GENERAL ORDINANCES

ARTICLE II. REGULATION OF PERSONAL PROPERTY ON OR WITHIN THE CITY LIMITS OF THE VILLAGE OF LAKE PARK

This General Ordinance provision is enacted by the Village of Lake Park pursuant to North Carolina General Statute Section 160A-174 for purposes of defining, prohibiting, regulating or abating acts, omissions, or conditions which are detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the village.

Section 1-1. Definitions

(A) General Rule- Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

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

COMMON AREA. Any area that is designated as a common area on the most recent survey, plat or map of the property in question contained within the office of the Clerk for the Village of Lake Park.

PERSONAL PROPERTY. Any property which is not considered real property. Real property is land and anything affixed to it or a part of it, such as buildings, fences, water, growing things and minerals in the ground. All other property shall be considered personal and shall include but not be limited to motor vehicles, motor propelled conveyances, portable basketball goals, athletics equipment, and furniture of any type.

PLACING, LEAVING OR ABANDONING PERSONAL PROPERTY OTHER THAN MOTOR PROPELLED CONVEYANCES, BOATS OR TRAILERS. Any act which causes an item of personal property, excluding any motor propelled conveyance(whether operational or not), boat or trailer, to be placed in the same or substantially similar location for a period of 24 hours or for any time period without the supervision of its owner. Any motor propelled conveyance (whether operational or not), boat or trailer shall be subject to the provisions regarding prohibited acts set forth herein below and the definition of "placing, leaving or abandoning motor propelled conveyances, boats or trailers" set forth herein below.

PLACING, LEAVING OR ABANDONING MOTOR PROPELLED CONVEYANCES, BOATS OR TRAILERS. Any act which causes a motor propelled conveyance, boat or trailer to be placed for any time period, whether or not operational and whether or not under the supervision of its owner, in any common area of the Village or in any park of the Village.

Section 1-2. Prohibitions

(A). It shall be unlawful to place, leave, or abandon or cause to be placed, left or abandoned any personal property or any portion thereof, other than motor propelled conveyances, boats or trailers, within or on any of the following locations:

(1). On a sidewalk;
(2). On a crosswalk;
(3). In any park;
(4). In any designated common area of the Village;
(5). In or on the space between a sidewalk and a public street; or
(6) On any island area that separates traffic flowing in opposite directions.

(B). It shall be unlawful to leave, place or abandon or cause to be placed, left or abandoned as defined in the definitions section above any motor propelled conveyance, boat or trailer within the city limits of the Village.

Section 1-3. Enforcement

(A). The Village of Lake Park shall request that local law enforcement administer and enforce the terms of this Article. Each day of a continuing violation shall be a separate and distinct offense. Nothing in this Chapter shall be construed to limit the legal authority or powers of local law enforcement in enforcing other laws or in otherwise carrying out their duties.

(B). Upon the issuance of a citation the personal property in question shall be immediately removed by its owner(s) and taken to a location that is not in violation of the provisions of this chapter or in violation of the restrictive covenants of the Village of Lake Park.

(C). A citation issued for a second or subsequent violation shall subject the offender to a civil penalty as authorized by N.C.G.S. 160A-175. Upon the issuance of a citation the offender cited shall pay a civil penalty in the amount of $25 within 15 calendar days after the issuance of the citation. Each successive violation, as provided for in subsection (A) herein and Section 1-6 herein below, shall cause the civil penalty to increase by $25 for each such violation. Upon failure to pay the citation within the 15 day period a late fee of $40 will be assessed for each citation not paid within the time required. The maximum civil penalty, excluding late fees, for each violation shall be $100.00.

(D). The enforcement and interpretation of this ordinance shall not include an interpretation that any violation of its conditions is subject to being a misdemeanor or infraction as provided by North Carolina General Statute 14-4.

Section 1-4. Conflict of Laws

If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.

Section 1-5. Severability

If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

Section 1-6. Continuing Violations.

Each day of a continuing violation shall constitute a separate and distinct violation subject to citation and enforcement under the terms and conditions set forth within this ordinance.

Section 1-7. Effective Date(s)

The provisions of Article II of the General Ordinances originally became effective on March 9th, 2004. This amendment and restatement of Article II (which originally was not identified with such specificity) shall become effective on the date set forth herein below (the "Effective Date"). The Ordinance is restated in this manner solely to facilitate review by the reader by obviating the need to integrate multiple documents. Though amended, this Ordinance shall be deemed to be continuously in effect such that enforcement of violations committed prior to the Effective Date shall continue unaffected.

This Ordinance shall become as amended effective on and after 8/8, 2017.

Adopted this the 8 day of August, 2017.

David Cleveland
Mayor

Attest:

Cheri Clark
Village Administrator

OFFICIAL SEAL OF THE VILLAGE OF LAKE PARK INCORPORATED 1994 UNION COUNTY, NORTH CAROLINA