

## Town Board of Commissioners Meeting

Town Hall - 8590 Park Drive Mount Pleasant, NC

**To:** Mayor & Town Board of Commissioners

**From:** Erin S. Burris, AICP, Planning & Economic Development Director

**Date:** May 8, 2023

**Subject:** Code of Ordinances Part 8

### A. BACKGROUND

As part of the ongoing efforts to update and codify the Town of Mount Pleasant Code of Ordinances, the attached amendments are proposed. Below is a summary of proposed changes to Part 8:

#### **Numbering System**

A new numbering/codification system has been introduced to make the code more user-friendly and to improve the ability to add new section numbers in the future. The Part numbers of the Code will remain the same, but and Chapter and Section numbers will be changed for consistency.

#### **Manager-Council Form of Government Updates**

Updates will occur throughout the code to reflect the Manager-Council form of government adopted in 2019.

#### **Part 8:**

##### ***Chapter 1: Administration & Enforcement***

- Added delegation of enforcement authority to Sheriff's Department and Code Enforcement Officer, applicable
- Referenced general penalties, unless otherwise stated. Criminal penalties apply to some offenses under state law, as denoted throughout Part 8.

##### ***Chapter 2: Disorderly Conduct***

- Reference to and inclusion of state law regarding disorderly conduct.
- Removed prostitution which is already covered by state law.

### ***Chapter 3: Animals***

- Adopted Cabarrus County Animal Control regulations by reference
- Referenced state law regarding animal cruelty and added dog tethering regulations similar to City of Concord.
- Made livestock and fowl regulations consistent with Mount Pleasant Development Ordinance. Discuss whether or not roosters should be permitted in Town limits.
- Added exception for hunting on lands in a recognized land conservancy or land trust subject to requirements of conservancy and NC Wildlife Resources Commission. Urban archery provision was repealed in 2019 by Town Board. Vermin removal permit provision that was passed in 1997 was codified into ordinance.

### ***Chapter 4: Abandoned and Junk Vehicles***

These provisions were adopted in 2008, but never properly codified. Some state law references were added. Two provisions that caused potential enforcement issues were removed.

### ***Chapter 5: Public Nuisances***

These provisions were adopted in 2008, but never properly codified. Some state law references were added. A provision regarding trash and refuse upon a street right-of-way (including grass clippings) were added. Contradictory enforcement procedures were removed.

### ***Chapter 6: Public Parks and Facilities***

- Definitions added.
- Added prohibitions for activities at public parks. Need to discuss the existing prohibition on skateboards and skates.

### ***Chapter 7: Noise***

- Reviewed the noise ordinances of other Cabarrus municipalities.
- Added Definitions, general noises, prohibited noises, exemptions, motor vehicle noises, noise permits. Need to discuss off-road motor vehicle noise.

### ***Chapter 8: General Offenses***

- Added weapons exception to reference hunting on conservation lands.
- Referenced state law regarding abandonment of refrigerators.
- Referenced state law regarding vandalism (criminal trespass).
- Referenced state law regarding damaging trees.
- Referenced state law regarding fireworks.

## **B. STAFF RECOMMENDATION**

Staff recommends review and approval of the proposed amendments. The District Attorney's office has reviewed the proposed Part 8, and had no changes to recommend.

## **C. ACTION REQUESTED**

Following the public hearing, the Town Board of Commissioners is requested to review and take action on one of the following items:

- **Approve Code of Ordinances Part 8 amendments as presented.**
- **Approve Code of Ordinances Part 8 amendments with changes.**
- **Disapprove Code of Ordinances Part 8 amendments.**
- **Defer/Table Code of Ordinance amendments to allow additional time for consideration.**

## **D. ATTACHMENTS**

1. Code of Ordinances Part 8 proposed amendments

**TOWN OF MOUNT PLEASANT  
CODE OF ORDINANCES**

***PART 8: OFFENSES***

<u>Section Number</u>		<u>Page Number</u>
<b>CHAPTER 1     ADMINISTRATION &amp; ENFORCEMENT</b>		
Section 8-1.1	Authority of sheriff’s department and code officials.....	8-X
Section 8-1.2	Penalties.....	8-X
<b>CHAPTER 2     DISORDERLY CONDUCT</b>		
Section 8-2.1	Drinking of alcoholic beverages in public.....	8-X
Section 8-2.2	Loitering, soliciting and begging.....	8-X
Section 8-2.3	Disturbing public peace.....	8-X
<b>CHAPTER 3     ANIMALS</b>		
Section 8-3.1	Animal control.....	8-X
Section 8-3.2	Cruelty to animals; tethering of dogs.....	8-X
Section 8-3.3	Maintaining of livestock and fowl.....	8-X
Section 8-3.4	Animal sanitation.....	8-X
Section 8-3.5	Bird sanctuary.....	8-X
Section 8-3.6	Hunting of wildlife prohibited; exceptions.....	8-X
<b>CHAPTER 4     ABANDONED AND JUNK VEHICLES</b>		
Section 8-4.1	Definitions.....	8-X
Section 8-4.2	Administration.....	8-X
Section 8-4.3	Abandonment of vehicle unlawful; removal authorized.....	8-X
Section 8-4.4	Hazardous vehicle unlawful; removal authorized.....	8-X
Section 8-4.5	Junked vehicle unlawful; removal authorized.....	8-X
Section 8-4.6	Removal of abandoned, hazardous, and junk vehicles; notice requirements.....	8-X
Section 8-4.7	Exceptions to prior notice requirements.....	8-X
Section 8-4.8	Appeals.....	8-X
Section 8-4.9	Right to probable cause hearing before sale or final disposition of vehicle.....	8-X
Section 8-4.10	Redemption of vehicle during proceedings.....	8-X
Section 8-4.11	Sale and disposition of unclaimed vehicle.....	8-X
Section 8-4.12	Conditions on removal of vehicles from private property.....	8-X
Section 8-4.13	Protection against criminal or civil liability.....	8-X
Section 8-4.14	Exceptions.....	8-X
Section 8-4.15	Unlawful removal of impounded vehicle.....	8-X
Section 8-4.16	Junkyards prohibited.....	8-X
<b>CHAPTER 5     PUBLIC NUISANCES</b>		
Section 8-5.1	Definitions.....	8-X
Section 8-5.2	Declaration of public nuisances.....	8-X
Section 8-5.3	Administration and enforcement.....	8-X
Section 8-5.4	Notice to abate public nuisance.....	8-X

Section 8-5.5	Failure to abate public nuisance.....	8-X
<b>CHAPTER 6 PUBLIC PARKS AND FACILITIES</b>		
Section 8-6.1	Definitions.....	8-X
Section 8-6.2	Use of Town and public facilities; no loitering.....	8-X
Section 8-6.3	Sex offenders prohibited in public parks.....	8-X
<b>CHAPTER 7 NOISE</b>		
Section 8-7.1	Definitions.....	8-X
Section 8-7.2	Loud, disturbing noise in general.....	8-X
Section 8-7.3	Motor vehicle noise.....	8-X
Section 8-7.4	Noise permit.....	8-X
<b>CHAPTER 8 GENERAL OFFENSES</b>		
Section 8-8.1	Weapons.....	8-X
Section 8-8.2	Posting advertising.....	8-X
Section 8-8.3	Abandonment of refrigerators and other containers.....	8-X
Section 8-8.4	Injuring property; vandalism.....	8-X
Section 8-8.5	Damaging trees.....	8-X
Section 8-8.6	Fireworks.....	8-X

## **CHAPTER 1: ADMINISTRATION & ENFORCEMENT**

### **Section 8-1.1 Authority of Sheriff's Department and Code Officials**

- A. The Town Board of Commissioners hereby authorizes deputies of the Cabarrus County Sheriff's Department to police and enforce designated Sections of this Part 8 Code of Ordinances.
- B. It shall be the duty of the officers of the Cabarrus County Sheriff's Department or such officers as are assigned by the Cabarrus County Sheriff, to enforce Chapters 2 and 7 of this Part and all applicable State laws in regards to public disturbance, noise, trespassing, loitering, sex offenders in public parks, weapons, vandalism, fireworks, and any offense for which there is a potential criminal penalty. The Cabarrus County Sheriff's Department, Animal Control division, is also authorized to enforce the portions of Chapter 3 dealing with dangerous animals, at-large animals, and abused animals as set forth in State law.
- C. The Town Board of Commissioners hereby authorizes the Town Manager to appoint a Code Enforcement Officer to enforce all other portions of this Part not assigned to the Cabarrus County Sheriff's Department.

(Amended X-XX-2023)

### **Section 8-1.2 Penalties**

Unless otherwise set forth in this Part, the General Penalty set forth in Section 1-1.5 of this Code of Ordinances shall apply to violations of this Chapter. In addition to the foregoing enforcement provisions, this Chapter may be enforced by any remedy provided in N.C.G.S. 160A-175 including, but not limited to, all appropriate equitable remedies issued from a court of complete jurisdiction as provided in N.C.G.S.160A-175(e). This section specifically provides that each day's continuing violation shall be a separate and distinct offense.

## CHAPTER 2: DISORDERLY CONDUCT

### Section 8-2.1 Drinking of alcoholic beverages in public

It shall be unlawful for any person to consume wine, beer or other alcoholic beverages in a public place within the corporate limits of the Town if not located at an establishment or event that has the applicable permit for on-site consumption of alcoholic beverages as set forth by the State Alcoholic Beverage Commission.

### ~~Prostitution~~-(state law)

~~It shall be unlawful for any person, on any of the streets or public places, to solicit for purposes of prostitution.~~

### Section 8-2.2 Disturbing public peace

No person shall commit an affray or shall otherwise disturb the public peace by threats or disorderly activity within the corporate limits of the Town. In accordance with N.C.G.S. 14-288.4, disorderly conduct is a public disturbance intentionally caused by a person who does any of the following:

- A. Engages in fighting or other violent conduct or in conduct creating the threat of imminent fighting or other violence;
- B. Makes or uses any utterance, gesture, display or abusive language which is intended and plainly likely to provoke violent retaliation and thereby cause a breach of the peace;
- C. Takes possession of, exercises control over, or seizes any building or facility of any public or private educational institution without the specific authority of the chief administrative officer of the institution, or his authorized representative;
- D. Refuses to vacate any building or facility of any public or private educational institution in obedience to any of the following:
  - 1. An order of the chief administrative officer of the institution, or the officer's representative, who shall include for colleges and universities the vice chancellor for student affairs or the vice-chancellor's equivalent for the institution, the dean of students or the dean's equivalent for the institution, the director of the law enforcement or security department for the institution, and the chief of the law enforcement or security department for the institution.
  - 2. An order given by any fireman or public health officer acting within the scope of the fireman's or officer's authority.
  - 3. If an emergency is occurring or is imminent within the institution, an order given by any law-enforcement officer acting within the scope of the officer's authority.
- E. Shall, after being forbidden to do so by the chief administrative officer, or the officer's authorized representative, of any public or private educational institution:
  - 1. Engage in any sitting, kneeling, lying down, or inclining so as to obstruct the ingress or egress of any person entitled to the use of any building or facility of the institution in its normal and intended use; or

2. Congregate, assemble, form groups or formations (whether organized or not), block, or in any manner otherwise interfere with the operation or functioning of any building or facility of the institution so as to interfere with the customary or normal use of the building or facility.
- F. Disrupts, disturbs or interferes with the teaching of students at any public or private educational institution or engages in conduct which disturbs the peace, order or discipline at any public or private educational institution or on the grounds adjacent thereto;
- G. Engages in conduct which disturbs the peace, order, or discipline on any public school bus or public school activity bus.
- H. Except as provided in subdivision (I) of this subsection, disrupts, disturbs, or interferes with a religious service or assembly or engages in conduct which disturbs the peace or order at any religious service or assembly.
- I. Engages in conduct with the intent to impede, disrupt, disturb, or interfere with the orderly administration of any funeral, memorial service, or family processional to the funeral or memorial service, including a military funeral, service, or family processional, or with the normal activities and functions occurring in the facilities or buildings where a funeral or memorial service, including a military funeral or memorial service, is taking place. Any of the following conduct that occurs within two hours preceding, during, or within two hours after a funeral or memorial service shall constitute disorderly conduct under this subdivision:
  1. Displaying, within 500 feet of the ceremonial site, location being used for the funeral or memorial, or the family's processional route to the funeral or memorial service, any visual image that conveys fighting words or actual or imminent threats of harm directed to any person or property associated with the funeral, memorial service, or processional route.
  2. Uttering, within 500 feet of the ceremonial site, location being used for the funeral or memorial service, or the family's processional route to the funeral or memorial service, loud, threatening, or abusive language or singing, chanting, whistling, or yelling with or without noise amplification in a manner that would tend to impede, disrupt, disturb, or interfere with a funeral, memorial service, or processional route.
  3. Attempting to block or blocking pedestrian or vehicular access to the ceremonial site or location being used for a funeral or memorial.

As used in this section the term "building or facility" includes the surrounding grounds and premises of any building or facility used in connection with the operation or functioning of such building or facility.

~~No person shall use any profane, swearing, cursing, or indecent, obscene, or abusive language, or sing any obscene song, so as to annoy any person, or engage in any loud and boisterous talking.-(Ord. of 6/27/27, Secs. 1, 8)~~

(Ord. Passed 10-7-1968, Amended 9-8-1980, **Amended X-X-2023**)



## CHAPTER 3: ANIMALS

### Section 8-3.1 Animal control

Cabarrus County's animal control ordinance is hereby adopted by reference to include all amendments and updates made in the future and is on file in the office of the Town Clerk. Pursuant to N.C.G.S. 153A-122, the animal control regulations in Chapter 10 of the Cabarrus County Code of Ordinances, adopted by Cabarrus County on August 17, 1992, as amended, shall be applicable within the Town of Mount Pleasant municipal limits and enforced within the Town of Mount Pleasant by proper officers and employees of Cabarrus County according to the terms of the county's ordinance and pursuant to N.C.G.S. 153A-123.

#### Animals at large

~~No person owning or having the custody of any animal shall allow such animal to pasture or run at large on any of the streets or other public places. (Ord. of 6/27/27, Secs. 30, 35)~~

#### Dogs

~~It shall be unlawful for the owner, keeper or harbinger of any dog to permit the dog to run at large within the Town, unless the dog is at all times under control of the owner, or a member of the owner's family, or the owner's servant or agent, by means of a leash or chain of sufficient strength and length to control the actions of the dog. At all other times, the dog shall be confined to the premises of the owner by a substantial fence of sufficient strength and height to prevent the dog from escaping therefrom, inside the house, or secure on the premises by a leash consisting of a metal chain of sufficient strength to prevent the dog from escaping from the premises and so arranged that the dog will remain upon the premises when the leash is stretched to full length.~~

### **8.3-2 Cruelty to animals; tethering of dogs**

In addition to N.C.G.S, Chapter 14, Article 47 regarding animal cruelty, the following regulations shall apply to the tethering of dogs:

- A. A tether shall be equipped with a swivel on both ends.
- B. A tether shall be a minimum of ten feet in length and shall be made of either metal chain or coated steel cable.
- C. Tethers shall be attached to a buckle type collar or harness and under no circumstances shall the tether itself be placed directly around a dog's neck. Tethers shall not be used in conjunction with training collars such as choke or pinch-style collars.
- D. The weight of the tether shall not exceed ten percent (10%) of the total body weight of the dog but shall be of sufficient strength to prevent breakage.
- E. The tether by design and placement shall allow the dog a reasonable and unobstructed range of motion without the possibility of entanglement, strangulation or other injury. The tether shall allow the dog access to adequate food, water and shelter.
- F. A dog must be four months of age or older to be tethered.
- G. Only one (1) dog shall be attached to a single tether.

- H. Pulley systems, running lines and trolley systems may be used in conjunction with a tether.
- I. Pulley systems, running lines or trolley systems shall be at least ten feet in length and no more than seven feet above the ground.
- J. The line of the pulley system, running line or trolley system to which the tether is attached shall be made of coated steel cable.
- K. No tether shall be affixed to a stationary object which would allow a dog to come within five (5) feet of any property line.
- L. Any tether, line in a pulley system, trolley system or running line which becomes so worn or damaged that it no longer meets the standards of this section, it shall be removed, repaired or replaced.

~~No animal shall be cruelly treated, nor shall any person mistreat, drive or work, or allow to be worked, any beast of burden that is physically disabled for labor or work; it shall be the duty of the Chief of Police, or any officer appointed by him, to pass upon the physical condition and fitness of all breast of burden for work and to inspect same. It shall also be unlawful to work, or allow to be worked, any beast of burden, or to compel same to work after having been notified by the Chief of Police, or the officer appointed by him, to discontinue or stop the working of such animal, or after any animal has been condemned. (Ord. of 6/27/27, Sec. 21, as amended herein)~~

~~“Chief of Police” shall mean any individual or agency chosen by the Board of Commissions to perform the duties assigned to the Chief of Police. (Ord. of 9/8/80)~~

### **Section 8-3.3 Maintaining livestock and fowl**

- A. "Livestock" shall include, but shall not be limited to, equine animals, bovine animals, sheep, goats, llamas, and swine (excluding a maximum of two (2) pot-bellied pigs of no more than 150 pounds and no more than 24 inches tall) (Source: Livestock Law, NCGS 68-15). "Fowl" shall mean turkeys, geese, chickens, ducks, or other domestic fowl (Source: Livestock Law, N.C.G.S. 68-25).
- B. In addition to the requirements of this section, the keeping of livestock and fowl shall comply with the zoning regulations of the Mount Pleasant Development Ordinance.
- C. It shall be unlawful for any person to permit any livestock or fowl to stray upon another resident's property within the corporate limits of the Town.
- D. No person shall maintain any livestock ~~cow, horse, mule, pony, goat or sheep~~ within 150 ~~200~~ feet of the residence of any person other than the owner within the corporate limits of the Town.
- E. All henhouses or other facilities for maintaining fowl must be at least 40 feet from any property lines of another residence or from the streets.
- F. Roosters are not permitted within the Town limits.
- G. All stables and stockyards occupied by animals shall be cleaned once a month.

~~H. If any anytime odor or noise becomes a nuisance, the owner will be notified and be given one (1) week to correct the problem or otherwise forfeit the privilege to maintain stock within the corporate limits.~~

I. No person shall leave standing unguarded any horse, mule or other such animal upon any street, alley or other public place. ~~Section 8-2007 Restrictions to animals in public places~~

#### ~~Section 8-2006 Animals on sidewalks~~

~~No person shall drive, lead or ride any horse, mule or other such animal upon any of the sidewalks of the Town.~~

~~It shall be unlawful for any person to permit any chicken, guinea, duck, or any other fowl belonging to him or under his control to stray upon another resident's property within the corporate limits of the Town. All facilities for maintaining fowl must be cleaned every two (2) months.~~

#### ~~Pig pens~~

~~No person shall maintain a pig pen or other enclosure for pigs within one hundred fifty feet of any dwelling house or room used for sleeping quarters.~~

#### ~~Section 8-2005 reserved~~

~~Editorial Note: Section 8-2005 concerning exhibition of certain animals was deleted by Ord. of 9/8/80.~~

### **Section 8-3.4 Animal sanitation**

- A. Any person owning, harboring, walking, in possession of or in charge of ~~a dog~~ an animal which defecates on public property, public park property, public right-of-way, or any private property without the permission of the private property owner, shall remove all feces immediately after it is deposited by the ~~dog~~ animal. All feces removed in accordance with this section shall be placed in a suitable bag or other container that closes and disposed of in a lawful manner.
- B. Any person, while harboring, walking, in possession of, or in charge of ~~a dog~~ an animal on public park property or public right-of-way shall have in his or her possession a bag or other container that closes which is suitable for removing feces deposited by the ~~dog~~ animal.
- C. The provisions of this Section shall not apply to blind or disabled persons using ~~dogs~~ certified service animals as guides.

### **Section 8-3.5 Bird sanctuary**

- A. The area embraced within the corporate limits of the Town, and all lands owned or leased by the Town outside the corporate limits, is hereby designated as a bird sanctuary.
- B. The bird clubs of the Town may erect such artistic signs, giving notice of the regulations herein provided, at such places and of such design as may be approved by the Board.  
(Ord. passed 10-4-1960) State Law Reference: N.C.G.S. 160A-188

### **Section 8-3.6 Hunting of wildlife prohibited; exceptions**

- A. No person shall shoot any wild game or other animal, whether wild or tame, with any gun, firearm or bow and arrow or willfully poison same within the Town, except on lands owned or managed by a

[recognized land conservancy or land trust, subject to the requirements and permission of the conservancy and North Carolina Wildlife Resources Commission.](#)

- B. A vermin removal permit may requested in writing to the Town Manager, under the advisement of the Cabarrus County Sheriff's Department, to eliminate an animal because it is destroying public or private property if all other measures have been attempted to remove the animal from the area without destroying it. In addition to this, the applicant must describe the method they intend to use in destroying the animal(s) and a notarized statement that they will assume liability should a person or property be damaged in the process. The Town Manager, under the advisement of the Cabarrus County Sheriff's Department must then verify the physical damage and evaluate the method used to destroy the animal(s) in order to assure that the public's health, safety, and welfare will be maintained. All approvals must be documented and kept on file in the office of the Town Clerk. This documentation shall include the specific date, time of day, method of disposal, type and number of animals, and the names of all parties involved. The Town shall give notice of approval to the applicant in the form of a permit. This permit shall be kept on the property in question and made available to law enforcement personnel upon request.

(Ord. passed 6-27-1927, Amended 10-4-1960, Amended 10-6-1980, Amended 6-1-1981, Amended 1-6-1997, Amended X-X-2023)

~~Editorial Note: Section 4 of this ordinance, not codified, and required that the entire ordinance be advertised at least once in the Concord Daily Tribune.~~

## CHAPTER 4: ABANDONED AND JUNK VEHICLES

### Section 8-4.1 Definitions

For the purposes of this ordinance, certain words and terms are defined below

**Abandoned Motor Vehicle.** In accordance with N.C.G.S. 160A-303, a motor vehicle which:

1. Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
2. Is left on property owned or operated by the Town for longer than 24 hours; or
3. Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two (2) hours; or
4. Is left on any public street or highway for longer than seven (7) days or is determined by law enforcement to be a hazard to the motoring public.

**Approved Motor Vehicle Cover.** A ready-fit cover made expressly for motor vehicles which will resist decay, mildew, and ultra-violet sunlight.

**Authorizing Official.** Any law enforcement officer on duty that day, the Town Administrator, or Code Enforcement Officer respectively, are designated to authorize the removal of vehicles under the provisions of this article.

**Hazardous 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, and including a vehicle found to be:

1. A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
2. A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
3. A point of collection of pools or ponds of water; or
4. A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or
5. One which has areas of confinement, such as trunks, hoods, etc., which cannot be operated from inside the area of confinement; or
6. One so situated or located that there is a danger of it falling or turning over; or
7. One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
8. One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
9. Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Board of Commissioners.

**Junked Motor Vehicle.** In accordance with N.C.G.S. 160A-303, a vehicle that does not display a current license plate upon that vehicle and that:

1. Is partially dismantled or wrecked; or
2. Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
3. Is more than five (5) years old and worth less than one hundred dollars (\$100.00) or is more than five (5) years old and worth less than five hundred dollars (\$500.00); or
4. Does not display a current license plate.

**Motor Vehicle or Vehicle.** All machines designed or intended to travel ~~over land~~ by self-propulsion or while attached to any self-propelled vehicle.

### **Section 8-4.2 Administration**

- A. The Town Manager and/or Cabarrus County Sheriff's Department shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the Town and on property owned by the Town.
- B. The Code Enforcement Officer and/or the Town Administrator shall be responsible for administering the removal and disposition of "abandoned," "hazardous" or "junked motor vehicles" located on private property. The Town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, hazardous vehicles and junked motor vehicles in compliance with this Chapter and applicable state laws.
- C. Nothing in this Chapter shall be construed to limit the legal authority or powers of officers of the Cabarrus County Sheriff's Department and Mount Pleasant Fire Department in enforcing other laws or in otherwise carrying out their duties.

~~The Town Manager, Code Enforcement Officer, and law enforcement shall be responsible for the administration and enforcement of this Chapter.~~

### **Section 8-4.3 Abandoned vehicle unlawful; removal authorized**

- A. Upon investigation, the proper authorizing official of the town may determine and declare that a vehicle is an abandoned motor vehicle as defined above, and order the vehicle removed.
- B. It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner of the real property upon which the vehicle is located to leave, cause or allow a motor vehicle to become an abandoned motor vehicle.

### **Section 8-4.4 Hazardous vehicle unlawful; removal authorized**

- A. Upon investigation, the proper authorizing official of the town may determine and declare that a vehicle is a health or safety hazard and a hazardous vehicle as defined above, and order the vehicle removed.
- B. It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner of the real property upon which the vehicle is located to leave, cause or allow such vehicle to remain on the property after it has been declared a hazardous vehicle.

### **Section 8-4.5 Junked motor vehicle regulated; removal authorized**

- A. It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner of the real property upon which a junked motor vehicle is located to leave or allow the junked motor vehicle to remain on the property after the vehicle has been ordered removed.
- B. Subject to the provisions of division (A) of this section, upon investigation, the Town Administrator or Code Enforcement Officer may order the removal of a junked motor vehicle as defined in this

ordinance, from private property to a storage garage or storage area after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following, among other relevant factors, may be considered:

1. Protection of property values;
  2. Promotion of tourism and other economic development opportunities;
  3. Indirect protection of public health and safety;
  4. Preservation of the character and integrity of the community; and
  5. Promotion of the comfort, happiness and emotional stability of area residents.
- C. Permitted concealment or enclosure of junked motor vehicle.
1. One (1) junked motor vehicle, in its entirety, may be located in the rear yard, as defined in the Town of Mount Pleasant Development Ordinance, provided the junked motor vehicle is entirely concealed from public view from a public street and/or abutting premises by an approved motor vehicle covering for not more than sixty (60) calendar days. Junked motor vehicles kept on the premises more than sixty (60) calendar days shall be kept inside a completely enclosed building. The Code Enforcement Officer has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in the preamble of this ordinance.
  2. Any one (1) or more junked motor vehicles kept for a period exceeding sixty (60) calendar days shall be kept within a garage or similar structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. Garages or similar structures mean either a lawful, nonconforming use or a structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.

#### **Section 8-4.6 Removal of abandoned, hazardous or junked motor vehicles; notice requirements**

- A. Except as set forth in Section 8-4.7 below, an abandoned, hazardous or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle [in accordance with N.C.G.S Chapter 20, Article 7A.](#)
- B. In the case of a hazardous vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. Reasonable diligence shall include:

1. Notice to the registered owner of the vehicle at his last known address according to the latest registration certificate or certificate of title on file with the North Carolina Division of Motor Vehicles; or
  2. Notice to the owner of real property as recorded in the Cabarrus County Register of Deeds Office; or
  3. Notice to the owner as contained in the records of the Town.
- C. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the Town on a specific date (no sooner than seven (7) days after the notice is affixed). The notice shall state that the vehicle will be removed by the Town on specified date, no sooner than seven (7) days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.
- D. Following the towing of a vehicle, the procedures of N.C.G.S. Chapter 20, Article 7B shall be followed. Any abandoned, hazardous or junked vehicle which has been ordered removed may, as directed by the proper authorizing official of the town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the Town. Whenever such a vehicle is removed, the authorizing Town official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:
1. The description of the removed vehicle;
  2. The location where the vehicle is stored;
  3. The violation with which the owner is charged, if any;
  4. The procedure the owner must follow to redeem the vehicle; and
  5. The procedure the owner must follow to request a probable cause hearing on the removal.
- E. The Town shall attempt to verbally contact the vehicle owner while sending written notice. The verbal contact and written notice shall include the information set forth in subsections (D) (1) through (5) above. The written notice shall also be mailed to the registered owner's last known address, unless the notice is waived in writing by the vehicle owner or his agent. If the vehicle is registered in North Carolina, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within seventy-two (72) hours of the removal of the vehicle.
- F. Whenever an abandoned, hazardous or junked motor vehicle is removed and such vehicle has no valid registration or registration plates, the authorizing Town official shall make reasonable efforts, including checking the vehicle identification number to determine the last known registered owner of the vehicle and to notify them of the information set forth in subsections (D) (1) through (5).



### **Section 8-4.7 Exceptions to prior notice requirement**

- A. The requirement that notice be given prior to the removal of an abandoned, hazardous or junked motor vehicle may, as determined by the authorizing official be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall in all cases be entered by the authorizing official in the appropriate daily records.
- B. Circumstances justifying the removal of vehicles without prior notice include:
  - 1. *Vehicles abandoned on the public streets.* For vehicles left on the public streets and highways, the Sheriff's Department or Town Administrator hereby determines that immediate removal of such vehicles may be warranted when they are:
    - a. Obstructing traffic;
    - b. Parking in violation of an ordinance prohibiting or restricting parking;
    - c. Parked in a no-stopping or standing zone;
    - d. Parked in loading zones;
    - e. Parked in bus zones; or
    - f. Parked in violation of temporary parking restrictions imposed under any town ordinance.
  - 2. *Other abandoned or hazardous vehicles.* With respect to abandoned or hazardous vehicles left on town-owned property other than the streets and highways and on private property, such vehicles may be removed without giving prior notice in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences; vehicles parked in such a location or manner as to pose a traffic hazard, or vehicles causing damage to public or private property.
  - 3. *Vehicles left on private property.* A vehicle may be removed that has been left on private property without the consent of the owner for longer than two (2) hours and the owner has complied with Section 8-4.12, or in those circumstances where there is a finding of a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorized official in the appropriate daily records.

### **Section 8-4.8 Appeals**

- A. The registered owner or person entitled to possessing a vehicle which has been determined to be an abandoned vehicle on private property, hazardous vehicle or junked motor vehicle who has received a notice pursuant to Section 8-4.6, that the vehicle will be removed, may appeal the determination.
- B. In the case of notice for removal of a junked motor vehicle where the determination has been made that the benefits of removing the vehicle outweigh the burdens on the private property owner, the registered owner or person entitled to possession of the junked motor vehicle may appeal that determination.
- C. Any appeal shall be made within ten (10) days upon receipt of the notice. All appeals shall be made to the Town Board of Commissioners in writing. Appeals held pursuant to this section shall be

conducted by the Board of Commissioners within forty-five (45) days after the receipt of a request for a hearing, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

#### **Section 8-4.9 Right to probable cause hearing before sale or final disposition of vehicle**

After the removal of an abandoned vehicle, hazardous vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the County Magistrate designated by the Chief District Court Judge to receive such hearing requests. The Magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of North Carolina G.S. §20-219.11, as amended.

#### **Section 8-4.10 Redemption of vehicle during proceedings**

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

#### **Section 8-4.11 Sale and disposition of unclaimed vehicle**

Any abandoned, hazardous or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such vehicle shall be carried out in accordance with N.C.G.S. §44A-1 through 44A-6.

#### **Section 8-4.12 Conditions on removal of vehicles from private property**

~~Except as provided in section 6(B), as a general policy, the town will not remove a vehicle from private property if the owner of such property could have the vehicle removed under applicable state laws. In no case will a vehicle be removed by the town from private property without a written request of the owner except in those cases where a vehicle is a hazardous vehicle or is a junked motor vehicle which has been ordered removed by the Town Administrator or Code Enforcement Officer pursuant to section 6(B).~~

The Town shall require any person requesting the removal of an abandoned, hazardous or junked motor vehicle from private property to indemnify the Town against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

#### **Section 8-4.13 Protection against criminal or civil liability**

Any person who removes a vehicle pursuant to this Chapter shall not be held liable for damages for the removal of the vehicle to the owner, lien holder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.

#### **Section 8-4.14 Exceptions**

Nothing in this Chapter shall apply to any vehicle which meets the following conditions:

- A. The vehicle is located in a bona fide "automobile graveyard" or "junkyard" as defined in N.C.G.S. §136-143, in accordance with the *Junkyard Control Act*, G.S. §136-141 et seq.; or

- B. The vehicle is in an enclosed building; or
- C. One (1) junked motor vehicle in its entirety, is located in the rear yard, as defined by the Mount Pleasant Development Ordinance, for no more than sixty (60) calendar days if the junked motor vehicle is entirely concealed from public view by an approved motor vehicle cover that is in good repair and must not be allowed to deteriorate; or
- D. The vehicle is in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

~~The motor vehicle is used on a regular basis for business or personal use. The vehicle is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or~~

#### **Section 8-4.15 Unlawful removal of impounded vehicle**

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

#### **Section 8-4-16 Junkyards prohibited**

It shall be unlawful for any person to operate an automobile wrecking or dismantling business or to store junked vehicles or parts thereof within the corporate limits of the Town.

~~Repeal and reenactment of existing Abandoned, Nuisance and Junked Vehicle Ordinance.~~

~~The rewriting of this ordinance in part carries forth by reenactment some of the provisions of the existing abandoned and junked motor vehicle ordinance of the town and is not intended to repeal, but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All provisions of the abandoned and junked vehicle ordinance which are not reenacted herein are hereby repealed.~~

~~These civil penalties are in addition to any other penalties which may be imposed by a court for violation of the provisions of this code of ordinances.~~

(Ord. passed 10-3-1966, Amended 8-25-2008, Amended X-X-2023)

## CHAPTER 5: PUBLIC NUISANCES

### Section 8-5.1 Definitions

**Appliance.** Any machinery and all instruments used in operating it, a mechanical thing, device or apparatus. The machine or instrument does not have to be operational.

**Building Material (also called Construction and Demolition Material).** Brick, stone, carpet, plumbing materials, plaster, concrete, asphalt, roofing, floor coverings, gutters, or other material or substances accumulated as a result of construction, repairs, or additions to existing structures or accessory structures or demolition of such.

**Business Trash.** Any accumulation of incidental waste products, garbage, other than household trash, which is associated with the operation of stores, offices, and commercial establishments.

**Garbage.** A by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking, and consumption of food or other matter which is subject to decomposition, decay, and/or the generation of noxious or offensive gases or odors, or which during and/or after decay may serve as breeding or feeding material for flies, insects, and/or animals.

**Hazardous Waste.** Potentially dangerous by-products which cannot be handled, treated, or disposed of without special precautions. Hazardous waste includes ignitable, corrosive, reactive, and toxic wastes such as acetone, gasoline, industrial metal, alkaline cleaners, acids, cyanide, chlorine, arsenic, pesticide wastes, paint, caustics, infected materials, offal, fecal matter (human and animal) and explosives.

**Household Trash.** Accumulation of sweepings, rags, or other matter of any kind, other than garbage and recyclables, which is usually attendant to housekeeping.

**Industrial Waste.** All waste, including solids, semi-solids, sludges and liquids created by factories, processing plants, or other manufacturing enterprises (sometimes referred to as special waste, as it requires special handling).

**Junk.** Any item creating a littered condition including, but not limited to household or office furnishings, household appliances, mattress, box springs, lawn equipment, machinery, or other similar items which are either in a wholly or partially rusted, wrecked, dismantled, or inoperative condition.

**Litter.** All discarded dead animals and man-made materials, including, but not limited to, solid waste materials, building materials, industrial materials, and hazardous waste.

**Premises.** Lots, including sidewalks, rights-of-way, easements, grass strips, or curbs up to the edge of the pavement of any public street.

**Recyclables.** Newspapers and accompanying inserts, magazines, junk mail, cardboard, glass, food and beverage containers, plastic soft drink and liquor bottles, spiral paper cans and yard waste.

**Rubbish.** Useless waste or any material thrown away as worthless.

**Solid Waste.** Solid waste is defined as accumulations consisting of any combination of business trash, garbage, household trash, bulky items, yard waste, recyclables and junk.

**Trash.** Defined herein as either household trash or business trash.

**Yard Waste.** Grass, weeds, leaves, tree trimmings, plants, shrubbery pruning, and such other similar materials which are generated in the maintenance of yards and gardens, which are separate from other solid waste materials and placed in a designated recycling collection area. Yard waste shall not include trees, tree limbs, brush and other material resulting from commercial tree trimmers and/or commercial lawn-care services.

### **Section 8-5.2 Declaration of a public health nuisance**

The following conditions shall constitute a nuisance to public health or safety and shall be prohibited within the Town [limits 's-jurisdiction](#):

A. Neglect of Property

It shall be unlawful for any person to endanger the public health, safety or welfare through the neglect of property by causing or allowing the accumulation of appliances, building materials, construction and demolition material, business trash, garbage, hazardous waste, household trash, industrial waste, junk, litter, recyclables, rubbish, solid waste, trash, yard waste or potentially dangerous devices to be discarded, abandoned, or remain on or emanate from any such property.

B. Unauthorized accumulation of solid waste, trash, recyclables, garbage, junk, rubbish or building material

1. It shall be unlawful for any person to allow or cause the accumulation of solid waste, trash, recyclables, garbage, junk, rubbish or building material which produces offensive, noxious or foul odors or vapors or which provides refuge or sustenance for rats, mice, snakes, or other vermin.

2. It shall be unlawful for the owner and/or occupant of any property to cause or allow the accumulation of solid waste, trash, recyclables, garbage, junk, rubbish or building material causing or threatening to cause a fire hazard or causing or threatening to cause the accumulation of stagnant water.

C. Unauthorized accumulation of litter

It shall be unlawful for any person to scatter, cast, throw, blow, place, sweep, or deposit any litter in such a manner that it may be carried or deposited upon any street, sidewalk, alley, body of water, sewer, parkway, lot, public property, or private property.

D. Dilapidated condition on premises

It shall be unlawful for any person to have on their premises material that creates a littered condition, such as but not limited to, lawn furniture, appliances, machinery, equipment, building materials, automotive parts, tires, fencing, or any other items which are in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition and which are not completely enclosed within a building or dwelling.

E. Uncontrolled growth of weeds and grass

It shall be unlawful for the owner and/or occupant of a property or property that has been to allow grass, weeds and other overgrowth vegetation to exceed a height greater than twelve (12) inches above the surrounding ground. It shall be the duty of the of the owner and/or occupant to cut and remove all grass, weeds and other overgrowth vegetation as often as necessary to comply with the provisions of this section. [Property owners are responsible for maintaining the grass and vegetation within the street right-of-way directly in front of their property, including any grass or buffer strip between the sidewalk and street curb or pavement.](#) The following shall not be considered overgrowth vegetation: 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.

- F. Unauthorized accumulation of hazardous or toxic materials and chemicals  
It shall be unlawful to accumulate hazardous or toxic materials and chemicals in an open place.
- G. Obstruction of Town or State rights-of-way  
It shall be unlawful for the owner and/or occupant of any property to cause or allow any trees or shrubbery that shall interfere with or endanger the use of the public streets; interfere with or obstruct illumination of street lights; obscure sight distance or create a traffic hazard; interfere with the visibility of any traffic control device or sign; obstruct or impair the free passage of pedestrians on sidewalks or other town or state rights-of-way at a vertical clearance of less than seven (7) feet; or endanger the life, health, safety or property of the public.
- H. [Placing of Trash, refuse, and garbage upon a street right-of-way](#)  
[Subject to N.C.G.S. 160A-303.1, no person shall place, discard, or dispose of any trash, refuse or garbage, including yard waste or grass clippings except an approved disposal method as prescribed by the solid waste collection policies of the Town for garbage, recycling, and yard debris. Grass clippings shall be removed from the roadway after mowing and shall not be deposited into a stormwater conveyance \(i.e. curb or inlet\). No yard debris shall be placed for collection in a manner that impedes the flow of stormwater.](#)
- I. Burned or partially burned buildings and structures  
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 Town Administrator or Code Enforcement Officer can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
- J. Storm or erosion damaged structures and resulting debris  
The existence of any of the following conditions associated with storm or erosion damaged structures or their resultant debris shall constitute a public nuisance:
  - 1. Damaged structure in danger of collapsing.
  - 2. Damaged structure or debris from damaged structures where it can reasonably be determined that there is a likelihood of personal or property injury.
- K. Conditions violating health department rules

Any condition detrimental to the public health, which violates the rules and regulations of the Cabarrus Health Alliance.

L. Any other conditions constituting a nuisance.

In addition to the conditions set out in this section, any other condition declared by the Town Board of Commissioners to pose a threat to the public's health or safety, also shall constitute a nuisance and shall be prohibited within the Town's jurisdiction.

**Section 8-5.3 Notice to abate public health nuisance**

Pursuant to N.C.G.S. 160A-193, the following shall apply to abatement of public health nuisances:

- A. Upon a determination that such conditions constituting a public health nuisance exist, the Code Enforcement Officer shall notify, in writing, the owner/responsible party as shown on the most recent Cabarrus County tax records, occupant, and/or person in possession of the premises in question of the conditions constituting such public health nuisance and shall order the prompt abatement thereof within ~~fifteen (15)~~ ten (10) days from the date the notice is served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the notice may also be sent by regular mail. Notice shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, a copy of the Notice to Abate Public Health Nuisance shall be posted in a conspicuous place on the premises affected. Within the ~~fifteen (15)~~ ten (10) day period, the owner, occupant, and/or person in possession of the premises where the nuisance exists may appeal the findings of the Code Enforcement Officer by giving written notice of appeal to the Town Clerk, the appeal to stay the abatement of the nuisances until a final determination by the Town Board of Commissioners. In the event no appeal is taken, the town may proceed to abate the nuisance.
- B. The Town Board of Commissioners, in the event an appeal is taken as provided in Section 6 (A) may, after hearing all interested persons and reviewing the findings of the Code Enforcement Officer, reverse those findings, but if the Town Board of Commissioners determines that the findings of the Code Enforcement Officer are correct and proper it shall adopt an ordinance specifically declaring that the condition on the property to be a danger and hazard to the health, safety, morals, and general welfare of the inhabitants of the town and a public nuisance and directing the Code Enforcement Officer to cause the conditions to be abated.
- C. An owner of real property whereupon, in the previous calendar year, the Town of Mount Pleasant took remedial action at least three (3) times during the previous calendar year to abate a nuisance pursuant to ~~Section 3 (5) of this Chapter ordinance -Uncontrolled growth of weeds or grass~~, shall be deemed a chronic violator. A chronic violator as defined herein shall be notified by the Code Enforcement Officer if property owned, occupied, or in possession of the chronic violator is determined to be in violation of this Chapter, Section 3 (5) the Town may take action to remedy the violation without further notice during the calendar year in which annual notice is given and the expense of such action including any administrative fees shall become a lien upon the property and shall be collected as unpaid taxes. The initial annual notice required herein shall be served by registered or certified mail and shall be complete upon delivery or deposit of the notice along with the appropriate fees under the care of the United States Postal Service.
- D. Abatement of a public nuisance shall consist of taking whatever appropriate steps are reasonably necessary to remove the condition or conditions which result in the declaration of a public nuisance.

Without limitation the Code Enforcement Officer, in ordering the abatement of a public nuisance, may require the removal of debris, rubbish, accumulations of animal or vegetable matter, growth of weeds and grass, burned or partially burned buildings, the isolation of the condition to be abated so that access cannot be gained by persons or property which may be injured by the nuisance or such other steps which are reasonably necessary to abate the nuisance.

#### **Section 8-5.4 Failure of owner to abate public health nuisance**

- A. If any person, having been ordered to abate such a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within ~~fifteen (15)~~ **ten (10)** days of being provided notice, he or she shall be subject to penalties and remedies set forth in Section 1.1-5 of the Code of Ordinances. ~~prosecution for violation of this Chapter in accordance with law~~ and each day that such failure continues shall be a separate offense. In addition, the Code Enforcement Officer may have the condition described in the notice abated, removed or otherwise corrected by whatever means deemed necessary and all expenses incurred thereby shall be chargeable to and paid by the owner of the property.
- B. The actual cost incurred by the abatement of said violation or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the Town Clerk or designee to mail a statement of such charges to the owner with instructions that such charges are due and payable within thirty (30) days from the receipt thereof.
- C. In the event charges for the removal or abatement of a public nuisance are not paid within thirty (30) days after the receipt of a statement of charges, such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid property taxes, as provided in N.C.G.S. 160A-193.

(Ord. passed 8-25-2008, Amended ~~X-X-2023~~)

#### ~~Alternate remedies~~

~~The procedures set forth in this Ordinance shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this Ordinance shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this Ordinance as provided in N.C.G.S. 14-4.~~

#### ~~Administration and Enforcement Responsibility.~~

~~The Town Administrator and the town's Code Enforcement Officer or their designee(s) are hereby charged with the administration and enforcement of this ordinance.~~

#### ~~Complaints and investigations.~~

~~The Town Administrator or Code Enforcement Officer shall, upon notice from any citizen or *elected* public official of the existence of any of the conditions described in Section 3, investigate to determine whether conditions exist as to constitute a public nuisance as declared in Section 3.~~

#### ~~Repeal and reenactment of existing nuisance ordinance of the Town of Mount Pleasant.~~

~~The rewriting of this Ordinance in part carries forth by reenactment some of the provisions of the existing Nuisance Ordinance of the town and is not intended to repeal, but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All provisions of the Nuisance Ordinance which are not reenacted are hereby repealed.~~

~~CHAPTER 5 General Health Regulations (Reserved)~~



## CHAPTER 6: PUBLIC PARKS AND FACILITIES

### Section 8-6.1 Definitions

For the purposes of this Section, the following definitions shall apply:

**Camp or camping.** The use of public property for living accommodation purposes such as sleeping, or making preparations to sleep (including the laying down of bedding for the purposes of sleeping), or storing personal belongings, or placing any tent or a temporary shelter on public property for living accommodation purposes.

**Canopy.** A partial shelter consisting of poles supporting a roof made of nylon, fabric or similar material.

**Public Park.** Any publicly land owned, leased, operated, or maintained by a local, state, or federal unit of government land which is designated by the Town of Mount Pleasant as a park, greenway, or recreational facility.

**Public property or facility.** Any land or building owned, leased, operated or maintained by a local, state, or federal unit of government.

**Registered Sex Offender.** An individual who is registered by any state or federal agency as a sex offender and whose name is published on any state or federal registered sex offender listing, including but not limited to the sex offender registry established in N.C.G.S. Chapter 14, Article 27A.

**Temporary Shelter.** Any tent, any tarp, or any type of structure or cover that provides complete or partial shelter from the elements.

**Town property.** Any parcel of real property owned by the Town of Mount Pleasant including property located within public rights-of-way and sidewalks and any personal property owned by the Town of Mount Pleasant.

### Section 8-6.2 Use of Town and public facilities; no loitering

- A. Town facilities have been constructed and such buildings and the surrounding premises are maintained for the use of the general public in transacting business with the offices, agencies, or departments that are housed in the facilities.
- B. It is in the best interest of the public that the Town buildings, parks, parking lots, and the surrounding premises not be a gathering place or center for persons who do not have any business or are not present to transact any business with any of the offices, agencies, or departments that are located in the facilities, or participate in authorized activities on the premises. Therefore:
  1. No person shall be or remain inside any Town-owned or leased facility or on the surrounding premises owned by the Town to include the adjacent walkways, yards, and parking lots, unless he or she is present as a spectator at any public meeting of the Board of Commissioners or other Town agency or any other public meeting or event authorized to be held in a Town facility or to participate in activities provided at a public park.

2. Any person who is not authorized to be inside at any Town facility or on the surrounding premises as set out in Subsection (1) and who remains on such premises after having been instructed to leave the premises is trespassing and is subject to the penalties outlined in N.C.G.S. Chapter 14, Article 22B. In the event that any damage is caused, the person(s) shall be subject to the penalties outlined in N.C.G.S. Chapter 14, Article 22. ~~shall be guilty of a misdemeanor and, upon conviction, may be punished in accordance with Section 1-1005 of the Town Code of Ordinances.~~

C. It shall be unlawful for any person in any public park to:

1. Solicit alms or contributions for any purpose, whether public or private, except charitable solicitations specifically approved by the director of parks and recreation.
2. Build or attempt to build a fire in any park except in such areas and under such regulations as may be designated by the director; drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable materials within any park area.
3. Enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices.
4. Sleep in a prone position on the seats, tables or benches.
5. Fail to produce and exhibit any permit from the Town upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
6. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.
7. Enter or remain upon the premises of any park or any portion of any park after closing hours, which shall be sunrise to sunset, except that if lighting is on at McAllister Field and the Town Playground for a permitted event, then the facilities may be used.
8. Camp or take shelter, meaning the use of public park land for living accommodation purposes such as sleeping, or making preparations to sleep (including the laying down of bedding for the purposes of sleeping), or storing personal belongings, or placing any tent or a temporary shelter on public property for living accommodation purposes. This shall not apply to public facilities at parks that are set up for camping and have a permit or registration process established.
  - a. It is unlawful for any person to camp on any Town property including property located within public rights-of-way and sidewalks.
  - b. Tents, temporary shelters or other camping gear are prohibited on Town property regardless of whether the tents are occupied and/or contain bedding or camping gear, except in locations designated in writing for camping and established or permitted for such activity. It is unlawful for any person to place or leave any tent, any temporary shelter, or any bedding on Town property.

- c. It is unlawful for any person to light or use a campfire or bonfire on Town property.
  - d. It is unlawful to erect, station, hang, fasten, or attach any rope, wire, chain, sign, banner, or electrical device or power cord to any public property, including buildings, bridges, overpasses, vehicles, construction equipment, memorials, utility poles or artwork unless express permission has been granted in writing by the Town Manager.
  - e. Canopies may be allowed under parade and/or festival permits issued by the Town.
  - f. Camping on public property, including property located within public rights-of-way and sidewalks, is a public nuisance. Anyone camping, attempting to camp, or placing any tent or temporary shelter on public property or making preparations to sleep, or store personal belongings, shall be directed by any duly sworn law enforcement officer to cease such activity and to remove any camping gear or personal belongings from public property. Any duly sworn law enforcement officer may summarily cause any tent, temporary shelter, bedding or personal belongings to be removed from public property.
9. Light or use a campfire or bonfire on Town property poses a potential danger to the public, any person lighting or using a bonfire on Town property shall be directed to stop, to extinguish any burning material, and to remove same once that can be safely done. Any duly sworn law enforcement officer may summarily cause any burning material to be extinguished.
10. ~~Use skates, skateboards, etc. or similar devices in or about the Town's facilities in a manner that causes damage or undue wear on buildings or other site amenities. and surrounding premises unless expressly permitted by formal authority of the Town Board of Commissioners.~~
- D. In addition to the penalties set forth in Code of Ordinances Section 1-1.5, the violator may be charged with a misdemeanor punishable in accordance with the provisions of N.C.G.S. 14-4.

### **Section 8-6.2 Sex offenders prohibited in public parks**

- A. No registered sex offender shall enter upon any public park ~~operated by the Town of Mount Pleasant.~~ Each entry into a public park, regardless of time period between such entries, shall constitute a separate offense under this Section.
- B. **A violation of this Section is a misdemeanor as set forth in N.C.G.S 14-4.**
- C. The Town shall post this regulation at the main entrance of each public park.

(Ord. passed 1-9-1995, Amended **X-X-2023**)

## CHAPTER 7: NOISE

As authorized by N.C.G.S. 160A-184, the following regulations shall apply to noise within the Town of Mount Pleasant:

### Section 8-7.1 Definitions

The following definitions apply to this Chapter:

**Motor Vehicle or Vehicle.** All machines designed or intended to travel by self-propulsion or while attached to any self-propelled vehicle. This includes, but is not limited to cars, trucks, motorcycles, dirt bikes, four-wheelers, all-terrain vehicles, and similar vehicles.

**Noise.** Any sound or combination of sounds which, because of its volume, duration or intensity, tends to annoy, disturb, or frighten persons of ordinary sensibilities.

**Noise sensitive area.** Areas that include, but are not limited to, where a school, hospital, nursing home, church, court, public library or similar institution is located.

**Sound.** Any disturbance of the air that is detectable by the unaided human ear or which produces vibrations detectable by persons of normal perceptions.

**Sound amplification device.** Any device or instrument for amplifying the human voice, music or other sound, including but not limited to loudspeakers, stereos, radios, or similar devices, portable or otherwise.

### Section 8-7.2 **Loud, disturbing noise in general**

No person shall make, continue, or cause to be made or continued:

- A. Any unreasonably loud and raucous noise; or
- B. Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensibilities, within the jurisdictional limits of the Town of Mount Pleasant; or
- C. Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.
- D. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:
  1. The proximity of the sound to sleeping facilities, whether residential or commercial;
  2. The proximity of the sound to the noise sensitive areas;
  3. The land use, nature, and zoning of the area(s) from which the sound emanates and the area where it is received or perceived;

4. The time of day or night the sound occurs;
5. The duration of the sound; and
6. Whether the sound is recurrent, intermittent, or constant.

### **Section 8-7.3 Prohibited noises**

The following acts are declared to be violations of this Section.

#### A. Unreasonable noises

The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with usual activities or the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.

#### B. Vehicle horns, signaling devices, and similar devices

The sounding of any horn signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the Town of Mount Pleasant, for more than ten (10) consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt for this prohibition.

#### C. Non-emergency signaling devices

Sounding or permitting the sounding of any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than ten consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors, or by governments for traffic control purposes are exempt from the operation of this provision.

#### D. Emergency signaling devices

The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided by subsections (1) and (2) below:

1. Testing of an emergency signaling device shall occur between 7:00 a.m. and 10:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.
2. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within 15 minutes of activation unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this article.

- E. Radios, televisions, stereos, musical instruments, amplifiers, loudspeakers, and similar devices  
The use or operation of a radio, television, musical instrument, amplifier, loudspeaker, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passers-by, or is plainly audible at a distance of:
1. 100 feet from any property line within a commercial, industrial, or mixed-use zoning district as established in the Mount Pleasant Development Ordinance (C-1, C-2, O-I, CC, I-1, I-2);
  2. 50 feet from any property line within a residential zoning district as established in the Mount Pleasant Development Ordinance (AG, RE, RL, RM, RH);
  3. 30 feet from any single-family residential use; and
  4. 30 feet from any noise sensitive area as defined in Section 8-7.1.
- F. Commercial establishments adjacent to residential property  
Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 11:00 p.m. and 7:00 a.m. which is plainly audible at a distance of 30 feet or less from any residential property line.
- E. Yelling, shouting, and similar activities  
Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places, between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.
- F. Animals and birds  
Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird. Sounds made by animals or birds in animal shelters, kennels, veterinary hospitals, pet shops or pet kennels, approved in accordance with the Mount Pleasant Development Ordinance, are exempt from this subsection;
- G. Loading or unloading merchandise, materials, equipment  
The creation of unreasonably loud and raucous noise in connection with the loading or unloading of any vehicle at a place of business or residence.
- H. Construction or repair of buildings, excavation of streets and highways  
Unreasonably loud and raucous noise emitted from the construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 10:00 p.m. In cases of emergency, construction or repair noises are exempt from this provision. In non-emergency situations, the Town Manager may issue a permit, upon application, for construction during times outside these hours to accommodate unusual circumstances.
- I. Noise sensitive areas—Schools, courts, churches, hospitals, and similar institutions

The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of the institution or which unreasonably disturbs the persons in these institutions, provided that conspicuous signs delineating the boundaries of the noise sensitive area are displayed in the areas surrounding the noise sensitive area.

J. Lawnmowers, Blowers, and similar devices

In residential or noise sensitive areas, between the hours of 10:00 p.m. and 7:00 a.m. the operation of any noise-creating yard maintenance device that is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.

#### **Section 8-7.4 Exemptions**

Sounds caused by the following are exempt from the prohibitions set out in 8-7.2 and 8-7.3 and are in addition to the exemptions specifically set forth in section 8-7.3:

- A. Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.
- B. Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, except that the prohibitions contained in subsection 8-7.3 (D) continue to apply.
- C. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- D. Repairs or excavations of bridges, streets or highways by or on behalf of the Town of Mount Pleasant, the state, or the federal government, between the hours of 10:00 p.m. and 7:00 a.m. when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 10:00 p.m.
- E. Governmental non-emergency signaling devices.
- F. Outdoor school and playground activities. Normal activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used including but not limited to, school athletic and school entertainment events.
- G. Other outdoor events. Outdoor gatherings, public dances, shows, sporting and athletic events, parades, festivals or similar scheduled events which are conducted, sponsored or approved by the Town.

#### **Section 8-7.3 Motor Vehicle Noise**

- A. It shall be unlawful to engage a motor vehicle in jackrabbit starts, spinning of tires, racing engines or other operations which create unreasonably loud and disturbing noises.

- B. It shall be unlawful for any person to operate or cause to be operated a motor vehicle unless the exhaust system is free from defects which affect sound reduction.
- C. It shall be unlawful for any person to operate a motor vehicle which has been modified by the installation of a muffler cutout or bypass.
- D. It shall be unlawful to operate motor vehicles off-road which create unreasonably loud and disturbing noises except for emergency purposes and except to attain access from private property to public rights-of-way.
- E. It shall be unlawful for any motor vehicle to use loudspeakers or amplifiers for advertising or similar purposes.
- F. It shall be unlawful to use a motor vehicle on any street, road, or highway within the Town's jurisdiction where the engine compression brake is in any engaged or activated on such motor vehicle or any unit a part thereof, except for emergency situation for the purpose of avoiding collision with another object, person or vehicle. Engine compression brakes means a device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes (commonly referred to as a "Jake brake", "Jacob's brake", "engine brake" or "dynamic braking device"). ~~Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor and upon conviction shall be punished in accordance with NCGS 15A-1340.23 (c).~~
- G. It shall not be a violation of this subsection during any event deemed an emergency for the purpose of avoiding a collision with another object, person or vehicle.
- H. This subsection shall not apply to government-owned or operated vehicles.

#### **Section 8-7.4 Noise Permit**

- A. It shall be unlawful for any person to use or cause to be used any sound amplifying device, musical or other instrument for entertainment, advertising or other purposes, or to otherwise engage in any activity creating noise which exceeds the standards set forth in sections 8-7.2 and 8-7.3, without obtaining a Noise Permit in advance of these activities.
- B. All applications for noise permits shall be promptly considered and acted upon by the Town Manager or designee. In considering and acting on all applications for permits, the Town Manager shall consider, but shall not be limited to, the following factors:
  1. The nature and duration of the proposed activity;
  2. Other uses in the vicinity or location proposed for the activity;
  3. Effect of the activity on nearby residential areas;
  4. Cultural, social, recreational and/or educational benefits of the proposed activity;
  5. Previous experience with the applicant; and
  6. Previous violations of this noise article, if any, by the applicant.
- C. Taking into consideration the factors listed in subsection (B) above, the Town Manager or designee shall issue a noise permit upon finding that, under all of the circumstances, the noise-generating



activity will not unduly annoy, disturb, injure, or endanger the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities.

- D. The Town Manager or designee may impose such reasonable and appropriate conditions upon the permit as he deems necessary to assure that the proposed noise-generating activity will be consistent with the intent of this section.
- E. The permit holder(s) shall agree to be available at the site of the event during the entire time for which a permit has been issued and in assisting in the enforcing of the permit conditions. Failure of the permit holder(s) to be present or to assist in complying with this Section will be cause for revocation of said permit.
- F. A permit may be denied or revoked in the following cases:
  - 1. The activity constitutes a threat to the health, safety or welfare of others;
  - 2. The applicant has violated any provisions of this article within 12 months preceding the date of the application;
  - 3. The applicant violates any of the permit conditions during the time allowed for the permitted activity; or
  - 4. The activity interferes with another previously permitted activity.
- G. Appeals of noise permit denial shall be made within 30 days of such denial and shall be heard by the Town Board of Commissioners. The decision of the Town Board of Commissioners is subject to review in the Superior Court of Cabarrus County by proceedings in the nature of certiorari. Any petition for writ of certiorari for review shall be filed with the clerk of superior court within 30 days after the applicant has received notice of the decision of the Town Board of Commissioners.

#### ~~Section 8-6001 Unnecessary noises prohibited~~

~~It shall be unlawful for any person, firm or corporation to create or assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the Town. Noise of such character, intensity and duration as to be detrimental to the life or health of individuals is prohibited.~~

#### ~~Section 8-6002 Same; noises expressly prohibited~~

~~The following acts, amount others, are declared to be loud, disturbing and unnecessary noises, in violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:~~

~~—(1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after, or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time;~~

~~—(2) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle, or the spinning of the vehicle tires;~~

~~—(3) The use or operation of any piano, manual or automatic, phonograph, radio, loud speaker, or any other instrument or sound amplifying devices so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance; provided, however, permission by the Town Clerk~~

~~may be granted to responsible organizations to produce programs in music, speeches or general entertainment;~~

~~—(4) The keeping of any animal or bird which by causing frequent or loud 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 steam whistle attached to any stationary boiler except to give notice of the time to begin to 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 except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.~~

~~—(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 AM and 6:00 PM on weekdays except in the case of urgent necessity in the interest of public safety;~~

~~—(10) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same is in session, or within one hundred and fifty (150) feet of any hospital, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, court, or hospital street;~~

~~—(11) The creation of any excessive noise on Sundays on any street adjacent to any church, provided, conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street;~~

~~—(12) The creation of loud and excessive noise in connection with loading or unloading any vehicle, of the opening and destruction of bales, boxes, crates or containers;~~

~~—(13) The sounding of any bell or gong, attached to any building or premises which disturbs the quiet of repose of persons in the vicinity thereof;~~

~~—(14) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood;~~

~~—(15) The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise;~~

~~—(16) The use of any mechanical loud speakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the Board;~~

~~—(17) 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 therefrom between the hours of 11:00 PM and 7:00 AM;~~

~~—(18) The firing or discharging of squibs, crackers, gunpowder or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance except by permit from the Board; or~~

~~—(19) The disturbance by noise or otherwise of any public speaker or his audience (Ord. of 6/27/27, Sec. 27)~~

~~No person shall willfully interrupt or attempt to interrupt by word, sign or otherwise, any student at any public or private school in the performance of his or her duty as a student, or in like manner interrupt any prescribed exercise, mental or physical, of such student or students, whether said student or students shall be within or without the premises of such public or private school. (Ord. of 6/27/27, Sec. 28)~~

## CHAPTER 8: GENERAL OFFENSES

### Section 8-8.1 Weapons

- A. It shall be unlawful for any person to shoot or discharge by bow-and-arrow(s), crossbow, gun, pistol or other firearm, BB gun, air compression gun, spring gun or other similar device which propels with force a shot, pellet or other projectile within the municipal corporate limits of the Town of Mount Pleasant.
- B. Nothing in this section shall be construed so as to prohibit:
1. Any person from discharging any firearm in the lawful defense of his person, family or property or pursuant to the lawful directions of law enforcement officers;
  2. Any sworn law enforcement officer from discharging a firearm in the performance of official duties;
  3. Any person corporation or organization operating a rifle, pistol, skeet or trap range or other firing range including turkey shoots, which range is substantially in accordance with specifications promulgated by the National Rifle Association or by an equivalent nationally recognized firearms safety authority for the type and caliber of firearm being fired;
  4. Any person using, as intended, any device used for the firing of stud cartridges, explosive rivets or similar ammunitions;
  5. Any person using model rockets designed to propel a model vehicle in a vertical direction;
  6. Any person using a weapon or other instrument used to fire blank ammunition for a lawful purpose;
  7. Any person from discharging a firearm as part of a funeral ceremony;
  8. [Hunting on conservation lands or vermin control as permitted by Section 8-3.6.](#)
  9. Any person engaged in a commercial livestock operation from using a firearm or other weapon in defending any commercial animal against any other animal.
- C. [In addition to the penalties set forth in Section 1-1.5, any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor and shall be fined \\$500.00 or imprisoned 30 days, or both.](#) ~~Violators may be subject to a civil penalty of \$500.00 to be recovered in the nature of a debt.~~

(Ord. passed 11-7-2011, Amended 2-11-2019, Amended X-X-2023)

## Section 8-8.2 Posting advertising

- A. In accordance with N.C.G.S. 14-145, any person who in any manner paints, prints, places, or affixes, or causes to be painted, printed, placed, or affixed, any business or commercial advertisement on or to any stone, tree, fence, stump, pole, automobile, building, or other object, which is the property of another without first obtaining the written consent of such owner thereof, or who in any manner paints, prints, places, puts, or affixes, or causes to be painted, printed, placed, or affixed, such advertisement on or to any stone, tree, fence, stump, pole, mile-board, milestone, danger sign, danger signal, guide sign, guide post, automobile, building, or other object within the limits of a public highway, shall be guilty of a Class 3 misdemeanor .
- B. Further, no person shall stick, paint, brand, stamp, write or put upon any house, fence, wall, pavement, post, utility pole, or upon any property owned by any person, firm or corporation, utility provider, or owned by the Town, any printed, written, painted or other advertisement, bill, notice, sign or poster, without first having obtained the written permission of the owner of such property.
- C. Such posting shall also adhere to the sign regulations in the Mount Pleasant Development Ordinance.

(Ord. passed 6-27-1927, Amended X-X-2023)

## Section 8-8.3 Abandonment of refrigerators and other containers

In accordance with N.C.G.S 14-318.1, it shall be unlawful for any person, firm or corporation to discard, abandon, leave or allow to remain in any place any icebox, refrigerator or other container, device or equipment kind with an interior storage area of more than one and one-half cubic feet of clear space which is airtight, without first removing the door or doors or hinges from such icebox, refrigerator, container, device or equipment. This section shall not apply to any icebox, refrigerator, container, device or equipment which is being used for the purpose for which it was originally designed, or is being used for display purposes by any retail or wholesale merchant, or is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

(Ord. passed 10-3-1966, Amended X-X-2023)

~~No person shall have upon any premises owned or occupied by him any abandoned refrigerator or similar device whose door is fastened when closed and cannot be opened from the inside or is more difficult to open from the inside than from the outside.~~

## Section 8-8.4 Injuring property; vandalism

In accordance with N.C.G.S. Chapter 14, Article 22, no person shall willfully or negligently damage or deface any church, school, walk, bridge, doorstep, gate, sign, signboard, street, post, pole, wire, apparatus, building, water hydrant, residence, wall, fence or other property in or of the Town, nor shall any person willfully or negligently obstruct any drain therein. Any person violating this section shall be subject to the penalties set forth in N.C.G.S. Chapter 14, Article 22. ~~pay for the damage done in addition to other penalties.~~

### **Section 8-8.5 Damaging ~~shade~~ trees**

In accordance with N.C.G.S. 14-128, no person shall willfully destroy or damage in any way any of the ~~shade~~ trees along the streets or sidewalks, except public entities and utility providers in the exercise of their duties of transportation and utilities maintenance with rights-of-way for such infrastructure.  
(Ord. passed 6-27-1927, Amended X-X-2023)

### **Section 8-8.7 Fireworks**

Except as permitted under N.C.G.S. Chapter 14, Article 54, no person shall fire any kind of fireworks within the Town Limits.  
(Ord. passed 6-27-1927, Amended X-X-2023)

### **~~Fire bombs prohibited (prohibited by State Law)~~**

~~(a) For the purpose of this section, the following terms shall have the meanings herein ascribed:~~

~~(1) "Molotov Cocktail" is defined as any breakable container, or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which are filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.~~

~~(2) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.~~

~~(b) It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.~~

~~(c) It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises. The provisions of this section shall be cumulative and in addition to any other ordinance or General Statute of North Carolina of this subject.~~

~~Same; enforcement The Mayor, and in his absence, the Mayor Pro Tempore, and in the absence of both officials, the Cabarrus County Sheriff Department, shall be and they are hereby authorized to enforce the preceding section for such periods of time as they shall deem necessary.~~

~~Exhibitions It shall be unlawful for any person to open, maintain or operate a museum of anatomy as a source of profit or business, and it shall likewise be unlawful to exhibit the human form or parts thereof as a business or source of profit.~~

~~Junk yards prohibited (In MPDO)~~

~~It shall be unlawful for any person to operate an automobile wrecking or dismantling business or to store junked vehicles or parts thereof within the corporate limits of the Town. (Ord. of 10/3/66)~~

### **~~Section 8-6014 Reckless driving (covered in Part 7 and by State Law)~~**

~~No person shall drive any automobile, truck, motorcycle, or any other type of motor propelled vehicle, in a negligent, careless, reckless, or dangerous manner. (Ord. of 6/27/27, Sec. II)~~

~~Interference with school programs~~