

Chapter 100: Urban Archery Deer Season

Section

100.01 Requirements

10.99 Penalty

§100.01 Requirements

- A. Hunters shall follow all state and local laws, rules and ordinances when hunting deer within the town limits. The start and conclusion of the urban archery deer season will be determined by the most current North Carolina Wildlife Resources Commission Regulations Digest.
- B. Hunters must have in their possession a valid North Carolina Hunting License showing completion of a hunting safety course.
- C. Hunters are prohibited from using firearms to hunt. Only archery is permitted.
- D. Only hunting on private property is allowed. Hunters must have written permission in their possession dated within one year from landowners to hunt on their property or must own the property themselves.
- E. No hunting is allowed on Town of Harrisburg property or on, from or across the right-of-way of any road.
- F. Hunters must hunt from an elevated platform of at least ten (10) feet above the ground.
- G. Hunting is only allowed on a tract or parcels of land which are greater than five (5) acres.
- H. A violation of any of the provisions of this section shall subject the offender to any of the penalties contained in §10.99 of the General Provisions of the Town of Harrisburg Code of Ordinances.

§10.99 Penalty

(A) Unless otherwise provided herein, each violation of this Code shall constitute a misdemeanor, except as otherwise provided by statute, and violations of such provisions of this Code shall be punished by fine or imprisonment as by law provided.

(B) Violations of this Code shall constitute either a misdemeanor or, at the election of the town, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to the town within 15 days of the issuance of a citation, may be recovered by the town in a civil action in the nature of debt. Unless otherwise provided by a specific provision of this Code, such civil penalties shall be in the amount of \$50 for each violation, and each day any single violation continues shall be a separate violation.

(C) In addition to the civil penalties set out above, any provision of this Code or any other town ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law.

(D) In addition to the civil penalties set out above, any provision of the Code or any other town ordinance that makes unlawful a condition existing upon or use made of real property may be

enforced by injunction and order of abatement by the general court of justice. When a violation of such a provision occurs, the town may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

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

(F) The provisions of this Code and any other town ordinances may be enforced by one, all, or a combination of the remedies authorized and prescribed by this section. Any ordinances adopted by the Town Council, the violation of which shall incur a penalty, shall be construed to incur the criminal penal provisions of this section, unless a civil penalty is specified in the ordinance.

(G) (1) Upon determination of a violation of any section of this Code, the penalty for which is or may be a civil penalty, the town may but is not required to cause a warning citation to be issued to the violator. Such citation shall set out the nature of the violation, the section violated, and the date of the violation and shall contain an order to cease the violation immediately. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time may be stated within which the violation must be abated. The warning citation may specify that a second citation shall incur a civil penalty, together with costs and attorney fees.

(2) Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the appropriate official of the town and either served directly on the violator, his duly designated agent, or the registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the town or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of such citation. The citation shall direct the violator to appear before the 1997 S-3 Town Council or its designee within 15 days of the date of the citation or, alternatively, to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise, further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

(H) If the violator fails to respond to a citation within 15 days of its issuance and pay the penalty

prescribed therein, the town may institute a civil action in the nature of debt in the appropriate division of the general court of justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.

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