

FRANKLIN COUNTY
ORDINANCE PERTAINING ONLY TO
LAKE ROYALE SUBDIVISION

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**Franklin County
Ordinance Pertaining Only to Lake Royale Subdivision**

ARTICLE I

**SECTION 1-1 BASIS AND AUTHORITY OF THE LAKE ROYALE
SUBDIVISION ORDINANCE**

The Lake Royale Subdivision represents a tract of land within Franklin County that is not within the corporate limits of any other municipality. All references to the “Lake Royale Subdivision” within this Ordinance shall mean and refer to that certain tract or tracts of land which are shown on plats which are recorded in Plat Book 12, Pages 1-73, and Plat Record File 1, Slides 99-105, 114, 125-129A, 138A-139, 131 and 131A, 180 and 180A, 181-185A, 191A and 192, all in the Franklin County Registry. The specific ordinances contained in the following articles shall be applicable to persons, property and activities which are conducted only within the confines of the Lake Royale Subdivision in Franklin County as described hereinabove.

This Ordinance is authorized pursuant to the County’s general ordinance-making power as authorized by N.C.Gen.Stat. Section 153A-121 to define and abate nuisances, as well as to regulate and abate conditions detrimental to the health, safety or welfare of the County’s citizens. Additionally, various ordinances contained herein are specifically authorized by N.C.Gen.Stat Sections 153A-133; 153A-129; 153A-142 and 153A-132. Finally, the penalties imposed herein are authorized pursuant to N.C.Gen.Stat. Section 153A-123.

Additionally, the County is authorized, pursuant to N.C.Gen.Stat. Section 153A-122 to make this Ordinance applicable to any part of the County which is not within a city.

SECTION 1-2 APPLICABILITY

No provision of this Ordinance shall be applicable to any person, property or activity within Franklin County which is not within the confines of the Lake Royale Subdivision as defined hereinabove.

SECTION 1-3 GENERAL DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases and words shall apply:

Lake Royale Subdivision shall mean and refer to that certain tract or tracts of land which are shown on plats which are recorded in Plat Book 12, Pages 1-73, and Plat Record File 1, Slides 99-105, 114, 125-129A, 138A-139, 131 and 131A, 180 and 180A, 181-185A, 191A and 192, all in the Franklin County Registry;

Lake Royale POA shall mean and refer to the Lake Royale Property Owners Association, Inc.

Lake Royale shall mean and refer to the Lake Royale Subdivision

SECTION 1-4 ENFORCEMENT OF ORDINANCE/PENALTIES APPLICABLE TO ENTIRE ORDINANCE

Except as specifically provided to the contrary herein, pursuant to N.C.Gen.Stat. Section 153A-123(b), violation of any ordinance contained in this Franklin County Ordinance Pertaining to Lake Royale Subdivision is a misdemeanor or infraction as provided by G.S. § 14-4. Any person who violates any provision of this Franklin County Ordinance Pertaining to Lake Royale Subdivision shall, upon conviction, be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

As pursuant to N.C. General Statute 14-4 (a) if any person shall violate Franklin County Ordinance pertaining to Lake Royale , he shall be guilty of a class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00).

As pursuant to N.C. General Statute 14-4(b) If any person shall violate Franklin County Ordinance pertaining to Lake Royale Subdivision of Article VI, regulating the operation or parking of vehicles, he shall be responsible for an infraction and required to pay a penalty of not more than fifty dollars (\$50.00).

SECTION 1-5 ADMINISTRATION OF ENTIRE ORDINANCE

The Lake Royale Company Police, a company police agency as defined in Chapter 74E of the North Carolina General Statutes, shall be responsible for the administration and enforcement of all provisions of this Franklin County Ordinance Pertaining to Lake Royale Subdivision.

ARTICLE II

NUISANCE

SECTION 2-1. DEFINITIONS.

For the purpose of this article the following terms, phrases and words shall apply:

Abandoned motor vehicle means a motor vehicle that:

- (a) Is left on any area in control of Lake Royale POA for longer then twenty-four (24) hours; or
- (b) Is left on private property without the consent of the owner, or occupant, or lessee thereof for longer than two (2) hours.

Chief of police means the director of the Lake Royale Company Police and designees of the director

Department means the Lake Royale Company Police

Hazardous motor vehicle means a motor vehicle on private or public property within Lake Royale POA that is declared to be a health or safety hazard by the chief of police when the vehicle is found to be:

- (a) A breeding ground or harbor for mosquitoes or other insects, snakes, rats, or other pests;
- (b) A point of collection for pools or ponds of water;
- (c) A point of concentration of gasoline, oil or other flammable or explosive materials;
- (d) So located that there is a danger of falling or turning over;
- (e) A place in which debris, bottles or other solid waste is discarded and is present within the vehicle;
- (f) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass or other rigid materials; or

- (g) The creation of another similar condition(s) or circumstance(s) which exposes the general public to safety or health hazards.

Junk motor vehicle means a vehicle that does not display a current and valid license plate lawfully upon the vehicle and that:

- (a) Is partially dismantled or wrecked; or
- (b) Cannot be self propelled or moved in a manner which it originally was intended to move; or
- (c) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).

Motor vehicle means all machines designed or intended to travel over land by self-propulsion.

Boat means all vessels designed to float upon water whether powered by engine, sails, or manual bodily force. When the term boat is used, it also includes the trailer for which the boat is transported on land.

Junk Boat means any vessel that has apparent damage causing the boat not to be operated in a safe manner or:

- (a) Does not display a current registration issued by the state for which it is required to be registered. Including the vessel and trailer or
- (b) Does not have in working order a means of propulsion that was originally applied when the boat was originally manufactured or
- (c) Part (s) removed from boat or trailer which would cause same to not operate from the manufacturers original condition unless the owner is in the process of repairing the vessel in a timely manner. The owner shall provide documented information to prove the vessel is in the state of repair.

Owner means an individual, firm, partnership, association, corporation, government agency, or any combination thereof, holding and presenting the legal certificate of title to the particular motor vehicle.

Camper means all self-contained motorized or non-motorized recreation vehicle on a private lot or on property owned or in control of Lake Royale POA which may require a motor vehicle in order to be transported.

Dilapidated camper means a camper or park model that has damage to the exterior or interior, or the seams are separating, or leaks in the ceiling, or the plumbing or electrical systems are incapable of being used safely. Or windows have been broken, or damage to the holding tanks underneath the flooring, or creates a hazard for children, or any other condition that constitutes a safety hazard.

SECTION 2-2. ABANDONED VEHICLES.

It shall be unlawful for any person to leave an abandoned motor vehicle:

- (a) On any street, parking areas, or on any property owned or operated by Lake Royale POA longer than twenty four hours (24);
- (b) On private property without the consent of the owner, occupant or lessee thereof for longer than two (2) hours.

SECTION 2-3. JUNKED MOTOR VEHICLES; JUNKED BOATS; JUNKED CAMPERS.

(a) *Purpose.* North Carolina General Statutes Section 160a-303.2 authorizes Lake Royale POA to regulate and to prohibit junked motor vehicles, junked boats, and junked campers on public grounds and on private property. Pursuant to that authority, the Lake Royale POA board of directors finds that such regulation, restraint on prohibition is necessary and desirable to promote or enhance the:

- (1) Quality of attractiveness and the aesthetic appearance of the Lake Royale POA;
- (2) Protection of the property value throughout Lake Royale POA.
- (3) Preservation of the livability and the attractiveness of neighborhoods;
- (4) Promotion of tourism, conventions and other opportunities for economic development for Lake Royale POA;
- (5) Promotion of the comfort, happiness and economic stability of the occupants of property in the vicinity of junk motor vehicles and of junk campers.

- (b) In determining whether a vehicle constitutes a junk motor vehicle, the chief of police, in applying the specific criteria in the definition of a junk motor vehicle shall take into consideration, but not be limited to, whether the vehicle has a valid inspection decal as evidence of the stationary character of the vehicle, whether the tires, wheels and other essential parts of the vehicle are present for the operation of the vehicle, flat tires, removed parts, the condition of the exterior or any other specific evidence that would support a finding that the vehicle violates this section. If such a determination is made, then the chief of police shall state the determination in writing.
- (c) In determining whether a camper constitutes a dilapidated camper, the chief of police in applying specific criteria in the definition of dilapidated camper shall take into consideration, but not limited to, whether the camper has no apparent water damage to the floor or the ceiling, whether the sides of the camper are in tact, without separating at the seams, whether windows are in place, the living areas of the camper are complete as when the camper was manufactured, whether the camper is able to be connected to a power source and have water able to be supplied through the plumbing of the camper or any other specific evidence that would support a finding that the camper violates this section. If such a determination is made, then the chief of police shall state the determination in writing.
- (d) In determining whether a boat constitutes a junk boat, the chief of police in applying specific criteria in the definition of junk boat shall take into consideration, but not limited to, whether the boat has visible damage to the outer hull including cracks, fractures, holes, damaged or missing fiberglass sections, internal rotted wooden frame, delaminated surfaces, damaged or missing parts, trailer damage, trailer tires flat or missing or any other specific evidence that would support a finding that the boat violates this section. If such a determination is made, then the chief of police shall state the determination in writing.
- (e) It shall be unlawful for the registered owner or person entitled to the possession of a junk motor vehicle, junk boat, or dilapidated camper or for the owner, lessee, or occupant of the real property upon which a junk motor vehicle, junk boat, or dilapidated camper is located to leave or allow the vehicle, boat, or camper to remain on the property after the vehicle, boat, or camper has been ordered removed.
- (f) Required finding; order to remove: upon investigation, the chief of police may order the removal of a junk motor vehicle, junk boat, or dilapidated camper from private property as defined in this article after finding that the aesthetic benefits of removing the vehicle, boat, or camper outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss to the apparent owner against the corresponding gain of the public

by promoting or enhancing community, neighborhood or area appearance. The following, among other relevant factors, may be considered by the chief of police:

- (1) protection of property values.
- (2) promotion of tourism and other economic development opportunity.
- (3) Indirect protection of public health and safety.
- (4) Preservation of the character and integrity of the community.
- (5) Promotion of the comfort, happiness, and emotional stability of area residence.

SECTION 2-4. NOTICE PRIOR TO REMOVAL;

A motor vehicle, camper, or boat to be removed because it has been declared to be hazardous, junked, or dilapidated shall be towed only after notice to the registered owner or person entitled to possession of the vehicle, boat, or camper. In such instances, the chief of police shall give written notice to the registered owner of such vehicle, boat, or camper at the last known address on file with the department of motor vehicles or with the Lake Royale POA at least seven (7) days prior to towing. Such notice shall contain:

- (1) A description of vehicle, boat, or camper;
- (2) The location of vehicle, boat, or camper;
- (3) The violation alleged;
- (4) The date the vehicle, boat, or camper will be towed;
- (5) Notice that the vehicle, boat, or camper is subject to a lien if towed. Service of notice is complete by depositing the notice in first class mail addressed to the registered owner or person entitled to the possession of the vehicle, boat, or camper.

If the motor vehicle, boat, or camper does not have a license plate or other identification such that the chief of police can ascertain ownership the chief of police shall provide notice by posting a warning notice on the vehicle, boat, or camper by affixing it on the window or some other conspicuous place on the vehicle, boat, or camper. The notice shall contain the date the vehicle, boat, or camper will be towed and a telephone number to call to contact with the chief of police. The notice shall also state that

the vehicle, boat, or camper will be removed no less than seven (7) days after being posted and no later than thirty (30) days after the notice has been placed on the vehicle, boat, or camper unless the vehicle, boat, or camper is brought into compliance by the owner or legal possessor prior to that time.

The requirement that notice be affixed to an abandoned, hazardous, junked vehicle, junk boat, or dilapidated camper at least seven (7) days prior to removal may be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstruction or to otherwise maintain and protect the public safety and welfare. Such findings shall in all cases be entered by the authorized officer in the appropriate daily record.

SECTION 2-5. POST TOW NOTICE REQUIREMENTS.

Whenever a motor vehicle, boat, or camper is removed, Lake Royale POA police shall give post tow notice as required by N.C.G.S. 20-219.11

SECTION 2-6. DISPOSITION OF REMOVED VEHICLES, BOATS, AND CAMPERS.

(a) *Removal by police department.* The department shall have the authority to remove or enter into a contract to have removed from property within Lake Royale POA any abandoned motor vehicle, junked motor vehicle, hazardous, dilapidated camper, or boat after notice of compliance with section 2-5. Whoever has been authorized by the Lake Royale Police Department to remove any abandoned motor vehicle, junked motor vehicle, hazardous, dilapidated camper, or boat shall be exempt from any liability due to damages created to the land or vegetation on the land for which the item is removed this section also shall exempt Lake Royale from any costs associated to damages caused in the removal of the violation pertaining to the vehicle, boat, or camper after being ordered to be removed.

(b) *Redemption* Any abandoned or junked motor vehicle, camper, or boat may be reclaimed by paying to Lake Royale POA all costs incidental to the removal and storage of the vehicle, boat, or camper. Whenever the tow of the vehicle, boat, or camper is contested, the vehicle, boat, or camper may be released pending a hearing upon posting of a bond. Any such vehicle, boat, or camper ordered to be released as a result of a post tow hearing, may be reclaimed consistent with the terms of such order.

(c) *Sale or destruction.* When any junked motor vehicle, abandoned motor vehicle, hazardous motor vehicle, or dilapidated camper, or boat is removed, the department shall provide in its notice the information required by N.C.G.S. 44A-2, 20-114 (c) and 44A-2.

the chief of police is authorized to dispose of any vehicle, boat, or camper removed by public or private sale thirty (30) days after the maturity of the obligation to pay reasonable costs incidental to removal and storage if such vehicle, boat, or camper has not been contested. Any such sale shall be conducted by a sales procedure in accordance with N.C.G.S. 44A-4, 44A-5, and 44A-6 except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle, boat, or camper at the sale and if the value of the vehicle, boat, or camper is less than the amount of the cost, the Lake Royale POA may destroy the vehicle, boat, or camper.

(d) *Indemnity.* A person requesting Lake Royale POA to remove a junked motor vehicle, abandoned motor vehicle, hazardous vehicle, boat, or dilapidated camper from private property shall indemnify Lake Royale POA against any loss, expense or liability incurred because of removal, storage or sale thereof.

(e) *[Authority of police department.]* The department shall have the authority to authorize the disposition of a motor vehicle, boat, or camper immediately if the owner of the vehicle or camper signs a consent form authorizing Lake Royale POA to sell or to dispose of the vehicle or camper immediately without complying with any statutory requirements pertaining to the disposition of such vehicle, boat, or camper.

SECTION 2-7. RIGHT TO HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE, BOAT, OR CAMPER.

(a) The owner or any other person entitled to claim possession of the vehicle, boat, or camper towed pursuant to this article may request in writing a hearing to determine if probable cause existed for the towing within twenty-one (21) days of mailing or posting of the post-tow notice pursuant to N.C.G.S. 20.219.11 (a) and (b). The request shall be filed with the chief of police, who shall set the hearing within seventy-two (72) hours after receiving the request. The owner and person who requested the hearing, if someone other than the owner, shall be notified of the time and place of the hearing.

(b) The owner and any other interested parties may present evidence at the hearing.

(c) The only issue at the hearing is whether or not probable cause existed for the towing. If the chief of police finds that probable cause did exist, the lien continues. If the chief of police finds that probable cause did not exist, the lien is extinguished.

(d) Any aggrieved party may appeal the chief of police's decision to the district court by filing appropriate judicial proceedings.

(e) At any state in the proceedings, including before the probable cause hearing, the owner or other person entitled to possession may obtain possession of the vehicle by:

- (1) Paying the towing fee and costs incidental to such fee; or

- (2) Posting a bond for double the amount of the towing fee.

SECTION 2-8. PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.

No person shall be held to answer to any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned motor vehicle, junked motor vehicle, hazardous motor vehicle, junk boat, or dilapidated camper for disposing of such vehicle, boat, or camper as provided in this Article.

SECTION 2-9. LOUD AND RAUCOUS NOISES.

Violations of this section declared to be loud and raucous noises shall include, but not be limited to, the following acts:

- (a) *Horns and signaling devices.* The sound of any horn, whistle, or other audible signaling device so as to create a loud and raucous noise, except as a danger warning.
- (b) *Radios, phonographs, electronic amplifiers and similar equipment.* The using, operating or permitting to be played, used or operated, of any radio, electronic amplifier, musical instrument, phonograph or other device for the producing or reproducing of sound in such a manner such as to disturb the peace, quiet and comfort of the neighboring inhabitants.

Enforcement considerations should include the day of the week, time of day or night, volume of the noise, number of complaints, celebrations normally associated with the holidays, and any special events that may be in progress. Generally, between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday evenings and 11:00 p.m. and 7:00 a.m. Friday and Saturday evenings, the tolerance level for noise is significantly reduced, and enforcement should be more stringent.

- (c) *Local vocal noises.* Yelling, shouting, whistling or singing at any place so as to create a loud and raucous noise so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, recreation area, any type of residence, or other areas within Lake Royale POA.
- (d) *Animals.* The keeping of any animal which causes frequent or long-continued noise, that disturb the comfort or repose of persons in the vicinity shall be deemed unlawful.

- (e) *Exhaust.* The discharge into the open air of the exhaust of any motor boat, personal watercraft, lawn mower, motor vehicle or similar device, except through a original manufacturer style muffler or other devise which will effectively prevent loud or explosive noises there from.
- (f) *Construction or repairing of buildings and property.* Construction activities which create loud or unusual noises, including the excavation, demolition, alteration, construction or repair of any building or structure, or tree removal other than between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, and 9:00 a.m. and 7:00 p.m. on Saturday and Sunday, except in cases of urgent necessity in the interest of the public health and safety, and then only with the approval of the Lake Royale POA manager.

SECTION 2-10. NUISANCES AFFECTING PUBLIC HEALTH.

No owner or person in charge or control of property whether public or private, shall cause or permit on such property any nuisance affecting public health; nor shall any person cause on any property public or private any nuisance affecting public health. The following are nuisances affecting public health, but are not limited to, and may be abated as provided in this ordinance.

- (1) *Debris.* An accumulation of decomposed animal or vegetable matter, garbage, rubbish, manure, ashes, discarded containers, waste, paper, debris, trash, grass, straw, hay, litter, fallen trees, or other refuse matter or substance which, by itself or in conjunction with other substances, is deleterious to public health or comfort, or is unsightly, or creates an offensive odor.
- (2) *Stagnant water.* An accumulation of stagnant or impure water, which affords or might afford a breeding place for mosquitoes or other insects. Not to include bird baths.
- (3) *Noxious weeds.* A growth of Russian thistle, Canadian thistle, Chinese thistle, white mustard, cocklebur, silver saltbush, foxtail, or any other noxious weed; and all vegetation twelve (12) inches in height. It shall be the duty of the owner, lessee, occupant of any lot or land to cut and remove, or cause to be cut and removed, all weeds grass or poisonous or harmful vegetation as often as may be necessary to comply with the provisions of the proceeding section.
- (4) *Animal carcasses.* The deposition of an animal carcass or part thereof; of any excrement or sewage; or industrial waste; or any putrid, nauseous, decaying, deleterious, offensive, or dangerous substance in a stream, well, spring, brook, ditch, pond, lake, or any other inland waters within Lake Royale POA; or placing of such substances in such position on land where run-off, high water,

or natural seepage will carry the same into such waters. or placed in any such location on land whereas to create an offensive odor to the surrounding inhabitants to cause discomfort shall be considered a nuisance.

- (5) *Surface drainage.* Drainage of liquid waste from private premises.
- (6) *Cesspools.* Cesspools or septic tanks which are in unsanitary condition, or which causes an offensive odor.
- (7) *Smoke.* The use of fire or burning on property for removal of debris done in accordance to law can be determined a nuisance by excessive smoke. If the results of the burning of debris, or use of fire, and existing weather conditions causes smoke to enter or remain on any property other than the property owner that the fire originated from will be considered a nuisance.

SECTION 2-11. DETERMINATION OF NUISANCE.

The supervisor of maintenance, Chief of Police, Lake Royale Company police officer, or manager shall each have the concurrent authority to determine whether such conditions exist as to constitute a public nuisance however, only the Lake Royale POA Company Police Department has the authority to issue a citation for the violation.

SECTION 2-12. PENALTIES FOR VIOLATION OF ARTICLE II.

Any person who violates any provision of this Article shall be subject to the provisions set forth in Section 1-4 of Article I above. If any such person shall continue a nuisance after being fined for same, a new cause of action shall immediately accrue against the person, subjecting the offender to a like penalty as aforesaid. After the rendition of each fine, the continuance of the nuisance shall be deemed a new cause of action.

**ARTICLE III
MISCELLANEOUS OFFENSES**

SECTION 3-1. PROHIBITING MINORS FROM BEING UPON THE STREETS OR IN PUBLIC PLACES DURING CERTAIN HOURS; ENFORCEMENT OF THIS SECTION; DECLARING EMERGENCY.

- (1) It shall be unlawful for any person under the age of eighteen (18) years to be upon the streets, or in any public place within Lake Royale POA, between the hours of 11:00 p.m. to 6:00 a.m. unless such child be in the custody of or accompanied by such parent or guardian, or by a suitable adult person selected by such parent or guardian; provided, however, that nothing herein contained shall be deemed to apply to any such child while actually engaged in traveling to and from a place of employment, school class, religious meeting, recreational activity, or while upon an errand of mercy or emergency under direction of his parent or guardian or other adult person having the immediate care, custody, or control of such child.
- (2) If any such child be found upon the streets or in any public place in violation of this ordinance, it shall be the duty of Lake Royale POA Company Police to take such child into custody; and it shall be the duty of such officer to take the child to his residence and leave the child with his parent, guardian, or legal custodian and advise the caregiver of the violation of the ordinance ; or it shall be the duty of the Lake Royale Company Police to transport the child to the Lake Royale POA Company Police department and to thereafter immediately notify the parent or guardian or legal custodian of such minor person of the violation of terms of this ordinance, and to inform such parent or guardian or legal custodian that said minor child will be held in custody at the police department until such parent, guardian, or other legal custodian can come to the police department to get said minor child; and said minor child shall then be held at the police department
- (3) No adult person having the care and custody of a minor person under the age of eighteen (18) years shall permit said child to violate provisions of Section 1 of this ordinance.
- (4) Any adult person having the care and custody of a minor person under the age of eighteen (18) years who shall permit said minor child to violate provisions of Section 1, or who himself shall violate section 5, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not more than three-hundred (\$300.00) dollars, or by imprisonment for a term no more than thirty (30) days, or by both such fines and imprisonment, in the discretion of the courts.

- (5) It shall be unlawful, and it shall be considered a separate offence under this ordinance, for any person having the care and custody of a minor child under the age of eighteen (18) years to fail or to refuse to come to the police department and to take such minor child in custody immediately upon being so notified by the Lake Royale POA Company Police.
- (6) Inasmuch as it is essential to the peace, welfare, and happiness of the inhabitants of Lake Royale POA that this ordinance becomes effective at once to include adults over the age of 18 (eighteen) when a state of emergency is declared by the Chief of Police.

SECTION 3-2. DISCHARGING FIREARMS, AIR GUNS, ETC., PROHIBITED

- (a) It shall be unlawful to discharge any firearm within the Lake Royale POA; including but not limited to pistols, rifles, shotguns, or similar devices.
- (b) This section does not apply to a person lawfully defending life or property or performing official duties requiring the discharge of a firearm.

SECTION 3-3. CONSUMPTION, POSSESSION OF OPEN CONTAINER UPON PROPERTY OWNED BY LAKE ROYALE POA, COMMON PUBLIC AREAS.

- (a) It shall be unlawful for any person to consume alcoholic beverages or in the possession of an open container upon roadways and public vehicular areas of Lake Royale POA.
- (b) The Lake Royale POA manager may approve the consumption of alcohol on property owned by Lake Royale POA that is rented to a resident and their guests and the possession of open containers on specified property of the location where the rented property is located. This approval does not give permission for the consumption or possession of open container in areas surrounding the special event or any other recreation areas away from the special event.
- (c) All public consumption upon Lake Royale POA property shall end no later than 2:00 a.m.
- (d) The special event coordinator must agree to comply with any reasonable conditions deemed necessary by the manager or the chief of police to protect the best interest of Lake Royale POA and its residents.

- (e) All alcohol consumption on any property of Lake Royale POA must comply with all state and federal laws regarding the possession, consumption, and distribution of all alcoholic beverages.

SECTION 3-4 TRESPASSING ON LAKE ROYALE POA PROPERTY.

- (a) Entrance and egress to and from Lake Royale POA shall be through the gate located at Cheyenne Dr. and the entrance of Sacred Fire Rd. unless otherwise authorized by emergency service personal or the Lake Royale POA Board of Directors. Any other entrance to Lake Royale POA other then the designated areas given above shall be considered trespassing.
- (b) It shall be unlawful for any property owner to allow persons or property to enter Lake Royale other then the areas stated in Section 3-4(a)

SECTION 3-5 POSTING EMERGENCY PHYSICAL ADDRESSES ON PROPERTY.

- (a) All property shall post the physical address numbers for the property either beside the driveway or on the front of the residence or camper with numbers at least three (3) inches in height and clearly visible from the street.

ARTICLE IV

ANIMALS

SECTION 4-1. INTERFERING WITH OFFICERS.

No person shall interfere with, resist, or hinder any animal control officer, police officer, or a member of the board of adjustments in the performance of any duty required by the provisions of this chapter.

SECTION 4-2. LAKE ROYALE POA DESIGNATED BIRD SANCTUARY; SHOOTING, MOLESTING, ETC., OF BIRDS PROHIBITED; EXCEPTION.

- (a) The entire area embraced within the Lake Royale POA is hereby designated as a bird sanctuary.
- (b) It shall be unlawful to trap, hunt, shoot or attempt to shoot, or molest in any manner any bird or wild fowl or to rob birds nests or wild fowl nests; provided, that if starlings or any other birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property, in the opinion of the proper health authorities of the county or state, then the health authorities shall meet with representatives of the Audubon society, bird club, beautification committee, or humane society, or as many of the clubs as are found to exist in Lake Royale POA, after having given at least three (3) days actual notice of the time and place of the meeting to the representatives of the clubs.
- (c) If as a result of the meeting no satisfactory alternative is found to abate the nuisance, then the birds may be destroyed in such number and in such manner as is deemed advisable by the health authorities under the supervision of the chief of police.

SECTION 4-3. CRUELTY TO ANIMALS.

- (a) It shall be unlawful for any person to overload, overdrive, torture, torment or deprive of necessary sustenance, food or drink, or unnecessarily or cruelly beat, mutilate or kill any animal or cause or permit either of such offenses to be committed.
- (b) It shall be unlawful for any person to willfully and maliciously steal, kill, wound, or injure any animal which is the property of another or willfully and maliciously administer poison to any animal or expose any poisonous substance with the

intent that the same shall be taken and swallowed by any animal which is the property of another.

- (c) It shall be unlawful for any person to willfully and maliciously mistreat or abandon any animal within Lake Royale POA.

SECTION 4-4 KEEPING OR MAINTAINING CERTAIN ANIMALS IN LAKE ROYALE POA.

- (a) It shall be unlawful for any person to keep or maintain horses, mules, cows, cattle, chicken, ducks, poultry, or goats in Lake Royale POA except for in special events, as approved by the Lake Royale POA manager.
- (b) It shall be unlawful for any person to keep a hog or hogs upon any property or premises located within Lake Royale POA, with the sole exception of a bona fide, purebred miniature Vietnamese potbellied pig which is kept for the sole purpose of companionship and which is in compliance with all other applicable provisions of this code. Miniature Vietnamese potbellied pigs may be kept as household pets under the following conditions:
 - (1) No household shall own or keep more than one (1) pet pot bellied pig.
 - (2) Every pet pot bellied pig shall be maintained primarily within the residence of its owner. No potbellied pig shall be kept out-of-doors. Every potbellied pig may be exercised from time to time within a security fence enclosure on the owners property or under the secure physical control of its owner, or other custodian, by means of secure leash, chain, or cord. Pursuant to section 4-9, which is hereby made applicable to this part, no potbellied pig shall run at large.

SECTION 4-5. INJURIES CAUSED BY ANIMALS.

If an animal is off the property of its owner or off the property of the person who has custody of the animal and the animal attacks and injures any person or other animal, the owner or person in custody of the animal shall be guilty of a violation of this article.

SECTION 4-6. DANGEROUS DOGS.

- (1) “DANGEROUS DOG” means any dog that according to the records of the appropriate authority:
 - (a) Has aggressively bitten, attacked, endangered, or has inflicted severe injury on a human being on a public or private property;
 - (b) Has severely injured or killed a domestic animal while off the owners property;
 - (c) Has been used primarily or in part for the purpose of dog fighting or is a dog trained to fight dogs; or
 - (d) Has, when unprovoked, chased or approached a person upon the street, walkways, or any public grounds in a menacing fashion or apparent attitude of attack, providing that such actions are attested to in a sworn statement by one (1) or more persons and dutifully investigated by the appropriate authority.
- (2) “Unprovoked” means that the victim that has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.
- (3) “Severe injury” means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.
- (4) “Proper enclosure of a dangerous dog” means, while on the owners property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of small children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and secure top to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements.

**SECTION 4-7. CLASSIFICATION OF DOGS AS DANGEROUS;
CERTIFICATION OF REGISTRATION; NOTICE OF HEARING
REQUIREMENTS; CONFINEMENT OF ANIMAL; EXEMPTIONS; APPEALS;
UNLAWFUL ACTS.**

- (1) (a) An animal control authority or local law enforcement officer shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person including any animal control officer or law enforcement officer, desiring to have the dog classified as dangerous. Any animal that is subject to a dangerous dog investigation, that is not

impounded with the animal control authority shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearing related to the dangerous dog classification. The address where the animal resides shall be provided to the animal control authority. No dog that is the subject to a dangerous dog investigation may be relocated or ownership transferred pending the outcome of the investigation or any hearing related to the determination of a dangerous dog classification. In the event the dog has to be destroyed, the dog shall not be relocated or ownership transferred.

(b) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who was unlawfully on the property or while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or family member. No dog shall be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(c) After the investigation, the animal authority shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall afford the owner an opportunity for a hearing prior to making a final determination. The animal control authority shall provide a written notification of the sufficient cause finding, to the owner, by registered mail, or certified hand delivery. The owner may file a written request for a hearing within ten (10) calendar days from the date of receipt of the notification of the sufficient cause finding and, if requested, the hearing shall be held as soon as possible, but not more than twenty-one (21) calendar days and no sooner than five (5) calendar days after the receipt of the request from the owner. Each applicable local governing authority shall establish hearing procedures that conform to this paragraph.

SECTION 4-8. PENALTY FOR ATTACKS BY DANGEROUS DOGS.

The owner of a dangerous dog that attacks a person and causes physical injuries requiring medical treatment in excess of one hundred dollars (\$100.00) shall be guilty of a class 1 misdemeanor. (ARTICLE 1A CHAPTER 67-4.3)

SECTION 4-9. RUNNING AT LARGE.

It shall be unlawful for the owner of any dog or cat to permit or allow the dog or cat to commit a nuisance, or to be found running at large on any property within Lake Royale POA except on the property of the animals owner.

SECTION 4-10. LEASHING.

No animal shall be allowed off the property of its owner unless the dog is fastened to a suitable leash of dependable strength not to exceed twenty-five (25) feet in length. Such leash must be attached to a fixed object or specifically held by a person capable of controlling the animal. If the dog and the owner are swimming in the Lake together, the dog shall be allowed to swim unleashed and then immediately put back on leash upon returning to the shore area. Dogs are not permitted or allowed on designated public swimming areas in control of the Lake Royale POA. This includes walking the dog in the water or the sandy areas of the shore.

SECTION 4-11. DAMAGING PROPERTY.

- (a) It shall be unlawful for any person who shall own or be in control or in charge of any dog or cat, to allow or permit the animal to wander or stray upon the property of another and damage the property.
- (b) If any dog or cat shall wander or astray on the property of any person within the Lake Royale POA and cause damage thereon, proof of the damage and the identity of the dog or cat shall be sufficient to convict the person owning or having charge or control of the dog or cat violating the terms and provisions of this article.
- (c) It shall be a violation for any owner of a dog or cat to allow such dog or cat to defecate on any property within Lake Royale POA other than the owners property without immediately removing such defecation with some sort of material, utensil, or suitable container and depositing the defecation in a trash container. When walking a dog or cat on any property within Lake Royale POA, other than the owner's property, the owner of the dog or cat shall carry some sort of material, utensil, or suitable container with which to dispose of the defecation.

SECTION 4-12. DISTURBING THE PEACE.

- (a) It shall be unlawful for any person, whether owner, or anyone having charge, custody or control thereof, to keep any dog or cat within Lake Royale POA which bark or howl or so as to disturb the sleep or peace and quietude of any inhabitants of Lake Royale POA unless otherwise provided by state law.

- (b) Any animal which persistently makes noises for an hour or longer and annoys citizens of Lake Royale POA shall be declared a nuisance under this chapter.

SECTION 4-13. CITATIONS AUTHORIZED; PENALTIES PROVIDED

- (a) The Lake Royale POA Company Police, as approved by the Franklin County board of Commissioners, shall have the authority to issue citations to those people who's pets are found to be in violation of this article and sections herein.
- (b) Violations of this article shall be punished by fines as followed
 - (1) First offense: (The current offense is a "first" offense if there have been no other citations in the proceeding thirty-six (36) months.) Twenty-five (\$25.00); plus any additional cost of court.
 - (2) Second offense: (the current offense is a second offense if there has been only one (1) previous citation within the preceding thirty-six (36) months.) One hundred dollars (\$100.00); plus any additional cost of court.
 - (3) Third and subsequent offenses: (The current offense is a third or subsequent offense if there have been two (2) or more previous citations within the preceding thirty-six (36) months.) Two hundred fifty dollars (\$250.00); plus any additional cost of court.
 - (4) Anyone cited with a violation of this article that pays the required fines and then goes three (3) years with no offenses shall return to the status of having no prior offenses for the purpose of this section.

**ARTICLE V
TRAFFIC REGULATIONS**

SECTION 5-1 VEHICLE OPERATIONS AND PARKING RESTRICTIONS.

(a) PARKING PROHIBITED AT ALL TIMES IN DESIGNATED PLACES.

It shall be unlawful for any vehicle to park in any areas where signs are placed, erected, installed, or given notice thereof as a no parking area.

(b) PARKING WITHIN LINES WHERE PROVIDED.

On any street, public vehicular areas, or paved surface, which is marked with lines indicating the parking spaces for vehicles, the same shall park between said lines.

(c) VEHICLES NOT TO STOP OR PARK ON STREETS.

No vehicle shall stop or park on any street except if such stop is made necessary by approach of emergency vehicles which is given the right of way, or by traffic signs, pedestrians, closed gate at the entrance of Lake Royale, or by other obstructions that require the vehicle to stop to avoid a dangerous situation.

(d) UNLAWFUL TO PASS

No vehicles shall pass another excluding a golf cart while being operated on Lake Royale property unless the said vehicle passes a stationary vehicle or golf cart in a safe manner as to not endanger the lives or safety of others.

(e) RAPID ACCELERATION OR BRAKING.

No person shall upon any street or public vehicular area operate any motor vehicle from a standing or parked position by rapid acceleration causing the wheels of the vehicle to spin in place prior to and during the initial movement of the vehicle nor shall any vehicle rapidly brake causing the vehicle to skid on the roadway.

**ARTICLE VI
ENFORCEMENT PROVISION**

**SECTION 6-1 COSTS OF ENFORCEMENT AND HOLD HARMLESS
PROVISION.**

- (a) All costs associated with the enforcement of this ordinance including costs associated with the enforcement efforts and subsequent review shall be solely borne by the Lake Royale Property Owners Association.

- (b) The Lake Royale Property Owners Association, by and through its Board of Directors, hereby by the joint execution hereof, agree to hold the County of Franklin completely harmless against of any and all loss and costs, in the event of any complaint, suit, judgment or otherwise, arising from the enforcement of this Ordinance, including reasonable attorney fees and other costs.

Robert Winters, President
Lake Royale Property Owners
Association, Inc.

Raymond A. Stone, Chairman
Franklin County Board of
Commissioners

(CORPORATE SEAL)