

**CODE OF ORDINANCES**  
**TOWN OF**  
**ST. PAULS, NORTH CAROLINA**

Published by Order of the Mayor and Board of Commissioners

Adopted: July 8, 1993  
Effective: July 8, 1993

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**OFFICIALS  
OF THE  
TOWN OF  
ST. PAULS, NORTH CAROLINA  
AT THE TIME OF THIS CODIFICATION**

M. Gordon Westbrook Mayor

Commissioners:

Sandra G. Cain  
Doris H. Sutton  
Samuel McAllister

McClure Terry  
Jerry M. Jackson  
W. David Ayers

Michael B. Phillips  
Town Administrator

Annie S. Espey  
Town Clerk

R. Thomas Hagens  
Chief of Police

A. Wayne McDuffie  
Public Works Director

Wilton Evans Jackson  
Fire Chief

Garris Neil Yarborough  
Town Attorney

## PREFACE

This Code constitutes a complete re-codification of the general and permanent ordinances of the Town of St. Pauls, North Carolina.

Source materials used in the preparation of the Code were the 1974 Code as supplemented and ordinances subsequently adopted by the mayor and board of commissioners. The source of each section is included in the history note appearing in parenthesis at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1974 Code, as supplemented and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order and the various sections within each chapter have been catch-lined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

### *Chapter and Section Numbering System*

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of Chapter 1 is numbered 1-2 and the first section of Chapter 4 is 4-1. Under this system, each section is identified with its chapter and at the same time new sections or even whole chapters can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 3-1 and 3-2 is desired to be added, such new section would be numbered 3-1.5. New chapters may be included in the same manner or by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division.

### *Page Numbering System*

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter.

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CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
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### *Indexes*

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

### *Loose-leaf Supplements*

A special feature of this publication is the loose-leaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

### *Acknowledgments*

The publisher is most grateful to Lawrence P. Di Re, Town Administrator, Garris Neil Yarborough, Town Attorney, and Annie S. Espey, Town Clerk, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the Town readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the Town's affairs.

## ADOPTING ORDINANCE

*An Ordinance Adopting and Enacting a New Code for the Town of St. Pauls, North Carolina; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof, Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective.*

*Be It Ordained by the Mayor and Board of Commissioners of the Town of St. Pauls, North Carolina:*

*Section 1.* The Code entitled "Code of Ordinances, Town of St. Pauls, North Carolina" published by Municipal Code Corporation consisting of Chapters 1 through 28, each inclusive, is adopted.

*Section 2.* All ordinances of a general and permanent nature enacted on or before November 14, 1991, and not included in the Code or recognized and continued in force by reference therein, are repealed.

*Section 3.* The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

*Section 4.* Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished in accordance with G.S. 14-4. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the mayor and board of commissioners may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

*Section 5.* Additions or amendments to the Code when passed in the form as to indicate the intention of the mayor and board of commissioners to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

*Section 6.* Ordinances adopted after November 14, 1991, that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

*Section 7.* This ordinance shall become effective July 8, 1993

Passed and adopted by the Board of Commissioners this 8th day of July, 1993.

/s/ C. W Fulghum, Jr.  
Mayor

/s/ Doris H. Sutton  
Town Clerk

## Certification of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the Board of Commissioners of the Town of St. Pauls held on the 8<sup>th</sup> day of July, 1993.

/s/ Doris H. Sutton  
Town Clerk

**PART I  
CHARTER AND RELATED LAWS\***

Subpart A

**CHARTER**

**Article I. Incorporation, Corporate Powers and  
Boundaries**

- Sec. 1.1. Incorporation.
- Sec. 1.2. Powers.
- Sec. 1.3. Corporate Limits.

**Article II. Governing Body**

- Sec. 2.1. Mayor and board of commissioners.
- Sec. 2.2. Board of commissioners; composition; terms of office.
- Sec. 2.3. Mayor; term of office; duties.

**Article III. Elections**

- Sec. 3.1. Regular municipal elections.

**Article IV. Organization and Administration**

- Sec. 4.1. Appointment of certain officers and employees by board of commissioners; duties, salaries, etc., of these officers and employees generally.
- Sec. 4.2. Appointment and powers and duties generally of town clerk and town administrator.
- Sec. 4.3. Qualifications and duties of town attorney.
- Sec. 4.4. Duties of town accountant.
- Sec. 4.5. Duties of town tax collector.
- Sec. 4.6. Duties of town treasurer.

Editor's note-Printed herein is the Charter of the Town of St. Pauls, being chapter 874 of the Session Laws of 1992, as adopted by the Legislature on July 7, 1992, and effective the same date. Amendments to the original Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catch-lines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

## ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES

### Sec. 1.1. Incorporation.

The Town of St. Pauls, North Carolina, and its inhabitants shall continue to be a municipal body politic and corporate, under the name of the "Town of St. Pauls", also referred to as the "Town".

### Sec. 1.2. Powers.

The Town has and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the Town of St. Pauls specifically by this Charter or upon municipal corporations by general law. The term "general law" is employed herein as defined in G.S. 160A-1.

### Sec. 1.3. Corporate Limits.

Until changed in accordance with law, the corporate limits are: Those established by Chapter 497 of the 1975 Session Laws effective July 1, 1975, as follows:

BEGINNING at a stake in a small branch, D.A. McGougan and L.A. McGeachy's corner, said stake being located 1 chain and 50 links due South of the West end of a small dam on said branch, said Beginning corner also being located South 40 degrees East 54 chains from the intersection of the North line of Broad Street with the centerline of the main line of the Virginia and Carolina Southern Railroad and running thence as the McGougan-McGeachy line North 2 degrees East 3399 feet to a 1/2 inch iron pipe in concrete at the edge of a large pocosin; thence North 80 degrees West 2267.25 feet to a railroad spike in the eastern edge of Railroad Street and in the western right-of-way (50 feet from center) of the Virginia and Carolina Southern Railroad; thence along said right-of-way North 21 degrees 30 minutes East 540.74 feet to a concrete monument in said right-of-way; thence North 80 degrees West 1607.02 feet to a concrete monument in the western right-of-way (50 feet from center) of U.S. Highway 301, 5th Street Extended; thence as said right-of-way North 10 degrees 02 minutes East 1035 feet to a concrete monument in said right-of-way; thence North 81 degrees 33 minutes West 442.30 feet to a concrete monument in the line of a ditch, 4 feet North of and West of the School Fence; thence South 8 degrees 43 minutes West 606.00 feet to a concrete monument in the line of another ditch, 4 feet West of the School Fence; thence North 79 degrees 40 minutes West 454.85 feet to a concrete monument in the western right-of-way (30 feet from center) of the Old Stage Road; thence along said right-of-way North 6 degrees 35 minutes East 959.79 feet to a concrete monument in said right-of-way, the southeastern corner of the N.C. National Guard Armory Lot and in the North line of Pool Street (25 feet from center) thence along and beyond the North line of Pool Street, crossing Wilkinson Drive North 82 degrees 58 minutes West 678.21 feet to a stake in the western right-of-way (30 feet from center) of Wilkinson Drive; thence North 83 degrees 43 minutes West 147.50 feet to a stake in a field; thence South 6 degrees 35 minutes West, parallel to Wilkinson Drive 969.51 feet to a stake in the North line of the Pete Ivey Residence Lot; thence along said line and beyond North 83 degrees 43 minutes

West 197.50 feet to a stake in the West right-of-way (25 feet from center) of Bellevue Street; thence along said right-of-way South 6 degrees 35 minutes West 150.00 to a stake in the right-of-way of said Street, at its intersection with the North right-of-way (20 feet from center) of Britt Street; thence South 7 degrees 49 minutes West 675.19 feet to a stake in the North line of Shaw Street (25 feet from center); thence along the North line of said Street North 83 degrees 43 minutes West 400.91 feet to a stake in the North line of said street, at its intersection with the eastern right-of-way (30 feet from center) of Sanford Street; thence along the eastern right-of-way of Sanford Street North 6 degrees 58 minutes East 635.00 feet to a stake in said right-of-way; thence North 83 degrees 43 minutes West 589.30 feet to a new 1 inch iron pipe in the eastern right-of-way (88 feet from center) of a ramp leading off of N.C. Highway 20 onto Interstate 95; thence along said right-of-way South 2 degrees 45 minutes East 179.73 feet to an existing concrete R/4V monument, the P.T. of a curve in said right-of-way; thence along said curved right-of-way, the chord being South 8 degrees 36 minutes West 315.35 feet to a concrete monument in said curved right-of-way; thence continuing along said curved right-of-way, the chord being South 20 degrees 41 minutes West 12.77 feet to an existing concrete R/W monument, the P.C. of said curve; thence continuing along said right-of-way South 20 degrees 43 minutes West 330.39 feet to an existing concrete R/W monument; thence continuing along said right-of-way South 13 degrees 46 minutes East 216.30 feet to a concrete monument in the north right-of-way (70 feet from center) of N.C. Highway 20; thence along said right-of-way South 47 degrees 58 minutes East 356.59 feet to a concrete monument in said right-of-way, at its intersection with the southeastern right-of-way (25 feet from center) of Sanford Street; thence along the southeastern right-of-way of said street South 42 degrees 02 minutes West 40.00 feet to a concrete monument in said right-of-way, in the northeastern right-of-way (30 feet from center) of N.C. Highway 20; thence along said right-of-way South 47 degrees 58 minutes East 295.68 feet to a concrete monument in said right-of-way, the P.C. of a curve in said Highway; thence continuing along said curved right-of-way, the chord being South 48 degrees 26 minutes East 131.40 feet to a concrete monument in said right-of-way, at its intersection with the original western Corporate Limit line of the Town of St. Pauls; thence along said line South 10 degrees 00 minutes West 1002.58 feet to a concrete monument in a field west of Cumbo Branch; thence South 80 degrees 00 minutes East 2640.00 feet to a nail on the porch of the Dr. L.J. Moore residence; thence due South passing through a concrete monument in the South line of Sylvia Street at 2156.44 feet, continuing a total distance of 2256.44 feet to a stake at High-water Mark on the North side of the Great Marsh Swamp; thence down the various courses of said High-water Mark to and up the first mentioned small branch in an eastern direction to the Beginning; and:

(2) All additional territory as has been duly added to the corporate limits under general law.

An official map of the Town, showing the current boundaries, shall be maintained permanently in the office of the town clerk and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map shall be made and copies shall be filed in

the office of the Secretary of State, the Robeson County Register of Deeds, and the Robeson County Board of Elections.

## **ARTICLE II. GOVERNING BODY**

### **Sec. 2.1. Mayor and board of commissioners.**

The mayor and the board of commissioners, hereinafter referred to as the "board", comprise the governing body of the Town.

### **Sec. 2.2. Board of commissioners; composition; terms of office.**

The board is composed of six commissioners elected by all the qualified voters of the Town for terms of four years or until their successors are elected and qualified. Three shall be elected in 1993 and quadrennially thereafter, and three shall be elected in 1995 and quadrennially thereafter.

### **Sec. 2.3. Mayor; term of office; duties.**

The mayor is elected in 1993 and quadrennially thereafter by all the qualified voters of the Town for a term of four years and until a successor is elected and qualified.

## **ARTICLE III. ELECTIONS\***

### **Sec. 3.1. Regular municipal elections.**

Regular municipal elections shall be held in each odd-numbered year in accordance with G.S. 163-1 et seq. Elections are conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

## **ARTICLE IV. ORGANIZATION AND ADMINISTRATION**

### **Sec. 4.1. Appointment of certain officers and employees by board of commissioners; duties, salaries, etc., of these officers and employees generally.**

The board may appoint a Town Clerk, a Town Treasurer, a Town Tax Collector, a Town Administrator, a Town Attorney, a Chief of Police, a Fire Chief, and any other officers and employees as may be necessary, none of whom need be a resident of the Town at the time of appointment. The board may appoint one person to perform the duties of any two or more of these positions. The employees or officers shall serve at the pleasure of the board, and shall perform any duties as may be prescribed by the board. The board shall fix all salaries, prescribe bonds, and require any oaths as it may deem necessary.

**\*State law reference**—Elections generally, G.S. 163-279 et seq.

### **Sec. 4.2. Appointment and powers and duties generally of Town Clerk and Town Administrator.**

The board shall choose a Town Clerk who shall keep the records of the board and perform any other duties as may be required by law or by the board. In addition

to appointing a Town Clerk, the board may, in its discretion and by resolution duly adopted, appoint a Town Administrator or Town Manager as provided by general law who shall have any powers and duties as are conferred upon the Town Administrator or the Town Manager by the board.

**Sec. 4.3. Qualifications and duties of Town Attorney.**

The Town Attorney shall be an attorney at law who has practiced in the State of North Carolina for at least four years. The Town Attorney is the chief legal adviser of and attorney for the Town and all of the Town's departments and offices in matters relating to their official powers and duties. The Town Attorney or a designee shall perform all services incident to providing legal services to the Town; attend all meetings of the board when so requested; prosecute or defend, as the case may be, all suits or cases to which the Town may be a party; prepare or review all contracts, bonds, and other instruments in writing in which the Town is concerned; and perform other duties imposed upon the Town Attorney by this Charter, by ordinance, or by resolution of the board.

**Sec. 4.4. Duties of Town Accountant.**

The Town Accountant, or the Town Clerk, or the Town Manager or the Town Administrator, whichever shall apply, shall prepare the budget in accordance with the general local government laws of North Carolina relating to the preparation of municipal budgets. This person shall:

Maintain accounting control over the finances of the Town, for which purpose this person may operate a set of general accounts embracing all the financial transactions of the Town, and any subsidiary accounts and cost records as may be required by ordinance or by the board for purposes of administrative direction and financial control;

- (ii) Prescribe the forms of receipts, vouchers, bills, or claims to be filed by all departments and agencies of the Town;
- (iii) Examine and approve all contracts, orders, and other documents by which the Town incurs financial obligations, having ascertained before approval that moneys have been duly appropriated and allotted to meet these obligations and will become available when the obligations are due and payable; audit and approve bills, invoices, payrolls, and other evidences of claims, demands, or charges against the Town and determine the regularity and correctness of these claims, demands, or charges;
- (iv) Make monthly reports on all receipts and expenditures of the Town to the mayor and board and make monthly reports on funds, appropriations, allotments, encumbrances, and authorized payments to the mayor, the board, and the head of the department or agency directly concerned;
- (v) Inspect and audit any accounts or records of financial transactions that may be maintained by any department or agency of the Town apart from or subsidiary to the general accounts; and
- (vi) perform other duties pertaining to the financial records of the Town as the board may require by ordinance.

**Sec. 4.5. Duties of Town Tax Collector.**

The Tax collector, or a person who is designated by the board to perform this function, shall collect all taxes, licenses, fees, and other moneys belonging to the Town, subject to this Charter and ordinances enacted under this Charter, and shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities. The Tax collector shall deposit daily in the Town depository all money belonging to the Town.

**Sec. 4.6. Duties of Town Treasurer.**

The Town Treasurer, or a person who is designated by the board to perform this function, shall have custody of and shall disburse all moneys belonging to the Town subject to G.S. 159-1 et seq., shall have custody of all investments and invested funds of the Town or in possession of the Town in a fiduciary capacity, and shall keep a record of these investments, and shall have custody of all bonds and certificates of Town indebtedness including any bonds and certificates un-issued or cancelled, and the receipt and delivery of Town bonds and certificates for transfer, registration, or exchange.

Subpart B

**RELATED LAWS\***

- Sec. 1.           Established
- Sec. 2.           Killing, trapping, etc., of birds

\*Editor's note—Printed herein are certain related laws of the Town of St. Pauls, as adopted by the legislature. The history of each related law is included in parentheses following each section. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

*An Act to Create Bird Sanctuaries Within the City of Lumberton and Within the Towns of Fairmont, St. Pauls, Parkton, Lumber Bridge, Red Springs, Maxton, Rowland and Pembroke.*

**Sec. 1. Established.**

The territory within the corporate limits of the City of Lumberton and the territory within the corporate limits of the Towns of Fairmont, St. Pauls, Parkton, Lumber Bridge, Red Springs, Maxton, Rowland and Pembroke are hereby declared to be bird sanctuaries.

(Sess. Laws 1951, ch. 148, 1)

**Sec. 2. Killing, trapping, etc., of birds.**

It shall be unlawful for any person to kill, trap or otherwise take any birds within the corporate limits of any one of said Towns except English Sparrows, Great Horned Owls, Cooper's Hawks, Sharp-shinned Hawks, Crows and Starlings. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction, shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days.

(Sess. Laws 1951, ch 148, 2)

## CHARTER COMPARATIVE TABLE

### SESSION LAWS

This table shows the location of the sections of the basic Charter and Related Laws and any amendments thereto.

Session Laws Year	Chapter	Section	Section this Charter
1951	148	1 2	R.L. § 1 R.L. § 2
1992	874		Char. 1.1-4.6

## **PART II**

### **CODE OF ORDINANCES**

#### Chapter 1

##### **GENERAL PROVISIONS**

- Sec. 1-1. How Code designated and cited.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Provisions considered as continuations of existing ordinances.
- Sec. 1-4. Catch-lines, history notes and references.
- Sec. 1-5. Severability of parts of Code.
- Sec. 1-6. General penalty; enforcement of ordinances; continuing violations.
- Sec. 1-7. Amendments to Code.
- Sec. 1-8. Certain ordinances not affected by Code.
- Sec. 1-9. Supplementation of Code.

## GENERAL PROVISIONS

**Sec. 1-1. How Code designated and cited.**

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as the "Code of Ordinances, Town of St. Pauls, North Carolina" and may be so cited. Such Code may also be cited as the "St. Pauls Town Code." (Code 1974, § 1-1)

**State law reference**-Codification of ordinances, G.S. 160A-77.

**Sec. 1-2. Definitions and rules of construction.**

In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the board of commissioners, or the context clearly requires otherwise:

*Board of commissioners.* The term "board of commissioners" shall mean the governing body of the Town of St. Pauls, North Carolina.

*Charter.* The word "Charter" shall mean and refer to the Charter of the Town of St. Pauls, North Carolina, as printed in part I of this volume.

*Code.* Reference to "this Code" or "the Code" shall mean and refer to the Code of Ordinances, St. Pauls, North Carolina, as designated in section 1-1.

*Computation of time.* The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is Saturday, Sunday or a legal holiday, that shall be excluded.

**State law reference**-Computation of time, G.S. 1-593.

*County.* The word "county" shall mean the County of Robeson in the State of North Carolina, except as otherwise provided.

*Gender.* Words importing the masculine gender shall include the feminine and neuter.

*Governor.* The word "governor" shall mean the governor of the State of North Carolina.

*G.S.* The designation "G.S." appearing in the text or in state law references or other notes shall mean and refer to the latest edition of the General Statutes of North Carolina, as amended.

*Joint authority.* All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

*Month.* The word "month" shall mean a calendar month.

*Number.* Words used in the singular include the plural, and the plural includes the singular number.

*Oath.* The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

*Official time standard.* Whenever certain hours are named in this Code, they shall mean standard time or daylight saving time, as may be in current use in this town.

*Owner.* The word "owner" applied to any property shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such property.

*Person.* The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

*Personal property.* The term "personal property" shall include every species of property except real property as defined in this section.

*Preceding, following.* The words "preceding" and "following" shall mean next before and next after, respectively.

*Property.* The word "property" shall include real and personal property.

*Real property.* The term "real property" shall include lands, tenements and hereditaments.

*Shall and may.* The word "shall" is mandatory, and the word "may" is permissive.

*Sidewalk.* The word "sidewalk" shall mean any portion of a street between the curb-line and the adjacent property line intended for the use of pedestrians.

*Signature or subscription.* The word "signature" or "subscription" includes a mark when the person cannot write.

*State.* The word "state" shall be construed to mean the State of North Carolina, except as otherwise provided.

*Street.* The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge, and the approaches thereto within the town, and shall mean the entire width of the right-of-way between abutting property lines.

*Tenant.* The words "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

*Tense.* Words used in the past or present tense include the future as well as the past and present.

*Town.* The words "the town" shall mean the Town of St. Pauls, in the County of Robeson and the State of North Carolina, except as otherwise provided.

*Writing.* The words "writing" and "written" shall include printing and any other mode of representing words and letters.

*Year.* The word "year" shall mean a calendar year. (Code 1974, § 1-2)

**State law reference**-Similar rules of construction of statutes, G.S. 12-3.

**Sec. 1-3. Provisions considered as continuations of existing ordinances.**

The provisions appearing in this Code, so far as they are the same as those of ordinances adopted prior to the adoption of this Code and included in this Code, shall be considered as continuations thereof and not as new enactments.

(Code 1974, § 1-3)

**Sec. 1-4. Catch-lines, history notes and references.**

(a) The catch-lines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catch-lines, are amended or reenacted.

(b) The history notes appearing in parentheses after each section and the references and notes scattered throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

(Code 1974, § 1-4)

**Sec. 1-5. Severability of parts of Code.**

It is hereby declared to be the intention of the board of commissioners that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since they would have been enacted by the board of commissioners without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

(Code 1974, § 1-5)

**Sec. 1-6. General penalty; enforcement of ordinances; continuing violations.**

(a) Unless otherwise specifically provided, violation of any provision of this Code or any other Town ordinances shall be a misdemeanor, as provided by G.S. 14-4.

(b) Violation of any provision of this Code or any other Town ordinance shall subject the offender to a civil penalty to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within a period of time prescribed by the court after they have been cited for such violation.

(c) 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) Any provision of this 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, and the general court of justice shall have jurisdiction to issue such orders. 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 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. In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. 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 grass and weeds be cut; 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 the court, 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 materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs 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 the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(e) The provisions of this Code and any other Town ordinance may be enforced by any one, all or a combination of the remedies authorized and prescribed by this section.

(f) Except as otherwise specifically provided, each day's continuing violation of any provision of this Code or any other Town ordinance shall be a separate and distinct offense. (Code 1974, § 1-6)

**State law references**-Similar provisions, G.S. 160A-175; penalty for violation of Town ordinances, G.S. 14-4.

### **Sec. 1-7. Amendments to Code.**

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect any section or subsection of this Code shall be numbered consecutively but shall refer specifically to the section or subsection affected and printed for inclusion in this Code. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions shall be excluded from this Code by omission from reprinted pages. The

subsequent ordinances, as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances numbered or omitted are readopted as a new code by the board of commissioners.

(b) Amendments of any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following manner: "That section of the Code of Ordinances, Town of St. Pauls, North Carolina, is hereby amended to read as follows: ..... The new provisions shall then be set out in full.

(c) If a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, Town of St. Pauls, North Carolina, is hereby amended by adding a new section to be numbered section , which shall read as follows: ..... The new section shall then be set out in full.

(d) All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number in the following language: "That section, chapter or article of the Code of Ordinances, Town of St. Pauls, North Carolina, is hereby repealed."

**Sec. 1-8. Certain ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any ordinance promising or guaranteeing the payment of money of the town, or authorizing the issuance of any bonds of the town, or any evidence of the town's indebtedness.
- (2) Any ordinance providing for public improvements and assessments therefore.
- (3) Any zoning ordinance or any ordinance regulating or otherwise relating to the subdivision of land.
- (4) Any appropriation ordinance or ordinance providing for an annual budget or for the transfer of funds and any ordinance levying or imposing taxes.
- (5) Any ordinance annexing territory to the town or discontinuing territory as a part of the town.
- (6) Any ordinance granting any franchise, permit or other right.
- (7) Any ordinance approving, authorizing or otherwise relating to any contract or agreement.
- (8) Any ordinance setting utility rates or fees.
- (9) Any ordinance setting salaries for town officials or employees.
- (10) Any personnel ordinance.

All such ordinances are hereby recognized as continuing in full force and effect

to the same extent as if set out at length in this Code.

**Sec. 1-9. Supplementation of Code.**

(a) By contract or by town personnel, supplements to this Code shall be prepared on an annual basis. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the board of commissioners during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the supplement) may make formal, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions.
- (2) Provide appropriate catch-lines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catch-lines, headings and titles
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections to " (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code).
- (5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

## Chapter 2

### **ADMINISTRATION\***

#### **Article I. in General**

Sec. 2-1. Rental fee for use of the Civic Center or Community Building.

Secs. 2-2—20-25. Reserved.

#### **Article II. Mayor and Board of Commissioners**

##### Division 1. Generally

Secs. 2-26—2-35. Reserved.

##### Division 2. Mayor

Secs. 2-36—2-45. Reserved.

##### Division 3. Board of Commissioners

Secs. 2-46—2-65. Reserved.

#### **Article III. Officers and Employees**

Secs. 2-66—2-95. Reserved.

#### **Article IV. Boards, Commissions and Committees**

**(Reserved)**

**\*Cross references**-Civil emergencies, ch. 10; fire department, § 14-31 et seq.; arbitration hearing board, § 26-181.

**State law reference**-Cities and towns, G. S. ch. 160A

**ARTICLE I. IN GENERAL**

**Sec. 2-1. Rental fee for use of Civic Center or Community Building.**

All persons shall pay a fee for use of the Civic Center or Community Building. The amount of such fee shall be set by the town board and recorded in the minutes of its proceedings.

(Code 1974, § 2-5)

**Secs. 2-2—2-25. Reserved.**

**ARTICLE II. MAYOR AND BOARD OF COMMISSIONERS\***

DIVISION 1. GENERALLY

**Secs. 2-26—2-35. Reserved.**

DIVISION 2. MAYOR†

**Secs. 2-36—2-45. Reserved.**

DIVISION 3. BOARD OF COMMISSIONERS

**Secs. 2-46—2-65. Reserved.**

**ARTICLE III. OFFICERS AND EMPLOYEES**

**Secs. 2-66—2-95. Reserved.**

**ARTICLE IV. BOARDS, COMMISSIONS AND COMMITTEES**

**(RESERVED)**

\***State law reference**-Composition of governing body, G. S. 160A-66

†**State law reference**-Duties of mayor, G. S. 160A-99.

## Chapter 3

**RESERVED**

## Chapter 4

### **ANIMALS\***

#### **Article I. In General**

- Sec. 4-1. Keeping livestock and poultry within town.
- Sec. 4-2 Butchering of animals
- Sec. 4-3. Wild and exotic animals prohibited.

Secs. 4-4-4-25 Reserved

#### **Article II. Dogs**

- Sec. 4-26. Definitions.
- Sec. 4-27. Running at large-Prohibited.
- Sec. 4-28. Same-Impoundment; notification to owner; disposition of unclaimed dog.
- Sec. 4-29 Vicious dogs and cats.
  
- Sec. 4-30 Number of dogs and cats.

**\*State law reference-**Regulation of domestic animals, G.S. 160A-186.

## ARTICLE I. IN GENERAL

### **Sec. 4-1. Keeping livestock and poultry within town.**

No person shall be allowed to keep, house, pen or maintain any livestock or poultry, either male or female, within the corporate limits of the Town; provided, that it shall not be unlawful for a person to transport any livestock into or through the corporate limits of the Town for the purpose of passing through the Town or for temporary purposes. Any person violating the terms of this section shall be deemed guilty of a misdemeanor.

(Code 1974, § 3-1)

### **Sec. 4-2. Butchering of animals.**

It shall be unlawful to butcher or slaughter any animal within the corporate limits, except at a properly licensed and zoned commercial establishment.

### **Sec. 4-3. Wild and exotic animals prohibited.**

(a) definition: any animal of a species or breed not domesticated to the extent that it will not remain in any pen or enclosure if released and/or will not respond to verbal or other commands of owner or handler. Any animal of a species or breed that poses a threat to the safety of any person or animal and/or property.

(b) It shall be unlawful to harbor or keep any wild or exotic animal within the corporate limits of the Town of St. Pauls. This shall not include any bird kept in a cage and confined to a residence.

(Ord. of 1-01-2007, § 1(3-3))

### **Secs. 4-4 4-25. Reserved.**

## ARTICLE II. DOGS\*

### **Sec. 4-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*At large* means a dog is off the premises of the owner and not under the control of a responsible person either by leash, cord, chain, or otherwise.

*Cat* means and includes any feline animal, male or female.

(Ord. of 12-14-2006)

*Dog* means and includes any canine animal, male or female.

*Owner* means any person owning, keeping or harboring a cat or dog within the town. (Ord. of 6-12-75, § 1(3-3))

*Tethered or tethering* means attaching an animal to a stationary object by means of a chain, cable, rope or similar device.

**Cross reference**-Definitions and rules of construction generally, § 1-2.

#### **Sec. 4-27. Running at large-Prohibited.**

It shall be unlawful for any dog to run at large in the town. (Ord. of 6-12-75, § 1(3-4))

**Cross reference**-Nuisances, § 12-66 et seq.

**State law references**-Bitches at large, G.S. 67-2; dogs running at large at night, G.S. 67-12.

#### **Sec. 4-28. Same-Impoundment; notification to owner; disposition of unclaimed dog.**

(a) Any dog found running at large may be taken into custody by any member of the police department or the canine officer and impounded at such place as they deem suitable.

(b) Any dog or cat which has rabies or is a danger to the public, in the discretion of a Town Police Officer, may be immediately destroyed by the Town Police Officer. The destruction of the animal shall be the remedy in addition to that allowed by enforcing this section as a criminal violation, it being the intention of this section to make the allowing of a dog or cat to run at large a misdemeanor. Upon killing the animal, its carcass or head shall be submitted to the Robeson County Health Department for testing.

#### **Sec. 4-29. Vicious dogs and cats.**

It shall be unlawful for any person to keep any vicious dog or cat within the Town unless such dog or cat is confined within the premises of the owner. For the purpose of this section, the term, "vicious dog or cat" shall mean any dog or cat which has previously bitten a person or any animal in which a propensity to attack human beings or domesticated animals exists and such propensity is known or ought to be known by the owner or person in charge of such dog or cat.

#### **Sec. 4-30. Number of dogs and cats**

It shall be unlawful for any premises in the Town to have more than three dogs and cats in any combination. Newborn dogs and cats may be kept upon the premises of the owner for a period of up to six weeks.

(Ord. of 1-01-2007)

#### **Sec. 4-31. Tethering of dogs, cats prohibited**

1. No pet shall be tethered outdoors unless the keeper or owner of the pet is holding the tether.

2. It shall be an affirmative defense to a violation of sub-section of 1 above that the tethering is required to protect the safety or welfare of a person or the pet, if the keeper or owner of the pet remains with the pet throughout the period of tethering.

3. The provisions of sub-section 1 above shall not apply to a temporary tether:

a. during a lawful animal event, veterinary treatment, grooming, training or law enforcement activity, or

b. to a keeper or owner walking a pet with a hand-held leash, or

c. when the animal's caretaker is outside and within eyesight of the animal, or

d. after taking possession of a dog or cat that appears to be a stray animal and after having advised the Animal Control Department of the stray.

4. The provisions of sub-section 2 and 3 above shall apply only if:

a. the tether is not placed directly around the animal's neck and is attached to a properly fitting collar or harness of nylon or leather worn by the animal, and

b. the weight of the tether does not exceed more than one-tenth of the animal's body weight, and

c. the tether is unlikely to become tangled or twisted, and

d. the tether is arranged to be free of any obstacles which may limit the moveable length of the tether, and

e. the animal is tethered in a manner that permits access to necessary shelter and water.

#### **Sec. 4-32 Physical space requirements for outdoor enclosures / pens**

Dogs weighing less than 20 lbs. must have no less than 100 square feet of unobstructed space per animal; not including a dog house. Dogs weighing more than 20 lbs. must have no less than 200 square feet of unobstructed space per animal, not including a dog house.

#### **Sec. 4-33 General care; Prohibited acts**

All animals shall be kept and treated under sanitary and humane conditions and it shall be unlawful for any person to engage in one or more of the following acts:

1. *Failure to provide adequate food.* All animals shall be given at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff in a container suitable for the age and species of the animal and sufficient to maintain a healthful level of nutrition.

2. *Failure to provide adequate water.* All animals shall have constant access to a supply of clean, fresh potable water or a supply of clean, fresh potable water provided at suitable intervals. If access is not constant, then adequate amounts of water must be provided at least twice in a 24 hour period. If water is provided at intervals, it must remain in the animals' enclosure for at least one hour during each interval.
3. *Failure to provide adequate shelter.* All animals shall be provided with adequate shelter from the weather at all times. Examples of inadequate shelter include, but are not limited to the following:
  - a. Underneath outside steps, decks and stoops
  - b. Underneath houses
  - c. Inside or underneath motor vehicles
  - d. Inside metal or plastic barrels
  - e. Inside cardboard boxes
  - f. Inside temporary animal carriers or crates
  - g. Shelters located in flood-prone areas
  - h. Shelters surrounded by waste, debris, obstructions or impediments that may endanger an animal
4. *Animal abuse.* Examples of animal abuse include, but are not limited to the following:
  - a. Allowing a collar, rope or chain to become imbedded in or cause injury to an animal's neck.
  - b. Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised.
  - c. Allowing a dog or cat to be left outside in inclement weather or extreme temperatures without adequate shelter.
  - d. Intentionally allowing animals to engage in a fight.
  - e. Allowing animals to be kept in unsanitary conditions.
  - f. Allowing animals to be kept in crowded conditions. (Sec. 4-32 requirements).
  - g. Failure or refusal of an owner in contact with or having knowledge of a sick, diseased or injured animal to provide proper medical treatment for the animal or notify the Animal Control Division of the condition.
  - h. Failure to notify an animal's owner of any intentional or unintentional injury to an animal. Example: Hitting an animal with a motor vehicle leaving an injured animal defenseless and in pain. If the owner cannot be found, the Animal Control Officer or the police department should be called to help locate the owner.

(Ord. of 06/09/2011)

**\*State law references**-Dogs generally, G.S. 67-1 et seq.; rabies control, G.S. 106-364 et seq.

Chapter 5  
RESERVED

## Chapter 6

### **BUILDINGS AND BUILDING REGULATIONS\***

#### **Article I. In General**

- [Sec. 6-1.](#) Finding; purpose of chapter.
- [Sec. 6-2.](#) Definitions.
- [Sec. 6-3.](#) Responsibilities of owners and occupants.
- [Sec. 6-4.](#) Board of Adjustment designated as Housing Appeals Board.
- [Sec. 6-5.](#) Violations.
- [Sec. 6-6.](#) Conflict with other provisions.
- [Sec. 6-7.](#) Fitness for dwellings and dwelling units.
- [Sec. 6-8.](#) Structural conditions.
- [Sec. 6-9.](#) Basic equipment and facilities.
- [Sec. 6-10.](#) Light and ventilation.
- [Sec. 6-11.](#) Size, height and floor area; use of basement for living purposes.
- [Sec. 6-12.](#) Safe and sanitary maintenance.
- [Sec. 6-13.](#) Control of insects, rodents and infestation.
- [Sec. 6-14.](#) Rooming-houses.
- [Sec. 6-15.](#) Powers and duties of Code Enforcement Officer.
- [Sec. 6-16.](#) Inspections.
- [Sec. 6-17.](#) Procedures for enforcement.
- [Sec. 6-18.](#) Method of service of complaints and order.
- [Sec. 6-19.](#) Remedies.
- [Sec. 6-20.](#) Appeals from orders of Code Enforcement Officer, directed to Housing Board of Appeals on dwellings, buildings and property Standards.
- [Sec. 6-21.](#) Petition by owner to Superior Court.
- [Sec. 6-22.](#) Failure of compliance; imposition of lien.
- [Sec. 6-23.](#) Alternative remedies; appeals.
- [Sec. 6-24.](#) Penalties.

**\*Cross references**-Fire prevention, ch. 14; solid waste, ch. 20; utilities, ch. 26.

**State law reference**-Municipal authority to regulate the construction of buildings, G.S. 160A-411, 160A-412.

## ARTICLE 1. IN GENERAL

### Sec. 6-1. Finding; purpose of chapter.

Pursuant to G. S. 160A-441, it is declared that there exist in the Town:

(1) Dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety, morals and otherwise inimical to the welfare of the residents of the Town.

(2) Certain abandoned structures which, due to the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions contributing to a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities, are a health and safety hazard and are otherwise inimical to the welfare of the Town.

(3) In order to protect the health, safety and welfare of the residents of the Town as authorized by G. S. 160A-441 et seq., it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation and in addition to provide for the regulation of abandoned structures as expressly authorized by G. S. 160A-441 and 160A-444.

### Sec. 6-2. Definitions.

The following word, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Whenever the terms dwelling, dwelling unit, rooming-house, rooming unit or premises are used in this chapter, they shall be construed as though they were followed by the words: "or any part thereof."

*Abandoned structure*-means any dwelling, dwelling unit, habitable room, multiple dwelling, rooming unit, rooming-house, structure or manufactured/mobile home which is a health or safety hazard as a result of the attraction or insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequently used by vagrants as living quarters in the absence of sanitary facilities.

*Basement*-means a portion of a dwelling, structure or abandoned structure which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

*Board*- means the Town Board of Appeals on dwellings, buildings, and property standards established by this chapter.

*Building*-means any structure enclosed and isolated by exterior walls constructed or used for, but not limited to, residence, business, industry or other public or private purposes or accessory to hereto, and also tents, lunch wagons, dining cars, trailers and similar structures, whether stationary or moveable.

*Cellar*-means a portion of a dwelling, structure or abandoned structure located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

*Deteriorated*-means a dwelling, structure or abandoned structure that is unfit for human habitation and can be repaired, altered or improved to comply with all of the

minimum standards established by this chapter except at a cost in excess of 50 percent of its value, as determined by findings of the Code Enforcement Officer.

*Dilapidated*-means a dwelling, structure or abandoned that is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this chapter as a cost of not in excess of 50 percent of its value, as determined by findings of the Code Enforcement Officer.

*Dwelling*-means any building, structure, manufactured/mobile home or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as defined in this section, shall not be regarded as a dwelling. The term shall include within its meaning the terms "rooming-house" and "rooming unit" as defined in this section.

*Dwelling unit*-means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

*Extermination*-means the control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the Code Enforcement Officer.

*Garbage*-means the organic waste resulting from the handling, preparation, cooking and consumption of food.

*Habitable space or room*-means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms.

Water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.

*Infestation*-means the presence, within or around a dwelling, structure or abandoned structure of any insects, rodents or other pests in such number as to constitute a menace to the health safety or welfare of the occupants or to the public.

*Code enforcement officer*-means the Code enforcement Officer of the Town or any authorized agent of the Code Enforcement Officer.

*Multiple dwelling*-means any dwelling containing more than two dwelling units.

*Occupant*-means any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit or rooming unit.

*Operator*-means any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

*Owner*-means any person who alone, jointly or severally with others:

- (1) Shall have title to any dwelling, dwelling unit, rooming unit, structure or abandoned structure with or without accompanying actual possession thereof;
- (2) Shall be a mortgagee of record for any dwelling, dwelling unit, rooming unit, structure or abandoned structure; or
- (3) Shall have charge, care or control of any dwelling, dwelling unit, rooming unit, structure or abandoned structure as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provision of this chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

*Party, parties in interest*-means all persons who have interests of record in a dwelling, dwelling unit, rooming unit, structure or abandoned structure and any persons who are in possession of such structures.

*Plumbing*-means all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

*Public Authority*-means the Town Code Enforcement Officer or any officer who is in charge of any department or branch of the government of the Town or the state relating to building regulations or other activities concerning dwellings or structures in the Town.

*Rooming unit*-means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

*Rooming-house*-means any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.

*Rubbish*-means combustible and non-combustible waste materials, except garbage and ashes, and the term shall include, but not be limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, metals, mineral matter, glass, crockery and dust.

*Structure*-means anything constructed or erected, the use of which requires location on the land, or attachment to the land or something having a permanent location on the land such as billboards, signs or fences.

*Substandard dwelling or structure*-means a dwelling, dwelling unit, multiple dwelling, apartment house, structure, abandoned structure or any other space used or intended to be used as a habitable living space in any building or structure which does not meet the basic minimum requirements of this chapter for such use.

*Temporary housing*-means any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than 30 consecutive days.

*Tenant*-means any person who alone or jointly or severally with others occupies a residential building under a lease or holds a leasehold interest in a building.

*Unfit for human habitation*-means conditions existing in a dwelling, dwelling unit, rooming-house, rooming unit, structure or abandoned structure which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

**State law reference:** Definitions regarding minimum housing standards, G S. 160A-442

**Sec. 6-3. Responsibilities of owners and occupants.**

(a) *Public Areas.* Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(b) *Cleanliness.* Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.

(c) *Rubbish and garbage.* Every occupant of a dwelling or dwelling unit shall dispose of all of his rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.

(d) *Supplied plumbing fixtures.* Every occupant of a dwelling or dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of such fixtures.

(e) *Care of facilities, equipment and structures.* No occupant shall willfully destroy, deface or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit. See the penalty provisions of section 6-24.

(f) *Care of premises.*

(1) It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any icebox, refrigerator, stove, glass, building material, building rubbish or similar items.

(2) It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed in subsection (f)(1) of this section including, but not limited to, weeds, dead trees, trash, garbage, etc., upon notice from the Code Enforcement Officer.

(3) Yards and courts shall be kept clean and free of physical hazards, rubbish, trash, garbage, junked vehicles, vehicle parts and other similar material.

(4) Every premises shall be provided with vehicular access to and from the premises at all times by an abutting public or private street.

(5) No occupant shall obstruct in any manner any means of egress from any portion of the premises.

(6) No occupant shall place on the premises any material which causes a fire hazard or otherwise endangers the health and safety of any occupants of such building. No occupant shall place on the premises exterior or porch any furniture designed for interior use.

**State law reference:** Exercise of police power authorized, G. S. 160A-441.

**Sec. 6-4. Board of Adjustment designated as Housing Appeals Board.**

The members of the Board of Adjustment who are appointed by the Town Council, are designated to serve as the Housing Appeals Board for the building inspection jurisdiction of the Town in accordance with G. S. 160A-446.

(1) Board established. To perform the function in this chapter assigned to it and to be vested with all authority in this chapter given it, there is hereby established by the Town Council a board to be called the Housing Appeals Board. Of the members first appointed, two shall be appointed for a term of one year, two for a term of two years. One for a term of three years, and thereafter they shall be appointed for

terms of three years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the board shall, at the discretion of the Town Council render any such member liable to immediate removal from office. Three members of the board shall constitute a quorum; no board member shall act in a case in which he has a personal interest. The board shall perform its duties in accordance with G. S. 160A-446. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this chapter and Code. The board shall meet at regular intervals, to be determined by the chairman, or in any event, the board shall meet as required to dispatch its business.

(2) *Minimum dwelling and building standards; powers and duties.* The board, after a hearing, may vary the application of any provision of this chapter to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this chapter or public interest, or when, in its opinion the interpretation of the Building Inspector should be modified or reversed. A decision of the board to vary the application of any provision of this chapter pr to modify any order of the Building Inspector shall specify in what manner such a variance or modification is made, the conditions upon which it is made and the reasons therefore. Every decision of the board shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the Office of the Building Inspector and shall be open to public inspection. The board shall in every case reach a decision without unreasonable or unnecessary delay.

If a decision of the board reverses or modifies a refusal, order or disallowance of the Building Inspector, or varies the application of any provision of this chapter, the building inspector shall immediately take action in accordance with such decision.

(3) *Additional powers of board and Building Inspector.* The Board and building Inspector are hereby further authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

a. To investigate the housing conditions and structures in the Town in order to determine which housing therein is unfit for human habitation and which structures are dangerous.

b.. To administer oaths, affirmations, examine witnesses and receive evidence.

c. To enter upon premises for the purpose of making examinations, provided that such entries shall be made at reasonable times and in such a manner as to cause the least possible inconveniences to the to the persons in possession.

d. To appoint and fix the duties of such officers, agents and employees as they deem necessary to carry out the purpose of this chapter, subject to the authority of the Town Council and the Town Administrator.

e. With respect to the Building Inspector, to delegate any of his/her functions and powers under this chapter to such officers and agents as he may designate.

(4) *Noxious weeds and similar nuisances; powers and duties.* The board, after a hearing, may vary the application of any provision of G. S. ch. 97 to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of that chapter of public interest, or when, in its opinion, the interpretation of the Building Inspector should be modified or reversed.

A decision of the board to vary the application of any provision of G. S. ch. 97 or to modify any order of the Building Inspector shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefore.

Every decision of the board shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Building Inspector and shall be open to public inspection.

The board shall in every case reach a decision without unreasonable or unnecessary delay. If a decision of the board reverses or modifies a refusal, order, or disallowance of the Building Inspector or varies the application of any provision of this chapter, the Building Inspector shall immediately take action in accordance with such decision.

**Sec. 6-5. Violations.**

(a) It shall be unlawful for the owner of any dwelling, dwelling unit, structure or abandoned structure to fail, neglect or refuse to repair, alter or improve it, or to vacate and close and remove or demolish it on order of the Code Enforcement Officer duly made and served as provided in this chapter, within the time specified in the order. Each day that any such failure, neglect or refusal to comply with the order continues shall constitute a separate and distinct offense.

(b) It shall be unlawful for the owner of any dwelling, dwelling unit, structure or abandoned structure with respect to which an order had been issued pursuant to section 6-21, to occupy or permit the occupancy of it after the time prescribed in the order for its repair, alteration or improvement, or its vacation and closing. Each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

**Sec. 6-6. Conflict with other provisions.**

If any provision, standard or requirement of this chapter is found to be in conflict with any provision of any ordinance or code of the Town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the Town shall prevail.

**Sec. 6-7. Fitness for dwellings and dwelling units.**

(a) Every dwelling and dwelling unit used as human habitation, shall comply with all of the minimum standards of fitness for human habitation and all requirements of sections 6-8 through 6-13.

(b) No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling, dwelling unit or structure which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of sections 6-8 through 6-13.

**State law reference:** Exercise of police power authorized, G. S. 160A-441.

**Sec. 6-8. Structural conditions.**

The following standards shall constitute the minimum standards for structural condition of a dwelling, dwelling unit or structure:

- (1) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle; shall not be rotted, deteriorated or damaged; and shall not have holes or cracks which might admit rodents, insects or weather.
- (2) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purposed used.
- (3) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.
- (4) Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.
- (5) Exits and egress. Dwelling units must be provided with one exit for each unit that is at no point more than 75 feet in travel distance from any point inside the unit. Every sleeping room must have a window that opens for means of egress or rescue.
- (6) Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.
- (7) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weatherproof and watertight.
- (8) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling or in such condition or location as to constitute a fire hazard.
- (9) There shall be no use of the ground for floors or wood floors on the ground.
- (10) Accessory structure garages, storage buildings and other accessory structures shall be maintained in good repair and sound structural condition.

**Sec. 6-9. Basic equipment and facilities.***(a) Plumbing system*

- (1) Each dwelling unit or apartment shall be connected to a potable running water supply. It shall be unlawful for any occupant of a dwelling unit, apartment or structure to occupy such dwelling unit, apartment or structure unless running water is supplied from the available town water system to the required plumbing fixtures. The code enforcement officer shall post on the main entrance to any occupied apartment, apartment building or single or multiple dwelling unit, where running water is not provided as required by this section, a sign to read: "Condemned. No Water. Occupant must vacate within 48 hours." The erection of such sign shall be notice to the occupant of the dwelling unit, apartment or structure of a violation of the provisions of this section. The occupant of any dwelling

unit, apartment or structure found to be in violation of the provisions of this section shall, within 48 hours of the posting of the code enforcement officer's sign, provide running water to all required fixtures or cause the occupant to vacate the property.

(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable private or public water supply.

(3) Each dwelling unit and apartment shall be connected to the public sewer or other approved sewage disposal system.

(4) All plumbing fixtures shall meet the standards of the state plumbing codes and shall be maintained in a state of good repair and in good working order.

(5) All required plumbing fixtures shall be located within the dwelling unit and be accessible to its occupants. The water closet and tub or shower shall be located in a room affording privacy to the user and in accordance with the state plumbing codes.

(b) *Heating system.*

(1) Every dwelling unit shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit at a point of three feet above the floor in all rooms.

(2) All fuel-fired heating systems must be connected to an approved venting system either by a listed, labeled vent or masonry chimney or flue that is sufficient for the installation and is not defective, deteriorated or in need of repair and deemed safe in accordance with the requirements of the state building codes.

(3) Listed un-vented heaters may be used when installed according to the manufacturers' installation requirements. All un-vented room heaters shall be equipped with an oxygen depletion sensitive safety shutoff system. The system shall shut off the gas supply to the main and pilot burners when the oxygen in the surrounding atmosphere is depleted to the percent concentration specified by the manufacturer, but not lower than 18 percent. The system shall not incorporate field adjustment means capable of changing the set point at which the system acts to shut off the gas supply to the room heater.

(4) All heating appliances and heating systems shall bear the label of an approved testing agency and shall be installed in accordance with their manufacturers' installation requirements and their listing in compliance with the state building codes.

(c) *Electrical system.*

(1) Each dwelling unit shall be connected to a source of electrical current supplied by the nearest available utility having domain over the area. The minimum power supply shall be a 110/220 volt service capable of serving a minimum 100 amp load and shall be properly grounded. The minimum size of service equipment at each dwelling shall be rated 100 amps, installed in accordance with the Electrical Code (NEC). Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles.

- (2) Every public hall and stairway in every multifamily dwelling shall be adequately lighted by electric lights at all times, when natural daylight is not sufficient.
- (3) Every habitable room shall contain at least two floor or wall-type electric convenience receptacles.
- (4) There shall be installed in every bathroom, water closet room, laundry room, and furnace room at least one supplied ceiling or wall-type electric light fixture, in accordance with the current National Electrical Code.
- (5) All receptacles, ceiling fixtures or other fixtures shall be securely attached. All electrical switches, fixtures and receptacles shall be safely operable or else sealed off and disconnected.
- (6) No drop or extension cords shall be used as a substitute for the fixed wiring; run through holes in walls, ceiling or floors; run through doorways, windows or similar openings; attached to building surfaces; concealed behind building walls, ceilings or floors.
- (7) No electrical circuit shall be overloaded or double lugged. Size of wire shall be appropriate to handle electric loads safely. Fuses shall be sized correctly and not bridged out.
- (8) All new permanent wiring to be installed and receptacle replacements shall be in accordance with the current National Electrical Code. Any repair or replacement of existing wiring shall be done in accordance with such electrical code when, in the opinion of the code enforcement officer, it is reasonably practicable or otherwise vital to health and safety in order to eliminate a dangerous and hazardous condition.
- (9) Any other dangerous or hazardous electrical conditions shall also be prohibited.
- (10) All wiring shall be maintained in a safe condition.
- (11) Outside of every sleeping area, there shall be installed an operable, battery or electrical, UL approved smoke detector.

### **Sec. 6-10. Light and ventilation.**

#### *(a) Habitable rooms.*

- (1) All habitable rooms shall be provided with aggregated glazing area of not less than eight percent of the floor area of such rooms. One-half of the required area of the glazing shall be operable.

#### *(2) Exceptions.*

- a. The glazed areas need not be operable, provided that there is an approved mechanical ventilation system, capable of producing a change of air every 30 minutes.
- b. The glazed areas may be omitted in rooms where adequate artificial light is provided and the opening is not required by state building codes.

#### *(b) Bathrooms.*

- (1) Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than three square feet, one-half of which must be operable

## (2) Exceptions:

- a. The glazed areas shall not be required where artificial light and an approved mechanical ventilation system capable of producing a change of air every 12 minutes are provided.
- b. Bathroom exhausts shall be vented directly to the outside.

(c) *Glazing.*

Required glazed openings shall open directly onto a street or public alley, or a yard or court located on the same lot as the building. Required glazed openings may face into a roofed porch where the porch abuts a street, yard or court and the longer side of the porch is at least 65 percent open and unobstructed and the ceiling height is not less than seven feet.

**Sec. 6-11. Size, height and floor area; use of basement for living purposes.**

## (a) Room size.

(2) Every dwelling unit shall have at least one habitable room which shall have not less than 150 square feet of floor area. Other habitable rooms shall have an area of not less than 70 square feet. Every kitchen shall have not less than 50 square feet of floor area. Habitable rooms, except kitchens, shall be not less than seven feet in any horizontal dimension.

(3) Every habitable room shall have a ceiling height of not less than 7 1/2 feet for at least 50 percent of their required areas. All other rooms including kitchens, baths and hallways may have a ceiling height of not less than seven feet.

(4) Floor area calculation. Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than ten percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area for the purpose of determining the maximum permissible occupancy.

(5) Sleeping area. Minimum floor area for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(b) *Basements, cellars and attics.* No cellar, basement or attic space may be used as a dwelling unit unless:

- (1) It meets the requirements of the state building codes and other provisions of this Code;
- (2) The floor and walls are watertight;
- (3) The total window area, total openable window area, and ceiling height are equal to those required for habitable rooms; and

(4) The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well, or access-way.

**Sec. 6-12. Safe and sanitary maintenance.**

(a) *Exterior foundation, walls and roofs.* Every foundation wall, exterior wall and exterior roof shall be substantially weather-tight and rodent-proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

(b) *Interior floors, walls and ceilings.* Every floor, interior wall, and ceiling shall be substantially rodent-proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon.

(c) *Windows and doors.* Every window, exterior door, basement or cellar door, and hatchway shall be substantially weather-tight, watertight and rodent-proof; and shall be kept in sound working condition and good repair.

(d) *Stairs, porches and appurtenances.* Every inside and outside stair, porch, and any appurtenance thereto, shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon, and shall be kept in sound condition and good repair.

(e) *Protective railings.* Every protective railing shall be required on any unenclosed structure over 30 inches from the ground level or on any steps containing four risers or more.

(t) *Bathroom floors.* Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit the floor to be easily kept in a clean and sanitary condition.

(g) *Supplied facilities.* Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

(h) *Drainage.* Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

(i) *Noxious weeds.* Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.

(j) *Egress.* Every dwelling unit or structure shall be provided with adequate means of egress as required by the state building codes.

**Sec. 6-13. Control of insects, rodents and infestation.**

(a) *Screens.* Every door, window or other device opening to outdoor space and used or intended to be used for ventilation, shall be provided with screens for protection against mosquitoes, flies and other insects.

(b) *Rodent control.* Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry

for rodents, shall be equipped with screens or such other approved device as will effectively prevent their entrance.

(c) *Infestation*. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(d) *Rubbish storage and disposal*. Every dwelling, dwelling unit and structure shall be supplied with approved containers and covers for storage of rubbish as required by town ordinances, and the owner, operator or agent in control of the dwelling, dwelling unit or structure shall be responsible for the removal of rubbish.

(e) *Garbage storage and disposal*. Every dwelling and dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an approved outside garbage can as required by town ordinances.

#### **Sec. 6-14. Rooming-houses.**

All of the provisions of this chapter and all of the minimum standards and requirements of this article shall be applicable to rooming-houses, and to every person who operates a rooming-house, or who occupies or lets to another for occupancy any rooming unit in any rooming-house, except as provided in the following subsections:

(1) *Water closet, hand lavatory and bath facilities*. At least one water closet, lavatory, sink, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming-house wherever the facilities are shared. All facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one story removed from any of the persons sharing facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. The required facilities shall not be located in a cellar.

(2) *Sleeping area*. Minimum floor area for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(3) *Sanitary conditions*. The operator of every rooming-house shall be responsible for the sanitary maintenance of all walls, floors and ceilings; and for the sanitary maintenance of every other part of the rooming-house. He shall be further responsible for the sanitary maintenance of the entire premises where the structure or building within which the rooming-house is

(4) *Sanitary facilities*. Every water closet, flush urinal, lavatory basin, and bathtub or shower required by subsection (1) of this section shall be located

within the rooming-house and within rooms which afford privacy and are separate from the habitable rooms, are accessible from a common hall, and are accessible without going outside the rooming-house or through any other room therein.

**Sec.6-15. Powers and duties of code enforcement officer.**

The Code Enforcement Officer is designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers prescribed in this article. The code enforcement officer is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter. The code enforcement officer shall have the following powers and duties:

- (1) Investigate the dwelling conditions, and to inspect dwellings, dwelling units, structures and abandoned structures located in the town, in order to determine which dwellings, dwelling units, structures and abandoned structures are unfit for human habitation, and for the purpose of carrying out the objectives of this chapter with respect to the repair, closing or demolition of such dwellings, dwelling units, structures and abandoned structures;
- (2) Take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;
- (3) Keep a record of the results of inspections made under this chapter and an inventory of those dwellings, dwelling units, structures and abandoned structures that do not meet the minimum standard of fitness herein prescribed;
- (4) Administer oaths and affirmations, examine witnesses, and receive evidence;
- (5) Enter on premises for the purpose of making examinations and inspections; provided the entries shall be made in accordance with section 6-16 and state law, and shall be made in such a manner as to cause the least possible inconvenience to the persons in possession;
- (6) Appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter, and to delegate any of his functions and powers to those officers, agents and employees;
- (7) Perform such other duties as may be prescribed in this article.

**Sec. 6-16. Inspections.**

- (a) For the purpose of making inspections, the code enforcement officer is authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming-houses, rooming units, structures and abandoned structures and the premises associated therewith. The owner or occupant of every dwelling, dwelling unit, rooming-house, rooming unit, structure or abandoned structure, or the person in charge thereof, shall give the code enforcement officer free access to the dwelling, dwelling unit or structure and its premises at all reasonable times for the purposes of inspection, examination and survey.
- (b) Every occupant of a dwelling, dwelling unit, rooming-house, rooming unit or structure shall give the owner thereof or his agent or employee access to

any part of the dwelling, dwelling unit or structure and its premises at all reasonable times for the purpose of making any repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter.

NOTE: When permission to inspect a dwelling, dwelling unit, structure or abandoned structure or its premises is denied, the code enforcement officer must obtain a warrant to inspect, pursuant to G.S. 15-27.2 which provides for the issuance of warrants for the conduct of inspections authorized by law. The state court of appeals in *In Re Dwelling*, 24 N.C. App. 17 (1974), has held that the consent of the tenant-occupant who was in actual possession and control of the premises was sufficient to authorize an inspection without a warrant, notwithstanding the fact that the owner has objected to the warrant-less search. When faced with a situation where permission to inspect is denied, code enforcement officers are advised to seek the advice of the town attorney.

### **Sec. 6-17. Procedures for enforcement.**

#### *(a) Preliminary investigation; notice; hearing.*

(1) Whenever a petition is filed with the code enforcement officer by a public authority or by at least five residents of the town, charging that any dwelling, dwelling unit, structure or abandoned structure is unfit for human habitation, or whenever it appears to the code enforcement officer, upon his own initiative or inspection, that any dwelling, dwelling unit, structure or abandoned structure is unfit for human habitation, he shall, if his preliminary investigation disclosed a basis for such charges, issue and cause to be served on the owner of and parties in interest in the dwelling, dwelling unit, structure or abandoned structure a complaint stating the charges and containing a notice that a hearing will be held before the code enforcement officer at a place therein fixed, not less than ten or more than 30 days after the serving of the complaint.

(2) Exception: Every building, structure or abandoned structure which shall appear to the code enforcement officer to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes, shall be held to be unsafe, and the code enforcement officer shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of such building, structure or abandoned structure. If the owner of a building, structure or abandoned structure that has been condemned as unsafe pursuant to G.S. 160A-426 shall fail to take prompt corrective action, the local code enforcement officer shall give him written notice, by certified or registered mail and by regular mail to his last known address or by personal service that:

(a) The building, structure or abandoned structure is in a condition that appears to constitute a fire or safety hazard or to be dangerous to life, health or other property.

b. A hearing will be held before the code enforcement officer at a designated place and time, not later than ten days after the date of the

notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.

c. Following the hearing, the code enforcement officer may issue such order to repair, close, vacate or demolish the building, structure or abandoned structure as appears appropriate.

d. If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy is posted on the outside of the building, structure or abandoned structure in question at least ten days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the town at least once, not later than one week prior to the hearing.

(b) *Procedure after hearing.*

(1) After notice and hearing, the code enforcement officer shall state in writing his determination whether the dwelling, dwelling unit, structure or abandoned structure is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

(2) If the code enforcement officer determines that the dwelling, dwelling unit, structure or abandoned structure is deteriorated, he shall state in writing his findings of fact in support of that determination, and shall issue and cause to be served on the owner thereof an order directing and requiring the owner to repair, alter and improve the dwelling, dwelling unit, structure or abandoned structure to comply with the minimum standards of fitness established by this article within a specified period of time not to exceed 90 days. The order may also direct and require the owner to vacate and close the dwelling, dwelling unit, structure or abandoned structure until such repairs, alteration and improvements have been made

(3) If the code enforcement officer determines that the dwelling, dwelling unit, structure or abandoned structure is dilapidated, he shall state in writing his findings of fact to support the determination, and shall issue and cause to be served on the owner thereof an order directing and requiring the owner to either repair, alter and improve the dwelling, dwelling unit, structure or abandoned structure to comply with the minimum standards of fitness established by this article, or else vacate and remove or demolish it within a specified period of time not to exceed 90 days.

**Sec.6-18. Method of service of complaints and order.**

Complaints or orders issued by the code enforcement officer shall be served on persons either personally or by registered or certified mail and regular mail, but if the whereabouts of the persons are unknown and they cannot be

ascertained by the code enforcement officer in the exercise of reasonable diligence, or, if known, but attempts to serve by registered or certified mail are refused, the code enforcement officer shall make an affidavit to that effect. The serving of the complaint or order on such person may be made by publishing it at least once no later than the time at which personal service would be required under the provisions of this article in a newspaper having general circulation in the town. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

#### **Sec. 6-19. Remedies.**

(a) *In personam remedy.* If the owner of any deteriorated dwelling, dwelling unit, structure or abandoned structure fails to comply with an order of the Code Enforcement Officer to repair, alter or improve, or to vacate and close within the time specified therein, or if the owner of a dilapidated dwelling, dwelling unit, structure or abandoned structure fails to comply with an order of the code enforcement officer to repair, alter or improve, vacate and close, and remove or demolish it within the time specified therein, the code enforcement officer shall submit to the town council at its next regular meeting a resolution directing the town attorney to petition the superior court for an order directing the owner to comply with the order of the code enforcement officer, as authorized by G.S. 160A-446.

(b) *In rem remedy.* After failure of an owner of a deteriorated or dilapidated dwelling, dwelling unit, structure or abandoned structure to comply with an order of the code enforcement officer within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in subsection (a) of this section, the code enforcement officer shall submit to the town council members an ordinance ordering the code enforcement officer to cause the dwelling, dwelling unit, structure or abandoned structure to be repaired, altered, improved, vacated, closed, removed or demolished, as provided in the original order of the code enforcement officer; and, pending removal or demolition, to place a placard on the dwelling, dwelling unit, structure or abandoned structure as provided by G. S. 160A-443 and section 6-22 of this Code.

#### **Sec. 6-20. Appeals from orders of code enforcement officer, directed to housing board of appeals on dwellings, buildings and property standards.**

(a) An appeal from any decision or order of the code enforcement officer may be taken by any person aggrieved thereby. Any appeal from the code enforcement officer shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the inspections department and with the housing board of appeals on dwellings, buildings and property standards a notice of appeal which shall specify the grounds on which the appeal is based. Upon the filing of any notice of appeal, the code enforcement officer shall forthwith transmit to the board of appeals on dwellings, buildings and property standards all of the papers constituting the record on which the decision appealed from was made.

(b) When appeal is from a decision of the code enforcement officer refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the code enforcement officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board, unless the code enforcement officer certifies to the board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of this requirement would cause imminent peril of life or property in which case the requirement shall not be suspended except for due cause shown upon not less than one day's written notice to the code enforcement officer by the board, or by a court of record on petition made pursuant to G.S. 160A-446(f) and section 6-21 of this Code.

(c) The board shall fix a reasonable time for the hearing of appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, provided that the interpretation of the board complies with the town Code as written, and the spirit of the ordinance is fulfilled, and may make such decision and order as in its opinion ought to be made in the manner. To that end it shall have all the powers of the code enforcement officer, but the concurring vote of four members of the board shall be necessary to reverse or modify any decision or order of the code enforcement officer. The board shall have power also in passing upon appeals, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(d) Every decision of the board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the board, but not otherwise, as provided by G.S. 160-446(e).

**State law references:** Board of appeals on dwellings, buildings and property standards permitted to hear appeals, G. S. 160A-446.

### **Sec. 6-21. Petition by owner to superior court.**

Any person aggrieved by an order issued by the code enforcement officer or a decision rendered by the board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the code enforcement officer pending a final disposition of the cause, as provided by G.S. 160A-446(f).

### **Sec. 6-22. Failure of compliance; imposition of lien.**

(a) After failure of an owner of a dwelling, dwelling unit, structure or abandoned structure to comply with an order of the code enforcement officer issued

pursuant to the provisions of this chapter, and on adoption by the town council members of an ordinance authorizing and directing him to do so, as provided by G.S. 160A443(5) and section 6-19 of this Code, the code enforcement officer shall proceed to cause the dwelling, dwelling unit, structure or abandoned structure to be repaired, altered or improved to comply with the minimum standards of fitness established by this article, or to be vacated and closed and removed or demolished, as directed by ordinance of the town council members and shall cause the posting on the main entrance of the dwelling, dwelling unit, structure or abandoned structure a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.

(b) Each such ordinance shall be recorded in the office of the register of deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160A-443(5).

(c) As provided by G.S. 160A-443(6), the amount of the cost of any repairs, alterations, improvements, vacating and closing, or removal or demolition, caused to be made or done by the code enforcement officer pursuant to subsection (a) of this section shall be a lien against the real property on which the cost was incurred. The lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in G.S. 160A-216 et seq.

#### **Sec. 6-23. Alternative remedies; appeals.**

(a) *Alternative remedies.* Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this chapter or otherwise, or to enforce this chapter by criminal process as authorized by G.S. 14-4 and section 6-6 of this Code, and the enforcement of any remedy provided in this article shall not prevent the

(b) *Housing board of appeals on dwellings, buildings and property standards to hear appeals.* All appeals which may be taken from decisions or orders of the code enforcement officer pursuant to section 6-20 shall be heard and determined by the housing board of appeals on dwellings, buildings and property standards. As the appeals body, the board shall have the power to fix the times and places of its meetings, and to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties. The board shall perform the duties prescribed by section 6-20, and shall keep an accurate journal of all its proceedings.

#### **Sec. 6-24. Penalty.**

(a) The violation of any provision of this chapter shall constitute a misdemeanor, as provided by G.S. 14-4.

(b) In addition to the penalty established by subsection (a) of this section, and the remedies provided by other provisions of this chapter, this chapter may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

Chapter 7

**RESERVED**

[Chapter 8](#)  
BUSINESSES  
Article I. In General

- [Sec. 8-1.](#) Sale of ice cream or other edible substances on Broad Street.  
[Sec. 8-2.](#) Regulation of amusement and entertainment places.  
Sec. 8-3—25 Reserved.

Article II. Licensing

- [Sec. 8-26.](#) Definitions.  
[Sec. 8-27.](#) Tax imposed on certain businesses, etc., transfer, future actions of board; deemed subject to Code, etc.  
[Sec. 8-28.](#) License year.  
[Sec. 8-29.](#) License required for every separate business.  
[Sec. 8-30.](#) License required for each place of business: effects of change of location or sale of business.  
[Sec. 8-31.](#) Engaging in business without license.  
[Sec. 8-32.](#) Display of license.  
[Sec. 8-33.](#) License tax schedule.  
[Sec. 8-34.](#) No abatement or refund on discontinuance of business.  
Secs. 8-35--8-55. Reserved.

Article III. Game Rooms

Division I. Generally

- [Sec.8-56](#) Definitions.  
Secs. 8-57--8-65. Reserved.

Division 2. Licenses

- [Sec. 8-66.](#) Required; application; display of license; required distance from certain places.  
[Sec. 8-67.](#) Restrictions.  
[Sec. 8-68](#) Prohibited conduct.  
Secs.8-69—8-80. Reserved.

Division 3.Operation

- [Sec. 8-81.](#) Revocation of license.  
Secs.8-82—8-100. Reserved.

\*Cross references-Placing advertisements, signs, etc., on public or private property, §16-7, secondhand goods, ch. 18; vehicles for hire, ch. 28.

State law reference-Authority for regulation and licensing of business trades, etc., G.S. 160A-194.  
property,

Article IV Solicitations

[Sec. 8-101.](#) Prohibited

[Sec. 8-102.](#) Exemptions. Secs. 8-103-8-120. Reserved.

Article V Itinerant Merchants and Flea Markets

[Sec. 8-121.](#) Itinerant merchants and flea markets-Regulations.

## ARTICLE I. IN GENERAL

**Sec. 8-1. Sale of ice cream or other edible substances on Broad Street.**

No person shall, on the sidewalks, streets, vacant lots abutting on, or store fronts on Broad Street, between Fifth Street and First Street, operate or maintain any snowball machine or sell commercially any edible ices, custards, ice cream or any other edible substance, it being the intended purpose of this section to limit the commercial sales of all edible substances sold in this area of Broad Street to sales within buildings. This section shall not apply to fund-raising sales for nonprofit and charitable organizations. Such organizations shall be required to secure a permit for sales from the Town Clerk.  
(Code 1974, § 8-4; Ord. of 2-11-88, § 1)

**Sec. 8-2. Regulation of amusement and entertainment places.**

(a) *Findings.* It is found that there is a substantial growth of new entertainment devices being placed in and about the Town and that such entertainment devices are or may be detrimental to the health, safety or welfare of the citizens of the Town, and that for the peace and dignity of the Town, and under authority of G.S. 160A-181, the Town declares the following policy, as set out in this section.

(b) *Restrictions.* The location, ownership and/or operation of games generally known as video, electronic or pinball-type machines shall be restricted in the following manners.

(1) Such games as the machines as above designated shall be located only in businesses located in the zones designated as highway business, central business and neighborhood business under the present zoning laws.

(2) Businesses shall be limited to locating upon their premises:

- a. One of such machines or games if the business has 3,000 square feet or less enclosed space within its building;
- b. Two such machines or games if the business has more than 3,000 and less than 6,000 square feet within its enclosed business building; or
- c. Three maximum number of such machines or games if such business has more than 6,000 square feet in its enclosed business building.

There shall be a maximum total of three machines or games only in any one business building operated within the zoning districts listed in subsection (b)(1).

(c) *Violation.* It shall be unlawful for any person to maintain, own or operate the machines or games described in this section upon premises in violation of the limitations set out in this section.

(Ord. of 7-8-82, § 1)

**Secs. 8-3-8-25. Reserved.**

## ARTICLE II. LICENSING\*

### Sec. 8-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agent* means the person having the agency for the manufacturer, producer or distributor.

*Business* means any business, trade, occupation, profession, avocation or calling of any kind, subject, by the provisions of this article, to a license tax.

*Engaged in the business* means engaged in the business as owner or operator.

*Fiscal year* means the period beginning July 1 and ending June 30 next following. (Code 1974, § 10-1)

**Cross reference**-Definitions and rules of construction generally, § 1-2.

### Sec. 8-27. Tax imposed on certain businesses, etc.; transfer; future actions of board; deemed subject to Code, etc.

In addition to the tax on property and polls, as otherwise provided for, and under the power and authority conferred in the laws of the state, there shall be levied and collected annually, or oftener where provided for, a privilege license tax on trades, professions, agencies, business operations, exhibitions, circuses and all subjects authorized to be licensed, as set out in this article and the schedule on file in the office of the town clerk. All licenses shall be a personal privilege and shall not be transferable. Nothing contained in this article shall be construed to prevent the board of commissioners from imposing from time to time, as they may see fit, such license taxes as are not specifically defined in this article, or from increasing or decreasing the amount of any special license tax, or from prohibiting or regulating the business or acts licensed. All licenses are granted subject to the provisions of this Code and other ordinances of the city.

(Code 1974, § 10-2)

**State law reference**-Authority to tax, G.S. 160A-206 et seq.

### Sec. 8-28. License year.

All taxes provided for and fixed in this article and the schedule on file in the office of the Town Clerk shall be for 12 months, unless otherwise specified. All licenses shall date from July 1 of each year and shall expire on June 30 of the next year; provided, that where the license is issued after January 1, the licensee shall be required to pay one-half the tax prescribed, except where otherwise specifically provided for.

(Code 1974, § 10-4)

**\*State law reference**-Authority to levy privilege license taxes, G.S. 160A-211.

**Sec. 8-29. License required for every separate business.**

The payment of any particular tax imposed by this article shall not relieve the person paying such tax from the payment of any other tax imposed by this article for any other business he may carry on, unless so provided by the section imposing such tax, it being the intent of this article that license taxes prescribed by various sections or subsections of this article applicable to any business shall be cumulative, except where otherwise specifically provided.

(Code 1974, § 10-5)

**Sec. 8-30. License required for each place of business; effects of change of location or sale of business.**

(a) A license issued for the privilege of conducting a business is only valid for the business conducted at the place and by the licensee named therein. Every person doing business in more than one factory, mill, warehouse, store, stall, stand or other place of business shall secure a separate license for each such place of business, unless such places of business are contiguous to each other, communicate directly with and open into each other, and are operated as a unit.

(b) If the business is moved or if the licensee sells to another, a new license shall be necessary, unless a special permit to continue business under the original license is obtained from the board of commissioners.

(Code 1974, § 10-6)

**Sec. 8-31. Engaging in business without license.**

It shall be unlawful for any person or his agent or servant to engage in or carry on a business in the Town for which there is required a license without first having paid the license tax and obtained the license therefore. For the purposes of this section, the opening of a place of business or offering to sell, followed by a single sale or the doing of any act or thing in furtherance of the business, shall be construed to be engaging in or carrying on such business. (Code 1974, § 10-3)

**Sec. 8-32. Display of license.**

Every license must be kept prominently displayed at the place of business of the licensee named in the license or, if the licensee has no fixed place of business, such licensee must keep such license wherever the business is being operated and where it can be inspected at any time by the proper town official.

(Code 1974, § 10-7)

**Sec. 8-33. License tax schedule.**

The amounts of the license taxes imposed under this article shall be as established from time to time by the board of commissioners. A schedule of such taxes shall remain on file in the office of the Town Clerk.

(Code 1974, § 10-9)

**Sec. 8-34. No abatement or refund on discontinuance of business.**

No license tax shall be abated, nor shall any refund of any part thereof be made, in any case where the licensee discontinues his business before the end of the period for which such license was issued.

(Code 1974, § 10-8)

**Secs. 8-35-8-55. Reserved.**

ARTICLE III. GAME ROOMS\*

DIVISION 1. GENERALLY

**Sec. 8-56. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Game room means any place of business that principally operates mechanical games or pay devices or tables for which charge is made, either directly or indirectly. Examples of game rooms, by way of illustration and not limitation, are pool rooms, bowling alleys, billiard halls, amusement centers, and the like.

(Ord. of 4-12-79, § 1)

**Cross reference**-Definitions and rules of construction generally, § 1-2.

**Sees. 8-57-8-65. Reserved.**

DIVISION 2. LICENSES

**Sec. 8-66. Required; application; display of license; required distance from certain places.**

(a) Every operator of a game room shall be required to pay a privilege license tax in accordance with the privilege license schedule of the town.

(b) Every operator of a game room shall obtain a license to operate a game room. Application for such a license shall be made upon forms provided by the town clerk.

(c) An application fee as established from time to time by the board of commissioners and kept on file in the Town Clerk's office shall be paid to and collected by the Town Clerk when the application is submitted, to cover the cost of administration of this article.

**\*State law reference**-Regulation of places of amusement, G.S. 160A-181.

(d) It shall be unlawful to operate a game room within the Town without a license as required by subsection (b) and the license must be displayed on the Premises.

(e) No game room shall be established or allowed to operate, that is not in existence at the time of the passage of this article, within 600 feet of any

established church meeting place or church yard, school, school yard, municipal building, precinct polling place, or alcoholic beverage outlet.  
(Ord. of 4-12-79, v 2 )

**Sec. 8-67. Restrictions.**

The Board of Commissioners shall not issue a license to any applicant who:

- (1) Has been convicted of unlawfully selling intoxicating liquors or narcotic drugs, or of violating the North Carolina Controlled Substances Act;
- (2) Has been convicted of a crime of moral turpitude; or
- (3) Is an habitual user of intoxicating liquor or narcotic drugs or controlled substances as proscribed in the North Carolina Controlled Substances Act.

(Ord. of-1-12-79, § 3)

**Sec. 8-68. Prohibited conduct.**

Licensees under this article shall not:

- (1) Suffer or permit any gambling on the licensed premises at any time, nor the sale or use of any racing, football, or other parlay cards or gambling boards or devices.
- (2) Suffer or permit the licensed premises to become a nuisance under G.S. 160A-193.
- (3) Suffer or permit any intoxicating liquors or narcotic drugs or proscribed drugs to be sold, used, consumed or handled in any manner whatsoever on the licensed premises.
- (4) Employ in carrying on the business any person who has been convicted of unlawfully selling intoxicating liquors, narcotic drugs or violating the provisions of the North Carolina Controlled Substances Act.

(Ord. of -4-12-79, § 4)

**Secs. 8-69-8-80. Reserved.**

DIVISION 3. OPERATION

**Sec. 8-81. Revocation of license.**

After giving the operator of a game room adequate notice and an opportunity to be heard, the Board of Commissioners may revoke the license of any game room operator who:

- (1 ) Violates the provisions of section 8-68; or
- (2) Is convicted of unlawfully selling intoxicating liquor or narcotic drugs violating the North Carolina Controlled Substances Act.

(Ord. of 4-12-79, § 6)

**Secs. 8-82-8-100. Reserved.**

## ARTICLE IV SOLICITATIONS\*

### Sec. 8-101. Prohibited.

The practice of going in and upon private residences in the Town by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise, not having been requested or invited so to do by the owners or occupants of such private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise or disposing of or peddling or hawking goods, wares and merchandise is declared to be a nuisance and punishable as a misdemeanor.

(Ord. of 9-12-91)

### Sec. 8-102. Exemptions.

(a) *Charitable organizations.* The requirements of this article shall not apply to any charitable organization qualifying as a tax exempt organization under section 501(c)(3) of the Internal Revenue Code of 1954, as amended, or organized under G.S. ch. 55A as a nonprofit corporation, or any persons acting under the sponsorship and aegis of such charitable organization, if at least 60 percent of the net proceeds of such activity go to such charitable organization. This exemption shall be contingent upon the charitable organization providing the town administrator written notice of the commencement date of such activity.

(b) Sales or solicitation of orders for foodstuffs. Nothing contained in this article shall apply to the sale or the solicitation of orders for the sale of milk, vegetables, fruit, poultry, eggs or other farm products.

(Ord. of 9-12-91)

### Secs. 8-103-8-120. Reserved.

## ARTICLE V ITINERANT MERCHANTS AND FLEA MARKETS

### Sec. 8-121. Itinerant merchants and flea markets-Regulations.

(a) No itinerant merchant, peddler or flea market operator shall conduct any business of any kind whatsoever within the corporate limits of the Town without first obtaining from the Town Administrator a permit to do so.

**Cross reference**-Streets, sidewalks and other public places, ch. 22.

**State law reference**-Authority to regulate solicitation campaigns, flea markets and itinerant merchants, G.S. 160A-178.

†**Cross reference**-Secondhand goods, ch. 18.

(b) Applications for said permit shall be on a form as developed by the Town Administrator and approved by the Town Attorney, but at a minimum shall require:

- (1) Name, address and telephone number of the applicant and any proposed employees or representatives of the applicant.
- (2) A description of the items to be offered the public for sale

- (3) A summary of how, in the general course of business, these items are obtained by the applicant for resale.
- (4) A listing, with street addresses, of all locations in which the applicant has conducted business in the last year (inside or outside of the state).
- (5) A description, with street address, of the proposed location for said activity within the Town, including written and signed authorization of the property owner for the applicant to conduct said activity on his property.
- (6) Such information, as is allowed by law, to assist in the conduct of a criminal background investigation of the applicant or his proposed employees or representatives.
- 17) A detailed explanation of the applicant's accounting procedures as it related to the collection and payment of sales tax.
- (8) A bond by a licensed surety, or a cash deposit, in the amount of \$10,000.00 to protect the public from fraud, in such form as is approved by the Town Attorney, which shall remain in effect for three years after the last conduct of business within the Town.

(c) The following activities are specifically exempted from this article. Yard sales as defined by section 18-51 of the Town Code and charitable solicitations conducted by actual members or employees of a bona fide not-for profit organization.

(d) An application fee of \$100.00 shall be paid at the time the application is made to cover the expenses of reviewing the application and administering the article as it related to the applicant.

(e) Any denial of a permit by the Town Administrator may be appealed to the Town Board of Commissioners, in writing by the applicant, addressed to the Mayor, if the same is done within 30 days of the denial.

(f) Violation of this article is a misdemeanor and may be enforced by any means available to the Town for enforcement of its ordinances: criminal, civil or equitable.

(Ord. of 12-11-200:3 )

Chapter 9

**Reserved**

Chapter 10  
CIVIL EMERGENCIES\*

Article I. In General

Secs. 10-1-10-25. Reserved.

Article II. Proclamations

- [Sec. 10-26.](#) Generally.  
[Sec. 10-27.](#) Imposition of curfew.  
[Sec. 10-28.](#) Possession, consumption or transfer of intoxicating liquor.  
[Sec. 10-29.](#) Possession, transportation and transfer of dangerous weapons and substances.  
[Sec. 10-30.](#) Access to certain areas.  
[Sec. 10-31.](#) Amendments.  
[Sec. 10-32.](#) Authority for separate proclamations; amendment superseding proclamations.  
[Sec. 10-33.](#) Removal.  
[Sec. 10-34.](#) Violation; penalties.  
Secs. 10-35-10-55. Reserved.

Article III. Restrictions on Assemblies

- [Sec. 10-56.](#) Proclamation imposing; amendment of proclamation; proclamation removing.  
[Sec. 10-57.](#) Authority of police to order dispersal of prohibited assemblies.  
[Sec. 10-58.](#) Violation; penalties.  
Secs. 10-59-10-80. Reserved.

Article IV. Firearms and Ammunition

- [Sec. 10-81.](#) Storage and display by dealers generally.  
[Sec. 10-82.](#) Authority of chief of police to promulgate additional storage regulations.  
[Sec. 10-83.](#) Penalties for noncompliance.

**\*Cross reference**—Administration, ch. 2.

**State law references**—Municipal authority to enact ordinances regarding states of emergency, G.S. 14-288.1 et seq.; municipal emergency management, G.S. 166A-7 et seq.

**ARTICLE I. IN GENERAL****Secs. 10-1-10-25. Reserved.****ARTICLE II. PROCLAMATIONS****Sec. 10-26. Generally.**

(a) The Mayor by proclamation may impose the prohibitions and restrictions specified in sections 10-27 through 10-30, inclusive, in the manner described in those sections. The Mayor may impose as many of those specified prohibitions and restrictions as he finds are necessary, because of an emergency, to maintain an acceptable level of public order and services and to protect lives, safety and property. The Mayor shall recite his findings in the proclamation.

(b) The proclamation shall be in writing. The Mayor shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of such proclamation in the Town Hall. The Mayor shall retain a text of the proclamation and furnish upon request certified copies of such proclamation for use as evidence.

(Code 1974, § 5-6)

**Sec. 10-27. Imposition of curfew.**

(a) The proclamation authorized by this article may impose a curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not a member of an exempted class. The proclamation shall specify the geographical areas and the period during each 24-hour day to which the curfew applies. The Mayor may exempt from some or all of the curfew restrictions classes of people whose exemption the Mayor finds necessary for the preservation of the public health, safety and welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(b) Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the Mayor by proclamation removes the curfew.

(Code 1974, § 5-7)

**Sec. 10-28. Possession, consumption or transfer of intoxicating liquor.**

(a) The proclamation authorized by this article may prohibit the possession or consumption of any intoxicating liquor, including beer and wine, other than on one's own premises, and the transfer of any intoxicating liquor. The prohibition as to transfers, if imposed, shall apply to transfers of intoxicating liquor by employees of state alcoholic beverage control stores as well as by anyone else within the Town.

(b) If imposed, the restrictions authorized by this section shall apply throughout the Town. (Code 1974, § 5-8)

**Cross reference-** Consumption of intoxicating liquors in public places, § 16-1.

**Sec. 10-29. Possession, transportation and transfer of dangerous weapons and substances.**

(a) The proclamation authorized by this article may prohibit the possession of any dangerous weapon or substance unless it remains in a place of storage within the possessor's premises or, if the weapon or substance cannot be readily stored in the possessor's premises, unless it remains in a customary place of storage not readily available to the possessor. The proclamation may also prohibit the sale or other transfer or the transportation of any dangerous weapon or substance. The mayor may exempt from some or all of the restrictions authorized by this section classes of people whose possession, transfer or transportation of certain dangerous weapons or substances is necessary to the preservation of the public health, safety, or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(b) For the purposes of this section, the phrase "dangerous weapon or substance" shall mean:

- (1) Any deadly weapon, ammunition, incendiary device or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property.
- (2) Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property, when the circumstances indicate that there is some probability that such instrument or substance will be so destructively used.
- (3) Any part or ingredient in any instrument or substance included in subsections (b)(1) and (2).

(c) If imposed, the restrictions authorized by this section shall apply throughout the jurisdiction of the Town.  
(Code 1974, § 5-9)

**Sec. 10-30. Access to certain areas.**

(a) The proclamation authorized by this article may prohibit obtaining access or attempting to obtain access to any area designated in the manner described in this section, in violation of any order, clearly posted notice or barricade indicating that access is denied or restricted.

(b) Areas to which access is denied or restricted shall be designated by the chief of police and his subordinates when directed in the proclamation to do so by the Mayor. When acting under this authority, the Chief of Police and his subordinates may restrict or deny access to any area, street or location within the Town if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.  
(Code 1974, § 5-10)

**Sec. 10-31. Amendments.**

The Mayor may amend the proclamation authorized by this article from time to time, making such modifications as he would have been authorized to include in the original proclamation.

(Code 1974, § 5-11)

**Sec. 10-32. Authority for separate proclamations; amendment superseding proclamations.**

The Mayor, in his discretion, may invoke the restrictions authorized by this article in separate proclamations and may amend any proclamation by means of a superseding proclamation.

(Code 1974, § 5-13)

**Sec. 10-33. Removal.**

The Mayor shall by proclamation remove the prohibitions and restrictions authorized by this article as the emergency no longer requires them, or when directed to do so by the Board of Commissioners.

(Code 1974, § 5-12)

**Sec. 10-34. Violation; penalties.**

Any person violating any prohibition or restriction imposed by a proclamation authorized by this article shall be guilty of a misdemeanor and punishable as provided by section 1-6. (Code 1974, § 5-14)

**Secs. 10-35-10-55. Reserved.****ARTICLE III. RESTRICTIONS ON ASSEMBLIES\*****Sec. 10-56. Proclamation imposing; amendment of proclamation; proclamation removing.**

(a) The Mayor by proclamation may prohibit assemblies of three or more persons in specified geographic areas of the Town after he finds that any such assemblies constitute a clear and present danger of prolonging or aggravating an existing emergency which endangers lives, safety and property. The proclamation shall be in writing and state the Mayor's findings. The Mayor shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of such proclamation in the Town Hall. The Mayor shall retain a text of the proclamation and, upon request, shall furnish certified copies of such proclamation for use as evidence.

(b) The proclamation shall specify the geographical areas in which the restrictions apply.

\***Cross reference**-Streets, sidewalks and other public places, ch. 22.

(c) The Mayor may amend the proclamation from time to time, making such modifications in the geographical areas to which it applies as he determines to be necessary to maintain the purposes of the prohibition.

(d) The Mayor shall by proclamation remove the prohibition when the emergency no longer requires it, or when directed to do so by the board of commissioners.

(Code 1974, § 5-15)

**Sec. 10-57. Authority of police to order dispersal of prohibited assemblies.**

Any police officer may order any assembly prohibited by a proclamation authorized by this article to disperse.

(Code 1974, § 5-16)

**Sec. 10-58. Violation; penalties.**

Any member of an assembly ordered to disperse by a police officer acting under authority of this article shall be guilty of a misdemeanor if he fails to comply with the order and shall be punishable upon conviction as provided by section 1-6 of this Code.

(Code 1974, § 5-17)

**Secs. 10-59-10-80. Reserved.**

**ARTICLE IV. FIREARMS AND AMMUNITION\***

**Sec. 10-81. Storage and display by dealers generally.**

Every person engaged in the business of selling firearms or ammunition shall comply with the following rules:

- (1) No ammunition shall be displayed on an open counter or in any other place readily accessible to the public.
- (2) No ammunition or firearms shall be displayed in windows or display areas when the business is not regularly open.
- (3) During any period in which firearms or ammunition are unattended, they shall be stored in a place meeting the requirements of regulations promulgated by the chief of police under authority of this article or, if no such regulations have been promulgated, in a place not easily accessible to unauthorized persons.

(Code 1974, § 5-18)

**Sec. 10-82. Authority of chief of police to promulgate additional storage regulations.**

(a) The Chief of Police is authorized to promulgate regulations governing the construction, location and accessibility of storage places for firearms and ammunition, as required by this

\***Cross reference**-Discharging firearms, § 16-6.

article. The Chief of Police may adopt any regulations under this authority that in his judgment will reasonably and effectively serve to prevent unauthorized persons from obtaining the stored firearms and ammunition.

(b) The Chief of Police shall take reasonable steps to notify all persons whom he can reasonably identify as being affected by such regulations. The notification shall sufficiently precede the effective date of the regulations to permit compliance with them. The Chief of Police shall maintain on file an official copy of the regulations.

(Code 1974, § 5-19)

**Sec. 10-83. Penalties for noncompliance.**

Any person failing to comply with any requirement of this article or of any reasonable regulations promulgated under authority of this article shall be guilty of a misdemeanor and punishable as provided by section 1-6.

(Code 1974, § 5-20)

Chapter 11

**RESERVED**

## Chapter 12

### **ENVIRONMENT\***

#### **Article I. In General**

**Sees. 12-1-12-25. Reserved.**

#### **Article II. Noise**

##### Division 1. Generally

[Sec. 12-26.](#) Loud, unnecessary, etc., noises generally.

[Sec. 12-27.](#) Noises expressly prohibited. Sees. 12-28-12-40. Reserved.

##### Division 2. Mechanical Loudspeakers or Amplifiers

[Sec. 12-41.](#) Creation of loud, etc., noises through use declared unlawful.

[Sec. 12-42.](#) Board may permit reasonable use.

[Sec. 12-43.](#) Application for and issuance of permit for use.

Secs. 12-44-12-65. Reserved.

#### **Article III. Nuisances**

##### Division I. Generally

Secs. 12-66-12-75. Reserved.

##### Division 2. Abandoned and Junked Motor Vehicles

[Sec. 12-76.](#) Definitions.

[Sec. 12-77.](#) Administration.

[Sec. 12-78.](#) Exceptions.

[Sec. 12-79.](#) Abandoned vehicle unlawful; removal authorized.

[Sec. 12-80.](#) Nuisance vehicle unlawful; removal authorized.

[Sec. 12-81.](#) Junked motor vehicle regulated; removal authorized.

[Sec. 12-82.](#) Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements.

[Sec. 12-83.](#) Exceptions to prior notice requirement.

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[Sec. 12-85.](#) Conditions for removal of vehicle from private property.

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[Sec. 12-91.](#) Towing rotation list-Generally.

[Sec. 12-92.](#) Same-Qualifications.

[Sec. 12-93.](#) Same-Contracts.

**\*State law reference**-Municipal authority to abate public nuisances, G.S. 160A-184160A-193.

[Sec. 12-94.](#) Same-Fees.

Secs. 12-95-12-105. Reserved.

### Division 3. Weeds

[Sec. 12-106.](#) Conditions dangerous or prejudicial to public health.

[Sec. 12-107.](#) Complaints and investigations.

[Sec. 12-108.](#) Order to abate.

[Sec. 12-109.](#) Procedure for abatement and costs thereof.

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### Article IV. Hazardous Material

[Sec. 12-131.](#) Definitions.

[Sec. 12-132.](#) Purpose and authority.

[Sec. 12-133.](#) Prohibited activity.

[Sec. 12-134.](#) Responsibility; fees and charges.

[Sec. 12-135.](#) Minimum charges.

[Sec. 12-136.](#) Payment of penalties.

**ARTICLE I. IN GENERAL****Secs. 12-1-12-25. Reserved.****ARTICLE II. NOISE\*****DIVISION 1. GENERALLY****Sec. 12-26. Loud, unnecessary, etc., noises generally.**

Subject to the provisions of this article, the creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited. (Code 1974, § 12-1)

**Sec. 12-27. Noises expressly prohibited.**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but this enumeration shall not be deemed to be exclusive:

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 siren upon any vehicle other than a police, fire or other emergency vehicle.

The playing of any radio, tape player, stereo, phonograph or other musical instrument in such manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence.

(4) The keeping of any animal or bird which, by causing frequent or long continued noise, disturbs the comfort and repose of any person in the vicinity.

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) Rescinded

**\*State law reference**-Municipal authority to regulate noise, G.S. 160A-184.

(7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noise there from.

- (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 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety, and then only with a permit from the building inspector, which may be renewed for a period of three days or less while the emergency continues
- (10) The creation of any excessive noise on any street adjacent to any school institution of learning or court while such school, institution of learning or court is in session, or within 150 feet of any hospital, which unreasonably interferes with the working of such institution; provided, that conspicuous signs are displayed in such street indicating that the street is a school, court or hospital zone.
- (11) The creation of any excessive noise on Sundays on any street adjacent to any church; provided, that conspicuous signs are displayed in such street, adjacent to churches indicating that such street is a church zone.
- (12) The creation of loud and excessive noise in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers.
- (13) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or 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, loudspeaker 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 loudspeakers or amplifiers on trucks or other moving vehicles for advertising or other purposes, except where specific license is received from the board of commissioners.
- (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 there from between the hours of 11:00 p.m. and 7:00 a.m.
- (18) The firing of gunpowder or other combustible substance in the streets or elsewhere for the purpose of making a noise or disturbance, except by permission from the police department.

(Code 1974, § 12-2)

**Secs. 12-28-12-40. Reserved.**

## DIVISION 2. MECHANICAL LOUDSPEAKERS OR AMPLIFIERS

### **Sec. 12-41. Creation of loud, etc., noises through use declared unlawful.**

The creation of loud and raucous noises through the use of mechanical, electrical loudspeakers and amplification devices or amplifiers affixed to any vehicle, building, structure or other property for advertising or for other purposes, is hereby declared unlawful. Penalty for violation of this section is \$100.

(Code 1974, § 12-3)

### **Sec. 12-42. Board may permit reasonable use.**

The reasonable use of mechanical loudspeakers or amplifiers described in section 12-41 may be permitted by the board of commissioners at reasonable times and places when the board finds as a fact that such use is in the public interest or that such use at reasonable times and places will not result in the creation of a public nuisance.

(Code 1974, § 12-4)

### **Sec. 12-43. Application for and issuance of permit for use.**

Any person desiring to use or to continue the use of mechanical loudspeakers or amplifiers for advertising or other purposes shall apply to the board of commissioners for a permit, which may be granted in accordance with section 12-42.

(Code 1974, § 12-5)

### **Secs. 12-44-12-65. Reserved.**

## **ARTICLE III. NUISANCES\***

### DIVISION I. GENERALLY

### **Secs. 12-66-12-75. Reserved.**

**\*Cross reference**-Dogs running at large, § 4-27.

**State law reference**-Municipal authority to abate public nuisances, G.S. 160A-193.

## DIVISION 2. ABANDONED AND JUNKED MOTOR VEHICLES\*

### **Sec. 12-76. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned vehicle*, as authorized and defined in G.S. 160A-303, means one that:

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking;
- (2) Is left on a public street or highway for longer than seven days;
- (3) Is left on property owned or operated by the town for longer than 24 hours; or
- (4) Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two hours.

*Authorizing official* means the supervisory employee of the police department or the Code Enforcement Officer or the Town Administrator, respectively, designated to authorize the removal of vehicles under the provisions of this division.

*Junked motor vehicle*, as authorized and defined in G.S. 160A-303.2, means a vehicle that does not display a current license plate lawfully upon that vehicle and that:

- (1) Is partially dismantled or wrecked;
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five years old and appears to be worth less than \$100.00.

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

*Nuisance vehicle* means a vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
- (3) A point of collection of pools or ponds of water;

\***Cross references**-Secondhand goods, ch. 18; junk and junkyards, § 18-26 et seq. **State law reference**-Municipal authority to dispose of junked or abandoned motor vehicles, G.S. 160A-303.

- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.;
- (6) So situated or located that there is a danger of it falling or turning over;
- (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;
- (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 Board of Commissioners.

(Ord. of 2-8-90, § 2)

**Cross reference**-Definitions and rules of construction generally, § 1-2.

**Sec. 12-77. Administration.**

(a) The Police Department, Town Administrator and Code Enforcement Officer shall be responsible for the administration and enforcement of this article. The police 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. The Town Administrator shall be responsible for administering the removal and disposition of abandoned, nuisance or junked motor vehicles located on private property.

(b) The Town may, on an annual basis, contract with private tow truck operators or towing business to remove, store and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this article and applicable state laws.

(c) Nothing in this article shall be construed to limit the legal authority or powers of officers of the Town Police Department and Fire Department in enforcing other laws or in otherwise carrying out their duties.

(Ord. of 2-8-90, § 1)

**Sec. 12-78. Exceptions.**

Nothing in this division shall apply to any vehicle which is:

Located in a bona fide automobile graveyard or junkyard as defined in G.S. 136-143, in accordance with the Junkyard Control Act, G.S. 136-141 et seq.;

(2) In an enclosed building;

(3) 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

(4) In an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Ord. of 2-8-90, § 14)

**Sec. 12-79. Abandoned vehicle unlawful; removal authorized.**

(a) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned, as such term is defined in this division.

(b) Upon investigation, proper authorizing officials of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

(Ord. of 2-8-90, § 3)

**Sec. 12-80. Nuisance vehicle unlawful; removal authorized.**

(a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located, to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(b) Upon investigation by the Town Administrator or Code Enforcement Officer may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined in this division and order the vehicle removed.

(Ord. of 2-8-90, § 4)

**Sec. 12-81. 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, lessee, or occupant of the real property upon which a junked motor vehicle is located, to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(b) Rescinded.

(c) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the locational requirements or the concealment requirements of this section.

(d) Subject to the provisions of subsection e, upon investigation, the Town Administrator may order the removal of a junked motor vehicle 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) Rescinded.

(2) Promotion of 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.

(e) Permitted concealment or enclosure of a junked motor vehicle shall be as follows:

(1) Rescinded.

(2) *Any junked motor vehicle*-Any junked motor vehicle must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building 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.

(Ord. of 2-8-90, § 5)

**Sec. 12-82. Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements.**

(a) Except as set forth in section 12-83, an abandoned, nuisance 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 the case of a nuisance 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, lessee, or occupant 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. The person who mails the notices shall retain a written record to show the names and addresses 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 specified date, no sooner than seven days after the notice is affixed. The notice shall state that the vehicle will be removed by the Town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

(b) With respect to abandoned vehicles on private property, nuisance vehicles, and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle, or, in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the board of commissioners in writing, heard at the next regularly scheduled meeting of the board of commissioners, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(Ord. of 2-8-90, § 6)

**Sec. 12-83. Exceptions to prior notice requirement.**

The requirement that notice be given prior to the removal of an abandoned, nuisance 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. Circumstances justifying the removal of vehicles without prior notice include:

*Vehicles abandoned on the streets.* For vehicles left on the public streets and highways, the board of commissioners hereby determines that immediate removal of such vehicles may be warranted when they are:

- a. Obstructing traffic;
- b. Parked in violation of an ordinance prohibiting or restricting parking;
- c. Parked in a no stopping or standing zone;

- d. Parked in a loading zone;
- e. Parked in a bus zone; or
- f. Parked in violation of temporary parking restrictions imposed under code sections.

(2) *Other abandoned or nuisance vehicles.* With respect to abandoned or nuisance vehicles left on city-owned property other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only 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:

- a. Vehicles blocking or obstructing ingress or egress to businesses and residences;
  - b. Vehicles parked in such a location or manner as to pose a traffic hazard; and
  - c. Vehicles causing damage to public or private property.
- (Ord. of 2-8-90, § 7)

**Sec. 12-84. Removal of vehicles; post-towing notice requirements.**

(a) Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by 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.

(b) The town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsections (a)(1) through (5), shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

(c) If the vehicle is registered in the state, notice shall be given within 24 hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within 72 hours from the removal of the vehicle.

(d) Whenever an abandoned, nuisance 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 him of the information set forth in subsections (a)(1) through (5).

(Ord. of 2-8-90, § 8)

**Sec. 12-85. Conditions for removal of vehicle from private property.**

As a general policy, the Town will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the Town from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the Town Administrator. The Town may require any person requesting the removal of an abandoned, nuisance 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.

(Ord. of 2-8-90, § 12)

**Sec. 12-86. Right to probable cause hearing before sale or final disposition of vehicle.**

After the removal of an abandoned vehicle, nuisance 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 request. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-222, as amended.

(Ord. of 2-8-90, § 9)

**Sec. 12-87. 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 division.

(Ord. of 2-8-90, § 10)

**Sec. 12-88. Sale and disposition of unclaimed vehicle.**

Any abandoned, nuisance 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 a vehicle shall be carried out in accordance with G.S. 44A-1 et seq.

(Ord. of 2-8-90, § 11)

**Sec. 12-89. Protection against criminal or civil liability.**

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle, for disposing of such vehicle as provided in this division.

(Ord. of 2-8-90, § 13)

**Sec. 12-90. 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 city any vehicle which has been impounded pursuant to the provisions of this division unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

(Ord. of 2-8-90, § 15)

**Sec. 12-91. Towing rotation list-Generally.**

(a) The police department shall prepare and maintain an eligible list of those persons having businesses in the Town or within the extraterritorial jurisdictional limit, who apply and qualify to tow and store vehicles at the request of the authorizing official pursuant to this division. The Chief of Police shall prepare rules in accordance with the provisions of this division for the qualification of private tow truck operators or businesses for the eligible list.

(b) Any private tow truck operator or business on the eligible list that violates any provision of this division or the rules established in accordance with this division shall be subject to removal from the eligible list after written notice. Any private tow truck operator or business removed from the eligible list may, within five working days of the date of the notice of removal, request a hearing before the chief of police to show cause why he should not be removed from the list.

(Ord. of 2-8-90, § 16)

**Sec. 12-92. Same-Qualifications.**

(a) To qualify for the eligible list a private tow truck operator or business must:

- (1) Keep his towing operation either open or available, by a telephone number, 24 hours per day seven days a week.

- (2) Have available at all times a wrecker of at least 10,000 pounds gross vehicle weight and having the necessary equipment to tow vehicles from the streets and other public or private places in the Town when called upon to do so.
- (3) Have at, or in the immediate vicinity of, the location of his towing operation, sufficient fenced storage space and facilities to protect both damaged and undamaged vehicles, and have a facility to store a vehicle out of exposure to the elements overnight.
- (b) The private tow truck operator or business must also agree to assume the obligation to:
  - (1) Promptly tow and store all vehicles to be removed from the public streets or other public places or private property upon the request of the authorizing official.
  - (2) Issue a receipt to the authorizing official for each vehicle towed and stored, and keep the vehicle until its release is authorized by the authorizing official.
  - (3) Store damaged automobiles in a secured fenced storage space.
  - (4) Collect towing and storage fees from the owner of the vehicle by the sale of the vehicle without recourse to the Town, unless it is found that no probable cause existed for the towing pursuant to G.S. 20-219.11.
  - (5) Pay all damages to vehicles entrusted to his custody as the result of his negligence and to maintain, for the protection of the vehicle owners, garage keepers' legal liability insurance while performing any of the services provided for in this division.
  - (6) Indemnify and save the Town harmless from all liability for damages sustained by vehicles being towed or stored and all personal injuries occurring as a result of the towing or storage.
- (7) Remove from the scene of a vehicle accident, in which the vehicle to be towed was involved, all glass, metal or debris caused by the accident.  
(Ord. of 2-5-90, § 17)

**Sec. 12-93. Same-Contracts.**

A private tow truck operator or business on the eligible list shall contract with the Town to remove the vehicles described in this division from the public streets or other public places or private property upon the request of the authorizing official. The contract shall be in writing, shall specify the charges to be made for towing, and shall require the person entering into the contract for the towing of such vehicles to perform the service in a manner consistent with the provisions of this division and the rules prepared there under and shall provide for the forfeiture of the contract in the event of a violation of any of the provisions of the contract or of the provisions of this division. The contract shall further provide that the Town shall not be obligated to the person undertaking the towing and storage of such vehicles for any damages which may be incurred in the performance of the obligation assumed by him but that the charge shall be collected solely from the owner of the

vehicle involved, unless it is found that no probable cause existed for the towing of any vehicle pursuant to G.S. 20-219.11.

(Ord. of 2-8-90, § 18)

**Sec. 12-94. Same-Fees.**

Unless written authorization is received as provided in this section, the amount which a private towing operator or business may charge for the towing of a motor vehicle at the request of an authorizing official pursuant to the provisions of this division shall not exceed \$35.00 when the towing occurs between 8:00 a.m. and 6:00 p.m., and shall not exceed \$50.00 when the towing occurs between 6:00 p.m. and 8:00 a.m. For the purposes of this section, towing occurs at the time the town contacts the private towing operator or business. If the towing requires extraordinary measures in order to be completed, the Chief of Police may authorize in writing a greater charge in order to compensate the private towing operator or business for the expense of such extraordinary measures.

(Ord. of 2-8-90, § 19)

**Secs. 12-95-12-105. Reserved.**

DIVISION 3. WEEDS

**Sec. 12-106. Conditions dangerous or prejudicial to public health.**

The uncontrolled growth of noxious weeds and tall grass and the accumulation of offensive animal or vegetable matter or other refuse and trash which is dangerous or prejudicial to the public health or which creates a fire hazard dangerous to the public safety upon any premises within 125 feet of any building, dwelling or other structure is hereby declared to constitute a public nuisance.

(Ord. of 10-11-79, § 1)

**Sec. 12-107. Complaints and investigations.**

The Town Administrator of his own volition or upon notice from any responsible person of the existence of the conditions as described in section 12-106 may make or cause to be made such investigation as he may deem necessary to determine whether, in fact, such conditions constitute a public nuisance as declared in section 12-106.

(Ord. of 10-11-79, § 1)

**Sec. 12-108. Order to abate.**

The Town Administrator, upon determining that a nuisance within the purview of this article exists on any premises, shall give written notice to the owner, occupant or person in charge of the premises in question of the condition constituting such public nuisance and shall order the prompt abatement thereof.

(Ord. of 10-11-79, § 1)

**Sec. 12-109. Procedure for abatement and costs thereof.**

Any person having been ordered, pursuant to this article, to abate a nuisance shall comply with such order without undue delay, and in any case within ten days from receipt of such order, and any such nuisance which is not so abated within such ten-day period may be abated by the Town at the expense of the owner of the premises involved, and such expense shall constitute a lien upon the premises and shall be collected as unpaid taxes as provided in G.S. 160A-175; provided, that the person ordered to abate such nuisance may, within ten days after receipt of the order, request the Town to abate such nuisance, and the Town shall comply with such request and the expense thereof shall constitute a lien upon the premises and shall be collected as provided in this section.

(Ord. of 10-11-79, § 1)

### **Sec. 12-110. Grass Clippings**

No person shall operate mowing equipment adjacent to a public street or other public place in such a manner as to cause the discharge of grass clippings, vegetative material or other litter, to be discharged or remain in the public street or other public place. No person shall sweep into or deposit any grass clippings, vegetative material or other litter onto any sidewalk, street, alley, gutter or other public place. Persons owning or occupying property shall keep the sidewalk, street or other public place free of grass clippings, vegetative material or other litter. ( Adopted August 10, 2017)

**Secs. 12-111-12-130. Reserved.**

## ARTICLE IV. HAZARDOUS MATERIAL\*

### Sec. 12-131. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Having control over* means any person using, transferring, storing or transporting a hazardous material immediately prior to release of such hazardous material onto the land or into the air or the waters.

**\*Cross reference**-Fire prevention and protection, ch. 14.

**State law reference**-Authority for prevention and control of oil or hazardous substances, G.S. 143-215.82.

*Hazardous material* means any substance which, when discharged in any quantity, may present an imminent and substantial danger to the public health or welfare or to the environment.

*Hazardous material response* means the sending of fire department equipment to abate hazardous materials which endanger the health or safety of persons or the environment. (Ord. of 8-8-91)

**Cross reference**-Definitions and rules of construction generally, § 1-2.

### Sec. 12-132. Purpose and authority.

The Chief of the Fire Department or his designee shall have the authority to summarily abate or remedy hazardous materials which are emitted into the environment in such a manner as to endanger the health or safety of the general public or the environment. The Chief of the Fire Department or his designee shall have the authority to enter public or private property, with or without the owner's consent, to respond to such hazardous materials emergencies. The Chief of the Fire Department or his designee shall determine the type, amount and quantity of equipment and personnel required to adequately abate and remedy all hazardous materials which are emitted into the environment, and to implement the utilization of the same from the Town's fire department or from outside sources.(Ord. of 8-8-91)

### Sec. 12-133. Prohibited activity.

There shall be no truck, trailer or other vehicle containing hazardous materials, excluding fuels to power such vehicles, left unattended at an unregistered location. Registration of permitted locations shall be obtained from the Hazardous Materials Officer of the fire department. Any refusal to register shall be appealable to the Board of Commissioners. No owner or operator of such vehicles or no property owner shall permit such vehicles to be left at an unregistered location. (Ord. of 8-8-91)

### Sec. 12-134. Responsibility; fees and charges.



Level C protection	100.00 p/mhr
Level D protection	50.00 p/mhr
<i>Emergency containment response:</i>	
Manpower	as set forth above
Dry absorbants	\$70.00 p/100 lbs.
Wet absorbants	55.00 p/5 gals.
Special absorbants	resupply fee

(b) In addition to the minimum charges set forth in subsection (a), the charge shall include the total replacement cost and repair cost for equipment damaged during the hazardous materials emergency response.

(Ord. of 8-8-91)

**Sec. 12-136. Payment of penalties.**

(a) Any charges assessed pursuant to this article shall be payable within 30 days of the date of assessment by the Town Administrator or his designee, which assessment shall be in writing and delivered to the responsible party by delivery, or certified mail. If the responsible party contests the charge, he shall have ten days from his receipt of the assessment to appeal in writing to the Board of Commissioners, whereupon the matter will be placed on the agenda for the next regular town board meeting for a final decision by the town board.

(b) Any charge not paid within 30 days shall be a lien upon the land or premises where the abatement took place and shall be collected as unpaid taxes pursuant to the authority of G.S. 160A-193 and G.S. 105-1 et seq. Any charges pursuant to this article shall be repaid upon terms and conditions as set by the Board of Commissioners, and failure to comply with such terms and conditions shall be considered a failure to pay any other penalty prescribed in this Code, and shall be collected as unpaid taxes.

(c) A violation of this article shall be punished as a misdemeanor pursuant to G.S. 14-4. (Ord. of 8-8-91)

Chapter 13

**RESERVED**

## Chapter 14

### FIRE PREVENTION AND PROTECTION\*

#### Article I. In General

- [Sec. 14-1.](#) False alarms.
- [Sec. 14-2.](#) Destroying, interfering with, etc., equipment of fire department.
- [Sec. 14-3.](#) Unauthorized riding on fire department trucks.
- Secs. 14-4-14-30. Reserved.

#### Article II. Fire Department

- [Sec. 14-31.](#) Creation; appointment of Chief; appointment, removal, etc., of other members
- [Sec. 14-32.](#) Membership-Application for; release from.
- [Sec. 14-33.](#) Same-Compensation; insurance.
- [Sec. 14-34.](#) Authority during fire.
- [Sec. 14-35.](#) Authority to summon aid from other municipalities.
- [Sec. 14-36.](#) Powers and duties of Chief.
- Sec. 14-37—14-55. Reserved.

#### Article III. Fire Prevention Code

- [Sec. 14-56.](#) Adoption.
- [Sec. 14-57.](#) Enforcement.
- [Sec. 14-58.](#) "Municipality" defined.
- [Sec. 14-59.](#) Establishment of routes for vehicles transporting explosives and blasting agents.
- [Sec. 14-60.](#) Modifications.
- [Sec. 14-61.](#) Appeals.
- [Sec. 14-62.](#) Violations; penalties.

**\*Cross references**-Buildings and building regulations, ch. 6; hazardous material, § 12-131 et seq.

**State law reference**-Fire protection in municipalities, G.S. 160A-291-160A-293.

## ARTICLE I. IN GENERAL

### **Sec. 14-1. False alarms.**

It shall be unlawful for any person to give any false alarm of fire; provided, that this section shall not be construed as applying to the act of carrying on any form of practice by the fire department.

(Code 1974, § 6-2)

**State law reference**-Giving false alarms, G.S. 14-286.

### **Sec. 14-2. Destroying, interfering with, etc., equipment of fire department.**

No person shall move, destroy, mutilate, alter or injure or in any other way interfere with any equipment belonging to the fire department or any fire hydrant or other fire equipment of the Town; provided, that this shall not be construed to apply to any member of the department in the regular use of such equipment in the discharge of his duty.

(Code 1974, § 6-1)

### **Sec. 14-3. Unauthorized riding on fire department trucks.**

No person other than a regularly enrolled member of the fire department or policeman shall mount or ride any fire truck without the permission of the Fire Chief or officer in charge. (Code 1974, § 6-3)

**Cross reference**-Traffic and vehicles, ch. 24.

### **Secs. 14-4-14-30. Reserved.**

## ARTICLE II. FIRE DEPARTMENT\*

### **Sec. 14-31. Creation; appointment of Chief; appointment, removal, etc., of other members.**

(a) The Board of Commissioners shall create a fire department by electing some competent person as Chief of the Fire Department and vesting in him the power to choose such assistants as he may need from among those eligible for membership in the department.

(b) The Board of Commissioners shall reserve the power to limit the number of members in the fire department to such number as it may deem sufficient, and to pass on and approve or disapprove any application for membership which shall be presented by the Chief, and to release any person or discharge any member that they shall for any reason believe to be unqualified for the position in any way.

(Code 1974, § 6-5)

**\*Cross reference**-Administration, ch. 2.

**State law reference**-Authority to appoint firefighters, G.S. 160A-291.

**Sec. 14-32. Membership-Application for; release from.**

(a) All persons wishing to become members of the fire department shall file their applications with the Chief, who shall keep a record of the applications, and in the case of a vacancy shall consider the list of applicants in their order and recommend to the Board of Commissioners the appointment of some new person to fill such vacancy.

(b) Any member wishing to be released from membership in the fire department shall file his resignation with the chief of the department, who shall present such resignation to the board for their action. The Chief shall then immediately notify such party of the action of the board. Each member shall be and remain a member under this article and shall be responsible for the discharge of the duties of a regular member until he has received notice from the chief that the board has accepted his resignation.

(Code 1974, § 6-6)

**Sec. 14-33. Same-Compensation; insurance.**

(a) Each volunteer member of the fire department shall receive the current compensation for each call answered; provided, that he is on time and goes out with the captain or the assistant captain of the company or is on the ground and ready for service upon the arrival of the truck.

(b) The Town shall carry a regular firefighter's accident insurance policy covering injuries that occur while on duty in an amount to be established from time to time by resolution of the Board of Commissioners and kept on file in the Town Clerk's office for each person, subject to the conditions of a regular firefighter's policy.

(Code 1974, § 6-7)

**Sec. 14-34. Authority during fire.**

In the event of fire, all the members of the fire department shall be clothed with the full power of special police. The department may, under the direction of the chief or any other officer in charge, have power during a fire to establish and maintain such fire limits and lines as may be deemed necessary, and no person shall cross or in any other way violate or disregard such lines or limits when established.

(Code 1974, § 6-8)

**Sec. 14-35. Authority to summon aid from other municipalities.**

In the case of such fires as would tend to injure the Town or any considerable portion thereof, the fire department shall have power and authority to make such arrangements as are necessary to procure aid from some other city or town.

(Code 1974, § 6-9)

**Sec. 14-36. Powers and duties of Chief.**

In addition to any other duties placed on the Chief of the Fire Department by state law, the Chief of the Fire Department shall have the following duties:

- (1) To render reports to the Board of Commissioners as demanded by the Mayor or a majority of the board members.
- (2) To keep a record of each fire, giving the date, location, value of the property involved and the damage done in such fire.
- (3) To see that the equipment is properly housed and the truck kept in a place where freezing can be avoided. The truck shall be kept in working order at all times. (Code 1974, § 6-10)

**State law reference**-Duties of Fire Chief, G.S. 160A-292.

**Secs. 14-37-14-55. Reserved.****ARTICLE III. FIRE PREVENTION CODE\*****Sec. 14-56. Adoption.**

There is hereby adopted by the Board of Commissioners for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, recommended by the American Insurance Association, being particularly the 1976 abbreviated edition thereof and the whole thereof, save and except such portions as are deleted, modified or amended, of which code not less than three copies have been and now are filed in the office of the Town Clerk, and such code is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling within the limits of the Town.

(Code 1974, § 6-11)

**Sec. 14-57. Enforcement.**

The code adopted by this article shall be enforced by the Chief of the Fire Department. (Code 1974, § 6-12)

**Sec. 14-58. "Municipality" defined.**

Wherever the word "municipality" is used in the fire prevention code, it shall be held to mean the Town of St. Pauls, North Carolina.

(Code 1974, § 6-13)

**Cross reference**-Definitions and rules of construction generally, § 1-2.

**\*State law reference**-Municipal authority to adopt technical codes by reference, G.S. 160A-76(b).

**Sec. 14-59. Establishment of routes for vehicles transporting explosives and blasting agents.**

The routes referred to in section 55i of the fire prevention code adopted by this article for vehicles transporting explosives and blasting agents are hereby established as follows:

U.S. Highway 301.

N.C. Highway 20.

(Code 1974, § 6-14)

**Cross reference**-Traffic and vehicles, ch. 24.

**Sec. 14-60. Modifications.**

The Chief of the Fire Department may recommend to the Board of Commissioners that any of the provisions of the fire prevention code be modified. The decision of the Board of Commissioners on such recommendations shall be given to the applicant, to the Chief of the Fire Department, and to the Town Clerk for filing with the existing records of the fire department. (Code 1974, § 6-16)

**Sec. 14-61. Appeals.**

Whenever the Chief of the Fire Department shall refuse to recommend an application to the Board of Commissioners or refuse to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning of such code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Chief of the Fire Department to the Board of Commissioners at the next regularly scheduled meeting or at any regularly scheduled meeting subsequent thereto but not later than 60 days from the day of the decision appealed. (Code 1974, § 6-17)

**Sec. 14-62. Violations; penalties.**

(a) Any person who shall violate any of the provisions of the fire prevention code adopted by this article or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Commissioners or by a court of competent jurisdiction, within the time fixed in this article, shall, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided by section 1-6. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to corrector remedy such violations or defects within a reasonable time.

(b) When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(c) The application of the penalty provided in this section shall not be held to prevent the enforced removal of prohibited conditions.  
(Code 1974, § 6-18)

Chapter 15

**RESERVED**

## Chapter 16

### OFFENSES AND MISCELLANEOUS PROVISIONS\*

#### Article I. In General

- [Sec. 16-1.](#) Consumption of intoxicating liquors in public places.  
[Sec. 16-2.](#) Disposal of intoxicating beverage containers.  
[Sec. 16-3.](#) Obstruction of exits, passageways, etc., in places of public assemblage.  
[Sec. 16-4.](#) Congregations obstructing sidewalks.  
[Sec. 16-5.](#) Trespass upon, damage to public property.  
[Sec. 16-6.](#) Discharging firearms, explosives, etc.  
[Sec. 16-7.](#) Advertisements, signs, etc., placing on public or private property; distributing handbills, etc.; distributing samples of medicines or drugs.  
[Sec. 16-8.](#) Duty to maintain crossings.  
[Sec. 16-9.](#) Carrying concealed weapons on certain municipal property-Posting of signs required.  
[Sec. 16-10.](#) Same---Location of signs.  
[Sec. 16-11.](#) Consumption and possession of malt beverages and unfortified wine--Definitions.  
[Sec. 16-12.](#) Same-Consumption on the public streets and an municipal property prohibited.  
[Sec. 16-13.](#) Same-Possession of open containers on the public streets and on municipal property prohibited.  
[Sec. 16-14.](#) Same-Possession during special events prohibited.  
[Sec. 16-15.](#) Same-Penalty.  
[Sec. 16-16.](#) Begging.  
Secs. 16-17-16-50. Reserved.

#### Article It. Curfew for Minors

- [Sec. 16-51.](#) Purpose.  
[Sec. 16-52.](#) Definitions.  
[Sec. 16-53.](#) Offenses.  
[Sec. 16-54.](#) Exceptions.  
[Sec. 16-55.](#) Defense.  
[Sec. 16-56.](#) Enforcement.  
[Sec. 16-57.](#) Penalties.

\***State law reference**-State Criminal Code, C.S. 14-1 et seq.

## ARTICLE I. IN GENERAL

### **Sec. 16-1. Consumption of intoxicating liquors in public places.**

It shall be unlawful to consume intoxicating liquors (beer, fortified or unfortified wine or liquor) in any public buildings, lots, parks, grounds, streets, sidewalks, driveways or other premises owned or leased by the Town, except:

- (1) Inside the R.E. Hooks Community Building located at 111 North Third St.
- (2) Inside the St. Pauls Civic Center located at 110 North Fourth Street.

(Ord. of 7-11-91, § a)

**Cross references**-Possession, consumption or transfer of intoxicating liquor during civil emergencies, § 10-28; streets, sidewalks and other public places, ch. 22.

**State law reference**-Alcoholic beverages, G.S. 18B-1 et seq.

### **Sec. 16-2. Disposal of intoxicating beverage containers.**

It shall be unlawful to dump, drop, throw, cast or deposit any intoxicating beverage container in any public place other than a bona fide trash disposal site or utensil, or upon any public street, sidewalk, alley or parking lot, or upon the private premises of another, without permission of the owner or person entitled to possession of such premises.

(Ord. of 7-11-91, § b)

**Cross reference**-Solid waste, ch. 20.

### **Sec. 16-3. Obstruction of exits, passageways, etc., in places of public assemblage.**

(a) All doors, aisles and passageways within and leading into or out of theaters, churches and all other places of public assemblage shall be kept free from any article that might obstruct or delay the exit of the audience, congregation or assemblage during the entire time during which any show, performance, service, exhibition, lecture, concert, ball or other assemblage may be held, and it shall be unlawful for any person to sit or stand or remain seated or standing or to allow any other person to so remain in such place of public assemblage in any aisle under any circumstances or in any exit or passageway required for the safe exit of the assemblage.

(b) Clear passage from all exits and on sidewalks must at all times be maintained outside of all theaters and other places of public assemblage.

(c) No aisle, passageway or stairway in any store shall be obstructed with tables, show cases or other obstructions during the hours such store is open to the public.

(d) It shall be the duty of the Chief of the Police Department to render assistance in the enforcement of the provisions of this section and to direct and require police officers to enter places of public assemblages for such purposes.

(Code 1974, § 13-8)

**Cross reference**-Streets, sidewalks and other public places, ch. 22.

#### **Sec. 16-4. Congregations obstructing sidewalks.**

It shall be unlawful for any persons to congregate, crowd together, stand around or move slowly about so as to impede, hamper, interfere with or obstruct the free passage or movement of pedestrians along or upon any sidewalk within the Town; provided, that the provisions of this section shall not be construed to prohibit peaceful and lawful picketing.

(Code 1974, § 13-9)

**Cross references**-Streets, sidewalks and other public places, ch. 22; picketing in group demonstrations, § 22-31 et seq.

#### **Sec. 16-5. Trespass upon, damage to public property.**

It shall be unlawful for any person to trespass upon, molest or harm in any manner any part of the public property of the Town.

(Code 1974, § 13-2)

#### **Sec. 16-6. Discharging firearms, explosives, etc.**

It shall be unlawful for any person to shoot or discharge any firearm or air rifle or similar device or cause any explosion of any powder or other explosive in the Town.

(Code 1974, § 13-7)

**Cross reference**- Firearms and ammunitions, § 10-81 et seq.

**State law references**-Municipal authority to restrict, regulate, etc., weapons generally, G.S. 160A-183; authority to regulate firearms, G.S. 160A-189.

#### **Sec. 16-7. Advertisements, signs, etc., placing on public or private property; distributing handbills, etc.; distributing samples of medicines or drugs.**

(a) It shall be unlawful for any person to attach, place, paint, write, stamp or paste, or cause to be attached, placed, painted, written, stamped or pasted, any sign, advertisement or other matter upon any lamppost, electric light, railway, telephone or telegraph pole, shade tree, fire hydrant or boxes covering them, or on any bridge, pavement, portion of any sidewalk or crosswalk, public building, or upon any other property or thing belonging to the town, or upon any article or thing within any park.

(b) It shall be unlawful for any person to attach, place, paint, write, stamp or paste, or cause to be attached, placed, painted, written, stamped or pasted, any sign, advertisement or other matter upon any house, vehicle or part thereof, wall,

fence, gate, post or tree box without first having obtained written permission of the owner, agents or occupants of the premises to do so.

(c) This section shall not apply to allowable "temporary political signs" as allowed under section 7.2 H and I of the town's zoning ordinance.

(d) It shall be unlawful for any person to distribute, throw, drop or scatter, or cause to be distributed, dropped or scattered, in any street or public place in the town any posters, handbills, advertising cards or other substances used for the purpose of advertising. No person shall distribute handbills or other advertising matter at houses, stores or other places of business, other than by putting such handbills or other advertising matter inside the screen doors, under doors, in the jamb of doors or in the letter boxes connected with such houses, stores or places of business, and when so distributed, no bell connected with such houses, stores or places of business shall be rung, and no alarm of any kind shall be sounded.

(e) It shall be unlawful to distribute in any street or public place or from house to house samples of medicines or drugs.

(Code 1974, § 13-1; Ord. of 3-10-88, § 1)

**Cross reference**-Businesses, ch. 8.

**State law reference**-Unlawful posting of advertisements, G.S. 14-145.

#### **Sec. 16-8. Duty to maintain crossings.**

Any railroad owning a track or switch through the Town or any part thereof, or which shall construct any track or switch through the Town or any part thereof, shall at every point where such road or track or switch shall cross the street or sidewalk place and firmly fix such crossing so as to provide a safe and well constructed crossing for vehicles and pedestrians.

(Code 1974, § 13-13)

**Cross reference**-Streets, sidewalks and other public places, ch. 22.

**State law reference**-Authority to regulate traffic, G.S. 160A-300.

#### **Sec. 16-9. Carrying concealed weapons on certain municipal property- Posting of signs required.**

The Town Administrator is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each park and each building or portion of a building owned, leased as lessee, operated, occupied, managed or controlled by the Town, as well as the appurtenant premises to such buildings, indicating that carrying a concealed handgun is prohibited therein.

(Ord. of 11-9-95(1), § 1)

#### **Sec. 16-10. Same Location of signs.**

Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The Town Administrator shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.

(Ord. of 11-9-95(1), § 2)

**Sec. 16-11. Consumption and possession of malt beverages and unfortified wine--Definitions.**

In addition to the common meanings of words, the following definitions shall be applicable herein:

*Malt beverage* means beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least one-half of one percent and not more than six percent alcohol by volume.

**State law reference**-Similar provision, G.S. 18B-101(9).

*Open container* means a container whose seal has been broken or a container other than the manufacturer's unopened original container.

**State law reference**-Similar provisions, G.S. 18B-300(c).

*Public street* means any highway, road, street, avenue, boulevard, alley, bridge, or other way within and/or under the control of the town and open to public use, including the sidewalks of any such street.

*Unfortified wine* means wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar, and that has an alcoholic content of not more than 17 percent alcohol by volume.  
(Ord. of 11-9-95(2), § 1)

**Sec. 16-12. Consumption on the public streets and on municipal property prohibited.**

It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to consume malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the Town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, and other athletic fields.

(Ord. of 11-9-95(2), § 2)

**Sec. 16-13. Possession of open containers on the public streets and on municipal property prohibited.**

It shall be unlawful for any person who is not an occupant of a motor vehicle to possess any open container of malt beverage and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the Town including, but not limited to, public buildings and the grounds

appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, and other athletic fields.  
(Ord. of 11-9-95(2), § 3)

**Sec. 16-14. Possession during special events prohibited.**

It shall be unlawful for any person to possess malt beverages and/or unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.  
(Ord. of 11-9-95(2), § 4)

**Sec. 16-15. Penalty. Fines not to exceed \$50.00 or at the discretion of the judge.**

Violation of sections 16-11-16-14 shall constitute a misdemeanor punishable in accordance with G.S. 14-4.  
(Ord. of 11-9-96(2), § 5)

**Sec. 16-16. Begging.**

(a) Beg, for the purpose of this section, is defined as to ask for alms or money for oneself or one's family or friends based on one's state of impoverishment, personal emergency need or as a request for charity for the requestor's (beggar's) personal financial benefit,

(b) Within the city limits of the Town, it shall be illegal to:

- (1) Beg on the public [rights]-of-way (streets, medians, road shoulders, ditches, sidewalks, etc. ).
- (2) Beg on publicly owned property.
- (3) Beg on privately owned property without first obtaining the written permission from the owner of record of said private property,
- (4) Solicit permission to beg on private property in person from the owner or agent of said private property. All such requests to beg on private property shall be communicated to the private property owners by mail, fax or e-mail and written permission must be given at least ten days prior to an individual going upon said private property to beg. (Ord. of 12-12-2002, §§ 1, 2)

**Secs. 16-17--16-50. Reserved.**

**ARTICLE II. CURFEW FOR MINORS**

**Sec. 16-51. Purpose.**

The purpose of this article shall be to establish a curfew for minors in the Town to promote the health, safety, and welfare of both minors and adults in the Town.  
(Ord. of 1U-10-96, § (a))

**Sec. 16-52. Definitions.**

For the purposes of this article, the following words and phrases shall have the following meanings:

*Direct route* means the shortest reasonable path of travel or a commonly used route to reach a final destination without any detour or stop along the way.

*Emergency* means an unforeseen combination of circumstances of the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or death. This term also shall include any action that is reasonably necessary in order to respond to the medical needs of a family member of the minor regardless of whether the minor's action is taken in order to prevent death or serious bodily injury.

*Establishment* means any privately owned place of business operated for profit to which the public has access or is invited, including but not limited to, any place of amusement or entertainment.

*Guardian* means a person who is court-appointed to be the guardian of a minor.

*Minor* means a person who is under the age of 18 years.

*Owner/operator* means any individual, firm, association, partnership or corporation, operating, managing or conducting any establishment, including the employees, members or partners of an association or partnership and the officers of a corporation.

*Parent* means a person who is a natural parent, adoptive parent, foster parent or step-parent of another person or a person to whom legal custody has been given by court order.

*Public place* means any place that is generally open to and used by the public or a substantial group of the public, whether it be publicly or privately owned, including but not limited to, streets, sidewalks, highways, alleys, rights-of-way, public vehicular areas and parking lots, transportation facilities, theaters, restaurants, shops, bowling alleys, schools and school grounds, places of business and amusement, playgrounds, parks, similar areas that are open to the public, and other common areas open to or accessible to the public.

*Remain* means to linger or stay in a public place, or to fail to leave the premises when requested to do so by a police officer, or to fail to leave the premises of an establishment when requested to do so by the owner/operator or employee of the premises.

(Ord. of 10-10-96, ti (b))

**Sec. 16-53. Offenses.**

A curfew applicable to minors is established and shall be enforced as follows:

- (1) Time limits. It is unlawful for any minor under the age of 18 years to be or remain upon any public place in the Town between 1:00 a.m. and 6:00 a.m. on Saturday, or between 1:00 a.m. and 5:00 a.m. on Sunday, or between the hours

- of 12:01 a.m. and 5:00 a.m. on Monday, Tuesday, Wednesday, Thursday or Friday.
- (2) *Time limits under 16.* It is unlawful for any minor under the age of 16 years to be or remain upon any public place in the town between 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday, and 5:00 a.m. of the following day.
  - (3) *Out-of-school suspensions time limit.* It is Unlawful far any minor under the age of 16 years who has been suspended from school or has failed to attend school for any reason during regular school hours, who is not in the company of a parent or guardian, to be or remain upon any public place in the Town between the hours of 7:30 a.m. and 3:30 p.m. on any school day.
  - (4) *Responsibility of adults.* It is unlawful for any parent, guardian, or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon, or remain in or upon a public place in the Town within the applicable curfew hours set by subsections (1), (2), and (3), except as otherwise provided in section 16-54. A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control, allows the minor to remain in any public place or on the premises of any establishment within the Town during the restricted hours. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.
  - (5) *Responsibilities of business establishments.* It is unlawful for any person, firm or corporation operating a place of business or amusement to allow or permit any minor to be in or upon, or to remain in or upon, any place of business or amusement operated by them within the applicable curfew hours set by subsections (1), (2), and (3), except as otherwise provided in section 16-54. The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during the restricted hours. The term "knowingly" includes knowledge that an owner, operator or employer should reasonably be expected to have concerning the patrons of an establishment. The standard for "knowingly" shall be applied through an objective test: whether a responsible person in the operator's or employee's position should have known that the patron was a minor in violation of this section.
  - (6) *Aiding and abetting by adult, guardian, or parent.* It is unlawful for an adult, guardian, or parent to allow, permit, encourage, aid or abet a minor in the violation of subsection (1), (2), or (3) except as otherwise provided in section 16-54.
- (Ord. of 10-10-96, § (0))

### **Sec. 16-54. Exceptions.**

A minor who is in a public place or establishment in violation of the restrictions established by section 16-53 shall not be in violation of this article if the minor is:

- (1) Accompanied by his parent or guardian; or
- (2) Accompanied by an adult 18 years of age or older authorized by the parent or guardian of such minor to take the parent or guardian's place in accompanying the minor for a designated period of time and purpose within a specified area; or
- (3) Engaged in a lawful employment activity, or using a direct route to or from a place of employment; or
- (4) Reacting or responding to an emergency; or
- (5) Attending or traveling to or from, by direct route, an official school, religious, or recreational activity that is supervised by adults and sponsored by a public or private school, the Town or other governmental entity, a civic organization, or another similar entity that accepts responsibility for the minor; or
- (6) Exercising First Amendment rights protected by the United States Constitution or such as the free exercise of religion, freedom of speech, and the right of assembly provided that prior written notice signed by the minor which specifies when, where and in what manner the minor will be in a public place exercising First Amendment rights shall be filed with the office of the Chief of Police; or
- (7) In a motor vehicle with the consent of his parent or guardian engaged in interstate travel through the Town or originating and terminating in the Town; or
- (8) Married or emancipated; or
- (9) A member of the armed services of the United States.  
(Ord. of 10-10-96, § (d))

#### **Sec. 16-55. Defense.**

It is a defense to prosecution under section 16-53(5) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during the restricted hours established in section 10-53 and refused to leave.  
(Ord. of 10-10-96, § (e))

#### **Sec. 16-56. Enforcement.**

(a) When a minor is found to be in violation of this article, the officer will check with the Records Clerk of the Town Police Department to determine if the minor is a first offender. If the minor is a first offender, he will be taken to the residence of his parent or guardian, or the parents or guardian will be contacted by the police department to come to the police department to pick up the minor child. At this time a written warning will be given to that adult and minor. A copy of the written warning will then be forwarded to the juvenile division where they will be kept on

file.

(b) If, upon checking with the Records Clerk, the minor is found to be a repeat offender, he will be taken to the residence of his parent or guardian or the parent or guardian will be notified to appear at the police department to pick up the minor and at that time the minor will be subject to criminal citation or a minor petition pursuant to the provisions of section 16-57. The adult will also be subject to criminal citation upon investigation if the parent or guardian is found to have violated the provisions of section 16-5:3(4). A custody report will be turned into the records division and entered into the police department computer system. A copy of the report will be forwarded to the juvenile detectives of the police department.

(c) If the minor is under 16 years of age, a report will be made and a copy forwarded to the Robeson County Department of Social Services.

(Ord. of 10-10-96, § (f))

### **Sec. 16-57. Penalties.**

(a) Any person who violates any provision of this section shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$100.00 and imprisonment in the discretion of the court in accordance with G.S. 14-4.

(b) In addition to any other applicable penalty, a minor under the age of 16 years who violates any provision of this section is subject to being adjudicated delinquent. The court may, in its discretion, impose any dispositional alternative that is provided in the state juvenile code for any minor who is delinquent.

(Ord. of LO-10-96, § (g))

Chapter 17

**RESERVED**

## Chapter 18

### **SECONDHAND GOODS\***

#### **Article I. In General**

Secs. 18-1-18-25. Reserved.

#### **Article II. Junk and Junkyards**

[Sec. 18-26.](#) Definitions.

[Sec. 18-27.](#) Application for, approval and issuance of permits.

[Sec. 18-28.](#) Building requirements for repairs made at junkyards.

[Sec. 18-29.](#) Burning for purposes of wrecking or salvage.

[Sec. 18-30.](#) Requirements for buildings for handling and storage of combustible materials.

[Sec. 18-31.](#) Fencing.

Secs. 18-32-18-50. Reserved.

#### **Article III. Yard Sales**

[Sec. 18-51.](#) Definitions.

[Sec. 18-52.](#) Permit required.

[Sec. 18-53.](#) Written statement required.

[Sec. 18-54.](#) Revocation and refusal of permit.

[Sec. 18-55.](#) Permit fee.

[Sec. 18-56.](#) Permit conditions.

[Sec. 18-57.](#) Pre-permit investigation.

[Sec. 18-58.](#) Display of permit.

[Sec. 18-59.](#) Property permitted to be sold.

[Sec. 18-60.](#) Hours of sale.

[Sec. 18-61.](#) Conduct of sale.

[Sec. 18-62.](#) Advertising signs.

[Sec. 18-63.](#) Exceptions due to inclement weather.

[Sec. 18-64.](#) Parking.

[Sec. 18-65.](#) Right of entry by police; arrest authority.

[Sec. 18-66.](#) Persons exempted from article.

[Sec. 18-67.](#) Organizations exempted.

[Sec. 18-68.](#) Separate violations.

\*Cross references-Businesses, ch. 8; abandoned and junked motor vehicles, § 12-76 et seq.

**ARTICLE I. IN GENERAL**

**Secs. 18-1-18-25. Reserved.**

**ARTICLE II. JUNK AND JUNKYARDS\*****Sec. 18-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Junk* means any worn-out or discarded metal, old iron, other metals, automobile parts, chain, copper, parts of machinery, bottles, rags, tallow, hides, worn-out automobile tires and other articles commonly known as junk.

(Code 1974, § 9-1)

**Cross reference**-Definitions and rules of construction generally, § 1-2.

**Sec. 18-27. Application for, approval and issuance of permits.**

(a) Any person now engaged in or proposing to engage in the business of buying, selling, handling, storing or hauling any junk shall comply with the regulations set out in this section.

(b) Any person described in subsection (a) shall make written application to the Town Clerk and Treasurer for a permit, which application shall state the place where such business is to be conducted. Such written application shall, by proper endorsement thereon, be approved by the county board of health, showing that such place where such business is to be conducted complies with the regulations of the county board of health. Such application shall also, by proper endorsement thereon, be approved by the Town Building Inspector or Town Clerk and Treasurer, showing that the place where such business is to be conducted is not within a zone prohibiting such business, unless it appears that such business was being conducted in such place on June 6, 1957, and no such permit shall be issued by the Building Inspector if the location of such junkyard will create or be likely to create a fire hazard to adjoining or adjacent properties.

(Code 1974, § 9-2)

**Sec. 18-28. Building requirements for repairs made at junkyards.**

Nothing but automobile dismantling shall be carried on in any automobile junkyard, and if repairs are made to any automobile or other self-propelled vehicle, such repairs shall be

**\*Cross references**-Abandoned and junked motor vehicles, § 12-76 et seq.; solid waste, ch. 20.

**State law reference**-Junkyard control act, G.S. 136-141.

made in a building meeting all the requirements of a public garage as prescribed by the building code.

(Code 1974, § 9-3)

**Sec. 18-29. Burning for purposes of wrecking or salvage.**

No automobile or any part thereof shall be burned for wrecking or salvage purposes in or on any premises occupied as a junkyard.

(Code 1974, § 9-4)

**Sec. 18-30. Requirements for buildings for handling and storage of combustible materials.**

At junkyards where large quantities of waste, paper, rags and other combustible materials are handled and stored, such handling and storage shall be carried on in a building of other than frame construction. Height shall be not over one story, unless the building is of fireproof construction. One-story buildings shall be provided with skylights in the roof, as may be required by the building inspector to provide adequate ventilation in case of fire.

(Code 1974, § 9-5)

**Sec. 18-31. Fencing.**

Every junkyard permitted under this article shall be enclosed by a fence, which fence shall obstruct the view of such junkyard from all public streets in the town.

(Code 1974, § 9-6)

**State law reference**-Screening of junkyards, G.S. 136-147, 136-148.

**Secs. 18-32-18-50. Reserved.**

### ARTICLE III. YARD SALES

**Sec. 18-51. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Personal property* means property which is owned, utilized and maintained by an individual or members of his residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

*Yard sale* means and includes all general sales, open to the public, except as exempted under sections 18-66 and 18-67, conducted from any district as defined by the zoning ordinance, as amended in this article, for the purpose of disposing of personal property, including but not limited to all so-called garage, lawn, yard, attic, porch, room, backyard, patio, flea market, or rummage sales. This definition shall

not include a situation where not more than five specific items are held out for sale and all advertisement of such sale specifically names those items to be sold. "Yard sales" and individuals conducting sales shall meet all pertinent requirements of this article. Yard sales are not permitted on business properties or vacant lots.

(Ord. of 5-11-78, § 1(10-10.1))

**Cross reference**-Definitions and rules of construction generally, § 1-2.

### **Sec. 18-52. Permit required.**

No yard sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a permit therefore from the Town Clerk. Members of more than one residence may join in obtaining a permit for a yard sale to be conducted on the premises designated in the permit.

(Ord. of 5-11-78, § 1(10-10.3))

### **Sec. 18-53. Written statement required.**

Prior to the issuance of any yard sale permit, the individuals conducting such sale shall file a written statement with the Town Clerk, during regular office hours at the Town Office, in advance of the proposed sale, setting forth the following information:

- (1) Full name and address of applicants.
- (2) The location at which the proposed yard sale is to be held.
- (3) The date when the sale shall be held.
- (4) An affirmative statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purposes of resale.

(Ord. of 5-11-78, § 1(10-10.4))

### **Sec. 18-54. Revocation and refusal of permit.**

(a) *False information.* Any permit issued under this article may be revoked or any application for issuance of a permit may be refused by the Town Clerk if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.

(b) *Conviction of violation.* If any individual is convicted of an offense under this article, the Town Clerk is not to issue such individual another yard sale permit for a period of two years from the time of conviction.

(Ord. of 5-11-78, § 1(10-10.15))

**Sec. 18-55. Permit fee.**

There shall be an administrative processing fee as prescribed from time to time by resolution of the Board of Commissioners and kept on file in the Town Clerk's office for the issuance of such permit.

(Ord. of 5-11-78, § 1(10-10.5))

**Sec. 18-56. Permit conditions.**

The permit shall set forth and restrict the time and location of such yard sale. No more than six such permits for no more than two consecutive days only for each permit may be issued to a residence during any calendar year.

(Ord. of 5-11-78, § 1(10-10.6))

**Sec. 18-57. Pre-permit investigation.**

Before issuing a permit, the Town Clerk may conduct, or have a member of the police department conduct, an investigation such as may reasonably be necessary to determine if there is compliance with this article.

(Ord. of 5-11-78, § 1(10-10.9))

**Sec. 18-58. Display of permit.**

Any permit in possession of the holders of a yard sale shall be posted on the premises in a conspicuous place so as to be seen by the public and the Town Clerk.

(Ord. of 5-11-78, § 1(10-10.10))

**Sec. 18-59. Property permitted to be sold.**

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this article, property other than personal property.

(Ord. of 5-11-78, § 1(10-10.2))

**Sec. 18-60. Hours of sale.**

Such yard sales shall be limited in time to no more than the daylight hours of the days for which the permit is granted.

(Ord. of 5-11-78, § 1(10-10.7))

**Sec. 18-61. Conduct of sale.**

The individual to whom such permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on such premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals

shall obey the reasonable orders of any member of the Police Department in order to maintain the public health, safety and welfare.

(Ord. of 5-11-78, § 1(10-10.12))

**Sec. 18-62. Advertising signs.**

(a) *Signs permitted.* Only the following specified signs may be displayed in relation to a pending yard sale.

(1) *Two signs permitted.* Two signs of not more than four square feet shall be permitted to be displayed on the property of the residence where the yard sale is being conducted.

(2) *Directional signs.* Two signs of not more than two square feet each are permitted as directional signs to the yard sale, provided written permission to erect such signs is received from the property owners upon whose property such signs are to be placed.

(b) *Time limitations.* No sign or other form of advertisement shall be exhibited for more than two days prior to the day such sale is to commence.

(c) *Removal of signs.* Signs must be removed at the close of the yard sale activities or by the end of daylight, whichever first occurs.

(Ord. of 5-11-78, § 1(10-10.11))

**Sec. 18-63. Exceptions due to inclement weather.**

If a yard sale is not held on the date for which the permit is issued or is terminated during the day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the Town Clerk may issue another permit to the applicant for a yard sale to be conducted at the same location within 30 days from the date when the sale was to be held. No additional permit fee is required.

(Ord. of 5-11-78, § 1(10-10.8))

**Sec. 18-64. Parking.**

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the police department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any yard sale.

(Ord. of 5-11-78, § 1(10-10.14))

**Sec. 18-65. Right of entry by police; arrest authority.**

Town police officers shall have the right of entry to any premises showing evidence of a yard sale for the purpose of enforcement or inspection and may close the premises from such a sale or arrest any individual who violates the provisions of this article.

Ord. of 5-11-78, § 1(10-10.13))

**Sec. 18-66. Persons exempted from article.**

The provisions of this article shall not apply to or affect the following:

- (1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- (2) Persons acting in accordance with their powers and duties as public officials.
- (3) Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the town zoning regulations.

(Ord. of 5-11-78, § 1(10-10.16))

**Sec. 18-67. Organizations exempted.**

(a) Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization shall be exempt from the permit fee set in this article when the proceeds from the sale are used directly for the charitable purposes of such institution or organization and the goods or articles are not sold on a consignment basis. However, such institution or organization shall apply for a permit and all applicable provisions of this article shall be enforced as to such organizations.

(b) Any person claiming to represent any such organization, and claiming exemption as provided in this section, and who, after investigation, is determined not to be representing such an organization, shall be deemed to be in violation of this article.

(Ord. of 5-11-78, § 1(10-10.17))

**Sec. 18-68. Separate violations.**

Every article sold and every day a sale is conducted in violation of this article shall constitute a separate offense.

(Ord. of 5-11-78, § 1(10-10.18))

Chapter 19

**RESERVED**

## Chapter 20

### **SOLID WASTE\***

#### **Article I. In General**

- [Sec. 20-1.](#) Accumulation on premises prohibited; placement in containers for collection by town.
- [Sec. 20-2.](#) Throwing or burning trash on streets or sidewalks.
- [Sec. 20-3.](#) Depositing garbage or trash in certain areas prohibited.
- Secs. 20-4-20-30. Reserved.

#### **Article II. Collection**

- [Sec. 20-31.](#) Definitions.
- [Sec. 20-32.](#) Collection fee; effect of failure to pay collection charges.
- [Sec. 20-33.](#) Garbage to be promptly removed.
- [Sec. 20-34.](#) Containers generally.
- [Sec. 20-35.](#) Wet garbage.
- [Sec. 20-36.](#) Garbage collection by private persons.

**\*Cross references**-Buildings and building regulations, ch. 6; disposal of intoxicating beverage containers, § 16-2; junk and junkyards, § 18-26 et seq.  
**State law reference**-Authority to regulate garbage and trash, Cx.S. 160A-192.

## ARTICLE I. IN GENERAL

### **Sec. 20-1. Accumulation on premises prohibited; placement in containers for collection by town.**

No trash, garbage or other refuse shall be allowed to accumulate on any premises. All such garbage and refuse shall be placed in cans or other containers, as provided in section 20-35, and put in a convenient place to be picked up by the Town.

(Code 1974, § 7-1)

### **Sec. 20-2. Throwing or burning trash on streets or sidewalks.**

No paper, straw, lemon peel, banana peel, watermelon rind or any trash of any kind shall be thrown or swept upon any sidewalk or street of the Town, nor shall any trash, refuse or rubbish be burnt thereon.

(Code 1974, § 7-2)

### **Sec. 20-3. Depositing garbage or trash in certain areas prohibited.**

No person shall throw, place or deposit any garbage or trash in any street, public place or private property within the town limits, except in garbage cans or garbage vehicles as provided in this chapter.

(Code 1974, § 7-3)

### **Secs. 20-4-20-30. Reserved.**

## ARTICLE II. COLLECTION

### **Sec. 20-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Garbage* means all refuse, animal, fruit and other vegetable matter, all tin cans, glassware and crockery in which any such matter has been put up or stored, and all rags, wastepaper, floor sweepings and other combustible refuse, except building material, scraps and tree trimmings.

*Trash* means all refuse resulting from the use and maintenance of property, regardless of the nature of the activity thereon, except garbage.

(Code 1974, § 7-4)

**Cross reference**-Definitions and rules of construction generally, § 1-2.

### **Sec. 20-32. Collection fee; effect of failure to pay collection charges.**

(a) The garbage collection fee as set by the Town Board, as amended from time to time, shall be the legal obligation of the person renting and occupying the residential unit, be it a house or apartment, or the owner-occupant, and if not the obligation of the occupant, but is furnished by the owner or landlord, then it shall be

the legal obligation of the owner or landlord, as the case may be. This shall apply only where garbage collection is required where there is no service of town water or sewer on the residential unit involved.

(b) Charges for garbage collection service shall be collectible by any remedy provided by law for collecting and enforcing private debts, in accordance with G.S. 160A-314(b).

(Code 1974, § 7-6; Ord. of 11-8-84, § 1)

### **Sec. 20-33. Garbage to be promptly removed.**

No garbage that is decayed or otherwise is a menace to health or cleanliness shall be allowed to remain in any dwelling house, hotel, boardinghouse, cafe, restaurant, lunch stand, fruit stand, meat market, store or other building on any premises longer than is reasonably necessary to remove and deposit such garbage in a can as provided in this article.

(Code 1974, § 7-7)

### **Sec. 20-34. Containers generally.**

(a) The occupant of every building, premises or place where garbage exists shall use containers provided by the Town. All garbage containers shall be placed roadside so that they can be conveniently reached by the garbage collector. Containers not provided by the Town shall be prohibited.

(b) The maintenance rules for garbage containers shall be as follows: all household garbage shall be placed in a 90 gallon roll-out container furnished by the Town of St. Pauls and remain the Town's property; anyone needing extra container(s) shall apply at the Town Office; resident receiving container is responsible for cleaning the container and for any damage done to the container due to negligence or abuse; the container may not be used for any purpose other than household garbage; leaves, grass clippings and limbs are not to be placed in the container nor in the street, but behind the curb; hot ashes shall not be placed in the container; building materials, motor oils, batteries, agri-chemicals, paint or tires are not to be placed in the container; all containers are to be pushed to the street no later than the night prior to the day of regular collection and must be moved beside the residence no later than 7:00 pm of the day following regular collection; containers are not to be loaned out or removed from the address associated with the container's original delivery or transferred to another address without the prior approval of the public works director; no garbage from another location shall be placed in the container.

(c) Penalty for failing to abide by the conditions of paragraph b of this section shall result in a first offense warning followed by a penalty Of \$50.00 for each subsequent violation.

(Code 1974, § 7-8)

**Sec. 20-35. Wet garbage.**

All wet garbage shall have the liquid drained off and shall be wrapped in non-combustible material before it is placed in the garbage can thus preventing smell and the breeding of flies in summer and freezing and adhesion to the can in winter.

(Code 1974, § 7-9)

**Sec. 20-36. Garbage collection by private persons.**

(a) *Permit required.* No person shall collect, handle, haul or transport on any of the streets or public places in the Town any garbage without first having procured a permit therefore from the Town Clerk.

(b) *Spillage.* No person engaged in the private collection or transportation of garbage or trash shall cause or allow spillage of garbage, trash or other refuse resulting from improper use of containers or from the employment of a vehicle not meeting the requirements of subsection (c). Such spillage shall, in addition to any penalty that may be imposed, subject the holder of the permit to revocation of such permit.

(c) *Vehicles.* No person holding a permit required by subsection (a) shall transport garbage or trash over the streets of the Town without first having secured from the Superintendent of Public Works a certificate to the effect that the vehicle designated for such use is suitable for hauling such garbage or trash. Vehicles which allow spillage of garbage or trash will be considered unsuitable for hauling garbage or trash.

(d) *Construction and demolition waste.* Construction and demolition waste shall be collected, removed and disposed of by the contractor or builder, or in event of their failure, by the occupant of the property. Permits required under subsection (a) of this section shall apply to the removal of construction and demolition waste.

(Code 1974, §§ 7-11-7-13; Ord. of 6-11-87, § 1)

Chapter 21

**RESERVED**

## Chapter 22

### **STREETS, SIDEWALKS AND OTHER PUBLIC PLACES\***

#### **Article I. In General**

- [Sec. 22-1.](#) Creation and establishment of new streets and sidewalks.  
[Sec. 22-2.](#) Underground installation of utilities; permit required.  
[Sec. 22-3.](#) Sidewalk or driveway construction; permit required.  
[Sec. 22-4.](#) Digging, etc., in streets; permit required.  
[Sec. 22-5.](#) Excavation requirements.  
[Sec. 22-6.](#) Overhead passageways for construction near sidewalk.  
[Sec. 22-7.](#) Duty to keep sidewalk, etc., free from obstruction.  
[Sec. 22-8.](#) Placing objects or materials on streets or sidewalks.  
[Sec. 22-9.](#) Obstruction of passage on sidewalks by assemblies, gates, doors or goods and wares.  
[Sec. 22-10.](#) Dragging or running heavy machinery or tools over streets; damaging or tampering with lighting posts, etc.  
[Sec. 22-11.](#) Restrictions on use of coasters, roller skates, etc.  
Secs. 22-12-22-30. Reserved.

#### **Article II. Picketing and Group Demonstrations**

- [Sec. 22-31.](#) Definitions.  
[Sec. 22-32.](#) Unlawful to maintain pickets unless complying with article; notice required; authority to rope off certain areas.  
[Sec. 22-33.](#) Threatening, interfering with, etc., employees going to or from work.  
[Sec. 22-34.](#) Conditions under which peaceful picketing permitted.  
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#### **Article III. Parades**

- [Sec. 22-61.](#) Definitions.  
[Sec. 22-62.](#) Permits and notifications required.  
[Sec. 22-63.](#) Issuance of permit, requirements.  
[Sec. 22-64.](#) Revocation of permit.  
[Sec. 22-65.](#) Exceptions.

**\*Cross references**-Solicitations, § 8-101 et seq.; restrictions on assemblies during civil emergencies, § 10-56 et seq.; consumption of intoxicating liquors in public places, § 16-1; obstruction of passageways in places of public assemblage, § 16-3; obstructing sidewalks, § 16-4; railroads to maintain crossings on streets, § 16-9; traffic and vehicles, ch. 24; permission required to cut streets, § 26-41; vehicles for hire, ch. 28.

**State law reference**-General municipal authority relative to streets and sidewalks, G. S. 160A-296 et seq.

## ARTICLE I. IN GENERAL

### **Sec. 22-1. Creation and establishment of new streets and sidewalks.**

The creation and establishment of new streets and sidewalks shall be subject to the approval of the Board of Commissioners.

(Code 1974, § 17-1)

### **Sec. 22-2. Underground installation of utilities; permit required.**

No person shall install any wire, pipe or other utility device underground without having first obtained a permit to do so from the Town Clerk.

(Code 1974, § 17-4).

**Cross reference**-Utilities, ch. 26.

### **Sec. 22-3. Sidewalk or driveway construction; permit required.**

No sidewalk or driveway of any description shall be built by any person without a written permit from the Town, if such sidewalk or driveway encroaches upon or abuts a Town right-of-way.

(Code 1974, § 17-3)

### **Sec. 22-4. Digging, etc., in streets; permit required.**

It shall be unlawful for any person to dig any hole, ditch or excavation of any kind whatsoever on any street in the town without first securing a permit therefore in writing from the Town Clerk.

(Code 1974, § 17-2)

### **Sec. 22-5. Excavation requirements.**

(a) *Leaving unprotected or unlighted.* It shall be unlawful for any person making any excavation in any of the streets or sidewalks to fail to protect passersby from such excavation by barricades or to fail to place a sufficient number of lights around such excavation before dark and to keep such light burning all night every night such excavation shall be open.

(b) *Restoration.* It shall be the duty of every person who shall open or dig a ditch, trench or hole in any street, public alley or sidewalk of the town to put such street, public alley or sidewalk in as good condition in all respects as it was before.

(Code 1974, §§ 17-5, 17-6)

### **Sec. 22-6. Overhead passageways for construction near sidewalk.**

Before building or remodeling at any place more than one story in height and in close proximity to a sidewalk, a covered passageway shall be constructed, so as to leave the sidewalk unobstructed and provide safe and easy passage.

(Code 1974, § 17-8)

**Sec. 22-7. Duty to keep sidewalk, etc., free from obstruction.**

Every occupant of a lot on any street shall keep the sidewalk clear and the gutter open and free from obstruction as far as such lot extends.

(Code 1974, § 17-11)

**Sec. 22-8. Placing objects or materials on streets or sidewalks.**

No substance obstructing the free passage of persons and vehicles shall be placed or suffered to lay in any alleyways, streets or other routes of the Town, nor shall any person place on or in any of the streets, sidewalks or alleyways of the Town any boxes, crates, casks or barrels of any description, or any other obstruction of any kind (including, for example, basketball goals, soccer goals or other similar devices); provided, that any person erecting a building may, with permission, place building material for immediate use on the streets in such a way as to not interfere with the usual traffic thereon.

(Code 1974, § 17-12) (Revised 01-11-2001)

**Sec. 22-9. Obstruction of passage on sidewalks by assemblies, gates, doors or goods and wares.**

Any obstruction of any sidewalk which prevents the free passage of people shall be unlawful, whether it be by unlawful assemblies, exhibition of wares or goods for sale or gates or doors swinging across such sidewalk.

(Code 1974, § 17-13)

**State law reference**-Obstructing highways and roads, G.S. 136-90 et seq.

**Sec. 22-10. Dragging or running heavy machinery or tools over streets; damaging or tampering with lighting posts, etc.**

(a) It shall be unlawful for any person to drag, run or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any permanently paved street of the Town, which is liable to injure or cut the surface thereof in any way.

(b) No public property on the street, such as lighting posts, bridges, culverts, drains, etc., shall in any way be damaged or tampered with by any unauthorized person.

(Code 1974, § 17-7)

**Sec. 22-11. Restrictions on use of coasters, roller skates, etc.**

(a) *Generally.* No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any roadway, unless while crossing a street at a crosswalk or intersection; except upon streets set aside as play streets. The term "play streets" means any street in a residential zone. If a street is a dividing line between a residential zone and any other zone it shall not be a play street, except for Broad Street.

(b) *Skating on certain streets.* No person shall be allowed to use skates or skateboards from Elizabeth Street to Fifth Street on Broad Street or on Second and Third Streets between Blue and Armfield Streets.

(Code 1974, §§ 11-8, 17-10)

**Secs. 22-12-22-30. Reserved.**

## **ARTICLE II. PICKETING AND GROUP DEMONSTRATIONS\***

### **Sec. 22-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Block* means that portion of any street lying between its intersections with other streets.

*Group demonstration* means any assembly or action in concert between or among two or more persons for the purpose of protesting any matter or of making known any position or promotion of such persons, or of, or on behalf of, any organization or class of person, or for the purpose of attracting attention to such assembly.

*Picketing* means any two or more persons acting together for the purpose of making known any position or promotion of such persons, or of, or on behalf of, any organization or class of persons.

(Ord. of 2-14-85, § 1(14-1))

**Cross reference**-Definitions and rules of construction generally, § 1-2.

### **Sec. 22-32. Unlawful to maintain pickets unless complying with article; notice required; authority to rope off certain areas.**

(a) It shall be unlawful for any person to maintain a picketing line or to picket within the Town, except in compliance with the conditions imposed upon such picketing by this article.

(b) Any person organizing or conducting any picketing shall give reasonable prior notice to the Chief of Police in order that appropriate measures may be taken to protect public order and safety.

(c) Any person within the Town may, if it is deemed necessary, rope off such of his property as may be desired and post notices thereon that no picketing or picket lines will be allowed on such property, except in public rights-of-way.

(Ord. of 2-14-85, § 1(14-2))

### **Sec. 22-33. Threatening, interfering with, etc., employees going to or from work.**

It shall be unlawful for any person to intimidate, threaten, coerce, annoy, interfere with, molest or meddle with the employees of any person within the Town while such employees are going to or from their work.

(Ord. of 2-14-85, § 1(14-3))

**\*Cross reference**-Congregations obstructing sidewalks, § 16-4.

**State law references**-Picketing and parading, G.S. 14-225.1; authority to regulate mass gatherings, G.S. 130A-258; authority to regulate use of streets and sidewalks, G.S. 160A-296.

**Sec. 22-34. Conditions under which peaceful picketing permitted.**

(a) Peaceful picketing in the furtherance of a lawful purpose shall be permitted in the Town, provided such picketing is done under the following conditions:

- (1) Picketing may be conducted only on the sidewalk or on other Town-owned areas normally used or reserved for pedestrian movement, and may not be conducted on that portion of a street used primarily for vehicular traffic. The word "Town-owned" as used in this subsection shall include easements and rights-of-way.
- (2) Not more than ten pickets promoting the same objective shall be permitted to use the sidewalk within a block in the Town at any one time.

Pickets may carry written or printed placards or signs, not exceeding two feet in width and two feet in length, promoting the objective for which the picketing is done; provided, that the words used thereon are not defamatory in nature and would not tend to produce or cause violence. The staff on which such placard may be carried shall not exceed 40 inches in length, must be made of wood, shall not exceed three-fourths of an inch in diameter at any point; and must be blunt at each end.

- (4) Pickets must march in single file and not abreast and may not march closer than 15 feet, except in passing one another.
- (5) If pickets promoting different objectives desire to use the same public area for picketing and such use would result in the presence of more than ten pickets thereon in any block, the Chief of Police shall allot time to each group of pickets for the use of such public area on an equitable basis, but each group shall be permitted to picket subject to the provisions of this subsection at least every two hours.

(b) Picketing done contrary to any of the provisions of this section shall be unlawful.

(Ord. of 2-14-85, § 1(14-4))

**Sec. 22-35. Interfering with, etc., pickets; dispersal of crowds.**

(a) It shall be unlawful for any person to physically interfere with pickets in the use of the sidewalk or to address profane, indecent, abusive or threatening language to or at such pickets which would tend to provoke such pickets or others to a breach of the peace.

(b) In the event of the assembly of persons in such numbers as to tend to intimidate the pickets pursuing their lawful objective, through numbers alone or through the use of inflammatory words or gestures, the police officers of the Town shall direct the persons so assembled to disburse and may arrest any person who fails to absent himself from the place of such assembly when so directed.

(Ord. of 2-14-85, § 1(14-5))

**Sec. 22-36. Obstruction of street or sidewalk by crowd.**

Whenever the free passage of any street or sidewalk in the Town shall be obstructed by a crowd, the persons composing such crowd shall disburse or move on when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse or move when so directed by a police officer as provided in section 22-36(b).

(Ord. of 2-14-85, § 1(14-6))

**Sec. 22-37. Group demonstrations.**

The following acts or activities, when performed or undertaken in conjunction with or as a part of any group demonstration, are hereby prohibited and declared unlawful:

The carrying on or about the person of any firearm, any weapon, blackjack, night-stick, flashlight, or other article which might by its use constitute a deadly weapon, if in fact the same is exhibited, used, held or in any way demonstrated for the purpose of intimidating, harassing, coercing, or threatening any other person or persons or group of people.

- (2) In the event of the assembly of demonstrators in such numbers as to tend to intimidate individual persons or the public, through numbers, inflammatory words, actions or otherwise, the police officers of the town shall direct the persons so assembled to disperse and may arrest any person who fails to absent himself from the place of such assembly when so directed.
- (3) Whenever the free passage of any street or sidewalk in the town shall be obstructed by a crowd, such as persons demonstrating, the persons composing such crowds shall disperse or move on when directed to do so by a police officer. It shall be unlawful for any persons to refuse to so disperse or move on when so directed by a police officer, and such officer may arrest any person who fails to so disperse or move on.
- (4) No group demonstration shall be held in such manner as to interfere with legal picketing as set forth in this article, nor to interfere with parades as authorized in this chapter, nor shall a group demonstration be held within one block of the route of any parade, assembly point, or termination point, nor within one block of any legal picketing activity.

(Ord. of 2-14-85, § 1(14-12, 14-13))

**Secs. 22-38-22-60. Reserved.****ARTICLE III. PARADES\*****Sec. 22-61. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**\*State law references**-Picketing and parading, G.S. 14-225.1; municipal authority to regulate vehicles in parades, G.S. 20-169; municipal authority to regulate the use of streets, sidewalks, etc., Cs.S. 160A-296.

*Parade* means any assembly of two or more persons participating in, marching, walking, or operating any vehicle or conveyance in any march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, alleys, or other public grounds or places. (Ord. of 2-14-85, § 1(14-1(c))

**Cross reference**-Definitions and rules of construction generally, § 1-2.

### **Sec. 22-62. Permits and notifications required.**

(a) It shall be unlawful for any person to organize, assemble, conduct or participate in any parade in or upon any street, sidewalk, alley or other public place within the Town unless a permit therefore has been issued by the Town in accordance with provisions of this article.

(b) Any person responsible for organizing a parade shall, at least five working days prior to the beginning of the activity, notify the Chief of Police and apply for a permit for this activity in order that appropriate measures may be taken to protect public order and safety.

(Ord. of 2-14-85, § 1(14-7))

### **Sec. 22-63. Issuance of permit, requirements.**

(a) The Chief of Police or his designee is authorized to issue permits as required in this article, and in the issuance thereof he shall require a written application for a permit to be filed not less than five working days in advance of such parade. Such application shall be on a form prescribed by this article, shall require the application to be signed by the applicants, shall require that the applicant show the proposed time, place, purpose and estimated size of such parade.

(b) A permit shall not be issued when the activity or purpose stated in the application would violate any ordinance of the Town or state laws, or when the activity or purpose would constitute a clear and present danger to the public health or safety.

(c) The application for a permit shall specify and the permit shall designate the person in charge of the activity. Such person shall be required to accompany the parade and shall carry such permit with him at that time.

(d) The permit shall set the starting time and estimated duration, and shall prescribe the portions or areas of streets, alleys, sidewalks, or other public places to be used; and may impose such other reasonable requirements as the Chief may prescribe for the control of free movement of pedestrian or vehicular traffic, or for the health, safety and property rights of the participant and the general public.

(Ord. of 2-14-85, § 1(14-8))

**Sec. 22-64. Revocation of permit.**

The Chief of Police shall revoke any permit granted for a parade for any substantial violation of this article or for the failure to comply with the terms and conditions of the permit.

(Ord. of 2-14-85, § 1(14-10))

**Sec. 22-65. Exceptions.**

The following are exempted from applying for and holding permits: funeral processions.

(Ord. of 2-14-85, § 1(14-11))

Chapter 23

**RESERVED**

## Chapter 24

### TRAFFIC AND VEHICLES\*

#### Article I. In General

- [Sec. 24-1.](#) Definitions.
- [Sec. 24-2.](#) Obedience to police.
- [Sec. 24-3.](#) Applicability of chapter.
- [Sec. 24-4.](#) Authority of police to direct traffic in certain situations.
- [Sec. 24-5.](#) Boarding or alighting from public conveyances or other vehicles.
- [Sec. 24-6.](#) Entering, jumping on or riding vehicles without permission.
- [Sec. 24-7.](#) Persons riding bicycles, etc., not to cling to moving vehicles.
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#### Article II. Traffic Control Devices

- [Sec. 24-31.](#) Obedience to official traffic control devices generally; when signs required for enforcement.
- [Sec. 24-32.](#) No-turn signs and turning markers.
- [Sec. 24-33.](#) No parking and safety zone signs or markers.
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#### Article III. Operation of Vehicles

- [Sec. 24-56.](#) Stop required before entering certain streets.
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- [Sec. 24-59.](#) Driving through funeral processions.
- [Sec. 24-60.](#) Left turns at certain intersections.
- [Sec. 24-61.](#) Left and right turns prohibited at certain intersections.
- [Sec. 24-62.](#) Limitations on turning around.
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- [Sec. 24-64.](#) Emerging from alley, driveway, etc.
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- [Sec. 24-66.](#) Bicycles or motorcycles.
- [Sec. 24-67.](#) Moving cars from parked positions.
- [Sec. 24-68.](#) Speed limit on through highways.
- [Sec. 24-69.](#) Driving on roadways laned for traffic.
- [Sec. 24-70.](#) On approach of fire apparatus.
- [Sec. 24-71.](#) Following fire apparatus.
- [Sec. 24-72.](#) Driving over fire hose.

\***Cross references**—Unauthorized riding on fire department trucks, § 14-3; routes for vehicles transporting explosives, § 14-59; streets, sidewalks and other public places, ch. 22; vehicles for hire, ch. 28.

**State law references**-Motor vehicles, G.S. ch. 20; powers of local authorities, G.S. 20169; traffic control by municipalities generally, G.S. 160A-300 et seq.

[Sec. 24-73.](#) Riding on vehicles, etc., not designed or intended for passenger use.

[Sec. 24-74.](#) Persons riding vehicles to stay inside.

[Sec. 24-75.](#) Number of persons permitted in front seat.

Secs. 24-76-24-95. Reserved.

#### Article IV. Stopping, Standing and Parking

[Sec. 24-96.](#) Restrictions on stopping in streets generally.

[Sec. 24-97.](#) Not to obstruct passage of other vehicles.

[Sec. 24-98.](#) Parking, etc., prohibited in certain specified places.

[Sec. 24-99.](#) Parking prohibited at all times in certain designated places.

[Sec. 24-100.](#) Parking prohibited for specified purposes-Generally.

[Sec. 24-101.](#) Same-Advertising.

[Sec. 24-102.](#) Parking prohibited during certain hours in certain designated places.

[Sec. 24-103.](#) Parking for the handicapped.

[Sec. 24-104.](#) Vehicles to park parallel to curb; exceptions.

[Sec. 24-105.](#) Vehicles backed up to curb.

[Sec. 24-106.](#) Parking with left side to curb in business district.

[Sec. 24-107.](#) Parking to be within lines.

[Sec. 24-108.](#) Parking at 45-degree angle with curb.

[Sec. 24-109.](#) Penalty for certain violations of article; unpaid penalties.

[Sec. 24-110.](#) Lights on parked vehicles.

**ARTICLE 1. IN GENERAL****Sec. 24-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Authorized emergency vehicle* means vehicles of the fire department, police vehicles, and ambulances designated or authorized by the Chief of Police.

*Block* means a portion of any street located between two intersections next adjacent to each other.

*Business district* means the territory contiguous to a highway when 75 percent or more of frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

*Crosswalk* means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections. Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

*Driver* means every person who drives or is in actual physical control of a vehicle.

*Intersection* means the area embraced within the prolongation of the lateral curblines or, if none, the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other.

*Motor vehicle* means every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in G.S. 20-4.01(27)d1.

*Official traffic control devices* means all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of the board of commissioners or official having jurisdiction, for the purposes of regulating, warning or guiding traffic.

*Official traffic signals* means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

*Park* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

*Pedestrian* means any person afoot.

*Police officer* means every officer of the Town Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

*Private road or driveway* means every road or driveway not open to the use of the public for purposes of vehicular travel as a matter of right.

*Public conveyance* means any vehicle other than a taxicab or railroad train for transporting for fare.

*Railroad* means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

*Railroad train* means a steam, electric or other motor engine, with or without cars coupled thereto, operated upon rails; except streetcars.

*Residence district* means the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

*Right-of-way* means the privilege of the immediate use of the roadway.

*Roadway* means that portion of a street improved, designed or ordinarily used for vehicular travel.

*Safety zone* means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

*Sidewalk* means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.

*Standing* means any stopping of a vehicle, whether occupied or not.

*Stop*, when required, means complete cessation of movement.

*Stop* or *stopping*, when prohibited, means any stopping of a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

*Street* or *highway* means the entire width between property lines of every way or place of whatever nature, when any part thereof is open to the use of the public, as a matter of right for purpose of vehicular traffic.

*Traffic* means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, either singly or together, while using any street for purposes of travel.

*Vehicle* means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks; provided, that for the purposes of this chapter, a bicycle or a ridden animal shall be deemed a vehicle.

(Code 1974, § 11-1)

**Cross reference**-Definitions and rules of construction generally, § 1-2.

### **Sec. 24-2. Obedience to police.**

No person shall willfully fail or refuse to comply with any lawful order or direction given by a police officer.

(Code 1974, § 11-2)

**Sec. 24-3. Applicability of chapter.**

(a) *Drivers of public vehicles.* The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county or Town, and it shall be unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statute.

(b) *Persons propelling pushcarts, riding bicycles, driving animal drawn vehicles, etc.* Every person propelling any pushcart or riding a bicycle or an animal upon a roadway, and every person driving any animal drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which, by their very nature, can have no application.

(c) *Authorized emergency vehicles.* The provisions of this chapter regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles, except as follows:

- (1) A driver when operating such vehicle in an emergency, except when otherwise directed by a police officer, may:
  - a. Proceed past a red or stop signal, or stop sign, but only after slowing down as may be necessary for safe operation.
  - b. Park or stand, notwithstanding the provisions of this chapter.
  - c. Exceed the prima facie speed limits, so long as he does not endanger life or property.
  - d. Disregard regulations governing direction of movement or turning in specified directions, so long as he does not endanger life or property.
- (2) The exemptions contained in subsection (c)(1) shall not, however, protect the driver of any such vehicle from the consequences of his reckless disregard of the safety of others.  
(Code 1974, §§ 11-4-11-6)

**Sec. 24-4. Authority of police to direct traffic in certain situations.**

In the event of a fire or other emergency, or when necessary to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of this chapter.

(Code 1974, § 11-3)

**Sec. 24-5. Boarding or alighting from public conveyances or other vehicles.**

No person shall board or alight from any public conveyance or other vehicle while such conveyance or vehicle is in motion.

(Code 1974, § 11-35)

**Sec. 24-6. Entering, jumping on or riding vehicles without permission.**

No person shall enter, jump on or ride any automobile or other vehicle without the consent of the owner or driver.

(Code 1974, § 11-37)

**Sec. 24-7. Persons riding bicycles, etc., not to cling to moving vehicles.**

No person riding upon any bicycle, motorcycle, coaster, sled, roller skates or any toy vehicle shall attach such vehicle or himself to any public conveyance or moving vehicle upon any roadway.

(Code 1974, § 11-7)

**Secs. 24-8-24-30. Reserved.****ARTICLE II. TRAFFIC CONTROL DEVICES\*****Sec. 24-31. Obedience to official traffic control devices generally; when signs required for enforcement.**

(a) The driver of any vehicle, streetcar or trackless trolley shall obey the directions of any official traffic control device applicable thereto and placed in accordance with the provisions of this chapter and other traffic ordinances of this Town, unless otherwise directed by a police officer, subject to the exemptions granted the driver of an authorized emergency vehicle in section 24-3(c).

(b) No provision of this chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to an ordinarily observant person. Whenever a particular section of this chapter does not state that signs are required, such section shall be effective without signs being placed to give notice thereof.

(Code 1974, § 11-9)

**Sec. 24-32. No-turn signs and turning markers.**

Whenever authorized signs are placed, erected or installed indicating that no right or left or "U" turn is permitted, no driver of a vehicle shall disobey the directions of any such sign, and when authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles traversing or turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(Code 1974, § 11-10)

\*State law reference-Authority for traffic control devices, G.S. 20-158.

**Sec. 24-33. No parking and safety zone signs or markers.**

Whenever authorized signs or markings are placed, erected or installed indicating no parking zones or safety zones, no driver of a vehicle shall disobey the regulations in connection therewith.

(Code 1974, § 11-11)

**Sec. 24-34. Zones of quiet.**

Whenever authorized signs are placed, erected or installed indicating zones of quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle, except in an emergency. ,

(Code 1974, § 11-12)

**Sec. 24-35. Play streets.**

Whenever authorized signs are placed, erected or installed indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof, except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Code 1974, § 11-13)

**Secs. 24-36-24-55. Reserved.**

**ARTICLE III. OPERATION OF VEHICLES\***

**Sec. 24-56. Stop required before entering certain streets.**

When stop signs are placed, erected or installed upon streets intersecting a through street at the entrance thereto or at the entrance to any intersection, as indicated on the official traffic maps of the town, every driver of a vehicle shall stop in obedience to such signs before entering the intersection and shall not proceed into or across the through street until he has first determined that no conflict with traffic will be involved.

(Code 1974, § 11-16)

**Sec. 24-57. Stop required to avoid obstruction of traffic.**

No driver of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(Code 1974, § 11-17)

**\*State law reference**-Operation of vehicles and rules of the road, G.S. 20-138 et seq.

**Sec. 24-58. One-way streets.**

Upon those streets and parts of streets described on the official traffic maps of the town, vehicular traffic shall move only in the indicated direction, when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(Code 1974, § 11-18)

**Sec. 24-59. Driving through funeral processions.**

No vehicle shall be driven through a funeral procession, except fire department vehicles, police patrols and ambulances when responding to calls.

(Code 1974, § 11-19)

**Sec. 24-60. Left turns at certain intersections.**

In making left turns at the street intersections described on the official traffic maps of the town, all traffic shall travel to the left of the center of such intersections, as may be indicated by buttons, markers or other directing signs.

(Code 1974, § 11-20)

**Sec. 24-61. Left and right turns prohibited at certain intersections.**

(a) In making left turns at street intersections or driveways, public or private, when indicated by buttons, markers or other directing signs, left turns are prohibited.

(b) No vehicle shall make a right turn at any intersection described on the official traffic maps of the town as an intersection where such turns are prohibited.

(Code 1974, § 11-21)

**Sec. 24-62. Limitations on turning around.**

No driver shall turn any vehicle so as to proceed in the opposite direction in the business district, except at street intersections, and no vehicle shall make such a turn, even at street intersections, in the streets or portions of streets described on the official traffic maps of the town as intersections where "U" turns are prohibited.

(Code 1974, § 11-22)

**Sec. 24-63. Limitations on backing.**

The driver of a vehicle shall not back such vehicle into any intersection or over a crosswalk, and shall not, in any event or at any place, back a vehicle, unless such movement can be made in safety, and he shall have given ample warning to those who may be behind, by hand and horn or other signal.

(Code 1974, § 11-23)

**Sec. 24-64. Emerging from alley, driveway, etc.**

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk areas extending across any alleyway, and upon entering the roadway, he shall yield the right-of-way to all vehicles approaching on such roadway.

(Code 1974, § 11-24)

**Sec. 24-65. Driving on sidewalk.**

The driver of a vehicle shall not drive within any sidewalk area, except at a permanent or temporary driveway.

(Code 1974, § 11-25)

**Sec. 24-66. Bicycles or motorcycles.**

(a) *Riding or carrying persons upon handlebars.* The operator of a motorcycle or bicycle, when upon a street, shall not carry any person upon the handlebars, frame or tank of any such vehicle, nor shall any person so ride upon any such vehicle.

(b) *Riding without hands on handlebars; riding on sidewalk or walkway.* No person shall ride a bicycle or motorcycle on any street without having his hands upon the handlebars, nor shall any person ride a bicycle or motorcycle upon any sidewalk or walkway within the Town. (Code 1974, §§ 11-26, 11-27)

**Sec. 24-67. Moving cars from parked positions.**

Cars parked shall move out in the direction headed, or if they are parked at an angle with the curb, they shall back out on that angle until they have cleared the other cars and shall then proceed in the direction they are most nearly headed in, Cars shall be backed or pulled out only after the operator can make such move in safety.

(Code 1974, § 11-29)

**Sec. 24-68. Speed limit on through highways.**

It shall be unlawful to operate a vehicle upon any street or highway in the town at a speed greater than the posted speed limit. At no time shall the speed be greater than is reasonable and prudent under the conditions then existing.

(Code 1974, § 11-30)

**Sec. 24-69. Driving on roadways laned for traffic.**

All vehicles operated on any roadway which has been clearly marked with lanes for traffic shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety. (Code 1974, § 11-31)

**Sec. 24-70. On approach of fire apparatus.**

Upon the approach of any police or fire department vehicle giving audible signal by bell, siren or exhaust whistle, the driver of every vehicle shall immediately drive such vehicle to a position as near as possible and parallel to the right-hand edge or curb, clear of any intersection or highway, and shall stop and remain in such position unless otherwise directed by a police or traffic officer until the police or fire department vehicle shall have passed. (Code 1974, § 11-32)

**Sec. 24-71. Following fire apparatus.**

It shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than one block or to drive into or park such vehicle within one block where fire apparatus has stopped in answer to a fire alarm. (Code 1974, § 11-33)

**Sec. 24-72. Driving over fire hose.**

It shall be unlawful to drive a motor vehicle over a fire hose or any other equipment that is being used at a fire at any time, or to block a firefighting apparatus or any other equipment from its source of supply, regardless of its distance from the fire. (Code 1974, § 11-34)

**Sec. 24-73. Riding on vehicles, etc., not designed or intended for passenger use.**

No person shall ride on any public conveyance or vehicle or any portion thereof not designed or intended for the use of passengers. This section shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in spaces intended for merchandise. (Code 1974, § 11-36)

**Sec. 24-74. Persons riding vehicles to stay inside.**

No person when riding shall allow any part of his body to protrude beyond the limits of the vehicle in which he is riding, except to give such signals as are by law required, and no person shall hang onto any vehicle whatsoever. (Code 1974, § 11-38)

**Sec. 24-75. Number of persons permitted in front seat.**

It shall be unlawful for the driver or the person in charge of any motor vehicle to permit more than three persons, including the driver, to ride in the front or driver's seat of a motor vehicle.

(Code 1974, § 11-39)

**State law reference**-Overloaded or overcrowded vehicles, G.S. 20-140.2.

**Secs. 24-76-24-95. Reserved.****ARTICLE IV. STOPPING, STANDING AND PARKING\*****Sec. 24-96. Restrictions on stopping in streets generally.**

No vehicle shall stop in any street, except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by:

- (1)The approach of fire apparatus;
- (2)The approach of a funeral or other procession which is given the right-of-way;
- (3)The stopping of a public conveyance;
- (4)The lowering of railway gates;
- (5)The giving of traffic signals;
- (6)The passing of some other vehicle or a pedestrian; or
- (7)Some emergency.

In any case covered by such exceptions, such vehicles shall stop so as not to obstruct any footway, pedestrian aisle, safety zone, crossing or street intersection, if such can be avoided. (Code 1974, § 11-40)

**Sec. 24-97. Not to obstruct passage of other vehicles.**

No vehicle shall so stand on any street as to interrupt or interfere with the passage of public conveyances or other vehicles.

(Code 1974, § 11-41)

**Sec. 24-98. Parking, etc., prohibited in certain specified places.**

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On the sidewalk.

**\*State law references**-Parking generally, G.S. 20-161 et seq.; municipal authority to regulate parking, G.S. 20-169, 160A-301.

- (2) Within an intersection.
- (3) On a crosswalk.
- (4) Within 30 feet of any flashing beacon, stop sign or traffic control signal located at the side of a street or roadway.
- (5) On either side of any street approaching a railroad underpass or overhead bridge, within 50 feet in any direction of the outer edge of such underpass or overhead bridge.
- (6) On either side of any street approaching a grade crossing within 50 feet of the closest rail; provided, that where existing permanent structures are located along the street and closer than 50 feet, parking may be permitted in front of such structures, unless otherwise prohibited, if such parking does not interfere with the view in either direction of an approaching locomotive or train.
- (7) Alongside or opposite any street excavation or obstruction, when such stopping or standing or parking would obstruct traffic.
- (8) Upon any bridge or other elevated structure or within any underpass structure.  
(Code 1974, § 11-42)

**Sec. 24-99. Parking prohibited at all times in certain designated places.**

When signs are placed, erected or installed giving notice thereof, or when the curbing has been painted yellow in lieu of such signs, no person shall park a vehicle at any time upon any of the streets described on the official traffic maps of the Town as areas where parking is prohibited at all times.

(Code 1974, § 11-43)

**Sec. 24-100. Parking prohibited for specified purposes-Generally.**

No person shall stand or park a vehicle upon any street for the principal purposes of:

- (1) Displaying such vehicle for sale.
- (2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.
- (3) Storage thereof by garages, dealers or other persons when such storage is not incidental to the bona fide use and operation of such automobile or other vehicle.
- (4) Storage of any detached trailer or van, when the towing unit has been disconnected, or for the purpose of transferring merchandise or freight from one vehicle to another. (Code 1974, § 11-44)

**Sec. 24-101. Same-Advertising.**

No person shall stand or park on any street any vehicle for the primary purpose of advertising.

(Code 1974, § 11-45)

**Sec. 24-102. Parking prohibited during certain hours in certain designated places.**

(a) *Generally.* When signs are placed, erected or installed in each block, giving notice thereof, no person shall park a vehicle between certain designated hours upon any of the streets described on the official traffic maps of the Town as areas where parking is prohibited between specified hours; provided, that this section shall not apply to automobiles or other vehicles parked on such streets when the owners thereof are at work in the building or on the premises in front of or near which such automobiles or other vehicles are parked.

(b) *Two-hour limits.* When signs are placed, erected or installed in each block giving notice thereof, no person shall park a vehicle for longer than two hours at any time between certain designated hours on any day except Sunday and public holidays, upon any of the streets described on the official traffic maps of the Town as areas where parking is limited to two hours during certain designated times, and the changing of the position of a vehicle from one point directly to another point within the same block shall be deemed one continuous parking period.

(c) *One-hour limits.* When signs are placed, erected or installed in each block giving notice thereof, no person shall park a vehicle for longer than one hour at any time between certain designated hours of any day except Sunday and public holidays, upon any of the streets described on the official traffic maps of the Town as areas where parking is limited to one hour during certain designated times, and the changing of the position of a vehicle from one point directly to another point within the same block shall be deemed as one continuous parking period.

(d) *Five-minute parking limits.* When signs are placed, erected or installed in each block giving notice thereof, no person shall park a vehicle for longer than five minutes at any time upon any streets described on the official traffic maps of the Town as areas where parking is limited to five minutes, and the changing of the position of a vehicle from one point directly to another point within the same block shall be deemed as one continuous parking period. (Code 1974, §§ 11-46-11-49)

**Sec. 24-103. Parking for the handicapped.**

(a) There shall be designated handicapped parking spaces. Such handicapped parking spaces shall be designated by resolution of the Board of Commissioners, which resolution shall be maintained by the Town Clerk at the Town offices, with such parking places being clearly marked at their location as required by law.

(b) It shall be a violation of this section for any person without a valid handicapped permit to park in a properly designated handicapped parking space.

(c) This section is enacted in accordance with G.S. 160A-301(a) and to further the state's policy to provide parking for the physically handicapped and the visually impaired.

(Ord. of 4-10-86, § 2)

**Sec. 24-104. Vehicles to park parallel to curb; exceptions.**

Where not otherwise indicated by this article and where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb and not more than 12 inches there from.

(Code 1974, § 11-52)

**Sec. 24-105. Vehicles backed up to curb.**

In no case shall a vehicle remain backed up to a curb, except when actually loading or unloading.

(Code 1974, § 11-53)

**Sec. 24-106. Parking with left side to curb in business district.**

No vehicle shall stop with its left side to the curb in the business district; except, that on one-way streets, vehicles shall stop headed in the direction of traffic.

(Code 1974, § 11-54)

**Sec. 24-107. Parking to be within lines.**

On any street which is marked off with lines indicating parking spaces for cars, such cars shall be parked between such lines.

(Code 1974, § 11-55)

**Sec. 24-108. Parking at 45-degree angle with curb.**

All vehicles shall be parked at an angle of approximately 45 degrees with the curb on those streets or parts of streets described on the official traffic maps of the Town as areas where angle parking is required.

(Code 1974, § 11-56)

**Sec. 24-109. Penalty for certain violations of article; unpaid penalties.**

(a) For any violation of sections 24-99 through 24-102, and 24-104 through 24-108, a penalty of \$50.00 shall be imposed, unless otherwise specified, to be paid to the Town Clerk.

(b) Any person violating any of the provisions enumerated in subsection (a) above shall, upon conviction, be punished in accordance with section 1-6.

(c) All of the provisions enumerated in subsection (a) above may be enforced through the authority granted by G.S. 160A-175.

(Ord. of 6-9-77, § 1)

**Sec. 24-110. Lights on parked vehicles.**

The displaying of lights upon a vehicle when lawfully parked at night upon a street of the Town in accordance with this article shall not be required when there is sufficient light to reveal any person within a distance of 200 feet upon such street.

(Code 1974, § 11-28)

Chapter 25

**RESERVED**

## Chapter 26

### UTILITIES

#### **\*Article I. In General**

- [Sec. 26-1.](#) Enforcement and regulation of provisions relative to water and sewer system.
- [Sec. 26-2.](#) Supervision of water and sewers.
- [Sec. 26-3.](#) Permit to use water for building purposes.
- [Sec. 26-4.](#) Who may set, take off or repair meters.
- [Sec. 26-5.](#) Taking water from fire hydrants, plugs, etc.
- [Sec. 26-6.](#) Disposal of wastewater.
- [Sec. 26-7.](#) Unauthorized use of water introduced upon private premises.
- [Sec. 26-8.](#) Sewer or privy required for new or remodeled buildings.
- [Sec. 26-9.](#) Maintenance of water closets.
- [Sec. 26-10.](#) Prohibited deposits, discharges and connections harmful to sewer system.
- [Sec. 26-11.](#) Tampering with, obstructing, etc., water or sewer system.
- [Sec. 26-12.](#) Persons authorized to make connections, do work, etc.
- [Sec. 26-13.](#) Refilling of sprinkler systems; authorized use of un-metered water.
- [Sec. 26-14.](#) Use of water for commercial pools.
- Secs. 26-15-26-35. Reserved.

#### **Article II. Connections**

- [Sec. 26-36.](#) Required; exceptions; licensed plumber to supervise.
- [Sec. 26-37.](#) Permit-Required; application; fee.
- [Sec. 26-38.](#) Same-Revocation.
- [Sec. 26-39.](#) Separate connections, when required.
- [Sec. 26-40.](#) Reservation of exclusive right for tapping mains; Town to extend all service pipe to curbing.
- [Sec. 26-41.](#) Permission required to cut streets.
- [Sec. 26-42.](#) Use of private hydrants.
- Secs. 26-43-26-65. Reserved.

#### **Article III. Rates and Charges**

- [Sec. 26-66.](#) Schedules.
- [Sec. 26-67.](#) Bills and billing; payment of bills.
- Secs. 26-68-26-90. Reserved.

## Article IV. Sewer Service

### Division 1. Generally

[Sec. 26-91.](#) Definitions.

[Sec. 26-92.](#) Prohibited deposits.

**\*Cross references**-Superintendent of public works, § 2-76 et seq.; buildings and building regulations, ch. 6; underground installation of utilities, § 22-2.

**State law reference**-Municipal authority to construct, establish, operate, etc., water and sewer systems, G.S. 160A-312.

[Sec. 26-93.](#) Prohibited discharges.

[Sec. 26-94.](#) Construction or maintenance of privies, septic tanks, etc.

[Sec. 26-95.](#) Damaging, tampering with, etc., sewage works.

[Sec. 26-96.](#) Authority to enter property for inspection, testing, etc.

[Sec. 26-97.](#) Violations of article; penalties.

[Sec. 26-98.](#) Sewer user charge.

Secs. 26-99-26-110. Reserved.

### Division 2. Private Sewage Disposal

[Sec. 26-111.](#) Where required.

[Sec. 26-112.](#) Permit required; application; fee. [Sec. 26-113.](#) Inspections.

[Sec. 26-113.](#) Inspections.

[Sec. 26-114.](#) Compliance with health authority; minimum area for subsurface soil absorption facilities.

[Sec. 26-115.](#) Use of public sewer required where available; abandoned facilities to be filled.

[Sec. 26-116.](#) Maintenance by owner.

[Sec. 26-117.](#) Additional requirements.

Secs. 26-118-26-130. Reserved.

### Division 3. Building Sewers and Connections

[Sec. 26-131.](#) Permit-Required.

[Sec. 26-132.](#) Same--Types of; information to accompany application; fee.

[Sec. 26-133.](#) Costs to be borne by owner; indemnification of Town.

[Sec. 26-134.](#) Separate sewers for each building; exception.

[Sec. 26-135.](#) Use of existing sewers.

[Sec. 26-136.](#) Construction, etc., to conform to codes and regulations.

[Sec. 26-137.](#) Elevation for gravity flow; artificial lifts.

[Sec. 26-138.](#) Cross connections prohibited.

[Sec. 26-139.](#) Connection requirements.

[Sec. 26-140.](#) Final inspection, connection to public sewer; notice.

[Sec. 26-141.](#) Protection of excavations; restoration of streets, etc.

[Sec. 26-142.](#) Limitations on discharges.

Secs. 26-143-26-155. Reserved.

## Division 4. Restricted Discharges

[Sec. 26-156](#) Prohibited substances generally.

[Sec. 26-157](#) Grease, oil and sand interceptors.

[Sec. 26-158](#) Preliminary treatment and flow equalizing facilities to be maintained by owner.

[Sec. 26-159](#) Control manholes.

[Sec. 26-160](#) Measurements, tests and analyses of wastewater characteristics.

[Sec. 26-161](#) Special arrangements for acceptance of certain industrial wastes.

Secs. 26-162—26-180. Reserved.

## Division 5. Hearing Board

[Sec. 26-181](#) Appointment; costs of arbitration.

[Sec. 26-182](#) Composition.

**ARTICLE I. IN GENERAL****Sec. 26-1. Enforcement and regulation of provisions relative to water and sewer system.**

The water and sewer system of the Town shall be under the control of, and the duty of prescribing and enforcing full compliance with all the rules and regulations governing all connections with the public water and sewer system shall be vested in, the board of commissioners or its authorized agent.  
(Code 1974, § 20-1)

**Sec. 26-2. Supervision of water and sewers.**

(a) The Superintendent of Public Works shall oversee and supervise, under the control of the Board, the entire water and sewer system of the Town. The Board of Commissioners may, from time to time, prescribe the duties and responsibilities of the Superintendent and fix his compensation.

(b) The Superintendent of water and sewers, or his assistant, shall, at all reasonable hours, have free access to all premises for the purposes of reading or testing water meters or examining hydrants, fixtures or connections on which city water pressure is maintained. (Code 1974, § 20-2)

**Sec. 26-3. Permit to use water for building purposes.**

No water shall be used for building purposes, except under a special permit from the superintendent of public works; and no person shall use any water for such purposes until he has secured such permit and paid the rate to use water for building purposes.  
(Code 1974, § 20-4)

**Sec. 26-4. Who may set, take off or repair meters.**

No person, except the Superintendent of Public Works or his representative, shall be allowed to set, take off or repair meters.  
(Code 1974, § 20-5)

**Sec. 26-5. Taking water from fire hydrants, plugs, etc.**

No person, except the Superintendent, the Chief of the Fire Department or the water and sewer committee, discharging official duties in so doing, shall take water from any public fire hydrant, plug, street washer, drawcock, hose, pipe or fountain, except for fire purposes or the use of the fire department, nor shall anyone, in any way, use or take water for private use, until such person shall first pay for the privilege and receive the usual permit from the superintendent to do so.  
(Code 1974, § 20-6)

**Sec. 26-6. Disposal of wastewater.**

It shall be unlawful for any person in the Town to cause, allow or permit any kitchen sink, porch sink or other piped receptacle, where such kitchen sink, porch sink or other piped receptacle is used to dispose of dishwater, soapy water or any other liquid other than clear water, to drain or empty onto the premises of the owner or occupant, or onto the streets, sidewalks or alleyways of the Town, or into any other place within the Town, other than directly into the sewer system as kept up and maintained by the Town.

(Code 1974, § 20-7)

**Sec. 26-7. Unauthorized use of water introduced upon private premises.**

It shall be unlawful for any occupant of premises upon which water has been introduced to permit water to be used, taken or received by any person other than such occupant or a member or visitor of his family, and the person so using, carrying or receiving water from such premises shall be equally guilty; provided, that this section shall not be construed so as to prevent any person who has contracted for water on his own premises and whose fixtures are out of order from obtaining water from some other person, with the consent of the person occupying the premises.

(Code 1974, § 20-8)

**Sec. 26-8. Sewer or privy required for new or remodeled buildings.**

No person shall build or remodel any structure used for human habitation or occupancy within the Town which is not provided with water-carried sewerage facilities approved by the state board of health.

(Code 1974, § 20-9)

**Sec. 26-9. Maintenance of water closets.**

It shall be the duty of the property owner or his authorized agent to provide, construct and maintain each sewer water closet constructed in accordance with this chapter and other sanitary regulations of the Town on premises owned or controlled by him in a good state of repair and fly-proof at all times, and it shall be the duty of the tenant, lessee or renter to keep such sewer water closet in a sanitary condition and prevent the access of flies at all times.

(Code 1974, § 20-11)

**Sec. 26-10. Prohibited deposits, discharges and connections harmful to sewer system.**

(a) The Board of Commissioners shall have the right and authority to prevent or discontinue any connection with the sewer line which would discharge any refuse of any kind which would by its nature be injurious to the sewer system.

(b) In the water closets of the sewer system of the Town no newspapers or other kinds of paper shall be used for toilet purposes, except toilet paper.

(c) The finding by the Superintendent or any other inspector of any kind of paper in any of the water closets, other than the paper specified in subsection (b), shall be prima facie evidence of the use of such paper.

(d) No person shall at any time deposit or allow to enter any connection on the sewer system, at any place, any solid waste or refuse of any kind or nature that would be liable to choke or block up such sewer.

(e) No person shall, at any time or under any circumstances, connect any open gutter or privy vault or rainwater conductor with the sewer system.  
(Code 1974, § 20-12)

**Sec. 26-11. Tampering with, obstructing, etc., water or sewer system.**

It shall be unlawful for any person, except authorized persons, to turn on water or to tamper with, obstruct, rearrange or interfere in any manner with any public or private fire hydrant, water meter or water connection on which city water pressure is maintained, or with any sewer connection or manhole or any pipelines connected with the Town water and sewer system.  
(Code 1974, § 20-13)

**Sec. 26-12. Persons authorized to make connections, do work, etc.**

No person shall in any way connect with, do any work on or tamper in any manner with the water and sewer system, except an authorized plumber or his associate or the Superintendent of Public Works or his assistant.  
(Code 1974, § 20-14)

**Sec. 26-13. Refilling of sprinkler systems; authorized use of un-metered water.**

(a) All sprinkler tanks or systems shall be filled or replenished, from time to time, only by the Superintendent of Public Works or his assistant, and no other person shall be allowed to turn on water to fill, refill or replenish any tank or sprinkler system where city water is used. The regular charge shall be made for all city water thus supplied.

(b) No city water shall be used in or about any industrial plant, place of business, private grounds or residences, except such as is supplied through regular meters; provided, that where city water is desired or required through public or private fire hydrants or other connections not metered, such city water shall be supplied only by the Superintendent of Public Works or his assistant and the regular charge for the estimated amount of water thus consumed shall be made and collected as other water bills.  
(Code 1974, § 20-15)

**Sec. 26-14. Use of water for commercial pools.**

All swimming pools operated for gain or profit and using water from the town's water system, for the purpose of this section, shall be construed to be a commercial swimming pool and comply with the following:

- (1) Every person engaged in the business of operating a commercial swimming pool shall execute and deliver to the town a good and sufficient bond, in an amount to be fixed by the Board of Commissioners, conditioned upon the immediate payment to the Town of all water bills incurred in connection with the operation of such business, as bills become due and are presented or, in lieu of furnishing such bond, such person may elect to pay their water bills weekly.
- (2) Where a commercial swimming pool operator furnishes bond in connection with the operation and maintenance of such business, upon the failure to pay any water bill when such bill becomes due and has been presented, the furnishing of water to such operator shall be discontinued; and where such operator elects to pay his water bills weekly such water service shall be discontinued when such bill becomes due and presented and is not paid.

(Code 1974, § 20-16)

**Secs. 26-15-26-35. Reserved.****ARTICLE II. CONNECTIONS\*****Sec. 26-36. Required; exceptions; licensed plumber to supervise.**

Every person owning a house and lot or building used for human habitation or occupancy in the Town, which lot or building abuts or adjoins a street or alley along which is located a public sanitary sewer which is accessible within 200 feet of such lot or building and a waterline which is accessible within 300 feet of such lot or building, shall make water and sewer connections with his house, building or other place of human habitation or occupancy; provided that:

Water connections shall not be required on properties where private water supplies are available which are approved by the State Board of Health;

- (2) All such connections shall be made by or under the supervision of a licensed plumber and in accordance with the town plumbing code; and
- (3) In lieu of a public sewer connection and where no public sanitary sewer line is accessible as indicated in this section, a septic tank approved by the State Board of Health shall be installed.

(Code 1974, § 20-17)

**Sec. 26-37. Permit-Required; application; fee.**

(a) No person shall connect with the water or sewer system of the town until such person shall have made application for permission to so connect in writing to the town clerk. Such application shall be made before any part of the drainage system of the house or other connection shall have been laid or constructed, and shall:

**\*State law reference-** Power to require water and sewer connections, G. S. 160A-317.

- (1) Be accompanied with a plan or drawing showing in detail the location of the building and the entire proposed connection from the public sewerage line through the building to its terminus, and showing the location of all the fixtures, traps, ventilating pipes, etc.;
- (2) State the number of the place, name of the street, name of the person and the nature of the sewage that is proposed to be emptied into or passed through the proposed connection; and
- (3) Contain a specific agreement to obey all the ordinances, rules, regulations and resolutions by the Board of Commissioners concerning such sewer system and to restrict, regulate and control the use of such sewer system and the connections therewith.

(b) The application shall give permission to the representatives of the Town to enter the premises of the applicant at any time to look after or attend to anything connected with the town sewers. Such applicant shall have received a permit from the town, in writing, signed by the town clerk, before making any such connection.

(Code 1974, § 20-18)

**Sec. 26-38. Same-Revocation.**

All permits to connect with the public sewer shall be given on the condition that the Board of Commissioners or properly designated committee of that body may, at any time before the completion of the connection, revoke and annul the permit when the work is not being properly executed. No party interested shall have any claim for damages in the consequences of the revoking or annulling of such a permit.

(Code 1974, § 20-19)

**Sec. 26-39. Separate connections, when required.**

(a) Each business building and residence shall maintain a separate and individual connection with the public sewer and water system. Where buildings have separate occupants, a water tap shall be made for each place of business.

(b) Any property owner who shall construct a separate building or remodel any existing building to make it a separate apartment or residence or business shall make a direct connection to the water meter for each residence or business.

(Code 1974, § 20-20)

**Sec. 26-40. Reservation of exclusive right for tapping mains; town to extend all service pipe to curbing.**

The Town reserves exclusive privilege of tapping water mains for all connections and will extend all service pipe to curbing, where a stopbox will be placed over a stopcock, all of which shall be under the exclusive control of the Town and remain the Town's property.

(Code 1974, § 20-21)

**Sec. 26-41. Permission required to cut streets.**

It shall be unlawful for any person, other than the Town, to cut or cause to be cut any street, whether paved or unpaved, in the Town for the purpose of making water or sewer connections with the water or sewer mains of the Town, without permission from the Town Clerk.

(Code 1974, § 20-22)

**Cross reference**-Streets, sidewalks and other public places, ch. 22.

**Sec. 26-42. Use of private hydrants.**

Hydrants put in for fire protection on private premises shall not be used for any other purpose. Parties having hydrants for this purpose shall not sprinkle streets, yards or buildings or use such hydrants for any purpose except fire without first obtaining permission from the Superintendent of Public Works, and shall state for what purpose the water is to be used, and shall pay for such water.

(Code 1974, § 20-23)

**Secs. 26-43-26-65. Reserved.****ARTICLE III. RATES AND CHARGES\*****Sec. 26-66. Schedules.**

Monthly water rates, good faith deposits, connection charges and tapping fees, sewerage service charges and all other rates and charges for the use of the Town's water and sewerage system shall be as determined by the Board of Commissioners from time to time. A schedule of such rates and charges shall be maintained on file in the office of the Town Clerk and be available for public inspection during the normal office hours of the Town Clerk.

(Code 1974, § 20-24)

**Sec. 26-67. Bills and billing; payment of bills.**

(a) The methods to be employed for billing for water and sewer charges shall be as determined by the Board of Commissioners.

(b) The time and method of payment of such charges shall also be determined by the Board of Commissioners.

(c) All such procedures shall be implemented by the Town Clerk or his representative. (Code 1974, § 20-25)

**Secs. 26-68-26-90. Reserved.**

**\*State law reference**-Authority to fix and enforce rates, G.S. 160A-314.

**ARTICLE IV. SEWER SERVICE**

**DIVISION 1. GENERALLY**

**Sec. 26-91. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

*Building drain* means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, water, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal.

*Combined sewer* means a sewer receiving both surface runoff and sewage.

*Garbage* means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

*Hearing board* means that board appointed according to the provisions of Division 5 of this article.

*Industrial wastes* means the liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

*Public sewer* means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

*Sanitary sewer* means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

*Sewage* means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

*Sewage treatment plant* means any arrangement of devices and structures for treating sewage.

*Sewage works* means all facilities for collecting, pumping, treating, and disposing of sewage.

*Sewer* means a pipe or conduit for carrying sewage.

*Slug* means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

*Storm drain (sometimes termed "storm sewer")* means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

*Suspended solids* means solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

*Town administrator* means the administrator of sewage works and/or of water pollution control of the Town, or his authorized deputy, agent or representative.

*Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. of 3-13-86, art. I, §§ 1-23)

**Cross reference**-Definitions and rules of construction generally, § 1-2.

### **Sec. 26-92. Prohibited deposits.**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town or any area under the jurisdiction of the Town, any human or animal excrement, garbage, or other objectionable waste.

(Ord. of 3-13-86, art. IT, § 1)

### **Sec. 26-93. Prohibited discharges.**

It shall be unlawful to discharge into any natural outlet within the Town or in any area under the jurisdiction of the Town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions

of this article. The discharge of sanitary sewer into the storm sewer system is prohibited without exception.

(Ord. of 3-13-86, art. IT, § 2)

**Sec. 26-94. Construction or maintenance of privies, septic tanks, etc.**

Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, except the pumping out of septic tanks.

(Ord. of 3-13-86, art. II, § 3)

**Sec. 26-95. Damaging, tampering with, etc., sewage works.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this section shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. of 3-13-86, art. VI, § 1)

**Sec. 26-96. Authority to enter property for inspection, testing, etc.**

(a) The Town Administrator and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The Town Administrator or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in this section, the Town Administrator or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 26-159.

(c) The Town Administrator and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. of 3-13-86, art. VI, §§ 1-3)

**Sec. 26-97. Violations of article; penalties.**

(a) Any person found to be violating any provision of this article except section 26-95 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding \$5,000.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this article shall become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation.

(Ord. of 3-13-86, art. VIII, §§ 1-3)

**Sec. 26-98. Sewer user charge.**

(a) All users of the Town Sewage System shall participate in the user charge. Persons conforming to the conditions set forth in section 26-114 are hereby considered users and will be required to participate in the user charge.

(b) The sewer user charge will be in accordance with the formula in the adopted user charge system.

(Ord. of 3-13-86, art. XI, §§ 1, 2)

**Secs. 26-99-26-110. Reserved.**

## DIVISION 2. PRIVATE SEWAGE DISPOSAL \*

**Sec. 26-111. Where required.**

Where a public sanitary or combined sewer is not available under the provisions of section 26-114, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

(Ord. of 3-13-86, art. III, § 1)

**Sec. 26-112. Permit required; application; fee.**

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Town Administrator. The application for such permit shall be made on a form furnished by the Town which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Town Administrator. A permit and inspection fee as prescribed from time to time by resolution of the Board of Commissioners and kept on file in the Town Clerk's office shall be paid to the Town at the time the application is filed.

(Ord. of 3-13-86, art. III, § 2)

**\*State law reference**-Sanitary sewage systems, G.S. 130A-333 et seq.

**Sec. 26-113. Inspections.**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Town Administrator. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Town Administrator when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Town Administrator.

(Ord. of 3-13-86, art. III, § 3)

**Sec. 26-114. Compliance with health authority; minimum area for subsurface soil absorption facilities.**

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the state department of public health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet if used with well, or 10,000 square feet if used in conjunction with a water system. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. of 3-13-86, art. III, § 4)

**Sec. 26-115. Use of public sewer required where available; abandoned facilities to be filled.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 26-114, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Ord. of 3-13-86, art. III, § 5)

**Sec. 26-116. Maintenance by owner.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(Ord. of 3-13-86, art. III, § 6)

**Sec. 26-117. Additional requirements.**

No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(Ord. of 3-13-86, art. III, § 7)

**Secs. 26-118-26-130. Reserved.**

## DIVISION 3. BUILDING SEWERS AND CONNECTIONS\*

**Sec. 26-131. Permit-Required.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Town Administrator.

(Ord. of 3-13-86, art. IV, § 1)

**Sec. 26-132. Same-Types of; information to accompany application; fee.**

There shall be two classes of building sewer permits: for residential and commercial service; and for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town Administrator. A permit and inspection fee in accordance with fees and charges set by the Town Council and on file with the Building Inspector at time of application shall be paid to the Town at the time the application is filed.

(Ord. of 3-13-86, art. IV, § 2)

**Sec. 26-133. Costs to be borne by owner; indemnification of Town.**

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. of 3-13-86, art. IV, § 3)

**Sec. 26-134. Separate sewers for each building; exception.**

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Ord. of 3-13-86, art. IV, § 4)

**Sec. 26-135. Use of existing sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Town Administrator, to meet all requirements of this article.

(Ord. of 3-13-86, art. IV, § 5)

**\*State law reference**-Authority to require connections, G.S. 160A-317.

**Sec. 26-136. Construction, etc., to conform to codes and regulations.**

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. The building of all sewers and connections will be in accordance with all local, state and federal requirements.

(Ord. of 3-13-86, art. N, § 6)

**Sec. 26-137. Elevation for gravity flow; artificial lifts.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Ord. of 3-13-86, art. IV, § 7)

**Sec. 26-138. Cross connections prohibited.**

No person shall make connection of any source of inflow to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Such sources include, but are not limited to, service connections, roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm-waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

(Ord. of 3-13-86, art. IV, § 8)

**Sec. 26-139. Connection requirements.**

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Town Administrator before installation.

(Ord. of 3-13-86, art. IV, § 9)

**Sec. 26-140. Final inspection, connection to public sewer; notice.**

The applicant for the building sewer permit shall notify the Town Administrator when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Town Administrator or his representative.

(Ord. of 3-13-86, art. IV, § 10)

**Sec. 26-141. Protection of excavations; restoration of streets, etc.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(Ord. of 3-13-86, art. IV, § il)

**Sec. 26-142. Limitations on discharges.**

(a) No person shall discharge or cause to be discharged any storm-water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(b) Storm-water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Town Administrator. Industrial cooling water or unpolluted process waters may be discharged according to thermal pollution standards of the state.

(Ord. of 3-13-86, art. V, §§ 1, 2)

**Secs. 26-143-26-155. Reserved.**

DIVISION 4. RESTRICTED DISCHARGES

**Sec. 26-156. Prohibited substances generally.**

(a) *Prohibited at all times.* No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanide.
- (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (4) Solid or viscous substances in quantities or of such size as would be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage

grinders.

(b) *Harmful substances, as determined by the Town Administrator.* No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Town Administrator that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Town Administrator will give consideration to such factors as the quantities of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers or nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 120 degrees Fahrenheit (65 degrees Celsius).
- (2) Any waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperature between 32 and 120 degrees Fahrenheit (zero and 65 degrees Celsius).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 metric) or greater shall be subject to the review and approval of the Town Administrator.
- (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Town Administrator for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Town Administrator as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town Administrator in compliance with applicable state or federal regulations.
- (8) Any waters or wastes having a pH in excess of 9.5.
- (9) Materials which exert or cause:

- a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - c. Unusual BOD, BOD<sub>s</sub> in excess of 500 mg/1, total Kjeldahl nitrogen in excess of 13 ppm, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in this article.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(c) *Remedies by Town Administrator.* If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (b), and which in the judgment of the Town Administrator may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town Administrator may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 26-161.

If the Town Administrator permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Town Administrator and subject to the requirements for major contributing industry in accordance with federal regulation 40 CFR 128, and the national pollutant discharge elimination system article, and allocated for discharging by this article.

(Ord. of 3-13-86, art. V, §§ 3-5)

### **Sec. 26-157. Grease, oil and sand interceptors.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town Administrator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other

harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town Administrator, and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. of 3-13-86, art. V, § 6)

**Sec. 26-158. Preliminary treatment and flow equalizing facilities to be maintained by owner.**

Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Ord. of 3-13-86, art. V, § 7)

**Sec. 26-159. Control manholes.**

When required by the Town Administrator, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Town Administrator. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Ord. of 3-13-86, art. V, § 8)

**Sec. 26-160. Measurements, tests and analyses of wastewater characteristics.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at such control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. Industries discharging wastes into the public sewer system may properly be required to periodically sample and analyze their wastewaters and submit the results to the Town in order to determine whether they are conforming to the standards set by the Town Administrator. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

(Ord. of 3-13-86, art. V, § 9)

**Sec. 26-161. Special arrangements for acceptance of certain industrial wastes.**

No statement contained in this division shall be construed as preventing any special agreements or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern.

(Ord. of 3-13-86, art. V, § 10)

**Secs. 26-162-26-180. Reserved.**

DIVISION 5. HEARING BOARD

**Sec. 26-181. Appointment; costs of arbitration.**

A hearing board shall be appointed as needed for arbitration of differences between the Town Administrator and sewer users on matters concerning interpretation and execution of the provisions of this article by the Town administrator. The cost of the arbitration will be divided equally between the Town and the sewer user.

(Ord. of 3-13-86, art. IX, § 1)

**Cross reference**-Administration, ch. 2.

**Sec. 26-182. Composition.**

One member of the hearing board shall be a registered professional engineer; one member shall be a practicing sanitary engineer; one member shall be a representative of industry of manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large for his interest in accomplishing the objectives of this article.

(Ord. of 3-13-86, art. IX, § 2)

Chapter 27

**RESERVED**

## Chapter 28

### VEHICLES FOR HIRE\*

#### Article I. In General

Secs. 28-1-28-25. Reserved.

#### Article II. Taxicabs

##### Division 1. Generally

[Sec. 28-26.](#) Definitions.

Secs. 28-27-28-35. Reserved.

##### Division 2. Certificates of Convenience and Necessity

[Sec. 28-36.](#) Required.

[Sec. 28-37.](#) Application.

[Sec. 28-38.](#) Factors for consideration in issuance or denial; investigation of relevant facts.

[Sec. 28-39.](#) Burden of proof to be upon applicant.

[Sec. 28-40.](#) Hearing on application.

[Sec. 28-41.](#) Issuance, refusal, etc.

[Sec. 28-42.](#) Term; renewal.

[Sec. 28-43.](#) Voidance on failure to begin operations.

[Sec. 28-44.](#) Transfer; holder of certificate only person to operate taxicab.

[Sec. 28-45.](#) Revocation.

[Sec. 28-46.](#) Substitution of vehicles.

[Sec. 28-47.](#) Each holder to hold only one certificate.

**\*Cross references**-Businesses, ch. 8; streets, sidewalks and other public places, ch. 22; traffic and vehicles, ch. 24; parking of taxicabs restricted, § 24-105.

**State law reference** -Municipal authority to license and regulate taxicabs and other vehicles for hire, G.S. 160A-304.

## ARTICLE I. IN GENERAL

**Secs. 28-1-28-25. Reserved.**

## ARTICLE II. TAXICABS\*

### DIVISION 1. GENERALLY

**Sec. 28-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Taxicab means any motor vehicle street or highway on call or on demand, hire between such points along streets being transported.

(Code 1974, § 18-1)

**Cross reference**-Definitions and rules of construction generally, § 1-2. seating nine or fewer passengers, operated upon any accepting or soliciting passengers indiscriminately for or highways as may be directed by the passengers so

**Secs. 28-27-28-35. Reserved.**

### DIVISION 2. CERTIFICATES OF CONVENIENCE AND NECESSITY†

**Sec. 28-36. Required.**

It shall be unlawful for any person to operate a taxicab upon and over the streets of the Town without first having applied for and secured from the Board of Commissioners a certificate of convenience and necessity as set forth in this article.

(Code 1974, § 18-2)

**Sec. 28-37. Application.**

Every person desiring to operate a taxicab upon and over the streets of the Town shall file, on forms supplied by the Town Clerk, an application for a certificate of convenience and necessity.

(Code 1974, § 18-3)

\***State law reference**-Power to tax and regulate, G.S. 20-37.

†**State law reference**-Certificate of convenience and necessity, G.S. 20-87.

**Sec. 28-38. Factors for consideration in issuance or denial; investigation of relevant facts.**

(a) In determining whether the public convenience and necessity require the franchising of taxicabs for which application has been made, the Board of Commissioners shall, among other things, take into consideration the following factors:

- (1) Whether or not the public convenience and necessity require such proposed or additional taxicab service within the Town.
- (2) The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible and satisfactory.
- (3) The number and condition of equipment.
- (4) The schedule of proposed rates, if required by the Town Board, to be charged.
- (5) The number of taxicabs in operation at the time of application, the demand for increased service, if any, whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved, and whether or not adequate provision has been made for off-street parking of such taxicabs.
- (6) The experience of the applicant in the taxicab business.
- (7) Such other relative facts as may be deemed necessary and advisable.

(b) Before making any decision with respect to the issuance of a certificate of convenience and necessity, the Board of Commissioners, or a committee thereof, shall make a full and complete investigation of all facts, if it so desires, subpoena witnesses and utilize the services of the Chief of Police or any other officer or employee of the Town.

(Code 1974, § 18-6)

**Sec. 28-39. Burden of proof to be upon applicant.**

The burden of proof shall be upon the applicant to establish the existence of public convenience and necessity for the operation of the taxicabs specified in his application and all other facts required for the granting of a certificate.

(Code 1974, § 18-7)

**Sec. 28-40. Hearing on application.**

Each application for a certificate of convenience and necessity shall be scheduled for a hearing not later than 30 days after the application is filed, and the applicant shall be notified by the Town Clerk, by mail to the business address set forth in the application, of the date and time of such hearing, such notification to be sent at least ten days before the date set for the hearing. The Town Clerk shall also, within such time, notify all persons who at the time hold certificates of convenience and necessity for the operation of taxicabs within the Town of the date and time of such hearing and the name of the applicant. In addition, the Board of Commissioners shall have the power to have published at least once, in a newspaper of general circulation, at least ten days before the hearing, a notice

setting forth the name of the applicant and the date and time of the hearing. The cost of such publication shall be paid by the applicant.

(Code 1974, § 18-9)

**Sec. 28-41. Issuance, refusal, etc.**

The Board of Commissioners shall have power and it shall be its duty to order certain certificates of convenience and necessity issued or refuse to issue certain certificates or to issue certificates for partial exercise of the rights granted by such certificates, under such terms and conditions as in their judgment the public convenience and necessity may require.

(Code 1974, § 18-4)

**Sec. 28-42. Term; renewal.**

A certificate of convenience and necessity shall constitute a franchise from the Town for the operation of taxicabs within the Town, subject to the provisions of this article, for one year, unless a shorter period of time is specified in the certificate. Applications for renewal shall be filed annually and hearings conducted as provided in this article.

(Code 1974, § 18-5)

**Sec. 28-43. Voidance on failure to begin operations.**

If a certificate is granted to an applicant and such applicant shall fail, in accordance with the provisions of the certificate, to begin operations within 60 days after the date of such certificate, such certificate shall become null and void, and no refund of any amount paid by the applicant will be made by the Town.

(Code 1974, § 18-8)

**Sec. 28-44. Transfer; holder of certificate only person to operate taxicab.**

A certificate of convenience and necessity is not transferable without the consent and approval of the Board of Commissioners. Applications for a permit to transfer shall be filed in the same manner as an application for a certificate of convenience and necessity. The proceedings upon such application for a transfer shall be the same as those prescribed for the issuance of a certificate, except that the question of public convenience and necessity need not be proven. No certificate will be issued to any applicant unless such applicant is the holder in due course and for value of the title to such taxicab, and only the holder of such certificate shall be permitted to operate such taxicab. Such applicant shall not be allowed to engage the services of any person to operate his taxicab for him or in his stead at any time.

(Code 1974, § 18-10)

**Sec. 28-45. Revocation.**

The Board of Commissioners may, at any time after a public hearing, revoke any certificate of convenience and necessity issued by authority of this article for any of the following causes:

(1) Failure to operate the taxicab specified in the certificate in such manner as to

serve the public adequately and efficiently.

- (2) Failure to maintain motor equipment in good repair.
- (3) Failure to carry liability insurance or bond as required by law.
- (4) Failure to pay to the Town the applicable license fees for such business or other taxes owed the city.

Repeated and persistent violation by the taxicab drivers of Town traffic and safety laws or ordinances or state laws relating to alcoholic beverages or prostitution.

- (6) Failure to report accidents.
- (7) Willful failure to comply with any provision of this article, other provisions of this Code, or other ordinances or state laws relating to the operation of taxicabs. No certificate shall be revoked until the owner has had at least five days' notice by personal service or registered mail of the charges against him and of the time and place of the hearing. If, after the hearing, it is found that the owner is guilty of one or more of the offenses listed in this section, the board shall have the power to revoke the certificate or to condition continuance of the certificate upon compliance of its order within any time fixed by it.

(Code 1974, § 18-11)

**Sec. 28-46. Substitution of vehicles.**

The person to whom a certificate of convenience and necessity has been issued may, by proper endorsement thereon by the Town Clerk, substitute another vehicle for the vehicle for which such certificate was granted. In such instance, the liability insurance or bond shall also be transferred to such substitute vehicle.

(Code 1974, § 18-12)

**Sec. 28-47. Each holder to hold only one certificate.**

The Board of Commissioners reserves the right to issue only one certificate of convenience and necessity to any one person.

(Code 1974, § 18-13)

**CODE COMPARATIVE TABLE****1974 CODE**

This table gives the location within this Code of those sections of the 1974 Code, which are included herein. Sections of the 1974 Code, as supplemented, not listed herein have been omitted as repealed, superceded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

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## CODE COMPARATIVE TABLE ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1974 Code, which are included herein. Ordinances adopted prior to such date were incorporated into the 41974 Code, as supplemented. Ordinances adopted since 1974, and not listed herein, have been omitted as repealed, superseded or not of a general and permanent nature.

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