



**COMMUNITY & BUSINESS DEVELOPMENT DEPARTMENT
BUSINESS DEVELOPMENT DIVISION
Permit Payment Form**

Date: _____

Applicant Name: _____

- Exhibition Show/Special Events Permit (\$50.00) ... Account Number: 0172-42401
- Foot Peddler Permit (\$25.00) Account Number: 0172-42402
- Pushcart/Mobile Food Unit Permit (\$75.00) Account Number: 0172-42403
- Sidewalk Dining Permit (\$35.00) Account Number: 0172-42404

Business License Yes No N/A (License # _____ Expiration Date: _____)

NOTE: If vendors will be present at an Exhibit Show/Special Event, permit holder must obtain a blanket Business License to cover all vendors, or each vendor must have his/her own individual Business License. Contact Community and Business Development Department at 336-734-1251 for more information.

Payment Address:
Revenue Department, Suite 121
Bryce A. Stuart Municipal Bldg.
100 E. First Street
Winston-Salem, NC 27101

Application and Payment Receipt Returned to:
Community & Business Development, Suite 423
Bryce A. Stuart Municipal Bldg.
100 E. First Street
Winston-Salem, NC 27101

APPLICATION TO OPERATE A SIDEWALK CAFÉ IN THE CENTRAL BUSINESS
OR PEDESTRIAN BUSINESS ZONING DISTRICT

January 1, 2012 through December 31, 2012

*Return this application, support documents, and a receipt from the City Revenue Office showing payment of the \$35.00 application fee to:
Community and Business Development Department, Stuart Municipal Building, Suite 423, 100 E. First Street, Winston-Salem, NC 27101*

Restaurant Name and Address: _____

Restaurant Owner(s):

Restaurant Operator(s):

Name: _____

Name: _____

Address: _____

Address: _____

Telephone: _____

Telephone: _____

e-mail: _____

e-mail: _____

(If the restaurant is operated by a person, firm or corporation who is NOT the owner, this application must be filled out jointly.)

Types of Food and Beverage to Be Served: _____

Hours of Operation

Restaurant: _____

Sidewalk Café: _____

*(Sidewalk café hours can be no later than 1:00 a.m. Sunday through
Wednesday evenings or 2:00 a.m. Thursday, Friday, & Saturday evenings)*

The following documents must be included for your application to be reviewed:

- This Application***
- Receipt from City Revenue Office showing payment of \$35.00 application fee***
- Insurance Agreement*** – Completed and signed agreement including corporate secretary attestation. See attached form.
- Site Plan*** – In the box at the bottom of the second page of this application, draw the section of the sidewalk to be used for the sidewalk café and section to be kept clear for pedestrian use. Provide dimensions and the proposed placement of tables, chairs, barricades and other furnishings within the sidewalk or pedestrian way. Required distances of unobstructed space are described in Sec. 74-292(d)(4) of the City Code (see attachment). A sample site plan is included with this application.
- Certificate of Insurance (form ACORD 25)*** – Comprehensive general liability insurance with the City of Winston-Salem named as an additional insured. Required coverage limits are described in Sec. 74-292(e) of the City Code (see attachment).
- Licenses and Permits*** – Copies of those licenses and permits issued by the State of North Carolina, County of Forsyth and City of Winston-Salem necessary for the operation of the restaurant business (e.g. privilege license, certificate of occupancy, ABC permit, most recent health department sanitation rating).
- Violations*** – A sworn statement describing any violation by the restaurant operator of any laws, regulations or ordinances relating to the possession, sale, consumption or transportation of intoxicating beverages or controlled substances during the five years immediately preceding the date of the permit application.

(continued)

Indemnity – I have read the **Winston-Salem City Code of Ordinances - Article X** regarding Sidewalk Cafes and **Sec. 46-5 and 46-6** regarding Sounds impacting residential life. I have read the **Forsyth County Code of Ordinances - Sec. 15-1** regarding Loud and disturbing noise that was also adopted by the City of Winston-Salem. I understand that if I am granted a permit, I must abide by the provisions of said ordinances and any other applicable ordinances and state laws and agree to indemnify and hold harmless the City, its officers, agents and employees against any loss, claims or expenses for damages arising out of or in connection with the granting of this permit.

Approved permits expire on December 31, 2012

Application Submitted by: _____

Restaurant Owner

Restaurant Operator

Print Name

Print Name

Date

Date

Date Received by Staff: _____

Sidewalk Café Site Plan

THIS INSURANCE AGEEMENT (hereinafter, this "Agreement"), entered into this _____ day of _____, 20____, by and between the **CITY OF WINSTON-SALEM**, a North Carolina municipal corporation (hereinafter, the "City") and _____, (hereinafter "Restaurant").

IN CONSIDERATION of receiving a permit to operate a sidewalk café at _____, Winston-Salem, NC, the Restaurant hereby agrees as follows:

In General. The term of this Agreement shall coincide with the Restaurant's Permit to provide a sidewalk café pursuant to §§ 74-291 and 292 of the City's Code of Ordinances.

Release. The Restaurant hereby releases and forever discharges the City, its agents, officers and employees from any and all claims and demands for personal injury and property damage, including attorney's fees, arising out of or in connection with the performance of these services.

Indemnity. The Restaurant shall indemnify, defend and hold harmless the City, its agents, officers and employees from and against any and all claims and demands of any kind or nature, directly or indirectly caused by, arising out of, or related to the intentional or negligent acts or omissions of the Restaurant or its agents, officers, employees or sub-contractors in the performance of these services.

Insurance. During the performance of the services described herein, the Restaurant shall maintain the following insurance policies and comply with the following requirements:

- (1) Commercial General and Liquor Liability Insurance, including but not limited to coverage for all premises and non-premises operations, independent contractors, personal injury liability protection including coverage relating to serving alcoholic beverages, social host liability, employment of persons, contractual liability protection, and products and completed operations coverage. This insurance shall provide bodily injury limits of not less than \$1,000,000 for each occurrence and with property damage limits of not less than \$1,000,000 for each occurrence.
- (2) The Restaurant will provide an original, signed Certificate of Insurance, evidencing such insurance and such endorsements as prescribed herein, and shall have it filed with the Risk Manager, City of Winston-Salem before the sidewalk café opens for business. The Restaurant shall furnish the City of Winston-Salem thirty days written notice of any changes or cancellation of the policy. The City of Winston-Salem shall be named as an additional insured in the General and Liquor Liability policies and it shall be stated on the Insurance Certificate with the provision that this coverage is primary to any other coverage the City of Winston-Salem may possess. Should the Restaurant fail to provide acceptable evidence of current insurance within seven days of written notice at any time during the Permit Term, the City of Winston-Salem shall have the absolute right to terminate this Contract and Permit without any further obligation to the Contractor.

IN WITNESS WHEREOF, the parties have caused this to be executed by their duly authorized representatives on the day and the year first above written.

ATTEST:

(SEAL)

Renee Phillips, City Secretary

CITY OF WINSTON-SALEM:

D. Ritchie Brooks, Director
Community and Business Development

ATTEST:

(SEAL)

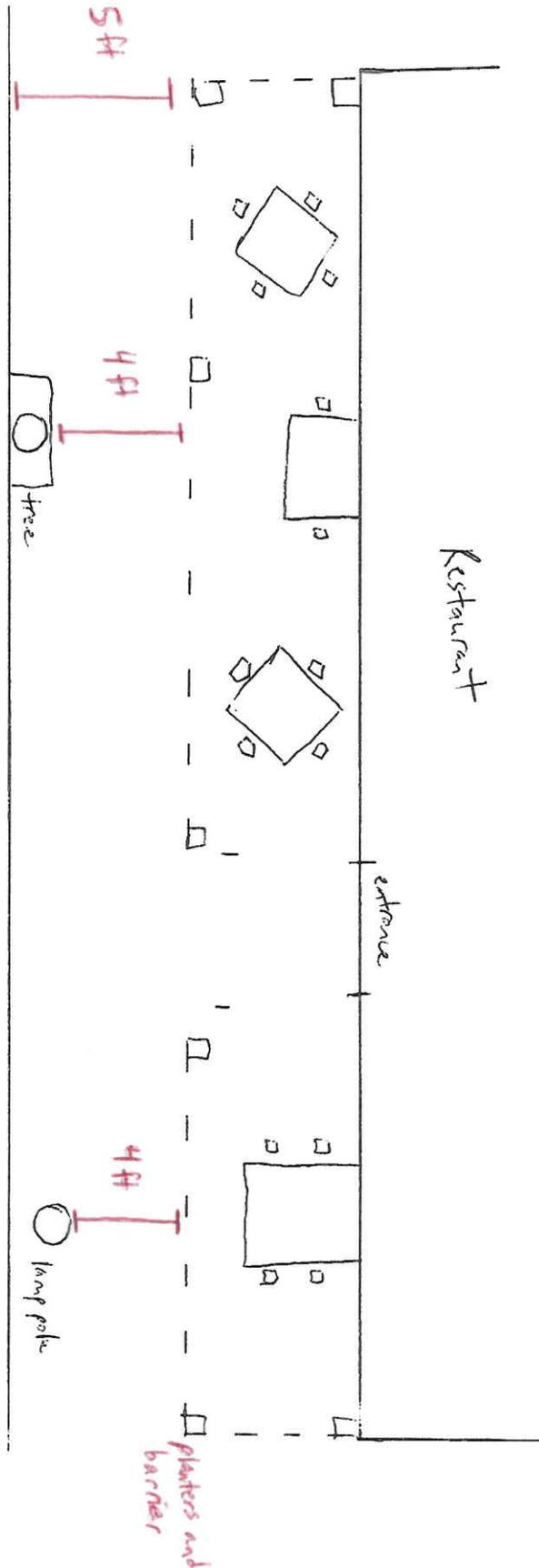
_____, Secretary
Name

RESTAURANT

_____ (Seal)

Name Title

Sample site plan



Winston-Salem, North Carolina, Code of Ordinances >> PART III - CODE OF ORDINANCES >> Chapter 74 - STREETS AND SIDEWALKS >> ARTICLE X. - SIDEWALK CAFES >>

ARTICLE X. - SIDEWALK CAFES

Sec. 74-291. - Definitions.

Sec. 74-292. - Permit applications.

Secs. 74-293—74-299. - Reserved.

Sec. 74-291. - Definitions.

The following definitions shall apply within this article:

Pedestrian way means an improved walk or passageway, not adjacent to any city street, intended for use by pedestrians.

Restaurant means an establishment engaged in the business of regularly selling food or beverages customarily, but not exclusively, to be consumed on the premises, including businesses that are commonly referred to as restaurants, cafeterias, cafes, lunch stands, grills, taverns, snack bars, fast food businesses, and other establishments, such as drug stores, which have a lunch counter or other section where food is sold. This definition does not include food vendors under article IX, chapter 74 of this Code. While the definition of beverages includes malt beverages, unfortified wine and other alcoholic beverages, this section does not permit the consumption of such beverages away from the premises of the establishment if such is otherwise prohibited by local or state law.

Restaurant operator means a person, firm, or corporation who owns or operates a restaurant and any associated sidewalk cafe.

Sidewalk means that portion of a public street between the curb line, or the lateral lines of a roadway if there is no curb, and the adjacent property line or street right-of-way line that is intended for the use of pedestrians.

Sidewalk cafe means that portion of the dining operation of a restaurant that extends into the sidewalk or pedestrian way pursuant to a permit authorized by this article.

(Ord. No. 4301, § 1, 10-26-98; Ord. No. 4490, § 10, 3-22-04; Ord. No. 4741, § 1, 2-20-12)

Sec. 74-292. - Permit applications.

- (a) *General.* Notwithstanding any other provisions of this Code to the contrary, sidewalk cafes shall be permitted at such locations and subject to such regulations as are set forth in this article.
- (b) *Permit required.* No restaurant may extend its dining operations into a sidewalk or pedestrian way without first obtaining a permit therefor in accordance with the requirements of this article.
- (c) *Application.* Any restaurant operator desiring to operate a sidewalk cafe shall prepare and file an application with the community and business development department which shall contain the following information:
 - (1) The name, address and telephone number of the restaurant owned or operated.
 - (2) The name, address and telephone number of the restaurant operator. If a restaurant is operated by a person, firm, or corporation who is not the owner, the application shall be submitted by both, jointly.
 - (3) The types of food and beverages to be sold or served at the sidewalk cafe.
 - (4) The hours of operation of the restaurant and the proposed hours of operation of the sidewalk cafe.
 - (5) A site plan showing the section of sidewalk or pedestrian way to be used for the sidewalk cafe and the section to be kept clear for pedestrian use, and depicting the proposed placement of tables, chairs, barricades and other furnishings within the sidewalk or pedestrian way.
 - (6) Evidence of insurance and a statement of indemnity as required by this article.
 - (7) A copy of all permits and licenses issued by the State of North Carolina, Forsyth County, or the city necessary for the operation of the restaurant business or for the construction or alteration thereof, or a copy of the application for such permit if no permit has been issued.
 - (8) A sworn statement describing any violation by the restaurant operator of any laws, regulations or ordinances relating to the possession, sale, consumption or transportation of intoxicating beverages or controlled substances during the five years immediately preceding the date of the permit application.
 - (9) Such additional information as may be requested by the community and business development department to determine compliance with this article.
 - (10) A permit application fee of \$35.00 to recover the cost of processing and investigating the application and issuing the permit.
- (d) *Issuance of permit.* No permit for the operation of a sidewalk cafe may be issued unless the application is complete and the following requirements are met:
 - (1) The restaurant to which the sidewalk cafe is associated must be located within the Central Business or Pedestrian Business zoning districts.
 - (2) The sidewalk cafe must share the same management and same food preparation facilities as the restaurant to which it is associated. The sidewalk cafe must be operated under the same name as the restaurant and may not be open or operated at any time when the restaurant is not open for business. Sidewalk cafes may operate at any time between the hours of 6:00 a.m. and 1:00 a.m. Sunday through Wednesday, and 6:00 a.m. to 2:00 a.m. on North Carolina state holidays, Thursday, Friday and Saturday. At the end of each business day the restaurant operator shall clean and remove all refuse from the sidewalk cafe

area.

- (3) The operation of the sidewalk cafe must be clearly incidental to the associated restaurant business. The seating capacity of the sidewalk cafe may not constitute more than 50 percent of the interior seating capacity of the restaurant.
 - (4) The placement of tables, chairs, and other furnishings, as shown on the site plan must leave five feet of unobstructed space (in the case of a sidewalk, as measured from the street-side edge of the sidewalk, and in the case of a pedestrian way, as measured from the edge of the pedestrian way farthest from the sidewalk cafe) on the sidewalk or pedestrian way for the passage of pedestrians. Fire exits or lanes and wheelchair ramps must remain free of obstructions at all times.
 - (5) The restaurant seeking to operate a sidewalk cafe must front on and open onto the sidewalk or pedestrian way proposed for such sidewalk cafe. The placement of tables, chairs, and other furnishings may not extend beyond the sidewalk or pedestrian way frontage of the associated restaurant unless permission of the abutter to do so has been granted to the restaurant operator in writing and filed with the community and business development department.
 - (6) In the event that any local, state or federal law or regulation requires the area designed for the sidewalk cafe be physically separated from the remaining sidewalk or pedestrian way by a barricade, then such barricade must be constructed of materials of a finished quality, including, but not limited to, wrought iron, planters, picket fences, or velvet ropes. No signs shall be placed on the barricades. Amplified or live music emanating from the restaurant operation or the sidewalk cafe shall not be able to be heard further than 50 feet from the barricades or the perimeter of the sidewalk cafe in the absence of a barricade.
 - (7) The tables, chairs, barricades, and other furnishings used in the sidewalk cafe shall be of a type that is easily removed from the public right-of-way. If the permit is revoked, table, chairs, barricades and other furnishings used in the operation of the sidewalk cafe must be removed within 24 hours notice from the city, and if not so removed, the city shall have the right to remove and dispose of these items and may assess the property owner for the cost of such removal and disposal. The city shall also have the right to remove any and all such items immediately in emergency situations. The city shall not be responsible for damage to such barricades or furnishings under any circumstances.
 - (8) Except as elsewhere permitted, the operation or furnishing of the sidewalk cafe shall not involve any permanent alteration to or encroachment upon any sidewalk or pedestrian way. The restaurant operator of the sidewalk cafe shall be responsible for repairing any incidental damage to public improvements resulting from its operation.
- (e) *Indemnity; insurance.* In consideration for the granting of the permit, the restaurant operator agrees to indemnify and hold harmless the city, its officers, agents, and employees against loss or expense including attorney's fees, by reason of the liability imposed by law upon the city, for damage because of bodily injury, including death, at any time resulting therefrom, sustained by any person or persons, or on account of damage to property arising out of or in consequence of the granting of a permit pursuant to this article. The restaurant shall agree to such indemnity on the application for the permit.

The restaurant operator shall secure and maintain comprehensive general liability insurance protection including but not limited to coverage for all premises and non-premises operations, independent contractors, broad form property damage coverage, including explosion, collapse and underground property damage hazards, personal injury liability protection including coverage relating to employment of persons, contractual liability protection covering the indemnification of the city by the restaurant operator. This insurance shall provide bodily injury limits of not less than \$1,000,000.00 for each occurrence and not less than \$1,000,000.00 in the aggregate, and with property damage limits of not less than \$500,000.00 for each occurrence and not less than \$500,000.00 in the aggregate. All insurance required under this agreement shall be written with a company licensed to do business in North Carolina. Such insurance shall name the city as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date except upon 30 days advance written notice to the city. Certificates of insurance or binders for all of the insurance coverages described herein shall be submitted with the application for the permit. If only binders are submitted with the application, the restaurant operator shall submit to the city's risk administrator, department of risk management, certificates of insurance for all of the insurance coverages described herein within 30 days after a permit is granted and, with respect to certified copies of any amendments, and/or renewals, promptly thereafter.

- (f) *Malt beverages and unfortified wine.* The consumption of malt beverages, unfortified wine and other alcoholic beverages in compliance with all state and local laws and regulations shall be permitted in a sidewalk cafe, and this shall be an exception to the general prohibition of such consumption on street rights-of-way provided in [section 38-6](#) of the City Code.
- (g) *Issuance of permit; denial.* The community and business development department shall examine the application and determine whether all of the requirements stated in this article for the issuance of a permit have been satisfied. If all such requirements have been satisfied, then the community and business development department shall issue the permit. If the permit is denied, the applicant shall be provided with the reasons therefor in writing, and the permit application fee shall not be refunded.
- (h) *Permit revocation.* The community and business development department may revoke a permit issued pursuant to this article if it is determined that the restaurant operator has:
 - (1) Misrepresented or provided false information in the permit application.
 - (2) Violated any provision of this article, Forsyth County Health Department regulations, or ABC regulations.
 - (3) Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances.
 - (4) Operated the sidewalk cafe in such manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare, specifically including failure to keep the sidewalk cafe area clean and free of refuse at end of each business day.
 - (5) Failed to maintain any health, business or other permit or license required by law for the operation of the restaurant associated with the sidewalk cafe.
 - (6) Operated the sidewalk cafe in violation of any city, county or state law, ordinance or regulation. Before the revocation of a permit, the community and business development department shall notify the permit holder of its intent to revoke the permit and the reasons therefor. The permit holder shall have ten days from receipt of such notice to file a written appeal of the proposed revocation, along with a statement of the grounds for the appeal, with the assistant city manager for public works or his designee, who shall afford the permit holder a reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the assistant city manager for public works or his designee shall notify the permit holder in writing of his decision and the reasons therefor.
- (i) *Reservation of rights.* The city reserves the right to require any sidewalk cafe established pursuant to this article to cease part or all of its operation in order to allow for construction, maintenance or repair of any street, sidewalk, utility, or public building by the city, its agents or employees, or by any other governmental entity or public utility; to allow for use of the street or sidewalk in connection with

parades, civic festivals and other events of a temporary nature as permitted by the city; and to remedy a public nuisance or to protect the public health, safety, or welfare.

(j) *Term, transfer, renewal, etc.* Permits issued in accordance with the provisions of this article shall:

- (1) Be issued for the period beginning January 1 or thereafter and expiring December 31 of each year. If a permittee discontinues the restaurant operation or the sidewalk cafe, no refund of the permit fee shall be made.
- (2) Be in addition to the annual privilege license required pursuant to chapter 34 of this Code.
- (3) Not be transferable or assignable.

(Ord. No. 4301, § 1, 10-26-98; Ord. No. 4392, § 1, 4-16-01; Ord. No. 4490, § 10, 3-22-04; Ord. No. 4555, § 1, 6-19-06; Ord. No. 4741, § 2, 2-20-12)

Secs. 74-293—74-299. - Reserved.

Winston-Salem, North Carolina, Code of Ordinances >> PART III - CODE OF ORDINANCES >> Chapter 46 - NOISE >> ARTICLE I. - IN GENERAL >>

ARTICLE I. - IN GENERAL

Sec. 46-1. - Penalty.

Sec. 46-2. - County noise ordinance adopted.

Sec. 46-3. - Exceptions to county noise ordinance.

Sec. 46-4. - Streets adjacent to hospitals designated quiet zones.

Sec. 46-5. - Sounds impacting residential life.

Sec. 46-6. - Exemptions to sounds impacting residential life.

Secs. 46-7—46-30. - Reserved.

Sec. 46-1. - Penalty.

The following shall be deemed to be expressly incorporated by reference within each section of this chapter: A violation of this section, or any part thereof, shall constitute a class 3 misdemeanor and shall subject the offender to a fine of not more than \$500.00.

(Code 1975, § 14-4; Ord. No. 4657, § 13, 6-15-09)

Sec. 46-2. - County noise ordinance adopted.

The county noise ordinance, entitled "Loud and disturbing noise," and subsequent amendments thereto are incorporated in this chapter by reference and shall be applicable within the corporate limits of the city with the exceptions as set forth in this chapter. Copies of the ordinance are on file and available in the county clerk's office.

(Code 1975, § 14-1; Ord. No. 4315, § 1, 1-19-99)

Sec. 46-3. - Exceptions to county noise ordinance.

The county noise ordinance shall not apply to events for which the chief of police issues a permit, provided that the holder of the permit complies with all the restrictions of the permit.

(Code 1975, § 14-2)

Sec. 46-4. - Streets adjacent to hospitals designated quiet zones.

Each and every street adjacent to any hospital in the city is hereby designated a "quiet zone" in the block within which such hospital is or may be located, and it shall be unlawful for any person to make or cause to be made any unnecessary noise within such quiet zones where there are clearly visible signs maintained by the city designating such areas as quiet zones.

(Code 1975, § 14-3)

Sec. 46-5. - Sounds impacting residential life.

- (a) The following activities as they affect normal and customary activities in and around residences during nighttime hours are deemed to be unreasonably loud. It shall be unlawful to carry on the following activities in any residentially zoned area of the city or within 300 feet of any residence in the city:
- (1) The operation of a front-end loader for refuse collection between the hours of 10:00 p.m. and 6:00 a.m.;
 - (2) The operation of garage machinery between the hours of 10:00 p.m. and 6:00 a.m.; and
 - (3) The operation of lawn mowers and other gasoline-powered domestic tools out-of-doors between the hours of 10:00 p.m. and 6:00 a.m.
- (b) This section shall not apply to operations which are carried on in such a manner or in such a location as not to create sounds that are plainly audible from the neighboring premises or residence and shall not apply to emergency operations designed to protect the public health and safety.
- (c) *Residence* means any real property which is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the Winston-Salem zoning ordinance and contains a structure or building in which one or more persons may reside, such as a single-family residential building, a duplex residential building, a townhouse residential building, a twin home residential building, an urban residential building or a multifamily residential building.
- (d) Due to the density or close proximity of residences to businesses in the Growth Management Area 1, certain activities in and around residences during the nighttime hours are unreasonably loud. It shall be unlawful to dump or engage in recycling activities involving glass bottles or cans within 300 feet of any residence in the Growth Management Area 1, between the hours of 12:00 a.m. and 6:00 a.m.

(Ord. No. 4542, § 1, 2-6-06; Ord. No. 4742, § 1, 2-20-12)

Sec. 46-6. - Exemptions to sounds impacting residential life.

Sounds caused by the following are exempt from the prohibitions set out in section 46-5:

- (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 collision, civil defense, police activity, or imminent danger;
- (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, highways or other utilities as well as manufacturer of materials necessary to support these activities in a timely manner by or on behalf of Winston-Salem, the State of North Carolina, or the United States Federal Government, between the hours of 10:00 p.m. and 6:00 a.m., when public welfare and convenience renders it impractical to perform the work between 6:00 a.m. and 10:00 p.m.;
- (e) Outdoor school and playground activities. Reasonable 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; and
- (f) Other outdoor events. Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events for which a permit has been obtained from the appropriate permitting authority. However this exemption does not apply to activities covered by [section 46-5\(d\)](#).

(Ord. No. 4542, § 1, 2-6-06; Ord. No. 4742, § 2, 2-20-12)

Secs. 46-7—46-30. - Reserved.

Sec. 15-1. - Loud and disturbing noise.

- (a) Subject to the provisions of this section, the creation of any unreasonably loud and disturbing noise in the county is prohibited. Noise of such character, intensity and duration as to be detrimental to the health, safety or welfare of any individual is prohibited.
- (b) The following acts, among others, are declared to be loud and disturbing noises in violation of this section, but such enumeration shall not be deemed to be exclusive:
- (1) The use of any loud, boisterous or raucous language or shouting so as to annoy or disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in the vicinity.
 - (2) 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; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unreasonable period of time.
 - (3) The playing of any radio, phonograph, musical instrument, or sound production or amplifying equipment in such manner or with such volume, particularly during hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in any dwelling, hotel or other type of residence in the vicinity.
 - (4) The keeping of any animal which, by causing frequent or long continued noise, shall disturb the comfort and repose of any reasonable person of ordinary sensibilities 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 grating, grinding, rattling or other noise.
- (c) Noise limit. No person shall cause, allow or permit the operating or playing of any radio, tape player or similar device that reproduces or amplifies sound in such a manner as to create noise at one-hundred (100) feet from the device or vehicle containing that device when the device or vehicle is being operated in or on a public right-of-way or public space.

(Ord. of 11-20-72, § 1; Ord. No. 15-91, §§ 1—3, 11-11-91; Ord. No. 2-96, §§ 1—3, 8-12-96; Ord. No. 3-99, § 1, 4-26-99)

State law reference— Authority to regulate, restrict or prohibit noise, G.S. § 153A-133.

Sec. 15-1.1. - Penalty for violation.

If any person shall violate this ordinance or chapter or any provision thereof, he shall be guilty of a class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00).

(Ord. No. 3-95, §§ 1, 2, 7-10-95)