclosure used for keeping fowl shall be kept clean, sanitary, and free from accumulations of animal excrement that cause an objectionable odor. Such a pen or enclosure shall be cleaned at least twice each week. All waste material removed from a pen or enclosure used for keeping fowl shall be disposed of in a manner that is lawful, does not attract flies, and prevents any detectable odor at the property or street right-of-way line.

(6) All food kept for feeding the fowl shall be kept and stored in rat-free and rat-proof containers, compartments, or rooms unless kept in a rat-proof building.

(C) Due to the excessive noise created by the following animals, the keeping of roosters and geese is prohibited within the corporate limits of the City of Asheboro.

(D) A violation of this section is punishable as a misdemeanor.

Section 98. Section 91.28 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 91.28 KEEPING OF HORSES, MULES, DONKEYS, COWS,
AND GOATS REGULATED**

(A) It shall be unlawful for any person who owns, operates, or maintains a stable or enclosure in the city, in which horses, mules, donkeys, cows, or goats are kept, to keep such stable in an unclean or unsanitary condition. The person who owns, operates, or maintains such a stable or enclosure shall be responsible for providing for use within the stable or enclosure a bin or pit which shall be watertight and so arranged that it is fly-proof, or, alternatively, shall provide a watertight barrel with a close-fitting lid. Manure accumulating in such stable shall be placed in the bin, pit, or barrel each day and shall be removed from the premises of the owner at least every five days. Effective fly control methods such as the use of approved insecticide shall be practiced during the fly-breeding period from April 15 to November 1 of each year. All food kept for feeding the livestock shall be kept and stored in rat-free and rat-proof containers, compartments, or rooms unless kept in a rat-proof building.

(B) A violation of this section is punishable as a misdemeanor.

Section 99. Section 91.29 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 91.29 LOCATION OF STABLES; TETHERING OF HORSES, MULES,
DONKEYS, COWS, OR GOATS**

(A) No person shall locate or maintain upon any lot within the city any horse, mule, donkey, cow, or goat stable nearer than 150 feet to any hospital, school, eating establishment, or dwelling; nor shall any person tether or permit to graze or stand any horse, mule, donkey, cow, or goat within 50 feet of any such place.

(B) A violation of this section is punishable as a misdemeanor.

Section 100. Section 91.30 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 91.30 ANIMALS PROHIBITED AT RANDOLPH ARTS GUILD'S
ANNUAL FALL FESTIVAL**

(A) It is unlawful for any person to possess any animal(s) within the public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival, and it is also unlawful for any person with an animal within the public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival to fail to obey the command of a law enforcement officer or an animal control officer to remove such an animal from the area in which animals are prohibited by this section. Furthermore, except as provided by this section, it shall be unlawful for any person to actively encourage or facilitate the entry or continued presence of any animal(s) within the public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival.

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(B) Notwithstanding any other provision to the contrary, the prohibition of animals by this section is not applicable to the following animals:

(1) Any assistance animal that is trained and/or may be used to assist a person with a disability, specifically including without limitation a HANDICAPPED PERSON as defined in G.S. § 168-1. The term ASSISTANCE ANIMAL is not limited to a dog and includes any animal trained to assist a person with a disability.

(2) Any law enforcement/public safety agency animal that is trained and may be used to assist a law enforcement/public safety officer in the performance of the officer's official duties.

(C) The public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival are the streets, sidewalks, and public vehicular areas that fall within the perimeter demarcated by the closure, upon order of the City Council, of Fayetteville Street from Salisbury Street to Kivett Street; North Street at Salisbury Street; Sunset Avenue at Church Street; Worth Street, Scarboro Street, East Academy Street, and Cranford Street at Cox Street; and West Academy Street at the entrance to the city parking lot.

(D) The prohibition of animals from public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival is only in effect during those times when the Fall Festival is scheduled to be in actual operation.

(E) The City Manager shall cause notices of the prohibition of animals from public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival to be prominently posted at the location of the street closures listed in division (C) above.

(F) **A violation of this section is punishable as a misdemeanor.**

Section 101. Section 91.32 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.32 REMEDIES AND PENALTIES

(A) The Animal Control Unit must have ample authority to impose preventive measures, seize, and impound animals. Escalating fees and other sanctions authorized within this section are measures that have been adopted to protect the citizens of Asheboro and to declare that the ownership of animals entails publicly related responsibilities. When there is a violation of this chapter, the Chief may take one or more of the courses of action set forth in this section. The Chief may cause a complaint to be filed or any action to be brought on behalf of the city. Any such action shall be cumulative and shall not be deemed to be a bar to or a waiver of the right to institute any other civil or criminal proceeding for a violation of this chapter.

(B) **Any person who violates the provisions of this chapter is guilty of a misdemeanor as provided by G.S. § 14-4 and shall be fined not more than \$500. Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.** Payment of a fine imposed in a criminal proceeding initiated pursuant to this chapter does not relieve a person of his or her liability for fees imposed by this chapter or any other law or ordinance, specifically including without limitation fees imposed by the County Animal Control Ordinance as a consequence of the impoundment of an animal at the animal shelter.

(C) Pursuant to and consistent with G.S. § 160A-175, enforcement of the provisions found in this chapter may include any appropriate equitable remedy, injunction, or order of abatement issuing from a court of competent jurisdiction.

(D) In addition to or in lieu of any criminal penalties and other sanctions provided in this chapter and any other applicable law, ordinance, or regulation, a violation of the provisions found in this chapter may also subject the offender to the civil penalties hereinafter set forth:

(1) An animal control officer may issue to the owner or possessor of any animal, or any other violator of this chapter, a written warning or a civil penalty citation giving notice of the alleged violation(s). Written warnings or civil penalty citations so issued may be served on

the person charged with a violation by means of personal delivery by the animal control officer or mailed by certified or registered mail, return receipt requested, to the last known address of the person charged;

(2) Civil penalties shall be paid in full to the Asheboro Police Department within 15 business days of the receipt of the civil penalty citation that gives notice of the penalty that is due and payable. The civil penalty is in addition to any other costs or fees imposed by this chapter or any other law or ordinance, specifically including without limitation fees imposed by the county animal control ordinance as a consequence of the impoundment of an animal at the Animal Shelter;

(3) In the event that the owner or possessor of an animal or other violator of this chapter does not pay the applicable civil penalty within the prescribed time period, a civil action may be commenced to recover the penalty and costs associated with the collection of the penalty. The Chief, or the Chief's designee, is expressly authorized to initiate and prosecute small claims actions in District Court to collect civil penalties and fees owed to the city as a consequence of violation(s) of this chapter. The Chief may call on the City Attorney for assistance as needed. In lieu of pursuing a civil action to collect the civil penalty, a criminal summons may be issued against the violator for violating this chapter, and, upon conviction, the violator shall be punished in accordance with state law for the misdemeanor offense of violating this chapter; and

(4) In order to encourage responsible conduct, an owner shall be subject to escalating penalties for each violation of this chapter by the owner, regardless of whether the animal is the same animal, a different animal, or various animals belonging to the same owner. Each violation of this chapter within a rolling 12-month period shall subject the owner to the following escalating civil penalties:

<i>Offense</i>	<i>Civil Penalty Amount</i>
1 st	\$35.00
2 nd	\$50.00
3 rd	\$100.00
4 th and Subsequent Offenses	\$150.00

(E) Each violation of a specific provision of this chapter is considered a separate offense for purposes of this section.

(F) Each day that a specific violation occurs is considered a separate offense for purposes of this section.

(G) In addition to the above-listed remedies, domestic animals may be seized and impounded when found at large or as otherwise provided in this chapter. Furthermore, if conditions pose an immediate threat to the health or safety of the animal or the public, the animal control unit is authorized to seize and impound an animal. By way of clarification and not limitation, any animal deemed to be abused in violation of § 91.20 shall be evaluated by the animal control unit for signs of an immediate threat to the health or safety of the animal, and if such a threat is found to exist, the animal shall be seized in addition to any other remedies and penalties authorized by this section. When an animal is seized, the following steps, at a minimum, must be taken:

(1) The Animal Control Unit, or some other person designated by the Chief, shall enter into a seized animal registry maintained by the Police Department a description of the animal that includes at least the breed, color, and sex of such animal and whether the animal was impounded or processed in some other manner; and

(2) Upon seizing an animal, a notice of seizure shall be left with the owner or affixed to the premises. If an animal is not from a particular premises but has an identification tag, the animal control officer shall cause a prompt and reasonable effort to be made to locate and notify the animal's owner.

(H) Notwithstanding any other provision of this chapter, an animal that cannot be reasonably seized, retrieved, humanely trapped, or tranquilized may be humanely destroyed

in the field upon the authorization of the Chief; provided, however, an animal attacking a human being or pet may be summarily destroyed if, in the opinion of animal control, such destruction is necessary for the protection of life or property or for the public health and safety.

(I) Nothing in this chapter shall be construed to prevent law enforcement officers of any kind from enforcing any of the provisions of this chapter or from exercising their authority as law enforcement officers.

(J) Nothing in this chapter shall prevent a private citizen from bringing an action to abate a nuisance or from bringing an action for damage, loss, or injury to the private citizen or his or her property resulting from an animal being a nuisance.

Section 102. Section 92.04 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.04 HUMAN REMAINS TO BE BURIED IN CEMETERY

(A) It shall be unlawful for any person to bury or assist in burying the dead body of any human being within the city, except in such public or church cemeteries as are duly established and in use as cemeteries.

(B) A violation of this section is punishable as a misdemeanor.

Section 103. Section 92.13 of the Code of Asheboro is hereby rewritten to provide as follows:

§92.13 PROHIBITED CONDUCT

(A) It shall be unlawful for any person to do anything to disturb the quiet and good order of any cemetery or burial place by noise or conduct of any kind except such noise and conduct as is customary or necessary in cemeteries.

(B) A violation of this section is punishable as a misdemeanor.

Section 104. Section 92.14 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.14 DISTURBANCE OF BURIAL SERVICES

(A) It shall be unlawful for any person to do anything to disturb or interfere with any burial services that may be held in any cemetery.

(B) A violation of this section is punishable as a misdemeanor.

Section 105. Section 92.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.15 INJURY TO TREES AND SHRUBS

(A) It shall be unlawful for any person to wantonly cut, break, destroy or in any way injure any tree, shrub, flowers, grass or plant growing or placed on any plot or in any other part of any cemetery. Also, flowers shall be removed from the ground by the plat owners two weeks before Easter of each year (flowers may remain on the headstones).

(B) A violation of this section is punishable as a misdemeanor.

Section 106. Section 92.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.16 DEPOSIT OF TRASH PROHIBITED

(A) It shall be unlawful for any person to walk dogs that are leashed or unleashed, throw, deposit, bring and leave any trash, filth, offensive or unclean matter or substance in any cemetery.

(B) A violation of this section shall be punishable as a misdemeanor.

Section 107. Section 92.17 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 92.17 DISTURBANCE OF GRAVE MARKERS, WALLS
AND ENCLOSURES**

(A) It shall be unlawful for any person to in any way disturb, mutilate, deface, injure or remove any stone marking any grave, or any wall or enclosure around any grave in or about any cemetery.

(B) A violation of this section shall be punishable as a misdemeanor.

Section 108. Section 92.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.18 CEMETERIES NOT TO BE USED AS PLAYGROUNDS

(A) It shall be unlawful for any person to use or permit the use of any cemetery as a playground or for play, and it shall be the duty of all police officers and other employees of the city, so far as it lies within their power, to prevent such use, and to eject any and all offenders against this section from the cemetery, if the person shall continue to violate this section after being warned to stop.

(B) A violation of this section is punishable as a misdemeanor.

Section 109. Section 92.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 92.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 110. Section 95.01 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 95.01 ADOPTION OF THE NORTH CAROLINA FIRE
PREVENTION CODE**

(A) Generally. This chapter of the Code of Asheboro shall be referred to as the City of Asheboro Fire Prevention Ordinance. For the purpose of prescribing regulations governing conditions that are hazardous to life and property because of fire and explosion, the North Carolina Fire Code, current edition, adopted by the North Carolina Building Code Council is hereby adopted and made applicable within the territorial jurisdiction, specifically including without limitation the extraterritorial planning jurisdiction, of the city as the City of Asheboro Fire Prevention Ordinance. A copy of the North Carolina Fire Code is on file in the office of the Chief Fire Inspector for the city.

(B) Appendices. The following appendices to the North Carolina Fire Code, current edition, are hereby adopted and made applicable within the territorial jurisdiction, specifically including without limitation the extraterritorial planning jurisdiction, of the city as part of the City of Asheboro Fire Prevention Ordinance:

- (1) Appendix B - Fire-Flow Requirements for Buildings.
- (2) Appendix C - Fire Hydrant Locations and Distribution.
- (3) Appendix F - Hazard Ranking.

(4) Appendix H—Test Requirements for Flame Retardant Chemicals Used on Christmas Trees.

(C) Permits. In addition to any and all permits mandated by the North Carolina Fire Code, the following operational permits, which are listed as optional within the North Carolina Fire Code, are hereby mandated within the territorial jurisdiction, specifically including without limitation the extraterritorial planning jurisdiction, of the city as part of the City of Asheboro Fire Prevention Ordinance:

- (1) Open Burning.
- (2) Open Flames and Torches.
- (3) Places of Assembly.

(D) Amendments. When adopted and published by the North Carolina Building Code Council, amendments to the provisions of the North Carolina Fire Code that are adopted as part of the City of Asheboro Fire Prevention Ordinance shall be applicable within the territorial jurisdiction, specifically including without limitation the extraterritorial planning jurisdiction, of the city on the effective date prescribed for the amendment(s) by the North Carolina Building Code Council.

Section 111. Section 95.02 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 95.02 BURNING OF LEAVES, BRUSH, AND TRASH

(A) Except as authorized by this section, the burning of leaves, brush, trash, or any other refuse is prohibited within the corporate limits. The burning of brush for the purpose of clearing a large open area is permitted if, and only if, the proper permit has been issued by the Fire Prevention Bureau in accordance with all applicable laws, specifically including without limitation the air quality laws.

(B) **A violation of this section is punishable as a misdemeanor.**

Section 112. Section 95.04 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 95.04 COMPLIANCE

(A) Compliance with the provisions of the City of Asheboro Fire Prevention Ordinance, specifically including the North Carolina Fire Code, shall be enforced by the City of Asheboro Fire Prevention Bureau. Failure to comply with any of the regulations prescribed by this chapter, specifically including without limitation the adopted regulations found in the North Carolina Fire Code, shall be unlawful. Any and all remedies authorized by law for noncompliance with the Fire Prevention Ordinance and the North Carolina Fire Code, including without limitation the issuance of civil penalty citations, may be exercised for the purpose of obtaining compliance with the applicable laws and regulations.

(B) **A violation of this section is punishable as a misdemeanor.**

Section 113. Section 95.07 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 95.07 REMEDIES AND PENALTIES

(A) *Citations.* After a final notice of violation has been issued and a reinspection reveals that a violation has not been corrected, the person(s) or legal entity(ies) responsible for the violation(s) may be issued a civil penalty citation for each offense. On and after the date of the reinspection conducted subsequent to the service of the final notice of violation, the offender will be guilty of an additional and separate offense for each day that a violation continues uncorrected, and each offender that receives a civil penalty citation is subject to a cumulative penalty for each and every offense. A single civil penalty citation issued on the date of a reinspection may assess the sum of the civil penalties incurred by the violator for each day that a violation went uncorrected during the time period specified in the civil

penalty citation. If the recipient of a civil penalty citation fails to pay the specified penalty within ten business days of the date of service of the civil penalty citation by means of personal service or by means of certified mail, return receipt requested, the city may initiate a civil action in the nature of debt in order to recover the civil penalties assessed against the offender. The amount of the civil penalty per offense shall be calculated as follows:

(1) *Non-life safety.* The civil penalty for each non-life safety offense that is uncorrected as of the date of the post final notice of violation reinspection shall be \$50 per offense on and after the date of service of a civil penalty citation by means of personal service or certified mail, return receipt requested. This penalty of \$50 per offense shall continue to accrue until the earlier of either the date upon which the offender notifies the Fire Prevention Bureau of the correction of the violation or the calendar day immediately preceding the date of the first reinspection conducted after the issuance of a civil penalty citation. If the violation that triggered the first civil penalty citation has not been corrected as of the date of this reinspection, the civil penalty for each continuing non-life safety offense shall be \$100 per offense from the date of service on the offender of a civil penalty citation reflecting the enhanced penalty by means of personal service or certified mail, return receipt requested, to the date on which the Fire Prevention Bureau is notified of the correction of the violation.

(2) *Life safety other than occupancy violations and blocked exits.* Except for occupancy violations and blocked exits, the civil penalty for each life safety offense that is uncorrected as of the date of the post final notice of violation reinspection shall be \$150 per offense on and after the date of service of a civil penalty citation by means of personal service or certified mail, return receipt requested. This penalty of \$150 per offense shall continue to accrue until the earlier of either the date upon which the offender notifies the Fire Prevention Bureau of the correction of the violation or the calendar day immediately preceding the date of the first reinspection conducted after the issuance of a civil penalty citation. If the violation that triggered the first civil penalty citation has not been corrected as of the date of this reinspection, the civil penalty for each continuing life safety offense shall be \$300 per offense from the date of service on the offender of a civil penalty citation reflecting the enhanced penalty by means of personal service or certified mail, return receipt requested, to the date on which the Fire Prevention Bureau is notified of the correction of the violation.

(3) *Life safety - occupancy violations.* If an inspector discovers overcrowding of a building, or a portion thereof, on more than one occasion during a rolling 12-month period, the offender with ownership/managerial responsibility for the building shall be subject to the immediate assessment of civil penalties. The person or entity receiving such a civil penalty citation shall be subject to the continuing immediate assessment of civil penalties for overcrowding until a 12-month time period has passed without any violations pertaining to overcrowding. The amount of the civil penalty for overcrowding shall be \$100 per person in excess of the occupant load prescribed by the North Carolina Fire Code. No civil penalty shall be assessed pursuant to this division unless the offender has been previously served with a written warning for overcrowding within the relevant 12-month period by means of personal service or by means of certified mail, return receipt requested. None of the provisions found within this section shall be construed or deemed to prevent an inspector in the Fire Prevention Bureau from immediately exercising any authority that he or she may possess under the applicable laws to summarily abate overcrowding.

(4) *Life safety - locked, blocked, or obstructed exits.* If an inspector discovers locked, blocked, or obstructed exits on more than one occasion during a rolling 12-month period, the offender with ownership/managerial responsibility for the building under inspection shall be subject to the immediate assessment of civil penalties. The person or entity receiving such a civil penalty citation shall be subject to the continuing immediate assessment of civil penalties for locked, blocked, or obstructed exits until a 12-month time period has passed without any violations pertaining to exits. The amount of the civil penalty for life safety violations pertaining to exits shall be \$500 per locked, blocked, or obstructed exit. No civil penalty shall be assessed pursuant to this section unless the offender has been previously served with a written warning for locking, blocking, or obstructing an exit within the relevant 12-month period by means of personal service or by means of certified mail, return receipt requested. None of the provisions found within this section shall be construed or deemed to prevent an inspector in the Fire Prevention Bureau from immediately exercising any authority that he or she may possess under the applicable laws to summarily correct a locked, blocked, or obstructed exit.

(B) *Criminal offense.* Any person who violates the provisions of the City of Asheboro Fire Prevention Ordinance, including without limitation the adopted provisions of the North Carolina Fire Code, is guilty of a misdemeanor as provided by G.S. § 14-4 and shall be fined not more than \$500. Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. 14-4, with a maximum fine of no more than \$500.00.

(C) *Equitable remedy.* The City of Asheboro Fire Prevention Ordinance, including without limitation the adopted provisions of the North Carolina Fire Code, may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(D) *Availability of combination of remedies.* The City of Asheboro Fire Prevention Ordinance, including without limitation the adopted provisions of the North Carolina Fire Code, may be enforced by any one, all, or a combination of the remedies authorized and prescribed herein. No provision within the Fire Prevention Ordinance shall be construed to impair or limit the ability of a fire inspector to take any otherwise lawful enforcement or abatement action available to the inspector for the purpose of abating a situation or condition that poses an imminent threat to life and safety.

(E) *Responsible parties.* The owner, tenant, and occupant of any building or land or part thereof and any architect, builder, contractor, agent, or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition in violation of the City of Asheboro Fire Prevention Ordinance, including without limitation the adopted provisions of the North Carolina Fire Code, may be held responsible for such violation(s) and are subject to the penalties and remedies herein provided.

(F) *Appeals.* In accordance with G.S. § 160A-434 160D-1127, an appeal from any order or decision of an inspector in the City of Asheboro Fire Prevention Bureau pertaining to the North Carolina State Building Code, which includes the North Carolina Fire Code, shall be taken within a period of ten days after the issuance of the contested order or decision to the Commissioner of Insurance or his or her designee or other official specified in G.S. § 143-139.

(G) *Exceptions.* Notwithstanding any other provision in this chapter, the enforcement mechanisms prescribed by this section are subject to the following exceptions:

(1) The city will not initiate a civil action in the nature of debt against the State of North Carolina or any of its political subdivisions in order to recover assessed civil penalties. No other remedy authorized by this section for a violation of the Asheboro Fire Prevention Ordinance is impaired or limited by this exception.

(2) When violations discovered by an inspector in the City Fire Prevention Bureau are categorized as either life safety - occupancy violations or life safety - locked, blocked, or obstructed exits violations, the inspector may immediately issue a civil penalty citation that provides the offender with a written warning or assesses a civil penalty in the amount prescribed by § 95.07(A)(3) for occupancy violations or by § 95.07(A)(4) for violations pertaining to the obstruction of exits. No final notice of violation or any other type of notice specified in § 95.06 is required prior to the issuance of a civil penalty citation for violating occupancy limits or obstructing exits.

Section 114. Section 96.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 96.15 PROHIBITED NOISES GENERALLY

(A) Subject to the provisions of this chapter, the creation of any unreasonably loud, disturbing and unnecessary noise in the city is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

(B) A violation of this section is punishable as a misdemeanor.

Section 115. Section 96.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 96.16 NOISES EXPRESSLY PROHIBITED

Noises resulting from the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of § 96.15, but such enumeration shall not be deemed to be exclusive, namely:

(A) Horns, signaling devices, and the like. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(B) Gongs and sirens. The use of any gong or siren upon any vehicle other than a police, fire or other emergency vehicle.

(C) Radios, phonographs, and the like.

(1) The playing of any radio, television, phonograph or musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence.

(2) The playing of any radio, television, phonograph or musical instrument in such a manner or with such volume as to disrupt and detrimentally impact the ability of a business, commercial, or professional establishment to conduct its lawful and proper operations.

(D) Animals and birds. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(E) "Rattletraps" and overloaded vehicles. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(F) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(G) Exhausts from engines, and the like. The discharge into open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(H) Compressed air devices. The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.

(I) Work on buildings. The erection, including excavation, demolition, alteration or repairing of any building in a residential section or business district other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the building inspector, which permit may be renewed for a period of three days or less while the emergency continues.

(J) Noises near schools, hospitals, and the like. The creation of any excessive noise on any street adjacent to any school, institution of learning, library or sanitarium, or course while in session, or within 150 feet of any hospital, which unreasonably interferes with the operation of such institution; provided, that conspicuous signs are displayed in such streets indicating that they are streets upon which such institutions are located.

(K) Church services. The creation of any excessive noise on Sunday on any street adjacent to any church; provided, that conspicuous signs are displayed in such streets adjacent to churches indicating that they are streets upon which churches are located.

(L) Loading and unloading vehicles, and the like. The creation of loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates or containers.

(M) Bells and gongs. The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.

(N) Hawkers and peddlers. The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(O) Drums and attention attracting devices. The use of a drum, loud speaker or other instrument or device for the purpose of attracting attention to any performance or show, or sale or display of merchandise.

(P) Loud speakers or amplifiers on vehicles. The use of any mechanical loud speakers or amplifiers on trucks or other vehicles for advertising or other purposes.

(Q) Stationary loud speakers and amplifiers. The use of any loud speaker or amplifier to east or disseminate sound over the neighborhood in such volume or of such character as to annoy or disturb persons on other premises.

(R) Garages and service stations. The conducting, operating or maintaining of any garage or filling station in or in close proximity to any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

(S) Guns, firecrackers, and the like. The firing or detonation of squib, firecracker, gun powder or other combustible or explosive substance in the streets or elsewhere for the purpose of making noise or disturbance.

(A) Noises resulting from the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of § 96.15, but such enumeration shall not be deemed to be exclusive, namely:

(1) Horns, signaling devices, and the like. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(2) Gongs and sirens. The use of any gong or siren upon any vehicle other than a police, fire or other emergency vehicle.

(3) Radios, phonographs, and the like.

(a) The playing of any radio, television, phonograph or musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence.

(b) The playing of any radio, television, phonograph or musical instrument in such a manner or with such volume as to disrupt and detrimentally impact the ability of a business, commercial, or professional establishment to conduct its lawful and proper operations.

(4) Animals and birds. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(5) "Rattletraps" and overloaded vehicles. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(6) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(7) Exhausts from engines, and the like. The discharge into open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) Compressed air devices. The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.

(9) Work on buildings. The erection, including excavation, demolition, alteration or repairing of any building in a residential section or business district other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the building inspector, which permit may be renewed for a period of three days or less while the emergency continues.

(10) Noises near schools, hospitals, and the like. The creation of any excessive noise on any street adjacent to any school, institution of learning, library or sanitarium, or course while in session, or within 150 feet of any hospital, which unreasonably interferes with the operation of such institution; provided, that conspicuous signs are displayed in such streets indicating that they are streets upon which such institutions are located.

(11) Church services. The creation of any excessive noise on Sunday on any street adjacent to any church; provided, that conspicuous signs are displayed in such streets adjacent to churches indicating that they are streets upon which churches are located.

(12) Loading and unloading vehicles, and the like. The creation of loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates or containers.

(13) Bells and gongs. The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.

(14) Hawkers and peddlers. The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(15) Drums and attention-attracting devices. The use of a drum, loud speaker or other instrument or device for the purpose of attracting attention to any performance or show, or sale or display of merchandise.

(16) Loud speakers or amplifiers on vehicles. The use of any mechanical loud speakers or amplifiers on trucks or other vehicles for advertising or other purposes.

(17) Stationary loud speakers and amplifiers. The use of any loud speaker or amplifier to cast or disseminate sound over the neighborhood in such volume or of such character as to annoy or disturb persons on other premises.

(18) Garages and service stations. The conducting, operating or maintaining of any garage or filling station in or in close proximity to any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

(19) Guns, firecrackers, and the like. The firing or detonation of squib, firecracker, gun powder or other combustible or explosive substance in the streets or elsewhere for the purpose of making noise or disturbance.

(B) A violation of this section is punishable as a misdemeanor.

Section 116. Section 96.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 96.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 117. Section 97.03 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 97.03 PERMIT REQUIRED

(A) No person shall engage or participate in, aid, form, start, or direct any parade unless a permit shall have been obtained from the City Manager.

(B) A violation of this section is punishable as a misdemeanor.

Section 118. Section 97.10 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 97.10 PROHIBITED ACTIVITIES

(A) No person participating in a parade shall, under any circumstances, carry any firearm or other weapon or device which is calculated to or may inspire terror.

(B) No person participating in a parade shall be accompanied by any dog or other animal unless the permit which has been issued for such parade specifically provides therefor.

(C) A violation of this section is punishable as a misdemeanor.

Section 119. Section 97.11 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 97.11 INTERFERENCE PROHIBITED

(A) No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person or vehicle participating or used in a parade.

(B) A violation of this section is punishable as a misdemeanor.

Section 120. Section 97.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 97.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 121. Section 98.02 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 98.02 REQUIRED SAFETY EQUIPMENT AT ASHEBORO SKATE PARK

(A) It shall be unlawful for any person to ride, operate, or utilize in any manner a skateboard or inline skates, specifically including sneakers or other types of shoes with one or more wheels embedded in each shoe's sole, on the premises of the Asheboro Skate Park unless such a person is wearing a helmet, elbow pads, and kneepads in strict compliance with the instructions provided by the manufacturer of the safety equipment.

(B) The City Manager, in consultation with the city police department and the Recreation Services Department, shall cause signage to be erected on the premises of the Asheboro Skate Park in order to provide notice of the safety equipment requirements imposed by this section.

(C) A violation of this section is punishable as a misdemeanor.

Section 122. Section 98.03 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 98.03 FAILURE TO VACATE RENTED RECREATION FACILITIES

(A) It is unlawful for any person to occupy or otherwise utilize in any manner a facility managed by either the City of Asheboro Cultural Services Department or the City of Asheboro Recreation Services Department, specifically including by way of illustration and not limitation shelters in city parks and the Rotary Pavilion at Bicentennial Park, when signage displayed at such a facility indicates that the facility is rented and documentation from either the Cultural Services Department or the Recreation Services Department authorizing the use of the facility by another individual, group, or entity is displayed to the person(s) attempting to unlawfully occupy or utilize the facility.

(B) In accordance with G.S. § 14-4, any person who violates this section is guilty of a Class 3 misdemeanor and is subject to a fine of not more than \$500. A violation of this section is punishable as a misdemeanor.

Section 123. Section 98.04 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 98.04 PROHIBITION OF ACTIVITIES THAT DAMAGE CITY PROPERTY

(A) It is unlawful to engage in any action on the premises of a park or facility administered by the city's Cultural Services Department or Recreation Services Department that has not been explicitly approved by either of these departments as sanctioned cultural or recreational programming and has the effect of damaging the city's real or personal property. By way of illustration and not limitation, an activity that would fall within the scope of this prohibition is the use of a shovel or spade to disturb the ground in response to an alert signal from a metal detector. It is not the intent of this section, and the text of this section shall not be interpreted in any manner, that reduces or impairs the ability of the city to pursue civil actions to recover damages and/or seek the prosecution of individuals for committing criminal offenses such as trespass, injury to personal property, and injury to real property.

(B) A violation of this section is punishable as a misdemeanor.

Section 124. Section 98.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 98.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 125. Section 99.03 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.03 INTERFERENCE WITH BARRICADES; DRIVING ON BARRICADED STREET

(A) It shall be unlawful to tear down any poles, plank or other material erected as a blockade or barricade to close streets under construction, or erected for other purposes by authority of the City Council or City Manager.

(B) It shall be unlawful for any person to operate an automobile, truck or other vehicle upon any street that has been blockaded or barricaded by authority of the City Council or City Manager, except as may be authorized by this Code.

(C) A violation of this section is punishable as a misdemeanor.

Section 126. Section 99.10 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.10 OBJECTS OVER OR UPON SIDEWALK

(A) It shall be unlawful for any person to hang, put, erect, project, suspend or in any manner place or maintain or permit to remain any sign, or thing of like nature, over, on or

upon any sidewalk of the city or the curbing thereof, whether of wood, cloth, or of whatever material made or constructed, alongside, or however placed, which shall be less than seven feet above such sidewalk or which shall, in any manner whatsoever, impede, delay, incommode, endanger or inconvenience pedestrians in the free and uninterrupted use of such sidewalk or any part thereof, or in passing to and from the sidewalk to the street; provided, that this shall not be construed to apply to awnings.

(B) A violation of this section is punishable as a misdemeanor.

Section 127. Section 99.13 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.13 BUILDING MATERIALS ON STREETS AND SIDEWALKS

(A) It shall be unlawful for any person to place building materials on any of the streets or sidewalks of the city in such a way or manner that such streets or sidewalks are obstructed or blocked thereby.

(B) A violation of this section is punishable as a misdemeanor.

Section 128. Section 99.14 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.14 SCAFFOLDING AND PASSAGEWAYS DURING BUILDING OPERATIONS

(A) It shall be unlawful for any person to build scaffolding on any of the streets or sidewalks of the city in such a way or manner that such streets or sidewalks are obstructed or blocked thereby. Before building or remodeling at any place which is in close proximity to the sidewalk an overhead covered passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

(B) A violation of this section is punishable as a misdemeanor.

Section 129. Section 99.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.15 PLACING MATERIALS IN STREET OR ALLEY OR UPON SIDEWALK

(A) It shall be unlawful for any person to place in any street or alley or upon any sidewalk any boxes, casks, barrels, crates or other like obstruction. Each day such obstruction is permitted to remain in any street or alley or upon any sidewalk after the person responsible therefor has been notified to remove such obstruction shall constitute a separate offense.

(B) A violation of this section is punishable as a misdemeanor.

Section 130. Section 99.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.16 ALLOWING MERCHANDISE TO REMAIN ON SIDEWALK OR STREET AFTER 7:00 P.M.

(A) It shall be unlawful for any person to allow any goods, wares, merchandise or any article for sale to remain on the sidewalks in such manner as to obstruct the free passage of the sidewalks. It shall be unlawful for any person to allow any goods, wares, merchandise or other articles of trade to remain on the streets of the city after 7:00 p.m.

(B) A violation of this section is punishable as a misdemeanor.

Section 131. Section 99.17 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 99.17 OBSTRUCTIONS IN ALLEYWAYS WHICH INTERFERE WITH
FIRE-FIGHTING EQUIPMENT**

(A) It shall be unlawful to obstruct in any manner whatsoever any alleyway, whether dedicated to public use or not, used by the public as a means of egress or ingress from or to any property located within the fire limits of the city, to such an extent that such obstruction would prevent, impede or delay the moving of fire trucks or other fire-fighting equipment to or from such property.

(B) The provisions of division (A) of this section shall not prevent the use of such alleyways for temporary parking if such temporary parking is for the purpose of loading or unloading goods, wares, merchandise or other articles in the ordinary course of business and trade.

(C) The provisions of division (A) of this section shall not prevent the erection of permanent structures or buildings upon such alleyways by the owners thereof if such owners otherwise have the right to erect such structures or buildings.

(D) A violation of this section is punishable as a misdemeanor.

Section 132. Section 99.25 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.25 PERMIT REQUIRED

(A) It shall be unlawful for any person to dig any hole, ditch or excavation of any kind whatsoever on any street in the city without having first secured a permit.

(B) A violation of this section is punishable as a misdemeanor.

Section 133. Section 99.27 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 99.27 PERMIT REQUIRED FOR REMOVAL OF SAND, DIRT,
OR STONE**

(A) It shall be unlawful for any person to, remove any sand, dirt or stone from any street, road or sidewalk in the city without having first secured a permit therefor.

(B) A violation of this section is punishable as a misdemeanor.

Section 134. Section 99.29 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.29 PLANKS AND ROPES AT EXCAVATION SITES

(A) It shall be unlawful for any person making any excavation for any purpose whatsoever in a street or sidewalk of the city to fail to cover such excavation securely with plank or to place ropes around the excavation three feet from the ground.

(B) A violation of this section is punishable as a misdemeanor.

Section 135. Section 99.30 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.30 LIGHTS AT EXCAVATION SITES

(A) It shall be unlawful for any person making any excavation for any purpose whatsoever in any street or sidewalk of the city to fail to place a sufficient number of orange lights around

such excavation before dark and to keep such lights burning all night during every night such excavation shall be open.

(B) A violation of this section is punishable as a misdemeanor.

Section 136. Section 99.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 99.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 137. Section 100.04 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 100.04 GENERAL RETAIL SALES

(A) The conduct of general retail sales or commercial activities in a residential district as designated in the zoning ordinance is, except as is otherwise expressly authorized in this chapter, prohibited.

(B) A violation of this section is punishable as a misdemeanor.

Section 138. Section 100.05 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 100.05 NUMBER AND TIME LIMITATIONS

(A) A yard sale shall not be conducted on any premises more than twice in a 12-month period.

(B) Each of the two yard sales may be for two consecutive weekends or 72 hours each whichever is the lesser and only during daylight hours.

(C) A violation of this section is punishable as a misdemeanor.

Section 139. Section 100.06 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 100.06 SIGNS

(A) Except as provided below, signs used in conjunction with a yard sale shall be displayed only on the premises upon which the yard sale is conducted.

(B) Two off-site directional signs may be permitted provided that the premises upon which the yard sale is conducted is not located on a major thoroughfare, and written permission to erect said signs is received from the property owners on whose property such signs are to be placed.

(C) Signs may be displayed only during the hours the sale is actively being conducted and must be removed at the close of the yard sale activities, or by the end of daylight, whichever first occurs each day.

(D) No signs may be placed in the public right-of-way.

(E) A violation of this section is punishable as a misdemeanor.

Section 140. Section 100.99 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 100.99 PENALTY

~~Any person conducting any yard sale who shall violate any of the terms and regulations of this chapter, upon conviction, shall be guilty of a misdemeanor and shall be fined not more than \$50 or imprisoned for not more than 30 days as provided by G.S. § 14-4.~~

~~Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$50.00.~~

Section 141. Section 130.01 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 130.01 REGULATION OF USE OF FIREARMS OR ANY DEVICE
DESIGNED OR USED TO PROJECT PELLETS, ARROWS, OR
OTHER PROJECTILES**

(A) Subject to the exceptions listed in division (B), it is unlawful for a person to discharge any pistol, rifle, gun, or other type of firearm within the city or within the boundary lines of any city-owned property that is located beyond the city limits.

(B) The prohibition listed above in division (A) does not apply to the following situations:

(1) The discharge of a firearm at a shooting gallery or range that is operating in compliance with the Asheboro Zoning Ordinance.

(2) The discharge of a firearm by a sworn law enforcement officer.

(3) The discharge of a firearm by a person in self-defense, in the lawful defense of others, in the lawful defense of property, pursuant to lawful directions of law enforcement officers, and/or pursuant to a duty established by federal, state, or local statute or ordinance, specifically including by way of illustration and not limitation the discharge of a firearm by a duly appointed animal control officer or his or her designee.

(4) Upon receipt of written permission from the Chief of Police or his or her designee, blank cartridges may be discharged during historical reenactments, military or similar displays, or during theatrical, athletic, or like performances. Such written permission from the Chief of Police or his or her designee cannot be granted unless and until the applicant establishes that the proposed activity for which the use of blank cartridges is requested will occur with the consent of the property owner and in compliance with the city's noise ordinance and zoning ordinance.

(5) A person 21 years of age or older may use an exploding device or similar scare device for the purpose of dispersing birds, fowl, or other wildlife on the condition that the device does not have the capacity to physically harm such bird, fowl, or other wildlife and on the additional condition that the use of the device conforms with all federal and state laws as well as the regulations adopted by the North Carolina Wildlife Resources Commission. The person utilizing such a device shall exercise due care in the use of the device so as not to cause injury to persons or damage to another person's property. Prior to the utilization of such a device, the person using the device shall notify his or her adjacent property owners (or lessees) and the Asheboro Police Department of the intended use of such a device, including the location, the date, and the approximate time of day of such use. Such a device shall not be used between the hours of 11:00 p.m. and 8:00 a.m. on any day of the week.

(6) The use of a firearm for hunting ducks and dark geese (includes Canada geese and white-fronted geese) is permitted at Lake Reese when such hunting is undertaken in compliance with Chapter 91 of the Code of Asheboro.

(C) Subject to the exceptions listed in division (D), it is unlawful for a person to shoot or project any arrow, shot, pellet, stone, rock, or other hard substance by means of a bow, air rifle, pellet gun, paintball gun, popgun, slingshot, bean shooter, or other similar type of device or contrivance within the city or within the boundary lines of any city-owned property that is located beyond the city limits.

(D) The prohibition listed above in division (C) is subject to the following exceptions:

(1) Archery is permitted at an archery range that is operating in compliance with the Asheboro Zoning Ordinance.

(2) The discharge of air rifles, pellet guns, paintball guns, and similar devices is permitted at shooting galleries or ranges that are operating in compliance with the Asheboro Zoning Ordinance.

(3) Activities undertaken by a person in self-defense, in the lawful defense of others, in the lawful defense of property, pursuant to lawful directions of law enforcement officers, and/or pursuant to a duty established by federal, state, or local statute or ordinance, specifically including by way of illustration and not limitation the use of a device that would otherwise fall within the scope of division (C) by a duly appointed animal control officer or his or her designee.

(E) A violation of this section is punishable as a misdemeanor.

Section 142. Section 130.03 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.03 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN CERTAIN LOCATIONS

(A) *Consumption of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume a malt beverage or unfortified wine on any public street, sidewalk, or alley in the city; or on any other property owned, occupied, or controlled by the city.

(B) *Possession of open containers of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess open container(s) of malt beverages and unfortified wines on any public street, sidewalk, or alley in the city; or on any other property owned, occupied, or controlled by the city. For the purposes of this section, an **OPEN CONTAINER** means a container whose seal has been broken or a container other than the manufacturer's unopened original container.

(C) *Possession of malt beverages and unfortified wines on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.* It shall be unlawful for any person to possess any malt beverage or unfortified wine on any public street, alley, or parking lot which has been temporarily closed to regular traffic for a special event.

(D) *Possession and consumption of fortified wine, spirituous liquor, and mixed beverages.* The possession or consumption of fortified wine, spirituous liquor, or mixed beverages is hereby prohibited on property owned or leased by the city.

(E) *Exceptions.* Notwithstanding the prohibitions prescribed by the above-listed divisions of this section, the following acts shall not be deemed to be unlawful.

(1) The possession or consumption of alcoholic beverages by either a sworn law enforcement officer acting in the performance of his or her official duties or a person acting under the immediate and direct supervision of a sworn law enforcement officer discharging his or her official duties.

(2) The possession or consumption of malt beverages at McCrary Park as part of collegiate or professional baseball events hosted by legal entities with whom the City of Asheboro has entered into a lease agreement for the use of McCrary Park; provided, however, any such malt beverages found within McCrary Park must have been obtained in accordance with a sale/distribution plan developed and implemented by the hosting of legal entity in compliance with all applicable laws and administrative regulations.

(3) The possession or consumption of unfortified wine and malt beverages on the premises of the Sunset Theatre and Bicentennial Park facilities, including without limitation the Rotary Pavilion. The possession or consumption of unfortified wine and malt beverages on these premises will be lawful only if such possession or consumption is conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including

without limitation the regulations adopted by the city for these facilities that are part of the municipal cultural and recreation services system, inclusive of any and all sale/distribution plans specified by the City of Asheboro Cultural and Recreation Services Policy Manual.

(4) The possession of unfortified wine on the premises of the Downtown Farmers' Market facility. The possession of unfortified wine on these premises will be lawful only if such possession occurs as part of the retail sale by an approved Downtown Farmers' Market vendor of unfortified wine for off-premise consumption. The retail sale of unfortified wine shall be conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation the regulations prescribed for the Downtown Farmers' Market in the City of Asheboro Cultural and Recreation Services Policy Manual.

(5) The possession or consumption of unfortified wine and malt beverages on the premises leased to the nonprofit North Carolina Aviation Museum and Hall of Fame, Incorporated (these premises are shown as Hangar G and Hangar L on Schedule C of the Asheboro Regional Airport) during events conducted by the nonprofit corporation. The sale or service of wine and malt beverages must be conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation any laws and regulations pertaining to either alcoholic beverage control or the operation of the airport by the Asheboro Airport Authority.

(F) ~~*Penalties.* Any person who violates the prohibitions prescribed by divisions (A), (B), and (C) above shall be guilty of a misdemeanor in accordance with G.S. § 14-4. A violation of this section is punishable as a misdemeanor.~~

Section 143. Section 130.05 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.05 AGGRESSIVE SOLICITATION PROHIBITED

(A) *Definitions.* For purposes of this section:

(1) **AGGRESSIVE MANNER.** Includes:

(a) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;

(b) Following the person being solicited, if that conduct is: intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(c) Continuing to solicit within five feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or, is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(d) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's Constitutional right to picket or legally protest, and acts authorized by a permit issued pursuant to [Chapter 97](#) of the Code of Asheboro shall not constitute obstruction of pedestrian or vehicular traffic;

(e) Intentionally or recklessly using obscene or abusive language or gestures: intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or, words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or

(f) Approaching the person being solicited in a manner that: is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act

upon property in the person's possession; or, is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

(2) ***AUTOMATED TELLER MACHINE.*** A device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

(3) ***AUTOMATED TELLER MACHINE FACILITY.*** The area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

(4) ***PUBLIC AREA.*** An area to which the public or a substantial group of persons has access and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

(5) ***SOLICIT.*** To request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.

(B) ***Prohibited acts.*** It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

(1) In an aggressive manner in a public area;

(2) Within 15 feet of any entrance or exit of any bank or within 15 feet of any automated teller machine during the hours of operation of such bank or automated teller machine without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility; or

(3) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property.

~~(C) ***Penalty.*** If any person shall violate this section, he or she shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500 in accordance with G.S. § 14-4.~~

~~(C) ***A violation of this section is punishable as a misdemeanor.***~~

(D) ***Construction and severability.***

(1) Severability is intended throughout and within the provisions of the section. If any sentence, clause, or phrase of this section is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this section.

(2) This section is not intended to ~~prescribe~~ ***proscribe*** any demand for payment for services rendered or goods delivered.

(3) This section is not intended to create a result through enforcement that is absurd, impossible or unreasonable. The section should be held inapplicable in any such cases where its application would be unconstitutional under the Constitution of the State of North Carolina or the Constitution of the United States of America.

Section 144. Section 130.06 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.06 PUBLIC URINATION AND DEFECATION PROHIBITED

(A) Except in designated water closets or toilet facilities, it shall be unlawful for any person to urinate or defecate on any public place, sidewalk, street, alleyway or right-of-way,

or in any public building, or on private property. Having the permission of the owner or person in lawful possession of the real property shall constitute an affirmative defense to the charge of urinating or defecating on private property. Any person who violates this section shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.

(B) A violation of this section is punishable as a misdemeanor.

Section 145. Section 130.07 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 130.07 ALL-TERRAIN VEHICLES PROHIBITED ON
CITY-OWNED LANDS**

(A) The act of operating any motorized all-terrain vehicle on city-owned real property is hereby prohibited and declared to be unlawful.

(B) For the purpose of this section, ***MOTORIZED ALL-TERRAIN VEHICLE*** is a two or more wheeled vehicle designed for recreational off-road use.

(C) This section is not applicable to employees and contractors of the City of Asheboro, law enforcement officers, firefighters, rescue personnel, emergency medical services personnel, and emergency management personnel acting in the course and scope of their official duties.

(D) A violation of this section is punishable as a misdemeanor.

Section 146. Section 130.08 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.08 CURFEW ESTABLISHED FOR PARKS

(A) A curfew shall be in effect between the hours of 11:00 p.m. and 6:00 a.m. in each of the following parks and recreation areas:

- (1) Asheboro Memorial Park, including Nance Little League Field and Thomas Tennis Center;
- (2) North Asheboro City Park;
- (3) Frazier Park;
- (4) Westwood Park;
- (5) Hammer Memorial Park;
- (6) Mini-park at Cross and Brewer Streets;
- (7) Athletic field at Brewer, Tucker, and Watkins Streets;
- (8) Park Street Park located on South Park Street;
- (9) Kiwanis Park off Meadowbrook Road;
- (10) City ball fields on Farr Street;
- (11) McCrary Ball Field;
- (12) Pugh Little League Field on Country Club Drive;
- (13) Bicentennial Park; and
- (14) Asheboro Skate Park.

(B) No person shall be deemed guilty of violating the curfew if such a person is present in one of the parks and recreation areas specified in division (A) above within 30 minutes of the official conclusion of an event conducted in the parks and recreation areas with the approval of the Asheboro Parks and Recreation Department.

(C) ~~Anyone found guilty of violating the curfew shall be guilty of a misdemeanor punishable under the General Statutes of the State of North Carolina. A violation of this section is punishable as a misdemeanor.~~

Section 147. Section 130.09 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.09 REGULATION OF SKATEBOARDS AND INLINE SKATES

(A) Subject to division (B) below, it shall be unlawful for any person riding on a skateboard or inline skates to ride any such device on the premises of facilities or lands owned in fee simple or leased by the city.

(B) Skateboards and inline skates may be utilized within designated areas of the Asheboro Skate Park in accordance with Chapter 98 of the Code.

(C) This section shall not be construed to authorize any activity involving skateboards, roller skates, coasters, toy vehicles, or similar devices that is prohibited by § 70.53.

(D) A violation of this section is punishable as a misdemeanor.

Section 148. Section 130.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 130.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 149. Section 150.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.01 FIRE LIMITS

Pursuant to G.S. § 160A-435 160D-1126, the primary fire limits of the City of Asheboro are hereby established and defined as follows:

Beginning at a point in the center of the intersection of Salisbury Street (North Carolina Highway 42) and North Fayetteville Street; thence south along the center line of Fayetteville Street (United States Highway 220 Business) to a point in the center of the intersection of South Fayetteville Street and Academy Street; thence west along the center line of Academy Street to a point in the center of the intersection of West Academy Street and South Church Street; thence north along the center line of Church Street (North Carolina Secondary Road 1707) to a point in the intersection of North Church Street and West Salisbury Street; thence east along the center line of West Salisbury Street to the point and place of beginning.

Section 150. Section 150.03 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.03 BUILDING INSPECTOR; DEPUTIES AND ASSISTANTS

(A) Except as may be provided otherwise by state law or this Code, the Building Inspector shall administer and enforce within the territorial jurisdiction, specifically including without limitation the extraterritorial planning jurisdiction, of the city all provisions of this chapter and of the North Carolina State Building Code, and he shall perform the duties and keep the

records prescribed in G.S. §§ 160A-411 through 160A-416 Article 11 of Chapter 160D of the General Statutes of North Carolina for local building and electrical inspectors.

(B) The City Council may, by resolution or otherwise, provide for the appointment or designation of such deputy and assistant building inspectors as may be considered desirable.

(C) Notwithstanding any other provision found within this Chapter, when undertaking inspections and enforcement actions in connection with unsafe structures, the city's Chief Building Inspector and any deputy or assistant building inspector(s) are authorized to utilize the full scope of authority found within the most recent enactments of G.S. §§ 160A-426 through and including 160A-432 Article 11 of Chapter 160D of the General Statutes of North Carolina. This division is designed to provide city building inspectors with the greatest scope of regulatory authority available under North Carolina law to address unsafe structures and is not to be interpreted or construed as a limitation on any other regulatory authority otherwise delegated to a building inspector.

Section 151. Section 150.29 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.29 INSPECTIONS OF WORK IN PROGRESS

Subject to the limitation imposed by G.S. § 160A-412(b) 160D-1104, as the work pursuant to a permit progresses, the Building Inspector shall make as many inspections thereof as may be necessary to satisfy him that the work is being done according to the provisions of any applicable state laws or ordinances of this city and of the terms of the permit. In exercising this power, the Building Inspector shall have a right to enter on any premises within his or her jurisdiction at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. If a permit has been obtained by an owner exempt from licensure under G.S. § 87- 1(b)(2), no inspection shall be conducted without the owner being personally present, unless the plans for the building were drawn and sealed by an architect licensed pursuant to G.S. Ch. 83A.

Section 152. Section 150.30 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.30 STOP ORDERS

(A) Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of any state law or ordinance of this city, or in a manner that endangers life or property, the Building Inspector may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped. The stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons therefor, and the conditions under which the work may be resumed. The owner or builder may appeal from a stop order involving alleged violation of the State Building Code or any approved modification thereof made by ordinance of this city to the North Carolina Commissioner of Insurance or his designee within a period of five days after the order is issued. Notice of appeal shall be given in writing to the Commissioner of Insurance or his designee, with a copy to the Building Inspector. The Commissioner of Insurance or his designee shall promptly conduct an investigation and the appellant and the Inspector shall be permitted to submit relevant evidence. The Commissioner or his designee shall as expeditiously as possible provide a written statement of the decision setting forth the facts found, the decision reached, and the reasons for the decision. Pending the ruling by the Commissioner of Insurance or his designee on an appeal no further work shall take place in violation of a stop order. In the event of dissatisfaction with the decision, the person affected shall have the options of:

- (1) Appealing to the Building Code Council, or
- (2) Appealing to the Superior Court as provided in G.S. § 143-141.

(B) Violation Pursuant to G.S. § 160D-404(b), the violation of a stop order shall constitute a misdemeanor.

Section 153. Section 150.47 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.47 REMOVING NOTICE FROM CONDEMNED BUILDINGS

Pursuant to G.S. § 160D-1118, if any person shall remove any notice that has been affixed to any building or structure by the Building Inspector and that states the dangerous character of the building or structure, he shall be guilty of a misdemeanor.

Section 154. Section 150.51 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.51 FAILURE TO COMPLY WITH ORDER

Pursuant to G.S. § 160D-1124, ~~if~~ if the owner of a building or structure fails to comply with an order issued pursuant to § 150.49 from which no appeal has been taken or fails to comply with an order of the City Council following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

Section 155. Section 151.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.01 FINDING; PURPOSE

(A) Pursuant to G.S. § ~~160A-441~~ 160D-1201, it is hereby declared that there exist in the city dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities; and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the city.

(B) In order to protect the health, safety and welfare of the residents of the city as authorized by ~~Part 6 of Article 19, Chapter 160A~~ Article 12 of Chapter 160D of the General Statutes of North Carolina, it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation as expressly authorized by G.S. § ~~160A-444~~ 160D-1205.

Section 156. Section 151.14 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.14 PROCEDURE FOR ENFORCEMENT

(A) Preliminary investigation; notice; hearing. Whenever a petition, is filed with the Inspector by a Public Authority or by at least five residents of the city charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling or unit is unfit for human habitation he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant in courts of law or equity shall not be controlling in hearings before the Inspector.

(B) Procedure after hearing. After such notice and hearing, the Inspector shall state in writing his determination whether the dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

(1) If the Inspector determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a specified period of time, not to exceed

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90 days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations, and improvements have been made.

(2) If the Inspector determines that the dwelling is dilapidated, he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner either to repair, alter or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, or else to vacate and remove or demolish the same within a specified period of time not to exceed 90 days.

(C) Failure to comply with order.

(1) In personam remedy. If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter, or improve or to vacate and close the same within the time specified therein, or if the owner of a dilapidated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter or improve or to vacate and close and remove or demolish the same within the time specified therein, the Inspector shall submit to the City Council at its next regular meeting a resolution directing the City Attorney to petition the superior court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. §§ ~~160A-446(g)~~ 160D-305 and 160D-1208.

(2) In rem remedy. After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding division (1), the Inspector shall submit to the City Council an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed or demolished, as provided in the original order of the Inspector, and pending removal or demolition, to place a placard on such dwelling as provided by G.S. § 160A-443 160D-1203 and § 151.16.

(D) Appeals from orders of Inspector. An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the Zoning Board of Adjustment for the City of Asheboro a notice of appeal which shall specify the grounds upon which the appeal is based. Said notice of appeal to the Zoning Board of Adjustment, hereinafter referred to as the "Board," shall be filed with the Zoning Administrator for the City of Asheboro on a form prescribed by the Zoning Administrator. Upon the proper filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When an appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except for due cause shown upon not less than one day's written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. §§ ~~160A-446(f)~~ 160D-305 and 160D-1208 and division (E) below.

(1) The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Inspector, but the concurring vote of seven members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(2) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

(E) Petition to superior court by owner. Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S §§ 160A-446(f) 160D-305 and 160D-1208.

Section 157. Section 151.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.16 IN REM ACTION BY INSPECTOR; PLACARDING

After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this chapter, and upon adoption by the City Council of an ordinance authorizing and directing him to do so, as provided by G.S. § 160A-443(5) 160D-1203 and § 151.14(C), the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the City Council, and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful". Occupation of a building so posted shall constitute a misdemeanor. Each ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S § 160A-443(4) and (5) 160D-1203.

Section 158. Section 151.17 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.17 COSTS, A LIEN ON PREMISES

As provided by G.S §§ 160A-446(6) 160D-305 and 160D-1208, the cost of any repairs, alterations, or improvements, or of vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to § 151.15 shall be a lien against the real property upon which such cost was incurred such lien shall be filed, having priority, and be collected in the same manner as the lien for special assessments established by Article 10, Chapter 160A of the General Statutes.

Section 159. Section 151.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.18 ALTERNATIVE REMEDIES

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this chapter by criminal process as authorized by G.S. § 14-4 and § 151.20, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

Section 160. Section 151.19 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.19 ZONING BOARD OF ADJUSTMENT DESIGNATED TO HEAR APPEALS

Pursuant to and in accordance with G.S. §§ 160A-446(a) 160D-305 and 160D-1208, the Board of Adjustment established by Article 900 of the Asheboro Zoning Ordinance is hereby designated as the board that shall perform the duties prescribed by § 151.14(D) of the Code of Asheboro. When discharging its duties pursuant to Chapter 151 of the Code of Asheboro

and ~~Article 19 of G.S. Chapter 160A~~ Chapter 160D of the General Statutes of North Carolina, the Board of Adjustment shall keep an accurate record of all its proceedings.

Section 161. Section 151.99 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.99 PENALTY

(A) ~~The violation of any provision of this chapter shall constitute a misdemeanor, as provided by G.S. § 14-4.~~

(B) ~~In addition to the penalty established by division (A) above, and the remedies provided by other provisions of this chapter, this chapter may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.~~

In addition to the remedies provided by other provisions of this chapter, this chapter may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

Section 162. Section 152.02 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.02 PURPOSE

Pursuant to and in accordance with the enabling legislation found in ~~G.S. § 160A-439~~ 160D-1129, this chapter is enacted for the purpose of protecting the health, safety, and welfare of the city and its citizens by establishing minimum standards of maintenance, sanitation, and safety for nonresidential buildings or structures. Furthermore, this chapter identifies the circumstances under which a public necessity exists for the repair, closing, or demolition of nonresidential buildings or structures that are dangerous to the public health, safety, and welfare.

Section 163. Section 152.14 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.14 IN REM ACTION BY THE CITY ENFORCEMENT OFFICER

After failure of an owner of a nonresidential building to comply with an order of the City Enforcement Officer issued pursuant to the provisions of this chapter and upon adoption by the City Council of an ordinance authorizing and directing the owner to do so, as provided by ~~G.S. § 160A-439(f)~~ 160D-1129 and § 152.09(D), the City Enforcement Officer shall proceed to cause the nonresidential building to be repaired, altered, or improved to comply with the minimum standards established by this chapter, to be vacated and closed, or to be removed or demolished, as directed by the ordinance of the City Council. The City Enforcement Officer may cause to be posted on the main entrance of any nonresidential building that is to be vacated and closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." ~~Any person who occupies or knowingly allows the occupancy of a building so posted shall be guilty of a Class 3 misdemeanor.~~

Section 164. Section 152.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.15 COSTS ARE A LIEN ON PREMISES

(A) As provided by ~~G.S. § 160A-439(i)~~ 160D-1129(i), the amount of the cost of any repairs, alterations, or improvements, vacating and closing, or removal or demolition caused to be made or done by the City Enforcement Officer pursuant to §§ 152.09(D) or 152.12 shall be a lien against the real property upon which the costs were incurred. The lien shall be filed, have the same priority, be enforced, and the costs collected as provided by G.S. Ch. 160A, Art. 10. The amount of the costs shall also be a lien on any other real property of the owner located within the city limits except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.

(B) If the nonresidential building is removed or demolished by the City Enforcement Officer, such officer shall offer for sale the recoverable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition. Any balance remaining shall be deposited in the Superior Court by the City Enforcement Officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the governing body to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Section 165. Section 152.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.16 EJECTMENT

If any occupant fails to comply with an order to vacate a nonresidential building, the City Enforcement Officer may file a civil action in the name of the city to remove the occupant. The action to vacate shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building. The Clerk of Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed ten days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. § 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the City Enforcement Officer produces a certified copy of an ordinance adopted by the City Council pursuant to **G.S. § 160A-439(f) 160D-1129(f)** and § 152.09(D) to vacate the occupied nonresidential building, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the nonresidential building be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. § 42-30. An appeal from any judgment entered under this subsection by the magistrate may be taken as provided in G.S. § 7A-228, and the execution of the judgment may be stayed as provided in G.S. § 7A-227. An action to remove an occupant of a nonresidential building who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least 30 days before the filing of the summary ejectment proceeding, that the City Council has ordered the City Enforcement Officer to proceed to exercise his or her duties under **G.S. § 160A-439(f) 160D-1129(f)** and § 152.09(D) to vacate and close or remove and demolish the nonresidential building.

Section 166. Section 152.17 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.17 FILING OF ORDINANCES

An ordinance adopted by City Council pursuant to §§ 152.09(D) or 152.12 shall be recorded in the office of the Register of Deeds of Randolph County and shall be indexed in the name of the property owner in the grantor index, as provided by **G.S. §§ 160A-439(f) and (g) 160D-1129(f) and (g).**

Section 167. Section 152.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.18 ALTERNATIVE REMEDIES

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, **to enforce this chapter by criminal process as authorized by G.S. § 14-4 and § 152.22,** and to utilize any remedy provided herein or in other ordinances or laws.

Section 168. Section 152.19 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.19 BOARD OF ADJUSTMENT TO HEAR APPEALS

(A) All appeals that may be taken from decisions or orders of the City Enforcement Officer pursuant to this chapter shall be heard and determined by the Board of Adjustment. As the appeals body, the Board of Adjustment shall have the power to set the times and places of its meetings, to adopt necessary rules of procedure, and to adopt any other rules and regulations that may be necessary for the proper discharge of its duties.

(B) Appeals shall be subject to the following:

(1) An appeal from any decision or order of the City Enforcement Officer may be taken by any person aggrieved thereby. Any appeal from the City Enforcement Officer shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the City Enforcement Officer and the Secretary to the Board of Adjustment a notice of appeal that shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the City Enforcement Officer shall forthwith transmit to the Board of Adjustment all of the papers constituting the record upon which the decision under appeal was made. When the appeal is from a decision of the City Enforcement Officer refusing to allow the person aggrieved thereby to do any act, the City Enforcement Officer's decision shall remain in force until modified or reversed. When any appeal is from a decision of the City Enforcement Officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board of Adjustment, unless the City Enforcement Officer certifies to the Board, after the notice of appeal is filed, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant) a suspension of the requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order that may be granted for due cause shown, upon not less than one day's written notice to the City Enforcement Officer, by the Board or by a court of record upon petition made pursuant to G.S. § ~~160A-446(f)~~ **160D-1208(d)** and § 152.20.

(2) The Board of Adjustment shall set a reasonable time for the hearing of all appeals, shall give notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board of Adjustment may reverse or affirm, in whole or in part, or may modify the decision or order appealed from and may make such decision and order as in its opinion ought to be made in the matter. To that end, the Board of Adjustment shall have all the powers of the City Enforcement Officer when ruling upon a duly filed appeal. A simple majority of the members of the Board of Adjustment shall be necessary to reverse or modify any decision or order of the City Enforcement Officer. When considering an appeal, the Board of Adjustment shall have the power, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case by granting a variance to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that the concurring vote of four-fifths of the members of the Board of Adjustment shall be necessary to grant a variance rather than the simple majority that is sufficient, when the variance power is not utilized, to reverse or modify a decision or order of the City Enforcement Officer.

(C) Every decision of the Board of Adjustment shall be subject to review by the Superior Court by proceedings in the nature of certiorari instituted within 30 days of the decision of the Board, but not otherwise.

Section 169. Section 152.20 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.20 TEMPORARY INJUNCTION REMEDY FOR AGGRIEVED PERSON

Any person aggrieved by an order issued by the City Enforcement Officer or a decision rendered by the Board of Adjustment shall have the right within 30 days after issuance of the order or rendering of the decision to petition the Superior Court for a temporary

injunction restraining the City Enforcement Officer pending a final disposition of the cause, as provided by G.S. § 160A-446(f) 160D-1208(d).

Section 170. Section 152.22 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.22 VIOLATIONS; PENALTIES

(A) It shall be unlawful for the owner of any nonresidential building to fail, neglect, or refuse to repair, alter, or improve the same, to vacate and close, or to remove or demolish the same upon order of the City Enforcement Officer duly made and served in accordance with the provisions of this chapter within the time specified in the order, and each day that any such failure, neglect, or refusal to comply with the order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any nonresidential building, with respect to which an order has been issued pursuant to section § 152.09(C), to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration, improvement, or its vacation and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

~~(B) The violation of any provision of this Chapter shall constitute a misdemeanor, as provided by G.S. § 14-4.~~

~~(C) In addition to or in lieu of the other remedies provided by this chapter, any owner of a nonresidential building that fails to comply with an order of the City Enforcement Officer within the time specified therein, shall be subject to a civil penalty in the amount of \$50 for the first offense, \$100 for the second offense in the calendar year, and \$250 for the third and subsequent offenses in the calendar year. Each subsequent offense after the third will be subject to a civil penalty of \$250. Each 30-day period or part thereof in which a violation is allowed to persist will constitute a separate and distinct offense.~~

~~(B) In addition to or in lieu of the other remedies provided by this chapter, any owner of a nonresidential building that fails to comply with an order of the City Enforcement Officer within the time specified therein, shall be subject to a civil penalty in the amount of \$50 for the first offense, \$100 for the second offense in the calendar year, and \$250 for the third and subsequent offenses in the calendar year. Each subsequent offense after the third will be subject to a civil penalty of \$250. Each 30-day period or part thereof in which a violation is allowed to persist will constitute a separate and distinct offense.~~

Section 171. Section 153.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 153.01 ADOPTION BY REFERENCE

(A) The subdivision ordinance, as readopted May 7, 1987, as amended, copies of which are on file in the office of the City Clerk, is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.

~~(B) Notwithstanding any provision found within the above-referenced subdivision ordinance, the City of Asheboro Subdivision Ordinance shall not impose any criminal penalties on the basis of the violation of an ordinance provision adopted under Chapter 160D of the General Statutes of North Carolina.~~

Section 172. Section 154.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 154.01 ADOPTION BY REFERENCE

~~(A) The zoning ordinance as adopted January 6, 1966 and readopted February 10, 1977, copies of which are on file in the office of the City Clerk, as amended, readopted February 10, 1977, and revised, effective July 1, 2021, to comply with Chapter 160D of the General Statutes of North Carolina, and as the ordinance may be subsequently amended, is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.~~

(B) Copies of the City of Asheboro Zoning Ordinance are on file in the Office of the City Clerk.

(C) Notwithstanding any provision found within the above-referenced zoning ordinance, the City of Asheboro Zoning Ordinance shall not impose any criminal penalties on the basis of the violation of an ordinance provision adopted under Chapter 160D of the General Statutes of North Carolina, except for those ordinance provisions related to unsafe buildings.

Section 173. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 174. Sections 2, 141, 142, 143, 144, and 148 of this Ordinance were introduced and received favorable votes during Asheboro City Council meetings held on November 4, 2021, and November 18, 2021. The ordinance provisions found in the sections listed in the immediately preceding sentence shall be in full force and effect on and after November 18, 2021.

Section 175. The remaining sections of this Ordinance were introduced and received favorable votes during the Asheboro City Council meetings held on November 18, 2021, and December 9, 2021. The ordinance provisions described in the immediately preceding sentence shall be in full force and effect on and after December 9, 2021.

The Asheboro City Council granted final approval of the entirety of this Ordinance during the Council's regular meeting on the 9th day of December, 2021.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

There being no further business, the meeting was adjourned at 7:35 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on October 4, 2021

The Asheboro ABC Board met on Monday, October 4, 2021, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC. Present at the board meeting were the Chair, Board Member Steve Knight, Board Member Bob Morrison and General Manager Rodney Johnson (GM). A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

The Chair inquired as to any known conflict of interest, appearance of a conflict of interest, or objections concerning agenda items before the Board; after Board member(s) voiced having no conflict, and there being no objection, the agenda was adopted.

Board Minutes from the August 30, 2021, meeting (September Regular Meeting) were reviewed and approved by the Board.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses).

Monthly drafts and EFT payments were reviewed.

The current lease agreement for the property located at 700 South Fayetteville Street, Asheboro, NC, ends the last day of November 2021. The Board reviewed a proposed lease submitted by the lessor which continues the same terms and costs as the previous lease. Upon motion by Stephen Knight, the Board approved the lease it was signed by the Chair.

The Board discussed issues related to a possible 2nd store in North Asheboro. The Board directed the GM obtain additional information concerning construction costs to be discussed at the next board meeting.

The GM reviewed key issues relating to ABC store operations contained in House Bill 890 (ABC Omnibus Bill) passed by the Legislature and signed by the Governor on September 10, 2021.

The Board heard reports from the General Manager concerning the following issues:

1. Asheboro ABC sales statistics comparing:
 - September 2021 sales with the previous month indicate:
 - An overall +2.4% change (all sales and tax collections)
 - September 2021 sales with sales from the same month last year indicate:
 - Retail Sales +3.1%
 - Mixed Beverage Sales: +89.4
 - Sales Tax Collections: +3.9%
 - Overall Collections: +10.99%

- September 2021 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: -2.7%
 - Mixed Beverage Bottle Sales: +66.7%
 - Overall Bottle Sales: +1%

The next regular Asheboro ABC Board meeting will be held Monday, November 1, 2021, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 11-1-21


GM





ORDINANCE NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE AMENDING THE CODE OF ASHEBORO TO
CONFORM WITH CURRENT LEGISLATIVE AND ADMINISTRATIVE
ENACTMENTS, SPECIFICALLY INCLUDING CHAPTER 160D OF
THE GENERAL STATUTES OF NORTH CAROLINA AND
SESSION LAW 2021-138 (SENATE BILL 300)**

WHEREAS, Chapter 160D of the General Statutes of North Carolina has consolidated city and county enabling statutes pertaining to planning and development regulations into a single, unified chapter; and

WHEREAS, the General Assembly of North Carolina has enacted Session Law 2021-138 (Senate Bill 300), which in Part XIII, effective December 1, 2021, provides that a violation of a city ordinance may be a misdemeanor as provided by Section 14-4 of the General Statutes of North Carolina only if the city specifies within the ordinance that such a violation is a misdemeanor (hereinafter references to sections of the General Statutes of North Carolina such as Section 14-4 will be cited as follows: G.S. § 14-4); and

WHEREAS, prior to December 1, 2021, state law provided that the violation of a city ordinance was a misdemeanor unless the city council provided otherwise; and

WHEREAS, the Asheboro City Council intends for certain ordinance violations to continue to be punishable as misdemeanors; and

WHEREAS, the Asheboro City Council has concluded that it is advisable to adopt this Ordinance in order to amend the Code of Asheboro and achieve conformance with the applicable legislative and administrative enactments.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. Section 10.21 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 10.21 EXTRATERRITORIAL JURISDICTION OF THE CITY

All of the powers for the planning and regulation of development authorized by G.S. Art. 19, Ch. 160A, for municipalities Chapter 160D of the General Statutes of North

Carolina shall be exercised by the city within the extraterritorial planning jurisdiction area shown on the map (a total of seven sheets) dated September 12, 2012, prepared under City of Asheboro Engineering Department Job No. 12030, and entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area."

Section 2. Section 10.99 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 10.99 GENERAL PENALTY

- (A) ~~Wherever in this code or in any ordinance of the city or in any rule or regulation of any officer or agency of the city, under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code, ordinance, rule or regulation the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance, rule or regulation shall be punished as provided in G.S. § 14-4 for each separate violation. Each day any violation of this code or of any ordinance, rule or regulation shall continue shall constitute a separate offense, except as may be otherwise specifically provided.~~
- (B) ~~If any person shall violate an ordinance of the city regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50.~~
- (A) Where no specific penalty is otherwise provided, any act constituting a violation of the provisions within this code of ordinances or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$100 for each day the violation continues. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of debt.
- (B) In addition to the provisions of division (A) above, any provision of this code or other ordinance of the city may be enforced by any one or more of the remedies authorized by G.S. § 160A-175.

Section 3. Section 34.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 34.01 CREATED

Pursuant to ~~Part 7 of Article 19 of Chapter 160A~~ Chapter 160D of the General Statutes of North Carolina, there is hereby created a Community Appearance Commission of the city, to perform the functions and duties herein prescribed.

Section 4. Section 34.51 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 34.51 CREATION; COMPOSITION AND MEMBERSHIP

- (A) Pursuant to ~~Article 19 of Chapter 160A~~ Chapter 160D of the General Statutes of North Carolina, there is hereby created a Planning Board, which shall consist of seven members, five of whom shall be residents of the city and two of whom shall be residents of the extraterritorial area shown on the map entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area" and recorded in the Office of the Randolph County Register of Deeds in Plat Book 135, Pages 28-34.
- (B) All members of the Planning Board shall have equal rights, privileges, and duties with the other members ~~in all matters, wherever they might arise of the board to which they are appointed, regardless of whether the matters at issue arise within the city or within the extraterritorial area.~~
- (C) The Planning Board may exercise the powers granted by this Code and other ordinances and by ~~G.S. Ch. 160A, Art. 19,~~ Chapter 160D of the General Statutes of North Carolina within the city and within the extraterritorial area shown on the map entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area" and recorded in the Office of the Randolph County Register of Deeds in Plat Book 135, Pages 28-34.

Section 5. Section 34.54 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 34.54 POWERS AND DUTIES

- (A) The Planning Board shall have the powers and discharge the duties provided by law for Planning Boards established under the provisions of ~~G.S. Ch. 160A, Art. 19~~ Chapter 160D of the General Statutes of North Carolina.
- (B) It shall be the duty of the Planning Board, in general:
 - (1) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends and

present conditions appertaining to matters which trust must be considered in planning the development of the area, and forces at work to cause changes in these conditions;

- (2) To prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area;
 - (3) To establish principles and policies for guiding action in the development of the area;
 - (4) To prepare and recommend to the City Council ordinances promoting orderly development along the lines indicated in the comprehensive plan;
 - (5) To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area;
 - (6) To make any studies and plans necessary as part of an urban renewal program within the area;
 - (7) To keep the City Council and the general public informed and advised as to these matters;
 - (8) To perform any other duties which may lawfully be assigned to it.
- (C) As background for its comprehensive plan and any ordinances it may prepare, the Planning Board may gather maps and aerial photographs of man-made and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the community, land use, and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the area and its various parts.

Section 6. Section 34.56 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 34.56 ZONING

The Planning Board shall, in addition to its other powers and duties, have the powers and perform the duties of a City Planning Board with respect to city zoning, as provided in G.S. Ch. 160A, Art. 19, Chapter 160D of the General Statutes of North Carolina and in Chapter 154 of this Code.

Section 7. Section 50.003 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.003 PERMIT REQUIRED TO CONNECT TO WATER OR SEWER SYSTEM; APPLICATION

(A) It shall be unlawful for any person to cause a connection to be made to any city water main or city sewer of any type without a permit to do so issued by the Water and Sewer Department. Each application for a permit for any such connection shall be made by the owner of the premises to be served by such connection, or his duly authorized agent, to the Water and Sewer Department upon blanks furnished by the department, and upon the payment of the required tapping fees. A written permit shall be issued for the connection.

(B) A violation of this section is punishable as a misdemeanor.

Section 8. Section 50.019 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.019 TURNING ON WATER WHEN SHUT OFF BY CITY PROHIBITED

(A) It shall be unlawful for any person, except an officer or agent of the Water and Sewer Department, to turn on the water to any premises from which the water has been shut off by order of the Water and Sewer Department.

(B) A violation of this section is punishable as a misdemeanor.

Section 9. Section 50.020 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.020 PERSONS NOT ENTITLED TO SERVICE

(A) It shall be unlawful for any consumer of water from the city water system to supply water to any person whose supply has been cut off by the Water and Sewer Department for nonpayment of the water bill or for any other violation of this chapter or other provision of this Code, or for the consumer to permit any such person to take water from the fixtures on the consumer's premises.

(B) It shall be unlawful for any person not entitled to be supplied with water from the City Water System to take water from any fixture thereof.

(C) A violation of this section is punishable as a misdemeanor.

Section 10. Section 50.023 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.023 METER BY-PASS REGULATED

(A) It shall be unlawful for any person to have a "by-pass" around any water meter, without a written permit therefor from the Water and Sewer Department; and it shall be unlawful for any person lawfully having a "by-pass" to open or use it except when permitted to do so by the Water and Sewer Department. Each day such "by-pass" is unlawfully used shall constitute a separate violation of this section.

(B) A violation of this section is punishable as a misdemeanor.

Section 11. Section 50.024 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.024 USE OF FIRE HYDRANTS

(A) It shall be unlawful for any person to open, turn on, or use water from any fire hydrant connected to the City of Asheboro water distribution system, or to attach any hose, pipe, or any other type of apparatus to such a fire hydrant, without a written revocable permit issued by the Water Resources Director or his or her designee; provided, that this prohibition shall not apply to employees of the City of Asheboro qualified to use fire hydrants in the course of performing their official duties. Portable meters for connection to fire hydrants may be furnished by the city after a permit application and security deposit have been submitted to the Water Resources Director or his or her designee. The permit holder shall be responsible for any damage to the hydrant, portable meter, connections, or any other component of the city's water distribution system. Such damages will be billed to the permit holder. Subject to the following exception, all charges for water consumption shall be billed to the permit holder in accordance with the adopted rate schedule. Contractors performing work for the city and contractors blowing off newly constructed water lines will not be billed for the water used for these particular tasks. While a hydrant is in use, no wrench shall be used on the hydrant other than an approved hydrant wrench.

(B) A violation of this section is punishable as a misdemeanor.

Section 12. Section 50.026 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.026 TRESPASS UPON PREMISES USED IN PROVIDING CITY WATER

(A) It shall be unlawful to enter upon, walk, ride, bathe, swim, boat, skate, hunt, fish or trespass in any manner whatsoever upon any portion of any pond or reservoir or any land or building owned, leased or controlled by the city for the purpose of providing water, whether such property is located within or without the city limits, unless such activity is approved by the Parks and Recreation Services Department.

(B) A violation of this section is punishable as a misdemeanor.

Section 13. Section 50.039 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.039 TAPPING TO SERVICE CONNECTION; INSTALLATION OF METER

(A) It shall be unlawful for any person other than an employee of the Water and Sewer Department to connect any premises with the city water system. When a service connection has been made between the water main and curb and the owner of the premises desires that his premises be connected with such service connection he shall make application to the Water and Sewer Department for the installation of a water meter. Upon the payment of the prescribed fee such meter will be installed and connection made by the city.

(B) A violation of this section is punishable as a misdemeanor.

Section 14. Section 50.076 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.076 TAMPERING WITH SYSTEM

(A) It shall be unlawful for any person to remove, damage, tamper or interfere with any sewer pipe belonging to the city or to remove, break, tamper with or injure any portion of any manhole, flush tank or any part of the city sewerage system or any installation thereunto appertaining.

(B) A violation of this section is punishable as a misdemeanor.

Section 15. Section 50.077 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.077 INJURIOUS SUBSTANCES PROHIBITED

(A) No exhaust steam or other injurious products, liquids or substances shall be allowed to enter any sanitary sewer. In addition to any other penalty provided for the violation of this section, the City Council may prevent or discontinue any connection with a sanitary sewer which discharges any liquid or substance liable to injure the sewer, sewerage disposal plant or equipment or obstruct the flow of sewage.

(B) A violation of this section is punishable as a misdemeanor.

Section 16. Section 50.102 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.102 PROHIBITED CONNECTIONS

(A) It shall be unlawful for any person to directly or indirectly connect or permit the connection of any open gutter, cesspool, privy, vault, or rain water conductor to any sanitary sewer.

(B) A violation of this section is punishable as a misdemeanor.

Section 17. Section 50.199 of the Code of Asheboro is hereby enacted to provide as follows:

§ 50.199 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 18. Section 51.06 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 51.06 TRANSPORTATION OF SOLID WASTE INTO CITY FOR COLLECTION PROHIBITED

(A) It shall be unlawful for any person to haul, carry, or in any other manner transport solid waste into the city from outside the city for the purpose of leaving or depositing such solid waste for collection by city forces. A violation of this division is punishable as a misdemeanor.

- (B) For the purpose of interpreting and applying this section, the term **SOLID WASTE**, in addition to including any materials that are collected by the city's Environmental Services Department and regulated elsewhere in this chapter, is defined as any hazardous or nonhazardous garbage, refuse, sludge, and any other material that has served its original intended use and has been discarded.
- (C) If nonhazardous solid waste transported into the city in violation of this section is left for collection by or with the acquiescence of an otherwise lawful customer of the city's Environmental Services Department, and such solid waste would be subject to collection but for the fact it was transported into the city in violation of this section, the otherwise lawful customer who placed or acquiesced in the placement of such solid waste for collection shall be billed for the collection of the illegally placed solid waste in the same manner and to the same extent as customers billed for improperly placed waste material under the provisions of § 51.22(A)(5) and § 51.22(E) of this chapter. If the illegally placed solid waste can be collected without the use of a knuckle boom truck, the charge for the collection services will be based on the amount of solid waste actually collected and how many scoops would have been required to remove such a quantity of solid waste if a knuckle boom truck had been used.
- (D) Notwithstanding any other provision in this section, recyclable materials transported to a recycling collection point/facility and solid waste transported to the city's transfer station are permitted so long as such materials are delivered and unloaded in accordance with all applicable laws and regulations, specifically including without limitation the regulations governing the operations of the recycling center(s) and/or the city's transfer station.

Section 19. Section 51.07 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 51.07 OFFENSIVE MATERIALS NOT TO BE BROUGHT INTO OR BURIED IN CITY

(A) It shall be unlawful to fill any land with, or dump upon any vacant lot within the city, garbage, dead animals, decaying vegetable matter or any offensive material; nor shall any of the aforementioned offensive materials be buried within the city.

(B) A violation of this section is punishable as a misdemeanor.

Section 20. Section 51.21 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 51.21 INTERFERENCE WITH SOLID WASTE/ RECYCLABLES
CONTAINERS PROHIBITED**

- (A) It shall be unlawful for anyone other than the person who initially placed the solid waste/recyclables for collection to open, move, or otherwise disturb a solid waste/recyclables container that has been placed for collection adjacent to a street or sidewalk in compliance with the regulations prescribed by this chapter.
- (B) It shall be unlawful for anyone other than the person who initially placed the solid waste/recyclables for collection to open a plastic bag placed inside a solid waste/recyclables container or to remove or otherwise disturb in any manner the contents of the solid waste/ recyclables container after the container has been placed for collection adjacent to a street or sidewalk in compliance with the regulations prescribed by this chapter.
- (C) Notwithstanding divisions (A) and (B) of this section, the prohibition against opening, moving, removing, or otherwise disturbing a solid waste/ recyclables container, or its contents, after placement for collection is inapplicable to the following individuals and entities:
 - (1) Employees or contractors of the United States of America, the State of North Carolina, or the City of Asheboro when such employees or contractors are operating within the scope of their employment or contractual responsibilities.
 - (2) Any and all individuals who belong to the same household as the person who initially placed the solid waste/recyclables container adjacent to the street or sidewalk for collection.

(D) A violation of this section is punishable as a misdemeanor.

Section 21. Section 51.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 51.99 PENALTY

Any violation of a division or section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 22. Section 70.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.15 OBEDIENCE REQUIRED; EXCEPTIONS

(A) The driver of any vehicle shall obey the instructions of any applicable official traffic control device unless otherwise directed by a police officer, subject to the exemptions granted by this title to the driver of an authorized emergency vehicle; provided, that no provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being placed to give notice thereof.

(B) A violation of this section is punishable as an infraction.

Section 23. Section 70.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.16 PREVIOUSLY INSTALLED DEVICES

(A) All traffic and parking control devices, signals, signs and markings heretofore placed, erected or installed by authority of the City Council and which are in place on the effective date of this code shall be deemed to be official traffic control devices until such time as they may be removed by authority of the City Council pursuant to this chapter, and until they are so removed it shall be unlawful for any person to fail to comply with any instruction or directive indicated by any such official traffic control device.

(B) A violation of this section is punishable as an infraction.

Section 24. Section 70.17 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.17 TURNING INDICATORS

(A) Whenever authorized signs are placed, erected, or installed indicating that no right, left or "U" turn is permitted, no driver of a vehicle shall disobey the directions of any such sign; and when authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles traversing or turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(B) A violation of this section is punishable as an infraction.

Section 25. Section 70.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.18 NO-PARKING AND SAFETY ZONE INDICATORS

(A) Whenever authorized signs or markings are placed, erected or installed indicating no-parking zones or safety zones, no driver of a vehicle shall disobey the directions contained in or given by such signs or markings.

(B) A violation of this section is punishable as an infraction.

Section 26. Section 70.19 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.19 LIMITED PURPOSE PARKING INDICATORS

(A) Whenever authorized signs or markings are placed, erected or installed indicating zones in which parking or standing is limited to specified purposes, no driver of a vehicle shall disobey the directions contained in or given by such signs or markings.

(B) This section shall be applicable to taxicab stands, bus stops, commercial loading spaces, reserved parking spaces and other places authorized by this title to be restricted to certain uses only.

(C) A violation of this section is punishable as an infraction.

Section 27. Section 70.20 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.20 LIMITED PARKING TIME INDICATORS

(A) Whenever authorized signs or markings are placed, erected or installed indicating parking zones in which parking time is limited, no driver of a vehicle shall disobey the directions contained in or given by such signs or markings.

(B) A violation of this section is punishable as an infraction.

Section 28. Section 70.21 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.21 ONE-WAY STREET SIGNS

(A) Whenever authorized signs are placed, erected or installed indicating that traffic shall proceed only in a certain direction, no driver of a vehicle shall disobey the directions contained in or given by such signs.

(B) A violation of this section is punishable as an infraction.

Section 29. Section 70.22 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.22 STOP AND YIELD SIGNS

(A) Whenever authorized stop signs are placed, erected or installed indicating that vehicles shall be brought to a stop before proceeding into an intersection, no driver of a vehicle shall disobey the directions contained in or given by such signs, nor shall he proceed into any such intersection until he has first determined that no conflict with traffic will be involved.

(B) Whenever authorized yield or yield right of way signs are placed, erected or installed indicating that no vehicle shall enter an intersection without first yielding the right of way to other vehicles approaching from any direction, no driver of a vehicle shall disobey the directions contained in or given by such signs, nor shall he proceed into any such intersection until he has first determined that no conflict with traffic will be involved.

(C) A violation of this section is punishable as an infraction.

Section 30. Section 70.23 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.23 SIGNS INDICATING VEHICLES OF CERTAIN TYPES OR WEIGHT PROHIBITED

(A) Whenever authorized signs are placed, erected or installed indicating that vehicles of certain types or in excess of certain weights are prohibited on certain streets or portions of certain streets, no driver of a vehicle shall disobey the prohibitions of any such sign.

(B) A violation of this section is punishable as an infraction.

Section 31. Section 70.24 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.24 SPEED LIMIT SIGNS

(A) Whenever authorized signs are placed, erected or installed indicating speed limits, no driver of a vehicle shall disobey the directions contained in or given by such signs.

(B) A violation of this section is punishable as an infraction.

Section 32. Section 70.25 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.25 ZONES OF QUIET

(A) Whenever authorized signs are placed, erected or installed indicating a zone of quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency, nor shall he permit a radio to emit sound that can be heard above the sound of traffic within such zone, or make any unnecessary noise.

(B) A violation of this section is punishable as an infraction.

Section 33. Section 70.26 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.26 PLAY STREETS

(A) Whenever authorized signs are placed, erected or installed indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof, except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

(B) A violation of this section is punishable as an infraction.

Section 34. Section 70.27 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.27 SCHOOL ZONES

(A) Whenever authorized signs are placed, erected or installed indicating any street or part thereof as a school zone, all drivers of motor vehicles using such street or part thereof shall exercise the greatest care in driving for the protection of children.

(B) A violation of this section is punishable as an infraction.

Section 35. Section 70.40 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.40 THROUGH STREETS; DUTY TO STOP

- (A) Those streets and parts of streets described in schedule 6 of § 72.02 are hereby declared to be through streets for the purpose of this chapter.
- (B) When authorized stop signs are placed, erected or installed upon highways intersecting a through street at the entrance thereto, or at the entrance to any intersection, every driver of a vehicle shall stop and shall not proceed into or across the through street until he has first determined that no conflict with traffic will be involved.
- (C) Failure to stop before entering a through street, except in accordance with a traffic stop light signal at an intersection where such light is in operation, is prohibited.

(D) A violation of this section is punishable as an infraction.

Section 36. Section 70.41 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.41 DUTY OF DRIVERS AT STOP INTERSECTIONS

- (A)** Those intersections described in schedule 7 of § 72.02 are hereby declared to be stop intersections, when entered from streets first named; and when authorized stop signs are placed, erected or installed at such intersections, every driver of a vehicle shall stop, in obedience to such signs, before entering the intersection and shall not proceed into or across the through street until he has first determined that no conflict with traffic will be involved.

(B) A violation of this section is punishable as an infraction.

Section 37. Section 70.42 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.42 INTERSECTIONS AND CROSSWALKS

- (A)** No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of

other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(B) A violation of this section is punishable as an infraction.

Section 38. Section 70.43 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.43 OPERATION ON ONE-WAY STREETS

(A) Upon those streets and parts of streets described in schedule 8 of § 72.02, vehicular traffic shall move only in the indicated direction when authorized signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(B) A violation of this section is punishable as an infraction.

Section 39. Section 70.44 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.44 DRIVING THROUGH FUNERAL PROCESSIONS

(A) No vehicle shall be driven through a funeral procession, except authorized emergency vehicles when responding to calls.

(B) A violation of this section is punishable as an infraction.

Section 40. Section 70.45 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.45 LEFT TURNS

(A) In making left turns at the street intersections described in schedule 9 of § 72.02, all traffic shall travel to the left of the center of such intersections as may be indicated by authorized buttons, markers or other directing signs.

(B) A violation of this section shall be punishable as an infraction.

Section 41. Section 70.46 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 70.46 INTERSECTIONS AT WHICH LEFT AND
RIGHT TURNS PROHIBITED**

- (A) No vehicle shall make a left turn at any street intersection described in schedule 10 of § 72.02.
- (B) No vehicle shall make a right turn at any street intersection described in schedule 11 of § 72.02.
- (C) A violation of this section is punishable as an infraction.

Section 42. Section 70.47 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.47 INTERSECTIONS AT WHICH U-TURN PROHIBITED

~~No driver shall turn any vehicle so as to proceed in the opposite direction except at a street intersection; and no vehicle shall make a U-turn even at street intersections:~~
~~—(A) Within the business district;~~
~~—(B) Where an official traffic control device is in operation, unless such device indicates that U-turns are permissible;~~
~~—(C) In the streets or portions of streets described in schedule 12 of § 72.02.~~

- (A) No driver shall turn any vehicle so as to proceed in the opposite direction except at a street intersection; and no vehicle shall make a U-turn even at street intersections:
 - (1) Within the business district;
 - (2) Where an official traffic control device is in operation, unless such device indicates that U-turns are permissible;
 - (3) In the streets or portions of streets described in schedule 12 of § 72.02.
- (B) A violation of this section is punishable as an infraction.

Section 43. Section 70.48 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.48 LIMITATIONS ON BACKING

- (A) The driver of a vehicle shall not back it into any intersection or over a crosswalk, and shall not in any event or at any place, back a vehicle unless

such movement can be made in safety and he shall have given ample warning to those who may be behind, by hand, horn or other signal.

(B) A violation of this section is punishable as an infraction.

Section 44. Section 70.49 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.49 EMERGING FROM ALLEY, DRIVEWAY OR BUILDING

(A) The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk areas extending across any alleyway, and upon entering the roadway shall yield the right of way to all vehicles approaching on the roadway.

(B) A violation of this section is punishable as a misdemeanor.

Section 45. Section 70.50 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 70.50 COMPLIANCE WITH TRAFFIC CONTROL
DEVICES REQUIRED**

(A) Failure to observe any official traffic control device or signal or any authorized traffic control sign or marker, and failure to comply with the directions thereof, shall be unlawful.

(B) A violation of this section is punishable as an infraction.

Section 46. Section 70.51 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 70.51 OPERATION OF VEHICLES ON SIDEWALKS, PARKS, OR
OTHER CITY PROPERTY**

(A) It shall be unlawful for any person to operate any motor vehicle, as defined by G.S. § 20-4.01(23), including "mini-bikes", on any sidewalk, in parks, or other property owned or under the control of the city; provided, that nothing herein shall prohibit the operation of a registered motor vehicle on the public streets or highways in the city in accordance with the laws of the state, or upon property set aside for the use of motor vehicles; provided, however, that nothing herein shall prohibit the operation of a motor vehicle across sidewalks at a driveway to obtain ingress or egress to any lot or parcel of land served by such driveway.

(B) A violation of this section is punishable as an infraction.

Section 47. Section 70.52 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.52 OPERATION OF BICYCLES AND MOTORCYCLES

- (A) The operator of a motorcycle or bicycle when upon a street shall not carry any person upon the handlebar, frame, or tank of any such vehicle, nor shall any person so ride upon any such vehicle.
- (B) No person shall ride a bicycle or motorcycle on any street without having both hands upon the handlebars.

(C) A violation of this section is punishable as an infraction.

Section 48. Section 70.53 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.53 USE OF PLAY VEHICLES RESTRICTED

- (A) It shall be unlawful for any person riding on a skateboard, roller skates, coaster, toy vehicle or similar device to ride any of such devices on the premises of the municipal buildings, on any of the facilities or structures located in Bicentennial Park, on any municipal parking facility, or to ride any such devices on any sidewalk or street located in the central business district of the city, as designated on the City Zoning Map as a B-3 District.
- (B) It shall be unlawful for any person riding on a skateboard, roller skate or any other toy vehicle to ride on a roadway except while crossing a street at a crosswalk or intersection; provided, that this section shall not apply upon streets set aside as play streets.
- (C) It shall be unlawful for any person to ride on a skateboard, roller skates, or any other toy vehicle on private property when signs are placed, erected, or installed giving notice that skateboarding, roller skating or riding any other toy vehicle is regulated, prohibited, or prohibited during certain hours, in that space or area.

(D) A violation of this section is punishable as an infraction.

Section 49. Section 70.54 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.54 CLINGING TO VEHICLES PROHIBITED

(A) Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates or any toy vehicle shall not attach the same or himself to any public conveyance or moving vehicle upon any roadway.

(B) A violation of this section is punishable as an infraction.

Section 50. Section 70.55 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.55 RIDING IN SPACE NOT INTENDED FOR PASSENGERS PROHIBITED

(A) No person shall ride on any public conveyance or other vehicle or any portion thereof not designed or intended for the use of passengers. This provision 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) A violation of this section is punishable as an infraction.

Section 51. Section 70.56 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.56 MANNER OF RIDING IN VEHICLES REGULATED

(A) No person when riding 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 by law required, and no person shall hang on to any vehicle from the outside.

(B) A violation of this section is punishable as an infraction.

Section 52. Section 70.57 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.57 UNAUTHORIZED RIDERS

(A) No person shall enter, jump on or ride in any vehicle without the consent of the owner or driver.

(B) A violation of this section is punishable as an infraction.

Section 53. Section 70.58 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 70.58 BOARDING OR LEAVING VEHICLE WHILE IN
MOTION PROHIBITED**

(A) No person shall board or alight from any public conveyance or other vehicle while such conveyance or vehicle is in motion.

(B) A violation of this section is punishable as an infraction.

Section 54. Section 70.59 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.59 AVOIDANCE

(A) It shall be unlawful to drive across a sidewalk or through other property for the purpose of avoiding an official traffic-control device.

(B) A violation of this section is punishable as an infraction.

Section 55. Section 70.61 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.61 GOLF CARTS

(A) Unless the context requires otherwise, the definitions found in G.S. § 20-4.01 apply throughout this section. As specified in G.S. § 20-4.01(12a), a golf cart is a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour. The definition of golf cart is republished here for convenience only, and the definition set out in the North Carolina General Statutes, as amended from time to time, is controlling for all purposes.

(B) The operation of golf carts on designated public streets, roads, and highways within the corporate limits of the City of Asheboro in compliance with the provisions of this section is permitted; however, it shall be unlawful to operate any golf cart at any place or in any manner that is not authorized herein. Notwithstanding the immediately preceding sentence, the operation of golf carts is not subject to the provisions of this section under the following circumstances:

(1) The operation of golf carts at golf courses, private clubs, or on private property with the consent of the owner of the property;

- (2) The operation of golf carts within gated or limited access communities unless the streets of the community are dedicated for public use and maintained by the city;
 - (3) The use of golf carts by city personnel for official business on property owned or leased by the city; and
 - (4) The operation of golf carts in connection with a properly permitted parade or a street festival/special event so long as the person or entity in charge of the parade or event consents to the use of the golf cart, the golf cart is only used during the parade or event, and the public street, road, or highway upon which the golf cart is operated has been closed by order of the proper governmental authorities.
- (C) Golf carts may be operated on the following streets so long as such use of the public streets is conducted in full compliance with the provisions of this section:
 - (1) Deer Ridge Road.
 - (2) Grey Rabbit Run.
 - (3) Stable Brook Road.
 - (4) Stone Bridge Road.
 - (5) Fox Ridge Road.
 - (6) High Meadow Drive.
 - (7) Tot Hill Trail.
 - (8) Johns Ridge Drive.
 - (9) Maple Hill Court.
 - (10) Stonewall Court.
- (D) No person who is less than 16 years of age may operate a golf cart on any public street, road, or highway within the city. Additionally, it is unlawful for a person to operate a golf cart on any public street, road, or highway within the city without having in his or her possession a valid driver's license issued in accordance with the laws of North Carolina or another state.

- (E) No golf cart may be operated on any public street, road, or highway within the city unless the golf cart has been registered with the City of Asheboro Police Department. The registration shall be renewed thereafter in accordance with the provisions of this section. Upon successful completion of the registration process, a biennial permit shall be issued to the owner of the registered golf cart by the Asheboro Chief of Police or his or her designee, and this sticker shall be attached to the rear fender of the registered golf cart in a manner that will render the sticker readily observable to the occupant of a motor vehicle approaching the rear of the golf cart. At a minimum, this registration sticker shall display the registration number assigned to the golf cart and the sticker's expiration date. The type and format of registration sticker to be utilized on golf carts shall be developed and approved by the Asheboro Chief of Police. For purposes of administrative efficiency, the Chief of Police is hereby authorized to establish standardized pre-printed expiration dates for the registration stickers so long as each registration sticker is valid, as measured from the date of the physical issuance of the sticker, for a minimum duration of 24 calendar months.
- (F) An application to initially register or renew the registration of a golf cart shall be submitted on a form developed and approved by the Asheboro Chief of Police. At a minimum, the approved form shall obtain the owner's name, street address, mailing address, a contact number, and the make, model, and identification or serial number of the golf cart to be registered. Additionally, with the submission of the approved form, an applicant shall acknowledge the city's disclaimer of liability and notification of assumption of risk by the applicant for accidents involving the registered golf cart.
- (G) Prior to issuing the initial registration permit or any renewal thereof, a registration fee of \$25 per golf cart shall be collected by the police department, and the golf cart shall be inspected by the Chief of Police or his or her designee to ensure compliance with the following standards:
- (1) The golf cart is equipped with a rear vision mirror and at least two red reflectors that are at least three inches in height and width on the rear of the golf cart;
 - (2) The golf cart is equipped with a reflective "slow moving vehicle" sign on the rear of the golf cart that conforms to generally accepted highway safety standards in North Carolina;
 - (3) The brakes provided by the manufacturer of the golf cart are in proper working order;

- (4) The golf cart has all of the standard safety features provided by the manufacturer and has not been modified to exceed a speed of 20 miles per hour nor otherwise modified in any way that creates a hazard; and
 - (5) The golf cart is equipped with any other mechanical systems and safety equipment required for compliance with the provisions found in this section.
- (H) The registration of a golf cart may be denied or subsequently revoked by the Asheboro Chief of Police or his or her designee if it is determined that:
 - (1) The submitted application contains any material misrepresentation;
 - (2) The golf cart is not in compliance with one or more of the requirements prescribed by this section;
 - (3) The golf cart has been altered or customized and no longer meets the definition of a "golf cart;" or
 - (4) Equipment installed by the manufacturer, specifically including without limitation safety equipment and the vehicle identification or serial number, has been removed from the golf cart.
- (I) It is unlawful to operate a golf cart on a public street designated for golf carts in any manner that fails to comply with the following requirements:
 - (1) Only the number of people the golf cart was designed to seat may ride on the golf cart at any single point in time. By way of illustration and not limitation, passengers shall not be transported on the part of a golf cart designed to carry golf bags.
 - (2) A golf cart must not be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than 20 miles per hour.
 - (3) No golf cart may be operated in a careless and reckless manner.
 - (4) Golf carts must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.
 - (5) Golf carts are permitted to operate on public streets only during daylight hours unless the cart is equipped with at least one operating headlight that has, at a minimum, a 55 watt halogen, or equal, bulb on the front of the golf cart and two operating tail lights on either side of the rear of

the golf cart. If the lighting specified in the immediately preceding sentence is installed and operational, such a golf cart may operate for one hour before sunrise and one hour past sunset.

- (6) Golf carts must be operated in accordance with all applicable state and local laws and ordinances, including without limitation all laws, regulations, and ordinances pertaining to the possession and use of alcoholic beverages.
- (J) Notwithstanding any other provision in this section, golf carts that are operated on public streets for the limited purposes of (1) crossing the streets listed in division (C) at designated crossing points marked with signage installed by the city and/or (2) utilizing Tot Hill Trail in furtherance of golfing activities are exempt from the requirements prescribed by divisions (E), (F), (G), and (H).
- (K) All-terrain vehicles, 4-wheel utility vehicles, and other similar utility vehicles that are not manufactured for operation on a golf course as well as golf carts that have been modified so as to no longer conform with the prescribed definition of "golf cart" may not be registered under this section, and these types of vehicles are not permitted to operate on the public roads, streets, and highways within the city unless such vehicles are otherwise registered with and allowed under the motor vehicle laws of the State of North Carolina.
- (L) Golf carts are neither designed for nor manufactured to be used on public streets, and the City of Asheboro neither advocates nor endorses the golf cart as a safe means of travel on public streets, roads, and highways. Any person who operates or rides upon a golf cart on a public street, road, or highway within the city, or encourages others to use a golf cart owned by the individual for such purposes and activities, does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

(M) A violation of this section is punishable as an infraction.

Section 56. Section 70.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 70.99 **PENALTY**

Any violation of a section of this chapter that is specifically designated as an infraction shall be punishable as provided in G.S. § 14-4.

Section 57. Section 71.02 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 71.02 STOPPING, STANDING, AND PARKING PROHIBITED
FOR CERTAIN PURPOSES**

~~No person shall stop, stand or park a vehicle upon any street for the principal purpose of:~~

~~(A) Displaying it for sale.~~

~~(B) Washing, greasing or repairing, except repairs necessitated by an emergency.~~

~~(C) The storing thereof by garages, dealers or any individuals such storage is not incident to the bona fide use and operation of such vehicle.~~

~~(D) Storage of any detached trailer or van when the towing unit has been disconnected, or for the purpose of transferring merchandise or freight from one vehicle to another.~~

~~(E) Advertising.~~

~~(F) Violation of this section is punishable as provided for in section 14-4 of the General Statutes of North Carolina for each separate violation. Each day any violation of this section shall continue shall constitute a separate offense. This section may be also enforced by any appropriate, equitable action.~~

~~(G) Any act constituting a violation of this section shall also subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of a debt.~~

(A) No person shall stop, stand, or park a vehicle upon any street for the principal purpose of:

(1) Displaying it for sale;

(2) Washing, greasing, or repairing, except repairs necessitated by an emergency;

(3) The storing thereof by garages, dealers, or any individuals such storage is not incident to the bona fide use and operation of such vehicle;

(4) Storage of any detached trailer or van when the towing unit has been disconnected, or for the purpose of transferring merchandise or freight from one vehicle to another; or

(5) Advertising.

- (B)** Each separate violation of this section is punishable as an infraction. Each day any violation of this section shall continue shall constitute a separate offense. This section may be also enforced by any appropriate, equitable action.
- (C)** Any act constituting a violation of this section shall also subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of a debt.

Section 58. Section 71.03 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 71.03 STOPPING, STANDING, AND PARKING PROHIBITED
AT CERTAIN LOCATIONS**

~~No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the following places:~~

- (A)** ~~On a sidewalk.~~
- (B)** ~~Within an intersection.~~
- (C)** ~~On a crosswalk.~~
- (D)** ~~Within 30 feet of any flashing beacon, stop sign or traffic control signal located at the side of a street or roadway.~~
- (E)** ~~Underpass approaches. No vehicle shall park on either side of any street approaching a railroad underpass or overhead bridge or within 50 feet in any direction of the outer edge of such underpass or overhead bridge.~~
- (F)** ~~Grade crossing approaches. No vehicle shall park on either side of any street approaching a grade crossing within 50 feet of the closest rail; provided, that where existing permanent structures are located along the street and closer than 50 feet, parking may be permitted in front of such structures, unless otherwise prohibited, if such parking does not interfere with the view in either direction of an approaching locomotive or train.~~
- (G)** ~~Beside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.~~

- (H) Upon any bridge or other elevated structure or within any underpass structure.
- (I) Within 15 feet in either direction of the entrance to a hotel, theatre, hospital, sanatorium or any public building.
- (J) On the roadway side of any vehicle standing or parked at the edge or curb of a street.
- (A) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the following places.
- (1) On a sidewalk.
 - (2) Within an intersection.
 - (3) On a crosswalk.
 - (4) Within 30 feet of any flashing beacon, stop sign, or traffic control signal located at the side of a street or roadway.
 - (5) Underpass approaches. No vehicle shall park on either side of any street approaching a railroad underpass or overhead bridge or within 50 feet in any direction of the outer edge of such underpass or overhead bridge.
 - (6) Grade crossing approaches. No vehicle shall park on either side of any street approaching a grade crossing within 50 feet of the closest rail; provided, that where existing permanent structures are located along the street and closer than 50 feet, parking may be permitted in front of such structures, unless otherwise prohibited, if such parking does not interfere with the view in either direction of an approaching locomotive or train.
 - (7) Beside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
 - (8) Upon any bridge or other elevated structure or within any underpass structure.
 - (9) Within 15 feet in either direction of the entrance to a hotel, theatre, hospital, sanatorium, or any public building.

(10) On the roadway side of any vehicle standing or parked at the edge or curb of a street.

(B) A violation of this section is punishable as an infraction.

Section 59. Section 71.04 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.04 GENERAL PARKING REGULATIONS AND PROHIBITIONS

(A) General requirements. When parking a vehicle on a public street or highway within the city, every vehicle shall be parked parallel to the curb and with both front and rear wheels not more than 12 inches from the curb except where the street is marked for diagonal or angle parking. Parking space lines shall be observed so that the vehicle shall neither extend beyond the space marked for parking nor occupy, in whole or in part, more than one parking space. Except as noted in division (D) below, parking contrary to these general requirements is unlawful.

(B) Definitions. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARK OR PARKING. The standing of a vehicle, whether occupied or not, in any manner other than temporarily stopping for the purposes of avoiding conflict with other traffic, complying with the direction of a law enforcement officer or traffic control sign or signal, or while actually engaged in loading or unloading.

STANDING. Any stopping of a vehicle, whether occupied or not.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(C) Specific prohibitions for purposes of clarification and not limitation.

(1) Parking within ten feet of a fire hydrant is prohibited.

(2) Parking within a nonparking space is prohibited.

- (3) Diagonal parking with rear to curb is prohibited. This regulation shall not apply to vehicles while actually being loaded or unloaded; provided, that no unnecessary time for the loading or unloading shall be taken and traffic is not obstructed thereby. If the vehicle be horse-drawn, the horse or horses shall stand parallel to the curb and face the direction of traffic.
- (4) Parking to the left within the business district is prohibited, except upon one-way streets, in which case vehicles shall be parked headed in the direction of traffic.
- (5) Double parking is prohibited; that is to say, it is unlawful to park alongside another vehicle that is already parked parallel to the curb and thereby cause an obstruction.
- (6) The parking of a vehicle in the travel lane(s) of a public street or highway is expressly prohibited when such an action impedes the efforts of city forces and/or North Carolina Department of Transportation personnel to clear public streets and highways of snow, ice, or any other form of frozen precipitation. The parking of a vehicle in violation of this prohibition is unlawful and subjects the offending vehicle to removal and storage. The registered owner of the towed vehicle shall become liable for the removal and storage fees/charges. All of the post-towing procedures prescribed by G.S. Ch. 20, Article 7A apply.

(D) Exceptions and limitations to the general requirements:

- (1) Those worshipping at the First Presbyterian Church of Asheboro may for Sunday morning services diagonally park their vehicles on Walker Avenue. However, under no circumstances are any vehicles to be diagonally parked after 1:00 p.m. each Sunday.
- (2) This section shall apply only to vehicles on the streets, highways and other public places of the city, and shall have no application to any vehicle as long as it remains on private premises.

(E) A violation of this section is punishable as an infraction.

Section 60. Section 71.05 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.05 POSTING OF NO PARKING AREAS ON PRIVATE PROPERTY

- (A) Parking in violation of signs prohibited. No person shall stop, leave standing, or park a motor vehicle in the area specified in this section in violation of posted

signs, when signs are placed, erected or installed giving notice that stopping, standing or parking is regulated, prohibited, or prohibited during certain hours, in that space or area.

- (B) Locations designated. The following locations are designated as "no parking" spaces: (Area and time of parking restrictions to be described--Schedule 17 of § 72.02).
- (C) Cost of signs. The cost of erecting or installing signs, and the cost of all necessary signs as determine by the Chief of Police shall be paid for by the individual requesting regulations.
- (D) Enforcement. The provisions of this section shall be enforceable in the same manner and in accordance with G.S. § 14-4. A violation of this section is punishable as an infraction.

Section 61. Section 71.06 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.06 PARKING WITHIN MARKED SPACES

- (A) On any street which is marked off with lines indicating the parking spaces for vehicles, vehicles shall be parked between such lines.
- (B) A violation of this section is punishable as an infraction.

Section 62. Section 71.07 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.07 PARALLEL PARKING; DISTANCE FROM CURB

- (A) Where not otherwise indicated in this chapter and where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb and not more than 12 inches therefrom.
- (B) A violation of this section is punishable as an infraction.

Section 63. Section 71.08 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.08 PARKING AT LEFT CURBS

- (A) No vehicle shall stop with its left side to the curb in the business district, except that on one-way streets vehicles shall stop headed in the direction of traffic.

(B) A violation of this section is punishable as an infraction.

Section 64. Section 71.09 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.09 WHEN STOPPING OF VEHICLES IN STREET PROHIBITED

(A) No vehicle shall stop in any street except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by the approach of an authorized emergency vehicle, by the approach of a funeral or other procession which is given the right of way, by the stopping of a public conveyance or school bus, by the lowering of railway gates, by the giving of traffic signals, the passing of some other vehicle or a pedestrian, or by some emergency; and in any case covered by these exceptions such vehicles shall not stop so as to obstruct any footway, pedestrian aisle, safety zone, crossing or street intersection if stopping can be avoided with safety.

(B) A violation of this section is punishable as an infraction.

Section 65. Section 71.10 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.10 STOPPING OR STANDING NOT TO INTERFERE WITH TRAFFIC

(A) No person shall stop a vehicle on any street so as to interrupt or interfere with the passage of traffic.

(B) A violation of this section is punishable as an infraction.

Section 66. Section 71.11 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.11 INTERFERENCE WITH PEDESTRIAN TRAFFIC ON SIDEWALKS AND CROSSWALKS

(A) Obstructing traffic by stopping or standing a vehicle across or on, in whole or in part, any sidewalk or crosswalk for pedestrians is prohibited.

(B) A violation of this section is punishable as an infraction.

Section 67. Section 71.12 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.12 NO PARKING AT ANY TIME; YELLOW CURBS

(A) When authorized signs are placed, erected or installed, giving notice that parking is prohibited at all times, or the curbing has been painted yellow in lieu of such signage, no person shall park a vehicle at any time upon all streets or parts of streets so designated.

(B) A violation of this section is punishable as an infraction.

Section 68. Section 71.13 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.13 COMPLIANCE WITH CHAPTER

(A) It shall be unlawful for any person to do any act prohibited by this chapter, specifically including without limitation parking in violation of the restrictions authorized by § 71.01. For the purposes of determining whether a person has complied with the parking restrictions authorized by § 71.01, the changing of the position of a vehicle from one point directly to another point within the same block shall be deemed one continuous parking period.

(B) A violation of this section is punishable as an infraction.

Section 69. Section 71.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.16 PARKING SPACES RESERVED FOR BUS STOPS, TAXICAB STANDS AND OTHER SPECIFIED PURPOSES

(A) Those streets or parts of streets described in Schedule 5 of § 72.02 shall be reserved as stands for the specific purpose and at the exact location named therein, and no vehicle shall park therein except those for which the space or stand has been designated.

(B) A violation of this section is punishable as an infraction.

Section 70. Section 71.17 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.17 WHERE ANGLE PARKING REQUIRED

(A) Where an angle parking zone has been established on a street or portion of a street and described in Schedule 13 of § 72.02, vehicles shall be parked within the marked spaces at the indicated angle with the curb of either approximately

30°, 45°, 60°, or 90°. The provisions of this section of Chapter 71 shall not be deemed to be applicable to the parking authorized and regulated by § 71.04(a) of this chapter along Walker Avenue for persons attending Sunday morning services at the First Presbyterian Church of Asheboro.

(B) A violation of this section is punishable as an infraction.

Section 71. Section 71.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.18 PARKING WITHIN LOADING ZONES

(A) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of material within any place marked as a loading zone. In no case shall the stop for loading and unloading of materials exceed 20 minutes.

(B) A violation of this section is punishable as an infraction.

Section 72. Section 71.19 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.19 OVERTIME PARKING PROHIBITED

(A) Parking beyond the time limited by any authorized sign placard, erected or installed giving notice thereof is prohibited.

(B) A violation of this section is punishable as an infraction.

Section 73. Section 71.20 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.20 MANNER OF EMERGENCE FROM PARKING PLACES

(A) Cars parked shall move out in the direction in which they are headed, or if they are parked at any angle with the curb they shall back out on that angle until they have cleared the other cars and shall proceed in the direction they are most nearly headed in.

(B) A violation of this section is punishable as an infraction.

Section 74. Section 71.22 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.22 NO PARKING ALLOWED ON CERTAIN DAYS BETWEEN THE HOURS OF 7:00 A.M. AND 4:00 P.M. ALONG A CERTAIN PORTION OF WEST WALKER AVENUE

- (A) With the exception of Saturdays, Sundays, and any calendar day when the Asheboro City Schools are not scheduled to be in session for students, no person shall park a vehicle between the hours of 7:00 a.m. and 4:00 p.m. upon any portion of the north side of West Walker Avenue that is situated between a point located 128 feet east from the center of South Park Street and a point located 376 feet east from the center of South Park Street.
- (B) With the exception of Saturdays, Sundays, and any calendar day when the Asheboro City Schools are not scheduled to be in session for students, no person shall park a vehicle between the hours of 7:00 a.m. and 4:00 p.m. upon any portion of the south side of West Walker Avenue that is situated between a point located 84 feet east from the center of South Park Street and a point located 686 feet east from the center of South Park Street; provided, however, the preceding prohibition of parking on the south side of West Walker Avenue shall not be deemed applicable to those vehicles engaged exclusively in the immediate and uninterrupted loading and unloading of passengers, materials, and cargo.
- (C) For the purpose of this section, the term **VEHICLE** shall be deemed to mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway or street.
- (D) Upon the effective date of this section, the City Manager shall post the portions of West Walker Avenue specified in divisions (A) and (B) of this section with signs that are placed, erected, and/or installed in a manner designed to give notice of the prohibitions of parking specified by this section.

(E) A violation of this section is punishable as an infraction.

Section 75. Section 71.31 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.31 MARKED SPACES

- (A)** The City Manager is hereby directed to designate and mark off such individual parking spaces as he deems proper along the streets in the congested area for the parking of vehicles. At each place where individual parking spaces are so marked off, each vehicle shall be parked entirely within an individual parking space. When, in the opinion of the City Manager, any individual parking space

no longer serves its intended purpose, he or she shall obliterate the markings thereof.

(B) A violation of this section is punishable as an infraction.

Section 76. Section 71.35 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.35 MOVING OF VEHICLE TO EVADE PARKING REQUIREMENTS

(A) No person shall move a vehicle from one parking space directly to another parking space within the same city block to evade parking regulations. The movement of a vehicle from one parking space directly to another parking space within the same block shall be deemed as a continuous parking period.

(B) A violation of this section is punishable as an infraction.

Section 77. Section 71.52 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.52 USE OF MARKED SPACE REQUIRED

(A) No motor vehicle shall be parked within any city parking lot except completely within a space therein marked and designated for the parking of a vehicle.

(B) A violation of this section is punishable as an infraction.

Section 78. Section 71.53 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.53 DAYS AND HOURS REGULATED

(A) With the exception of Saturdays, Sundays, and legal holidays, the regulation of parking within city parking lots shall be effective and enforceable daily between the hours of 7:00 a.m. and 7:00 p.m.

(B) Notwithstanding any other provision in this chapter, and pursuant to G.S. § 160A-302, as modified by Session Law 2012-105, the following supplemental regulations are applicable to the municipal parking lot that is accessed from South Church Street and is part of the Downtown Farmers' Market facility located at 134 South Church Street:

- (1) The parking of motor vehicles, other than city-owned motor vehicles, in the Downtown Farmers' Market facility parking lot for a time period in excess of 24 consecutive hours is prohibited.
- (2) On the days of the week when the Downtown Farmers' Market is in operation (Tuesday, Thursday, and Saturday), it is unlawful for any motor vehicle, other than city-owned motor vehicles, to be parked in the Downtown Farmers' Market facility parking lot between the hours of 4:30 a.m. and 6:00 a.m. With the exception of city-owned motor vehicles, any and all motor vehicles found in the parking lot of the Downtown Farmers' Market facility between the hours of 4:30 a.m. and 6:00 a.m. may be removed from the parking lot at the direction of a city police officer to a place of storage and the registered owner of the motor vehicle shall become liable for the removal and storage fees/charges.
- (3) When a motor vehicle is towed pursuant to § 71.53(B)(2), the person or company that tows the motor vehicle at the request of a city police officer is responsible for collecting any removal/towing and storage fees. All of the post-towing procedures prescribed by G.S. Ch. 20, Art. 7A apply. If a court of competent jurisdiction finds that no probable cause existed for the towing of a motor vehicle, the city shall compensate the tower for the fees/charges that are directly attributable to the Asheboro police officer's direction to tow the motor vehicle from the parking lot.
- (4) The parking regulations found in § 71.53(B) shall be prominently displayed at the vehicular entrance to the Downtown Farmers' Market facility parking lot by means of a sign that is no smaller than 24 inches by 24 inches.
- (5) For purposes of interpreting this subsection, the definition of "motor vehicle" found in G.S. § 20-4.01 shall be the controlling definition.

(C) A violation of this section is punishable as an infraction.

Section 79. Section 71.54 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.54 VIOLATIONS

(A) It shall be unlawful and a violation of this subchapter for any person to park a motor vehicle in any space within a city parking lot other than in those spaces designated as parking spaces, or to park for a longer period of time within such designated spaces than indicated by any authorized sign placed, erected or

installed; and any person violating any of the terms of this subchapter shall be guilty of an offense against this subchapter.

(B) A violation of this section is punishable as an infraction.

Section 80. Section 71.99 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.99 PENALTY

- (A) In accordance with G.S. § 14-4, any person who violates an ordinance provision of this chapter regulating the operation or parking of vehicles shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50; Any violation of a section of this chapter that is specifically designated as an infraction shall be punishable as provided in G.S. § 14-4; provided, however, any person found responsible for an infraction pursuant to the prima facie rule of evidence for the enforcement of parking regulations found in G.S. § 20-162.1 shall be subject to a penalty of not more than \$5.
- (B) There shall be an established civil penalty in the amount of \$5 for each violation specified in this chapter. This civil penalty may be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within the time period prescribed by this section. When the city receives proper payment of a parking ticket within seven days of the issuance of the ticket, the owner's liability thereunto shall be discharged. If payment is not received within seven days of the issuance of the parking ticket, such ticket shall be considered delinquent and shall be subject to an additional penalty of \$5 plus court costs necessary to insure collection. The parking citation shall have printed upon its face a statement that "payment is due within seven days from the date of issuance; failure to comply will result in an additional penalty of \$5 and court costs." Acceptance and payment of the additional penalty by the vehicle's owner shall be deemed a full and final release of any and all claims or right of action arising out of the parking violation.
- (C) The ordinance provisions in this chapter may be enforced by any one, all, or a combination of the remedies authorized by this section.
- (D) Each day's continuing violation of an ordinance provision in this chapter shall be a separate and distinct offense.

Section 81. Section 90.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 90.16 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE

- (A)** It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the city any vehicle which has been impounded pursuant to the provisions of this code unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.
- (B)** A violation of this section is punishable as a Class 3 misdemeanor as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 82. Section 91.06 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.06 INSPECTIONS AND PROHIBITION OF INTERFERENCE WITH ANIMAL CONTROL OFFICERS

- (A)** Whenever it is necessary to make an inspection to enforce any of the provisions of this chapter, or other applicable law, or whenever an animal control officer has reasonable cause to believe that there exists in any building or upon any premises any violation of this chapter or other applicable law, the animal control officer is empowered to enter and inspect such property at any reasonable time and perform any duty imposed upon them by this chapter or other applicable law, but only if the consent of the occupant or owner of the property is freely given or an administrative search warrant or criminal search warrant is obtained as follows:
- (1)** If such property is occupied, the animal control officer shall first present credentials to the occupant and request entry, explaining the reasons for the request; or
 - (2)** If such property is unoccupied, the animal control officer shall first make a reasonable effort to locate the owner or other persons having control of the property, present proper credentials, and request entry, explaining the reasons for the request; and
 - (3)** If entry is refused or cannot be obtained because the owner or other person having control or charge of the property cannot be found after due diligence, an animal control officer may obtain an appropriate warrant to conduct a search or inspection of the property or seizure on the property. Notwithstanding any other provision of this chapter, and so long as the animal control officer's actions are consistent with federal and state constitutional and statutory protections afforded to persons and their property, an animal control officer shall have the authority to enter upon any land to enforce the provisions of this chapter, specifically

including the seizure of animals running at large or to take enforcement action due to any other violation of an applicable animal control law if the violation of such a law is being committed in the presence of the officer and requires immediate action on the part of the officer to protect the health or safety of the animal or the public. In the case of animals at large, so long as the animal is within sight of the officer, this section shall not be interpreted to require that a warrant be obtained before seizing the animal.

- (B) It shall be unlawful for any person to interfere with, hinder, resist, or obstruct employees of the Animal Control Unit while they are carrying out any duty created under this chapter or other applicable animal control law.
- (C) It shall be unlawful for any person to conceal from any employee of the Animal Control Unit any animal for the purpose of evading the requirements of this chapter or any other applicable animal control law.
- (D) It shall be unlawful for any person to refuse to show, upon request, proof of a required rabies inoculation to any employee of the Animal Control Unit.
- (E) It is unlawful for any person to seek to release, attempt to release, or to release any animal in the custody of the Animal Control Unit, except as otherwise specifically provided in this chapter. An animal captured in a trap set by the Animal Control Unit shall be deemed to be in the custody of the Animal Control Unit.

(F) A violation of this section is punishable as a misdemeanor.

Section 83. Section 91.08 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.08 BIRD SANCTUARY CREATED

- (A) The territory embraced within the corporate limits of the city and all lands owned by the city outside of the corporate limits are hereby designated as a bird sanctuary.
- (B) Within the bird sanctuary established by division (A) of this section, it shall be unlawful for any person to intentionally hunt, kill, trap, or otherwise take any native wild birds.
- (C) Notwithstanding the provisions of divisions (A) and (B) of this section, the protection afforded to native wild birds within the established sanctuary does not extend to the following situations:

- (1) No bird classed as a pest under G.S. Ch. 113, Art. 22A and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971 is protected;
- (2) A person may hunt, kill, trap, or otherwise take any bird pursuant to a permit issued by the North Carolina Wildlife Resources Commission under G.S. § 113-274(c)(1a) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use in taking birds within the city limits; and
- (3) The use of a firearm for hunting ducks and dark geese (includes Canada geese and white-fronted geese) is permitted at Lake Reese when such hunting is undertaken in compliance with § 91.10 of the Code of Asheboro.

(D) A violation of this section is punishable as a misdemeanor.

Section 84. Section 91.11 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.11 HUNTING PROHIBITED ON PROPERTY BEYOND THE CITY LIMITS

- (A) No person shall intentionally hunt, trap, or snare, with or without firearms, animals on any city-owned property that is located outside the city limits.
- (B) Notwithstanding division (A) of this section, the following activities are permitted on city-owned property located outside the city limits:
 - (1) Fishing that is conducted in accordance with all applicable federal, state, and local statutes, ordinances, and regulations, specifically including without limitation the regulations adopted by the city's Recreation Services Department, is permitted upon the waters of Lake Reese and Lake Lucas;
 - (2) Duck and dark geese (including Canada geese and white-fronted geese) hunting is permitted upon the waters of Lake Reese only during the date(s) and time(s) established by the City Council prior to the season opening each year; and
 - (3) City employees and/or contractors may hunt, trap, or snare animals in compliance with the adopted rules and regulations of the North Carolina Wildlife Resources Commission when such action is deemed necessary

by the City Manager in order to ensure the safe and efficient operation of city-owned infrastructure.

(C) A violation of this section is punishable as a misdemeanor.

Section 85. Section 91.12 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.12 ABANDONED ANIMALS

- (A) It shall be unlawful for any person owning, possessing, or harboring an animal to abandon that animal.
- (B) If the Animal Control Unit finds that an animal has been abandoned, the animal may be impounded. If the animal has been abandoned in a house or within a fenced area, the Unit must make a reasonable effort to locate the owner or manager of the property. If the property owner or manager is not the animal owner, then the Unit shall secure permission to remove the animal from the person who occupies the property. If the person who occupies the property is the animal owner and cannot be located or refuses to give permission to remove the animal, the animal control officer shall secure an appropriate warrant to seize the animal.
- (C) An animal seized pursuant to this section shall be impounded as provided in § 91.07.

(D) A violation of this section is punishable as a misdemeanor.

Section 86. Section 91.13 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.13 WILD AND DANGEROUS ANIMALS

- (A) It is unlawful for any person to possess or harbor a wild and dangerous animal or their hybrids.
- (B) Wild and dangerous animals privately owned and maintained within the city limits on or before April 1, 2012 may remain in the city, but such wild and dangerous animals must be registered with the Animal Control Section of the Randolph County Health Department. Furthermore, at the time of registration, owners must submit a recapture plan in the event their animal escapes. Breeding or allowing the reproduction of wild and dangerous animals is prohibited.

- (C) Escapes of wild and dangerous animals must be immediately reported to 911 emergency communications.
- (D) Owners are liable for costs to agencies associated with the recapture of an escaped wild and dangerous animal.
- (E) In order for the owner of a wild and dangerous animal registered in compliance with division (B) of this section to lawfully house such an animal within the city, strict compliance must be maintained at all times with the following requirements:
 - (1) The enclosure housing the animal must securely contain the animal, including secondary containment from escape;
 - (2) The enclosure housing the animal must be adequately ventilated, cooled, heated, lighted, and constructed so that it may be kept in a clean and sanitary condition;
 - (3) The enclosure housing the animal must be compliant with the Asheboro Zoning Ordinance;
 - (4) The physical and psychological health and well-being of the animal must not be endangered by the manner of confinement;
 - (5) The keeper/caregiver must have adequate knowledge of the nutritional, physical, and behavioral needs of the species in his or her care; and
 - (6) The owner/caregiver must be able to identify the veterinarian providing medical care for the animal.

(F) A violation of this section is punishable as a misdemeanor.

Section 87. Section 91.14 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.14 EXOTIC REPTILES

- (A) Individuals must be greater than 18 years of age to own a venomous exotic reptile or an exotic reptile weighing in excess of 40 pounds.
- (B) Owners are required to report to 911 emergency communications any escapes of venomous exotic reptiles and exotic reptiles weighing in excess of 40 pounds.
- (C) It is unlawful for exotic reptiles to run loose unsupervised.

- (D) Owners are required to register venomous exotic reptiles with the Animal Control Section of the Randolph County Health Department which notifies 911 emergency communications of the location of venomous reptiles in order to protect rescue workers and the public during any emergency situations.
- (E) Owners are liable for costs to agencies associated with the recapture of an escaped exotic reptile.

(F) A violation of this section is punishable as a misdemeanor.

Section 88. Section 91.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.15 EXOTIC MAMMALS

- (A) It is unlawful for any person to possess, sell, or harbor an exotic mammal or their hybrids.
- (B) Exotic mammals privately owned prior to any embargo or protection orders may remain in the city if so allowed by the order, but such animals must be registered with the Animal Control Section of the Randolph County Health Department.
- (C) Breeding or allowing the reproduction of exotic mammals is prohibited.

(D) A violation of this section is punishable as a misdemeanor.

Section 89. Section 91.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.16 ANIMAL BITE AND NOTIFICATION; RABIES CONTROL

- (A) It is unlawful for an animal to bite a human being who does not ordinarily reside on the premises of the animal unless the animal has been subject to provocation or unless the victim has been trespassing.
- (B) It is unlawful for a person to fail to report to the Animal Control Unit as soon as possible that an animal has bitten a person.
- (C) It is unlawful for any person to fail to inform the Animal Control Unit of the location to which an animal that has bitten a human being has been taken if the owner has given the animal away, or caused in any way the animal to be taken from the owner's premises.

- (D) The Animal Control Unit shall ensure that all bite notifications are forwarded to the Randolph County Health Department and shall fully cooperate, assist, and strictly comply with all of the rabies control measures required by all applicable state laws and regulations, the County Animal Control Ordinance, specifically including without limitation the county ordinance's quarantine and confinement/destruction measures, and any orders issued by the Randolph County Health Director.
- (E) In furtherance of the prevention component of rabies control, the following prevention measures are required. It is unlawful for an owner to fail to comply with the following requirements:
- (1) In accordance with state law, the owner of every dog, cat, and ferret over four months of age shall have the animal vaccinated against rabies. The time or times of vaccination shall be established by the North Carolina Commission for Health Services, or any successor entity to this Commission;
 - (2) As required by G.S. § 130A-190(a), dogs and cats shall wear rabies vaccination tags at all times. The rabies vaccination tag shall show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C.," and the words "rabies vaccine;" and
 - (3) Ferrets are not required to wear the rabies inoculation tags, but the owner of a ferret shall maintain the tag or the rabies vaccination certificate as written evidence to prove the ferret has a current rabies inoculation and shall produce such tag or certificate as requested by animal control and as otherwise required by law.

(F) A violation of this section is punishable as a misdemeanor.

Section 90. Section 91.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§91.18 NUISANCE ANIMALS

- (A) It is unlawful for any person to own, keep, possess, harbor, or maintain an animal or group of animals in such a manner as to unreasonably annoy humans, endanger the life or health of other persons or animals, or substantially interfere with the rights of other citizens to the enjoyment of life or property. By way of example and not of limitation, the following activities are hereby declared to be a public nuisance and are, therefore, unlawful:
- (1) Allowing an animal to get into or turn over waste or garbage containers;

- (2) Allowing an animal to repeatedly walk on or sleep on the automobile of another;
- (3) Allowing an animal to damage the real or personal property of anyone other than its owner;
- (4) Allowing an animal to repeatedly be or run at large;
- (5) Maintaining an animal in an unsanitary condition so as to render the animal noxious or offensive to sight or smell;
- (6) Not confining an animal to a building or secure enclosure while the animal is in estrus;
- (7) Maintaining an animal that is vicious or failing to effectively prevent an animal from chasing, snapping at, attacking, or otherwise molesting others, including pedestrians, bicyclists, motor vehicle passengers, or domestic animals;
- (8) Allowing or permitting an animal or group of animals to make frequent or long continued sounds, including barking, whining, screeching, calling, howling, or yowling in an excessive, continuous, habitual, or untimely fashion; or to make other noise in such a manner and at such intervals so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises (such sounds shall be collectively referred to as "annoying sound"). For illustrative purposes and without limitation, any such sound made by cats or dogs for more than 15 minutes during any 30-minute period shall be deemed to be an annoying sound. The normal clucking of chickens that are otherwise kept in accordance with the provisions of the Code of Asheboro shall not constitute an annoying sound. Any person owning, using, or possessing premises affected by an annoying sound ("person annoyed by sounds") shall follow the procedures specified in division (E) below;
- (9) Housing or restraining an animal less than five feet from a public street, road, or sidewalk such that the animal, without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way, or the location of the animal poses a threat to the general safety, health, and welfare of the general public;
- (10) Keeping an animal that is diseased and creating a threat to the public health; and

- (11) Keeping or maintaining an animal or group of animals in such a manner as to attract excessive insects, pests, rodents, raccoons, snakes, or other wild animals.
- (B) Upon the initiative of an animal control officer or upon receipt of a detailed complaint made to the Animal Control Unit by any of the city's residents that any person is maintaining a nuisance animal or animals, the Animal Control Unit may cause the owner of the animal or animals in question to be notified that a complaint has been received and may cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing by the investigating animal control officer. Notwithstanding any other provision in this section, any person other than an animal control officer who wants to initiate a complaint pertaining to a nuisance animal or group of animals engaged in the activity described in division (A)(8) above shall follow the procedures specified in division (E) below.
- (C) If the written findings of the investigating animal control officer indicate that the complaint is justified, then the Chief or designee shall cause the owner or keeper of the animal or animals in question to be so notified in writing, served by personal delivery or by certified mail, return receipt requested, and ordered to abate such nuisance within a reasonable time that is not to exceed seven days after notification. A citation may, in the discretion of the Animal Control Unit, be issued at the same time for a violation of this chapter or any other animal control law. The Chief may specify the particular abatement measures that must be taken, which measures may include, but are not limited to, a requirement that the animal be penned or that a secure enclosure be erected or improved. In the event the owner of the animal is unknown and cannot be ascertained, the notice and order, along with a general description of the animal, shall be published in a local newspaper.
- (D) If any person actually or constructively receiving notice in the manner herein described shall fail or refuse to abate the nuisance upon order of the Chief within the specified time, the Chief may cause any of the remedies and enforcement measures authorized by this chapter to be utilized in order to bring about an abatement of the nuisance.
- (E) If a complaint pertains to annoying sound, the person annoyed by the sound shall follow the procedures specified below:
- (1) Upon receipt of a detailed written and signed complaint by the person annoyed by the sound, the Animal Control Unit shall provide written notice to the owner or possessor of the premises on which the animal(s) making an annoying sound is maintained ("animal owner") that a complaint has been received about the animal's (animals') annoying

sound. The notice shall detail the complaint and may make suggestions on ways to correct the situation;

- (2) Upon receipt of such notice of complaint, the animal owner shall cure the violation. If the violation is not cured, or if a second complaint is made to the Animal Control Unit about the same animal(s) within any six-month period, the Animal Control Unit shall cause the animal owner to be served with an order to abate the annoying sound within a reasonable period of time, not to exceed seven days ("abatement order"). Such notice shall be served by personal delivery or by certified mail, return receipt requested; and
- (3) If the original complainant, or any other affected person notifies the Animal Control Unit that the animal owner has failed or refuses to abate the annoying sound as provided in the abatement order, the Animal Control Unit shall investigate and may utilize any of the remedies and enforcement measures authorized by this chapter to bring about an abatement of the nuisance.

(F) Nothing in this section shall prevent a private citizen from bringing an action at any time against an animal owner.

(G) A violation of this section is punishable as a misdemeanor.

Section 91. Section 91.20 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.20 ANIMAL ABUSE PROHIBITED

- (A) All animals shall be kept and treated under sanitary and humane conditions, and it shall be unlawful for any owner to engage in one or more of the following acts:
- (1) Failing to provide adequate feed, water, and shelter for an animal;
 - (2) Confining an animal in a storage room, shed, or other building without proper ventilation and access to natural light;
 - (3) Failing to keep an animal under sanitary and humane conditions that promote the animal's health and general welfare and which maintain a condition of good order and cleanliness that reduces the possibility of the transmission of disease;

- (4) Failing or refusing to provide adequate medical attention for any sick, diseased, or injured animal;
 - (5) Poisoning or exposing a domestic animal to any known poisonous substance or mixing a poisonous substance with food so that it will likely be eaten by a domestic animal. This prohibition does not include attempts or acts of persons to lawfully rid their own property of mice or rats or other vermin, nor does it include other acts permitted by the North Carolina Wildlife Resources Commission;
 - (6) Allowing a collar, rope, or chain to become embedded in or cause injury to an animal's neck, or allowing a choke or pinch collar to be used as a primary collar on an unsupervised animal;
 - (7) Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably, or having access to adequate food, water, and shelter; and
 - (8) Placing or confining an animal or allowing an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability, or death.
- (B) Subject to the following divisions that contain limitations and clarifications of the general prohibition found in this subsection, the tethering of one or more dogs as a method of keeping the dog(s) on the owner's or owners' property is unlawful:
- (1) The owner(s) may tether a dog or dogs for a reasonable period of time to allow for waste elimination;
 - (2) The owner(s) may tether a dog or dogs on a runner for a reasonable period of time to allow the dog(s) to exercise;
 - (3) The owner(s) may tether a dog or dogs during an emergency situation when such a situation is found by the animal control unit to have been caused by unique circumstances triggering an isolated occurrence as opposed to a repeat occurrence that provides evidence of a pattern of non-compliance with the city's anti-tethering regulations; and

- (4) Notwithstanding any other provision in this chapter and without exception, the tethering of a dog on a 24-hour a day basis is unlawful. For the sole and limited purpose of evaluating the validity of the assessment of a civil penalty pursuant to the provisions found in this chapter, the observation by an animal control officer of a tethered dog or dogs on the same property during the same approximate time of day (a variation in the time of day of no more than one hour shall be regarded as the same approximate time of day, e.g. observing a dog at 10:30 a.m. on one day and at 11:15 a.m. on the next day is considered to be the same approximate time of day) on consecutive calendar days shall be prima facie evidence that the observed dog(s) have been unlawfully tethered for 24 hours.
- (C) Nothing in this section shall be deemed to prohibit the following activities:
- (1) The humane transportation of horses, cattle, sheep, poultry, or other livestock in trailers or other vehicles designed, constructed, and adequate for the size and number of animals being transported;
 - (2) Nothing in this section shall be construed to prohibit the Animal Control Unit, law enforcement officers, employees of the Randolph County Health Department, or veterinarians from euthanizing dangerous, unwanted, injured, or diseased animals in a humane manner; and
 - (3) Nothing in this section shall be construed to prohibit slaughterhouses or medical facilities from the proper, humane, and lawful carrying out of their activities or duties.
- (D) The Animal Control Unit shall have the authority to conduct inspections of pet shops, kennels, dealers, or breeders, to the extent not preempted by state law, in order to determine if there is any abuse of animals. It shall be unlawful for any owner or employee of any pet shop or kennel or any dealers or breeders to violate this section.

(E) A violation of this section is punishable as a misdemeanor.

Section 92. Section 91.21 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.21 PROHIBITION OF DOMESTIC ANIMALS AT LARGE

(A) It is unlawful for the owner of any domestic animal to allow such animal to be or run at large in the city or on any city property.

(B) A violation of this section is punishable as a misdemeanor.

Section 93. Section 91.23 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.23 RESPONSIBILITY FOR ANIMALS ON PUBLIC PROPERTY AND THE PROPERTY OF OTHERS

~~It shall be unlawful for the owner or custodian of an animal to fail to remove feces deposited by the animal on either of the following types of property:~~

- ~~—(A) Any public street, sidewalk, gutter, park, or other publicly owned property; or~~
- ~~—(B) Any property owned or legally controlled by another person or entity that has not given permission for entry onto the property by the animal that defecated on the property.~~

(A) It shall be unlawful for the owner or custodian of an animal to fail to remove feces deposited by the animal on either of the following types of property:

- (1)** Any public street, sidewalk, gutter, park, or other publicly owned property; or
- (2)** Any property owned or legally controlled by another person or entity that has not given permission for entry onto the property by the animal that defecated on the property.

(B) A violation of this section is punishable as a misdemeanor.

Section 94. Section 91.24 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.24 MAXIMUM NUMBER OF DOGS ON PREMISES

- (A)** It shall be unlawful for any person to keep or maintain more than three dogs per household on any parcel of land or zoning lot having less than 30,000 square feet, and an additional 7,000 square feet shall be required for each additional dog. A total of no more than five dogs per household shall be allowed on any parcel of land or zoning lot within the city limits regardless of square footage.
- (B)** The limitation prescribed by this section on the number of dogs per household on a single parcel of land or zoning lot shall not apply to dogs that are less than six months of age.

- (C) Notwithstanding the preceding provisions, and subject to the limitation that, on or after April 1, 2012, no new or additional dogs that would increase or perpetuate the noncompliance of a household with this section may be kept or maintained in a household, any dog lawfully kept or maintained as part of a household located within the corporate limits of the City of Asheboro prior to April 1, 2012 may continue to be kept or maintained as part of the same household for the remainder of the dog's life.

(D) A violation of this section is punishable as a misdemeanor.

Section 95. Section 91.25 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.25 MAXIMUM NUMBER OF CATS ON PREMISES

- (A) It shall be unlawful for any person to keep or maintain more than three cats per household on any parcel of land or zoning lot having less than 30,000 square feet, and an additional 7,000 square feet shall be required for each additional cat. A total of no more than five cats per household shall be allowed on any parcel of land or zoning lot within the city limits regardless of square footage.
- (B) The limitation prescribed by this section on the number of cats per household on a single parcel of land or zoning lot shall not apply to cats that are less than six months of age.
- (C) Notwithstanding the preceding provisions, and subject to the limitation that, on or after April 1, 2012, no new or additional cats that would increase or perpetuate the noncompliance of a household with this Section may be kept or maintained in a household, any cat lawfully kept or maintained as part of a household located within the corporate limits of the City of Asheboro prior to April 1, 2012 may continue to be kept or maintained as part of the same household for the remainder of the cat's life.

(D) A violation of this section is punishable as a misdemeanor.

Section 96. Section 91.26 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.26 KEEPING SWINE

- (A) Except as provided in division (B) of this section, it shall be unlawful for any person to keep any hogs, pigs, or swine within the city limits.

- (B) A person may have or keep no more than two miniature or potbellied pigs per household within the corporate limits of the city if the following conditions are satisfied:
- (1) The miniature or potbellied pig(s) must be provided with adequate shelter to protect the pig(s) from the elements.
 - (2) Any and all miniature or potbellied pigs kept or maintained in the City of Asheboro must be spayed or neutered.
 - (3) The owner of the miniature or potbellied pig(s) shall provide the pig(s) with access to food and clean water. Active measures shall be taken to limit the availability of this food and water to rodents, wild birds, and predators.
 - (4) If an outdoor pen or enclosure is utilized, the dimensions of such a pen or enclosure must be no less than 10 feet by 12 feet for one pig or no less than 16 feet by 16 feet for two pigs.
 - (5) No outdoor pen or enclosure, including without limitation fencing, used for sheltering or confining a miniature or potbellied pig is permitted within 30 feet of any property line or public street right-of-way line, and no such outdoor pen or enclosure may be located within 100 feet of a hospital, school, eating establishment, or dwelling other than the dwelling of the owner of the miniature or potbellied pig. These separation requirements are in addition to and not in lieu of the land use regulations prescribed by the Asheboro Zoning Ordinance. No provision in this chapter shall be construed or interpreted in any manner that preempts or impacts the application of the land use regulations found in the Asheboro Zoning Ordinance.
 - (6) A pen or enclosure used for sheltering or confining a miniature or potbellied pig shall be kept clean, sanitary, and free from accumulations of animal excrement that cause an objectionable odor. Such a pen or enclosure shall be cleaned at least twice each week. All waste material removed from a pen or enclosure used to shelter the miniature or potbellied pig shall be disposed of in a manner that is lawful, does not attract flies, and prevents any detectable odor at the property or street right-of-way line.
 - (7) All food kept for feeding the miniature or potbellied pig(s) shall be kept and stored in rat-free and rat- proof containers, compartments, or rooms unless kept in a rat- proof building.

(C) A violation of this section is punishable as a misdemeanor.

Section 97. Section 91.27 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.27 KEEPING OF DOMESTIC FOWL

- (A) Up to two chicken hens or other fowl may be kept by a household within the corporate limits of the City of Asheboro so long as the fowl do not, by reason of noise, odor, or attraction of flies, become a nuisance or health hazard.
- (B) Between three and eight chicken hens or other fowl may be kept on any single lot or parcel in the city if the following conditions are satisfied:
 - (1) The fowl shall not be permitted to run at large and must be maintained in a coop or enclosure of suitable construction and size for the number of fowl maintained in the enclosure.
 - (2) The fowl must be provided with adequate shelter for protection from the elements.
 - (3) The owner of the fowl shall provide the animal with access to food and clean water. Active measures shall be taken to limit the availability of this food and water to rodents, wild birds, and predators.
 - (4) No outdoor coop or enclosure used for keeping fowl is permitted within 30 feet of any property line or public street right-of-way line, and no such outdoor coop or enclosure may be located within 100 feet of a hospital, school, eating establishment, or dwelling other than the dwelling of the owner of the fowl. These separation requirements are in addition to and not in lieu of the land use regulations prescribed by the Asheboro Zoning Ordinance. No provision in this chapter shall be construed or interpreted in any manner that preempts or impacts the application of the land use regulations found in the Asheboro Zoning Ordinance.
 - (5) A coop or enclosure used for keeping fowl shall be kept clean, sanitary, and free from accumulations of animal excrement that cause an objectionable odor. Such a pen or enclosure shall be cleaned at least twice each week. All waste material removed from a pen or enclosure used for keeping fowl shall be disposed of in a manner that is lawful, does not attract flies, and prevents any detectable odor at the property or street right-of-way line.

- (6) All food kept for feeding the fowl shall be kept and stored in rat-free and rat-proof containers, compartments, or rooms unless kept in a rat-proof building.
- (C) Due to the excessive noise created by the following animals, the keeping of roosters and geese is prohibited within the corporate limits of the City of Asheboro.
- (D) A violation of this section is punishable as a misdemeanor.

Section 98. Section 91.28 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.28 KEEPING OF HORSES, MULES, DONKEYS, COWS, AND GOATS REGULATED

- (A) It shall be unlawful for any person who owns, operates, or maintains a stable or enclosure in the city, in which horses, mules, donkeys, cows, or goats are kept, to keep such stable in an unclean or unsanitary condition. The person who owns, operates, or maintains such a stable or enclosure shall be responsible for providing for use within the stable or enclosure a bin or pit which shall be watertight and so arranged that it is fly-proof, or, alternatively, shall provide a watertight barrel with a close-fitting lid. Manure accumulating in such stable shall be placed in the bin, pit, or barrel each day and shall be removed from the premises of the owner at least every five days. Effective fly control methods such as the use of approved insecticide shall be practiced during the fly-breeding period from April 15 to November 1 of each year. All food kept for feeding the livestock shall be kept and stored in rat-free and rat-proof containers, compartments, or rooms unless kept in a rat-proof building.

- (B) A violation of this section is punishable as a misdemeanor.

Section 99. Section 91.29 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.29 LOCATION OF STABLES; TETHERING OF HORSES, MULES, DONKEYS, COWS, OR GOATS

- (A) No person shall locate or maintain upon any lot within the city any horse, mule, donkey, cow, or goat stable nearer than 150 feet to any hospital, school, eating establishment, or dwelling; nor shall any person tether or permit to graze or stand any horse, mule, donkey, cow, or goat within 50 feet of any such place.

- (B) A violation of this section is punishable as a misdemeanor.

Section 100. Section 91.30 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.30 ANIMALS PROHIBITED AT RANDOLPH ARTS GUILD'S ANNUAL FALL FESTIVAL

- (A) It is unlawful for any person to possess any animal(s) within the public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival, and it is also unlawful for any person with an animal within the public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival to fail to obey the command of a law enforcement officer or an animal control officer to remove such an animal from the area in which animals are prohibited by this section. Furthermore, except as provided by this section, it shall be unlawful for any person to actively encourage or facilitate the entry or continued presence of any animal(s) within the public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival.
- (B) Notwithstanding any other provision to the contrary, the prohibition of animals by this section is not applicable to the following animals:
 - (1) Any assistance animal that is trained and/or may be used to assist a person with a disability, specifically including without limitation a HANDICAPPED PERSON as defined in G.S. § 168-1. The term ASSISTANCE ANIMAL is not limited to a dog and includes any animal trained to assist a person with a disability.
 - (2) Any law enforcement/public safety agency animal that is trained and may be used to assist a law enforcement/public safety officer in the performance of the officer's official duties.
- (C) The public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival are the streets, sidewalks, and public vehicular areas that fall within the perimeter demarcated by the closure, upon order of the City Council, of Fayetteville Street from Salisbury Street to Kivett Street; North Street at Salisbury Street; Sunset Avenue at Church Street; Worth Street, Scarboro Street, East Academy Street, and Cranford Street at Cox Street; and West Academy Street at the entrance to the city parking lot.
- (D) The prohibition of animals from public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival is only in effect during those times when the Fall Festival is scheduled to be in actual operation.

- (E) The City Manager shall cause notices of the prohibition of animals from public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival to be prominently posted at the location of the street closures listed in division (C) above.

(F) A violation of this section is punishable as a misdemeanor.

Section 101. Section 91.32 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.32 REMEDIES AND PENALTIES

- (A) The Animal Control Unit must have ample authority to impose preventive measures, seize, and impound animals. Escalating fees and other sanctions authorized within this section are measures that have been adopted to protect the citizens of Asheboro and to declare that the ownership of animals entails publicly related responsibilities. When there is a violation of this chapter, the Chief may take one or more of the courses of action set forth in this section. The Chief may cause a complaint to be filed or any action to be brought on behalf of the city. Any such action shall be cumulative and shall not be deemed to be a bar to or a waiver of the right to institute any other civil or criminal proceeding for a violation of this chapter.
- (B) ~~Any person who violates the provisions of this chapter is guilty of a misdemeanor as provided by G.S. § 14-4 and shall be fined not more than \$500.~~ Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00. Payment of a fine imposed in a criminal proceeding initiated pursuant to this chapter does not relieve a person of his or her liability for fees imposed by this chapter or any other law or ordinance, specifically including without limitation fees imposed by the County Animal Control Ordinance as a consequence of the impoundment of an animal at the animal shelter.
- (C) Pursuant to and consistent with G.S. § 160A-175, enforcement of the provisions found in this chapter may include any appropriate equitable remedy, injunction, or order of abatement issuing from a court of competent jurisdiction.
- (D) In addition to or in lieu of any criminal penalties and other sanctions provided in this chapter and any other applicable law, ordinance, or regulation, a violation of the provisions found in this chapter may also subject the offender to the civil penalties hereinafter set forth:

- (1) An animal control officer may issue to the owner or possessor of any animal, or any other violator of this chapter, a written warning or a civil penalty citation giving notice of the alleged violation(s). Written warnings or civil penalty citations so issued may be served on the person charged with a violation by means of personal delivery by the animal control officer or mailed by certified or registered mail, return receipt requested, to the last known address of the person charged;
- (2) Civil penalties shall be paid in full to the Asheboro Police Department within 15 business days of the receipt of the civil penalty citation that gives notice of the penalty that is due and payable. The civil penalty is in addition to any other costs or fees imposed by this chapter or any other law or ordinance, specifically including without limitation fees imposed by the county animal control ordinance as a consequence of the impoundment of an animal at the Animal Shelter;
- (3) In the event that the owner or possessor of an animal or other violator of this chapter does not pay the applicable civil penalty within the prescribed time period, a civil action may be commenced to recover the penalty and costs associated with the collection of the penalty. The Chief, or the Chief's designee, is expressly authorized to initiate and prosecute small claims actions in District Court to collect civil penalties and fees owed to the city as a consequence of violation(s) of this chapter. The Chief may call on the City Attorney for assistance as needed. In lieu of pursuing a civil action to collect the civil penalty, a criminal summons may be issued against the violator for violating this chapter, and, upon conviction, the violator shall be punished in accordance with state law for the misdemeanor offense of violating this chapter; and
- (4) In order to encourage responsible conduct, an owner shall be subject to escalating penalties for each violation of this chapter by the owner, regardless of whether the animal is the same animal, a different animal, or various animals belonging to the same owner. Each violation of this chapter within a rolling 12-month period shall subject the owner to the following escalating civil penalties:

<i>Offense</i>	<i>Civil Penalty Amount</i>
1 st	\$35.00
2 nd	\$50.00
3 rd	\$100.00
4 th and Subsequent Offenses	\$150.00

- (E) Each violation of a specific provision of this chapter is considered a separate offense for purposes of this section.
- (F) Each day that a specific violation occurs is considered a separate offense for purposes of this section.
- (G) In addition to the above-listed remedies, domestic animals may be seized and impounded when found at large or as otherwise provided in this chapter. Furthermore, if conditions pose an immediate threat to the health or safety of the animal or the public, the animal control unit is authorized to seize and impound an animal. By way of clarification and not limitation, any animal deemed to be abused in violation of § 91.20 shall be evaluated by the animal control unit for signs of an immediate threat to the health or safety of the animal, and if such a threat is found to exist, the animal shall be seized in addition to any other remedies and penalties authorized by this section. When an animal is seized, the following steps, at a minimum, must be taken:
 - (1) The Animal Control Unit, or some other person designated by the Chief, shall enter into a seized animal registry maintained by the Police Department a description of the animal that includes at least the breed, color, and sex of such animal and whether the animal was impounded or processed in some other manner; and
 - (2) Upon seizing an animal, a notice of seizure shall be left with the owner or affixed to the premises. If an animal is not from a particular premises but has an identification tag, the animal control officer shall cause a prompt and reasonable effort to be made to locate and notify the animal's owner.
- (H) Notwithstanding any other provision of this chapter, an animal that cannot be reasonably seized, retrieved, humanely trapped, or tranquilized may be humanely destroyed in the field upon the authorization of the Chief; provided, however, an animal attacking a human being or pet may be summarily destroyed if, in the opinion of animal control, such destruction is necessary for the protection of life or property or for the public health and safety.
- (I) Nothing in this chapter shall be construed to prevent law enforcement officers of any kind from enforcing any of the provisions of this chapter or from exercising their authority as law enforcement officers.
- (J) Nothing in this chapter shall prevent a private citizen from bringing an action to abate a nuisance or from bringing an action for damage, loss, or injury to the private citizen or his or her property resulting from an animal being a nuisance.

Section 102. Section 92.04 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.04 HUMAN REMAINS TO BE BURIED IN CEMETERY

(A) It shall be unlawful for any person to bury or assist in burying the dead body of any human being within the city, except in such public or church cemeteries as are duly established and in use as cemeteries.

(B) A violation of this section is punishable as a misdemeanor.

Section 103. Section 92.13 of the Code of Asheboro is hereby rewritten to provide as follows:

§92.13 PROHIBITED CONDUCT

(A) It shall be unlawful for any person to do anything to disturb the quiet and good order of any cemetery or burial place by noise or conduct of any kind except such noise and conduct as is customary or necessary in cemeteries.

(B) A violation of this section is punishable as a misdemeanor.

Section 104. Section 92.14 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.14 DISTURBANCE OF BURIAL SERVICES

(A) It shall be unlawful for any person to do anything to disturb or interfere with any burial services that may be held in any cemetery.

(B) A violation of this section is punishable as a misdemeanor.

Section 105. Section 92.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.15 INJURY TO TREES AND SHRUBS

(A) It shall be unlawful for any person to wantonly cut, break, destroy or in any way injure any tree, shrub, flowers, grass or plant growing or placed on any plot or in any other part of any cemetery. Also, flowers shall be removed from the ground by the plat owners two weeks before Easter of each year (flowers may remain on the headstones).

(B) A violation of this section is punishable as a misdemeanor.

Section 106. Section 92.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.16 DEPOSIT OF TRASH PROHIBITED

(A) It shall be unlawful for any person to walk dogs that are leashed or unleashed, throw, deposit, bring and leave any trash, filth, offensive or unclean matter or substance in any cemetery.

(B) A violation of this section shall be punishable as a misdemeanor.

Section 107. Section 92.17 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.17 DISTURBANCE OF GRAVE MARKERS, WALLS AND ENCLOSURES

(A) It shall be unlawful for any person to in any way disturb, mutilate, deface, injure or remove any stone marking any grave, or any wall or enclosure around any grave in or about any cemetery.

(B) A violation of this section shall be punishable as a misdemeanor.

Section 108. Section 92.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.18 CEMETERIES NOT TO BE USED AS PLAYGROUNDS

(A) It shall be unlawful for any person to use or permit the use of any cemetery as a playground or for play, and it shall be the duty of all police officers and other employees of the city, so far as it lies within their power, to prevent such use, and to eject any and all offenders against this section from the cemetery, if the person shall continue to violate this section after being warned to stop.

(B) A violation of this section is punishable as a misdemeanor.

Section 109. Section 92.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 92.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 110. Section 95.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 95.01 ADOPTION OF THE NORTH CAROLINA FIRE PREVENTION CODE

- (A) Generally. This chapter of the Code of Asheboro shall be referred to as the City of Asheboro Fire Prevention Ordinance. For the purpose of prescribing regulations governing conditions that are hazardous to life and property because of fire and explosion, the North Carolina Fire Code, current edition, adopted by the North Carolina Building Code Council is hereby adopted and made applicable within the territorial jurisdiction, specifically including without limitation the extraterritorial planning jurisdiction, of the city as the City of Asheboro Fire Prevention Ordinance. A copy of the North Carolina Fire Code is on file in the office of the Chief Fire Inspector for the city.
- (B) Appendices. The following appendices to the North Carolina Fire Code, current edition, are hereby adopted and made applicable within the territorial jurisdiction, specifically including without limitation the extraterritorial planning jurisdiction, of the city as part of the City of Asheboro Fire Prevention Ordinance:
- (1) Appendix B - Fire-Flow Requirements for Buildings.
 - (2) Appendix C - Fire Hydrant Locations and Distribution.
 - (3) Appendix F - Hazard Ranking.
 - (4) ~~Appendix H - Test Requirements for Flame Retardant Chemicals Used on Christmas Trees.~~
- (C) Permits. In addition to any and all permits mandated by the North Carolina Fire Code, the following operational permits, which are listed as optional within the North Carolina Fire Code, are hereby mandated within the territorial jurisdiction, specifically including without limitation the extraterritorial planning jurisdiction, of the city as part of the City of Asheboro Fire Prevention Ordinance:
- (1) Open Burning.
 - (2) Open Flames and Torches.
 - (3) Places of Assembly.
- (D) Amendments. When adopted and published by the North Carolina Building Code Council, amendments to the provisions of the North Carolina Fire Code that are adopted as part of the City of Asheboro Fire Prevention Ordinance shall be applicable within the territorial jurisdiction, specifically including without limitation the extraterritorial planning jurisdiction, of the city on the

effective date prescribed for the amendment(s) by the North Carolina Building Code Council.

Section 111. Section 95.02 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 95.02 BURNING OF LEAVES, BRUSH, AND TRASH

(A) Except as authorized by this section, the burning of leaves, brush, trash, or any other refuse is prohibited within the corporate limits. The burning of brush for the purpose of clearing a large open area is permitted if, and only if, the proper permit has been issued by the Fire Prevention Bureau in accordance with all applicable laws, specifically including without limitation the air quality laws.

(B) A violation of this section is punishable as a misdemeanor.

Section 112. Section 95.04 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 95.04 COMPLIANCE

(A) Compliance with the provisions of the City of Asheboro Fire Prevention Ordinance, specifically including the North Carolina Fire Code, shall be enforced by the City of Asheboro Fire Prevention Bureau. Failure to comply with any of the regulations prescribed by this chapter, specifically including without limitation the adopted regulations found in the North Carolina Fire Code, shall be unlawful. Any and all remedies authorized by law for noncompliance with the Fire Prevention Ordinance and the North Carolina Fire Code, including without limitation the issuance of civil penalty citations, may be exercised for the purpose of obtaining compliance with the applicable laws and regulations.

(B) A violation of this section is punishable as a misdemeanor.

Section 113. Section 95.07 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 95.07 REMEDIES AND PENALTIES

(A) *Citations.* After a final notice of violation has been issued and a reinspection reveals that a violation has not been corrected, the person(s) or legal entity(ies) responsible for the violation(s) may be issued a civil penalty citation for each offense. On and after the date of the reinspection conducted subsequent to the

service of the final notice of violation, the offender will be guilty of an additional and separate offense for each day that a violation continues uncorrected, and each offender that receives a civil penalty citation is subject to a cumulative penalty for each and every offense. A single civil penalty citation issued on the date of a reinspection may assess the sum of the civil penalties incurred by the violator for each day that a violation went uncorrected during the time period specified in the civil penalty citation. If the recipient of a civil penalty citation fails to pay the specified penalty within ten business days of the date of service of the civil penalty citation by means of personal service or by means of certified mail, return receipt requested, the city may initiate a civil action in the nature of debt in order to recover the civil penalties assessed against the offender. The amount of the civil penalty per offense shall be calculated as follows:

- (1) *Non-life safety.* The civil penalty for each non-life safety offense that is uncorrected as of the date of the post final notice of violation reinspection shall be \$50 per offense on and after the date of service of a civil penalty citation by means of personal service or certified mail, return receipt requested. This penalty of \$50 per offense shall continue to accrue until the earlier of either the date upon which the offender notifies the Fire Prevention Bureau of the correction of the violation or the calendar day immediately preceding the date of the first reinspection conducted after the issuance of a civil penalty citation. If the violation that triggered the first civil penalty citation has not been corrected as of the date of this reinspection, the civil penalty for each continuing non-life safety offense shall be \$100 per offense from the date of service on the offender of a civil penalty citation reflecting the enhanced penalty by means of personal service or certified mail, return receipt requested, to the date on which the Fire Prevention Bureau is notified of the correction of the violation.
- (2) *Life safety other than occupancy violations and blocked exits.* Except for occupancy violations and blocked exits, the civil penalty for each life safety offense that is uncorrected as of the date of the post final notice of violation reinspection shall be \$150 per offense on and after the date of service of a civil penalty citation by means of personal service or certified mail, return receipt requested. This penalty of \$150 per offense shall continue to accrue until the earlier of either the date upon which the offender notifies the Fire Prevention Bureau of the correction of the violation or the calendar day immediately preceding the date of the first reinspection conducted after the issuance of a civil penalty citation. If the violation that triggered the first civil penalty citation has not been corrected as of the date of this reinspection, the civil penalty for each continuing life safety offense shall be \$300 per offense from the date of service on the offender of a civil penalty citation reflecting the enhanced

penalty by means of personal service or certified mail, return receipt requested, to the date on which the Fire Prevention Bureau is notified of the correction of the violation.

- (3) *Life safety - occupancy violations.* If an inspector discovers overcrowding of a building, or a portion thereof, on more than one occasion during a rolling 12-month period, the offender with ownership/managerial responsibility for the building shall be subject to the immediate assessment of civil penalties. The person or entity receiving such a civil penalty citation shall be subject to the continuing immediate assessment of civil penalties for overcrowding until a 12-month time period has passed without any violations pertaining to overcrowding. The amount of the civil penalty for overcrowding shall be \$100 per person in excess of the occupant load prescribed by the North Carolina Fire Code. No civil penalty shall be assessed pursuant to this division unless the offender has been previously served with a written warning for overcrowding within the relevant 12-month period by means of personal service or by means of certified mail, return receipt requested. None of the provisions found within this section shall be construed or deemed to prevent an inspector in the Fire Prevention Bureau from immediately exercising any authority that he or she may possess under the applicable laws to summarily abate overcrowding.
- (4) *Life safety - locked, blocked, or obstructed exits.* If an inspector discovers locked, blocked, or obstructed exits on more than one occasion during a rolling 12-month period, the offender with ownership/managerial responsibility for the building under inspection shall be subject to the immediate assessment of civil penalties. The person or entity receiving such a civil penalty citation shall be subject to the continuing immediate assessment of civil penalties for locked, blocked, or obstructed exits until a 12-month time period has passed without any violations pertaining to exits. The amount of the civil penalty for life safety violations pertaining to exits shall be \$500 per locked, blocked, or obstructed exit. No civil penalty shall be assessed pursuant to this section unless the offender has been previously served with a written warning for locking, blocking, or obstructing an exit within the relevant 12-month period by means of personal service or by means of certified mail, return receipt requested. None of the provisions found within this section shall be construed or deemed to prevent an inspector in the Fire Prevention Bureau from immediately exercising any authority that he or she may possess under the applicable laws to summarily correct a locked, blocked, or obstructed exit.

- (B) *Criminal offense.* ~~Any person who violates the provisions of the City of Asheboro Fire Prevention Ordinance, including without limitation the adopted provisions of the North Carolina Fire Code, is guilty of a misdemeanor as provided by G.S. § 14-4 and shall be fined not more than \$500. Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. 14-4, with a maximum fine of no more than \$500.00.~~
- (C) *Equitable remedy.* The City of Asheboro Fire Prevention Ordinance, including without limitation the adopted provisions of the North Carolina Fire Code, may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.
- (D) *Availability of combination of remedies.* The City of Asheboro Fire Prevention Ordinance, including without limitation the adopted provisions of the North Carolina Fire Code, may be enforced by any one, all, or a combination of the remedies authorized and prescribed herein. No provision within the Fire Prevention Ordinance shall be construed to impair or limit the ability of a fire inspector to take any otherwise lawful enforcement or abatement action available to the inspector for the purpose of abating a situation or condition that poses an imminent threat to life and safety.
- (E) *Responsible parties.* The owner, tenant, and occupant of any building or land or part thereof and any architect, builder, contractor, agent, or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition in violation of the City of Asheboro Fire Prevention Ordinance, including without limitation the adopted provisions of the North Carolina Fire Code, may be held responsible for such violation(s) and are subject to the penalties and remedies herein provided.
- (F) *Appeals.* ~~In accordance with G.S. § 160A-434 160D-1127~~, an appeal from any order or decision of an inspector in the City of Asheboro Fire Prevention Bureau pertaining to the North Carolina State Building Code, which includes the North Carolina Fire Code, shall be taken within a period of ten days after the issuance of the contested order or decision to the Commissioner of Insurance or his or her designee or other official specified in G.S. § 143-139.
- (G) *Exceptions.* Notwithstanding any other provision in this chapter, the enforcement mechanisms prescribed by this section are subject to the following exceptions:
- (1) The city will not initiate a civil action in the nature of debt against the State of North Carolina or any of its political subdivisions in order to recover assessed civil penalties. No other remedy authorized by this section for a

violation of the Asheboro Fire Prevention Ordinance is impaired or limited by this exception.

- (2) When violations discovered by an inspector in the City Fire Prevention Bureau are categorized as either life safety - occupancy violations or life safety - locked, blocked, or obstructed exits violations, the inspector may immediately issue a civil penalty citation that provides the offender with a written warning or assesses a civil penalty in the amount prescribed by § 95.07(A)(3) for occupancy violations or by § 95.07(A)(4) for violations pertaining to the obstruction of exits. No final notice of violation or any other type of notice specified in § 95.06 is required prior to the issuance of a civil penalty citation for violating occupancy limits or obstructing exits.

Section 114. Section 96.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 96.15 PROHIBITED NOISES GENERALLY

(A) Subject to the provisions of this chapter, the creation of any unreasonably loud, disturbing and unnecessary noise in the city is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

(B) A violation of this section is punishable as a misdemeanor.

Section 115. Section 96.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 96.16 NOISES EXPRESSLY PROHIBITED

Noises resulting from the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of § 96.15, but such enumeration shall not be deemed to be exclusive, namely:

(A) Horns, signaling devices, and the like. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(B) Gongs and sirens. The use of any gong or siren upon any vehicle other than a police, fire or other emergency vehicle.

(C) Radios, phonographs, and the like.

(1) The playing of any radio, television, phonograph or musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence.

(2) The playing of any radio, television, phonograph or musical instrument in such a manner or with such volume as to disrupt and detrimentally impact the ability of a business, commercial, or professional establishment to conduct its lawful and proper operations.

(D) Animals and birds. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(E) "Rattletraps" and overloaded vehicles. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(F) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(G) Exhausts from engines, and the like. The discharge into open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(H) Compressed air devices. The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.

(I) Work on buildings. The erection, including excavation, demolition, alteration or repairing of any building in a residential section or business district other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the building inspector, which permit may be renewed for a period of three days or less while the emergency continues.

(J) Noises near schools, hospitals, and the like. The creation of any excessive noise on any street adjacent to any school, institution of learning, library or sanitarium, or course while in session, or within 150 feet of any hospital, which unreasonably interferes with the operation of such institution; provided, that conspicuous signs are displayed in such streets indicating that they are streets upon which such institutions are located.

(K) Church services. The creation of any excessive noise on Sunday on any street adjacent to any church; provided, that conspicuous signs are displayed in such streets adjacent to churches indicating that they are streets upon which churches are located.

(L) Loading and unloading vehicles, and the like. The creation of loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates or containers.

(M) Bells and gongs. The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.

(N) Hawkers and peddlers. The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(O) Drums and attention-attracting devices. The use of a drum, loud speaker or other instrument or device for the purpose of attracting attention to any performance or show, or sale or display of merchandise.

(P) Loud speakers or amplifiers on vehicles. The use of any mechanical loud speakers or amplifiers on trucks or other vehicles for advertising or other purposes.

(Q) Stationary loud speakers and amplifiers. The use of any loud speaker or amplifier to cast or disseminate sound over the neighborhood in such volume or of such character as to annoy or disturb persons on other premises.

(R) Garages and service stations. The conducting, operating or maintaining of any garage or filling station in or in close proximity to any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

(S) Guns, firecrackers, and the like. The firing or detonation of squib, firecracker, gun powder or other combustible or explosive substance in the streets or elsewhere for the purpose of making noise or disturbance.

(A) Noises resulting from the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of § 96.15, but such enumeration shall not be deemed to be exclusive, namely:

(1) Horns, signaling devices, and the like. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

- (2) Gongs and sirens. The use of any gong or siren upon any vehicle other than a police, fire or other emergency vehicle.
- (3) Radios, phonographs, and the like.
- (a) The playing of any radio, television, phonograph or musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence.
- (b) The playing of any radio, television, phonograph or musical instrument in such a manner or with such volume as to disrupt and detrimentally impact the ability of a business, commercial, or professional establishment to conduct its lawful and proper operations.
- (4) Animals and birds. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.
- (5) "Rattletraps" and overloaded vehicles. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (6) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.
- (7) Exhausts from engines, and the like. The discharge into open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (8) Compressed air devices. The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.
- (9) Work on buildings. The erection, including excavation, demolition, alteration or repairing of any building in a residential section or business district other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the building inspector,

which permit may be renewed for a period of three days or less while the emergency continues.

- (10) Noises near schools, hospitals, and the like. The creation of any excessive noise on any street adjacent to any school, institution of learning, library or sanitarium, or course while in session, or within 150 feet of any hospital, which unreasonably interferes with the operation of such institution; provided, that conspicuous signs are displayed in such streets indicating that they are streets upon which such institutions are located.
- (11) Church services. The creation of any excessive noise on Sunday on any street adjacent to any church; provided, that conspicuous signs are displayed in such streets adjacent to churches indicating that they are streets upon which churches are located.
- (12) Loading and unloading vehicles, and the like. The creation of loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates or containers.
- (13) Bells and gongs. The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.
- (14) Hawkers and peddlers. The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.
- (15) Drums and attention-attracting devices. The use of a drum, loud speaker or other instrument or device for the purpose of attracting attention to any performance or show, or sale or display of merchandise.
- (16) Loud speakers or amplifiers on vehicles. The use of any mechanical loud speakers or amplifiers on trucks or other vehicles for advertising or other purposes.
- (17) Stationary loud speakers and amplifiers. The use of any loud speaker or amplifier to cast or disseminate sound over the neighborhood in such volume or of such character as to annoy or disturb persons on other premises.
- (18) Garages and service stations. The conducting, operating or maintaining of any garage or filling station in or in close proximity to any residential

district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

(19) Guns, firecrackers, and the like. The firing or detonation of squib, firecracker, gun powder or other combustible or explosive substance in the streets or elsewhere for the purpose of making noise or disturbance.

(B) A violation of this section is punishable as a misdemeanor.

Section 116. Section 96.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 96.99 **PENALTY**

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 117. Section 97.03 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 97.03 PERMIT REQUIRED

(A) No person shall engage or participate in, aid, form, start, or direct any parade unless a permit shall have been obtained from the City Manager.

(B) A violation of this section is punishable as a misdemeanor.

Section 118. Section 97.10 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 97.10 PROHIBITED ACTIVITIES

(A) No person participating in a parade shall, under any circumstances, carry any firearm or other weapon or device which is calculated to or may inspire terror.

(B) No person participating in a parade shall be accompanied by any dog or other animal unless the permit which has been issued for such parade specifically provides therefor.

(C) A violation of this section is punishable as a misdemeanor.

Section 119. Section 97.11 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 97.11 INTERFERENCE PROHIBITED

(A) No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person or vehicle participating or used in a parade.

(B) A violation of this section is punishable as a misdemeanor.

Section 120. Section 97.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 97.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 121. Section 98.02 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 98.02 REQUIRED SAFETY EQUIPMENT AT ASHEBORO SKATE PARK

(A) It shall be unlawful for any person to ride, operate, or utilize in any manner a skateboard or inline skates, specifically including sneakers or other types of shoes with one or more wheels embedded in each shoe's sole, on the premises of the Asheboro Skate Park unless such a person is wearing a helmet, elbow pads, and kneepads in strict compliance with the instructions provided by the manufacturer of the safety equipment.

(B) The City Manager, in consultation with the city police department and the Recreation Services Department, shall cause signage to be erected on the premises of the Asheboro Skate Park in order to provide notice of the safety equipment requirements imposed by this section.

(C) A violation of this section is punishable as a misdemeanor.

Section 122. Section 98.03 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 98.03 FAILURE TO VACATE RENTED RECREATION FACILITIES

(A) It is unlawful for any person to occupy or otherwise utilize in any manner a facility managed by either the City of Asheboro Cultural Services Department

or the City of Asheboro Recreation Services Department, specifically including by way of illustration and not limitation shelters in city parks and the Rotary Pavilion at Bicentennial Park, when signage displayed at such a facility indicates that the facility is rented and documentation from either the Cultural Services Department or the Recreation Services Department authorizing the use of the facility by another individual, group, or entity is displayed to the person(s) attempting to unlawfully occupy or utilize the facility.

- (B) ~~In accordance with G.S. § 14-4, any person who violates this section is guilty of a Class 3 misdemeanor and is subject to a fine of not more than \$500. A violation of this section is punishable as a misdemeanor.~~

Section 123. Section 98.04 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 98.04 PROHIBITION OF ACTIVITIES THAT DAMAGE CITY PROPERTY

- (A) It is unlawful to engage in any action on the premises of a park or facility administered by the city's Cultural Services Department or Recreation Services Department that has not been explicitly approved by either of these departments as sanctioned cultural or recreational programming and has the effect of damaging the city's real or personal property. By way of illustration and not limitation, an activity that would fall within the scope of this prohibition is the use of a shovel or spade to disturb the ground in response to an alert signal from a metal detector. It is not the intent of this section, and the text of this section shall not be interpreted in any manner, that reduces or impairs the ability of the city to pursue civil actions to recover damages and/or seek the prosecution of individuals for committing criminal offenses such as trespass, injury to personal property, and injury to real property.

- (B) A violation of this section is punishable as a misdemeanor.

Section 124. Section 98.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 98.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 125. Section 99.03 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 99.03 INTERFERENCE WITH BARRICADES; DRIVING
ON BARRICADED STREET**

- (A) It shall be unlawful to tear down any poles, plank or other material erected as a blockade or barricade to close streets under construction, or erected for other purposes by authority of the City Council or City Manager.
- (B) It shall be unlawful for any person to operate an automobile, truck or other vehicle upon any street that has been blockaded or barricaded by authority of the City Council or City Manager, except as may be authorized by this Code.

(C) A violation of this section is punishable as a misdemeanor.

Section 126. Section 99.10 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.10 OBJECTS OVER OR UPON SIDEWALK

- (A) It shall be unlawful for any person to hang, put, erect, project, suspend or in any manner place or maintain or permit to remain any sign, or thing of like nature, over, on or upon any sidewalk of the city or the curbing thereof, whether of wood, cloth, or of whatever material made or constructed, alongside, or however placed, which shall be less than seven feet above such sidewalk or which shall, in any manner whatsoever, impede, delay, incommode, endanger or inconvenience pedestrians in the free and uninterrupted use of such sidewalk or any part thereof, or in passing to and from the sidewalk to the street; provided, that this shall not be construed to apply to awnings.

(B) A violation of this section is punishable as a misdemeanor.

Section 127. Section 99.13 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.13 BUILDING MATERIALS ON STREETS AND SIDEWALKS

- (A) It shall be unlawful for any person to place building materials on any of the streets or sidewalks of the city in such a way or manner that such streets or sidewalks are obstructed or blocked thereby.

(B) A violation of this section is punishable as a misdemeanor.

Section 128. Section 99.14 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 99.14 SCAFFOLDING AND PASSAGEWAYS DURING
BUILDING OPERATIONS**

(A) It shall be unlawful for any person to build scaffolding on any of the streets or sidewalks of the city in such a way or manner that such streets or sidewalks are obstructed or blocked thereby. Before building or remodeling at any place which is in close proximity to the sidewalk an overhead covered passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

(B) A violation of this section is punishable as a misdemeanor.

Section 129. Section 99.15 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 99.15 PLACING MATERIALS IN STREET OR ALLEY OR
UPON SIDEWALK**

(A) It shall be unlawful for any person to place in any street or alley or upon any sidewalk any boxes, casks, barrels, crates or other like obstruction. Each day such obstruction is permitted to remain in any street or alley or upon any sidewalk after the person responsible therefor has been notified to remove such obstruction shall constitute a separate offense.

(B) A violation of this section is punishable as a misdemeanor.

Section 130. Section 99.16 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 99.16 ALLOWING MERCHANDISE TO REMAIN ON SIDEWALK OR
STREET AFTER 7:00 P.M.**

(A) It shall be unlawful for any person to allow any goods, wares, merchandise or any article for sale to remain on the sidewalks in such manner as to obstruct the free passage of the sidewalks. It shall be unlawful for any person to allow any goods, wares, merchandise or other articles of trade to remain on the streets of the city after 7:00 p.m.

(B) A violation of this section is punishable as a misdemeanor.

Section 131. Section 99.17 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 99.17 OBSTRUCTIONS IN ALLEYWAYS WHICH INTERFERE WITH
FIRE-FIGHTING EQUIPMENT**

- (A) It shall be unlawful to obstruct in any manner whatsoever any alleyway, whether dedicated to public use or not, used by the public as a means of egress or ingress from or to any property located within the fire limits of the city, to such an extent that such obstruction would prevent, impede or delay the moving of fire trucks or other fire-fighting equipment to or from such property.
- (B) The provisions of division (A) of this section shall not prevent the use of such alleyways for temporary parking if such temporary parking is for the purpose of loading or unloading goods, wares, merchandise or other articles in the ordinary course of business and trade.
- (C) The provisions of division (A) of this section shall not prevent the erection of permanent structures or buildings upon such alleyways by the owners thereof if such owners otherwise have the right to erect such structures or buildings.
- (D) A violation of this section is punishable as a misdemeanor.

Section 132. Section 99.25 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.25 PERMIT REQUIRED

- (A) It shall be unlawful for any person to dig any hole, ditch or excavation of any kind whatsoever on any street in the city without having first secured a permit.
- (B) A violation of this section is punishable as a misdemeanor.

Section 133. Section 99.27 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 99.27 PERMIT REQUIRED FOR REMOVAL OF SAND, DIRT,
OR STONE**

- (A) It shall be unlawful for any person to, remove any sand, dirt or stone from any street, road or sidewalk in the city without having first secured a permit therefor.
- (B) A violation of this section is punishable as a misdemeanor.

Section 134. Section 99.29 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.29 PLANKS AND ROPES AT EXCAVATION SITES

(A) It shall be unlawful for any person making any excavation for any purpose whatsoever in a street or sidewalk of the city to fail to cover such excavation securely with plank or to place ropes around the excavation three feet from the ground.

(B) A violation of this section is punishable as a misdemeanor.

Section 135. Section 99.30 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.30 LIGHTS AT EXCAVATION SITES

(A) It shall be unlawful for any person making any excavation for any purpose whatsoever in any street or sidewalk of the city to fail to place a sufficient number of orange lights around such excavation before dark and to keep such lights burning all night during every night such excavation shall be open.

(B) A violation of this section is punishable as a misdemeanor.

Section 136. Section 99.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 99.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 137. Section 100.04 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 100.04 GENERAL RETAIL SALES

(A) The conduct of general retail sales or commercial activities in a residential district as designated in the zoning ordinance is, except as is otherwise expressly authorized in this chapter, prohibited.

(B) A violation of this section is punishable as a misdemeanor.

Section 138. Section 100.05 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 100.05 NUMBER AND TIME LIMITATIONS

- (A) A yard sale shall not be conducted on any premises more than twice in a 12-month period.
- (B) Each of the two yard sales may be for two consecutive weekends or 72 hours each whichever is the lesser and only during daylight hours.

(C) A violation of this section is punishable as a misdemeanor.

Section 139. Section 100.06 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 100.06 SIGNS

- (A) Except as provided below, signs used in conjunction with a yard sale shall be displayed only on the premises upon which the yard sale is conducted.
- (B) Two off-site directional signs may be permitted provided that the premises upon which the yard sale is conducted is not located on a major thoroughfare, and written permission to erect said signs is received from the property owners on whose property such signs are to be placed.
- (C) Signs may be displayed only during the hours the sale is actively being conducted and must be removed at the close of the yard sale activities, or by the end of daylight, whichever first occurs each day.
- (D) No signs may be placed in the public right-of-way.

(E) A violation of this section is punishable as a misdemeanor.

Section 140. Section 100.99 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 100.99 PENALTY

Any person conducting any yard sale who shall violate any of the terms and regulations of this chapter, upon conviction, shall be guilty of a misdemeanor and shall be fined not more than \$50 or imprisoned for not more than 30 days as provided by G.S. § 14-4.

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$50.00.

Section 141. Section 130.01 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 130.01 REGULATION OF USE OF FIREARMS OR ANY DEVICE
DESIGNED OR USED TO PROJECT PELLETS, ARROWS, OR
OTHER PROJECTILES**

- (A) Subject to the exceptions listed in division (B), it is unlawful for a person to discharge any pistol, rifle, gun, or other type of firearm within the city or within the boundary lines of any city-owned property that is located beyond the city limits.
- (B) The prohibition listed above in division (A) does not apply to the following situations:
 - (1) The discharge of a firearm at a shooting gallery or range that is operating in compliance with the Asheboro Zoning Ordinance.
 - (2) The discharge of a firearm by a sworn law enforcement officer.
 - (3) The discharge of a firearm by a person in self-defense, in the lawful defense of others, in the lawful defense of property, pursuant to lawful directions of law enforcement officers, and/or pursuant to a duty established by federal, state, or local statute or ordinance, specifically including by way of illustration and not limitation the discharge of a firearm by a duly appointed animal control officer or his or her designee.
 - (4) Upon receipt of written permission from the Chief of Police or his or her designee, blank cartridges may be discharged during historical reenactments, military or similar displays, or during theatrical, athletic, or like performances. Such written permission from the Chief of Police or his or her designee cannot be granted unless and until the applicant establishes that the proposed activity for which the use of blank cartridges is requested will occur with the consent of the property owner and in compliance with the city's noise ordinance and zoning ordinance.
 - (5) A person 21 years of age or older may use an exploding device or similar scare device for the purpose of dispersing birds, fowl, or other wildlife on the condition that the device does not have the capacity to physically harm such bird, fowl, or other wildlife and on the additional condition that the use of the device conforms with all federal and state laws as well as the regulations adopted by the North Carolina Wildlife Resources Commission. The person utilizing such a device shall exercise due care in the use of the device so as not to cause injury to persons or

damage to another person's property. Prior to the utilization of such a device, the person using the device shall notify his or her adjacent property owners (or lessees) and the Asheboro Police Department of the intended use of such a device, including the location, the date, and the approximate time of day of such use. Such a device shall not be used between the hours of 11:00 p.m. and 8:00 a.m. on any day of the week.

- (6) The use of a firearm for hunting ducks and dark geese (includes Canada geese and white-fronted geese) is permitted at Lake Reese when such hunting is undertaken in compliance with Chapter 91 of the Code of Asheboro.
- (C) Subject to the exceptions listed in division (D), it is unlawful for a person to shoot or project any arrow, shot, pellet, stone, rock, or other hard substance by means of a bow, air rifle, pellet gun, paintball gun, popgun, slingshot, bean shooter, or other similar type of device or contrivance within the city or within the boundary lines of any city-owned property that is located beyond the city limits.
- (D) The prohibition listed above in division (C) is subject to the following exceptions:
 - (1) Archery is permitted at an archery range that is operating in compliance with the Asheboro Zoning Ordinance.
 - (2) The discharge of air rifles, pellet guns, paintball guns, and similar devices is permitted at shooting galleries or ranges that are operating in compliance with the Asheboro Zoning Ordinance.
 - (3) Activities undertaken by a person in self-defense, in the lawful defense of others, in the lawful defense of property, pursuant to lawful directions of law enforcement officers, and/or pursuant to a duty established by federal, state, or local statute or ordinance, specifically including by way of illustration and not limitation the use of a device that would otherwise fall within the scope of division (C) by a duly appointed animal control officer or his or her designee.

(E) A violation of this section is punishable as a misdemeanor.

Section 142. Section 130.03 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.03 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN CERTAIN LOCATIONS

- (A) *Consumption of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume a malt beverage or unfortified wine on any public street, sidewalk, or alley in the city; or on any other property owned, occupied, or controlled by the city.
- (B) *Possession of open containers of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess open container(s) of malt beverages and unfortified wines on any public street, sidewalk, or alley in the city; or on any other property owned, occupied, or controlled by the city. For the purposes of this section, an **OPEN CONTAINER** means a container whose seal has been broken or a container other than the manufacturer's unopened original container.
- (C) *Possession of malt beverages and unfortified wines on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.* It shall be unlawful for any person to possess any malt beverage or unfortified wine on any public street, alley, or parking lot which has been temporarily closed to regular traffic for a special event.
- (D) *Possession and consumption of fortified wine, spirituous liquor, and mixed beverages.* The possession or consumption of fortified wine, spirituous liquor, or mixed beverages is hereby prohibited on property owned or leased by the city.
- (E) *Exceptions.* Notwithstanding the prohibitions prescribed by the above-listed divisions of this section, the following acts shall not be deemed to be unlawful.
 - (1) The possession or consumption of alcoholic beverages by either a sworn law enforcement officer acting in the performance of his or her official duties or a person acting under the immediate and direct supervision of a sworn law enforcement officer discharging his or her official duties.
 - (2) The possession or consumption of malt beverages at McCrary Park as part of collegiate or professional baseball events hosted by legal entities with whom the City of Asheboro has entered into a lease agreement for the use of McCrary Park; provided, however, any such malt beverages found within McCrary Park must have been obtained in accordance with a sale/distribution plan developed and implemented by the hosting of legal entity in compliance with all applicable laws and administrative regulations.

- (3) The possession or consumption of unfortified wine and malt beverages on the premises of the Sunset Theatre and Bicentennial Park facilities, including without limitation the Rotary Pavilion. The possession or consumption of unfortified wine and malt beverages on these premises will be lawful only if such possession or consumption is conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation the regulations adopted by the city for these facilities that are part of the municipal cultural and recreation services system, inclusive of any and all sale/distribution plans specified by the City of Asheboro Cultural and Recreation Services Policy Manual.
- (4) The possession of unfortified wine on the premises of the Downtown Farmers' Market facility. The possession of unfortified wine on these premises will be lawful only if such possession occurs as part of the retail sale by an approved Downtown Farmers' Market vendor of unfortified wine for off-premise consumption. The retail sale of unfortified wine shall be conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation the regulations prescribed for the Downtown Farmers' Market in the City of Asheboro Cultural and Recreation Services Policy Manual.
- (5) The possession or consumption of unfortified wine and malt beverages on the premises leased to the nonprofit North Carolina Aviation Museum and Hall of Fame, Incorporated (these premises are shown as Hangar G and Hangar L on Schedule C of the Asheboro Regional Airport) during events conducted by the nonprofit corporation. The sale or service of wine and malt beverages must be conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation any laws and regulations pertaining to either alcoholic beverage control or the operation of the airport by the Asheboro Airport Authority.
- (F) ~~*Penalties.* Any person who violates the prohibitions prescribed by divisions (A), (B), and (C) above shall be guilty of a misdemeanor in accordance with G.S. § 14-4. A violation of this section is punishable as a misdemeanor.~~

Section 143. Section 130.05 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.05 AGGRESSIVE SOLICITATION PROHIBITED

- (A) *Definitions.* For purposes of this section:

(1) ***AGGRESSIVE MANNER.*** Includes:

- (a) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;
- (b) Following the person being solicited, if that conduct is: intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (c) Continuing to solicit within five feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or, is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (d) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's Constitutional right to picket or legally protest, and acts authorized by a permit issued pursuant to [Chapter 97](#) of the Code of Asheboro shall not constitute obstruction of pedestrian or vehicular traffic;
- (e) Intentionally or recklessly using obscene or abusive language or gestures: intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or, words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or
- (f) Approaching the person being solicited in a manner that: is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or, is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

- (2) ***AUTOMATED TELLER MACHINE.*** A device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.
 - (3) ***AUTOMATED TELLER MACHINE FACILITY.*** The area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.
 - (4) ***PUBLIC AREA.*** An area to which the public or a substantial group of persons has access and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.
 - (5) ***SOLICIT.*** To request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.
- (B) *Prohibited acts.* It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:
- (1) In an aggressive manner in a public area;
 - (2) Within 15 feet of any entrance or exit of any bank or within 15 feet of any automated teller machine during the hours of operation of such bank or automated teller machine without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility; or
 - (3) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property.
- (C) ***Penalty.*** ~~If any person shall violate this section, he or she shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500 in accordance with G.S. § 14-4.~~
- (C) ***A violation of this section is punishable as a misdemeanor.***

(D) *Construction and severability.*

- (1) Severability is intended throughout and within the provisions of the section. If any sentence, clause, or phrase of this section is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this section.
- (2) This section is not intended to ~~prescribe~~ **proscribe** any demand for payment for services rendered or goods delivered.
- (3) This section is not intended to create a result through enforcement that is absurd, impossible or unreasonable. The section should be held inapplicable in any such cases where its application would be unconstitutional under the Constitution of the State of North Carolina or the Constitution of the United States of America.

Section 144. Section 130.06 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.06 PUBLIC URINATION AND DEFECATION PROHIBITED

(A) Except in designated water closets or toilet facilities, it shall be unlawful for any person to urinate or defecate on any public place, sidewalk, street, alleyway or right-of-way, or in any public building, or on private property. Having the permission of the owner or person in lawful possession of the real property shall constitute an affirmative defense to the charge of urinating or defecating on private property. Any person who violates this section shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.

(B) **A violation of this section is punishable as a misdemeanor.**

Section 145. Section 130.07 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.07 ALL-TERRAIN VEHICLES PROHIBITED ON CITY-OWNED LANDS

- (A) The act of operating any motorized all-terrain vehicle on city-owned real property is hereby prohibited and declared to be unlawful.
- (B) For the purpose of this section, ***MOTORIZED ALL-TERRAIN VEHICLE*** is a two or more wheeled vehicle designed for recreational off-road use.

- (C) This section is not applicable to employees and contractors of the City of Asheboro, law enforcement officers, firefighters, rescue personnel, emergency medical services personnel, and emergency management personnel acting in the course and scope of their official duties.

(D) A violation of this section is punishable as a misdemeanor.

Section 146. Section 130.08 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.08 CURFEW ESTABLISHED FOR PARKS

- (A) A curfew shall be in effect between the hours of 11:00 p.m. and 6:00 a.m. in each of the following parks and recreation areas:
- (1) Asheboro Memorial Park, including Nance Little League Field and Thomas Tennis Center;
 - (2) North Asheboro City Park;
 - (3) Frazier Park;
 - (4) Westwood Park;
 - (5) Hammer Memorial Park;
 - (6) Mini-park at Cross and Brewer Streets;
 - (7) Athletic field at Brewer, Tucker, and Watkins Streets;
 - (8) Park Street Park located on South Park Street;
 - (9) Kiwanis Park off Meadowbrook Road;
 - (10) City ball fields on Farr Street;
 - (11) McCrary Ball Field;
 - (12) Pugh Little League Field on Country Club Drive;
 - (13) Bicentennial Park; and
 - (14) Asheboro Skate Park.

- (B) No person shall be deemed guilty of violating the curfew if such a person is present in one of the parks and recreation areas specified in division (A) above within 30 minutes of the official conclusion of an event conducted in the parks and recreation areas with the approval of the Asheboro Parks and Recreation Department.
- (C) Anyone found guilty of violating the curfew shall be guilty of a misdemeanor punishable under the General Statutes of the State of North Carolina. A violation of this section is punishable as a misdemeanor.

Section 147. Section 130.09 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.09 REGULATION OF SKATEBOARDS AND INLINE SKATES

- (A) Subject to division (B) below, it shall be unlawful for any person riding on a skateboard or inline skates to ride any such device on the premises of facilities or lands owned in fee simple or leased by the city.
- (B) Skateboards and inline skates may be utilized within designated areas of the Asheboro Skate Park in accordance with Chapter 98 of the Code.
- (C) This section shall not be construed to authorize any activity involving skateboards, roller skates, coasters, toy vehicles, or similar devices that is prohibited by § 70.53.
- (D) A violation of this section is punishable as a misdemeanor.

Section 148. Section 130.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 130.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 149. Section 150.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.01 FIRE LIMITS

Pursuant to G.S. § 160A-435 160D-1126, the primary fire limits of the City of Asheboro are hereby established and defined as follows:

Beginning at a point in the center of the intersection of Salisbury Street (North Carolina Highway 42) and North Fayetteville Street; thence south along the center line of Fayetteville Street (United States Highway 220 Business) to a point in the center of the intersection of South Fayetteville Street and Academy Street; thence west along the center line of Academy Street to a point in the center of the intersection of West Academy Street and South Church Street; thence north along the center line of Church Street (North Carolina Secondary Road 1707) to a point in the intersection of North Church Street and West Salisbury Street; thence east along the center line of West Salisbury Street to the point and place of beginning.

Section 150. Section 150.03 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.03 BUILDING INSPECTOR; DEPUTIES AND ASSISTANTS

- (A) Except as may be provided otherwise by state law or this Code, the Building Inspector shall administer and enforce within the territorial jurisdiction, specifically including without limitation the extraterritorial planning jurisdiction, of the city all provisions of this chapter and of the North Carolina State Building Code, and he shall perform the duties and keep the records prescribed in G.S. §§ 160A-411 through 160A-416 Article 11 of Chapter 160D of the General Statutes of North Carolina for local building and electrical inspectors.
- (B) The City Council may, by resolution or otherwise, provide for the appointment or designation of such deputy and assistant building inspectors as may be considered desirable.
- (C) Notwithstanding any other provision found within this Chapter, when undertaking inspections and enforcement actions in connection with unsafe structures, the city's Chief Building Inspector and any deputy or assistant building inspector(s) are authorized to utilize the full scope of authority found within the most recent enactments of G.S. §§ 160A-426 through and including 160A-432 Article 11 of Chapter 160D of the General Statutes of North Carolina. This division is designed to provide city building inspectors with the greatest scope of regulatory authority available under North Carolina law to address unsafe structures and is not to be interpreted or construed as a limitation on any other regulatory authority otherwise delegated to a building inspector.

Section 151. Section 150.29 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.29 INSPECTIONS OF WORK IN PROGRESS

Subject to the limitation imposed by **G.S. § ~~160A-412(b)~~ 160D-1104**, as the work pursuant to a permit progresses, the Building Inspector shall make as many inspections thereof as may be necessary to satisfy him that the work is being done according to the provisions of any applicable state laws or ordinances of this city and of the terms of the permit. In exercising this power, the Building Inspector shall have a right to enter on any premises within his or her jurisdiction at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. If a permit has been obtained by an owner exempt from licensure under G.S. § 87- 1(b)(2), no inspection shall be conducted without the owner being personally present, unless the plans for the building were drawn and sealed by an architect licensed pursuant to G.S. Ch. 83A.

Section 152. Section 150.30 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.30 STOP ORDERS

- (A) Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of any state law or ordinance of this city, or in a manner that endangers life or property, the Building Inspector may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped. The stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons therefor, and the conditions under which the work may be resumed. The owner or builder may appeal from a stop order involving alleged violation of the State Building Code or any approved modification thereof made by ordinance of this city to the North Carolina Commissioner of Insurance or his designee within a period of five days after the order is issued. Notice of appeal shall be given in writing to the Commissioner of Insurance or his designee, with a copy to the Building Inspector. The Commissioner of Insurance or his designee shall promptly conduct an investigation and the appellant and the Inspector shall be permitted to submit relevant evidence. The Commissioner or his designee shall as expeditiously as possible provide a written statement of the decision setting forth the facts found, the decision reached, and the reasons for the decision. Pending the ruling by the Commissioner of Insurance or his designee on an appeal no further work shall take place in violation of a stop order. In the event of dissatisfaction with the decision, the person affected shall have the options of:

- (1) Appealing to the Building Code Council, or
 - (2) Appealing to the Superior Court as provided in G.S. § 143-141.
- (B) Violation Pursuant to G.S. § 160D-404(b), the violation of a stop order shall constitute a misdemeanor.

Section 153. Section 150.47 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.47 REMOVING NOTICE FROM CONDEMNED BUILDINGS

Pursuant to G.S. § 160D-1118, if any person shall remove any notice that has been affixed to any building or structure by the Building Inspector and that states the dangerous character of the building or structure, he shall be guilty of a misdemeanor.

Section 154. Section 150.51 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.51 FAILURE TO COMPLY WITH ORDER

Pursuant to G.S. § 160D-1124, ~~If~~ if the owner of a building or structure fails to comply with an order issued pursuant to § 150.49 from which no appeal has been taken or fails to comply with an order of the City Council following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

Section 155. Section 151.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.01 FINDING; PURPOSE

- (A) Pursuant to G.S. § ~~160A-441~~ 160D-1201, it is hereby declared that there exist in the city dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities; and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the city.
- (B) In order to protect the health, safety and welfare of the residents of the city as authorized by ~~Part 6 of Article 19, Chapter 160A~~ Article 12 of Chapter 160D of the General Statutes of North Carolina, it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation as expressly authorized by G.S. § ~~160A-444~~ 160D-1205.

Section 156. Section 151.14 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.14 PROCEDURE FOR ENFORCEMENT

- (A) Preliminary investigation; notice; hearing. Whenever a petition, is filed with the Inspector by a Public Authority or by at least five residents of the city charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling or unit is unfit for human habitation he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant in courts of law or equity shall not be controlling in hearings before the Inspector.
- (B) Procedure after hearing. After such notice and hearing, the Inspector shall state in writing his determination whether the dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.
 - (1) If the Inspector determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a specified period of time, not to exceed 90 days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations, and improvements have been made.
 - (2) If the Inspector determines that the dwelling is dilapidated, he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner either to repair, alter or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, or else to vacate and remove or

demolish the same within a specified period of time not to exceed 90 days.

(C) Failure to comply with order.

- (1) In personam remedy. If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter, or improve or to vacate and close the same within the time specified therein, or if the owner of a dilapidated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter or improve or to vacate and close and remove or demolish the same within the time specified therein, the Inspector shall submit to the City Council at its next regular meeting a resolution directing the City Attorney to petition the superior court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. §§ 160A-446(g) 160D-305 and 160D-1208.
- (2) In rem remedy. After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding division (1), the Inspector shall submit to the City Council an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed or demolished, as provided in the original order of the Inspector, and pending removal or demolition, to place a placard on such dwelling as provided by G.S. § 160A-443 160D-1203 and § 151.16.

(D) Appeals from orders of Inspector. An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the Zoning Board of Adjustment for the City of Asheboro a notice of appeal which shall specify the grounds upon which the appeal is based. Said notice of appeal to the Zoning Board of Adjustment, hereinafter referred to as the "Board," shall be filed with the Zoning Administrator for the City of Asheboro on a form prescribed by the Zoning Administrator. Upon the proper filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When an appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the

Inspector certifies to the Board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except for due cause shown upon not less than one day's written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to **G.S. §§ 160A-446(f) 160D-305 and 160D-1208** and division (E) below.

- (1) The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Inspector, but the concurring vote of seven members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
 - (2) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.
- (E) Petition to superior court by owner. Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by **G.S. §§ 160A-446(f) 160D-305 and 160D-1208.**

Section 157. Section 151.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.16 IN REM ACTION BY INSPECTOR; PLACARDING

After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this chapter, and upon adoption by the City Council of an ordinance authorizing and directing him to do so, as provided by

G.S. § ~~160A-443(5)~~ 160D-1203 and § 151.14(C), the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the City Council, and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful". Occupation of a building so posted shall constitute a misdemeanor. Each ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § ~~160A-443(4) and (5)~~ 160D-1203.

Section 158. Section 151.17 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.17 COSTS, A LIEN ON PREMISES

As provided by G.S. §§ ~~160A-446(6)~~ 160D-305 and 160D-1208, the cost of any repairs, alterations, or improvements, or of vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to § 151.15 shall be a lien against the real property upon which such cost was incurred such lien shall be filed, having priority, and be collected in the same manner as the lien for special assessments established by Article 10, Chapter 160A of the General Statutes.

Section 159. Section 151.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.18 ALTERNATIVE REMEDIES

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, ~~or to enforce this chapter by criminal process as authorized by G.S. § 14-4 and § 151.20,~~ and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

Section 160. Section 151.19 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.19 ZONING BOARD OF ADJUSTMENT DESIGNATED TO HEAR APPEALS

Pursuant to and in accordance with G.S. §§ ~~160A-446(a)~~ 160D-305 and 160D-1208, the Board of Adjustment established by ~~Article 900 of~~ the Asheboro Zoning Ordinance

is hereby designated as the board that shall perform the duties prescribed by § 151.14(D) of the Code of Asheboro. When discharging its duties pursuant to Chapter 151 of the Code of Asheboro and Article 19 of G.S. Chapter 160A Chapter 160D of the General Statutes of North Carolina, the Board of Adjustment shall keep an accurate record of all its proceedings.

Section 161. Section 151.99 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.99 PENALTY

(A) ~~The violation of any provision of this chapter shall constitute a misdemeanor, as provided by G.S. § 14-4.~~

(B) ~~In addition to the penalty established by division (A) above, and the remedies provided by other provisions of this chapter, this chapter may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.~~

In addition to the remedies provided by other provisions of this chapter, this chapter may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

Section 162. Section 152.02 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.02 PURPOSE

Pursuant to and in accordance with the enabling legislation found in G.S. § 160A-439 160D-1129, this chapter is enacted for the purpose of protecting the health, safety, and welfare of the city and its citizens by establishing minimum standards of maintenance, sanitation, and safety for nonresidential buildings or structures. Furthermore, this chapter identifies the circumstances under which a public necessity exists for the repair, closing, or demolition of nonresidential buildings or structures that are dangerous to the public health, safety, and welfare.

Section 163. Section 152.14 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.14 IN REM ACTION BY THE CITY ENFORCEMENT OFFICER

After failure of an owner of a nonresidential building to comply with an order of the City Enforcement Officer issued pursuant to the provisions of this chapter and upon adoption by the City Council of an ordinance authorizing and directing the owner to do so, as provided by G.S. § 160A-439(f) 160D-1129 and § 152.09(D), the City

Enforcement Officer shall proceed to cause the nonresidential building to be repaired, altered, or improved to comply with the minimum standards established by this chapter, to be vacated and closed, or to be removed or demolished, as directed by the ordinance of the City Council. The City Enforcement Officer may cause to be posted on the main entrance of any nonresidential building that is to be vacated and closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." ~~Any person who occupies or knowingly allows the occupancy of a building so posted shall be guilty of a Class 3 misdemeanor.~~

Section 164. Section 152.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.15 COSTS ARE A LIEN ON PREMISES

- (A) As provided by ~~G.S. § 160A-439(i)~~ 160D-1129(i), the amount of the cost of any repairs, alterations, or improvements, vacating and closing, or removal or demolition caused to be made or done by the City Enforcement Officer pursuant to §§ 152.09(D) or 152.12 shall be a lien against the real property upon which the costs were incurred. The lien shall be filed, have the same priority, be enforced, and the costs collected as provided by G.S. Ch. 160A, Art. 10. The amount of the costs shall also be a lien on any other real property of the owner located within the city limits except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.
- (B) If the nonresidential building is removed or demolished by the City Enforcement Officer, such officer shall offer for sale the recoverable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition. Any balance remaining shall be deposited in the Superior Court by the City Enforcement Officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the governing body to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Section 165. Section 152.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.16 EJECTMENT

If any occupant fails to comply with an order to vacate a nonresidential building, the City Enforcement Officer may file a civil action in the name of the city to remove the occupant. The action to vacate shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building. The Clerk of Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed ten days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. § 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the City Enforcement Officer produces a certified copy of an ordinance adopted by the City Council pursuant to **G.S. § 160A-439(f) 160D-1129(f)** and § 152.09(D) to vacate the occupied nonresidential building, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the nonresidential building be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. § 42-30. An appeal from any judgment entered under this subsection by the magistrate may be taken as provided in G.S. § 7A-228, and the execution of the judgment may be stayed as provided in G.S. § 7A-227. An action to remove an occupant of a nonresidential building who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least 30 days before the filing of the summary ejectment proceeding, that the City Council has ordered the City Enforcement Officer to proceed to exercise his or her duties under **G.S. § 160A-439(f) 160D-1129(f)** and § 152.09(D) to vacate and close or remove and demolish the nonresidential building.

Section 166. Section 152.17 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.17 FILING OF ORDINANCES

An ordinance adopted by City Council pursuant to §§ 152.09(D) or 152.12 shall be recorded in the office of the Register of Deeds of Randolph County and shall be indexed in the name of the property owner in the grantor index, as provided by **G.S. §§ 160A-439(f) and (g) 160D-1129(f) and (g).**

Section 167. Section 152.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.18 ALTERNATIVE REMEDIES

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, ~~to enforce this chapter by criminal process as authorized by G.S. § 14-4 and § 152.22,~~ and to utilize any remedy provided herein or in other ordinances or laws.

Section 168. Section 152.19 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.19 BOARD OF ADJUSTMENT TO HEAR APPEALS

- (A) All appeals that may be taken from decisions or orders of the City Enforcement Officer pursuant to this chapter shall be heard and determined by the Board of Adjustment. As the appeals body, the Board of Adjustment shall have the power to set the times and places of its meetings, to adopt necessary rules of procedure, and to adopt any other rules and regulations that may be necessary for the proper discharge of its duties.
- (B) Appeals shall be subject to the following:
 - (1) An appeal from any decision or order of the City Enforcement Officer may be taken by any person aggrieved thereby. Any appeal from the City Enforcement Officer shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the City Enforcement Officer and the Secretary to the Board of Adjustment a notice of appeal that shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the City Enforcement Officer shall forthwith transmit to the Board of Adjustment all of the papers constituting the record upon which the decision under appeal was made. When the appeal is from a decision of the City Enforcement Officer refusing to allow the person aggrieved thereby to do any act, the City Enforcement Officer's decision shall remain in force until modified or reversed. When any appeal is from a decision of the City Enforcement Officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board of Adjustment, unless the City Enforcement Officer certifies to the Board, after the notice of appeal is filed, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant) a suspension of the requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order that may be granted for due cause shown, upon not less than one

day's written notice to the City Enforcement Officer, by the Board or by a court of record upon petition made pursuant to G.S. § ~~160A-446(f)~~ **160D-1208(d)** and § 152.20.

- (2) The Board of Adjustment shall set a reasonable time for the hearing of all appeals, shall give notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board of Adjustment may reverse or affirm, in whole or in part, or may modify the decision or order appealed from and may make such decision and order as in its opinion ought to be made in the matter. To that end, the Board of Adjustment shall have all the powers of the City Enforcement Officer when ruling upon a duly filed appeal. A simple majority of the members of the Board of Adjustment shall be necessary to reverse or modify any decision or order of the City Enforcement Officer. When considering an appeal, the Board of Adjustment shall have the power, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case by granting a variance to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that the concurring vote of four-fifths of the members of the Board of Adjustment shall be necessary to grant a variance rather than the simple majority that is sufficient, when the variance power is not utilized, to reverse or modify a decision or order of the City Enforcement Officer.
- (C) Every decision of the Board of Adjustment shall be subject to review by the Superior Court by proceedings in the nature of certiorari instituted within 30 days of the decision of the Board, but not otherwise.

Section 169. Section 152.20 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.20 TEMPORARY INJUNCTION REMEDY FOR AGGRIEVED PERSON

Any person aggrieved by an order issued by the City Enforcement Officer or a decision rendered by the Board of Adjustment shall have the right within 30 days after issuance of the order or rendering of the decision to petition the Superior Court for a temporary injunction restraining the City Enforcement Officer pending a final disposition of the cause, as provided by ~~G.S. § 160A-446(f)~~ **160D-1208(d)**.

Section 170. Section 152.22 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.22 VIOLATIONS; PENALTIES

(A) It shall be unlawful for the owner of any nonresidential building to fail, neglect, or refuse to repair, alter, or improve the same, to vacate and close, or to remove or demolish the same upon order of the City Enforcement Officer duly made and served in accordance with the provisions of this chapter within the time specified in the order, and each day that any such failure, neglect, or refusal to comply with the order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any nonresidential building, with respect to which an order has been issued pursuant to section § 152.09(C), to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration, improvement, or its vacation and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

~~(B) The violation of any provision of this Chapter shall constitute a misdemeanor, as provided by G.S. § 14-4.~~

~~(C) In addition to or in lieu of the other remedies provided by this chapter, any owner of a nonresidential building that fails to comply with an order of the City Enforcement Officer within the time specified therein, shall be subject to a civil penalty in the amount of \$50 for the first offense, \$100 for the second offense in the calendar year, and \$250 for the third and subsequent offenses in the calendar year. Each subsequent offense after the third will be subject to a civil penalty of \$250. Each 30-day period or part thereof in which a violation is allowed to persist will constitute a separate and distinct offense.~~

(B) In addition to or in lieu of the other remedies provided by this chapter, any owner of a nonresidential building that fails to comply with an order of the City Enforcement Officer within the time specified therein, shall be subject to a civil penalty in the amount of \$50 for the first offense, \$100 for the second offense in the calendar year, and \$250 for the third and subsequent offenses in the calendar year. Each subsequent offense after the third will be subject to a civil penalty of \$250. Each 30-day period or part thereof in which a violation is allowed to persist will constitute a separate and distinct offense.

Section 171. Section 153.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 153.01 ADOPTION BY REFERENCE

(A) The subdivision ordinance, as readopted May 7, 1987, as amended, copies of which are on file in the office of the City Clerk, is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.

- (B) Notwithstanding any provision found within the above-referenced subdivision ordinance, the City of Asheboro Subdivision Ordinance shall not impose any criminal penalties on the basis of the violation of an ordinance provision adopted under Chapter 160D of the General Statutes of North Carolina.

Section 172. Section 154.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 154.01 ADOPTION BY REFERENCE

- (A) The zoning ordinance as adopted January 6, 1966 and readopted February 10, 1977, copies of which are on file in the office of the City Clerk, as amended, readopted February 10, 1977, and revised, effective July 1, 2021, to comply with Chapter 160D of the General Statutes of North Carolina, and as the ordinance may be subsequently amended, is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.
- (B) Copies of the City of Asheboro Zoning Ordinance are on file in the Office of the City Clerk.
- (C) Notwithstanding any provision found within the above-referenced zoning ordinance, the City of Asheboro Zoning Ordinance shall not impose any criminal penalties on the basis of the violation of an ordinance provision adopted under Chapter 160D of the General Statutes of North Carolina, except for those ordinance provisions related to unsafe buildings.

Section 173. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 174. Sections 2, 141, 142, 143, 144, and 148 of this Ordinance were introduced and received favorable votes during Asheboro City Council meetings held on November 4, 2021, and November 18, 2021. The ordinance provisions found in the sections listed in the immediately preceding sentence shall be in full force and effect on and after November 18, 2021.

Section 175. The remaining sections of this Ordinance (*i.e.*, all sections of the Ordinance other than the sections listed in the immediately preceding Section 174) received two favorable votes during the Asheboro City Council meetings held on November 18, 2021, and December 9, 2021. The provisions that fall within the scope of the immediately preceding sentence shall be in full force and effect on and after December 9, 2021.

The Asheboro City Council granted final approval of the entirety of this Ordinance during the Council's regular meeting on the 9th day of December, 2021.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND THE GENERAL FUND
FY 2021-2022

WHEREAS, the City of Asheboro Police Department was awarded a \$2000 grant from Walmart for community outreach and the City of Asheboro desires to the funds from this local grant in the Asheboro Police Department budget in the Community Resource expenditure line item, and

WHEREAS, the City of Asheboro Police Department 2016 Dodge Charger VIN 2C3CDXAT7GH356720 was involved in an accident and determined to be a total loss, and

WHEREAS, BB&T Bank, who was using the vehicle as security on a loan from 2017, advised on February 9, 2021 that they released the electronic lien on the vehicle so the title could be sent to the City of Asheboro by the DMV, and

WHEREAS, on November 1, 2021, the City Manager declared the vehicle to be surplus city-owned property to be disposed of with the most cost effective way of disposal as conveyance of the vehicle for salvage to the NC League of Municipalities in consideration of a payment of \$17,275 under the City's auto property damage- collision policy, and

WHEREAS, the in November, the City received the insurance proceeds and now wishes to use these funds toward the purchase of another vehicle for the Asheboro Police Department, and

WHEREAS, the City of Asheboro desires to amend the 2021-2022 budget to incorporate these changes to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Change</u>
10-349-0300	Local Grants	2,000
10-335-0100	Miscellaneous Revenue	17,275
		<u>\$19,275</u>

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Change</u>
10-510-3302	Community Resource	2,000
10-510-7400	Capital Outlay	17,275
		<u>\$19,275</u>

Adopted this the 9th day of December, 2021.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND THE GENERAL FUND FY 2021-2022

WHEREAS, on June 11, 2020, the City of Asheboro announced a new partnership with Downtown Asheboro Inc. to administer the City's Main Street Program and has budgeting to contribute \$100,000 to the organization in 2021-2022. And;

WHEREAS, the one of the services the City of Asheboro is receiving from Downtown Asheboro Inc. in exchange for these funds is full time employee dedicated to maintain Asheboro's standing in the NC Main Street Program who provides downtown business assistance, retention, recruitment, and resources, and promotion of Downtown through various avenues, and;

WHEREAS, DAI has developed a grant program focused on spurring economic development in Downtown Asheboro Historic District by providing financial consideration to incentivize owners and tenants to invest in property improvements that are focused on historic preservation of architectural character that is unique to Asheboro, and

WHEREAS, the DAI has established a designated committee to review plans, drawings, and quotes to ensure each project meets the Secretary of Interior Standards for Rehabilitations, and

WHEREAS, the DAI grant program guidelines outline that rehabilitation of structures should be considered a contemporary solution that respects the architectural integrity of the entire building, retaining those elements that enhance the building and that all projects will meet with the code requirements for the City of Asheboro and that any renovation proposal is eligible for funding, but top priority will be given to projects that will make highly visible contribution to the commercial district and that the grant will not approve or include any requests for business name(s) on awnings, and

WHEREAS, DAI has requested funding from the City of Asheboro in the amount of one hundred thousand dollars for this program, and

WHEREAS, the City of Asheboro recognizes long term economic development aspect of investment in the Downtown Historic District and would like to appropriate fund balance for this purpose, and

WHEREAS, the City of Asheboro desires amend the 2021-2022 budget to be in compliance with all generally accepted accounting principles.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Allocation	\$100,000

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-490-5100	Community Redevelopment	\$100,000

ORDINANCE TO AMEND THE GENERAL FUND
FY 2021-2022

Adopted this the 9th day of December 2021.

David H. Smith, Mayor

ATTEST:

Holly H Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND THE GENERAL FUND FY 2021-2022

WHEREAS, on June 11, 2020, the City of Asheboro announced a new partnership with Downtown Asheboro Inc. (DAI) to administer the City's Main Street Program and has budgeted to contribute \$100,000 to the organization in 2021-2022, and

WHEREAS, the one of the services the City of Asheboro is receiving from DAI in exchange for these funds is a full time employee dedicated to the promotion of Downtown Asheboro through various avenues, and;

WHEREAS, DAI is wanting Asheboro to host a special 4 band concert series in 2022 on May 20, June 10, July 15 and August 5 budgeted at \$75,000, and

WHEREAS, the musicians selected are Stephanie Quayle and three tribute bands: an ACDC tribute band, a Fleetwood Mac Tribute Band and a Michael Jackson Tribute band, and

WHEREAS, DAI hopes to secure sponsorship revenue for this use but is needing upfront funds for deposits and other business expenses associated with the concert series and has requested funding from the City of Asheboro, and

WHEREAS, the City of Asheboro would like to appropriate fund balance up to \$75,000 for this purpose, and

WHEREAS, the City of Asheboro desires amend the 2021-2022 budget to be in compliance with all generally accepted accounting principles.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Allocation	\$75,000

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-615-1202	Concert Series	\$75,000

Adopted this the 9th day of December 2021.

David H. Smith, Mayor

ATTEST:

Holly H Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2021-2022

WHEREAS, in October 2020, the City of Asheboro Billing & Collection department started utilizing a new software platform for managing the flow service requests, along with documentation, from any digital format a customer may have to the billing staff in a secure and socially distant manner, and;

WHEREAS, in a thirteen month period, the Billing and Collection department as processed 4073 service applications using electronic platform while continuing to also perform all the other duties of the office, and

WHEREAS, after a year of analysis and considering the volume of applications and workflow, the Finance Director has recommended a staffing change to hire one additional employee, move from a 3 FT person department to a 4 FT person department to allow applications to be processed in a more timely manner, and

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles to incorporate new expenditures outline above, and

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina that following revenue and expense line items are changed as follows:

Section 1: That the following revenue line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
30-299-0000	Fund Balance Appropriation	\$35,300

Section 2: That the following expense line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
30-720-0200	Salaries & Wages	24,000
30-720-0702	FICA & Medicare	800
30-720-0704	Insurance	9,000
30-720-0705	Retirement	<u>1,500</u>
		\$35,300

Adopted this 9th day of December, 2021.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND THE GENERAL FUND
FY 2021-2022

WHEREAS, The City of Asheboro currently contributes \$25,000 to the Asheboro / Randolph Chamber of Commerce to support economic development activities (thru the Economic Development Fund), and

WHEREAS, the City of Asheboro receives the following services from the Chamber of Commerce: 1) Small business assistance, resources and advocacy, (2) Retail business development, (3) Community events and promotion, (4) Local youth and adult leadership training, and (5) Downtown/Center City development and support, and

WHEREAS, the Asheboro Randolph Chamber of Commerce has expanded their scope in partnering with VentureAsheboro to further focus on small business and entrepreneurial training and development, and

WHEREAS, the City desires to allocate \$50,000 in funding to the economic development fund by appropriating General fund balance, and;

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase / (decrease)</u>
10-299-0000	Fund Balance Allocation	\$50,000

That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase / (decrease)</u>
10-490-7200	Contribution to Economic Development Fund	\$50,000

Adopted this the 9th day of December 2021.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND THE ECONOMIC & TOURISM DEVELOPMENT
FUND
FY 2021-2022

WHEREAS, The City of Asheboro currently contributes \$25,000 to the Asheboro / Randolph Chamber of Commerce (Chamber) to support economic development activities, and

WHEREAS, in exchange for the \$25,000 financial support, the City of Asheboro receives the following services from the Chamber: (1) Small business assistance, resources and advocacy, (2) Retail business development, (3) Community events and promotion, (4) Local youth and adult leadership training, and (5) Downtown/Center City development and support, and

WHEREAS, the Chamber has shared the below business statistics that give a snapshot of what our local businesses are experiencing now in 2021 since the onset of COVID-19:

- 1) The Chamber lost 111 members - 30+ of which closed their doors for good, 20+ permanently relocated outside of the Piedmont Triad, and another 30 that simply needed to cut every expense possible to remain viable.
- 2) In 2020, Randolph County had a 62.5% increase over 2019 of new business startups that they believe this has to do with the overall effect COVID had on families such as a) Furloughed employees had uncertainty as to whether they would go back to work. b) Laid off employees had minimal options for employment during the initial shut-downs and the slow return to business. c) Children forced to do remote learning could not be left at home alone and that these new start-ups reflect entrepreneurially minded people to looking for new and creative ways to make a living.
- 3) According to the US Bureau of Labor, 70% of new businesses will ultimately fail, and

WHEREAS, considering the challenges facing small businesses and entrepreneurs, the Chamber has requested a one-time contribution of \$50,000 to expand their program of support in this area, and

WHEREAS, the Chamber has successfully worked with VentureAsheboro to support and assist new businesses to give them the best opportunity to achieve success and have together planned a program of work aimed at Asheboro located businesses that includes measurable strategies, and

WHEREAS, a list of the measurable strategies include but are not limited to: 1) Establishment of a mentor network (matching Asheboro business leaders with new business owners).2) Free one-on-one coaching to assist Asheboro entrepreneurs (both new and established).3) Master Classes (using local business experts to share solutions with other local business leaders).4) Three 8-week Business Accelerator programs aimed at some key entrepreneur types. 5) On-off workshops on subject matters common to entrepreneurs. And

ORDINANCE TO AMEND THE ECONOMIC & TOURISM DEVELOPMENT
FUND
FY 2021-2022

WHEREAS, Some examples of possible accelerator programs include: Black Business Accelerator, Women-Owned Business Accelerator, Encore Entrepreneurs (over the age of 55), Hispanic Business Accelerator, Retail Accelerator, and

WHEREAS, some examples of possible on-off workshops on subject matters common to entrepreneurs include 1) Establishing a good working relationship with bankers, 2) Marketing on a minimal budget, 3) Business finance for non-finance experienced people, and

WHEREAS, the City of Asheboro desires to support this program and allocate \$50,000 in funding from the general fund and appropriate for the expense in the Economic and Tourism Development fund, and;

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase / (decrease)</u>
72-350-0300	Chamber of Commerce – VentureAsheboro support	50,000

That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase / (decrease)</u>
72-840-2030	Chamber of Commerce – VentureAsheboro Support	50,000

Adopted this the 9th day of December 2021.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

CHANGE ORDER

ORDER NUMBER: 3

DATE: December 9, 2021

NAME OF PROJECT: ZOO CITY SPORSTPLEX SITEWORK (Building Construction/Paving)

OWNER: City of Asheboro

CONTRACTOR: Terry's Plumbing and Utilities, Inc.

The following changes are hereby made to the CONTRACT DOCUMENTS:

Change to CONTRACT PRICE:

Original CONTRACT PRICE: \$ 3,700,315.00

Current CONTRACT PRICE Adjusted by
Previous CHANGE ORDER: \$ 4,536,017.50

The CONTRACT PRICE due to this
CHANGE ORDER will be increased
by: \$ 1,132,055.00

The new CONTRACT PRICE including
This CHANGE ORDER will be: \$ 5,668,072.50

Change to CONTRACT TIME:

The CONTRACT TIME will be increased by 270 calendar days.

The date for completion of all work will be August 30, 2022

APPROVALS:

To be effective, this Change Order must be approved in accordance with the CONTRACT DOCUMENTS.

Requested By: _____ Contractor
Terry's Plumbing & Utilities, Inc

Recommended By: _____ Engineer
Michael L. Leonard, PE, City Engineer

1
Accepted By: _____ Owner
John N. Ogburn, III, City Manager

PRE-AUDIT STATEMENT:

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

Date

Terry's Plumbing & Utilities, Inc

465 Lewallen Rd
Asheboro, NC 27205
336-625-1090
336-625-1440 Fax
tpuinc@triad.rr.com

December 7, 2021

City of Asheboro
146 N. Church St.
Asheboro, NC 27203

Attn: Mr. Michael Leonard, PE

Ref: Zoo City Sportsplex Change Order Request 3 Revised

Dear Mr. Leonard,

Per your request, please find the following for just buildings A, B and C to be added to contract under this change request.

- | | |
|---|---------------|
| 1. Construct Building A as per proposal dated 10/29/21. | \$ 359,440.00 |
| 2. Construct Building B as per proposal dated 10/29/21. | 359,440.00 |
| 3. Construct Building D as per proposal dated 10/29/21. | 413,175.00 |

TOTAL FOR BASE CHANGE ORDER REQUEST	\$ 1,132,055.00
--	------------------------

ADD ALTERNATE FOR BUILDING C

- | | |
|---|------------|
| 1. Construct Building C as per proposal dated 10/29/21. | 467,460.00 |
|---|------------|

Notes:

1. These do not include any concrete aprons or drives. Prices are included with CO 4 request.
2. All notes included on the original proposals dated 10/29/21 apply.
3. All unit costs associated with original contract apply.
4. Due to current market pricing we can not hold prices more than 30 days.

~~Sincerely,~~



C. Terry Tucker, President
License 51103 Unlimited.

ORDINANCE TO AMEND THE GENERAL FUND
FY 2021-2022

WHEREAS, the City of Asheboro appropriated funding from fund balance for phase 1 site improvements for the Zoo City Sportsplex Construction Contract with Terrys Plumbing & Utilities in the amount of \$4,502,000 on January 9, 2020, and;

WHEREAS, the Terrys' Plumbing & Utilities has been requested to construct 3 buildings on the Zoo City Sportsplex property which were not included in the original adopted budget, and;

WHEREAS, the first building for construction is for a 25' 8" x 38' 2" split face block structure referred to as Restroom Building A for a cost of \$359,440, and

WHEREAS, the second building for construction is for a 25' 4" x 37' 1" split face block structure referred to as Restroom Building B for a cost of \$359,440, and

WHEREAS, the third building for construction is for a 24' 8" x 37' 10" split face block structure referred to as Main Concession Building D for a cost of \$359,440, and

WHEREAS, the total costs of these changes is referenced in Change order 3 to the contract with Terrys Plumbing and Utilities dated December 7, 2021 is \$1,132,055, and

WHEREAS, the City of Asheboro desires amend the General Fund budget utilizing an appropriation of fund balance to incorporate these changes to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Appropriation	1,132,055

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-620-7474	Contribution to Zoo City Sportsplex Fund	1,132,055

Adopted this the 9th day of December 2021.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND THE ZOO CITY SPORTSPLEX FUND (74)
FY 2021-2022

WHEREAS, the City of Asheboro appropriated funding for phase 1 site improvements for the Zoo City Sportsplex Construction Contract with Terrys Plumbing & Utilities in the amount of \$4,502,000 on January 9, 2020, and;

WHEREAS, the Terrys' Plumbing & Utilities has been requested to construct 3 buildings on the Zoo City Sportsplex property which were not included in the original adopted budget, and;

WHEREAS, the first building for construction is for a 25' 8" x 38' 2" split face block structure referred to as Restroom Building A for a cost of \$359,440, and

WHEREAS, the second building for construction is for a 25' 4" x 37' 1" split face block structure referred to as Restroom Building B for a cost of \$359,440, and

WHEREAS, the third building for construction is for a 24' 8" x 37' 10" split face block structure referred to as Main Concession Building D for a cost of \$359,440, and

WHEREAS, the costs of these changes is referenced in Change order 3 to the contract with Terrys Plumbing and Utilities dated December 7, 2021 with a total combined amount of \$1,132,055, and

WHEREAS, the City of Asheboro desires amend the Zoo City Sportsplex fund budget to incorporate these changes to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
74-300-1000	Contribution from General Fund	1,132,055

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
74-400-0001	Construction	1,132,055

Adopted this the 9th day of December 2021.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

GRANT AGREEMENT

STATE AID TO AIRPORTS
BETWEEN

AIRPORT: **ASHEBORO REGIONAL**

THE N. C. DEPARTMENT OF TRANSPORTATION,
AN AGENCY OF THE STATE OF NORTH CAROLINA

AND

PROJECT NO: **36244.32.7.1**

CITY OF ASHEBORO

This Agreement is hereby made and entered into by and between the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter referred to as "Department") and **CITY OF ASHEBORO**, the public agency owning the **ASHEBORO REGIONAL AIRPORT** (hereinafter referred to as "Sponsor").

This agreement shall be effective on _____ and shall terminate on **MARCH 8, 2023** with the option to extend, if mutually agreed upon, through a written modification. Pre-award costs included on the Code and Category of Expenditure Section of the AV-501/AV-504 of the project's Request for Aid (RFA) Application are authorized.

WITNESSETH

WHEREAS, Chapter 63 of the North Carolina General Statutes authorizes the Department, subject to limitations and conditions stated therein, to provide State Aid in the forms of loans and grants to cities, counties and public airport authorities of North Carolina for the purpose of planning, acquiring and improving municipal, county and other publicly-owned or publicly controlled airport facilities, and to authorize related programs of aviation safety, education, promotion and long-range planning; and

WHEREAS, the Sponsor has made a formal application dated **OCTOBER 13, 2021** to the Division of Aviation ("Division") for State Financial Aid funds for the **ASHEBORO REGIONAL AIRPORT**; and

WHEREAS, a grant in the amount of **\$1,079,860** not to exceed **90 percent** of the final, eligible project costs of **\$1,199,845** subject to the conditions and limitations herein; and

WHEREAS, the Agreement of State Financial Aid funds will be used for the following approved project:

AIRFIELD LIGHTING REHABILITATION (CON/CA/RPR)

WHEREAS, pursuant to NC GS 63-68 (2), the Division may, in its discretion, conduct safety projects or programs to improve the safety and planning of the air transportation system.

NOW THEREFORE, the Sponsor and the Division of Aviation ("Division") do mutually hereby agree as follows:

1) Work performed under this Agreement shall conform to the approved project description. Any amendments to or modification of the scope and terms of this Agreement shall be in the form of a modified grant mutually executed by the Sponsor and the Department, except that an extension of time and/or a reallocation of funds within the approved budget may be granted by the Division by written notice to the Sponsor. Any changes to the scope, amount, or fees with this grant agreement without first consulting your Airport Project Manager could be found ineligible.

2) The Sponsor agrees to comply and assures the compliance by each of its third-party contractors and subrecipients at any tier, with the provisions of G.S. § 143-59.2, "Certain vendors prohibited from contracting with State." G.S. § 133-32 and Executive Order 024 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this Agreement, you attest, for your entire organization and its employees or agents that you are not aware that any such gift has been offered, accepted or promised by any employees of your organization. This prohibition covers those vendors and contractors who:

- (1) have a contract with a governmental agency; or
- (2) have performed under such a contract within the past year; or
- (3) anticipate bidding on such a contract in the future.

3) The Sponsor certifies that it has adhered to all applicable laws, regulations, and procedures in the application for and the Sponsor's approval of the Agreement.

4) The Sponsor agrees to comply with the "Sponsor's Assurances" contained as a part of this Agreement. The Sponsor shall be liable to the Department for the return of all grant monies received in the event of a material breach of the Sponsor's Assurances or this Agreement.

5) The Sponsor agrees to adhere to the standards and procedures contained in the *North Carolina Airports Program Guidance Handbook*.

APPENDIX A6.4.1
TITLE VI CLAUSES FOR COMPLIANCE WITH NONDISCRIMINATION REQUIREMENTS

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Title VI List of Pertinent Nondiscrimination Acts and Authorities, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Nondiscrimination Acts and Authorities, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Nondiscrimination Acts and Authorities on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the sponsor or the Federal Aviation Administration to be pertinent to ascertain compliance with such Nondiscrimination Acts and Authorities and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the sponsor or the Federal Aviation Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non discrimination provisions of this contract, the sponsor will impose such contract sanctions as it or the Federal Aviation Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. Cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX A6.4.2
TITLE VI CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of the Standard Title VI/Nondiscrimination Assurances.

NOW, THEREFORE, the Federal Aviation Administration as authorized by law and upon the condition that the *North Carolina Department of Transportation (NCDOT)* will accept title to the lands and maintain the project constructed thereon in accordance with the *North Carolina General Assembly*, for the (Airport Improvement Program or other program for which land is transferred), and the policies and procedures prescribed by the Federal Aviation Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *NCDOT* all the right, title and interest of the U.S. Department of Transportation/Federal Aviation Administration in and to said lands described in **(Exhibit A attached hereto or other exhibit describing the transferred property)** and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the *North Carolina Department of Transportation (NCDOT)* and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the *NCDOT*, its successors and assigns.

The *NCDOT*, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [.] [and]* (2) that the *NCDOT* will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX A6.4.3
TITLE VI CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE
ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *North Carolina Department of Transportation (NCDOT)* pursuant to the provisions of the Standard Title VI/Nondiscrimination Assurances:

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Federal Aviation Administration activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Nondiscrimination Acts and Regulations listed in the Pertinent List of Nondiscrimination Authorities (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the *NCDOT* will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the *NCDOT* will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the *NCDOT* and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX A6.4.4

TITLE VI CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the *North Carolina Department of Transportation (NCDOT)* pursuant to the provisions of the Standard Title VI/Nondiscrimination Assurances.

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the List of Discrimination Acts and Authorities.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above nondiscrimination covenants, the *NCDOT* will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above nondiscrimination covenants, the *NCDOT* will there upon revert to and vest in and become the absolute property of the *NCDOT* and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX A6.4.5
TITLE VI LIST OF PERTINENT NONDISCRIMINATION ACTS AND AUTHORITIES

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "Contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR part 21 (Non-discrimination in Federally-assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

THE PARTIES BY LEGALLY BINDING SIGNATURE BELOW HEREBY EXECUTE THIS GRANT AGREEMENT
THE DAY AND YEAR FIRST WRITTEN BELOW:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION:

BY: _____
Deputy Secretary for Multi-Modal Transportation or Designee

DATE: _____

AUTHORIZED SIGNATURE FOR SPONSOR

(Approving Authority Board Member or Local Governing Official):

SIGNED: _____

TITLE: _____

DATE: _____

AUTHORIZED SIGNATURE FOR CO-SPONSOR (if Required)

(Approving Authority Board Member or Local Governing Official):

SIGNED: _____

TITLE: _____

DATE: _____

SECTION A: SPONSOR'S ASSURANCES: GENERAL CONDITIONS

A-1. The Sponsor certifies that it holds fee simple title to the property on which this project is to be constructed. In the event any work is proposed on property which has an easement or lease in the Sponsor's name, the Sponsor agrees that it will comply with the Division's conditions and receive written approval prior to any construction on such lease or easements. This condition does not apply to planning projects.

A-2. The Sponsor agrees to operate the Airport for the use and benefit of the general public and shall not deny reasonable access to public facilities by the general public per G.S. § 63-65.

A-3. The Sponsor agrees to operate, maintain, and control the Airport in a safe and serviceable condition for a minimum of twenty (20) years following the date of this Agreement and shall immediately undertake, or cause to be undertaken, such action to correct safety deficiencies as may be brought to its attention by the Department.

A-4. The Sponsor agrees that any land purchased, facilities constructed, or equipment acquired under this Agreement shall not be sold, swapped, leased, or otherwise transferred from the control of the Sponsor without written approval of the Department.

A-5. The Sponsor agrees that the state share of any land purchased, facilities constructed, or equipment acquired under this Agreement shall be credited to the Department in a manner acceptable to the Department in the event such land, facilities, or equipment are subsequently disposed of through sale or lease.

A-6. Insofar as it is within its power and reasonable, the Sponsor shall, either by the acquisition and retention of property interest, in fee or easement, or by appropriate local zoning action, prevent the construction of any object which may constitute an obstruction to air navigation under the appropriate category of Federal Air Regulation Part 77, 14 CFR 77.

A-7. Insofar as it is within its power and reasonable, the Sponsor shall restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and taking off of aircraft, and the noise produced by such operations by adoption of zoning laws, by acquisition and the retention of property interest, in fee or easement.

A-8. Terminal building spaces constructed under this Agreement shall be for the use of the general public. The Sponsor agrees that it will not use any space so constructed for private use, or charge fees for the use of such space, without the written approval of the Division.

SECTION B: SPONSOR'S ASSURANCES: PROJECT ADMINISTRATION

B-1. It is the policy of this State to encourage and promote participation by the Disadvantaged Business Enterprise Program (MBE and WBE) in contracts let by the Department pursuant to G.S. § 136-28.4 for the planning, design, preconstruction, construction, alteration, or maintenance of State transportation infrastructure construction and in the procurement of materials for these projects. All State agencies, institutions, and political subdivisions shall cooperate with the Department of Transportation and among themselves in all efforts to conduct outreach and to encourage and promote the use of disadvantaged minority owned and women owned businesses in these contracts. This is designed to ensure DBE's have maximum opportunity to participate in performance of NCDOT contracts let using state funding. The Sponsor assures and certifies with respect to this Agreement that they will pursue these requirements as stipulated by the Department in the advertising, award, and administration of all contracts, and require the same for all contractors, subrecipients, or subcontractors. The DBE Program is governed by G.S. § 136-28.4 and administered in accordance with Title 19A Chapter 02 Subchapter D Section .1101 - .1112 of the North Carolina Administrative Code.

B-2. The Sponsor shall submit draft plans and specifications, or approved alternate, for the project for review by the Division prior to advertising for bids on the Project. Should bids not be required on the project, the Sponsor shall submit a detailed scope of work and estimated costs prior to requesting "Project Concurrence and Notice to Proceed" form for undertaking the project. All plans (and alternate) shall be supported by engineer's report. A list of deliverables from the Sponsor to the Division will be communicated with the Airport Project Manager.

B-3. Bids will be taken in accordance with G.S. § 143-129. The Division will approve or disapprove the Sponsor's request to employ a specific contractor. Sponsor will be directly notified of approval.

B-4. All contractor(s) who bid or submit proposals for contracts in connection with this project must submit a statement of non-collusion to the Sponsor.

B-5. Unless otherwise approved by the Division, the Sponsor shall not commence construction or award construction contracts on the project until a "Grant Execution and Notice to Proceed" is provided by the Division.

B-6. The Sponsor shall submit to the Division quarterly status reports (AV-502) according to the following schedule for periods ending: March 31, June 30, September 30 and December 31.

B-7. The Sponsor shall notify the Division of any significant issues, meetings, audits, or inspections concerning this project involving the Sponsor, contractor(s), consultant(s), and/or any interested parties.

B-8. It is the policy of the Department not to award funds to contractors who have been removed from the Department's list of pre-qualified bidders without subsequent reinstatement. Therefore, no state funds will be provided for any work performed by the contractor(s) or sub-contractor(s) which have been removed from the Department's list of pre-qualified bidders without subsequent reinstatement as of the date of the signing of the construction contract. It shall be the responsibility of Sponsor to ensure that only properly qualified contractors are given construction contracts for work.

SECTION C: SPONSOR'S ASSURANCES: PROJECT ACCOUNTING AND PAYMENT

C-1. The Sponsor shall record all funds received under this Agreement and shall keep the same in an identifiable project account. The Sponsor, and his contractor(s) and/or consultant(s), shall maintain adequate records and documentation to support all project costs incurred under this Agreement. All records and documentation in support of the project costs must be identifiable as relating to the project and must be allowable costs only. Allowable costs are defined as those costs which are allowable under this Agreement and the approved project budget. Acceptable items of work are those referenced in the *North Carolina Airports - Program Guidance Handbook* and North Carolina General Statutes.

C-2. The Sponsor shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Sponsor shall make such materials available at its office at all reasonable times during the contract period and for five (5) years from the date of final payment under this Agreement for inspection and audit by the Division.

C-3. In accordance with the Compliance Supplement based on the requirements of the 1996 Amendments and 2 CFR Part 200, Subpart F, which provide for the issuance of a compliance supplement to assist auditors in performing the required audits, the Sponsor shall arrange for an independent financial and compliance audit of its fiscal operations. The Sponsor shall furnish the Department with a copy of the independent audit report within thirty (30) days of completion of the audit report, but not later than nine (9) months after the Sponsor's fiscal year ends.

C-4. Payment of the funds obligated under this Agreement shall be made in accordance with the following schedule, unless otherwise authorized by the Division:

A. Payments from the Division to the Sponsor are made on an advance or a reimbursement basis.

B. If an advance payment is received, the Sponsor must pay all contractors/vendors within 3 business days of receipt of the Division's advance payment and provide proof of payment (payment verification).

C-5. The Sponsor may make application to the Division for a corresponding increase if, after the acceptance of the project by the Division, the final State share of approved eligible project costs is more than the amount of State funds obligated for the project. This increase will be considered for funding in accordance with their relative priority versus other applications for available State funds. The Division's ability to provide additional funding is contingent upon the availability of appropriated funds from which payment can be made. There is no legal liability on the part of the Division for any payment above this amount unless and until the Sponsor receives notice of availability confirmed in a written modification by the Division.

SECTION D: SPONSOR'S ASSURANCES: REAL PROPERTY ACQUISITION

- D-1. The acquisition of land, buildings, and other real property involving the use of State Airport Aid funds shall be in compliance with the provisions of this Section.
- D-2. The Sponsor shall depict each parcel to be acquired on an airport property map containing the identity of the parcel and its metes and bounds.
- D-3. The acquisition cost of each parcel, building, or other real property acquired with state financial assistance shall be based on the fair market value of the property as determined by an appraisal process acceptable to the Department.
- D-4. For each parcel, building, or real property, fair market value shall be established by an appraisal, completed by a competent NCDOT approved appraiser and an appraisal review, completed by an NCDOT staff reviewer or outsourced by the NCDOT to a competent consultant appraisal reviewer. For complex acquisitions, estimated claims over \$1,000,000 or estimated claims with over \$250,000 in damages, fair market value shall be established by two appraisals: one original appraisal and one review appraisal. In such cases, all other provisions of this Section shall apply.
- D-5. All original and review appraisals shall be conducted by qualified appraisers who have no financial or other interest in the property to be acquired.
- D-6. The fair market value of a parcel will be established by the review appraiser based upon the information contained in the original appraisal or appraisals.
- D-7. No negotiation for property acquisition shall be commenced between the Sponsor and the property owner until the fair market value of the property has been established. Initial negotiations shall be based upon the fair market value.
- D-8. Negotiated values above the fair market value shall not be eligible for state funds unless, prior to the final agreement for acquisition, the Sponsor has received the approval of the Department for paying such negotiated values in lieu of the appraised fair market value.
- D-9. Failure to follow the requirements of this Section shall disqualify the property from State participation for any parcel which has not been acquired in accordance with such standards.



RZ-21-14: Request to rezone property located at 481 and 539 Veterans Loop totaling approximately 4.1 acres +/- of 5.4 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7659370575 from R10 Medium-Density Residential zoning to I2 General Industrial zoning

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-21**
 -14

Date 11-1-2021 Planning Board

Applicant David Bergmark, The McAdams Company

Legal Description

The property of Duke Energy Progress, LLC, located at 481 and 539 Veterans Loop Road, totaling approximately 4.1 acres +/- of 5.4 acres +/-, and more specifically identified by Randolph County Parcel Identification Number 7659370575.

Requested Action Rezone from R10 Medium-Density Residential to I2 General Industrial

Existing Zone R10

Land Development Plan See rezoning staff report

Planning Board Recommendation

The Planning Board concurred with staff reasoning.

Reason for Recommendation

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-21-14

Date 12/9/2021 City Council

General Information

Applicant David Bergmark, The McAdams Company

Address 2905 Meridian Parkway

City Durham NC 27713

Phone 919-449-4005

Location 481 & 539 Veterans Loop Road

Requested Action Rezone from R10 Medium-Density Residential to I2 General Industrial

Existing Zone R10

Existing Land Use Undeveloped

Size 4.1 acres +/- of 5.4 acres +/-

Pin # 7659370575

Applicant's Reasons as stated on application

See attached application. [Staff note: the application's reference to R10-CU is erroneous. Current zoning is R10].

Surrounding Land Use

North Developing Industrial

East Undeveloped Industrial

South Undeveloped Industrial

West Undeveloped Industrial

Zoning History See Number 5 of Staff Analysis below

Legal Description

The property of Duke Energy Progress, LLC, located at 481 and 539 Veterans Loop Road, totaling approximately 4.1 acres +/- of 5.4 acres +/-, and more specifically identified by Randolph County Parcel Identification Number 7659370575.

Analysis

1. The property is outside the city limits. Connection to city utilities will require annexation of the property in accordance with city policies.
2. Veterans Loop Road is a state-maintained road. In 2017, of New Century Drive was extended to connect with Veterans Loop Road.
3. The request is for an I2 General Industrial classification. As described by the zoning ordinance, "the intent of the I2 Industrial Development District is to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts." As a general district request, this application does not propose any specific use.
4. Since 2010, six (6) parcels along Veterans Loop Road have been rezoned from residential or commercial classifications (R10, R40, B2) to the I2 General Industrial zoning district.
5. In 2010, a portion of the subject property was rezoned from R10 to I2 (Case No. RZ-10-12). This occurred when that land was part of two adjoining parcels; it has since been recombined with the subject PIN.
6. The property is designated as an "Employment Center" by the Land Development Plan. The intent of the Employment Center is "to integrate a mixture of commercial, office & institutional, industrial, and open space uses into the fabric of the community, with ample sidewalks, street trees, on-street parking, public amenities & open space."

Rezoning Staff Report

RZ Case # RZ-21-14

Page 2

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation Employment Center
Small Area Plan Southeast
Growth Strategy Map Designation Economic Development

LDP Goals/Policies Which Support Request

Checklist Item 1: Complies with LDP proposed land use map

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. (*Article 200, Section 210, Schedule of Statements of Intent*)

Checklist Item 5: Complies with Growth Strategy Map

Checklist Item 9: Rezoning will benefit the economic vitality of the City's designated Economic Development Area.

Checklist Items 12 and 13: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area.

Rezoning Staff Report

RZ Case # RZ-21-14

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 14: Rezoning is located on steep slopes of greater than 20%.

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

The requested I2 General Industrial zoning designation will allow economic development opportunities envisioned by the LDP. The plan designates the property as an Employment Center and, on the Growth Strategy map, identifies the region as an Economic Development Area.

The recent extension of New Century Drive to Veterans Loop Road improved the area's access to the I-73/I-74 corridor. A rezoning of this property will help to support additional industrial development opportunities as all of the adjacent property is already zoned I2. It also will diminish the potential for future conflict between industrially and residentially zoned property by removing residential development potential from a property completely surrounded by industrial zoning.

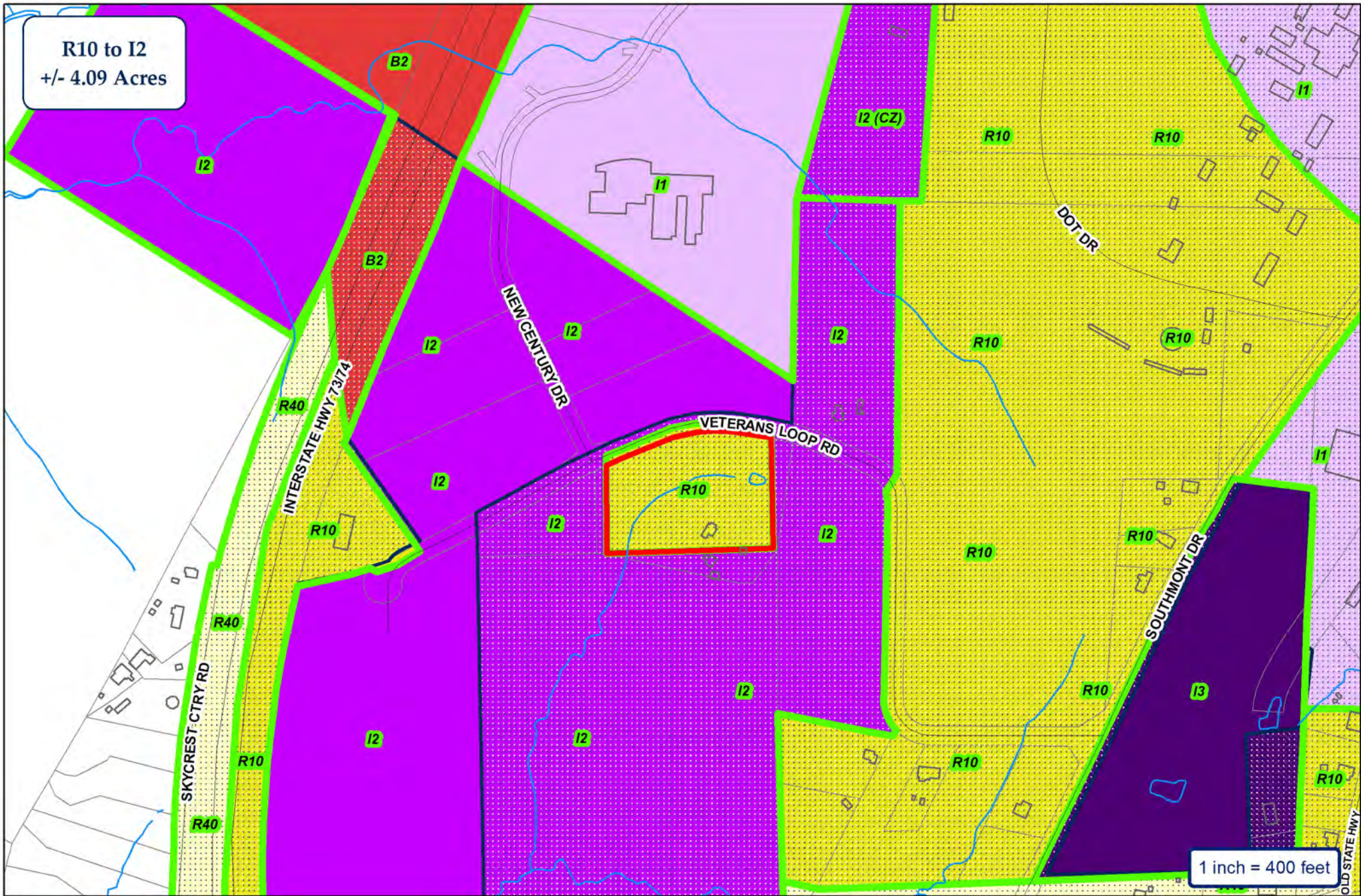
Considering these factors, staff believes the requested I2 district is consistent with the adopted LDP and is therefore reasonable and in the public's interest.

Recommendation In light of the above analysis, staff's recommendation is to approve the request.

Rezoning Staff Report

Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)

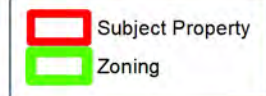
Rezoning Staff Report



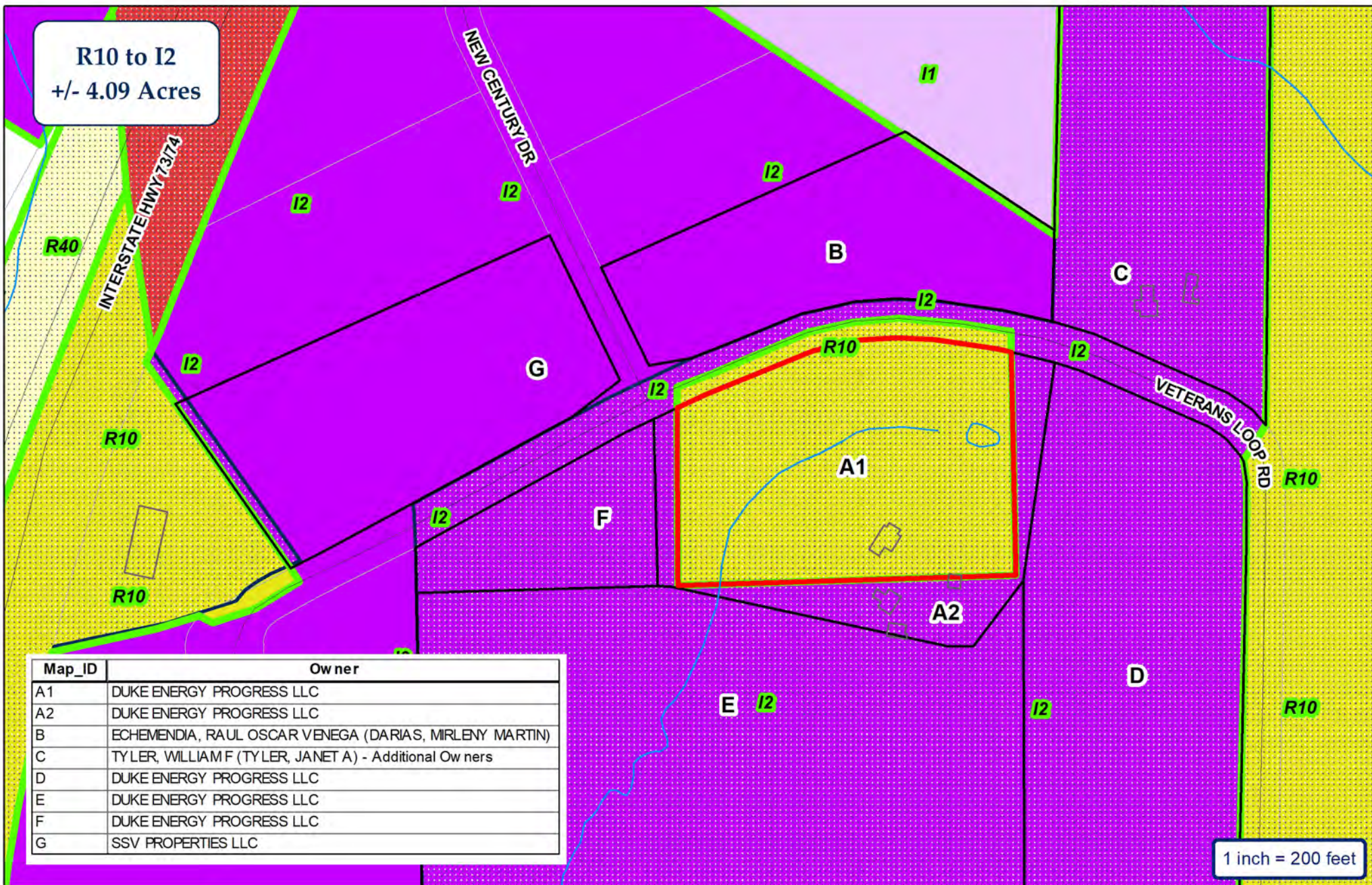
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-14

Parcel: 7659370575



R10 to I2
+/- 4.09 Acres

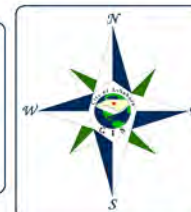
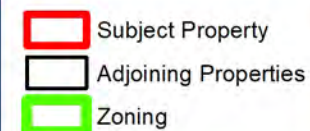


Map_ID	Owner
A1	DUKE ENERGY PROGRESS LLC
A2	DUKE ENERGY PROGRESS LLC
B	EHEMENDIA, RAUL OSCAR VENEGA (DARIAS, MIRLENY MARTIN)
C	TYLER, WILLIAM F (TYLER, JANET A) - Additional Owners
D	DUKE ENERGY PROGRESS LLC
E	DUKE ENERGY PROGRESS LLC
F	DUKE ENERGY PROGRESS LLC
G	SSV PROPERTIES LLC

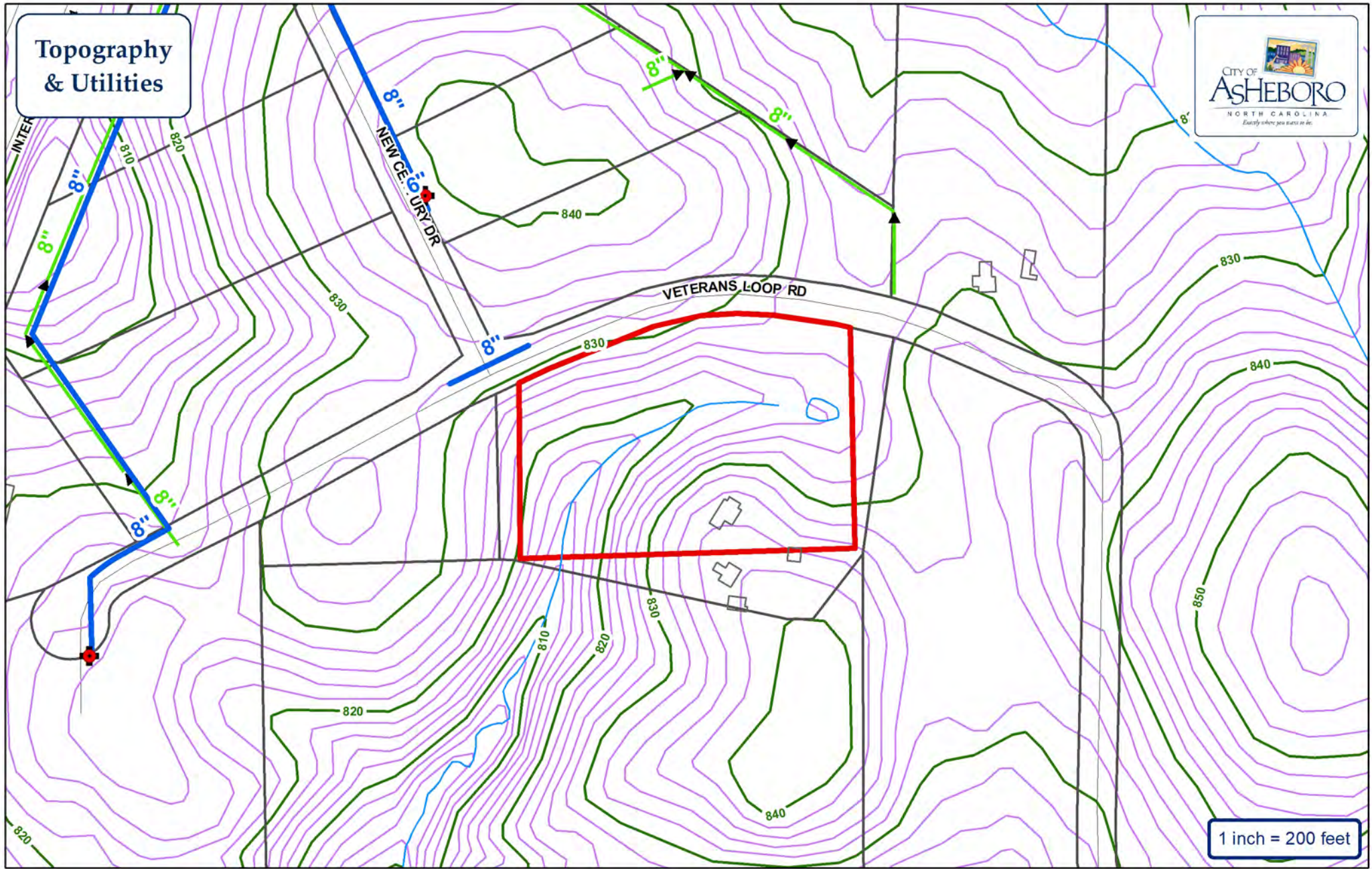
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-14

Parcel: 7659370575



Topography & Utilities



1 inch = 200 feet

- | | | | |
|--|------------|--|--------------|
| | Water Main | | Fire Hydrant |
| | Sewer Main | | Pump Station |
| | Force Main | | Watershed |

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-14

Parcel: 7659370575

Subject Property



Aerial

INTERSTA 74

B2

I2

I2

I2

I1

NEW CENTURY DR

VETERANS LOOP RD

R10

I2

R10

I2

I2

I2

R10

1 inch = 200 feet

Aerial

INTERSTA 74

B2

NEW CENTURY DR

VETERANS LOOP RD

I1

I2

I2

I2

I2

I2

I2

I2

I2

R10

R10

R10

R10

R10

1 inch = 200 feet



**CITY OF
ASHEBORO**
NORTH CAROLINA
Exactly where you want to be.

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-14

Parcel: 7659370575

Subject Property
 Zoning



CITY OF ASHEBORO
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Rezoning Case: RZ-21-14

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Subject Property
 Zoning





**CITY OF
ASHEBORO**
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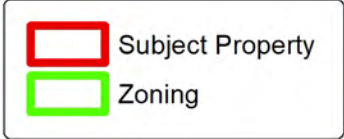
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-14

Parcel: 7659370575

Subject Property
 Zoning





Application for Zoning Ordinance/Map Amendment

APPLICANT INFORMATION

Applicant David Bergmark, The McAdams Company
Applicant's Phone # 919-449-4005
Applicant's Address 2905 Meridian Parkway
Durham, NC 27713
Applicant Email Address bergmark@mcadamsco.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name DUKE ENERGY PROGRESS LLC
Location of Property 481 VETERANS LOOP RD
Property Size (ac. or s.f.) 5.4 AC
Randolph County Property Identification Number (PIN#) 7659370575
Current Zoning District R10-CU
Requested Zoning District I2
Date Property Title Acquired _____
Deed Book 2772 Page 1466 -1471
Subdivision N/A Section N/A Lot # N/A
Plat Book 139 Page 20

ORDINANCE AMENDMENT INFORMATION

Section 1011.2 of the Asheboro Zoning Ordinance requires the applicant to answer the following questions. The application may not be accepted unless all questions are completed.

1. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

To our knowledge, there are no alleged errors in this Ordinance that would be corrected by the
proposed zoning amendment of the subject property.

2. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

The subject parcel is the only parcel remaining along Veterans Loop that remains residentially zoned.

It is no longer in the best interest of the public health, safety, and general welfare for the property to develop for residential purposes, as it will not be harmonious with the surrounding area.

3. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

The I2 General Industrial District was created to accommodate a mixture of intensive manufacturing, processing, assembly and warehousing uses, while limiting potential negative effects on adjacent and surrounding properties. The subject property is currently surrounded by I2 zoning - this is not the appropriate place for a residential zoning designation. One of the goals of the Land Development Plan is "To have Development that is located in Appropriate Locations". This rezoning allows that goal to be realized.

4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

As previously stated, the current development surrounding the subject parcel does not create an appropriate

environment for residential development. By rezoning to I2, the goal of appropriate and consistent zoning can be achieved.

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant. The applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he or she intends to use or develop the property.

Applicant Signature

David Bergmark

Owner Signature (if different than Applicant)

Zach Huett

Printed Name of Authorized Signatory (if different from Applicant)

Owner Address

411 Fayetteville St.

Raleigh, NC 27601

Position/Relationship of Authorized Signatory to Applicant

Telephone Number

252-220-9417

Printed Name of Authorized Signatory (if different from Owner)

Zach Huett

Position/Relationship of Authorized Signatory to Owner

Real Estate Portfolio Manager

STAFF USE

Received by: JLE Date: 10-6-21 Case Number: RZ-21-14



SUB-19-02: Hillcrest Phase 2 (Final Plat certification)

Staff Report

SUBDIVISION STAFF REPORT

Final Plat

CASE # SUB-19-02

Date 12-6-2021 PB
12-9-2021 CC

GENERAL INFORMATION

Subdivision Name Hillcrest Subdivision
Requested Action Subdivision Final Plat, Phase 2
Applicant Roval Crest Builders
Address 2415 Penny Rd., Suite 102
Phone 336-302-2442
Location Breeze Hill Rd. and Fermer Rd.

PARCEL INFORMATION

PIN 7750396274

Size 6.21 acres +/-

Number of Lots 26

Existing Zoning R7.5

Average Lot Size 10,351 SF

Existing Land Use Undeveloped (with exception of infrastructure for residential subdivision).

Surrounding Land Use

North Undeveloped/Single Family

East Single-family/two-family

South Single-family

West Single-family/two-family

LAND DEVELOPMENT PLAN

Growth Strategy Map Primary Growth

Proposed Land Use Map Neighborhood Residential

Small Area Plan Map Central

Identified Activity Center? No

Development Issues

1. The property is within the city limits.
2. The plat is for a conventional residential subdivision consisting of 26 lots.
3. Breeze Hill and Fermer Roads are both city-maintained streets west of Uwharrie Street.
4. Two entrances exist; one from Breeze Hill Rd. and one from Fermer Rd. There is also a stub out to property to the north.
5. The subdivision plat does not include sidewalks. While the subdivision ordinance encourages sidewalks, it does not require them for a residential subdivision that is not a planned unit development.
6. City staff has reviewed and approved the Hillcrest minor subdivision (Plat book 162 Page 78). These lots possessed the required utilities and frontage on public right-of-ways.

SUBDIVISION STAFF REPORT

Final Plat

DEPARTMENT COMMENTS

Engineering Comments have been addressed.

Public Works Comments have been addressed.

Planning 1. Plat comments have been addressed.
2. The applicant has agreed to a one year warranty for maintenance and defects.

Other

Staff Recommendation Approve

Planning Board Recommendation A Planning Board recommendation will be available after its meeting on December 6, 2021.

I, Michael J. Evans Sr., certify that this plat was drawn under my supervision from an actual survey made under my supervision (land description recorded in Book 2656, Page 488). I, the Surveyor, certify that the plat is a true and correct representation of the land described herein, and that the same is in accordance with the laws of the State of North Carolina, and that the same is in accordance with the laws of the State of North Carolina, and that the same is in accordance with the laws of the State of North Carolina.

I, Michael J. Evans Sr., Professional Land Surveyor, certify that this plat is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that requires permits of land.

Michael J. Evans Sr.
Surveyor

L-2029
License Number
DATE REVISED: NOVEMBER 29, 2021; CITY COMMENTS



Course	Bearing	Distance
L1	N 00°58'05" W	16.22'
L2	N 41°00'52" W	56.55'
L3	N 41°00'52" W	65.00'
L4	N 41°00'52" W	65.00'
L5	N 41°00'52" W	65.00'
L6	N 41°00'52" W	65.00'
L7	N 41°00'52" W	65.00'
L8	S 41°00'48" E	64.99'
L9	S 41°00'48" E	65.00'
L10	S 41°00'48" E	65.00'
L11	S 41°00'48" E	65.00'
L12	S 41°00'48" E	65.00'
L13	N 02°43'16" W	65.00'
L14	N 02°43'16" W	65.00'
L15	N 03°20'02" W	62.88'
L16	N 03°20'02" W	62.03'
L17	N 03°20'02" W	62.03'
L18	N 03°20'02" W	62.03'
L19	N 03°20'02" W	62.03'
L20	N 03°20'02" W	62.03'
L21	N 03°20'02" W	62.03'
L22	N 03°20'02" W	62.03'
L23	N 03°20'02" W	62.03'
L24	N 03°20'02" W	62.03'
L25	N 00°58'05" W	16.22'
L26	N 74°05'15" E	90.36'
L27	N 58°53'49" E	122.45'
L28	S 05°41'36" E	51.35'
L29	S 02°54'04" E	46.43'
L30	N 41°00'52" W	65.00'
L31	N 41°00'52" W	65.00'
L32	N 41°00'52" W	65.00'
L33	N 41°00'52" W	65.00'
L34	N 41°00'52" W	65.00'
L35	N 41°00'52" W	65.00'
L36	N 41°00'52" W	65.00'
L37	N 02°43'16" W	65.00'
L38	N 02°43'16" W	65.00'
L39	N 02°43'16" W	65.00'
L40	N 02°43'16" W	65.00'
L41	S 00°12'44" E	58.78'
L42	S 00°12'44" E	58.78'
L43	S 00°12'44" E	58.78'
L44	S 00°12'44" E	58.78'
L45	S 00°03'21" E	10.17'
L46	S 00°03'21" E	69.72'
L47	S 08°41'59" E	29.40'
L48	S 02°54'04" E	100.00'
L49	S 88°52'59" W	82.22'
L50	S 88°52'59" W	25.00'
L51	S 88°00'55" W	25.00'
L52	S 88°00'55" W	70.31'
L53	N 00°59'05" W	16.22'

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I (we and the owner(s) of the property shown and described herein, which is located in the Subdivision jurisdiction of the City of Ashboro, and that I (we) hereby certify that this plat is in accordance with the laws of the State of North Carolina, and that the same is in accordance with the laws of the State of North Carolina, and that the same is in accordance with the laws of the State of North Carolina.

Gary D. Morgan
Owner

State of North Carolina
City of Ashboro

I, Review Officer for Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Certificate of Approval of the Design and Installation of Required Improvements

I hereby certify that the street, utility, and other required improvements have been installed or provisions have been made for installation in accordance with the City specifications and standards in the relevant subdivision.

City Engineer

Date

City Engineer

Date

City Engineer

Date

City Engineer

Date

City Engineer

Date

City Engineer

Date

City Engineer

Date

City Engineer

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City Engineer

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City Engineer

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City Engineer

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City Engineer

Date

Certificate of Approval of Subdivision Ordinance Requirements

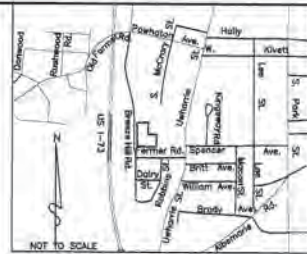
This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of the City of Ashboro, provided that it is recorded in the Office of the Register of Deeds within 60 days of the final approval of the Community Development Director.

Community Development Director

Date

I, Michael J. Evans Sr., PLS L-2029, certify that this map was drawn under my supervision from an actual GPS survey made under my supervision and the following information was used to perform the survey:

Class of survey: Class A
Functional accuracy: <0.10'
Type of GPS (or GNSS) field procedure: OPUS-RS
Date(s) of survey: June 4, 2019
Datum/EPOCH: NAD 83 (2011)/EPOCH: 2010
Published/Unpublished control: 5 CORS STATIONS
Geoid model: GEOID12A
Combined grid factor: 0.99996688335
Units: US Survey Feet
Ground distances shown unless otherwise noted.
NAD 83 (2011) COORDINATES
N = 709243.04
E = 1753806.493
CC1
CC2



VICINITY MAP

NOTE: SURVEY BASED ON EXISTING IRONS AND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY OR AGREEMENTS OF RECORD PRIOR TO THIS SURVEY.

EP = 3/4" EXISTING IRON PIPE FOUND NIP = NEW IRON PIPE SET
ES = EXISTING IRON STAKE FOUND NS = NEW IRON STAKE
P = PROPERTY LINE PP = POWER POLE
C = CENTERLINE TP = TELEPHONE POLE
ECM = EXISTING CONCRETE MONUMENT IW = WATER VALVE
CP = CALCULATED POINT PRECISION: 1:20000
ACL = ABOVE GROUND LEVEL BGL = BELOW GROUND LEVEL
OP = OVERHEAD UTILITY LINE
SS = SANITARY SEWER LINE
V = PROPOSED WATER SERVICE LINE

SSE = SANITARY SEWER EASEMENT (CENTERED ON PIPE)
MHPU = SANITARY SEWER MANHOLE CC1 = CONTROL CORNER
AREAS CALCULATED BY COORDINATE METHOD

ALL CORNERS FOUND OR SET ARE 3/4" IRON PIPES FLUSH WITH THE GROUND UNLESS OTHERWISE NOTED.
THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A COMPLETE AND ACCURATE TITLE SEARCH.
LARGE MAGNETIC NAILS SET AT CONTROL CORNERS IN CENTERLINE OF ROAD
CURRENT ZONING = R7.5

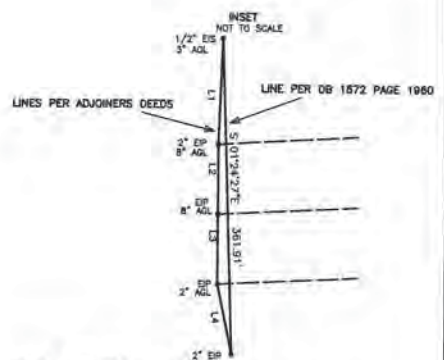
TOTAL SITE AREA
AREA = 8.21 ACRES ±
(INCLUDING OVERLAPS)

AREA = 6.18 ACRES ±
(EXCLUDING OVERLAPS)

ACREAGE IN ROAD R/W = 1.26 ACRES
TOTAL NUMBER OF LOTS = 26
AVERAGE LOT SIZE = 10,861 SF
LINEAR FOOTAGE OF STREETS = 1,122'
BURG STREET = 258'
MARKWOOD STREET = 152'

R7.5 DISTRICT SETBACKS:
FRONT: 25' (UNLESS MODIFIED BY FRONT YARD AVERAGING)
SIDE: 10'
REAR: 20'

NOTE: SIDES FACING PUBLIC STREETS ARE CONSIDERED FRONT YARDS.
(INCLUDING DOUBLE FRONTAGE AND CORNER LOTS)



INSET

NOT TO SCALE

LINE PER ADJOINERS DEEDS

LINE PER DB 1572 PAGE 1980

1/2" ES

3" ES

4" ES

6" ES

8" ES

10" ES

12" ES

14" ES

16" ES

18" ES

20" ES

22" ES

24" ES

26" ES

28" ES

30" ES

32" ES

34" ES

36" ES

38" ES

40" ES

42" ES

44" ES

46" ES

48" ES

50" ES

52" ES

54" ES

56" ES

58" ES

60" ES

62" ES

64" ES

66" ES

68" ES

70" ES

72" ES

74" ES

76" ES

78" ES

80" ES

82" ES

84" ES

86" ES

88" ES

90" ES

92" ES

94" ES

96" ES

98" ES

100" ES

102" ES

104" ES

106" ES

108" ES

110" ES

112" ES

114" ES

116" ES

118" ES

120" ES

122" ES

124" ES

126" ES

128" ES

130" ES

132" ES

134" ES

136" ES

138" ES

140" ES

142" ES

144" ES

146" ES

148" ES

150" ES

152" ES

154" ES

156" ES

158" ES

160" ES

162" ES

164" ES

166" ES

168" ES

170" ES

172" ES

174" ES

176" ES

178" ES

180" ES

182" ES

184" ES

186" ES

188" ES

190" ES

192" ES

194" ES

196" ES

198" ES

200" ES

202" ES

204" ES

206" ES

208" ES

210" ES

212" ES

214" ES

216" ES

218" ES

220" ES

222" ES

224" ES

226" ES

228" ES

230" ES

232" ES

234" ES

236" ES

238" ES

240" ES

242" ES

244" ES

246" ES

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256" ES

258" ES

260" ES

262" ES

264" ES

266" ES

268" ES

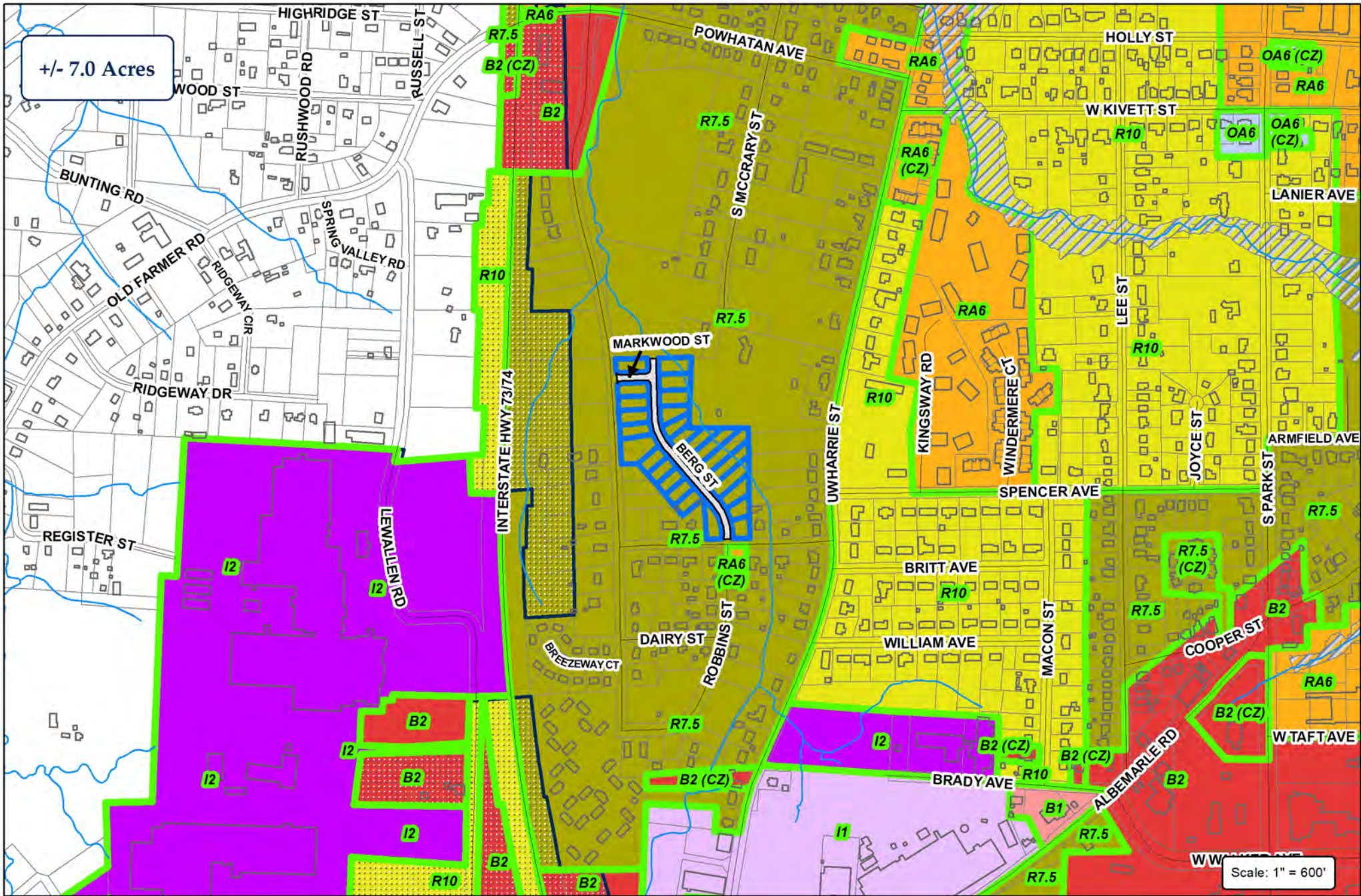
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272" ES

274" ES

276" ES

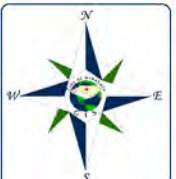
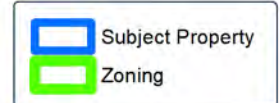
278" ES



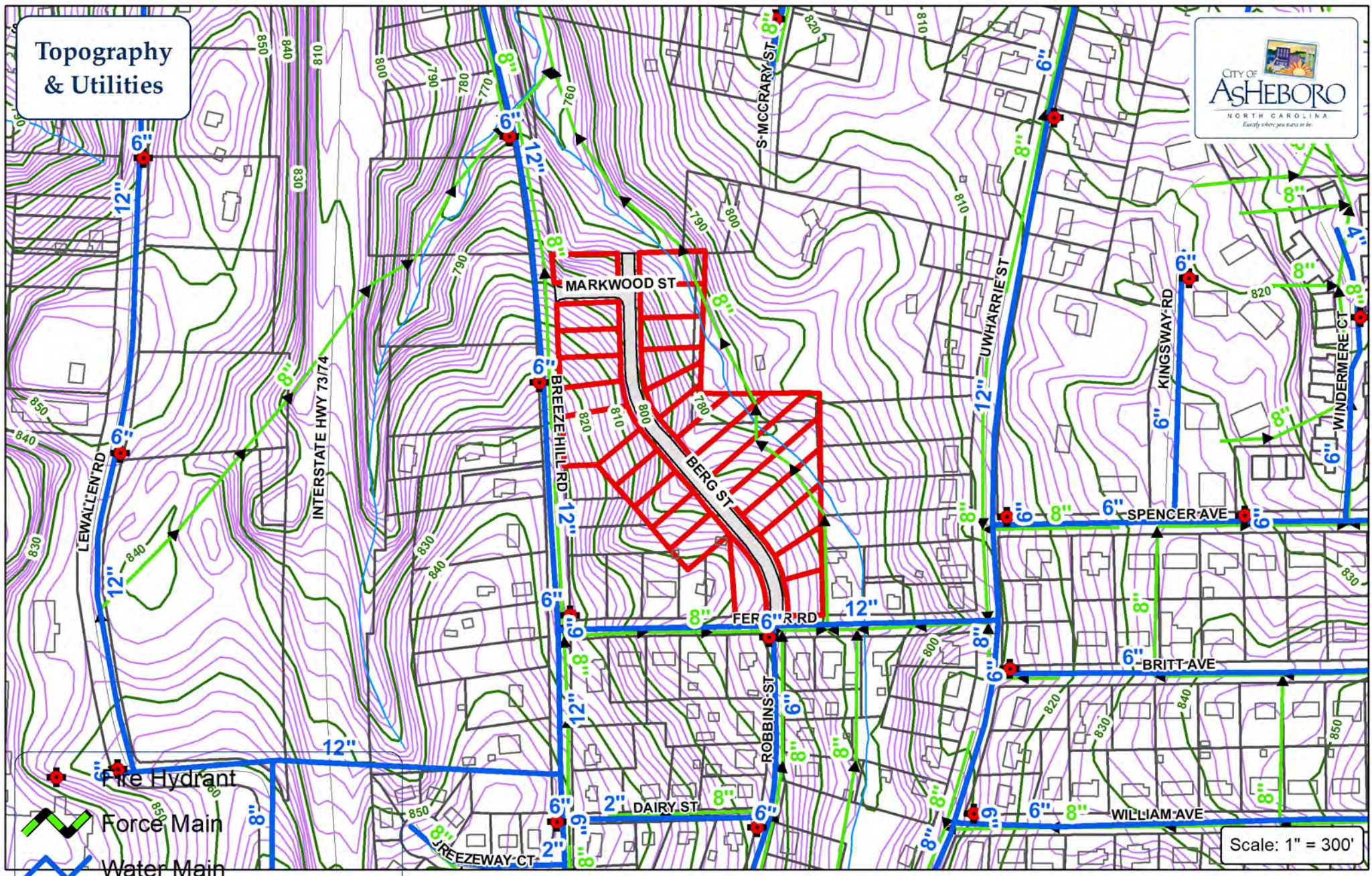
City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-19-02
Phase 2

Parcel: 7750396274



Topography & Utilities



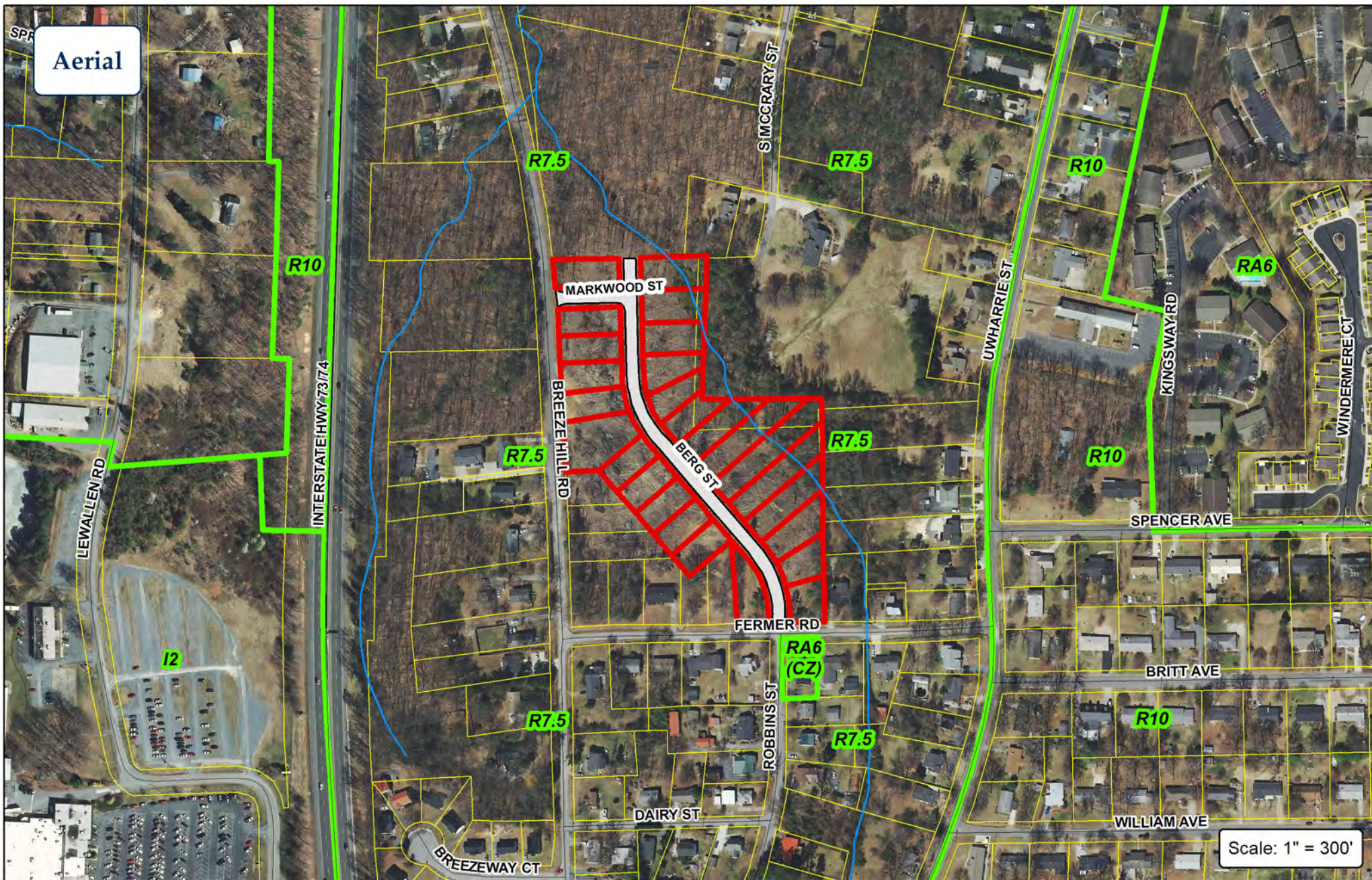
Scale: 1" = 300'

- Sewer Main
- Pump Station
- SUB-19-02_Phase2_ROW

City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-19-02
Phase 2
Parcel: 7750396274

Subject Property





City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-19-02

Phase 2

Parcel: 7750396274

