

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: PUBLIC NUISANCES

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WEEDS AND TRASH

§ 90.01 DEFINITIONS; PUBLIC NUISANCES PROHIBITED.

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING RUBBISH. Rubbish from construction, remodeling, and repair operations on houses, commercial buildings, and other structures, including but not limited to excavated earth, stones,

brick, plaster, lumber, concrete, and waste parts occasioned by installations and replacements.

DEBRIS. Accumulation of fallen leaves, limbs, or straw; uncontrolled growth of vines or brush; cuttings of weeds, bushes and trees; garbage; trash; junk; scattered remains of anything broken or destroyed; household furniture and appliances; by-products of any business or materials used in any business; any household waste; any building rubbish; any other thing or material which may provide a hiding or breeding place for snakes, rats, or mosquitoes; or any other condition which may be a fire hazard, or which gives off obnoxious or offensive odors.

PUBLIC NUISANCE TO HEALTH AND SAFETY. The existence of any of the following conditions on any lot or other parcel of land within the corporate limits of the town which is hereby declared to be dangerous and prejudicial to the public health and safety, and/or obstructs the reasonable and comfortable use of another's property:

(1) The uncontrolled growth of noxious weeds or grass to a height in excess of 12 inches causing or threatening to cause a hazard detrimental to the public health or safety.

(2) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation or threat of inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(3) Any accumulation of rubbish, debris, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

RUBBISH. Refuse, including but not limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree bush and hedge branches, cuttings and trimmings, yard trimmings, grass, leaves, tin cans, metals, small mineral matter, glass, crockery, dirt, earth, and dust.

TOWN MANAGER. The Town Manager or his or her designated agent.

WASTE. Useless, unused, unwanted, or discarded materials including solids, liquids, and gases.

(B) *Public nuisances prohibited.* It shall be unlawful for any owner or occupant of any lot or premises within the corporate limits of the town to allow a public nuisance, as defined in this chapter, to exist upon any property within the corporate limits of the town. Every person owning or occupying any premises within the corporate limits of the town shall keep the premises free from noxious weeds, waste, debris, rubbish, and building rubbish or other refuse matter and all other forms of animal or vegetable refuse that may be dangerous or prejudicial to the public health or that may constitute a public nuisance. No owner or occupant of any premises within the corporate limits of the town shall bury therein any animal or vegetable matter, that upon decaying, may become dangerous or prejudicial to the public health or may constitute a nuisance.

(Ord. passed 8-14-2007) Penalty, see § 90.99

§ 90.02 NOTICE TO ABATE.

Upon a determination that the conditions constituting a public nuisance exist, the Town Manager or his/her designated agent shall notify, in writing, the owner, occupant, or person in possession of the premises in question of the conditions constituting the public nuisance and shall order the prompt abatement thereof within five business days from the receipt of the written notice.
(Ord. passed 8-14-2007) Penalty, see § 90.99

§ 90.03 WEEDS AND GRASS TO BE TRIMMED; ABATEMENT.

Every owner or person in possession of a vacant lot or any other parcel of land within the town shall trim down and maintain all weeds, grass and other noxious growth within four inches of the ground. If the uncontrolled growth of noxious weeds or grass occurs to a height in excess of 12 inches, the owner of the lot will be notified by the town that the nuisance must be abated within ten days after the date the notice is mailed or posted. Pursuant to Session Law 2005-45/House Bill 987 of the General Assembly of the state, the town may notify a violator of the town's weeded lot ordinance that if the violator's property is found to be in violation of the ordinance again in the calendar year in which notice is given, the town shall, without further notice, take action to remedy the violation and the expense of that action shall be charged to the violator. The notice may also provide that for each additional violation the town shall charge the violator the expense of the action and a surcharge of up to 50% over the expense to remedy the preceding violation. Notice of violation shall be served by registered or certified mail.

(Prior Code, § 90.03) (Ord. passed 7-12-2005) Penalty, see § 90.99

Statutory reference:

The state law cited in this section is a special act, enacted by the legislature on May 16, 2005, which applies only to the towns of Cramerton and Grifton, and is not codified as part of the general statutes of the state.

§ 90.04 FAILURE OF OWNER TO ABATE.

(A) If any person, having been ordered to abate a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within ten days from the receipt of the order, the Town Manager shall cause the condition to be removed or otherwise remedied by having employees of the town go upon the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the Town Manager.

(B) Any person who has been ordered to abate a public nuisance may within the time allowed by this chapter request the town in writing to remove the condition, the cost of which shall be paid by the person making the request.

(Ord. passed 8-14-2007)

§ 90.05 ABATEMENT COST INCURRED BY OWNER.

(A) The actual cost incurred by the town in removing or otherwise remedying a public nuisance shall be charged to the owner of the lot or parcel of land, and it shall be the duty of the Assistant Town Clerk to mail a statement of the charges to the owner or other person in possession of the premises with instructions that the charges are due and payable within 30 days from the receipt thereof.

(B) In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges, the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

(Ord. passed 8-14-2007)

NOISE

§ 90.15 GENERAL.

Subject to the provisions of this subchapter, the creation of any unreasonably loud and disturbing noise of a character, intensity and duration as to be detrimental to the life, health, safety or welfare of any individual is prohibited in the town.

(Ord. passed 1-8-2002)

§ 90.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A-WEIGHTED SOUND LEVEL. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated ***Db(A)***.

DECIBEL (Db). A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ration of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

EMERGENCY WORK. Any work performed for the purposed of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

HOLIDAY. For the purposes of this subchapter, the following days will be recognized as holidays for the purpose of granting permits to exceed maximum sound levels: St. Patrick's Day, Memorial Day, Independence Day, Labor Day, Halloween and December 31.

MUFFLER. An apparatus consisting of a series of chambers of baffle plates designed for the purpose of transmitting gases while reducing sound emanating from the apparatus.

NOISE. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

OUTDOOR AMPLIFIED SOUND. Any sound using amplifying equipment whose source is outside or whose source is inside and the sound propagates to the outside through open doors or windows or other opening in the building.

PERSON. Any individual, association, partnership or corporation, including any officer, employee, department, agency or instrumentality of the United States, the state or any political subdivision thereof.

PLAINLY AUDIBLE. Any sound produced by a sound amplification system which can be clearly heard at a distance of 75 feet or more. Measurement standards shall be the auditory senses, based upon the direct line of sight. Words or phrases need not be discernible and bass reverberations are included.

SLOW RESPONSE. A measuring technique to obtain an average value when measuring a noise level that fluctuates over a range of four Db or more. By way of illustration only, a sound-level meter set on **SLOW RESPONSE** would record a sound level between two and six decibels less than the reading for a steady signal of the same frequency and amplitude when a tone of 1,000 Hz and for a duration of 0.5 seconds is applied.

SOUND. An oscillation in pressure particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of **SOUND** may include any characteristic of the sound, including duration, intensity and frequency.

SOUND AMPLIFICATION SYSTEM. Any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

SOUND LEVEL. The weighted sound pressure level obtained by the use of a sound-level meter and frequency weighting network, such as A, B or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971 or the latest approved version of thereof). If the frequency weighting employed is not indicated, the A-weighting shall also apply.

SOUND LEVEL METER. An instrument which includes a microphone, amplifier, RSM detector, integrator or time averager, output meter and weighting network used to measure sound pressure levels.

SOUND PRESSURE LEVEL. Twenty times the logarithms to the base 10 of the root mean squared (RMS) sound pressure to the reference pressure of 20 micronewtons per square meter. (Ord. passed 1-8-2002)

§ 90.17 STANDARDS.

(A) Standards, instrumentation, personnel, measurement procedures and reporting procedures to be used in the measurement of sound shall be as specified in this section and in administrative directives issued by the Town Manager.

(B) Sound level measurement shall be made with a sound level meter using the A-weighting scale, set on “slow response”.

(C) Sound level meters shall be at least Type II meeting American National Standards Institute (ANSI) S1.4-1971 requirements.
(Ord. passed 1-8-2002)

§ 90.18 MAXIMUM PERMITTED SOUND LEVELS.

(A) The use of sound amplifying equipment is limited to the conditions specified in this section.

(B) Outdoor amplified sound, including a live musical group or individual using sound amplifying equipment, may be produced only if an authorized agent of the sponsoring business, organization or group has been granted an “outdoor amplified sound permit”. This permit must be signed by a representative of the business, organization or group holding or sponsoring the event at which the outdoor amplified sound will be produced.

(C) Except as allowed in division (D) below, no person shall operate or cause to be operated by any source of sound in a manner as to create a sound level, which at its peak exceeds the limits set forth for the use occupancy categories in Table 1 when measured at or beyond the property line of the property from which the sound originates. For purposes of measurement, the back of the curb, the outside edges of driveways, fences, hedges or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the property line. In all cases, the maximum sound level permitted by use occupancy shall be determined on the basis of the use occupancy of the property from which the sound originates and not by the use occupancy of any surrounding property. Sound which originates from a dwelling unit in a duplex or other multi-family housing unit shall be measured from any point which is at least 25 lineal feet, whether inside or outside a building, from the nearest point of the enclosed or habitable space of the dwelling unit from which the sound originates.

<i>Table 1 Sound Levels by Use Occupancy</i>		
<i>Use Occupancy Category</i>	<i>Time</i>	<i>Sound Level Limit (Db(A))</i>
	7:00 a.m. — 10:00 p.m.	60
Manufacturing, industrial or agricultural	At all times	75
Public space, commercial or business	10:00 p.m. — 7:00 a.m.	60
Residential		
	10:00 p.m. — 7:00 a.m.	55
	7:00 a.m. — 10:00 p.m.	65

(D) Sound levels in excess of the limits established in Table 1 will be permitted in public space, commercial or business space, manufacturing, industrial or agricultural space, but not in residential space, as follows:

<i>Table 2</i>		
	<i>Without Permit (Db(A))</i>	<i>With Permit to Exceed (Db(A))</i>
Friday and Saturday evenings (5:00 p.m. — 11:00 p.m.)	70	80
Holidays (as defined) (Noon — 11:00 p.m.)	70	80

(Ord. passed 1-8-2002) Penalty, see § 90.99

§ 90.19 PROHIBITED NOISE.

(A) The following acts, among others, are declared to be loud, disturbing, annoying and unnecessary noises in violation of this section, but the enumeration shall not be deemed exclusive:

(1) *Loud and boisterous individuals.* The use of any loud, boisterous or raucous language or shouting so as to annoy or disturb the quiet, comfort, or repose of any person in the vicinity;

(2) *Noises near schools, churches, courts, hospitals and the like.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library or court while the same is in session, or adjacent to any church during church services, which interferes with work or worship in any place or institution, provided conspicuous signs are displayed on the street indicating that the same is school, church, library, court or hospital;

(3) *Loading and unloading operations.* The creation of loud and excessive noises in connection with loading or unloading any vehicle, or repairing any vehicle, or opening and destroying bales, boxes, crates and containers this includes the collection of garbage, recycling materials and yard waste. Activity is permitted between the hours of 7:00 a.m. and 7:00 p.m.;

(4) *Hawking, peddling, soliciting.* Shouting, loud talking, crying or soliciting by peddlers, hawkers, taxi drivers, solicitors and vendors, which disturbs the quiet and peace of the neighborhood or any person therein; and

(5) *Business noise at night near residences.* The operation of any garage, filling station, auto repair business, plant, store, factory, night club, restaurant or any other place of business, between the hours of 7:00 p.m. and 7:00 a.m., in a manner as to create loud and disturbing noises of the frequency or a volume as to annoy or disturb the quiet and comfort of any citizen, and particularly the creating of disturbing noises of a frequency and volume as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boardinghouse or other type of residence.

(B) It shall be unlawful for any person or persons to play, use or permit to be played any loud sound amplification system if it is located in any of the following:

(1) Any public property, including any public street, highway, building, sidewalk, park or thoroughfare;

(2) Any motor vehicle on a public street, highway, public space or commercial space;

(3) Any commercial space or place of business; or

(4) If the sound generated registers a sound level which exceeds the limits in Table 1 when measured at a distance of 25 feet from the device producing sound, unless authorized or exempted by any other section of this subchapter.

(C) Possession by a person or persons of any machines or devices which may be classified as a loud sound amplification system enumerated in division (A) above shall be prima facie evidence that the person or those persons operated the machine or device.

(Ord. passed 1-8-2002) Penalty, see § 90.99

§ 90.20 EXCEPTIONS.

The following are exempt from the provisions of Table 1 and Table 2 of § 90.18:

(A) Sound emanating from scheduled outdoors athletic events;

(B) Building operations. The erection, including excavating, demolition, alteration or repair of any building in a residential district other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, except as the hours may be modified during the summer (May through September) and except in the case of urgent necessity in the interest of public safety and then only with a permit from the Town Manager, which permit may be renewed for a period of three days or less while the emergency continues. All equipment must be operated in accord with the manufacturer's specifications and are maintained in proper operating condition;

(C) Noise of safety signals, warning devices, emergency pressure relief valves and all church bells;

(D) Noise resulting from any authorized emergency vehicle;

(E) Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law, or for which a local permit has been granted by the town; provided, the activity is of a temporary duration lasting no longer than two hours during any 24-hour period. Regulation of noise emanating from activities under permit shall be according to the conditions and limits stated in this chapter and according to any additional conditions stated on the permit;

(F) Unamplified and amplified sound at street fairs conducted, sponsored or sanctioned by the town;

(G) All noises coming from the normal operations of properly equipped aircraft (not including scale-model aircraft);

(H) Noise from noisemakers on holidays and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to G.S. §§ 14-410 *et seq.*;

(I) Lawn mowers and agricultural equipment used between daylight hours 7:00 a.m. and 9:00 p.m. when operated with all manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition;

(J) Unamplified and amplified sound at community concerts conducted, sponsored or sanctioned by the town;

(K) Practice sessions or a performance by marching bands;

(L) Noise from trains and associated railroad rolling stock when operated in proper repair and manner; and

(M) Emergency work, as defined in the definition section of this subchapter.
(Ord. passed 1-8-2002) Penalty, see § 90.99

§ 90.21 MOTOR VEHICLE NOISE.

(A) It shall be unlawful for any person to drive, operate, move or permit to be driven, operated or moved, a motor vehicle or combination of vehicles at any time in a manner that the sound level of the vehicle exceeds the levels set forth for that category of vehicles as shown below.

<i>Table 3 Maximum Motor Vehicle Sound Level in Db(A)</i>			
	<i>Speed Limit 35 mph or Less</i>	<i>Speed Limit 35 mph or More</i>	<i>Vehicle Stationary</i>
Motor vehicle with a gross vehicle weight rating (GVWR) of less than 10,000 pounds	81	85	83
Motor vehicle with a GVWR of more than 10,000 pounds	89	94	91
Motorcycle	81	85	83
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	76	80	78

(B) Sound levels are to be measured at a distance of 25 feet from the nearest lane being monitored and at a height of at least four feet above the immediate surrounding surface.

(C) This section shall apply to the total noise from a vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of this subchapter relating to motor vehicle mufflers or noise control.

(Ord. passed 1-8-2002) Penalty, see § 90.99

§ 90.22 MUFFLERS.

(A) It shall be unlawful for any person to operate or cause to be operated a motor vehicle unless the exhaust system is free from defects, which affect sound reduction.

(B) No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle.

(C) It shall be unlawful for any person to modify the exhaust system of a motor vehicle by the installation of a muffler cut-out or bypass and no person shall operate a motor vehicle which has been modified.

(Ord. passed 1-8-2002) Penalty, see § 90.99

§ 90.23 ANIMAL NOISES PROHIBITED.

It shall be a violation of this subchapter for any person to keep or maintain, or permit the keeping of, on premises owned, leased, occupied or controlled by the person, any animal or fowl, the keeping of which is otherwise lawful, which by habitual or frequent sound, cry, howling, barking, squawking or other noise, shall disturb the quiet, comfort or repose of any person.
(Ord. passed 1-8-2002) Penalty, see § 90.99

§ 90.24 PERMITS.

(A) *Who may apply.* A person or group of persons may produce or cause to be produced sound in excess of the limits set in Table 1 only if a “permit to exceed” has been obtained. With a permit granted pursuant to this section, maximum sound levels shall be as set out in Table 2.

(B) *Application for permit.* Any person or group of persons desiring an “outdoor amplified sound permit” or “permit to exceed” shall apply as provided in this section, and shall provide information concerning the nature of the scheduled event; failure to comply with this requirement shall be grounds for denying the permit.

(C) *Action by Town Manager.*

(1) The Town Manager or his or her designee shall act upon all requests for permits.

(2) In considering and acting on all requests for permits pursuant to this subchapter, the Town Manager shall consider, but shall not be limited to, the following in issuing or denying the permit: the timeliness of the application; the nature of the requested activity; previous experience with the applicant; the time of the event; other activities in the vicinity of the location proposed; the frequency of applications by the applicant; the cultural or social benefits of the proposed activity; the effect of the activity on and residential area of the town; and previous violations, if any, of the applicant.

(D) *Fee for permit.* Every application for permit shall require a \$15 administrative fee.

(E) *Conditions on permits.* “Permits to exceed” and “outdoor amplified sound permits” shall specify the duration for which noncompliance shall be permitted and shall prescribe the conditions or requirements necessary to minimize adverse effects upon the community or surrounding neighborhood. The Town Manager or his or her designee may require, but shall not be limited to the following:

(1) No sound speakers may be set up more than ten feet off the ground;

(2) The permit holder change the arrangement of amplifying equipment or sound instruments upon the request of any police officer so as to minimize the disturbance to others resulting from the positioning or orientation of the amplifying equipment or from atmospherically or geographically caused dispersal of sound beyond the property lines;

(3) Adjoining property owners surrounding the location proposed as the site of the permitted event be notified by the applicant at least 72 hours prior to the scheduled event and also advised of the time by which cleanup of the area will be accomplished. Notice to the adjoining property owners shall include a statement indicating that comments or concerns regarding the issuance of a permit at the proposed location may be made to the Town Manager;

(4) No permitted event may last more than four hours in duration. This is a mandatory condition;

(5) No event may extend beyond 11:00 p.m. This is a mandatory condition;

(6) The site of the event, and the area surrounding the site of the event, will be cleaned by the applicant, of all the trash, litter and debris by 10:00 a.m. the following day, or by sunset of the day of the event if the event ends at least four hours before sunset; and/or

(7) The signer for the permit must be available at the site of the event during the entire time for which a permit has been issued and capable of assisting the police in enforcing this subchapter. Failure of the signer of a permit to be present or to assist the police in complying with this subchapter will be cause for immediate revocation of the permit.
(Ord. passed 1-8-2002)

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) Any violation of §§ 90.15 through 90.24 shall subject the offender to a civil penalty in the amount of \$50, which may provide for a \$15 delinquency charge if the penalty is not paid within 20 days of issuance and which penalty and delinquency charge may be recovered by the town in a civil action. The violation is payable to the Town Clerk at the Town Hall.

(2) Each day's continuing violation shall be a separate and distinct offense.

(3) Notwithstanding division (B)(1) above, provisions of §§ 90.15 through 90.24 may be enforced through equitable remedies issued by a court of competent jurisdiction.

(4) In addition to or in lieu of remedies authorized in divisions (B)(1) and (3), violations of this chapter may be prosecuted as a misdemeanor in accordance with G.S. §§ 14-4 and 160A-175. The penalty for a misdemeanor offense shall be \$150 and may be made upon issuance of a citation or if the violator fails to pay the civil penalty.
(Ord. passed - -)

CHAPTER 91: ANIMALS

Section

General Provisions

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- 91.02 Establishment of bird sanctuary designated; hunting, trapping, shooting therein; posting of regulations
- 91.03 Keeping horses, mules, sheep and the like
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Dogs

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GENERAL PROVISIONS

§ 91.01 RUNNING AT LARGE.

(A) No more than four dogs, over six months old, shall be kept on any residential or commercial parcel of land in the town. No dog pen or enclosure shall be within 30 feet of the dwelling house of any person other than the dog's owner, unless by permission of such neighbor in writing.

(B) It shall be unlawful for any person to allow animals to run at large within the town, except as otherwise provided in this chapter.

(Prior Code, 91.01) (Ord. passed 10-9-2007; Ord. passed - -) Penalty, see § 91.99

§ 91.02 ESTABLISHMENT OF BIRD SANCTUARY AREA DESIGNATED; HUNTING, TRAPPING, SHOOTING THEREIN; POSTING OF REGULATIONS.

(A) The area embraced within the corporate limits of the town and all land owned or leased by the town outside the corporate limits is hereby designated as a bird sanctuary.

(B) It shall be unlawful intentionally to trap, hunt, shoot, or otherwise kill, within the sanctuary hereby established, any native wild bird, provided that it shall be lawful to trap starlings or similar birds or fowl specifically declared a nuisance by the Town Board when such birds or fowl are found to be congregating in such number in a particular locality that they constitute a nuisance or a menace to health or property.

(C) The bird clubs of the town are hereby granted permission to erect artistic signs, giving notice of the regulations therein provided, at such places and of such design as may be approved by the Town Board.

(Prior Code, § 91.02) (Ord. passed - -) Penalty, see § 91.99

Statutory reference:

Authority, see G.S. § 160A-188

§ 91.03 KEEPING HORSES, MULES, SHEEP, AND THE LIKE.

(A) It shall be unlawful for any person to maintain, keep, house, or stable any horse, mule, pony, cow, sheep, goat, or other livestock within the corporate limits of the town within 300 feet of any dwelling, school, church, restaurant, grocery store, drug store or other retail establishment. No more than one such animal or livestock shall be maintained on a lot containing less than one acre, and no more than two such animals or livestock shall be maintained on any additional acreage of land under any circumstances.

(B) It shall be unlawful for any person to maintain, keep, or house within the town any hogs or pigs.

(Prior Code, § 91.03) (Ord. passed - -) Penalty, see § 91.99

§ 91.04 CONSTRUCTION OR MAINTENANCE OF STABLES.

(A) All animals or livestock shall be kept and maintained in an enclosed area, and stables shall be constructed and maintained in conformity with the requirements of the County Board of Health. After the plans for such area and stables have been approved as to sanitation requirements by the County Health Department, application shall then be made to the Building Inspector of the town for a permit for such construction.

(B) In all cases, the structure shall be located in such manner as to give the least possible offense to the occupants or residents on adjoining lots. All such stables shall be cleaned and disinfected at least once each day and kept free of noxious odors.

(Prior Code, § 91.04) (Ord. passed - -) Penalty, see § 91.99

DOGS AND CATS

§ 91.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Applies to both male and female animals (dogs and cats included) more than four months old.

ANIMAL AT LARGE. Any animal off the premises of the owner and not under sufficient physical restraint such as by leash, cage, chain, bridle, or similarly effective device to allow the animal to be controlled; or without the immediate and effective control of the owner or other responsible person.

ANIMAL UNDER RESTRAINT. Any animal confined within a vehicle, confined within real property of its owner, or secured by leash or lead.

CATTERY. A commercial establishment wherein any person, for profit, buys, sells, boards, breeds, or grooms cats.

DOMESTICATED ANIMAL. An animal such as is accustomed to live in or about the habitation of men, including but not limited to cats, cows, dogs, fowl, horses, and domesticated wild

animals. This does not include hogs, pigs, any other swine, or any member of the *ursidae* or *felidae* families of the *carnivora* order if the animal weighs more than 35 pounds.

FIERCE DOG. Any dog that attacks an approaching person in a manner that could reasonably be expected to lead to the person's being bitten.

HOLDING FACILITY. Any pet shop, kennel, cattery, or combination thereof.

KENNEL. A commercial establishment wherein any person, for profit, buys, sells, boards, breeds, grooms, lets for hire, or trains for a fee, dogs. This shall not include the ownership of dogs which are not a part of the household or which are maintained adjoining a private residence for hunting, tracking practice, exhibition, or the guarding or protection of the owner's property when no more than five dogs per year are sold by such owner, provided that all dogs trained or sold for attack and security shall be trained by a trainer licensed pursuant to this chapter.

OWNER. Any person owning, keeping, harboring possessing, or acting as custodian, however temporally, of an animal, provided, however, that a person having temporary custody or possession of an animal for the sole purpose turning over such animal to a member of the animal control division or other peace officer shall not be deemed the owner of the animal.

PET. A domesticated animal kept for pleasure rather than utility. Pets include but are not limited to birds, cats, dogs, fish, hamsters, mice, reptiles, domesticated wild animals, and other animals associated with man's environment.

PET SHOP. A commercial establishment, which offers for sale two or more species of live animals.

(Prior Code, § 91.15) (Ord. passed 10-14-1969; Ord. passed - -)

§ 91.16 REGISTRATION REQUIRED; TAG; FEE.

(A) All dogs shall be duly listed with the county of residence of the owner.

(B) Dog owners shall provide the Town Clerk or Chief of Police with information concerning the size, age, breed, color, and sex of their dogs and the legal residence of the owner.

(C) Dog owners shall purchase from the Town Clerk an identifying tag to be attached to the dog's harness or collar and worn at all times. The fee for such tag shall be established by the Board of Commissioners from time to time.

(Prior Code, § 91.16) (Ord. passed 10-14-1969; Am. Ord. 11-14-78; Ord. passed - -) Penalty, see § 91.99

§ 91.17 RUNNING AT LARGE PROHIBITED; IMPOUNDMENT AUTHORIZED.

It shall be unlawful for a dog owner to permit his dog to run at large within the town. Any dog found running at large shall be captured by the police or their designated representative and held for redemption or disposal as provided herein.

(Prior Code, § 91.17) (Ord. passed 10-14-1969; Ord. passed - -) Penalty, see § 91.99

§ 91.18 WEARING COLLAR WITH RABIES VACCINATION TAG REQUIRED.

It shall be unlawful for any dog owner to permit his dog to appear or be on any street, park, or public place in the town unless the dog is wearing a collar or harness to which is attached a current rabies vaccination tag.

(Prior Code, § 91.18) (Ord. passed 10-14-1969; Ord. passed - -) Penalty, see § 91.99

§ 91.19 HUMANE TREATMENT REQUIRED; POISONING, ABANDONMENT, AND THE LIKE PROHIBITED; DISPOSITION OF UNWANTED ANIMALS.

(A) The owners of dogs shall provide humane shelter from heat, cold, rain, wind, and snow and shall provide food and water adequate to keep the animals in good health and comfort. All dogs shall be provided by their owners with veterinary care when needed to prevent suffering.

(B) No person shall poison or maim a dog, nor shall a dog be abandoned.

(C) Unwanted animals may be given to the Police Department to be sold by the town or destroyed in a humane manner. The sale price of such animals shall not include a penalty or capture fee.

(Prior Code, § 91.19) (Ord. passed 10-14-1969; Ord. passed - -) Penalty, see § 91.99

§ 91.20 KEEPING STRAY DOGS.

It shall be unlawful for any person in the town knowingly and intentionally to harbor, fee, keep in possession by confinement or otherwise any dog of unknown ownership unless he or she notifies the Police Department within 24 hours from the time such dog came into his or her possession. Such person may maintain the dog, register it, have it vaccinated, and advertise its description and whereabouts at least once a week for two weeks in a newspaper of general circulation in the area; otherwise, such person shall surrender any such stray dog to an authorized representative of the Police Department to be dealt with as provided in this subchapter.

(Prior Code, § 91.20) (Ord. passed 10-14-1969; Ord. passed - -) Penalty, see § 91.99

§ 91.21 IMPOUNDMENT.

(A) *Reason to impound.* Any dog within the town without an owner, or any dog running at large within the town, or any dog whose owner fails to have the dog vaccinated by a rabies inspector or a licensed veterinarian in accordance with the laws of the state, or any dog appearing within the town without a rabies vaccination tag shall be taken by the Police Department and confined for a period of three days for redemption by the owner. If such dog is not redeemed by the owner within such period of three days such dog shall be offered for sale to any member of the public and sold to such member of the public first paying for it as hereinafter provided.

(B) *Notice of confinement.* When any dog has been taken and confined by the Police Department or their authorized representative, notice thereof shall be given to the dog owner; or, if the owner is unknown, then notice thereof shall be posted for three days or until the dog is disposed of, on a bulletin board at the police station with a description of the dog, the time and place of taking the dog, and the time and date of posting the notice. The time for redemption of the dog as provided above shall begin when such notice has been given or posted. The police shall exercise diligence in locating the owners, but where the owner cannot be located, written notice sent by registered mail to his or her legal address shall constitute sufficient notice for purposes of the subchapter.

(C) *Penalty and other charges.* In order for the owner to redeem a dog, such owner must first show that the rabies vaccination tag has been procured and that the dog is registered with the town as provided above. In addition the owner shall pay a penalty of \$3 and shall pay the cost to the Police Department for taking and caring for the dog as follows: \$2 for capture and \$1 per day for care and feeding.

(D) *Sale on failure to redeem.* If any dog is not redeemed by the owner within three days, the dog shall be sold to the first member of the public offering a price, which shall include the penalty and costs that would be charged to the owner, provided that the requirements of rabies vaccination and registration are met. If the dog is not redeemed by the owner or sold as provided herein within five days after it is taken into custody, then it may be destroyed in a humane manner by the police or their authorized representative.

(E) *Proceeds to general fund.* All proceeds thus derived by the Police Department shall be turned over to the town tax collector and placed in the general fund. Necessary expenses for enforcement of this subchapter will be taken from the general fund.

(Prior Code, § 91.21) (Ord. passed 10-14-1969; Ord. passed - -)

§ 91.22 BARKING DOGS PROHIBITED.

It shall be unlawful for any dog owner to keep or have within the town a dog that habitually or repeatedly barks in such a manner or to such extent that it is a public nuisance. If, after warning and five days' notice has been given, the objectionable barking continues, such dog shall be taken by the police or their authorized representative for disposal, and it is the duty of the owner to surrender the dog to the police.

(Prior Code, § 91.22) (Ord. passed 10-14-1969; Ord. passed - -) Penalty, see § 91.99

§ 91.23 RESTRAINING OR MUZZLING OF BITING DOGS.

(A) It shall be unlawful for a person to have a dog that had previously been adjudicated or found by any court of competent jurisdiction in the state to be a vicious animal, in any public place without a sufficient muzzle to prevent it from biting a person.

(B) If this section is violated, in addition to any other punishment or penalty, the dog shall be taken by the police department and destroyed in a humane manner, and it shall be unlawful for such person to keep a dog in the town for a period of one year from the date of such violation.

(Prior Code, § 91.23) (Ord. passed 10-14-1969; Ord. passed - -) Penalty, see § 91.99

§ 91.24 TEASING OR MOLESTING PROHIBITED.

It shall be unlawful for any person to tease, molest, bait, or in any way bother any dog not belonging to him or her or legally under his or her control.

(Prior Code, § 91.24) (Ord. passed 10-14-1969; Ord. passed - -) Penalty, see § 91.99

§ 91.25 PROCEDURE UPON STRIKING DOG WITH VEHICLE.

It shall be unlawful for any person injuring a dog by running over or into the same or coming into contact with the same with an automobile, motorcycle, bicycle, or other vehicle to fail to notify immediately the owner of the dog or the Police Department of the town.

(Prior Code, § 91.25) (Ord. passed 10-14-1969; Ord. passed - -) Penalty, see § 91.99

§ 91.26 NOTICE OF VIOLATIONS; PROCEDURE UPON SUBSEQUENT OFFENSES.

(A) The Town Clerk or Chief of Police is authorized to deliver or mail to any violator of this subchapter a notice directing such violator to answer the charge against him or her on or before a day and hour to be named in the notice, which shall be not less than 48 hours after delivery or mailing of the same, before the desk officer on duty at the Police Department. A copy of such notice shall be retained for the town office and Police Department.

(B) If a violator of this subchapter does not appear in response to the notice described above on or before the day and hour named in such notice, the Police Department shall deliver to such violator a second notice informing him or her of the violation and warning him or her that he or she will be held responsible to appear in answer to the notice, and that, in the event that such notice is disregarded for a period of two days, a complaint will be filed and warrant of arrest issued.

(C) If any person is convicted of a second offense for the violation of sections of this subchapter, such person, in addition to any other penalty or punishment, is hereby deprived of the right to keep a dog in the town for a period of three years after such violation. A dog involved in two offenses under this subchapter shall be taken by the Police Department and destroyed in a humane manner.
(Prior Code, § 91.27) (Ord. passed 10-14-1969; Ord. passed - -)

§ 91.99 PENALTY.

Any person who violates any provision of this chapter for which no other penalty is set forth shall be subject to the penalty provisions of 10.99.
(Prior Code, § 91.99) (Ord. passed 10-14-1969; Ord. passed - -)

CHAPTER 92: FIRE PREVENTION

Section

General Provisions

- 92.01 Fire limits; boundaries
- 92.02 Construction within fire limits

Fire Hazards

- 92.15 Open burning
- 92.16 Exits in public buildings
- 92.17 Aisles, passageways and stairways in stores to be unobstructed
- 92.18 Accumulations of rubbish, refuse and the like prohibited
- 92.19 Certain fires to be guarded by watchpersons
- 92.20 Storage of gasoline

- 92.99 Penalty

Cross-reference:

Fire Department, see Ch. 33

GENERAL PROVISIONS

§ 92.01 FIRE LIMITS; BOUNDARIES.

The fire limits within the town shall be defined as the area lying within the following bounds:

Beginning at a point in the center of McCrae Street at the westerly right-of-way of old State Highway 11; thence in a southwesterly direction 1,000 feet to a point 2,000 feet west of the centerline of State Highway 11; thence 2,800 feet in a southeasterly direction along a line parallel with Main Street and 150 feet north of the centerline of Main Street to a point in the center of South Street; thence 1,000 feet along the center of South Street in a northeasterly direction to the center of McCrae Street; thence along the center of McCrae Street in a northwesterly direction to the point of beginning.

(Prior Code, § 92.01) (Ord. passed 4-11-2006)

§ 92.02 CONSTRUCTION WITHIN FIRE LIMITS.

(A) No construction or alterations of any kind or description shall be made within the fire limits without a building permit and full compliance with provisions of this code governing construction in the town.

(B) Within the fire limits, no frame or wooden building or structure or addition thereto shall hereafter be erected, altered, repaired or moved, either into the limits or from one place to another within the limits, except upon a permit from the Building Inspector approved by the Commissioner of Insurance.

(Prior Code, § 92.02) (Ord. passed 4-11-2006) Penalty, see § 92.99

FIRE HAZARDS

§ 92.15 OPEN BURNING.

(A) No person shall cause, suffer, allow or permit open burning of refuse or other combustible materials, including for illustrative purposes only and not as a complete or exhaustive list, garbage, leaves, tree branches, yard trimmings, construction materials or scrap materials within the city limits.

(B) The prohibition in this section does not include outdoor cooking on commercially obtained or specifically containers for cooking food such as barbeque grills, open cooking pits or commercially obtained outdoor lighting such as “tiki torches”.

(C) The prohibition contained in this section does not include open burning allowed by open burning permits issued by the Fire Chief for bonfires and open burning permits issued by the Fire Chief, with the coordination and consent of the U.S. Forestry Service, for open burning in conjunction with land development. Any permit is subject to revocation when the permit holder fails to comply with the conditions stated in the permit, the reasons for the permit have changed or the conditions including the weather have changed.

(Prior Code, § 92.15) (Ord. passed - - ; Ord. passed 4-11-2006) Penalty, see § 92.99

§ 92.16 EXITS IN PUBLIC BUILDINGS.

(A) *Signs.* Every exit in any public assembly hall, theater or motion picture house shall be plainly indicated by a sign bearing the word “EXIT”, which shall be kept lighted during the time the hall shall be in use.

(B) *Doors, aisles and passageways during use of building.* All doors, aisles and passageways within and leading into or out of any place of public assemblage, during the entire time in which an assembly of any kind may be held therein, shall be kept adequately lighted and free from articles that might obstruct or delay the exit of the audience, congregation or assemblage. Doors of the buildings while occupied shall not be fastened, but must be easily openable by anyone from within.

(C) *Allowing persons to block aisles, passageways and like; obstructions on outside of exits.* No person shall sit or stand, nor shall the owner or operator of the place allow any person to remain in any place of public assembly in any aisle, exit or passage required for the safe exit of the assemblage. Unobstructed passage from all exits and on outside sidewalks of all theaters and other places of public assemblage shall be maintained at all times.
(Prior Code, § 92.17) (Ord. passed 4-11-2006) Penalty, see § 92.99

§ 92.17 AISLES, PASSAGEWAYS AND STAIRWAYS IN STORES TO BE UNOBSTRUCTED.

No aisle, passageway or stairway in any store shall be obstructed with tables, showcases or other obstacle during the hours the store is open to the public.
(Prior Code, § 92.18) Penalty, see § 92.99

§ 92.18 ACCUMULATIONS OF RUBBISH, REFUSE AND THE LIKE PROHIBITED.

No person shall permit rubbish, refuse or articles of combustible or inflammable nature to accumulate or remain on any lot or premises.
(Prior Code, § 92.19) Penalty, see § 92.99

§ 92.19 CERTAIN FIRES TO BE GUARDED BY WATCHPERSONS.

(A) Any person who sets fire to or burns any brush, grass or other material, whereby any property may be endangered or destroyed, shall keep and maintain a careful and competent watchperson in charge of the brush or other material while burning.

(B) Fire escaping from the burning brush or other material shall be prima facie evidence of neglect of this section.
(Prior Code, § 92.20) Penalty, see § 92.99

§ 92.20 STORAGE OF GASOLINE.

No individual, firm or corporation may store gasoline in tanks located aboveground or dispense gasoline from tank located aboveground if the storage or dispensing is for either wholesale or retail commercial resale.

(Prior Code, § 92.21) (Ord. passed 11-14-1978) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) (1) *Citation.* The Police Department shall have authority to issue a citation to any person for violation of any of the provisions of this chapter.

(2) *Issuance of arrest warrant for failure to pay penalty.* If any person refuses or neglects to pay the penalty prescribed by division (B) below, the Police Department shall immediately issue a warrant for the arrest of the person for violation of the section of this code specified in the citation.
(Prior Code, § 92.98)

(B) *Civil penalty.* Any violation of the provisions of this chapter shall subject the offender to a civil penalty in the amount of \$50 payable to the Town Clerk.

(C) Any person cited for violation of any of the provisions of this chapter shall be subject to a penalty consistent with the penalty provisions in § 10.99.

(Prior Code, § 92.99) (Ord. passed - -; Ord. passed 9-11-1973; Ord. passed 4-11-2006; Ord. passed 3-10-2009)

CHAPTER 93: ABANDONED, JUNKED, OR NUISANCE MOTOR VEHICLES

Section

- 93.01 Authorization; purpose
- 93.02 Definitions
- 93.03 Administration
- 93.04 Abandonment prohibited; removal authorized
- 93.05 Nuisance vehicles prohibited; removal authorized
- 93.06 Junked vehicles prohibited; removal authorized
- 93.07 Permitted concealment or enclosure of junked motor vehicle
- 93.08 Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements
- 93.09 Exceptions to prior notice requirement
- 93.10 Removal of vehicles post-towing notice requirements
- 93.11 Right to a probable cause hearing before sale or final disposition of vehicle
- 93.12 Redemption of vehicle during proceedings
- 93.13 Sale and disposition of unclaimed vehicle
- 93.14 Protection against criminal or civil liability
- 93.15 Exceptions
- 93.16 Unlawful removal of impounded vehicle

§ 93.01 AUTHORIZATION; PURPOSE.

(A) The town is authorized by G.S. §§ 160A-193, 160A-303 and 160A-303.2 to regulate, restrain or prohibit abandoned, junked and nuisance motor vehicles on public and private property within the town's jurisdiction.

(B) The town finds it necessary and desirable to promote or enhance:

- (1) The quality of urban attractiveness and aesthetic appearance of the town;
- (2) The protection of property values throughout the town;
- (3) The preservation of the liveability and attractiveness of neighborhoods;

(4) The promotion of tourism, conventions and other opportunities for economic development for the town;

(5) The attractiveness of the town's thoroughfares and commercial road which present the primary, public visibility to visitors and to passers-by of the town; and

(6) The promotion of the comfort, happiness and emotional stability of occupants of property in the vicinity of junked motor vehicles.
(Prior Code, § 93.01) (Ord. passed 3-10-1992)

§ 93.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED MOTOR VEHICLE. A motor vehicle shall be deemed to be abandoned for the purposes of this chapter if:

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

AUTHORIZING OFFICIAL. The supervisory employee of the Police Department of the town designated to authorize the removal of vehicles under the provisions of this chapter.

JUNKED MOTOR VEHICLE. A motor 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 was originally intended to be moved; or
- (3) Is more than five years old and worth less than \$100.

MOTOR VEHICLE or VEHICLES. All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

NUISANCE VEHICLE. 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;
 - (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odors;
 - (5) One which has areas of confinement that cannot be operated from the inside, such as trunks, hoods and the like;
 - (6) So situated or located that there is 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 that are jagged or contain sharp edges of metal or glass; or
 - (9) Any vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Commissioners.
- (Prior Code, § 93.02) (Ord. passed 3-10-1992)

§ 93.03 ADMINISTRATION.

(A) The Police Department of the town shall be responsible for the administration and enforcement of this chapter. 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 limits and on property owned by the town.

(B) The Police Department of the town shall be responsible for administering the removal and disposition of “abandoned”, “nuisance” or “junked motor vehicles” located on private property. The town may contract with private tow truck operators or towing businesses to remove, store and dispose of abandoned, nuisance or junked motor vehicles in compliance with this chapter and applicable state laws.

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

(Prior Code, § 93.02) (Ord. passed 3-10-1992)

§ 93.04 ABANDONMENT PROHIBITED; REMOVAL AUTHORIZED.

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

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

(Prior Code, § 93.03) (Ord. passed 3-10-1992) Penalty, see § 10.99

§ 93.05 NUISANCE VEHICLES PROHIBITED; 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, the authorizing officials of the town may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle, as defined herein, and order the vehicle removed.

(Prior Code, § 93.04) (Ord. passed 3-10-1992) Penalty, see § 10.99

§ 93.06 JUNKED VEHICLES PROHIBITED; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to 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) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single permitted junked motor vehicles must strictly comply with the location and concealment requirements of this section.

(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 requirement or the concealment requirements of this section.

(D) Subject to the provisions hereof, upon investigation, the Board of Commissioners may order the removal of a junked motor vehicle, as defined in the chapter, after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. The findings 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) Protection of property values;
- (2) Indirect promotion of public health and safety;
- (3) Preservation of the character and integrity of the community; and
- (4) Promotion of the comfort, happiness and emotional stability of area residents.

(Prior Code, § 93.05) (Ord. passed 3-10-1992) Penalty, see § 10.99

§ 93.07 PERMITTED CONCEALMENT OR ENCLOSURE OF JUNKED MOTOR VEHICLE.

(A) One junked motor vehicle in its entirety, can be located in the rear yard, as defined by the Zoning Code, if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by acceptable covering.

(B) The authorizing official of the town has authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives sought to be obtained in this chapter.

(C) Any other junked 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 an 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.

(Prior Code, § 93.06) (Ord. passed 3-10-1992)

§ 93.08 REMOVAL OF ABANDONED, NUISANCE OR JUNKED MOTOR VEHICLES; PRE-TOWING NOTICE REQUIREMENTS.

(A) Except as set forth herein, 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 first by certified mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed, and date mailed. If the names and addresses cannot be ascertained or 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, the appeal shall be made to the County Magistrate designated by the Chief District Court Judge to receive the requests, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(Prior Code, § 93.07) (Ord. passed 3-10-1992)

§ 93.09 EXCEPTIONS TO PRIOR NOTICE REQUIREMENT.

(A) The requirement that notice be given 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. The 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 the following.

(B) *Vehicles abandoned on the streets.* For vehicles left on public streets and highways, the Police Department may determine that immediate removal of the vehicles may be warranted when they are:

- (1) Obstructing traffic;
- (2) Parked in violation of an ordinance prohibiting or restricting parking;
- (3) Parked in a no-stopping or standing zone;
- (4) Parked in loading zones;
- (5) Parked in bus zones; or

(6) Parked in violation of temporary parking restrictions imposed under code sections.

(C) *Other abandoned or nuisance vehicles.* With respect to abandoned or nuisance vehicles left on town-owned property other than streets and highways, and on private property, the vehicles may be removed without giving prior notice only in those circumstances where the authorizing official funds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustrations and not of limitation, the circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in a location or manner as to pose a traffic hazard and vehicles causing damage to public or private property.

(Prior Code, § 93.08) (Ord. passed 3-10-1992)

§ 93.10 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 a tow truck operator or towing business contracted to perform the services for the town. Whenever a vehicle is removed, the authorizing town official shall immediately notify the last known registered owner of the vehicle, the notice to include the following:

- (1) The description of the removed vehicles;
- (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 vehicles; 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 telephones; however, whether or not the owner is reached by telephone, written notice including the information set forth in divisions (A)(1) through (5) above, 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 or her 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 removal of the vehicle.

(D) Whenever an abandoned, nuisance or junked motor vehicle is removed and the 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 or her of the information set forth in divisions (A)(1) through (5) above.

(Prior Code, § 93.09) (Ord. passed 3-10-1992)

§ 93.11 RIGHT TO A PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE.

After 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 the hearing must be filed in writing with the County Magistrate designated by the Chief District Court Judge to receive the hearing request.
(Prior Code, § 93.10) (Ord. passed 3-10-1992)

§ 93.12 REDEMPTION OF VEHICLE DURING PROCEEDINGS.

(A) 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 that may have been incurred.

(B) 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 chapter.
(Prior Code, § 93.11) (Ord. passed 3-10-1992)

§ 93.13 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.
(Prior Code, § 93.12) (Ord. passed 3-10-1992)

§ 93.14 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 the vehicle as provided in this chapter.
(Prior Code, § 93.13) (Ord. passed 3-10-1992)

§ 93.15 EXCEPTIONS.

Nothing in this chapter shall apply to any vehicles that:

(A) 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.*;

(B) Is in an enclosed building;

(C) Is 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

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

(Prior Code, § 93.14) (Ord. passed 3-10-1992)

§ 93.16 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 town any vehicle which has been impounded pursuant to the provision of the chapter unless and until all towing and impoundment fees which are due have been paid.

(Prior Code, § 93.15) (Ord. passed 3-10-1992) Penalty, see § 10.99

CHAPTER 94: ADVERTISEMENTS

Section

94.01 Advertising, posting bills, posters, and the like

§ 94.01 ADVERTISING, POSTING BILLS, POSTERS AND THE LIKE.

No person shall stick, paint, brand, stamp, write, or put upon any house, fence, wall, pavement, post or upon any property owned by any person or the town, any advertisement, bill, notice, sign, or poster without first having received written permission of the owner of the property and having received a permit from the Town Clerk. The permit shall include an agreement by the applicant to remove or have removed the posters within a reasonable time and to assure compliance with the agreement, a reasonable security deposit may be required by the Town Clerk.

(Prior Code, § 94.01) Penalty, see § 10.99

CHAPTER 95: PARADES, PICKETING, AND DEMONSTRATIONS

Section

- 95.01 Definitions
- 95.02 Permit for parade, picketing, or demonstration
- 95.03 Permit revocation
- 95.04 Chief of Police to route and control parade
- 95.05 Certain activities prohibited
- 95.06 Interference with parades and the like prohibited
- 95.07 Additional limitations on picketing
- 95.08 Exceptions

§ 95.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLOCK. The portion of any street lying between its intersections with other streets.

GROUP DEMONSTRATION. Any assembly together or concert of action between or among two or more persons for the purpose of protesting any matter or of making known any position or promotion of the persons or of or on behalf of any organization or class of persons or for the purpose of attracting attention to the assembly.

PARADE. Any assemblage of two or more persons participating in or operating any vehicle in any march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, or other public places.

PICKET LINE. Any two or more persons formed together for the purpose of making known any position or promotion of the persons or of or on behalf of any organization or class of persons.
(Prior Code, § 95.01)

§ 95.02 PERMIT FOR PARADE, PICKETING, OR DEMONSTRATION.

(A) *Permit required.* No person shall organize, conduct or participate in any parade, picket line, or group demonstration in or upon any street, sidewalk or other public place within the town, unless a permit therefor has been issued by the town in accordance with the provisions of this chapter.

(B) *Requirements.* The Chief of Police or his or her designee is authorized to issue permits attested by the Town Clerk as required in the preceding section, and in the issuance thereof, he or she shall:

(1) Require a written application for a permit to be filed not less than 24 hours in advance of the parade, picket line, or group demonstration;

(2) Refuse to issue the permit for parades, picket line, or group demonstration to commence before 6:00 a.m. or terminate after 8:00 p.m.;

(3) Require that the application for a permit specify whether or not minors below the age of 18 years will be permitted to participate; and

(4) Require that the application for a permit shall specify and the permit shall designate the person in charge of the activity. The person shall be required to accompany the parade, picket line, or group demonstration and shall carry the permit with him or her at that time. The permit shall not be valid in the possession of any other person.

(C) *Permit applicant to certify ability to control parade.* The applicant shall certify to the satisfaction of the Chief of Police that the applicant will be responsible for adherence to the schedule and route laid out in the application and that he or she has the resources as may be required, in the opinion of the Chief of Police, to exercise control of the parade.

(Prior Code, § 95.02) (Ord. passed 11-9-1971) Penalty, see § 10.99

§ 95.03 PERMIT REVOCATION.

The Chief of Police shall revoke any permit granted for a parade, picket line, or group demonstration for any of the following causes:

(A) The violation by any participant of § 95.05; and/or

(B) The failure to comply with the terms and conditions of the permit.

(Prior Code, § 95.02) (Ord. passed 11-9-1971)

§ 95.04 CHIEF OF POLICE TO ROUTE AND CONTROL PARADE.

The Chief of Police shall be responsible for necessary control and rerouting of traffic as required to allow an orderly parade. He or she is hereby authorized to secure additional assistance as he or she deems necessary for the control.

(Prior Code, § 95.04) (Ord. passed 11-9-1971)

§ 95.05 CERTAIN ACTIVITIES PROHIBITED.

The following acts or activities, when performed or undertaken in conjunction with or as a part of any parade, picket line, or group demonstration are hereby prohibited and declared unlawful:

(A) The carrying on or about the person any firearm or any weapon or article, including, but not limited to, blackjacks, nightsticks or flashlights which, by their use, might constitute a deadly weapon; and/or

(B) The taking or keeping of any dog or other vicious animal, whether leashed or unleashed.
(Prior Code, § 95.05) Penalty, see § 10.99

§ 95.06 INTERFERENCE WITH PARADES AND THE LIKE PROHIBITED.

No person shall hamper, obstruct or interfere with any parade, picket line, or group demonstration being conducted under authority of a permit duly issued by the Chief of Police.

(Prior Code, § 95.06) Penalty, see § 10.99

§ 95.07 ADDITIONAL LIMITATIONS ON PICKETING.

Picket lines and picketing shall be subject to the following additional regulations.

(A) Picketing may be conducted only on the sidewalks reserved for pedestrian movement and may not be conducted on the portion of a street used primarily for vehicular traffic.

(B) Not more than ten pickets promoting the same objective shall be permitted to use either of the two sidewalks within a single block at any one time.

(C) 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 are not derogatory or defamatory in nature.

(D) Pickets must march in single file and not abreast and not march closer together than 15 feet, except in passing one another. Pickets shall not be allowed to walk more than five feet from the curb line and shall be in continuous motion.

(E) If pickets promoting different objectives desire to use the same sidewalk for picketing and the use would result in the presence of more than ten pickets thereon, the Chief of Police shall allot time to each group of pickets for the use of the sidewalk on an equitable basis.

(Prior Code, § 95.07) Penalty, see § 10.99

§ 95.08 EXCEPTIONS.

The provisions of this chapter shall not apply to:

(A) Funeral processions; and/or

(B) Any governmental agency acting within the scope of its functions.

(Prior Code, § 95.08)

CHAPTER 96: STREETS AND SIDEWALKS

Section

General Provisions

- 96.01 Streets not to be damaged by use of certain machines
- 96.02 House moving
- 96.03 Damaging bridges, culverts and the like prohibited
- 96.04 Tampering with or defacing municipal property
- 96.05 Blocking streets with vehicle
- 96.06 Displaying goods on sidewalk
- 96.07 Obstructing streets and sidewalks with boxes, wood and the like
- 96.08 Construction near sidewalk
- 96.09 Abandoned property on streets
- 96.10 Obstructing entrance or right-of-way to town dump
- 96.11 Throwing or burning trash on street
- 96.12 Tree trimmings
- 96.13 Snow and ice removal
- 96.14 Playing ball on streets
- 96.15 Digging and excavating in streets

Street and Sidewalk Improvements

- 96.25 Definitions
- 96.26 Street improvements
- 96.27 Sidewalk improvements

- 96.99 Penalty

GENERAL PROVISIONS

§ 96.01 STREETS NOT TO BE DAMAGED BY USE OF CERTAIN MACHINES.

No person shall drag, run or cruise to be dragged or run any harrow or other implement, machine or tool likely to injure or cut the surface of a street upon any dirt or permanently paved town street.

(Prior Code, § 96.01) (Ord. passed 5-23-1963) Penalty, see § 96.99

§ 96.02 HOUSE MOVING.

No person shall move any house or building upon or across the public streets without the written consent of the Board of Commissioners and the deposit of a good and sufficient bond in the sum of \$500 to cover damage done to the street, sidewalk or property of any person.

(Prior Code, § 96.02) (Ord. passed 5-23-1963) Penalty, see § 96.99

§ 96.03 DAMAGING BRIDGES, CULVERTS AND THE LIKE PROHIBITED.

No person shall injure or misplace any part of any bridge, culvert, ditch and drain or other property belonging to or used by the town or shall place any obstruction in any culvert, ditch or drain to prevent the free flow of water over the streets of the town.

(Prior Code, § 96.03) (Ord. passed 5-23-1963) Penalty, see § 96.99

§ 96.04 TAMPERING WITH OR DEFACING MUNICIPAL PROPERTY.

No person shall injure, tamper with, remove, paint upon or deface any sign, sign post, street light, traffic signal, bulletin board or other municipal property, nor shall the signs be moved or altered, except by employees of the town in performance of their duties.

(Prior Code, § 96.04) (Ord. passed 5-23-1963) Penalty, see § 96.99

§ 96.05 BLOCKING STREETS WITH VEHICLE.

No person shall block any street in the town with any motor vehicle, cart, wagon or any other object. In special cases, in the opinion of the Police Department, it is necessary to block the street, the Police Department may grant the permission; provided, the street is not blocked longer than five minutes and that the blocking of the street does not impair or cause undue hardship to establishments along the street. A member of the Police Department shall be at the scene of the blocked street and, upon the order of the Police Department, the driver of the motor vehicle, cart, wagon or any other object shall immediately clear the street in order that the regular flow of traffic may continue unobstructed.

(Prior Code, § 96.05) (Ord. passed 5-23-1963) Penalty, see § 96.99

§ 96.06 DISPLAYING GOODS ON SIDEWALK.

No person shall place upon the sidewalks of the town any merchandise or other articles and leave them upon the sidewalks after the hour of 8:00 p.m. If a person uses the sidewalks as provided in

this section in furtherance of his or her business, then he or she shall assume all liabilities incurred because of the merchandise or other articles.

(Prior Code, § 96.06) (Ord. passed 5-23-1963) Penalty, see § 96.99

§ 96.07 OBSTRUCTING STREETS AND SIDEWALKS WITH BOXES, WOOD AND THE LIKE.

No brick, stone, wood or other substances obstructing the free passage of persons and vehicles shall be placed or permitted to lie in any street, nor shall any person place in any street or sidewalk any boxes, crates or any other obstruction of any kind, except where the articles are required for immediate use and are located on the streets in a way as to not interfere with the usual traffic.

(Prior Code, § 96.07) (Ord. passed 5-23-1963) Penalty, see § 96.99

§ 96.08 CONSTRUCTION NEAR SIDEWALK.

Before building or remodeling at any place that is in proximity to the sidewalk and is where a danger from falling objects exists, an overhead-covered passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

(Prior Code, § 96.08) (Ord. passed 5-23-1963) Penalty, see § 96.99

§ 96.09 ABANDONED PROPERTY ON STREETS.

Any object of personal property that remains on the town streets or sidewalks for a period of longer than 15 days shall be presumed to have been abandoned and the Chief of Police or any other lawful officer of the town shall remove the property and hold it for 30 days before disposing of it at auction, unless it is deemed to be of no value.

(Prior Code, § 96.09) (Ord. passed 5-23-1963) Penalty, see § 96.99

§ 96.10 OBSTRUCTING ENTRANCE OR RIGHT-OF-WAY TO TOWN DUMP.

(A) No person shall block the entrance or road right-of-way to the town dump with debris, trash, stumps, garbage or other article.

(B) Anyone doing so shall be issued a citation and shall be responsible for moving the debris at his or her own expense.

(Prior Code, § 96.10) (Ord. passed 5-23-1963) Penalty, see § 96.99

§ 96.11 THROWING OR BURNING TRASH ON STREET.

No paper, straw, lemon peel, banana peel, watermelon rind or any kind of garbage or trash shall be

thrown or swept upon any sidewalk or street, nor shall any trash, refuse or rubbish be burned thereon.
(Prior Code, § 96.11) (Ord. passed 5-23-1963) Penalty, see § 96.99

§ 96.12 TREE TRIMMINGS.

No person shall place or allow to be placed any tree trimmings or shrubbery on any street or sidewalk.

(Prior Code, § 96.12) (Ord. passed 5-23-1963) Penalty, see § 96.99

§ 96.13 SNOW AND ICE REMOVAL.

Every occupant of a store building, in front of which the sidewalk is paved with stone, brick, asphalt or cement, shall remove snow, ice or other obstruction from the sidewalk at the earliest possible time and as soon as the weather permits.

(Prior Code, § 96.13) (Ord. passed 5-23-1963) Penalty, see § 96.99

§ 96.14 PLAYING BALL ON STREETS.

No person shall play ball or bat or catch ball on any of the streets of the town.

(Prior Code, § 96.14) (Ord. passed 5-23-1963) Penalty, see § 96.99

§ 96.15 DIGGING AND EXCAVATING IN STREETS.

(A) No person shall dig in any street in the town without first securing a permit in writing from the Town Clerk. Having obtained the permission, any person who opens or digs in any street or sidewalk of the town shall put the street or sidewalk in as good condition in all respects as it was before.

(B) Any person making any excavations for any purpose in any street or sidewalk shall securely cover the excavations with planks or place ropes around the same three feet from the ground and shall place a sufficient number of warning lights around the excavation before dark and keep the lights burning all night and every night the excavation is open.

(Prior Code, § 96.15) (Ord. passed 5-23-1963) Penalty, see § 96.99

STREET AND SIDEWALK IMPROVEMENTS

§ 96.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SIDEWALK IMPROVEMENT. The paving, repaving and necessary drainage, filling and excavating work needed to install sidewalks in accordance with standards and specifications established by the Board of Commissioners.

STREET IMPROVEMENT. The grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way and the construction or reconstruction of curbs, gutters and street drainage facilities.

(Prior Code, § 96.25)

§ 96.26 STREET IMPROVEMENTS.

(A) *Ordering; assessing costs without petition.* The Board of Commissioners may order street improvements and assess the costs thereof, exclusive of costs incurred at street intersections where no property abuts the street, against the property owners at an equal rate per front foot as prescribed in § 96.08, without the necessity of a petition, upon the finding by the Board of Commissioners that:

- (1) The street is unsafe for vehicular traffic and it is in the public interest to make the improvement;
- (2) It is in the public interest to connect two streets already improved; or
- (3) It is in the public interest to widen a street already improved in accordance with standards established for the town's thoroughfare plan.

(B) *Determination of assessment.* Assessments shall be calculated by dividing the total cost of improvement by the length in feet of the improvement to determine a cost per foot. Abutting property owners shall be assessed one-third of the cost per foot for each foot of property abutting the improvement. In the event that an improvement is made on only one side of a street, then the abutting property owner shall be assessed two-thirds of the cost per foot for each foot of property abutting the improvement. The remainder of the cost in either case shall be borne by the town.

(Prior Code, § 96.26)

§ 96.27 SIDEWALK IMPROVEMENTS.

(A) *Ordering; assessing costs.* The Board of Commissioners may order sidewalk improvements and assess the entire cost against the property owner upon finding by the Board of Commissioners that the improvements are in the interest of public safety.

(B) *Minimum standards.* All sidewalks constructed within the town shall be subject to approval by the Building Inspector. Minimum standards for approval shall be four-inch thickness and four-foot width for concrete sidewalks. Brick sidewalks shall be permitted: provided that, a firm and level base is prepared and that the sidewalk is maintained in a smooth condition free of tripping hazards. No sidewalk shall be laid upon the right-of-way of any street without special permission of the Board of Commissioners.
(Prior Code, § 96.27)

§ 96.99 PENALTY.

(A) (1) *Citation.* The Police Department shall have authority to issue a citation to any person for violation of any of the provisions of this chapter.

(2) *Issuance of arrest warrant for failure to pay penalty.* If any person refuses or neglects to pay the penalty prescribed by division (B) below, the Police Department shall immediately issue a warrant for the arrest of the person for violation of the section of this code specified in the citation.
(Prior Code, § 96.98)

(B) Any person cited for violation of any of the provisions of this chapter shall be subject to a penalty consistent with the penalty provisions in § 10.99.
(Prior Code, § 96.99)
(Ord. passed 9-11-1973; Ord. passed 3-10-2009)

CHAPTER 97: CEMETERIES

Section

- 97.01 Cemetery lots; purchase from Town Clerk; issuance of deed
- 97.02 Conveyance by owner
- 97.03 Covenant
- 97.04 Disposition of proceeds from sale of lots
- 97.05 Powers and duties of Superintendent of Cemetery
- 97.06 Burials prohibited except in cemeteries
- 97.07 Only one interment to be made in same grave; exceptions
- 97.08 Remains to be encased in casket and outside box or vault or in urn
- 97.09 Permission for interment and disinterment required; digging graves
- 97.10 Trees, shrubs, and the like
- 97.11 Flower policy
- 97.12 Grading, landscaping, and improvements to be done by town
- 97.13 Markers and monuments; hedges, fences, borders, and the like
- 97.14 Placing trinkets or unsightly items on graves
- 97.15 Mausoleums, structures, and the like
- 97.16 Driving vehicles upon roadways; speed limit
- 97.17 Disturbances, trespassing, immoral acts, and the like
- 97.18 Prohibited hours for entry
- 97.19 Injuring or removing property prohibited
- 97.20 Sale of merchandise; use of cemetery as playground
- 97.21 Depositing rubbish and the like prohibited; removal of construction materials
- 97.22 Nonliability of town for damage to memorials, plants, or other property

- 97.99 Penalty

§ 97.01 CEMETERY LOTS; PURCHASE FROM TOWN CLERK; ISSUANCE OF DEED.

Any person desiring to purchase a lot in the town cemetery shall apply to the Town Clerk, who, upon payment for the fixed price for each lot, shall cause a deed or other instrument of receipt to be given the purchaser.

(Ord. passed 5-26-1963)

§ 97.02 CONVEYANCE BY OWNER.

No person who purchases any lot in the town cemetery from the town shall thereafter convey or alienate it to any other person, except with the written permission of the Board of Commissioners, nor in any event for a greater consideration than that paid for the same lot by the grantor.
(Ord. passed 5-26-1963) Penalty, see § 97.99

§ 97.03 COVENANT.

(A) All lots within the town cemetery and any extension of the cemetery, whether owned by the town or by any other person, shall be subject to and regulated by the provisions of this chapter. In all deeds of conveyance by the town to any person for any lot, the following provisions shall be included as a covenant running with the land.

(B) This conveyance is made subject to an ordinance adopting rules and regulations for the control of Grifton Cemetery and providing penalties in relation thereto duly of record up to the minute of the proceedings of the Board of Commissioners, and the grantee herein, his or her heirs and assigns, agree that upon the breach of any of its provisions, the title to the property shall revert to the town.
(Ord. passed 5-26-1963)

§ 97.04 DISPOSITION OF PROCEEDS FROM SALE OF LOTS.

The receipts from the sale of cemetery lots shall go to the General Fund.
(Ord. passed 5-26-1963)

§ 97.05 POWERS AND DUTIES OF SUPERINTENDENT OF CEMETERY.

(A) The Superintendent of Utilities of the town shall act as Superintendent of the Town Cemetery and shall exercise the powers and duties conferred upon him or her by this chapter, and any ordinance, resolution or order of the Board of Commissioners.

(B) The Superintendent shall have charge of the upkeep, protection and preservation of the cemetery.

(C) He or she shall supervise the digging of all graves and the interment and disinterment of bodies; the erection of monument and markers; the planting of any shrubbery, trees and flowers; and the making of provisions for the entrance and exit of persons and vehicles to and from the cemetery; provided that, he or she shall not contract any debt or expend any money without first having obtained the consent and approval of the Board of Commissioners.
(Ord. passed 5-26-1963)

§ 97.06 BURIALS PROHIBITED EXCEPT IN CEMETERIES.

No person shall bury or cause to be buried any dead human body in any place within the town, other than in a properly established cemetery.

(Ord. passed 5-26-1963; Ord. passed 10-21-2003) Penalty, see § 97.99

§ 97.07 ONLY ONE INTERMENT TO BE MADE IN SAME GRAVE; EXCEPTIONS.

Only one interment shall be made in a single grave, and not more than one person shall be interred in a single grave, except a mother and infant, or two children, and then only when interred in a single casket; provided, however, that, in time of dire emergency such as flood, fire, explosion or other catastrophe, upon recommendation of the Health Officer or Secretary of the State Board of Health, group or mass interments of unidentified bodies will be permitted, but the city reserves the exclusive right to control the interments, the place of interment thereafter and the erection of memorials, and the heirs, executors, administrators or next of kin of persons so interred shall be bound by all of the rules and regulations of the city with reference to all matters now or hereafter adopted. Two infants may be buried in a single grave with one headstone, which grave shall not be in excess of four feet or two cremation urns in one grave; provided, however, that, no other regular interment has taken place, and the grave is divided into two equal sections and one urn is interred in the other section. Only one flat marker may be used for both urns.

(Ord. passed 5-26-1963; Ord. passed 10-21-2003) Penalty, see § 97.99

§ 97.08 REMAINS TO BE ENCASED IN CASKET AND OUTSIDE BOX OR VAULT OR IN URN.

No interment shall be permitted, except when the remains are encased in a casket and outside liner or vault, or in an urn. No wooden liners, wooden vaults or wooden urns will be permitted. An urn vault is not required. Any vault or outside liner or urn used must be approved by the Property Maintenance Superintendent.

(Ord. passed 5-26-1963; Ord. passed 10-21-2003) Penalty, see § 97.99

§ 97.09 PERMISSION FOR INTERMENT AND DISINTERMENT REQUIRED; DIGGING GRAVES.

(A) No person shall be interred or disinterred in the town cemetery unless lawful authority and permission has first been obtained.

(B) All graves shall be at least four feet in depth and shall be dug under the supervision of the Superintendent.

(C) Only human bodies may be buried in cemeteries maintained by the town.
(Ord. passed 5-26-1963)

§ 97.10 TREES, SHRUBS, AND THE LIKE.

(A) *Planting.* No person shall plant or set any tree, shrub, flower, grass, or other plant of any kind in the cemetery, except with the approval of the Cemetery Committee and/or the Board of Commissioners under the supervision of the Superintendent.

(B) *Pruning and cutting.* No person shall prune or cut any tree or shrub except under the immediate supervision of the Superintendent of the Cemetery.
(Ord. passed 5-26-1963; Ord. passed 10-21-2003) Penalty, see § 97.99

§ 97.11 FLOWER POLICY.

Flower arrangements will be placed on grave markers or marker border on burial lots. The placing of any materials deemed hazardous to lawn mowing equipment and operator shall not be permitted and may be removed by the public grounds supervisor. Potted plants and special flower arrangements will be permitted upon lots at Christmas, Easter, Memorial Day and other special occasions. The special arrangements must be removed within ten days or be removed by the Public Grounds Department. The town reserves the right to remove any arrangement or container that is considered unsightly. The town is not responsible for loss, theft or damage to flower arrangements or containers.
(Ord. passed 5-26-1963; Ord. passed 10-21-2003) Penalty, see § 97.99

§ 97.12 GRADING, LANDSCAPING, AND IMPROVEMENTS TO BE DONE BY TOWN.

All grading, landscaping, and improvements of every kind shall be made or done by the town only.
(Ord. passed 5-26-1963) Penalty, see § 97.99

§ 97.13 MARKERS AND MONUMENTS; HEDGES, FENCES, BORDERS, AND THE LIKE.

(A) Only one central or family monument shall be placed on a family lot. Markers shall be laid flush with the ground and shall not exceed two feet in length and one foot in width. Markers shall be placed at the end of the grave most distant from the monument. No coping, curb, fencing, hedging, grave mounds, borders, or curb of any kind shall be allowed on any burial lot without permission of the Board of Commissioners.

(B) All headstones hereafter placed in any town cemetery shall have a five-inch cement base and be of granite, marble, or bronze.
(Ord. passed 5-26-1963; Ord. passed 10-21-2003) Penalty, see § 97.99

§ 97.14 PLACING TRINKETS OR UNSIGHTLY ITEMS ON GRAVES.

No trinkets, toys, shells, glass vases, fruit jars, pickle jars, tin cans, sand, artificial material, or anything which, in the opinion of the town, is unsightly will be allowed on any lot or single grave. All articles, materials, and things will be removed without notice, and the town shall not be responsible for their loss or destruction.

(Ord. passed 5-26-1963; Ord. passed 10-21-2003) Penalty, see § 97.99

§ 97.15 MAUSOLEUMS, STRUCTURES, AND THE LIKE.

No mausoleum, tomb, building, or other structure of any kind shall be erected on any lot within the cemetery or within any extension of the cemetery; provided that, mausoleums and tombs may be constructed on lots which may be designated on the cemetery plat and plan from time to time by the Board of Commissioners as lots to be used exclusively for that purpose. If any mausoleum, monument, or tomb at any time becomes unsafe, unsightly, or in need of repair or resetting, the Superintendent shall notify the owner of the lot, or any person having an interest in the lot, and shall request the person to make the needed repairs under his or her supervision; and if the person fails to make repairs within 30 days thereafter, the Board of Commissioners may order the repairs to be made or may remove the same from the lot.

(Ord. passed 5-26-1963) Penalty, see § 97.99

§ 97.16 DRIVING VEHICLES UPON ROADWAYS; SPEED LIMIT.

Vehicles shall be driven only upon the roadways within the cemetery and at a rate of speed not in excess of 15 mph. No vehicles shall enter the cemetery except for the purpose of attending funerals, visiting graves, or any other lawful mission.

(Ord. passed 5-26-1963) Penalty, see § 97.99

§ 97.17 DISTURBANCES, TRESPASSING, IMMORAL ACTS, AND THE LIKE.

No person shall disturb the quiet, repose, and good order of the cemetery. Trespassing within the cemetery is hereby prohibited. No person shall commit any immoral act in the cemetery.

(Ord. passed 5-26-1963) Penalty, see § 97.99

§ 97.18 PROHIBITED HOURS FOR ENTRY.

It shall be unlawful for any person to enter or remain upon the premises of town cemeteries, whether on foot, by means of a vehicle, or otherwise, between the hours of 10:00 p.m. and 6:00 a.m. each and every day, except for law enforcement personnel and other town employees while on official business.

(Ord. passed 5-26-1963; Ord. passed 10-21-2003) Penalty, see § 97.99

§ 97.19 INJURING OR REMOVING PROPERTY PROHIBITED.

No person shall injure anything placed to mark a grave or for ornamentation, or any paling or wall around a grave or any tree, plant, or shrub. No person shall remove any plant, post, or timbers in the cemetery, except by order or with the permission of the owner or the Superintendent.

(Ord. passed 5-26-1963) Penalty, see § 97.99

§ 97.20 SALE OF MERCHANDISE; USE OF CEMETERY AS PLAYGROUND.

(A) No person shall sell any article of merchandise, any food, drink or beverage, or any other thing of value within the cemetery.

(B) No person shall use any part of the cemetery as a playground or otherwise shall commit acts of depredation.

(Ord. passed 5-26-1963) Penalty, see § 97.99

§ 97.21 DEPOSITING RUBBISH AND THE LIKE PROHIBITED; REMOVAL OF CONSTRUCTION MATERIALS.

(A) No person shall deposit any rubbish, filth, waste, or other unclean or unsightly substance in the cemetery.

(B) All materials carried into the cemetery and not used in the erection of monuments, markers, or other authorized structures shall be promptly removed by the owner of the lot upon which the monument, marker, or structure is located.

(Ord. passed 5-26-1963) Penalty, see § 97.99

§ 97.22 NONLIABLILTY OF TOWN FOR DAMAGE TO MEMORIALS, PLANTS, OR OTHER PROPERTY.

The town shall take reasonable precaution to protect plot owners and the burial rights of plot owners within the cemetery from loss or damage, but the town will not be responsible for any loss or damage done to any memorial, plant or vase or any property within the cemetery or on a lot brought about by hail, storm, the elements, thieves, trespassers, operation of automobiles by visitors in the cemetery, act of God, common enemy, vandals, strikers, malicious mischief makers, children, explosions, unavoidable accidents, invasions, riots, civil authorities or persons within the cemetery, whether damage is direct or collateral, and in no event will the town be responsible for loss, destruction or removal of anything brought into or allowed to remain in the cemetery in violation of any rule or regulation of the town.

(Ord. passed 10-21-2003)

§ 97.99 PENALTY.

(A) (1) *Citation.* The Police Department shall have authority to issue a citation to any person for violation of any of the provisions of this chapter.

(2) *Issuance of arrest warrant for failure to pay penalty.* If any person refuses or neglects to pay the penalty prescribed by division (B) below, the Police Department shall immediately issue a warrant for the arrest of the person for violation of the section of this code specified in the citation.

(B) Any person cited for violation of any of the provisions of this chapter shall be subject to a penalty consistent with the penalty provisions in § 10.99.

(Ord. passed 9-11-1973; Ord. passed 10-21-2003; Ord. passed 3-10-2009)

CHAPTER 98: TREES

Section

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- 98.02 Definitions
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- 98.08 Tree species to be planted
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- 98.13 Public tree care
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- 98.16 Pruning and corner clearance
- 98.17 Dead or diseased tree removal on private property
- 98.18 Removal of stumps
- 98.19 Protection of trees

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§ 98.01 PURPOSE.

It is the purpose of this chapter to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the town.

(Ord. passed 5-13-2003)

§ 98.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARK TREES. Park trees are trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the town, or to which the public has free access as a park.

PUBLICLY OWNED TREES. Publicly owned trees are trees, shrubs, bushes and all other woody vegetation within public rights-of-way or on municipal property.

STREET TREES. Street trees are trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the town.
(Ord. passed 5-13-2003)

§ 98.03 CREATION AND ESTABLISHMENT OF A TOWN TREE BOARD.

(A) The Town Tree Board shall consist of citizens and residents of the town, who shall be appointed by the Mayor.

(B) The Creekside Committee shall serve as the Official Town of Grifton Tree Board.
(Ord. passed 5-13-2003)

§ 98.04 TERM OF OFFICE.

The term of the persons to be appointed by the Mayor shall be three years. Board members may be reappointed as terms expire. In the event that a vacancy should occur during the term of any member, the successor shall be appointed for the unexpired portion of the term.
(Ord. passed 5-13-2003)

§ 98.05 COMPENSATION.

Members of the Board shall serve without compensation.
(Ord. passed 5-13-2003)

§ 98.06 DUTIES AND RESPONSIBILITIES.

(A) It shall be the responsibility of the Board to develop a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The plan will be presented annually to the Board of Commissioners and upon the Board's approval shall be the comprehensive town tree plan.

(B) The Tree Board shall supervise a tree inventory for street, park and publicly owned trees. The inventory shall be updated with the results of ground inspections every three years.

(C) The Tree Board, when requested by the Board of Commissioners, shall consider and report upon any matter coming within the scope of its work.

(Ord. passed 5-13-2003)

§ 98.07 OPERATION.

The Tree Board shall keep minutes of its proceedings and choose its own officers, except that the Mayor shall appoint the Chairperson. A majority of the members shall be a quorum for the transaction of business.

(Ord. passed 5-13-2003)

§ 98.08 TREE SPECIES TO BE PLANTED.

The Town Tree Board shall maintain a list of desirable trees for planting along streets in three size classes based on mature height: small (under 20 feet), medium (20 to 40 feet) and large (over 40 feet). Efforts shall be made to ensure a sufficient diversity of tree species. The Tree Board will also create lists of trees not suitable for planting.

(Ord. passed 5-13-2003)

§ 98.09 SPACING.

The spacing of street trees will be in accordance with the three species size classes listed in § 98.08 and no trees may be planted closer together than the following: small trees, 15 feet; medium trees, 25 feet; and large trees, 35 feet; except in special plantings designed or approved by a landscape architect.

(Ord. passed 5-13-2003)

§ 98.10 DISTANCE FROM CURB AND SIDEWALK.

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in § 98.08 and no trees may be planted closer to any curb or sidewalk than two feet for small trees, three feet for medium or large trees.

(Ord. passed 5-13-2003)

§ 98.11 DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS.

No street tree shall be planted within 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted within ten feet of any fire hydrant.

(Ord. passed 5-13-2003)

§ 98.12 UTILITIES.

No street trees other than those species accepted as small trees by the Tree Board may be planted under or within ten feet of any overhead utility wire.

(Ord. passed 5-13-2003)

§ 98.13 PUBLIC TREE CARE.

(A) The town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all town owned streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of the public grounds.

(B) The town may remove or cause to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sanitary sewer, storm sewer, electric power lines, gas lines, water lines or other public improvements, or is affected by any injurious fungus, insect or other pest.

(Ord. passed 5-13-2003)

§ 98.14 PRUNING STANDARDS.

All tree pruning on public property shall conform to the American National Standards Institute Title Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance Standard Practices (ANSI A300 Part 1-2001). ANSI A300 provides standard definitions for tree care maintenance; performance standards for tree pruning operations; performance standards for utility line clearance; and performance standards for writing tree pruning specifications. This standard was listed for public review in the 12-15-2000 issue of *Standards Action*.

(Ord. passed 5-13-2003)

§ 98.15 TREE TOPPING.

It shall be unlawful as a normal practice for any person to top any street, park or publicly owned tree on public property. **TOPPING** is defined as the severe cutting back of limbs to stubs larger than

three inches in diameter within the tree's crown to a degree so as to remove the normal canopy and disfigure the tree. Crown reduction by a qualified arborist may be substituted, where appropriate. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where pruning practices are impractical may be exempt from this chapter at the determination of the Tree Board.

(Ord. passed 5-13-2003) Penalty, see § 98.99

§ 98.16 PRUNING AND CORNER CLEARANCE.

(A) Every owner of any tree overhanging any street or right-of-way within the town shall prune the branches so that the branches shall not severely obstruct the light from any street light or obstruct the view of any street intersection and so that there shall be a clear space of 13 feet above street surface or eight feet above the sidewalk surface. The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight, or interferes with visibility of any traffic control device or sign or sight triangle at intersections.

(B) Tree limbs that grow near high voltage electrical conductors shall be maintained clear of the conductors by the electric company in compliance with any applicable franchise agreements.

(C) The utility company and the Town Tree Board prior to any trimming by the utility company must review a utility tree trimming policy.

(Ord. passed 5-13-2003)

§ 98.17 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

(A) The town shall have the right to cause the removal of any dead or diseased trees on private property within the town, when the trees constitute a hazard to life and property, or harbor insects or diseases which constitute a potential threat to other trees in the town. The town will notify in writing the owners of the trees. The owners, at their own expense, shall do removal within 60 days after the date of service of notice.

(B) In the event of failure of owners to comply with the provisions, the town shall have the authority to remove the trees and charge the cost of removal to the owner.

(Ord. passed 5-13-2003)

§ 98.18 REMOVAL OF STUMPS.

All stumps of street, park and publicly owned trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. passed 5-13-2003)

§ 98.19 PROTECTION OF TREES.

(A) In order to maintain the overall forest, reasonable efforts shall be made to replace trees that are removed and to protect the quality of trees that are endangered.

(B) Trees removed by decision of the town or by natural causes shall be replaced somewhere in the forest on a one-for-one basis within one year. The Tree Board shall determine the location and species of any replacement tree.

(Ord. passed 5-13-2003)

§ 98.99 PENALTY.

Any person violating any provision of this chapter shall be subject to a civil penalty not to exceed \$1,000.

(Ord. passed 5-13-2003)

CHAPTER 99: TOWN-OWNED PROPERTY

Section

99.01 Hours of operation

99.99 Penalty

§ 99.01 HOURS OF OPERATION.

No person shall occupy, use or engage in any activity upon property owned by the town between the hours of 9:00 p.m. to 6:00 a.m. This includes, but is not limited to, all town common areas, parks and tennis courts. A special use permit to use town owned property and areas not within the permitted hours can be applied for in Town Hall and approved by the Town Clerk or Town Manager. The Town Clerk or Town Manager can require a reasonable security deposit in order to prohibit excessive use of property.

(Ord. passed 10-8-2001) Penalty, see § 99.99

§ 99.99 PENALTY.

Anyone violating § 99.01 shall be punishable by a misdemeanor fine not more than \$50, as stated in § 10.99, or a civil penalty of \$25 for an infraction violation.

(Ord. passed 10-8-2001)

CHAPTER 100: SHAD FESTIVAL

Section

- 100.01 Permit required
- 100.02 Permit application
- 100.03 Application review
- 100.04 Permit to be displayed

- 100.99 Penalty

§ 100.01 PERMIT REQUIRED.

(A) It shall be unlawful during the period of the Shad Festival for any person, firm or corporation to sell food, beverages, souvenir items or other concessions within the town without first securing a permit approved and issued by the Festival Committee for such sales, except that permits shall not be required for a business in existence within the town 30 days prior to the beginning of the Shad Festival for the year for which permits are being issued, and selling items within their normal course of business in a permanent structure within the town limits. A permanent structure shall include any building situated within the town limits, but shall not include mobile homes, trailers, trucks, other vehicles, tents or any structure of any type whatsoever not constructed according to state and federal building codes and local zoning ordinances as a permanent structure within the town limits.

(B) Further, permits shall be required for any business in existence prior to the 30-day period set forth above if said business seeks to sell any items outside the permanent structure in which it conducted its business on a regular basis.

(Ord. 2010-01, passed 3-9-2010) Penalty, see § 100.99

§ 100.02 PERMIT APPLICATION.

Applications for permits must be submitted to the Festival Committee for review and approval. Applications will be reviewed and then disposition will be made within the specified time frame provided for by festival policy governing concessions.

(Ord. 2010-01, passed 3-9-2010)

§ 100.03 APPLICATION REVIEW.

(A) Applications will be individually reviewed by the Festival Committee. In deciding whether to grant or deny permits to engage in the sale of concessions during this period, the Committee will give priority to:

(1) Established merchants of the town.

(2) Residents of the town.

(3) Those applicants whose plans for concession sales seem to best serve visitors and participants, as well as enhance the festival activities.

(B) The Festival Committee will limit those permits which are given for concession sales to a number which will provide for adequate food, beverage, souvenirs and other concession services without causing confusion and overcrowding during the celebration. The Festival Committee President shall forward all approved permits to the Police Chief prior to the beginning of the festival.
(Ord. 2010-01, passed 3-9-2010)

§ 100.04 PERMITS TO BE DISPLAYED.

Permits which are granted by the Festival for concession sales during this period must be displayed at all times at the place of such sales.
(Ord. 2010-01, passed 3-9-2010) Penalty, see § 100.99

§ 100.99 PENALTY.

Violation of any provision of this chapter shall be a criminal misdemeanor punishable upon conviction by a fine not to exceed \$500 or by imprisonment for 30 days or both. Each day's violation shall constitute a separate offense.
(Ord. 2010-01, passed 3-9-2010)