



# CITY OF CREEDMOOR

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## ORDINANCE 2022-O-01

### AN ORDINANCE AMENDING THE CREEDMOOR OF ORDINANCES AS IT PERTAINS TO INFRACTIONS AND MISDEMANORS

**WHEREAS**, the North Carolina General Assembly recently passed S.L. 2021-138, part XIII of which provides that a person may be cited for an infraction or a misdemeanor for violation of a City ordinance only if “the city specifies such in the ordinance”;

**WHEREAS**, it is unclear whether the current language of Creedmoor Code of Ordinances § 10.99 meets this requirement; and

**WHEREAS**, out of an abundance of caution the Creedmoor Board of Commissioners seeks to amend the Code of Ordinances to comply with the letter of S.L. 2021-138;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the City of Creedmoor the following:

**Section 1.** Creedmoor Code of Ordinances § 10.99 is amended as follows:

#### **§ 10.99 GENERAL PENALTIES; ENFORCEMENT OF ORDINANCES; CONTINUING VIOLATIONS.**

(A) *Administration.*

(1) Violation of any city ordinance shall constitute a civil violation and may subject the offender to any and all of the civil remedies listed in this section, including but not limited to civil penalties.

(2) Additionally, violations of ordinances may subject the offender to criminal prosecution including but not limited to being charged with a Class 3 misdemeanor and a criminal fine of not more than \$500, if and only if the ordinance specifies that said ordinance may be enforced by misdemeanor citation.

(3) Notwithstanding the foregoing, a violation of an ordinance regulating the operation or parking of vehicles may be charged as an infraction and may subject the offender to a criminal penalty of not more than \$50, if and only if the ordinance specifies that said ordinance may be enforced by infraction and criminal penalty.

(4) If a civil penalty is levied and not paid to the city within 30 days of the issuance of a citation, may be recovered by the city in a civil action in the nature of debt. Unless otherwise provided by

a specific provision of any city ordinance, said civil penalties shall be in the amount of \$50 for each violation and each day any single violation continues shall be a separate violation.

(5) In addition to the civil penalties set out above, any provision of any city ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the city for equitable relief that there is an adequate remedy at law.

(6) In addition to the civil penalties set out above, any provision of any city ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by the General Court of Justice. When a violation of such a provision occurs, the city may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

(7) An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that abandoned or junked vehicles be removed; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the applicable city ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt, and the city may execute the order of abatement. The city shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judicial order. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(8) The provisions of any city ordinance may be enforced by one, all, or a combination of the remedies authorized and prescribed by this section.

(9) Any ordinances hereafter adopted by the Board of Commissioners of the city, the violation of which shall incur a penalty, shall specify whether the enforcement shall be pursuant to the civil penalty and/or criminal penalty provisions of this section.

(B) *Process and notice of violation.*

[This subsection has not been amended.]

**Section 2.** Creedmoor Code of Ordinances Chapter 70 is amended as follows:

CHAPTER 70: GENERAL PROVISIONS

In General

70.01 Definitions

70.02 Motor vehicle registration

70.03 Trucks on residential streets

Enforcement

70.15 Authority of Police and Fire Department officials

70.16 Obedience to Police and Fire Department officials

70.17 Authorized emergency vehicles

Traffic Control Devices

70.30 Obedience to signs, markers, or devices

70.31 Signs as prerequisite to enforcement

70.32 Traffic control signal legend

- 70.33 Flashing signals
- 70.34 Yield signs
- 70.35 Traffic lanes
- 70.36 Zone of quiet
- 70.37 School zones
- 70.38 Unauthorized display prohibited
- 70.39 Interference prohibited

## IN GENERAL

### **§ 70.01 DEFINITIONS.**

[This section is not amended.]

### **§ 70.02 MOTOR VEHICLE REGISTRATION.**

(A) Every motor vehicle resident in the city shall be registered and licensed, and the Clerk shall make and keep a permanent record thereof.

(B) The owner of every motor vehicle registered under this section shall pay to the city through the county annually, as of February 15, or within 30 days after moving within the city or within 30 days of purchase of a vehicle subsequent to February 15 in any year, for the registration and licensing of the motor vehicle a tax of \$10.

(C) If a license tag is issued it shall be displayed on the front or rear bumper of the motor vehicle so licensed and registered in such a manner as to be clearly visible; if a decal is issued, it shall be displayed in the lower right-hand corner of the windshield so that the edges of the decal will not be more than one inch from the bottom and right edges of the windshield.

(D) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **§ 70.03 TRUCKS ON RESIDENTIAL STREETS.**

(A) It shall be unlawful for any person to drive or operate a truck upon city streets as designated in the city's traffic schedule.

(B) Signs shall be erect on all streets as designated in the city's traffic schedule.

(C) The above prohibition is subject to the following exceptions:

- (1) Trucks are hereby allowed to travel upon any street which abuts their point of destination.
- (2) Trucks are hereby allowed to travel upon any street which is the exclusive means/route to their point of destination.
- (3) Trucks are hereby allowed to travel upon any street which is part of a city authorized detour.
- (4) Authorized emergency vehicles are hereby allowed to travel upon any street necessary in the exercise of their duties.
- (5) Trucks which are owned, operated by or under contract to a public utility, electric, cablevision or telephone corporation or the city are hereby allowed to travel upon any street necessary in the installation, restoration or emergency maintenance of utility services.
- (6) Wrecker vehicles which are towing a disabled vehicle or combination of vehicles in an emergency are hereby allowed to travel upon any street which is en route to the nearest feasible point for parking or storage of the disabled vehicles(s).
- (7) Vehicles used primarily for the transportation of passengers, provided that said vehicle is traveling upon an established bus route, or has on board passengers for hire.

(D) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

## ENFORCEMENT

### § 70.16 OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS.

It shall be unlawful for any person to willfully fail or refuse to comply with any lawful order or direction of a police officer or Fire Department official. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

## TRAFFIC CONTROL DEVICES

### § 70.30 OBEDIENCE TO SIGNS, MARKERS, OR DEVICES.

Any person failing or refusing to comply with the directions indicated on any sign, marker or device for the control or direction of traffic erected or placed in accordance with the provisions of this title when so placed or erected shall be guilty of a misdemeanor. This section shall not be construed to apply when the driver of a vehicle is otherwise directed by a police officer or when an exception is granted to the driver of an authorized emergency vehicle under § 70.17. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### § 70.32 TRAFFIC CONTROL SIGNAL LEGEND.

Whenever traffic is controlled by traffic control signals exhibiting the words, "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and the terms and light shall indicate and apply to drivers of vehicles and to pedestrians as follows:

(A) *Green alone or "Go."*

(1) Vehicular traffic facing the signal may proceed through or turn right or left unless a sign at the place prohibits either turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(2) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(B) *Yellow alone or "Caution" when shown following the green or "Go" signal.*

(1) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and the vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(2) No pedestrian facing the signal shall enter the roadway until the green or "Go" is shown.

(C) *Red alone or "Stop."*

(1) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection shall remain standing until green or "Go" is shown alone; however, if a sign is not erected prohibiting turns on red lights, the vehicles may turn right on red lights after coming to a complete stop. Streets on which right turns on red are not allowed are set out in the traffic schedule.

(2) No pedestrian facing the signal shall enter the roadway unless the green or "Go" is shown alone unless authorized to do so by a pedestrian "Walk" signal.

(D) *Red with green arrow.*

(1) Vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(2) No pedestrian facing the signal shall enter the roadway until the green or "Go" is shown.

(E) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable, except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any sign or marking the stop shall be made at the signal.

(F) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **§ 70.33 FLASHING SIGNALS.**

Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows:

(A) When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall come to a complete stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. In no event shall the vehicle be driven into the crosswalk unless and until the entry can be made with safety to other persons and property at the place.

(B) When a yellow lens is illuminated with rapid intermittent flashes, drivers or operators of vehicles may proceed through the intersection past the signal only with caution.

Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **§ 70.34 YIELD SIGNS.**

The driver of a vehicle approaching a yield sign erected at the intersections described in the traffic schedule shall and in obedience to the sign slow down and yield the right-of-way to any pedestrian crossing the roadway on which he or she is driving and to any vehicle in movement on the main-traveled or through highway or street which is approaching so as to arrive at the intersection at approximately the same time as the vehicle entering the main-traveled or through street or highway. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **§ 70.35 TRAFFIC LANES.**

When traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep the vehicle within the boundaries of any lane except when lawfully passing another vehicle or preparing to making a lawful turning movement. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **§ 70.36 ZONE OF QUIET.**

Whenever authorized signs are placed indicating a zone of quiet, the person operating a motor vehicle within the zone shall not sound the horn or any other warning device, except in an emergency. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **§ 70.37 SCHOOL ZONES.**

Whenever authorized signs are placed designating any street or part thereof, as a school zone, drivers of motor vehicles using the street shall exercise, the greatest care for the protection of children. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**§ 70.38 UNAUTHORIZED DISPLAY PROHIBITED.**

(A) No person shall place, maintain or display upon or in view of any street or highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device, sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device, sign or signal.

(B) No person shall place or maintain nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising.

Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**§ 70.39 INTERFERENCE PROHIBITED.**

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device, sign or signal or any inscription, shield or insignia thereon, or any other part thereof. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**§ 70.99 PENALTY.**

If any person shall violate an ordinance regulating the operation or parking of vehicles, he or she shall be responsible for an infraction and shall be required to pay in accordance with the current City of Creedmoor Fee and Rate Schedule.

**Section 3.** Creedmoor Code of Ordinances Chapter 71 is amended as follows:

Chapter 71: RULES OF OPERATION  
Speed Regulations

71.01 Speed regulations

Turning Movements

71.15 Turning markers

71.16 Authority to place restricted turn signs

71.17 Obedience to no-turn signs

One-Way Streets and Alleys

71.30 One-way streets and alleys

Special Stops

71.40 Special stops

Prohibitions

71.50 Prohibitions

**SPEED REGULATIONS**

## **§ 71.01 SPEED REGULATIONS.**

(A) Except as otherwise designated in the traffic schedule, no person shall operate a vehicle in excess of 25 miles per hour inside the municipal corporate limits.

(B) Exceptions. It shall be unlawful to operate a vehicle in excess of the speeds listed below upon the streets or portions of streets of the state highway system or upon the streets or portions of streets, not a part of the state highway system as designated in the traffic schedule.

- (1) Fifteen miles per hour.
- (2) Twenty miles per hour.
- (3) Thirty-five miles per hour.
- (4) Forty-five miles per hour.

(C) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **Statutory reference:**

Authority to set speed limit within the municipal corporate limits, see G.S. § 20-141-e; G.S. § 20-141-f

## **TURNING MOVEMENTS**

### **§ 71.15 TURNING MARKERS.**

When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of the indications. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **§ 71.16 AUTHORITY TO PLACE RESTRICTED TURN SIGNS.**

The Board shall determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at these intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours, in which event the hours shall be plainly indicated on the signs or they may be removed when the turns are permitted. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **§ 71.17 OBEDIENCE TO NO-TURN SIGNS.**

Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any sign. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

## **ONE-WAY STREETS AND ALLEYS**

### **§ 71.30 ONE-WAY STREETS AND ALLEYS.**

(A) (1) Whenever any ordinance designates any one-way street or alley there shall be signs giving notice thereof, and no regulations shall be effective unless the signs are in place.

(2) Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

('84 Code, § 7-1061)

(B) Upon those streets and parts of streets and in those alleys described by the city, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(C) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

## **SPECIAL STOPS**

### **§ 71.40 SPECIAL STOPS.**

(A) Whenever any ordinance designates and describes a through street, there shall be a stop sign on each and every street intersecting the through street or intersecting the portion thereof described and designated as such by any ordinance, unless traffic at any intersection is controlled at all times by traffic control signals. However, at the intersection of two through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets.

(`84 Code, § 7-1072)

(B) The Board may determine and designate intersections where particular hazards exist upon other than through streets and may determine whether vehicles shall stop at one or more entrances to any stop intersection, and shall erect a stop sign at every place where a stop is required. These places are specified in the traffic schedule.

(`84 Code, § 7-1073)

(C) Every sign erected pursuant to this title shall bear the word "Stop" in letters not less than eight inches in height.

(1) The signs shall at nighttime be rendered luminous by steady or flashing internal illumination, by a fixed floodlight projected on the face of the sign or by efficient reflecting elements on the face of the sign.

(2) Every stop sign shall be located as near as practicable at the nearest line of the crosswalk on the side of the intersection or, if none, at the nearest line of the roadway.

(`84 Code, § 7-1074)

(D) (1) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection described in the traffic schedule and indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection, or, in the event there is no crosswalk, shall stop at a clearly marked stop line, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(2) The driver having stopped in obedience to a stop sign at an intersection shall proceed cautiously, yielding the right-of-way to all vehicles not so obliged to stop which are approaching the intersection.

(E) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

## **PROHIBITIONS**

### **§ 71.50 PROHIBITIONS.**

(A) It shall be unlawful for any person, upon any street, highway, road, alley, drive or other public way, or upon the grounds and premises of any service station, drive-in theatre, store, restaurant or other business establishment providing parking or loading and unloading automobile space for customers, patrons or the public:

(1) To operate a motor vehicle from a standing or parked position by rapid acceleration or other mechanical means of operation so as to cause the wheels of the vehicle to spin in place prior to or during the initial forward movement of the vehicle; or



(2) To operate a vehicle so as to cause the vehicle in its initial movement from a standing or parked position to travel:

(a) At a rate of speed greater than is reasonable and necessary for the normal operation of a motor vehicle according to accepted standard practices for vehicle operation; or

(b) At a rate of speed or in such manner as will endanger or likely endanger persons or property; or in a heedless manner disregarding the rights of others; or without due caution.

(84 Code, § 7-1081)

(B) It shall be unlawful for any individual to operate a motor vehicle, as defined in the general statutes, upon any sidewalk in the city, except across a lawfully constructed driveway.

(C) No motor vehicle operated within the city limits shall utilize an engine retarding system to aid in the breaking process of the vehicle, which causes loud noise uncharacteristic of the normal operating sound of said motor vehicle.

(D) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**Section 4.** Creedmoor Code of Ordinances Chapter 72 is amended as follows:

#### Chapter 72: PARKING REGULATIONS

##### Method of Parking

72.01 General parking regulations

72.02 Unattended vehicles

##### Restrictions on Stopping, Standing, and Parking

72.15 General rules

72.16 Obstruction prohibited

72.17 Limits for certain purposes

72.18 Hazardous or congested places

72.19 Advertising

72.20 Stopping, standing, or parking restricted

72.21 Stopping for loading or unloading only

72.22 Tractor trailer parking restricted

72.23 Parking time limited in particular city block

##### Violations

72.30 Enforcement procedure

72.31 Duty of operator

### METHOD OF PARKING

#### § 72.01 GENERAL PARKING REGULATIONS.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except as otherwise provided in this title. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### § 72.02 UNATTENDED VEHICLES.

It shall be unlawful for any person to leave the engine or motor of any motor vehicle running while it is standing parked upon the streets. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

## **RESTRICTIONS ON STOPPING, STANDING, AND PARKING**

### **§ 72.15 GENERAL RULES.**

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

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within 15 feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within 25 feet of an intersection;
- (7) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless signs or markings indicate a different length;
- (9) Within 50 feet of the nearest rail of a railroad crossing;
- (10) Within 25 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance (when properly signposted);
- (11) Alongside or opposite any street excavation or construction when stopping, standing or parking would obstruct traffic;
- (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (14) At any place where official signs prohibit stopping;
- (15) At any place with a curb painted yellow.

(B) No person shall move a vehicle not lawfully under his or her control into any prohibited area or away from a curb any distance that is unlawful.

(C) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **§ 72.16 OBSTRUCTION PROHIBITED.**

No person shall park any vehicle upon a street, in a manner or under any conditions therefore so as to block any part of the travel portion of the roadway for free movement of vehicular traffic. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **§ 72.17 LIMITS FOR CERTAIN PURPOSES.**

It shall be unlawful for any person to stand or park a vehicle upon any street of the city for the principal purposes of:

- (A) Displaying the vehicle for sale;
- (B) Washing, greasing or repairing such vehicle, except repairs made necessary by a bona fide emergency;
- (C) Storing by garages, dealers or other persons when the storing is not incident to the bona fide use and operation of the automobile or other vehicle; and

(D) Storing 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.

Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**§ 72.18 HAZARDOUS OR CONGESTED PLACES.**

When official signs are erected at hazardous or congested places, no person shall stop, stand or park a vehicle in any designated place. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**§ 72.19 ADVERTISING.**

No person shall stand or park on any street any vehicle for the primary purpose of advertising. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**§ 72.20 STOPPING, STANDING, OR PARKING RESTRICTED.**

(A) The provisions of this section prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(`84 Code, § 7-1151)

(B) The provisions of this section imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(`84 Code, § 7-1152)

(C) When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in the parking schedule or upon any portion of a street designated with a curb painted yellow.

(`84 Code, § 7-1153)

(D) When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the times specified within the district or upon any of the streets described in the parking schedule.

(`84 Code, 7-1154)

(E) Whenever by this or any other section any parking time limit is imposed or parking is prohibited in designated streets, there shall be appropriate signs giving notice thereof. No regulations shall be effective unless the signs are erected and in place at the time of any alleged offense.

(F) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**§ 72.21 STOPPING FOR LOADING OR UNLOADING ONLY.**

(A) Whenever vehicle loading and unloading zones are designated and described by the parking schedule and when signs are placed, erected or installed, giving notice thereof, it shall be unlawful for any person to stop, stand or park any vehicle for any purpose or period of time except in accordance with the Traffic Schedule.

(`84 Code, § 7-1141)

(B) The streets, or parts thereof, described in the Traffic Schedule, hereby incorporated herein, are hereby designated as freight loading and unloading zones, and no person shall stop, stand or park a vehicle therein during the hours of 8:00 a.m. to 6:00 p.m. for any purpose other than the expeditious loading or unloading of freight, equipment or other goods and then only for a period not to exceed one hour.  
(`84 Code, § 7-1142)

(C) Bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles, designated by appropriate signs, shall be as specified by the Board of Commissioners. No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with any bus or taxicab waiting to enter or about to enter the zone.

(D) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **§ 72.22 TRACTOR TRAILER PARKING RESTRICTED.**

No truck tractor, truck trailer or truck tractor trailer rig, or any truck with three or more axels, shall park or store their rig on any residential local street, right-of-way, athletic field, public property, playground, vacant lot, public or private school, church premises, or residential property or residential lot within the city except such vehicle that is engaged in a temporary delivery of goods or pickups on a residential street. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(Ord. 2006-O-21, passed 8-22-06; Am. Ord. 2009-O-06, passed 7-13-09)

#### **Statutory reference:**

Cross reference: City of Creedmoor Design Manual & Standard Details: local street: G.S. 20-04.01(2b); G.S. 20.4.01(3d).

### **§ 72.23 PARKING TIME LIMITED IN PARTICULAR CITY BLOCK.**

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the total period of time specified, or within the hours specified within the same city block upon any of the streets designated in the traffic schedule, an official copy of which is maintained in the office of the City Clerk. It shall be unlawful for any person to park a vehicle either at the same place or at two or more places or parking spaces within the same city block for a combined total parked period in the same city block, during the regulated hours, in excess of the permitted period prescribed in this regulation. The phrase CITY BLOCK as used in this section shall mean the portion of a street lying between the nearest crossing intersectional streets and shall not include other streets running parallel, at right angles, or otherwise, to the street upon which such vehicle may be parked. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(Ord. 2010-O-11, passed 7-27-10)

## **VIOLATIONS**

### **§ 72.30 ENFORCEMENT PROCEDURE.**

If any vehicle shall be found illegally parked or parked overtime or in violation of any of the provisions of this chapter except § 72.16, it shall be the duty of the Chief of Police or other police or peace officers of the city to attach to the vehicle a notice to the owner or operator thereof, if the owner or operator is

absent, or to deliver to the owner or operator, if he or she is present, a notice to the effect that the vehicle has been illegally parked or parked overtime or in violation of a provision of this chapter except § 72.16.

### **§ 72.31 DUTY OF OPERATOR.**

The person actually operating or in control of the operation of the vehicle at the time that the vehicle is parked shall be charged with the duty of complying with the provisions of this chapter; provided, that proof of ownership of any vehicle found parked in violation of this chapter shall be prima facie evidence that the owner parked the vehicle. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**Section 5.** Creedmoor Code of Ordinances Chapter 73 is amended as follows:

#### Chapter 73: BICYCLES

- 73.01 Effect of regulations
- 73.02 Traffic laws applicable
- 73.03 Obedience to traffic control devices
- 73.04 Riding restrictions; manner of use
- 73.05 Riding on roadways, greenways, sidewalks, and bicycle paths
- 73.06 Speed
- 73.07 Bicycles on sidewalks
- 73.08 Lamps required at night

### **§ 73.01 EFFECT OF REGULATIONS.**

(A) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this chapter.

(B) These regulations applicable to bicycles shall apply whenever a bicycle, skateboard, scooter, toy vehicle or any other similar device or non-motorized vehicle is operated upon any street, roadway, sidewalk, and greenway, subject to those exceptions stated herein.

(C) No bicycles, skateboards, scooters, toy vehicles or other similar devices are to be ridden in areas of the downtown business district, defined generally as all sidewalks along and connecting to Main Street between Church Street on the south, and Lake Road on the north, Elm Street on the west, Grey Street and Chief Street on the east or other areas that have been posted by signs that expressly prohibit such activities.

(D) This prohibition shall not apply to sworn law enforcement officers while on duty and to any private security force employed and approved by the Board of Commissioners.

(E) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **§ 73.02 TRAFFIC LAWS APPLICABLE.**

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by this chapter applicable to the driver of a vehicle, except as to special regulations in this title and except as to those provisions of laws and ordinances which by their nature can have no application. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **§ 73.03 OBEDIENCE TO TRAFFIC CONTROL DEVICES.**

(A) Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(B) Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any sign, except where the person dismounts from the bicycle to make any turn, in which event the person shall then obey the regulations applicable to pedestrians.

(C) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### **§ 73.04 RIDING RESTRICTIONS; MANNER OF USE.**

(A) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(B) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(C) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### **§ 73.05 RIDING ON ROADWAYS, GREENWAYS, SIDEWALKS, AND BICYCLE PATHS.**

(A) Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(C) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use the path and shall not use the roadway.

(D) When using greenways, bike paths or bike trails, pedestrians shall walk as far to the right as practicable, shall walk no more than two abreast, and shall exercise due care. Bicyclists shall give audible signal before passing a pedestrian on a greenway, bike path or trail.

(E) When using sidewalks, bicyclists shall yield the right-of-way to pedestrians and shall pass only on the left and only after giving audible warning to pedestrians.

(F) Persons riding bicycles upon a sidewalk shall ride single file except when passing another bicycle.

(G) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### **§ 73.06 SPEED.**

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### **§ 73.07 BICYCLES ON SIDEWALKS.**

(A) Bicyclists may ride on roadways, greenways, bike paths, bike trails and sidewalks throughout the city, except within the downtown business district, defined generally as all sidewalks along and connecting to Main Street between Church Street on the south, and Lake Road on the north, Elm Street on the west, Grey Street and Chief Street on the east or other areas that have been posted by signs that expressly prohibit such activities. Bicyclists who recklessly endanger themselves, pedestrians, motorists, other bicyclists, public infrastructure or private property are considered in violation of this chapter.

(B) Sworn law enforcement officers are specifically authorized to immediately seize any bicycle, skateboard, scooter, toy vehicle or any other similar device or non-motorized vehicle if the rider is endangering themselves or others.

(C) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### § 73.08 LAMPS REQUIRED AT NIGHT.

No person shall ride a bicycle on any street or highway between sunset on any day and sunrise on the following day, unless the same is equipped with an operating and lighted lantern or lamp. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**Section 6.** Creedmoor Code of Ordinances Chapter 92 is amended as follows:

#### Chapter 92: PARKS AND RECREATION In General

- 92.01 Definition
- 92.02 Hours of operation
- 92.03 Vehicles
- 92.04 Posting copies of rules and regulations
- 92.05 Destruction of park property
- 92.06 Hunting and harvesting of wildlife prohibited
- 92.07 Pets
- 92.08 Alcoholic beverages
- 92.09 Camping and campfires
- 92.10 Gambling
- 92.11 Picnic shelter use and rentals
- 92.12 Weapons prohibited

#### Lake Rogers Park and the Walking Trails of Lake Rogers Park

- 92.20 Statutory authorization
- 92.21 Boating regulations
- 92.22 Adoption of North Carolina Wildlife Resources Commission regulations
- 92.23 Manner in which fish may be taken
- 92.24 Pollution of the lake
- 92.25 Bank fishing
- 92.26 Boardwalk and gazebo
- 92.27 Fishing platforms

#### The Gauntlet

- 92.30 [Reserved]

#### Harris Park

- 92.40 Personal grills

#### The Cross City Trail

- 92.50 Boardwalk, overlook and Robertson Creek bridge

## The Creedmoor Community Center

- 92.60 Facility usage
- 92.61 Rental facility requirements
- 92.62 BC Roberts Multi-Purpose Field
  
- 92.99 Penalty

### IN GENERAL

#### § 92.01 DEFINITION.

For the purposes of this chapter, **PARKS** shall be defined as all parks, playgrounds, recreational facilities, sidewalks, greenways, walkways, trails and unimproved open space areas owned, leased, operated, maintained and/or administrated by the city, including but not limited to: the Gauntlet, Creedmoor Community Center, BC Roberts Multi-Purpose Field, Harris Park, the Cross City Trail, Lake Rogers Park, and the Walking Trails at Lake Rogers Park.

(Ord. 2020-O-12, passed 6-8-20; Am. Ord. 2020-O-14, passed 8-11-20)

#### § 92.02 HOURS OF OPERATION.

Normal hours of operation for all city parks and facilities shall be sunrise to sunset, except for facilities lit for extended use. Facilities lit for extended use still must be vacated by 11:00 p.m., unless granted special permission by the city. This section does not apply to the Cross City Trail. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### § 92.03 VEHICLES.

(A) No person shall drive or ride any motor vehicle, motorcycle, motor-driven cycle, all-terrain vehicle, golf cart, any off-highway or motor-driven vehicle upon any park land, except upon the roads or on parking areas designed for such purposes. There shall be no motorized or all-terrain vehicles of any kind on walking trails, boardwalks, overlooks or bridges; this shall not include or apply to motorized wheelchairs, personal mobility devices, or handicap scooters. This section shall not include operation of motorized vehicles engaged in property maintenance and other services authorized by the city.

(B) Parking is first-come, first-served, and limited to designated areas only. Overnight parking is strictly prohibited without prior written approval from the city. Vehicles left overnight are subject to tow at owners' expense.

(C) Bicycles, skateboards, rollerblades, hover boards, and scooters are prohibited in any area where there are posted signs prohibiting their use.

(D) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### § 92.05 DESTRUCTION OF PARK PROPERTY.

It shall be unlawful for any person to remove, damage, destroy, mutilate or deface any structure or property within any park or city facility, including but not limited to: pier, dock, overlook, boardwalk, sidewalk, bridge, fishing platform, building, picnic shelter, grill, table, gazebo, monument, statue, planter, fountain, wall, fencing, sign, railing, vehicle, bench, tree, plant, and at like. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.



## **§ 92.06 HUNTING AND HARVESTING OF WILDLIFE PROHIBITED.**

(A) In order to ensure safety of the public and city employees, no person may take, possess, buy, sell, transport, or attempt to take or possess any wildlife, whether dead or alive, in whole or in part, upon any property within the city limits or on or above any property owned by the city, specifically including Lake Rogers and the parcels of real property situated upon the headwaters of that lake.

(B) This includes no hunting, harvesting or removal of wildlife, vegetation or natural materials of any kind from any park, with the exception of fish from Lake Rogers as permitted by North Carolina Wildlife Commission Regulations. Any sworn law enforcement officer or authorized representative of the city may engage in conducting necessary management of nuisance wildlife species on a specific, case-by-case basis.

(C) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

## **§ 92.07 PETS.**

Pets are permitted only in park areas that do not expressly prohibit them. Pets must be leashed at all times, and owners must collect and dispose of pet waste properly. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

## **§ 92.08 ALCOHOLIC BEVERAGES.**

Consumption or possession of alcoholic beverages is prohibited in city parks and recreational facilities. An exception to this regulation shall exist for approved rental events hosted in the Creedmoor Community Center's Event Room or meeting rooms, and which have met all requirements as specified by the Creedmoor Community Center facility rules and regulations, and executed rental agreement form. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

## **§ 92.09 CAMPING AND CAMPFIRES.**

Overnight camping, campfires or burning of any kind, including fireworks and pyrotechnics, are prohibited at all city parks and facilities without prior written approval from the city. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

## **§ 92.10 GAMBLING.**

It shall be unlawful for any person to conduct a game of chance in any city-owned park or facility at which money, property or any other thing of value is wagered. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

## **§ 92.11 PICNIC SHELTER USE AND RENTALS.**

Picnic shelters may be reserved by paying rental fees at City Hall. Unless they have been reserved, shelters are available on a first-come, first-served basis. Renters and public users shall not deface any shelter by attaching decorations, such as streamers, balloons and the like, by means of inserting any object such as staples, nails and the like into the structure. Any group abusing the privilege of the use of these areas may be denied further use of the park facilities. Glass containers are prohibited within city parks and recreational facilities. Renters, guests and facility users are allowed to bring small equipment, such as cornhole boards or horseshoes, for use in a city-owned park or facility. Large equipment, such as volleyball nets and bounce houses, is strictly prohibited. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

## § 92.12 WEAPONS PROHIBITED.

(A) It shall be unlawful for any person to openly carry on or about his person any deadly weapon, including but not limited to any: machete, spear, Bowie knife, dirk, dagger, sling-shot, loaded cane, metal knuckles, razor, stun gun, pistol, revolver, gun, rifle, bow, crossbow or nightstick, at any city-owned park or facility.

(B) It shall be unlawful for any person to possess or carry a legally permitted, concealed handgun during a scheduled event, social occasion, gathering, assembly, performance, game, exhibition or competition on, in or at any city-owned local government buildings, gymnasium, athletic fields, and their appurtenant premises, in accordance with G.S. § 14-415.11(c). This section does not apply to greenways, walking trails, or sidewalks as defined in G.S. § 14-415.23. This section does not apply to sworn law enforcement officers.

(C) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

## LAKE ROGERS PARK AND THE WALKING TRAILS AT LAKE ROGERS PARK

### § 92.20 STATUTORY AUTHORIZATION.

The provisions contained in G.S. Chapter 130A, Article 10, and all other laws, rules or regulations governing the use of public drinking water supplies, are hereby adopted as the general rules for the use of Lake Rogers.

(Ord. 2020-O-14, passed 8-11-20)

Statutory reference:

*For similar state law, see 15A NCAC 18C.1305*

### § 92.21 BOATING REGULATIONS.

(A) No person shall operate a boat in Lake Rogers without a launch pass issued by the city, which shall be valid for use only by the person to whom it was issued on the dates indicated on the pass. Each launch pass shall be issued subject to revocation or cancellation upon violation of any provision of this chapter by the holder. Launch passes shall not be issued under this chapter to any person who has knowingly violated the rules and regulations governing Lake Rogers, or to any person having intoxicating drink in his or her possession, or who shows evidence of being under the influence of alcohol. Rental boats must stay within sight of the concession stand and must be returned by the specified rental end time.

(B) Private docks are not permitted in, on or adjacent to Lake Rogers. Boats shall not enter or leave Lake Rogers except from the docks provided by the city.

(C) Every boat used on Lake Rogers shall be equipped with a personal flotation device for each occupant, and no person shall receive a launch pass to use a boat on the lake unless the boat is so equipped. Children under 13 years of age must wear a personal flotation device at all times while on the boat.

(D) Boats operated on Lake Rogers may be propelled by means of oars, paddles or other manual propulsion, or by outboard motor. The speed limit shall not exceed five miles per hour in the boat dock, pier and boardwalk areas. Boats shall not be operated in such a manner as to create or cause a wake. The **BOAT DOCK, PIER AND BOARDWALK AREA** shall be defined as that area within 500 feet of any dock, pier, boardwalk, mooring buoy or the Lake Dam, including the concrete dam and the earthen dam. The speed limit over the remainder of the lake shall not exceed 15 miles per hour.

(E) No person under 12 years of age shall occupy a boat unless accompanied by an adult. All rental boat occupancy and weight limits must be followed according to vessel type.

(F) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### **§ 92.22 ADOPTION OF THE NORTH CAROLINA WILDLIFE RESOURCES COMMISSION REGULATIONS.**

The regulations of the North Carolina Wildlife Resources Commission in relation to the kinds and sizes of fish, and the times and seasons of taking fish in noncommercial waters, are hereby adopted by reference as the fishing regulations for Lake Rogers. All persons who wish to fish at Lake Rogers must have a North Carolina fishing license in accordance with the North Carolina Wildlife Resources Commission regulations, and as enforced by the North Carolina Wildlife Resources Commission. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### **§ 92.23 MANNER IN WHICH FISH MAY BE TAKEN.**

Fish may only be taken from Lake Rogers with a rod, a line and hooks, baited with natural bait or tied with artificial flies, or with spoons, plugs or artificial flies, or artificial minnows. Trolling lines, trawling nets, seine nets, and trapping of fish are expressly prohibited. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### **§ 92.24 POLLUTION OF THE LAKE.**

(A) It shall be unlawful to commit any act that contributes to the pollution of the lake, including illicit discharges as defined in Article 19 of the Creedmoor Development Ordinance. Lake Rogers is classified as a WS-II Nutrient Sensitive Water - Critical Area, and all regulations set forth by this classification apply.

(B) Swimming, wading, and/or bathing, and spitting in Lake Rogers is prohibited. Throwing trash, cigarettes or litter of any kind into the lake is prohibited. Every boat shall be equipped with a sanitation pail, which should be used for personal sanitary purposes only, and not for fish. See stormwater permit and emergency watershed requirements and Creedmoor Development Ordinance, Article 19.

(C) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### **§ 92.25 BANK FISHING.**

(A) Bank fishing will be permitted only in areas designated by the city. Fishing is expressly prohibited in the restricted area above, below or near the dam, the spillway, or off or under the bridge on NC Highway 56, also known as Lake Road. The restricted area is clearly defined as the fenced area posted as "No Access."

(B) Violators fishing in the restricted area are subject to civil infraction and immediate removal from park property.

(C) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### **§ 92.26 BOARDWALK AND GAZEBO.**

No action, inaction, activity, belonging or possession, including fishing, sun bathing, fishing poles, coolers, chairs, loitering, stopping or standing, shall block or barricade traffic, or prevent free and open access to the intended amenity or route. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### **§ 92.40 PERSONAL GRILLS.**

Users may bring personal grills to Harris Park. Grills must be placed at least ten feet from any structure, including the shelter, playset, horseshoe pit, parking lot and tree line. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **THE CROSS CITY TRAIL**

#### **§ 92.50 BOARDWALK, OVERLOOK AND ROBERTSON CREEK BRIDGE.**

(A) No fishing, trapping, snaring, catching or netting of any fish, bird, reptile, mammal or other wildlife is permitted from anywhere on or under the bridge, overlook or boardwalk.

(B) No action, inaction, activity, belonging or possession, including fishing, sun bathing, fishing poles, coolers, chairs, loitering, stopping or standing, shall block or barricade traffic, or prevent free and open access to the intended amenity or preferred route.

(C) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **THE CREEDMOOR COMMUNITY CENTER**

#### **§ 92.60 FACILITY USAGE.**

All users are required to follow the facility rules and regulations, including registration requirements and proper equipment handling and procedures. Failure to do so may result in privileges being suspended or revoked. Children under the age of ten must be monitored at all times. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### **§ 92.61 RENTAL FACILITY REQUIREMENTS.**

(A) Security is required at any event with 100 or more attendees, and if required by the city due to the nature of the event and/or other relevant circumstances (e.g., beer or wine service). The city reserves the right to require security if deemed necessary by city officials. Security must be coordinated with the Police Department and the Parks and Recreation Department. Posted maximum occupancy limits must be strictly followed.

(B) Public events, competitions, dances and all events requiring security will also require a tenant users liability insurance protection policy (TULIP). The city reserves the right to require a liability insurance policy due to the size/nature of an event. The person identified on the rental agreement is responsible for maintaining order and decorum when using the facility, and to fully inform group members, affiliates, caterers, vendors and guests of the facility rules and regulations. In addition, they shall be liable for any loss, damage or injury sustained by any person(s) during the time the facility is rented.

(C) Beer and wine service are available for the event room and meeting rooms only; consumption in any other area of the facility or outside of the facility is prohibited. A tenant user liability policy (TULIP) is required. Other requirements may be imposed (i.e., security) depending on the type of event. The renter must secure all permits/licenses required by law if beer or wine will be served, sold or consumed. Failure to submit all required documentation by the due date will result in cancellation of the rental and forfeiture of all fees paid.

(1) Common-source containers without an individual server (i.e., kegs, punch bowls, and the like), glass beer bottles, and brown bagging are strictly prohibited.

(2) Renters and their guests must strictly adhere to all state and federal laws regarding serving and consuming alcohol.

(D) A cleaning/damage deposit will be charged for all event room and meeting room rentals. Failure to follow all cleaning procedures in the rental agreement will result in all or a portion of the cleaning/damage deposit being forfeited as described in the facility rules and regulations.

(1) All repair or replacement costs incurred by the city as a result of damage, including staff labor costs, will be itemized and deducted from the cleaning/damage deposit. If the cleaning/damage deposit is not enough to cover the full cost of repair or replacement, the remaining costs will be billed to the renter and must be paid within 30 calendar days to avoid legal action.

(2) Furthermore, failure to comply with any of the general facility rules and regulations may result in forfeiture of all monies paid for the rental, including the cleaning/damage deposit, and may also result in forfeiture of the privilege to rent the facility in the future.

(E) The City Manager and/or the Board of Commissioners reserve the right to cancel an approved request or revoke the right to use the facility to any group or individual when:

(1) The group or individual has shown disregard for the facility rules and regulations. If cancelled under this category, the renter forfeits all monies paid;

(2) It is deemed necessary for the concern of the health, safety and welfare of the renter, guests or the general public; or

(3) It is determined to be in the best interest of the Creedmoor Community Center.

(F) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**§ 92.62 BC ROBERTS MULTI-PURPOSE FIELD.**

(A) Field access may be prohibited or restricted if it is deemed too wet or soft by the city's authorized representative. If destructive activity is reported, the offending party will be charged for the cost of the facility repair, and future use privileges may be forfeited.

(B) Portable tents, canopies and/or portable structures must be equipped with appropriate tie downs (not staked). Large-size tents must comply with County Fire Marshall requirements, based on size, type and location. The renter is responsible for securing all necessary permits and inspections.

(C) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**§ 92.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

**Section 7.** Creedmoor Code of Ordinances Chapter 93 is amended as follows:

Chapter 93: STREETS AND SIDEWALKS

- 93.01 Use and regulation
- 93.02 Obstructing
- 93.03 Excavation and repair
- 93.04 General conditions for use of rights-of-way
- 93.05 Permit required
- 93.06 Application requirements

- 93.07 Additional requirements for wireless support structures, wireless communication facilities, and any other wireless communication facility, small wireless facility or micro-wireless facilities
- 93.08 Acceptance and improvement of public streets
- 93.09 Refusal to disperse
- 93.10 Enforcement provisions
- 93.11 Definitions

### § 93.01 USE AND REGULATION.

(A) It shall be unlawful for any person to throw or deposit upon any street or sidewalk, or upon any private property, except with written permission of the owner or occupant of the private property, any trash, refuse, garbage, building material, cans, bottles, broken glass, paper, or any type of litter.

(B) It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place within the city, or upon private property.

(C) Every owner, lessee, tenant, occupant or other person in charge of any commercial establishment or premises which maintains any paved or unpaved areas for the use of the public, either for parking or as access areas and incident to the carrying on of the principal business of any commercial establishment or premises and which parking or access areas abut or lie within ten feet of any public street or other public way, shall keep and maintain the areas clean and free from trash, litter, rubbish and any materials liable to be blown, deposited or cast upon the street or other public way.

(D) Suitable receptacles may be provided in parking or access areas within the meaning of division (C) of this section. The receptacles shall be plainly marked and shall be constructed to prevent scattering of any trash, litter, rubbish or other materials deposited therein.

(E) It shall be unlawful for any person to drive or ride any **OFF-ROAD VEHICLE**, which for the purposes of this section shall include, but not be limited to the following: quad, trike, four-wheeler, gator, scooter, dirt bike, mower, tractor, or golf cart; upon the sidewalks, greenways, boardwalks, pedestrian bridges or walking paths within the city.

(1) Municipal vehicles, utility maintenance vehicles, emergency vehicles or other vehicles conducting official city business are exempt from this restriction.

(2) This restriction shall not apply to electric personal assistive mobility devices, less than 1,000 pounds gross vehicle weight, designed to transport one person, with a propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(F) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### **Statutory reference:**

*Authority to regulate consumption on public property, see G.S. § 18B-300(c)*

### § 93.02 OBSTRUCTING.

(A) Except as provided in Chapter 94 of this title, it shall be unlawful for crowds or assemblages of persons to congregate on the streets or sidewalks of the city in such a way as to unnecessarily interfere with pedestrian or vehicular traffic.

(B) Before building or remodeling at any place in close proximity to a sidewalk, a passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

(C) It shall be unlawful for any person, firm or corporation to construct or erect, or cause to be constructed or erected, any structure, and particularly any awning or similar structure, over any sidewalk or any part of any sidewalk of the city, unless the structure is at least seven feet above the surface of the sidewalk.

(D) It shall be unlawful for any person, firm or corporation to repair a motor vehicle on a paved street of the city, except in case of emergency.

(E) It shall be unlawful to allow or permit any gate to open upon or otherwise encroach upon any street or sidewalk.

(F) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

### **§ 93.03 EXCAVATION AND REPAIR.**

(A) No person shall make any excavation or opening or dig any ditch, trench, tunnel or hole in, along, across or under any street, sidewalk or other public place for the purpose of laying or placing therein any pipe, wires or poles or for any other purposes unless a written permit has been issued under § [93.05](#). However, a permit shall not be required where the work is performed under a contract with the city.

(B) All persons desiring a permit to make an opening in any street or sidewalk, as set forth in division (A) of this section, shall obtain a permit under § 93.05.

(C) When any part of any street, sidewalk, alley or other public place of the city shall be torn or dug up for any purpose, the person making the excavation or opening shall, have the duty of refilling the excavation or opening, and the refilling shall be done in accordance with the standards and specifications of the city.

(D) It shall be unlawful for any person, firm or corporation who obtains a permit under the divisions of this section to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk or public place without placing and maintaining proper guard rails three feet from the ground and signal lights or other warning at, in or around the same, sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care, from injuries on account of the excavation or work.

(E) It shall be unlawful for any person, firm or corporation to drag, run or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt or other type of permanently paved street of the city which shall be likely in any way to injure or cut the surface of the street.

(F) No person shall injure, tamper with, remove, paint upon or deface any bridge, culvert, ditch and drain, sign, signpost, street light, traffic signal, bulletin board or other municipal property upon the streets and sidewalks or elsewhere, except employees of the city in the performance of their duties.

(G) No person shall begin to construct, reconstruct, repair, alter or grade any driveway on the public streets unless a written permit therefor has been issued by some officer of the city vested with that authority.

(H) It shall be unlawful for any individual to operate a motor vehicle, as the same is defined by the general statutes, upon any sidewalk in the city except across a lawfully constructed driveway.

(I) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**Statutory reference:**

*Establishment and control over streets, see G.S. § 160A-296*

**Section 8.** Creedmoor Code of Ordinances Chapter 94 is amended as follows:

Chapter 94: PARADES AND DEMONSTRATIONS

- 94.01 Definitions
- 94.02 Permit required
- 94.03 Standards
- 94.04 Requirements for the issuance of permits
- 94.05 Certain activities prohibited
- 94.06 Revocation of permit
- 94.07 Interference prohibited
- 94.08 Additional regulations applicable to picketing
- 94.09 Exceptions

**§ 94.01 DEFINITIONS.**

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

**BLOCK.** The portion of any street lying between its intersections with other streets.

**GROUP DEMONSTRATION.** Any assembly together or concert of action between or among two or more persons for the purpose of protesting any matter or of making known any position or promotion of the persons, or of or on behalf of any organization or class of persons, or for the purpose of attracting attention of the assembly.

**PARADE.** Any assemblage of two or more persons participating in or operating any vehicle in any march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, alleys, parks or other public grounds or places.

**PERSON.** Any person, firm, corporation, partnership, association or other organization, whether formal or informal.

**PICKET LINE.** Any two or more persons formed together for the purpose of making known any position or promotion of the persons, or on behalf of any organization or class of persons.

**§ 94.02 PERMIT REQUIRED.**

It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk, alley or other public place within the city, unless a permit therefor has been issued in accordance with the provisions of this chapter. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**§ 94.05 CERTAIN ACTIVITIES PROHIBITED.**

The following acts or activities, when performed or undertaken in conjunction with or as a part of, any parade, picket line, or group demonstration, are hereby prohibited and declared unlawful:

(A) The carrying on or about the person any firearm, or any weapon or article, including but not limited to blackjacks, nightsticks or flashlights, which by their use might constitute a deadly weapon; or

(B) The taking or keeping of any dog or other vicious animal, whether leashed or unleashed.

(C) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**§ 94.07 INTERFERENCE PROHIBITED.**



No person shall hamper, obstruct, impede or interfere with any parade, picket line or group demonstration being conducted under authority of a permit duly issued by the Chief of Police. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

#### **§ 94.08 ADDITIONAL REGULATIONS APPLICABLE TO PICKETING.**

Picket lines and picketing shall be subject to the following additional regulations:

(A) Picketing may be conducted only on the sidewalks or other areas reserved for pedestrian movement, and may not be conducted on the portion of a street used primarily for vehicular traffic;

(B) Not more than three pickets promoting the same objective shall be permitted to use either of the two sidewalks within a single block at any time; provided, if pickets promoting different objectives desire to use sidewalks in the same block for picketing and the use would result in the presence of more than three pickets thereon, the Chief of Police shall allot time to each group of pickets for the use of the sidewalks on an equitable basis, but each group shall be permitted to picket, subject to the provisions of this chapter, at least once every two hours;

(C) Pickets may carry written or printed placards or signs not exceeding two feet in width and two feet in length promoting the objective for which the picketing is done; provided, the words used are not defamatory in nature, or would not tend to produce violence; and

(D) Pickets must march in single file and not abreast and must not march closer together than 15 feet, except in passing one another.

(E) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**Section 9.** Creedmoor Code of Ordinances Chapter 95 is amended as follows:

#### Chapter 95: HAZARDOUS SUBSTANCES; HAZARDOUS WASTE

95.01 Transportation and storage of oils and/or hazardous substances

95.02 Use of thoroughfares for transport of hazardous waste

#### **§ 95.01 TRANSPORTATION AND STORAGE OF OILS AND/OR HAZARDOUS SUBSTANCES.**

(A) It shall be unlawful for any person, firm or corporation to create or to assist in creating or to permit or continue or permit the continuance of the storage of any oil or other hazardous substance within the city limits or within the one-mile extra-territorial jurisdiction of the city except where the oil or other hazardous substance is securely contained within a vehicle, tank or other container unless first authorized by permit duly granted upon written application to the Board of City Commissions of the city (this application is to state the source of the materials, the purpose of temporary storage of the materials within the city, the proposed location of the storage area, the duration of the storage, the ultimate site of the disposition of the materials, a statement that a permit has been issued for the ultimate disposition of the materials or that an application for such a permit has been made to an approved hazard waste facility, the name of the owner of the proposed storage area, and the name of the owner of the materials) and the posting of a bond in such reasonable amount as may be determined by the Board upon the condition that the materials will be safely stored and removed from the city limits and the city's extra- territorial jurisdiction within the time period set forth in the application and providing for the forfeiture of the bond to the city upon the failure of the applicant to abide by the terms of the application and the bond.

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

***FLAMMABLE AND COMBUSTIBLE LIQUID.*** Any kind and in any form, including but specifically not limited to, petroleum, crude oil, diesel oil, fuel oil, gasoline, lubrication oil, oil refuse, oil mixes with other waste, oil sludge, petroleum related products or by-products, and all other liquid hydrocarbons, regardless of specific gravity, whether singly or in combination with other substances.

***HAZARDOUS SUBSTANCE.*** Any substance other than oil, which when discharged in any quantity may present an imminent and substantial danger to the public health or welfare, as designated pursuant to G.S. § 143-215.77A, as this statute may be amended from time to time.

(C) Storage of those materials are regulated by the NC Fire Code, and all permits for said storage must be issued by the City Code Enforcement Officer.

(D) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

## **§ 95.02 USE OF THOROUGHFARES FOR TRANSPORT OF HAZARDOUS WASTE.**

(A) Hazardous waste will not be permitted to enter the city between the hours of:

- (1) 6:00 a.m. to 9:00 a.m.;
- (2) 2:30 p.m. to 6:00 p.m.; and
- (3) 11:00 p.m. to 6:00 a.m.

(B) There will be no hazardous waste transported on any city maintained streets. Trucks carrying hazardous waste must stay on thoroughfare streets.

(C) Trucks transporting hazardous waste must have headlights burning and emergency lights in operation at all times while in the city limits.

(D) If a truck transporting hazardous waste becomes disabled in the city, the driver shall immediately notify the Police Department so that the area can be appropriately secured.

(E) Any city personnel that are required to perform duties, beyond their respective normal requirements, will be paid for by the offending entity.

(F) If I-85 is closed causing vehicular traffic to be routed through the city, vehicles transporting hazardous waste will not be allowed to come into the city, due to the dramatic increase in the volume of vehicles and increased congestion.

(G) If weather conditions such as snow and ice exist on streets in the city, no hazardous waste shall be allowed to traverse the city.

(H) If it is deemed necessary by the Police Department that information, regarding the contents of a truck hauling hazardous waste, be obtained to protect the health and safety of the city's citizens, then the officer in charge will have the right to inspect the manifest and logbook of the vehicle.

(I) Any hazardous waste to be transported for incineration must be identified and the time that the vehicle is to enter the city must be given to the Police Department at a minimum of 48 hours before entering the city limits.

(J) In the event of a hazardous waste spill, any costs incurred for evacuation and housing of affected residents shall be borne by the offending entity.

(K) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**Section 10.** Creedmoor Code of Ordinances Chapter 96 is amended as follows:

Chapter 96: HEALTH AND SANITATION; NUISANCES

- 96.01 Unnecessary noise
- 96.02 Loitering and loafing
- 96.03 Breaking police lines
- 96.04 Public disturbances; assemblages
- 96.05 Distribution of literature; display of signs
- 96.06 Filling land; dumping
- 96.07 Care of residential and commercial premises
- 96.08 Public nuisance conditions, private property
- 96.09 Debris in stormwater drainage system
  
- 96.99 Penalty

**§ 96.01 UNNECESSARY NOISE.**

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

(B) The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, however this enumeration shall not be deemed to be exclusive, namely:

(1) The sounding of any horn, signal, or breaking device or any device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal, or if in motion only as a signal necessitated by traffic conditions, the creation by means of any such signal device of any unreasonably loud or harsh sound, and the sounding of the device for an unnecessary and unreasonable period of time;

(2) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle;

(3) The playing of any radio, phonograph, or other musical instrument (with sound emitting from a residence or motor vehicle, carried by a pedestrian, or from some other source) in such a manner or with such volume, as to annoy or disturb the quiet, comfort or repose of any person;

(4) 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) 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) The blowing of any 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) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or any engine except through a muffler or other device which will effectively prevent loud or explosive noises;

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

(9) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday; 8:00 a.m. and 4:00 p.m. Saturday, 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) Utility and road construction operations other than between the hours of 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends for which permits have been issued or for which permits are not required due to ownership of the project by an agency of government, providing all equipment is operated in accordance with the manufacturer's specifications and with all the manufacturer's standard mufflers and noise-reducing equipment in use and operating properly;

(11) The creation of any excessive noise on any street or road adjacent to any school, institution of learning, or court while in session, which unreasonably interferes with the working of the institution, provided conspicuous signs are displayed in the streets indicating that the same is a school or court street;

(12) The creation of any excessive noise on Sundays on any street or road adjacent to any religious institution while in session, provided conspicuous signs are displayed in the streets adjacent to religious institutions indicating such an institution is located along that roadway;

(13) The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers;

(14) The sounding of any bell or gong attached to any building or premises which disturb the quiet or repose of persons in the vicinity;

(15) The shouting and crying of peddlers, barkers, hawkers, or vendors which disturbs the quiet or repose of persons in the vicinity;

(16) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, or display of merchandise;

(17) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising or other purposes except where specific license is received from the city, provided that advertising sound trucks may make not more than three continuous round trips in the fire district between the hours of 8:00 a.m. and 9:00 p.m., on condition that the sound devices on the trucks shall be kept silent unless the truck is moving at a speed of not less than 15 miles per hour;

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

(19) The maintenance and operation of radios, amplifiers, phonographs, or other mechanical instruments or devices of any kind whereby the sound is cast directly from the streets or other public places, however the provisions of this division do not apply to Christmas or religious music;

(20) Playing or permitting to be played any piccolo, jukebox, or other musical mechanical slot machine between the hours of 11:00 p.m. and 7:00 a.m.; or

(21) The gathering of ten or more persons for the purpose of rallies, recreation events, speeches, parades, or similar gathering between the hours of 11:00 p.m. and 7:00 a.m., particularly in close proximity to residential neighborhoods, so that the sleep and repose of persons in any dwelling or other type of residence is likely to be disturbed.

(C) *Exceptions to this section.* The following are exempt from the provisions of this section, however this enumeration shall not be deemed to be exclusive, namely:

(1) Any bell or chime from any building clock, school, or religious institution;

(2) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation, provided that burglar alarms not terminating within 30 minutes after the responsible person has been notified shall be unlawful;

(3) Noise created as a result of or relating to an emergency;

(4) Warning devices required by OSHA or any local, county, state, or federal safety regulations;

(5) Noises resulting from the provision of sanitation services;

(6) All noises coming from motor vehicles properly equipped with the manufacturer's standard mufflers and noise reducing equipment;

(7) Noise from lawful fireworks and noisemakers on holidays;

(8) Lawn mowers and agricultural equipment used between the daylight hours of 7:00 a.m. and 9:00 p.m. when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and operating properly;

(9) Sound amplification equipment used in conjunction with a telecommunications system on business properties to notify employees of that business of incoming phone calls, providing that this system be used only between the hours of 7:00 a.m. and 9:00 p.m. and that any speakers attached to the system be oriented toward the interior of the property;

(10) Sound emanating from regularly scheduled, outdoor athletic events held or co-sponsored by the Recreation Department;

(11) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit has been granted by the city in accordance with the exceptions enumerated in this section;

(12) Noises resulting from the provision of government services;

(13) Emergency work necessary to restore property to a safe condition following a fire, accident, or natural disaster; to restore public utilities; or to protect persons or property from an imminent danger.

(D) *Enforcement and penalties for violation of section.* Where there is a violation of any provision of this section, the city, at its discretion, may take one or more of the following enforcement actions:

(1) In accordance with the current City of Creedmoor Fee and Rate Schedule, a police officer may issue a citation subjecting the violator to a civil penalty as stated in the schedule, which may provide for a delinquency charge upon nonpayment of \$25, and which penalty and delinquency charge may be recovered by the city in a civil action.

(2) A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the citation. Misdemeanors shall be punishable by a fine of up to \$500 and/or imprisonment for up to 30 days.

(3) A civil action seeking a penalty of \$500 per day of violation plus injunction and order of abatement may be directed toward any person creating or allowing the creation of any unlawful noise, including the owner or person otherwise having legal or actual control of the premises from which it emanates.

(E) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

( '84 Code, § 8-5001) (Ord. passed 4-30-68; Am. Ord. 2010-O-09, passed 7-27-10; Am. Ord. 2011-O-07, passed 9-27-11; Am. Ord. 2013-O-04, passed 4-8-13; Am. Ord. 2014-O-02, passed 5-27-14; 2015-O-12, passed 6-15-15) Penalty, see § 96.99

***Statutory reference:***

*Authority to regulate noise, see G.S. § 160A-184*

**§ 96.02 LOITERING AND LOAFING.**

It shall be unlawful for any person or persons to congregate, stand, loaf or loiter in any street or upon any sidewalk, bridge, crossing or other public place so as to obstruct the same, or to hinder, prevent or annoy persons passing or attempting or desiring to pass therein or thereon; or to congregate, stand, loaf or loiter on or in front of any hall, lobby, doorway, passage or entrance of any public building, theater, public hall, hotel, eating or lodging house, office building, store, shop, office or factory or other like building or place of public assemblage so as to obstruct the same or hinder, prevent or annoy persons passing along or into the same or out of the same, or attempting or desiring to do so; or by making remarks, gestures, noises, signs or the like to disturb, annoy or insult any person being upon or passing along any street, sidewalk, bridge, crossing or other public place, or along, into or out of the hall, lobby, passage, or entrance of any public building, theater, public hall, hotel, eating or lodging house, office building, store, shop or factory or like building or place of public assemblage or in any public carrier. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

( '84 Code, § 8-5002) (Ord. passed 1-29-63) Penalty, see § 96.99

**§ 96.03 BREAKING POLICE LINES.**

At the time of any public parade, accident, riot, public peril or other circumstances causing people to congregate or assemble, it shall be unlawful for any person to enter, break through or remain within the danger lines or other bounds established by the police, or by or under the direction of any authorized city official, for the preservation of public safety, peace and order, unless such person is authorized to do so by an officer in charge. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(`84 Code, § 8-5003) (Ord. passed 1-29-63) Penalty, see § 96.99

#### **§ 96.04 PUBLIC DISTURBANCES; ASSEMBLAGES.**

It shall be unlawful for any person to make, aid or countenance, or assist in making, any improper noise, or to incite or engage in any riot or disturbance, or to indulge or engage in improper and disorderly conduct or conversation in any street, park or other public place, in any theater or place of amusement or in any room or building in which any number of persons are lawfully assembled. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(`84 Code, § 8-5004) (Ord. passed 1-29-63) Penalty, see § 96.99

#### **§ 96.05 DISTRIBUTION OF LITERATURE; DISPLAY OF SIGNS.**

It shall be unlawful for any person to print, sell, distribute, leave to be distributed or taken, or display, or to aid, directly or indirectly, in printing, selling, distributing, circulating, leaving or displaying any bills, notices, signs, circulars or printed matter in any form which tends to disturb the public peace or morals, or which, directly or indirectly, advises, advocates, or urges the overthrow of the government of the United States of America or any state thereof, or any municipal corporation therein, by the use of violence, force or other unlawful methods, or which advises, advocates or urges the commission of any crime or any violation of law. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(`84 Code, § 8-5005) (Ord. passed 1-29-63) Penalty, see § 96.99

#### **§ 96.06 FILLING LAND; DUMPING.**

It shall be unlawful for any person to fill any land or dump, upon any vacant lot within the city, with garbage, dead animals, decaying vegetable or animal matter or any offensive material. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(`84 Code, § 8-5006) (Ord. passed 10-25-66) Penalty, see § 96.99

#### **§ 96.07 CARE OF RESIDENTIAL AND COMMERCIAL PREMISES.**

(A) It shall be unlawful for the owner or occupant of a residential or commercial building, structure or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every owner or occupant to keep the premises of the residential or commercial property clean and to remove from the premises all abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage and the like, upon notice from the Building Inspector.

(B) For the purpose of this section, an abandoned motor vehicle is defined as one that is in a state of disrepair and incapable of being moved under its own power.

(C) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(`84 Code, § 8-5007) (Ord. passed 4-29-69) Penalty, see § 96.99

#### ***Cross-reference:***

*Abandoned, junked and nuisance vehicles, see Chapter 90*

*Public nuisance conditions, private property, see § 96.08*

## § 96.08 PUBLIC NUISANCE CONDITIONS, PRIVATE PROPERTY.

(A) *Administration.* For the purpose of this section the term *NUISANCE* shall mean or refer to any condition or any use of property or any act or omission affecting the condition or use of property which threatens or is likely to threaten the safety of the public; adversely affects the general health, happiness, security or welfare of others; or, is detrimental to the rights of others to the full use of their own property and their own comfort, happiness and emotional stability because of decreased property values and the unsightliness and decreased livability of neighborhoods.

(B) *Declaration of public nuisance.* The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the city and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

(1) Any weeds or other vegetation having an overall height of more than 12 inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants.

(2) Any accumulation of trash, garbage, food waste and other trash which is the result of the absence of, or overflowing of, or improperly closed trash or garbage containers, that attracts or is likely to attract mice and rats, flies and mosquitoes or other pests.

(3) An open or unsecured storage or collection place for chemicals, acids, oils, gasoline, flammable or combustible materials or flammable or combustible liquids, poisonous materials or other similar harmful or dangerous substances, gasses or vapors.

(4) An open place, collection, storage place or concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials collection.

(5) An open storage place for old worn out, broken or discarded machinery, car parts, junk, tire rims, furniture, stoves, refrigerators, appliances, cans and containers, household goods, plumbing or electrical fixtures, old rusty metal, fencing materials or other similar materials.

(6) Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.

(7) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(8) The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items. The use of carports, open porches, decks, open garages and other outdoor areas that are visible from the street as a storage or collection place for boxes, appliances, furniture (not typical outdoor or yard furniture), tools, equipment, junk, garbage, old worn out broken or discarded machinery and equipment, cans, containers, household goods or other similar condition that increase the likelihood of a fire; may conceal dangerous conditions; may be a breeding place or habitat for mice, rats or other pests; or, create an unattractive condition or visually blighted property.

(9) A collection place for lumber, bricks, blocks, nails, building hardware, roofing materials, scaffolding, masonry materials, electrical supplies or materials, plumbing supplies or materials, heating and air conditioning supplies or materials or any other type of old or unusable building supplies (especially those with nails, staples or sharp objects and edges) unless such conditions are temporary in nature and caused by a current construction project in progress pursuant to a lawfully issued building permit.

(10) Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Code Administrator or his or her designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.

(11) The placement, storage or use of upholstered sofas, couches, chairs or other indoor type furniture, appliances, seats removed from motor vehicles or other furniture not intended for outdoor use by the manufacturer, use on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks.

(12) A collection place, pool or pond of stagnant or foul water or persistent dampness caused by overflowing septic tanks, manmade dams, open ditches, overflowing pipes, foundation trenches or other impoundments of any kind.

(13) Barns or farm animal pens, pastures or enclosures for farm animals which are not kept sanitary and clean or otherwise become a collection place for animal waste and which because of the conditions associated therewith attract rats, mice, flies or other pests or emit foul odors that can be detected or noticed on adjacent properties or are otherwise not kept in a sanitary condition.

(14) Dog lots, pens, pet enclosures of all kinds, outdoor areas where dogs or other pets are chained or kept or areas where dogs and cats are permitted to roam which become a collection place for dog, cat or pet waste and excrement and which attract flies or other pests, emit foul odors which can be detected or noticed on adjacent property or are not kept in a sanitary condition.

(15) A collection place for sewage and sewage drainage or the seepage from septic tanks, broken or malfunctioning plumbing and sewer pipes or any other seepage of dangerous, hazardous or poisonous liquids.

(16) A collection place for tree limbs, dried brush, dead vegetation, stumps or other decayed wood and materials or other similar rubbish.

(17) Any discharge into or polluting of any stream, creek, river or other body of water or the discharge of any dangerous substance or any other material likely to harm the water or any vegetation, fish or wildlife in or along the water or the storage of such harmful materials and substances in a manner so that it is likely that such streams, creeks, rivers or other bodies of water will become polluted or adversely affected in any manner.

(18) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.

(19) Any conditions or use of property, which results in the emission of pollutants and particles into the atmosphere or causes noxious odors, vapors and stenches to be discharged into the air.

(20) Nuisance vehicle. A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

(a) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or

(b) A point of heavy growth of weeds or other noxious vegetation which exceeds eight inches in height ; or

(c) In a condition allowing the collection of pools or ponds of water; or

(d) A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or

(e) An area of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods; or

(f) So situated or located that there is a danger of it falling or turning over; or

(g) A collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or

(h) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;

(i) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Commissioners.

(21) Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.

(C) *Complaint; investigation of public nuisance.* When any condition in violation of this section is found to exist, the Code Administrator or such persons as may be designated by the Board of Commissioners shall give notice to the owner of the premises to abate or remove such conditions within ten days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within



ten days, the city may proceed to correct the same as authorized by this section. Service of such notice shall be by any one of the following methods.

(1) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of 16 years and a member of the family of the owner.

(2) By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with regular mail postage prepaid thereon.

(3) By posting and keeping posted, for ten days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (1) and (2) above.

(D) *Abatement procedure.* If the owner of any property fails to comply with a notice given pursuant to this section, within ten days after the service of such notice, he shall be subject to prosecution for violation of this section in accordance with law and each day that such failure continues shall be a separate offense. In addition, the city may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

(E) *Procedure is alternative.* The procedure set forth in this section shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this section shall not prevent the city from proceeding in a criminal action against any person, firm or corporation violating the provisions of this section as provided in G. S. § 14-4. In addition to the remedies provided for herein, any violation of the terms of this section shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in § 10.99 of this Code of Ordinances.

(F) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(Ord. 2010-O-17, passed 12-14-10; Am. Ord. 2013-O-06, passed 5-28-13)

***Statutory reference:***

*Abatement of public health nuisances see G.S. § 160A-193*

**§ 96.99 PENALTY.**

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

(B) (1) The actual cost incurred by the city in removing or otherwise remedying a public nuisance shall be charged to the owner of the lot or parcel of land, and it shall be the duty of the Tax Collector to mail a statement of the charges to the owner or other person in possession of the premises with instructions that the charges are due and payable within 30 days from the receipt thereof.

( '84 Code, § 8-4005)

(2) In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of the charges, the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

( '84 Code, § 8-4006) (Ord. passed 3-25-80)

**Section 11.** Creedmoor Code of Ordinances Chapter 97 is amended as follows:

Chapter 97: ANIMALS

97.01 Adopted by reference; Granville County Animal Control Ordinance Chapter 11

97.02 Cruelty to animals

- 97.03 Regulation of fowl
- 97.04 Pigeons to be confined
- 97.05 Livestock prohibited
- 97.06 Pet waste left on public owned property prohibited
- 97.07 Beekeeping
- 97.08 No slaughter of domestic fowl on residentially zoned property
  
- 97.99 Penalty

**§ 97.01 ADOPTED BY REFERENCE; GRANVILLE COUNTY ANIMAL CONTROL ORDINANCE CHAPTER 11.**

Granville County Ordinance Chapter 11 “Animals” originally adopted 11-2-1998 and any future amendments attached to said ordinance are hereby adopted by reference and incorporated herein as if set out in full.

(Res. 99-R-3, passed 2-23-99; Am. Ord. 2016-O-14, passed 7-19-16)

**§ 97.02 CRUELTY TO ANIMALS.**

It shall be unlawful for any person to mistreat any animals or to willfully frighten them, or to attend or stage any animal or fowl fight. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

('84 Code, § 8-2001) (Ord. 2016-O-14, passed 7-19-16) Penalty, see § 97.99

***Statutory reference:***

*Cruelty to animals generally, see G.S. § 14-360 et seq.*

*Municipal authority to prevent the abuse of animals, see G.S. § 160A-182*

**§ 97.03 REGULATION OF FOWL.**

(A) Citizens are allowed to responsibly keep a maximum of five domestic chickens, geese, or ducks on a non-commercial basis on any residential lot under one acre within the corporate limits of the city. A maximum of ten domestic chickens, ducks or geese may be responsibly kept on lots exceeding one acre. A coop and a pen shall be provided by the owner of the domestic fowl. The coop and surrounding area shall be kept in a clean, neat and sanitary condition at all times.

(B) Backyard poultry keepers shall register their small flocks with the North Carolina Department of Agriculture's NC Farm ID Small Flock Registration Program. Proof of registration shall be available upon request.

(C) Noise and odor shall not disturb people of a reasonable sensitivity at the property boundaries.

(D) Eggs, baby chicks, ducklings, or baby geese shall not be offered for sale from residentially zoned properties within the city's corporate boundaries.

(E) It shall be unlawful for any person to permit ducks, geese or chickens to remain on or in any of the streets or public places, or to run at large.

(F) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(Ord. 2016-O-14, passed 7-19-16) Penalty, see § 97.99

#### **§ 97.04 PIGEONS TO BE CONFINED.**

It shall be unlawful for any person to keep pigeons, except when the pigeons are properly kept in a cage or enclosure at all times. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(Ord. 2016-O-14, passed 7-19-16) Penalty, see § 97.99

#### **§ 97.05 LIVESTOCK PROHIBITED.**

(A) It shall be unlawful for any person to keep any Livestock (farm animals as defined in G.S. § 160A-203.1) within the corporate limits.

(B) Horses, ponies and goats may be kept within the corporate limits on lots at least one acre in size, limited to one such animal on the first acre, and one additional animal per 1/2 additional acre. Property containing such animals shall be adequately fenced so as to prevent running at large.

(C) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(Ord. 2016-O-14, passed 7-19-16) Penalty, see § 97.99

#### ***Statutory reference:***

*City authority to adopt animal ordinances, see G.S. § 160A-203.1 (Session Law 2015-192 House Bill 553, adopted August 3, 2015)*

#### **§ 97.06 PET WASTE LEFT ON PUBLIC OWNED PROPERTY PROHIBITED.**

It shall be unlawful for the owner of any animal to fail or refuse to remove feces deposited by the animal on any street, sidewalk, park, or other publicly-owned area. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(Ord. 2016-O-14, passed 7-19-16) Penalty, see § 97.99

#### **§ 97.07 BEEKEEPING.**

(A) Up to five beehives are allowed on a single parcel within the corporate limits.

(B) Hives shall be placed at ground level or securely attached to anchor stands.

(C) Hives can be placed no closer to property lines than ten feet.

(D) The beehives must be removed from the premises if the owner no longer maintains it, or if removal is necessary to protect the public's health, safety, and welfare.

(E) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(Ord. 2016-O-14, passed 7-19-16) Penalty, see § 97.99

#### ***Statutory reference:***

*Local Regulation of Beehives G.S. § 106-645 (Session Law 2015-246, House Bill 44, adopted September 23, 2015)*

**§ 97.08 NO SLAUGHTER OF DOMESTIC FOWL ON RESIDENTIALLY ZONED PROPERTY.**

It shall be unlawful for any person to slaughter fowl outdoors on any residentially zoned property within the corporate limits. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(Ord. 2016-O-14, passed 7-19-16) Penalty, see § 97.99

**§ 97.99 PENALTY.**

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

(B) Each day's violation of § 97.05 shall constitute a separate offense.

**Section 12.** Creedmoor Code of Ordinances Chapter 111 is amended as follows:

Chapter 111: PEDDLING AND SOLICITING

- 111.01 Definitions
- 111.02 Registration
- 111.03 Door-to-door activities prohibited
- 111.04 Mobile food vendors

**§ 111.03 DOOR-TO-DOOR ACTIVITIES PROHIBITED.**

(A) It is hereby declared to be the policy of the city that the occupants of the residences in the city shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

(B) Notice of the refusal of invitation to solicitors, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows: "NO SOLICITORS INVITED"

(C) The letters shall be at least  $\frac{1}{3}$  inch in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting, at the cost thereof.

(D) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

(E) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

( '84 Code, § 6-1013) Penalty, see § 10.99

***Statutory reference:***

*Regulation of solicitations and itinerant merchants authorized, see G.S. § 160A-178*

**Section 13.** Creedmoor Code of Ordinances Chapter 112 is amended as follows:

Chapter 112: AMUSEMENTS

- 112.01 Operating restrictions
- 112.02 Rules for operation

## **§ 112.01 OPERATING RESTRICTIONS.**

No owner or operator of a poolroom, nor his or her employees, shall:

(A) Suffer or permit any gambling on the licensed premises at any time;

(B) Suffer or permit the licensed premises to become disorderly, or permit any profane, obscene or indecent language thereon;

(C) Suffer or permit any alcoholic beverages, as defined in G.S. § 18B-101, or narcotic drugs to be sold, kept or consumed on the licensed premises;

(D) Suffer or permit any person under the age of 16 years to enter or remain on the premises, unless the person is accompanied by a parent or guardian;

(E) Employ in the establishment any person who has been convicted within the past two years of a felony offense; or

(F) Suffer or permit any keeley board, keno board or any other gambling board or device to be attached to or placed upon any tables.

(G) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(`84 Code, § 6-1001) Penalty, see § 10.99

## **§ 112.02 RULES FOR OPERATION.**

The following rules shall be observed by all operators of poolrooms required to be licensed by § 112.01 within the city:

(A) All establishments shall close at 1:00 a.m. each morning Monday through Saturday, and no person other than the owner, operator or employees shall be permitted on the premises from that hour until 7:00 a.m. the following morning, provided that, when Daylight Savings Time is in effect all establishments covered herein shall close at 2:00 a.m.

(B) No play on any table, alley or machine shall be allowed during the times when the premises are required by this chapter to remain closed.

(C) All establishments shall be operated only on the ground floor of a building and an unobstructed transparent plate glass window or windows shall be located in those parts of the building facing any street so that a clear view inside may be had from the street.

(D) No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where amusements or games are played and the rear wall of the room. A clear view of the interior premises from the entrance to the rear of the premises must be maintained at all times.

(E) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

(`84 Code, § 6-1002) (Ord. passed 4-27-65; Am. Ord. passed 1-25-66) Penalty, see § 10.99

**Section 14.** Creedmoor Code of Ordinances Chapter 130 is amended as follows:

## Chapter 130: GENERAL OFFENSES

- 130.01 Profanity and boisterous conduct
- 130.02 Discharging of firearms and other weapons
- 130.03 Disturbing public meetings
- 130.04 Injuring property of city
- 130.05 Consumption of alcoholic beverages

### § 130.01 PROFANITY AND BOISTEROUS CONDUCT.

It shall be unlawful for any person to use loud, boisterous or profane language in any public place in a manner so as to create a public disturbance. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**Statutory reference:**

*Offenses against the public peace, see G.S. Chapter 14, Art. 35*

### § 130.02 DISCHARGING OF FIREARMS AND OTHER WEAPONS.

(A) It shall be unlawful for any person to fire, shoot or discharge, or cause to be fired, shot or discharged, within the municipal corporate limits of the City of Creedmoor, any gun, pistol, rifle, or other firearm, or make use of any crossbow, slingshot, blowgun, or similar device, by whatever name, for throwing or propelling with force a metal projectile, shot, slug, bolt, or rock, except:

(1) Any sworn law enforcement officer, licensed private protective services officer, or bail bondsman in the performance of his/her official duties;

(2) Any persons using firearms in necessary, lawful, self-defense or defense of another person;

(3) Any sworn law enforcement officer or authorized representative of the City of Creedmoor conducting wildlife management activities for the sole purpose of shooting or killing any dangerous or nuisance animal or reptile encroaching upon public or private property, city park, greenway, or conservation land;

(4) When such firing or discharge is made without projectiles (i.e. blank rounds) pursuant to a pre-approved recreational, educational, theatrical, instructional program, athletic event, demonstration, show, exhibit, funeral or ceremony conducted or supervised by the City of Creedmoor, the City of Creedmoor Police Department, or another competent authority acceptable to the Chief of Police. Approval shall be evidenced in writing by the Chief of Police to the applicant, and the Chief shall impose any condition or conditions upon the discharge(s) deemed to be necessary and prudent with due regard to life, property, general welfare, and public safety. Such permit shall be revocable by the Chief upon a finding that the permit holder is not exercising the privilege of such permit in a careful and prudent manner and with due regard to life and property.

(5) A certified gunsmith, firearms manufacturer, or firearms research and development laboratory that during the course of experimentation, fabrication, assembly, repair, or maintenance must test fire a firearm to determine its functionality, as long as there is a proper bullet or snail trap, or other acceptable method of projectile capture and noise reduction in place.

(6) The owner or occupant of any land who has been granted temporary written permission by the Chief of Police to shoot blank cartridges at birds when they become a nuisance on such land;

(7) Any adult person attending a facility lawfully operating as a rifle, pistol, skeet, or trap range or other firing range or shooting gallery and any minor attending such a facility with direct adult supervision.

(B) The Chief of Police or any member of the Police Department is hereby authorized to seize and hold subject to order of court, any such firearm, rifle, gun or pistol, crossbow or other similar device which impels with force any shot of any kind, which shall be used, shot, or discharged within the city, in violation of this section.

(C) Any person who shall knowingly and willfully permit his or her minor child under 18 years of age to discharge, fire, shoot or operate, within the corporate limits of the city, any such air rifle, BB gun or pellet gun, shall be guilty of a misdemeanor.

(D) Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

***Statutory reference:***

*Authority to regulate and restrict firearms and pellet guns, see G.S. §§ 160A-189, 160A-190*

**§ 130.03 DISTURBING PUBLIC MEETINGS.**

It shall be unlawful to behave in a boisterous or indecent manner or to create any disturbance at or near any public entertainment or meeting. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**§ 130.04 INJURING PROPERTY OF CITY.**

It shall be unlawful to willfully injure, damage, deface, trespass upon, break or injure any property belonging to the city. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**Section 15.** Creedmoor Code of Ordinances § 151.08 is amended as follows:

**§ 151.08 DWELLINGS NOT IN COMPLIANCE BUT NOT UNFIT FOR HUMAN HABITATION.**

In any case where the Housing Inspector determines that a dwelling fails to fully comply with one or more, but less than seven of the above enumerated standards of dwelling fitness, such dwelling shall not be found to be unfit for human habitation and shall not be subject to the procedures and remedies as provided for in this chapter for dwellings unfit for human habitation. Each such failure or noncompliance, however, shall constitute a violation of the terms of this chapter and shall subject the violator to the penalties and enforcement procedures, civil or criminal or both, as provided in § 10.99 of this Code of Ordinances. In making the determination as described in this section, the Housing Inspector shall not be required to make notice and hold the hearing as called for in § 151.06, but the Housing Inspector may do so if the determination of the severity and classification of dwelling fitness is not clear to the Housing Inspector upon preliminary investigation. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**Section 16.** Creedmoor Code of Ordinances § 157.29 is amended as follows:

**§ 157.29 PROCEDURE IS ALTERNATIVE.**

The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this chapter shall not prevent the city from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in G. S. 14-4. In addition to the remedies provided for herein, any violation of the terms of this chapter shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in § 10.99 of this Code of Ordinances. Violation of this section may constitute an infraction in accordance with § 10.99 of this Code and G.S. § 14-4.

**Section 17.** All provisions of any City ordinance or resolution in conflict with this ordinance are repealed.

**Section 18.** This ordinance is effective upon adoption.

HEREBY ADOPTED in regular session by the City of Creedmoor Board of Commissioners by motion from Comm. Kicinski this, the 1<sup>st</sup> day of March 2022.

Ayes: 5

Noes: 0

Absent or Excused: —

*Robert V. Wheeler*

Robert V. Wheeler, Mayor

ATTEST:

*Barbara Rouse*  
Barbara Rouse, City Clerk

