

**TOWN OF WILLIAMSTON,  
NORTH CAROLINA**

**CODE OF ORDINANCES**

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**WILLIAMSTON, NORTH CAROLINA**

**TOWN OFFICIALS**

Mayor Dean McCall

***Board of Commissioners***

Mayor Pro Tem Alton Moore  
Ruth Coffield  
Glinda Fox  
Anthony Gianpoalo  
David Richmond

Town Administrator Eric Pearson

Town Clerk Jackie Esobar

Town Attorney Watsi M. Sutton



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## CHAPTER 10: GENERAL PROVISIONS

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### § 10.01 TITLE.

This codification of ordinances by and for the town shall be designated as the *Code of Williamston, North Carolina* and may be so cited.  
(Prior Code, § 10.01)

### § 10.02 DEFINITIONS.

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

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

***CODE, THIS CODE, or THIS CODE OF ORDINANCES.*** This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

***COMMISSIONERS or BOARD OF COMMISSIONERS.*** The governing body of Williamston, North Carolina.

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

***COUNTY.*** The County of Martin, North Carolina.

***GOVERNOR.*** The Governor of North Carolina.

***G.S. or GENERAL STATUTES.*** The latest edition of the General Statutes of North Carolina, as amended.

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

***MAY.*** The act referred to is permissive.

***MONTH.*** A calendar month.

***OATH.*** An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases, the words ***SWEAR*** and ***SWORN*** shall be equivalent to the words ***AFFIRM*** and ***AFFIRMED***.

***OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT.*** An officer, office, employee, commission, or department of this municipality unless the context clearly requires otherwise.

***OFFICIAL TIME STANDARD.*** Whenever certain hours are named in this code, they shall mean Eastern Standard Time or Daylight Saving Time as may be in current use in this town.

***OTHER TOWN OFFICIALS OR OFFICERS.*** Whenever references are made to officials, boards, commissions, departments, and the like by title only, they shall be deemed to refer to the officials, boards, commissions, and departments of the Town of Williamston.

***OWNER.*** Applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety of the whole or a part of the property.

**PERSON.** Extends to and includes any person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER**, as applied to any unincorporated entity, shall mean the partners or members thereof and, as applied to corporations, the officers or agents thereof.

**PERSONAL PROPERTY.** Every species of property except real property.

**PRECEDING** or **FOLLOWING.** Next before or next after, respectively.

**PROPERTY.** Includes real and personal property.

**REAL PROPERTY.** Includes lands, tenements, and hereditaments.

**SHALL.** The act referred to is mandatory.

**SIDEWALK.** Any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

**SIGNATURE** or **SUBSCRIPTION.** Includes a mark when the person cannot write.

**STATE.** The State of North Carolina.

**STREET.** Any public way, road, highway, street, avenue, boulevard, parkway, dedicated alley, lane, viaduct, bridge, and the approaches thereto within the town and shall mean the entire width of the right-of-way between abutting property lines.

**SUBCHAPTER.** A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have **SUBCHAPTERS**.

**TENANT** or **OCCUPANT.** When applied to a building or land, shall include any person who occupies the whole or a part of the building or land whether alone or with others.

**TOWN.** The Town of Williamston, Martin County, North Carolina.

**WEEK.** Seven days.

**WRITTEN.** Any representation of words, letters, or figures whether by printing or otherwise.

**YEAR.** A calendar year unless otherwise expressed.

**ZONING ENFORCEMENT OFFICER.** One designated by the Board.  
(Prior Code, § 10.05)

**§ 10.03 INTERPRETATION.**

(A) Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

(Prior Code, § 10.02)

(B) The construction of all ordinances of this town shall be by the following rules, unless the construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

(1) *AND* or *OR*. Either conjunction shall include the other as if written “and/or” if the sense requires it.

(2) *Acts by assistants*. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition shall be satisfied by the performance of an act by an authorized agent or deputy.

(3) *Gender; singular and plural; tenses*. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(4) *General term*. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

(Prior Code, § 10.06)

**§ 10.04 SEVERABILITY.**

If any provision of this code (as now or later amended) or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

(Prior Code, § 10.07)

**§ 10.05 OFFICIAL TIME.**

The official time, as established by applicable state and federal laws, shall be the official time within this town for the transaction of all municipal business.

(Prior Code, § 10.11)

**§ 10.06 REASONABLE TIME.**

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, **REASONABLE TIME OR NOTICE** shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.  
(Prior Code, § 10.12)

**§ 10.07 ERRORS AND OMISSIONS.**

If a manifest error is discovered consisting of the misspelling of any words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express the intent, that spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.  
(Prior Code, § 10.10)

**§ 10.08 CAPTIONS.**

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.  
(Prior Code, § 10.04)

**§ 10.09 REFERENCE TO OTHER SECTIONS.**

Whenever in one section reference is made to another section hereof, that reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.  
(Prior Code, § 10.08)

**§ 10.10 REFERENCE TO OFFICES.**

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this town exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.  
(Prior Code, § 10.09)

**§ 10.11 APPLICATION TO FUTURE ORDINANCES.**

All provisions of this chapter compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

(Prior Code, § 10.03)

**§ 10.12 ORDINANCES REPEALED.**

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code, subject, however, to § 10.17.

(Prior Code, § 10.13)

**§ 10.13 ORDINANCES UNAFFECTED.**

(A) All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

(B) Nothing in this code or this ordinance adopting this code shall be construed to repeal or otherwise affect the validity of any of the following:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this code;

(2) Any ordinance or resolution promising or guaranteeing the payment of money for the town or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness;

(3) Any contract or obligation assumed by the town;

(4) Any ordinance fixing the salary of any town officer or employee;

(5) Any right or franchise granted by the town;

(6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, and the like any street or public way in the town;

(7) Any appropriation ordinance;

(8) Any ordinance which, by its own terms, is effective for a stated or limited term;

- (9) Any ordinance providing for local improvements and assessing taxes therefor;
- (10) Any Zoning Ordinance or Zoning Map amendment;
- (11) Any ordinance dedicating or accepting any subdivision plat;
- (12) Any ordinance describing or altering the boundaries of the town;
- (13) The administrative ordinances or resolutions of the town not in conflict or inconsistent with the provisions of this code;
- (14) Any ordinance levying or imposing taxes not included herein;
- (15) Any ordinance establishing or prescribing street grades in the town; and/or
- (16) Any personnel ordinance.

(C) No ordinance shall be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this chapter, and all ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.  
(Prior Code, § 10.14)

**§ 10.14 EFFECTIVE DATE OF ORDINANCES.**

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage unless otherwise expressly provided.  
(Prior Code, § 10.15)

**§ 10.15 REPEAL OR MODIFICATION OF ORDINANCES.**

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision unless it is expressly provided.

(Prior Code, § 10.16)

#### **§ 10.16 ORDINANCES WHICH AMEND; EFFECT.**

(A) All ordinances passed subsequent to this code which amend, repeal, or in any way affect this code may be numbered in accordance with the numbering system hereof and printed for inclusion herein. When subsequent ordinances repeal any chapter, section, or division or any portion thereof, the repealed portions may be excluded from this code by omission from reprinted pages. The subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence that the subsequent ordinances numbered or omitted are re-adopted as a new code by the town.

(B) Amendments to any of the provisions of the code shall be made by amending provisions by specific reference to the section number of this code in language substantially similar to the following: "Section \_\_\_ of the Code of Ordinances, Town of Williamston, North Carolina, is hereby amended as follows...." The new provisions shall then be set out in full as desired.

(C) If a new section not heretofore existing in the code is to be added, language substantially similar to the following shall be used: "The Code of Ordinances, Town of Williamston, North Carolina, is hereby amended by adding a section, to be numbered \_\_\_\_\_, which section shall read as follows:...." The new section shall then be set out in full as desired.

(D) All sections, subchapters, chapters, or provisions desired to be repealed must be specifically repealed by section, subchapters, or chapter number, as the case may be.

(Prior Code, § 10.17)

#### **§ 10.17 CONTINUATION OF EXISTING ORDINANCES.**

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

(Prior Code, § 10.19)

#### **§ 10.18 SECTION HISTORIES.**

(A) As histories for the code sections, the specific number and passage date of the original ordinance and the amending ordinances, if any, are listed following the text of the code section.

Example:

(Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) A statutory cite included in the history indicates that the text of the section reads substantially the same as the statute.

Example:

(G.S. § 160A-11) (Ord. 10, passed 1-17-1980; Ord. 20, passed 1-1-1985)

(2) A statutory cite set forth as a statutory reference following the text of the section indicates that the reader should refer to that statute for further information.

Example:

**§ 39.01 PUBLIC RECORDS AVAILABLE.**

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

**Statutory reference:**

*Inspection of public records, see G.S. §§ 132-1 et seq.*

(C) If a section of this code is derived from the prior code of ordinances of the town, the prior code section number shall be indicated in the history by “(Prior Code, § \_\_\_)”. The history notes following sections and the references scattered throughout the code are not part of the code but are merely for the benefit for the user of the code.

(Prior Code, § 10.18)

**§ 10.99 GENERAL PENALTY.**

(A) *Enforcement by civil penalty.* Unless otherwise specifically provided, violation of any provision of this code of ordinances or other town ordinance may subject the offender to a civil penalty in the amount of \$25, to be recovered by the town in a civil action in the nature of a penalty within a prescribed period of time after he or she has been cited for that violation.

(B) *Service of civil penalties.* Civil citations issued under this section shall be served personally upon the violating person, firm, or corporation by a member of the Town Police Department or by the Town Administrator or his or her designee, who shall direct the same to the offending person, firm, or corporation by any other means authorized for the service of civil process by the State Rules of Civil Procedure, being G.S. Chapter 1A.

(C) *Payment of civil penalties.* All civil citations issued under this section must be paid to the Town’s Finance Department within 20 business days from the date of issuance.

(D) *Appeals.* Any person assessed a civil penalty hereunder may present an appeal in writing to the Board of Commissioners within 30 days of the date the civil citation is served upon the violating party. No appeal to the Board of Commissioners may be had after enforcement actions have been initiated by the town.

(E) *Methods of recovery of unpaid civil penalties.* If a civil penalty issued under this section is not paid within 20 business days from the date the violator has been cited for the violation, the town may recover the unpaid civil penalty by any or all of the following methods: a civil action in the nature of a debt or any equitable remedy issued by any court of competent jurisdiction, and in which case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate. It shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law or by any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(F) *Injunction and abatement available.*

(1) Any provision of this code or any other town ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the General Court of Justice shall have jurisdiction to issue such orders.

(a) When a violation of such a provision occurs, the town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

(b) The action shall be governed in all respects by the laws and rules governing civil proceedings including the Rules of Civil Procedure in general and Rule 65 in particular.

(2) In addition to an injunction, the Court may enter an order of abatement as a part of the judgment in the cause.

(a) An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvement or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this code or the ordinance

(b) If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the Court, he or she may be cited for contempt, and the town may execute the order of abatement.

(c) The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialperson's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the Judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the Judge.

(d) Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(G) *Enforcement.* The provisions of this code and any other town ordinance may be enforced by anyone, all or a combination of the remedies authorized and prescribed by this section.

(H) *Separate offense.* Except as otherwise specifically provided, each day's continuing violation of any provision of this code or any other town ordinance shall be a separate and distinct offense.  
(Ord. 2022-10, passed 4-5-2022)



## CHAPTER 11: WARDS AND BOUNDARIES

### Section

- 11.01 How determined; scope
- 11.02 Map; adoption by reference
- 11.03 Where filed

### § 11.01 HOW DETERMINED; SCOPE.

The boundaries for the extraterritorial enforcement of the following ordinances shall be as determined from time to time by the Board of Commissioners:

- (A) The Zoning Ordinance;
- (B) Subdivision regulations;
- (C) Chapter 151 in this code;
- (D) Ordinances adopting the State Building Code or any part thereof;
- (E) National Flood Insurance Flood Damage Prevention Ordinance (8-13-1987, as amended);
- (F) An ordinance establishing the Planning Board; and
- (G) Any other ordinance heretofore or hereafter enacted pursuant to G.S. Chapter 160D.

(Prior Code, § 11.01)

***Statutory reference:***

*Related provisions, see G.S. Chapter 160D*

### § 11.02 MAP; ADOPTION BY REFERENCE.

(A) The extraterritorial boundaries, as determined by the Board of Commissioners, shall be delineated on the face of a map entitled “Extraterritorial Jurisdiction of the Town of Williamston, North Carolina.” The map is hereby adopted by reference.

(B) The boundaries shall be recommended by the Planning Board pursuant to studies of existing and projected urban development and areas of critical concern to the town.  
(Prior Code, § 11.02)

**§ 11.03 WHERE FILED.**

The official copy of the extraterritorial jurisdiction boundaries map shall be on record in the office of the Town Clerk for public inspection during normal business hours. The Town Clerk shall cause a certified copy of this map and any subsequent amendments to be recorded in the office of the County Register of Deeds. The Town Clerk shall cause signs, signposts, or similar readily identifiable marker to be installed at all points of intersection of the above described boundary with all roads, streets, highways, and railroads.  
(Prior Code, § 11.03)

**TITLE III: ADMINISTRATION**

Chapter

- 30. BOARD OF COMMISSIONERS AND MAYOR**
- 31. OFFICERS, EMPLOYEES, AND ORGANIZATIONS**
- 32. PUBLIC SAFETY AND LAW ENFORCEMENT**
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## CHAPTER 30: BOARD OF COMMISSIONERS AND MAYOR

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- 30.15 Meetings
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#### *Mayor*

- 30.30 Term of office
- 30.31 Duties
- 30.32 Mayor Pro Tem

### **GENERAL PROVISIONS**

#### **§ 30.01 FORM OF GOVERNMENT.**

The town shall operate under the Mayor-Council form of government in accordance with G.S. Chapter 160A, Article 7, Part 3.

(Prior Code, § 30.01)

#### ***Statutory reference:***

*Related provisions, see G.S. Chapter 160A, Article 7, Part 3*

**§ 30.02 ELECTION OF MAYOR AND COMMISSIONERS.**

The Mayor and Commissioners of the town shall henceforth be elected by the nonpartisan plurality method as set out in G.S. § 163-292 and as authorized by G.S. § 160A-101(7)(b) and Chapter 374 of the 1991 Session Laws of the state. Their terms shall be four years as provided in ordinances adopted September 19, 1994; April 3, 1995; and May 1, 1995.

(Prior Code, § 35.01)

***Statutory reference:***

*Related provisions, see G.S. §§ 160A-101(7)(b) and 163-292*

**§ 30.03 ELECTIONS TO BE RUN BY COUNTY BOARD OF ELECTIONS.**

The elections of the town shall be conducted by the County Board of Elections, subject to the approval of the State Board of Elections as set out in G.S. § 163-284.

(Prior Code, § 35.02)

***Statutory reference:***

*Related provisions, see G.S. § 163-284*

***BOARD OF COMMISSIONERS*****§ 30.15 MEETINGS.**

Regular meetings of the Board of Commissioners shall be held at 5:30 p.m. on the first Monday of each month until changed from time to time by the Board.

(Prior Code, § 31.01) (Ord. 2012-40, passed 9-4-2012)

***Statutory reference:***

*Related provisions, see G.S. §§ 143-318.9 through 143-318.18, 160A-68, 160A-71, and 160A-81*

**§ 30.16 PROCEDURE.**

(A) Rules of procedure followed during meetings of the Board of Commissioners shall be as from time to time adopted by the Board of Commissioners.

(B) When a procedural issue is not covered by the Board's adopted rules of procedure, by local ordinance, or by state law, that issue shall be governed by *Robert's Rules of Order*.

(Prior Code, § 31.02)

**§ 30.17 MOTION TO RECONSIDER.**

A motion to reconsider shall not be in order unless made not later than the next regular meeting of the Board of Commissioners.

(Prior Code, § 31.03)

**§ 30.18 RULES OF DECORUM.**

For the preservation of order and decorum during Commissioner meetings, the following rules of decorum shall govern.

(A) Any person making personal, impertinent, slanderous, or profane remarks or who willfully utters loud, threatening, or abusive language or engages in any disorderly conduct which would impede, disrupt, or disturb the orderly conduct of any meeting, hearing, or other proceeding shall be called to order by the Chairperson and, if the conduct continues, may, at the discretion of the Chairperson, be ordered barred from further audience before the Board during that meeting.

(B) No person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations which conduct disturbs the peace and good order of the meeting.

(Prior Code, § 31.04) Penalty, see § 10.99

**§ 30.19 ENFORCEMENT OF DECORUM.**

The rules of decorum shall be enforced as follows.

(A) All persons shall, at the request of the Chairperson, be silent. If, after receiving a warning from the Chairperson, a person persists in disturbing the meeting, the Chairperson may order him or her to remove himself or herself from the meeting. If he or she does not remove himself or herself, the Chairperson may order a police officer to remove him or her.

(B) Any person who resists removal by the police shall be charged with violating this subchapter.

(C) Any Commissioner may move to require the Chairperson to enforce these rules and the affirmative vote of a majority of the Board shall require him or her to do so.

(D) In the event that any meeting is willfully disturbed by a group or group of persons so as to render the orderly conduct of the meeting unfeasible and when order cannot be restored by the removal of individuals who are creating the disturbance, the meeting may be adjourned and the remaining business considered at the next regular meeting.

(E) If the matter being addressed prior to adjournment is of such a nature as to demand immediate attention, the Chairperson may call a special meeting and assess the cost of that meeting to the disrupting parties if those parties are identifiable.

(Prior Code, § 31.05) Penalty, see § 10.99

## ***MAYOR***

### **§ 30.30 TERM OF OFFICE.**

The Mayor of the town shall be elected for a term of four years beginning with the election held in 1995.

(Prior Code, § 30.15)

### **§ 30.31 DUTIES.**

The Mayor shall:

(A) Preside at all meetings of the Board of Commissioners, and in his or her absence, the Mayor Pro Tempore shall preside; and

(B) Not vote on any question before the Board except in the case of a tie vote.

(Prior Code, § 30.16) (Ord. passed 5-1-1995)

***Statutory reference:***

*Related provisions, see G.S. § 160A-101(8)(a)*

### **§ 30.32 MAYOR PRO TEM.**

The Board of Commissioners shall elect one of its members as Mayor Pro Tempore who, in the absence of the Mayor, shall preside at meetings and perform the duties assigned to that office.

(Prior Code, § 30.17)

***Statutory reference:***

*Related provisions, see G.S. § 160A-70*

## CHAPTER 31: OFFICERS, EMPLOYEES, AND ORGANIZATIONS

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31.31 Police Advisory Board

31.32 Parks and Recreation Advisory Board

31.33 Housing Authority

31.34 Planning Board; Board of Adjustment

31.35 Community Appearance Commission

31.36 Library Advisory Board

#### *Departments*

31.50 Administration Department

31.51 Recreation Department

31.52 Planning and Development Department

31.53 Public Works Department

#### ***Cross-reference:***

*Board of Commissioners and Mayor, see Chapter 30*

*Police and Fire Departments, see Chapter 32*

*Zoning Administrator, see § 151.35*

**GENERAL PROVISIONS****§ 31.01 PERSONNEL POLICY.**

The personnel policies of the town are contained in a separate manual. A copy of that manual shall be maintained in the office of the Town Administrator and shall be available for public inspection during regular business hours.

(Prior Code, § 39.01) (Ord. 2014-64, passed 5-5-2014; Res. passed 9- -2018)

**OFFICERS****§ 31.15 TOWN ADMINISTRATOR.**

(A) *Creation of office.* The Board of Commissioners of the town shall appoint an administrative officer whose title shall be Town Administrator.

(Prior Code, § 30.30)

(B) *Appointment.* The Town Administrator shall be appointed with regard to merit only, and he or she need not be a resident of the town at the time of his or her appointment. The Mayor or any member of the Board of Commissioners shall not be eligible for appointment as Town Administrator. The office of Town Administrator may be combined with any other town office, and the Town Administrator shall perform the duties of other offices as directed by the Board of Commissioners.

(Prior Code, § 30.31)

(C) *Term; compensation.* The Town Administrator shall hold office at the pleasure of the Board of Commissioners and shall receive such compensation as the Board of Commissioners shall, by ordinance, determine.

(Prior Code, § 30.32)

(D) *Duties.* The Town Administrator shall have the following duties:

(1) Be the Chief Administrative Officer of the town government, responsible to the Mayor and the Board of Commissioners for the performance of his or her duties. The Administrator shall perform or supervise the performance of all administrative affairs of the town as he or she may be authorized and directed so to do by the Mayor and Board of Commissioners;

(2) Attend all regular and special meetings of the Board of Commissioners. In addition, he or she shall attend all committee meetings of the Board of Commissioners when requested to do so by the Mayor or Board;

(3) Make investigations, studies, and reports concerning town government affairs for the Mayor and Board of Commissioners as they may direct and as the Administrator shall from time to time deem necessary. Reports may include recommendations for adopting such measures as the Administrator may deem best for the good government of the municipality;

(4) Keep the Mayor and the Board of Commissioners advised of the town's financial condition and its future financial needs and to perform the fiscal control duties in connection therewith as may from time to time be authorized by the Board of Commissioners;

(5) When directed by the Board of Commissioners, coordinate the activities of all departments and assist the Mayor and the members of the Board in seeing that superintendents and other town employees perform their duties and functions as they may be required;

(6) Serve as the town's Budget Officer and perform those duties and responsibilities assigned to him or her by the Local Government Budget and Fiscal Control Act (G.S. Chapter 159, Article 3); and

(7) Perform the other duties and functions as the Board of Commissioners may prescribe.  
(Prior Code, § 30.33)

(E) *Relation to charter.* This chapter, or any part thereof, shall not be interpreted so as to alter or modify the requirements of the town's charter relating to the power and authority granted therein to the Mayor or any individual Town Commissioner. It is the intent of this section to establish the office of Town Administrator as a means of assisting the Mayor in his or her duties as Chief Executive Officer and members of the Board as department heads in expediting their administrative duties imposed on them by the charter.

(Prior Code, § 30.34)

***Statutory reference:***

*Related provisions, see G.S. Chapter 159, Article 3*

**§ 31.16 TOWN ATTORNEY.**

The Board of Commissioners shall appoint a Town Attorney who shall be licensed to engage in the practice of law in the state. Upon request by the Board of Commissioners, it shall be duty of the Town Attorney to defend suits against the town; to advise the Mayor, Board of Commissioners, and other town officials with respect to the affairs of the town; to draft legal documents relating to the affairs of the town; to inspect and pass upon agreements, contracts, franchises, and other instruments with which the town may be concerned; to attend meetings of the Board of Commissioners; and to perform other duties as the Board of Commissioners may direct.

(Prior Code, § 30.45)

**§ 31.17 TOWN CLERK.**

The Board of Commissioners shall appoint a Town Clerk to keep a journal of the proceedings of the Board, to maintain in a safe place all records and documents pertaining to the affairs of the town, and to perform such other duties as may be required by law or as the Board of Commissioners may direct. (Prior Code, § 30.46)

**§ 31.18 FINANCE OFFICER.**

The Board of Commissioners shall appoint a Finance Officer to perform the duties of the Finance Officer as required by the Local Government Budget and Fiscal Control Act, G.S. §§ 159-7 et seq. (Prior Code, § 30.47)

***Statutory reference:***

*Related provisions, see G.S. §§ 159-7 et seq.*

**§ 31.19 TOWN TAX COLLECTOR.**

The Board of Commissioners shall appoint a Tax Collector to collect all taxes, licenses, fees, and other revenues accruing to the town, subject to the general statutes, the provisions of the town charter, and the ordinances of the town. The Town Tax Collector shall diligently comply with and enforce all the laws of the state relating to the collection of taxes and other revenues by municipalities. (Prior Code, § 30.48)

***BOARDS; COMMITTEES*****§ 31.30 CREATION AND APPOINTMENT OF BOARDS.**

(A) *Public bodies.* The Board of Commissioners determines that authorities, boards, commissions, or other bodies constitute **PUBLIC BODIES** as defined in G.S. Chapter 143, Article 33C. (Prior Code, § 32.001)

(B) *Appointment process.*

(1) The Board of Commissioners is authorized to appoint positions for authorities, boards, commissions, or other public bodies to serve as advisory boards. If an appointee fills an unexpired vacancy on any authority, board, or commissioner, the new appointee may serve the balance of that term plus their own full service terms if approved by the Board of Commissioners. Individuals must observe one year of inactive membership prior to service on another town-appointed board, commission, or

authority. Except in the case of a special-appointed, short-term committee (as defined by the Board of Commissioners), appointed members should serve on only one board, commission, or authority at a time. It is recommended that the department-appropriate Commissioner meet with their respective board, commission, or authority as often as possible but at least quarterly.

(2) The authorities, boards, and commissions that serve the town shall include but are not limited to the following:

- (a) Planning Board/Board of Adjustment;
- (b) Parks and Recreation Advisory Board;
- (c) Police Advisory Board;
- (d) Town Housing Authority;
- (e) Community Appearance Commission; and
- (f) Town Library Advisory Board.

(Prior Code, § 32.002)

**Statutory reference:**

*Related provisions, see G.S. Chapter 143, Article 33C*

**§ 31.31 POLICE ADVISORY BOARD.**

(A) *Purpose; function.* The Police Advisory Board serves as a liaison between the neighborhoods of the community, the Town Police Department, the Town Administrator, and the Board of Commissioners. It works with the Chief of Police in identifying and resolving safety problems in the municipality.

(Prior Code, § 32.045)

(B) *Appointment; terms.* The Police Advisory Board shall consist of seven members who are appointed to a three-year term and may be reappointed to serve two additional terms.

(Prior Code, § 32.046)

**§ 31.32 PARKS AND RECREATION ADVISORY BOARD.**

(A) *Purpose; function.* The Parks and Recreation Advisory Board serves as an advisory board for the Town Recreation Department. It shall suggest policies to the Recreation Department, the Town

Administrator, and the Board of Commissioners within its powers and responsibilities, and it serves as a liaison between the Parks and Recreation Director, the Town Administrator, and the Board of Commissioners.

(Prior Code, § 32.030)

(B) *Appointment; terms.* The Parks and Recreation Advisory Board shall consist of seven members who are appointed to a three-year term and may be reappointed to serve two additional terms.

(Prior Code, § 32.031)

### § 31.33 HOUSING AUTHORITY.

(A) *Purpose; function.* The Town Housing Authority has the responsibility of striving to meet the need for all of the town's citizens to live in standard housing. Plans and proposals are submitted to the Planning Board and the Board of Commissioners for approval.

(Prior Code, § 32.060)

(B) *Appointment; terms.* The Town Housing Authority shall consist of five members who are appointed to a five-year term and may be reappointed to serve an indefinite number of terms.

(Prior Code, § 32.061)

### § 31.34 PLANNING BOARD; BOARD OF ADJUSTMENT.

(A) *Creation; power.* The Town Planning Board is created and established pursuant to a special act of the General Assembly so that it is empowered to exercise any power or authority granted by the general statutes of the state.

(Prior Code, § 32.015)

(B) *Appointment; term.*

(1) The Town Planning Board shall consist of seven members. Currently, composition of the board is comprised of:

(a) Five members residing in the corporate limits; and

(b) Two members residing in the extraterritorial jurisdiction.

(2) The number of extraterritorial jurisdiction representatives is determined by the proportional representation method described in G.S. § 160A-362. The County Board of Commissioners has the authority to appoint members to represent the extraterritorial jurisdiction but may concede the appointment to the Town Board of Commissioners.

(3) Each member shall be appointed to a three-year term and may be reappointed to serve two additional terms.

(Prior Code, § 32.016)

(C) *Comprehensive studies.* The Planning Board has authority to make comprehensive studies of the present and future needs of the town planning area. Such studies may include physical, social, and economic conditions and trends within the area for the purpose of preparing a plan which will guide the sound growth and orderly development of the town planning area and best promote the health, safety, convenience, prosperity, and general welfare of its citizens.

(Prior Code, § 32.017)

(D) *Board of Adjustment.* Five of the seven members of the Planning Board also serve as the Board of Adjustment, with the remaining members serving as alternates. Members of the extraterritorial jurisdiction must serve on the Board of Adjustment for matters within the extraterritorial jurisdiction. The Board of Adjustment is authorized to hear and decide appeals from citizens regarding alleged errors in decisions by the Code Enforcement Officer, make decisions on special uses, and authorize variances, upon appeal, as outlined in the Zoning Ordinance.

(Prior Code, § 32.018)

***Statutory reference:***

*Board of Adjustment creation, see G.S. § 160D-302*

*Planning Board, see G.S. § 160D-301*

### **§ 31.35 COMMUNITY APPEARANCE COMMISSION.**

(A) *Purpose; function.* The Community Appearance Commission's primary function is to make careful studies of the visual problems and needs of the municipality within its area of zoning jurisdiction and make plans and carry out programs that will enhance and improve the visual quality and aesthetic characteristics of its jurisdiction. Whereupon, they may make recommendations to the Planning Board or the Board of Commissioners.

(Prior Code, § 32.075)

(B) *Terms.* The Community Appearance Commission shall consist of six members who are appointed to a four-year term and may be reappointed to serve two additional terms.

(Ord. 2015-77, passed 7-13-2015)

### **§ 31.36 LIBRARY ADVISORY BOARD.**

(A) *Purpose; function.* The Martin Memorial Library is the public library of the town operating in accordance with an interlocal agreement between BHM Regional Library, Inc., this town, and five other units of local government. The Town Library Advisory Board, formerly referred to as trustees, serves

as a liaison to Martin Memorial Library and BHM Library, Inc., and provides an avenue for citizen involvement with library issues.

(B) *Appointment; terms.* The BHM Library, Inc., is a 501(c)(3) nonprofit corporation, governed via their bylaws and the interlocal agreement between this town and BHM Regional Library, Inc. Appointments to the BHM Board are in concurrence with the interlocal agreement. The Town Library Advisory Board shall consist of nine members who are appointed to a six-year terms by the Town Board and may be reappointed to serve one additional term. The Town Library Advisory Board shall operate under the auspices of the Town Board in accordance with policies adopted from time to time by the Town Board.

(Ord. 2014-68, passed 7-8-2014)

## ***DEPARTMENTS***

### **§ 31.50 ADMINISTRATION DEPARTMENT.**

(A) *Department established.* The Administration Department is hereby established under the direction and supervision of the Town Administrator to aid the Town Administrator in administering the affairs of the town.

(B) *Town Administrator.* The Board of Commissioners of the town shall appoint an administrative officer whose title shall be Town Administrator.

(C) *Town Clerk.* Subject to the supervision of the Town Administrator or his or her designee, the Town Clerk is appointed by the Board of Commissioners to perform the duties of a Town Clerk as described by law in G.S. § 160A-171.

(D) *Finance Officer.* Subject to the supervision of the Town Administrator or his or her designee, the Finance Officer is appointed by the Board of Commissioners and shall have general control of the Finance Department, its apparatus, and its personnel. The Finance Department includes a Utility Collections Division and a Tax Collections Division.

(E) *Town Attorney.* The Board of Commissioners shall appoint a Town Attorney who shall be a licensed attorney in the state. The Town Attorney shall serve as the Board of Commissioners' legal advisor and perform such duties as are prescribed by law or required by the Board.

(F) *Personnel Clerk.* Subject to the supervision of the Town Administrator or his or her designee, the Personnel Clerk shall serve to assist all departments in meeting their human resource needs through the development and administration of the town's personnel policy as adopted by the Board of

Commissioners. The Personnel Clerk will assist in recruiting qualified applicants for all job vacancies and will maintain custody of centralized personnel files of all employees.

(Prior Code, § 33.01)

**Statutory references:**

*Related provisions, see G.S. § 160A-171*

**§ 31.51 RECREATION DEPARTMENT.**

Subject to the general control and supervision of the Town Administrator or his or her designee, the Recreation Director is appointed by the Board of Commissioners and shall have general supervision, direction, and control over all matters pertaining to all recreation and recreation areas and facilities such as, but not limited to, playgrounds, community centers, recreation buildings, swimming pools, lakes, tennis courts, ballfields, picnic areas of the town, and rented and other facilities and grounds that might be rented or borrowed by the town for recreational activities wherever located.

(Prior Code, § 33.05)

**§ 31.52 PLANNING AND DEVELOPMENT DEPARTMENT.**

Subject to the supervision of the Town Administrator or his or her designee, the Director of Planning and Development is appointed by the Board of Commissioners and shall have general control of the Department, its apparatus, and its personnel. The duties of the Department include planning, zoning, and code enforcement.

(Prior Code, § 33.03)

**§ 31.53 PUBLIC WORKS DEPARTMENT.**

Subject to the general control and supervision of the Town Administrator or his or her designee, the Public Works Director is appointed by the Board of Commissioners and shall have general control of the Department, apparatus, and its personnel. The following divisions are included in the Public Works Department: Water Department, Sewer Department, Town Garage, Town Cemetery, Street Department, and Sanitation Department.

(Prior Code, § 33.06)



## CHAPTER 32: PUBLIC SAFETY AND LAW ENFORCEMENT

### Section

#### *Fire Department*

- 32.01 Fire and EMS Department
- 32.02 Chief appointment; duties

#### *Police Department*

- 32.15 Police Chief; appointment and removal
- 32.16 Duties of Police Chief
- 32.17 Duties of Department

### ***FIRE DEPARTMENT***

#### **§ 32.01 FIRE AND EMS DEPARTMENT.**

Subject to the supervision of the Town Administrator or his or her designee, the Chief of the Fire and Rescue Department is appointed by the Board of Commissioners and shall have general control of the Department, its apparatus, and its personnel. The Chief shall perform such duties as are prescribed by law or required by the Board of Commissioners.

(Prior Code, § 33.02)

***Statutory reference:***

*Related provisions, see G.S. § 160A-292*

#### **§ 32.02 CHIEF APPOINTMENT; DUTIES.**

(A) *Chief; appointment; supervision.* The Chief of the Fire Department shall be appointed by the Board of Commissioners and shall be subject to the supervision of the Board of Commissioners.

(Prior Code, § 91.20)

(B) *Duties.* It shall be the duty of the Chief of the Fire Department to:

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- (1) Preserve and care for fire apparatus;
- (2) Have charge of fighting and extinguishing fires and training the Fire Department;
- (3) Seek out and have corrected all places and conditions dangerous to the safety of the town and its residents;
- (4) Make annual reports concerning his or her activities to the Board of Commissioners; and
- (5) Perform the other duties as may be assigned to him or her by the Board of Commissioners, provisions of this code and other ordinances of the town, or state law.  
(Prior Code, § 91.21)

***POLICE DEPARTMENT*****§ 32.15 POLICE CHIEF; APPOINTMENT AND REMOVAL.**

(A) *Police Chief.* Subject to the supervision of the Town Administrator or his or her designee, the Police Chief is appointed by the Board of Commissioners and shall have general control of the Department, its apparatus, and its personnel.  
(Prior Code, § 33.04)

(B) *Appointment; removal.* The Board of Commissioners shall appoint a Chief of Police and shall have the power to remove the Chief of Police.  
(Prior Code, § 34.01)

***Statutory reference:***

*Related provisions, see G.S. §§ 160A-281 and 160A-284*

**§ 32.16 DUTIES OF POLICE CHIEF.**

It shall be the duty of the Chief of Police to:

- (A) Supervise the Police Department, including training and assignment of police officers;
- (B) Apply modern law enforcement principles and practices under which the Department shall operate;
- (C) Plan, direct, coordinate, and promote the law enforcement program of the town; and

(D) Carry out further orders as may be assigned to him or her by the Board of Commissioners, provisions of this code, other ordinances of the town, or state law.

(Prior Code, § 34.02)

***Statutory reference:***

*Related provisions, see G.S. § 160A-285*

**§ 32.17 DUTIES OF DEPARTMENT.**

The police shall perform those duties from time to time determined by the Chief of Police as well as those proscribed in the town's personnel policy and by state law.

(Prior Code, § 34.03)



## **CHAPTER 33: CIVIL EMERGENCIES AND EMERGENCY MANAGEMENT**

### Section

- 33.01 When state of emergency deemed to exist
- 33.02 Declaration of emergency
- 33.03 Restorations during emergency
- 33.04 Extension; alteration; repeal
  
- 33.99 Penalty

### **§ 33.01 WHEN STATE OF EMERGENCY DEEMED TO EXIST.**

A state of emergency shall be deemed to exist whenever (during the times of great public crisis, disaster, rioting, catastrophe, or similar public emergency or for any other reason) municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property. (Prior Code, § 37.01)

### **§ 33.02 DECLARATION OF EMERGENCY.**

(A) In the event of an existing or threatened state of emergency endangering the lives, safety, health, or welfare of the people within the town or threatening damage to or destruction of property, the Mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency and, in order to more effectively protect the lives and property of people within the town, to place in effect any or all of the restorations authorized in this chapter.

(B) The Mayor is hereby authorized and empowered to limit, by proclamation, the application of all or any part of the restrictions in this chapter to any specifically designated or described area within the corporate limits of the town and to specific hours of the day or night and to exempt from all or any part of the restrictions law enforcement officers, firefighters, and other public employees, doctors, nurses, employees of hospitals and other medical facilities, on-duty military personnel (whether state or federal), on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit and other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the town.

(C) The Mayor shall proclaim the end of the state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the Board of Commissioners. (Prior Code, § 37.02)

### **§ 33.03 RESTORATIONS DURING EMERGENCY.**

During the existence of a proclaimed state of emergency, the Mayor may impose, by proclamation, any or all of the following restrictions:

(A) Prohibit or regulate the possession of one's own premises of explosives, firearms, ammunition, or dangerous weapons of any kind and prohibit the purchase, sale, transfer, or other disposition thereof;

(B) Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind and their possession or consumption of one's own premises;

(C) Prohibit or regulate any demonstration, parade, march, vigil, or participation therein from taking place on any of the public ways or upon any public property;

(D) Prohibit or regulate the sale of gasoline, kerosene, naphtha, or any other explosive or inflammable fluids or substances;

(E) Prohibit or regulate travel upon any public street, alley, or roadway or upon any other public property except by those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves, their families, or some member thereof; and

(F) Prohibit or regulate the participation in or carrying on of any business activity and prohibit or regulate the keeping open of places of business, places of entertainment, and any other place of public assembly.

(Prior Code, § 37.03)

### **§ 33.04 EXTENSION; ALTERATION; REPEAL.**

Any proclamation may be extended, altered, or repealed in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.

(Prior Code, § 37.04) Penalty, see § 33.99

### **§ 33.99 PENALTY.**

During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this chapter. Any

person, firm, corporation, or association who violates any such restriction shall be guilty of a Class 3 misdemeanor, pursuant to G.S. §§ 14-4 and 160A-175, and shall be punishable by a criminal fine not to exceed \$25. Except as otherwise specifically provided, each day's continuing violation of any provision of this code or any other town ordinance shall be a separate and distinct offense.

(Prior Code, § 37.04) (Ord. 2022-12, passed 4-5-2022)

***Statutory reference:***

*Related provisions, see G.S. §§ 14-4 and 160A-175*



## CHAPTER 34: FINANCE AND TAXATION

### Section

- 34.01 Retail short-term lease or rental of motor vehicle tax
- 34.02 Motor Vehicle Tax
- 34.03 Tax discount
  
- 34.99 Penalty

### § 34.01 RETAIL SHORT-TERM LEASE OR RENTAL OF MOTOR VEHICLE TAX.

(A) *Levy of tax.* A tax is hereby imposed and levied in an amount equal to 1.5% of the gross receipts derived from the short-term lease or rental of vehicles at retail to the general public. This tax on gross receipts is in addition to the Privilege License Tax authorized by G.S. § 160A-215.1.

(B) *Administration.* The town, through its Tax Collector, will administer and collect from the operators of leasing and rental entities the tax hereby levied. The Town Tax Collector may advocate additional lawful rules and regulations necessary for implementation and collection of the tax.

(C) *Collection of the tax.* Every person engaged in the business of the short-term lease or rental of vehicles at retail to the general public shall collect, at the time of the lease or rental, the tax herein levied, place the tax so collected in a segregated account, and thereafter remit the tax to the Tax Collector in accordance with the provisions of this section. The taxpayer shall include, in each retail, short-term lease or rental agreement stating that the percentage amount enacted by this section of the total lease or rental price, excluding sales tax, is being charged as tax on gross receipts. The amount of the tax shall be stated separately from the lease or rental and shown separately on the taxpayer's records. The tax shall be paid by the customer to the taxpayer as trustee for and on account of the town. The taxpayer shall be liable for the collection thereof and for his or her payment to the Tax Collector, and the taxpayer's failure to charge or to collect the tax from the customer shall not affect the liability.

(D) *Situs.* The transaction giving rise to the tax herein levied shall be deemed to have occurred at the location of the entity from which the customer takes delivery of the vehicle.

(G.S. § 160A-215.1(b))

(E) *Payment of taxes and filing of returns.* The taxes levied hereby are due and payable to the town in monthly installments on or before the fifteenth day of each month, prepared and rendered a return to the town. The town shall design, print, and furnish to all the entities the necessary forms for filing the returns and instructions to ensure the full collection of the tax. These tax proceeds shall be placed in a segregated account by the collecting entity and are the property of the town. A return filed for this purpose is not a public record, as defined by G.S. § 132-1, and may not be disclosed except as provided by law.

(F) *Taxpayer to keep records.* The taxpayer shall keep and preserve suitable records of the gross receipts received by the taxpayer in the conduct so business and other books or accounts as may be necessary to determine the amount of the tax for which the taxpayer is liable under the provisions of this section. It shall be the duty of the taxpayer to keep and preserve, for a period of three years, all the records of gross receipts and other books and accounts described. All records, books, and accounts herein described shall be open for the examination at all reasonable hours during the day by the Tax Collector or his or her duly authorized agent.

(G) *Misdemeanor for willful violation.* Any person, firm, corporation, or association who willfully attempts in any manner to evade a tax imposed herein or who willfully fails to pay the tax or make and file a return shall, in addition to the penalties provided by law and herein, be guilty of a misdemeanor punishable as provided by law.

(H) *Authority.* This section is enacted pursuant to the provisions of G.S. § 160A-215.1. (Prior Code, § 36.01) (Ord. passed 3-6-2006) Penalty, see § 34.99

***Statutory reference:***

*Related provisions, see G.S. §§ 132-1, 160A-215.1, and 160A-215.1*

## **§ 34.02 MOTOR VEHICLE TAX.**

(A) (1) Each self-propelled motor vehicle by the state which is a resident within the town on January 1 of each year shall be subject to an annual Motor Vehicle Tax of \$30.

(2) The tax shall be imposed for the fiscal year beginning on July 1 following the January 1 date on which the motor vehicle becomes resident in the town. For purposes of determining whether the motor vehicle is “resident” within the town, the provisions of the Machinery Act (G.S. §§ 105-271 et seq.) shall be applicable, and any motor vehicle which under the Machinery Act would be taxable for ad valorem property taxes shall be subject to the tax imposed by this section.

(Prior Code, § 70.095)

(B) Administration of the Motor Vehicle Tax shall be handled in accordance with the procedures established for listing, discovery, collection, levy, attachment, garnishment, release, and rebate as for property taxes under the Machinery Act.

(Prior Code, § 70.096)

(Ord. 2016-93, passed 7-11-2016)

***Statutory reference:***

*Related provisions, see G.S. §§ 105-271 et seq.*

**§ 34.03 TAX DISCOUNT.**

There shall be a discount of 2% for taxes levied by the town and paid during the month of August of the fiscal year for which the taxes are levied.

(Prior Code, § 36.02)

**§ 34.99 PENALTY.**

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

(B) Any person, firm, corporation, or association who willfully attempts in any manner to evade a tax imposed by §§ 34.01 or 34.03 or who willfully fails to pay the tax or make and file a return shall, in addition to the penalties provided by law and herein, be guilty of a Class 3 misdemeanor pursuant to G.S. § 14-4 and G.S. § 160A-175 and shall be punishable by a criminal fine not to exceed \$25. Except as otherwise specifically provided, each day's continuing violation of any provision of §§ 34.01 or 34.03 or any other town ordinance shall be a separate and distinct offense.

(Ord. 2022-11, passed 6-6-2022)

***Statutory reference:***

*Related provisions, see G.S. §§ 14-4 and 160A-175*



## CHAPTER 35: TOWN POLICIES

### Section

- 35.01 Smoking policy
- 35.02 Criminal history checks
  
- 35.99 Penalty

### § 35.01 SMOKING POLICY.

(A) *Definition. SMOKING*, for the purpose of this section, shall mean the inhaling, exhaling, burning, or carrying of a lighted pipe, cigar, cigarette, or other combustible tobacco product.

(B) *Smoking regulated in municipal buildings*. It shall be unlawful for any person to smoke in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed, or controlled by the town except in specially-designated smoking areas. The Board of Commissioners shall have the authority to designate smoking areas within each town building or facility. An area within any building or facility may be designated as a smoking area only if the ventilation of the area is sufficient, any adverse impact on municipal employees and members of the public is minimal, and no fire or other safety hazard will be created by smoking in the area.

(C) *Smoking prohibited in municipal vehicles*. It shall be unlawful for any person to smoke in any vehicle now or hereafter owned or leased by the town.

(D) *Conflict of laws*. If any portion of this section or the enforcement thereof is found to be preempted by state or federal law, the preemption shall not operate to invalidate the rest of the section, and the same shall remain in full force and effect.

(Prior Code, § 38.01) (Ord. passed 10-4-1993) Penalty, see § 35.99

### § 35.02 CRIMINAL HISTORY CHECKS.

(A) The Town Administrator or designee shall conduct an investigation on final applicants for regular full- and part-time positions in the town government; on final applicants for all coaches, assistant coaches, or other volunteers working directly with children participating in the town's activities and

events; persons applying for permits or license to operate adult establishments, dance halls, game rooms, and massage parlors; and as a canvasser, pawn broker, peddler or itinerant merchant, precious metal dealer, or taxi driver. It shall be a precondition of employment or for working directly with children in a volunteer capacity that, upon request, the applicant provide necessary personal identification (including a birth certificate, social security number (as allowed by law), and driver's license, if available) so the Town Administrator or designee may cause a thorough search to be made of local and state criminal records for the purpose of determining if the applicant has a history of criminal convictions by use of the Division of Criminal Information Network (DCIN).

(B) Prior to denial or termination of employment as a full- or part-time employee or prior to the termination of a volunteer or prior to denial of a permit or license to operate a business within the town which termination or denial is based upon criminal history record inquiry (CHRI) received from criminal information and identification section (CIIS) through the Town Police Department, the Town Administrator, or designee shall verify the existence of a record by obtaining a certified public record or by submitting a fingerprint card of the individual to the CIIS for verification that the CHRI record belongs to the individual.

(C) The Town Police Department shall provide the findings from the use of the DCIN to the Town Administrator or designee.

(D) If any criminal history check reveals a prior record, the applicable Clerk of Court shall be contacted to obtain the record. The town shall pay the applicable party the cost of obtaining a criminal history record check.

(E) All parties handling sensitive information described herein shall comply with state law (particularly G.S. § 160A-168), all federal laws, rules, regulations, and the town ordinances as they relate to the confidential handling of criminal record checks.  
(Prior Code, § 38.02) (Ord. 2009-4, passed 9-21-2009)

***Statutory reference:***

*Related provisions, see G.S. § 160A-168*

**§ 35.99 PENALTY.**

(A) *General.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to a civil penalty as provided in § 10.99.

(B) *Regulating smoking in municipal buildings and vehicles.* Violation of § 35.01 shall subject the offender to a civil penalty to be recovered by the town, as set forth in § 10.99, in all other respects except that the amount of said civil penalty shall be \$10 payable within 48 hours of being served with a written civil citation.

(Ord. 2022-13, passed 4-5-2022)

**TITLE V: PUBLIC WORKS**

Chapter

- 50. ELECTRICITY**
- 51. GARBAGE AND REFUSE**
- 52. WATER AND SEWERS**



## CHAPTER 50: ELECTRICITY

### Section

- 50.01 Electrical Code adopted; amendments
- 50.02 Filing of copies with Zoning Administrator
- 50.03 Compliance

### **§ 50.01 ELECTRICAL CODE ADOPTED; AMENDMENTS.**

(A) *Code adopted.* The State Electrical Code (State Building Code, Volume IV, “Electrical,” adopting by reference the National Electrical Code of the National Fire Protection Association, as adopted by the State Building Code Council and as amended) is hereby adopted by reference as fully as though set forth in this chapter as the Electrical Code for the town.

(Prior Code, § 50.01)

(B) *Amendments.* Amendments to the regulatory code adopted by reference in this chapter, which are from time to time adopted and published by the agencies or organizations referred to herein, shall be effective in the town at the time the amendments are filed with the Zoning Administrator, as provided in § 50.02.

(Prior Code, § 50.02)

### **§ 50.02 FILING OF COPIES WITH ZONING ADMINISTRATOR.**

An official copy of each regulatory code adopted in this chapter and official copies of all amendments thereto shall be kept on file in the office of the Zoning Administrator. The copies shall be the official copies of the codes and the amendments. If copies of the regulatory code are on file with the Town Building Inspector, they shall be considered to be on file with the Zoning Administrator.

(Prior Code, § 50.03)

### **§ 50.03 COMPLIANCE.**

All electrical wiring, installations, and appurtenances shall be erected, altered, repaired, used, and maintained in accordance with the minimum standards, requirements, and other provisions of the Electrical Code adopted by § 50.01.

(Prior Code, § 50.04)



## CHAPTER 51: GARBAGE AND REFUSE

### Section

#### *General Provisions*

- 51.01 Definitions
- 51.02 Condition of premises; compliance
- 51.03 Disposal regulations
- 51.04 Permitted areas and methods
- 51.05 Obstruction of drainage ditch
- 51.06 Construction maintenance and refuse
- 51.07 Transportation
- 51.08 Appeals; violations

#### *Collection*

- 51.20 Collection practices
- 51.21 Preparation of materials
- 51.22 Container regulations
- 51.23 Prohibited days for collection
  
- 51.99 Penalty

### **GENERAL PROVISIONS**

#### **§ 51.01 DEFINITIONS.**

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

**ASHES.** Refuse resulting from the burning of wood, coal, coke, and other combustible material.

**AUTOMATIC CONTAINERS.** Waterproof and odor-proof containers, one cubic yard to eight cubic yards in size, and approved by the town for use in commercial, business, industrial, residential, and other approved areas. A dumpster is an **AUTOMATIC CONTAINER**.

***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.

***BUSINESS BUILDING.*** Any structure, whether public or private, that is adapted for transaction of business for rendering of professional services, for amusement, or for the display or sale or storage of goods, wares, merchandise, articles, or equipment including hotels, apartment houses, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, warehouses, sheds, barns, and other structures on premises used for or adapted to business purposes.

***GARBAGE.*** Animal and vegetable refuse resulting from the handling, preparation, cooking, and consumption of food including a minimum amount of liquid necessarily incidental thereto.

***INDUSTRIAL WASTE.*** Sawdust, shavings, feathers, excelsior, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, plastic, or other waste materials from processing plants, factories, or manufacturing operations.

***REFUSE.*** Solid waste including, but not limited to, garbage, rubbish, and ashes.

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

***WASTE.*** Useless, unused, unwanted, or discarded materials resulting from natural community activities including solids, liquids, and gasses.  
(Prior Code, § 51.01)

## **§ 51.02 CONDITION OF PREMISES; COMPLIANCE.**

Every owner and every occupant or other person in control of any building or land in the town, including vacant property, shall keep the same in a clean and orderly condition and shall deposit refuse for collection in accordance with the provisions of this chapter and the regulations of the Public Works Director. Combustible and noncombustible refuse shall be stored in containers complying with this chapter.

(Prior Code, § 51.02) Penalty, see § 51.99

## **§ 51.03 DISPOSAL REGULATIONS.**

(A) No person shall throw, drop, or deposit or cause to be thrown, dropped, or deposited on any land in the town (vacant or occupied) including streets, alleys, sidewalks, parking lots, and other public

and other semi-public areas and all waters under the jurisdiction of the town any waste including, but not limited to, refuse, garbage, ashes, rubbish, dead animals or fish, paper, drinking cups, broken glass, tacks, brush, grass, weeds, junk automobiles, and anything injurious to health.

(B) If any person (while transporting or hauling or causing to be transported or hauled the rubbish or material or earth excavation, coal, or other material) shall throw, drop, or deposit or cause to be thrown, dropped, or deposited the rubbish or material from the body of the vehicle in violation of the provisions of this section, the person must daily clean up and remove the rubbish or material in a manner satisfactory to the Public Works Director.

(C) If any person fails to clean up and remove the rubbish and material, the Sanitation Department may clean up and remove the rubbish and material, and the town may recover the cost of the cleaning up and removal from the person responsible.

(Prior Code, § 51.03) Penalty, see § 51.99

**§ 51.04 PERMITTED AREAS AND METHODS.**

Notwithstanding the provisions of § 51.03, it shall not be unlawful to dispose of or throw away refuse by personally carrying same to a garbage disposal area operated for the use of the residents of the town or as provided in §§ 51.20 through 51.23.

(Prior Code, § 51.04)

**§ 51.05 OBSTRUCTION OF DRAINAGE DITCH.**

It shall be unlawful for any person to deposit refuse (including dirt) in any ditch or otherwise obstruct any ditch in the town if the ditch carries in it any water running off the street in the town or off any property, the title to which is held by the town.

(Prior Code, § 51.05) Penalty, see § 51.99

**§ 51.06 CONSTRUCTION MAINTENANCE AND REFUSE.**

Any person engaged in the construction of any residence or other structure in the town shall keep the lot upon which construction is taking place in a reasonably clean and sanitary condition, and shall not deposit on the sidewalk, parkway, or street any refuse resulting from the construction.

(Prior Code, § 51.06) Penalty, see § 51.99

**§ 51.07 TRANSPORTATION.**

No swill, slops, garbage, bones, offal, kitchen waste, or refuse shall be carried through the streets of the town except in watertight containers with tight-fitting covers.

(Prior Code, § 51.07) Penalty, see § 51.99

**§ 51.08 APPEALS; VIOLATIONS.**

(A) *Appeals.* Appeal from any decision of the Public Works Director pursuant to this chapter may be taken to the Town Board of Commissioners.

(Prior Code, § 51.25)

(B) *Violations.* In addition to those penalties provided in § 51.99, the Public Works Director may refuse to collect the refuse of anyone violating the terms of this chapter.

(Prior Code, § 51.24)

***COLLECTION*****§ 51.20 COLLECTION PRACTICES.**

(A) *Collection schedules; residences.* Except as otherwise provided in this subchapter and except in the case of emergency arising from an act of God or under circumstances over which the Sanitation Department has no control, the Department shall collect, remove, and dispose of refuse from residences at least once per week and, if possible, twice each week.

(B) *Building rubbish.* Building rubbish shall be collected, removed, and disposed of by the contractor or builder or, in case of their failure to do so, by the owner of the property.

(C) *Trees, tree branches, and trimmings.*

(1) Subject to County Landfill acceptance, the Department will provide curbside pickup of not more than one standard dump truck load per week of residential rubbish derived from normal landscape maintenance of premises when placed according to the following specifications:

- (a) Tree branches, leaves, and grass clippings shall be placed beside the street;
- (b) Tree branches shall be no larger than four inches in diameter and eight feet in length;
- (c) Tree stumps may not exceed 150 pounds; and

(d) Tree branches, leaves, and other refuse shall be placed in separate piles.

(2) All persons engaged in the business of building, land clearing, tree removal, and stump grinding, while operating on public or private property, shall be responsible for removing all rubbish which they create.

(D) *Vacant lots.* No collection shall be made from vacant lots. However, in certain special cleanup periods designated by the Town Commissioners, this section may be waived by the Public Works Director.

(E) *Fees.*

(1) Fees for residential and business refuse collection shall be in accordance with the rates and penalties as are from time to time adopted by the Town Board. The charges shall be added to each customer's water bill and payments shall be credited first to the refuse collection fee.

(2) In addition to other remedies provided by law and this code, service may also be discontinued to any customer whose account remains delinquent. The term *DELINQUENT* shall have the same meaning as that term is defined in the Water Use Ordinance of the town.

(Prior Code, § 51.20) (Ord. passed 7-1-1991; Ord. passed 4-7-2008) Penalty, see § 51.99

**§ 51.21 PREPARATION OF MATERIALS.**

(A) All refuse shall have the liquid drained therefrom before it is placed in the container for collection.

(B) All lids to containers shall fit tight after the containers are filled.

(C) The cover shall be kept on the containers at all times except when being filled or emptied.  
(Prior Code, § 51.21)

**§ 51.22 CONTAINER REGULATIONS.**

(A) *Requirements for residences; specifications; number required.*

(1) Every person occupying a house or other residence shall provide containers made of such materials as are approved by the Public Works Director. A list of approved containers shall be maintained and available for public inspection at the office of the Public Works Director.

(2) Each container shall be provided with handles and with a tight-fitting cover. Containers must not have more than a 35-gallon capacity unless an automatic container is used pursuant to division (B) below.

(3) Each home shall have a sufficient number of containers to hold the refuse until collected.

(B) *Automatic containers required where excess garbage.* In addition to those requirements set out in division (C) below, the owner or lessor of any premises, residential or otherwise, where refuse accumulates to the extent of more than four cans per collection shall be required to purchase an automatic container when notified in writing by the Public Works Director.

(C) *Commercial, industrial, business, and office building waste.*

(1) Commercial, industrial, business, and office buildings will be required to store their refuse in containers holding four, six, or eight cubic yards of refuse equivalent to their needs. New building construction sites must prepare concrete container pads for their occupants' use prior to final inspection and prior to a certificate of occupancy being issued. Size of the concrete pad will depend on location, size of container, and number of containers stored on the pads.

(2) The Public Works Director shall determine the location of the pads and containers and shall take into consideration the public safety and the area required for safely and conveniently maneuvering the refuse collection.

(3) With the approval of the Public Works Director, more than one establishment to which this section applies may combine to use one container or one pad when the volume of their refuse does not justify their each providing a container or where their location would justify a single pad for more than one container.

(4) If the Public Works Director should determine that an existing establishment or group of establishments are situated in such a location that it would be impractical for refuse collection or vehicles to service an automatic container, then the Superintendent may waive the requirements of this section.

(D) *Storage of cardboard boxes.* Persons occupying business buildings shall store cardboard boxes inside the building unless the boxes are stored in automatic containers.

(E) *Prohibited containers.* No wooden boxes, pails, or other wooden or cardboard containers shall be used for refuse nor shall any container not approved by the Public Works Director be used. If used, the containers shall be confiscated by the town. This provision applies to oversized containers and 55-gallon drums or parts thereof.

(Prior Code, § 51.22)

### § 51.23 PROHIBITED DAYS FOR COLLECTION.

No collection will be made of any refuse if placed on the streets after 10:00 a.m. on Friday or days preceding holidays.

(Prior Code, § 51.23)

**§ 51.99 PENALTY.**

(A) Violation of any of the provisions of this chapter shall be subject to a civil penalty as provided in § 10.99. Each day of continuing violation of this chapter shall constitute a separate offense.

(B) The provisions of this chapter shall in no way limit or restrict the town's enforcement of all remedies available at law.

(Ord. 2022-14, passed 4-5-2022)



## CHAPTER 52: WATER AND SEWERS

### Section

#### *General Provisions*

- 52.01 Connections required
- 52.02 Payment priority
- 52.03 Water Use Ordinance adopted
- 52.04 Sanitary Sewer Use Ordinance adopted

#### *Water Shortage Response Plan*

- 52.15 Purpose
- 52.16 Definitions
- 52.17 Plan implementation
- 52.18 Monitoring and enforcement
- 52.19 Violations; grievances
- 52.20 Variances
- 52.21 Effectiveness; revisions
- 52.22 Water use classifications
- 52.23 Interruption of services
- 52.24 Conservation measures

#### *Control of Backflow and Cross-Connections*

- 52.40 Cross-connection control
- 52.41 Definitions
- 52.42 Right of entry
- 52.43 Elimination of cross-connections
- 52.44 Installation assemblies
- 52.45 Testing and repair
- 52.46 Facilities requiring protection
- 52.47 Connections with unapproved sources of supply
- 52.48 Fire protection systems
- 52.49 Enforcement
  
- 52.99 Penalty

**GENERAL PROVISIONS****§ 52.01 CONNECTIONS REQUIRED.**

(A) Any owner of improved property located within the town limits and upon or within a reasonable distance of any water line or sewer collection line owned, leased, and operated by the town shall be required to connect his or her premises with the water line, sewer line, or both; except, pursuant to G.S. § 160A-317(a), in lieu of connection, there shall be a periodic availability charge not to exceed the minimum periodic charge for properties that are connected.

(B) Charges shall be made in accordance with the specifications and schedules of the town then in effect. Fees for water and sewer shall be on the same bill, and fees for stormwater and County Water and Sewer Authority charges and partial payment shall be applied in the order proscribed in § 52.02. Failure to pay a bill in full by the due date shall result in delinquency. In addition to any other remedy provided by law for collection of delinquent accounts, water or sewer services or both will be discontinued.

(C) Any connections shall be made in accordance with the specifications of the town, and it shall be unlawful for any person without authority from the town to make any excavation in any street or other right-of-way for the purpose of connecting with a water line or sewer line or for any other purpose.

(D) The town providing its water or sewer line at or within close proximity of the owner's property line shall be considered a **REASONABLE DISTANCE** as that term is used herein.

(Ord. 2017-104, passed 6-5-2017) Penalty, see § 52.99

**Statutory reference:**

*Related provisions, see G.S. § 160A-317(a)*

**§ 52.02 PAYMENT PRIORITY.**

(A) Any payment, whether in full or in part, shall be applied in the following numerical order:

- (1) Stormwater fee;
- (2) Sewer fee;
- (3) MCRWASA fee; and
- (4) Water fee.

(B) Any unpaid amount for any of these fees shall subject the utility customer to late fees and penalties, as defined with the Water and Sewer Ordinances of the town, and to discontinuance of services for an account remaining delinquent for more than ten days.  
(Ord. 2016-88, passed 6-6-2016)

**§ 52.03 WATER USE ORDINANCE ADOPTED.**

(A) The town's duly adopted Water Use Ordinance is adopted herein by reference as if set out in full. Any subsequent amendments to that ordinance shall be automatically and simultaneously incorporated into this chapter.

(B) The text of the Water Use Ordinance shall be maintained under separate cover in the office of the Town Administrator and shall be available for public inspection during regular business hours.  
(Prior Code, § 53.15) (Ord. 2009-7, passed 12-16-2009; Ord. 2015-80, passed 7-13-2015; Ord. 2016-85, passed 3-7-2016)

**§ 52.04 SANITARY SEWER USE ORDINANCE ADOPTED.**

(A) The town's duly adopted Sanitary Sewer Use Ordinance is adopted herein by reference as if set out in full. Any subsequent amendments to that ordinance shall be automatically and simultaneously incorporated into this subchapter.

(B) The text of the Sanitary Sewer Use Ordinance shall be maintained under separate cover in the office of the Town Administrator and shall be available for public inspection during regular business hours.  
(Prior Code, § 53.30)

***WATER SHORTAGE RESPONSE PLAN***

**§ 52.15 PURPOSE.**

The purpose of this subchapter is to ensure the availability of sufficient water supply, to preserve public health and safety, and to balance the availability and equitable distribution of limited potable water during drought or other adverse conditions. The subchapter provides for the declaration, monitoring, and enforcement of the official phases of a water shortage response plan during water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout the town's operation in the event a shortage is declared.  
(Prior Code, § 53.45) (Ord. 2010-12, passed 5-3-2010)

**§ 52.16 DEFINITIONS.**

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

**ALLOTMENT.** The maximum quantity of water allowed for each customer over any applicable period as established in the water conservation provisions of this subchapter.

**ANY WATER.** Any type of water including fresh water, brackish water, wastewater, or reclaimed water.

**BRACKISH WATER.** Water containing more than 1,000 parts per million of dissolved salts.

**CUSTOMER.** Any person using water for any purpose from the town's water distribution system and for which either a regular charge is made or, in the case of bulk sales, a cash charge is made at the site of delivery.

**EMERGENCY.** Water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.

**EXCESS USE.** The usage of water by a water customer in excess of the water allotment provided under the water conservation provisions of this subchapter for that customer over any applicable period.

**FRESH WATER.** Water withdrawn from surface or groundwater which has not been previously used other than brackish water.

**MANDATORY CONSERVATION.** Raw water supplies (such as stream flow, reservoir levels, or groundwater levels) are consistently below seasonal averages and, if they continue to decline, may not be adequate to meet normal needs.

**NONRESIDENTIAL CUSTOMER.** Commercial, industrial, institutional, public, and all other such users with the exception of hospitals and healthcare facilities.

**RECLAIMED WATER.** Wastewater which has been treated to allow reuse.

**RESIDENTIAL CUSTOMER.** Any customers who receive water service for a single or multi-family dwelling unit. The term **RESIDENTIAL CUSTOMER** does not include educational or other institutions, hotels, motel, or similar commercial establishments.

**SERVICE INTERRUPTION.** The temporary suspension of water supply or reduction of pressure below that required for adequate supply (to any customer), portion of a water supply, or entire system.

**VOLUNTARY CONSERVATION.** Conditions exist which indicate the potential for serious water supply shortages.

**WASTE OF WATER.** Includes, but is not limited to:

- (1) Permitting water to escape down a gutter, ditch, or other surface drain; or
- (2) Failure to repair a controllable leak of water due to defective plumbing.

**WASTEWATER.** Water which has been previously used for industrial, municipal, domestic, or other purposes and has not been returned to the surface or groundwater source.

**WATER.** Water available to the town treatment by virtue of its water rights or withdrawal permit or any treated water introduced by the town into its water distribution system including water offered for sale.

**WATER USE CLASSES.** Shall be established as written in § 52.22.  
(Prior Code, § 53.46) (Ord. 2010-12, passed 5-3-2010)

**§ 52.17 PLAN IMPLEMENTATION.**

(A) Several parameters or conditions may require the town to implement the water shortage response plan (WSRP). These include, but may not be limited to:

- (1) Significant reductions in well water levels;
- (2) A significant increase in pump run times for the predetermined total flow at the well(s);
- (3) Contaminants in the water system;
- (4) Acts of terrorism or vandalism;
- (5) Main breaks; and
- (6) Natural disasters.

(B) If the factors listed above reduce well water levels, increase pump run times, or, by any event or combination of events, significantly hinder the water system's capacity to adequately deliver water, WSRP phases will be enacted in the following order.

- (1) *Phase I.* Voluntary conservation will be enacted if a 20% reduction in normal well water levels is noted or if pump run times increase 20% in order to maintain previous rates or any other event which causes a 20% reduction in the water system's capacity.

(a) The Public Works Director or his or her designee shall, on a daily basis, monitor the supply and demand upon that supply. In addition, the Mayor or his or her agent is authorized to call upon all water customers to employ voluntary water conservation measures. Class 3 nonessential uses should be halted.

(b) Notification to employees and customers shall be publicized in a newspaper of general circulation in the area, the general news media, mailers, door hangers, public postings, or any other appropriate method.

(c) The town will terminate phase I activation at such time as the threat is no longer viewed as a significant threat to system operation. (See §§ 52.22 and 52.24.)

(2) *Phase II.* Mandatory conservation will be enacted if a 40% reduction in normal well water levels is noted or if pump run times increase 40% in order to maintain previous rates or any other event which causes a 40% reduction in the system's capacity.

(a) The town shall continue to encourage voluntary water conservation measures defined under the voluntary conservation declaration and, further, shall impose a ban on all Class 3 nonessential water uses.

(b) Notification shall follow the provisions outlined for voluntary conservation in division (B)(1)(a).

(c) Phase II activation will be terminated or phased down at such time as the threat is no longer viewed as a significant threat to system operation. (See § 52.22.)

(3) *Phase III.* A water shortage emergency will be enacted if a 60% reduction in normal well waters levels is noted or if pump run times increase 60% in order to maintain previous rates or any other event which causes a 60% reduction in the system's capacity.

(a) Class 1, essential uses, shall be identified, in specific, as targets for voluntary conservation initiatives. Also, all Class 2, socially or economically important uses, and Class 3, nonessential uses, shall be banned.

(b) If it is deemed necessary to further provide for the equitable distribution of critically-limited water supplies and assure that sufficient water is available to preserve public health and safety, more specific mandatory reduction measures may be enforced. Such measures may include mandatory usage reductions for businesses, household allotments based on the number of persons served, or temporary interruption of service.

(c) Under extreme conditions requiring mandatory reduction, the following measures will apply.

1. Residential customers may be allotted 1,000 gallons per month per person per connection.
2. The following surcharges will apply for customers exceeding allotted usage.

<i>Monthly Usage</i>	<i>Surcharge</i>
1,001 to 1,250 gallons/person/connection	25%
1,251 to 1,500 gallons/person/connection	75%
1,501 or more gallons/person/connection	150%

3. In order to maintain current water rates, commercial, industrial, and institutional facilities will be required to reduce their monthly water consumption by 25% of the previous 12-month water consumption average. Average water usage may be evaluated on an individual basis for customers with seasonal demand fluctuations.

<i>Water Use Increase/Reduction</i>	<i>Monthly surcharge</i>
Increase of 1 to 25%	100%
Increase of 25% or more	150%
<i>Water Use Increase/Reduction</i>	<i>Monthly surcharge</i>
Decrease of 0 to 9%	50%
Decrease of 10 to 24%	25%

(d) These restrictions shall continue until the emergency is ended by the Mayor. Notification shall follow the provisions outlined for voluntary conservation. Phase III activation will be terminated or phased down at such time as the threat is no longer viewed as a significant threat to system operation. (See §§ 52.22 and 52.23.)  
 (Prior Code, § 53.47) (Ord. 2010-12, passed 5-3-2010)

**§ 52.18 MONITORING AND ENFORCEMENT.**

The town’s Administrative Office and Public Works Department will have primary responsibility for monitoring compliance with the water conservation measures. Enforcement of these water shortage measures shall be enforced by the town through the Public Works and Police Department personnel. Suspected violations may be reported to the Town Office by phone at (252) 792-5145 or by contacting the Town Public Works Department at (252) 792-1024.  
 (Prior Code, § 53.48) (Ord. 2010-12, passed 5-3-2010)

**§ 52.19 VIOLATIONS; GRIEVANCES.**

Any customer or other person aggrieved by a decision or action imposing a civil penalty or other remedy for noncompliance with the requirements of this subchapter may file a complaint by calling Town Hall and issuing such complaints with the Town Administrator. The Town Administrator shall provide an opportunity for the customer or aggrieved party to rebut the finding of a violation or provide evidence of circumstances beyond the customer's control which resulted in the violation. A record of evidence regarding disputed violations shall be kept, and a written notice of the town's final decision and action in such cases shall be provided to the customer or aggrieved party.

(Prior Code, § 53.49) (Ord. 2010-12, passed 5-3-2010)

**§ 52.20 VARIANCES.**

(A) Applications for water use variance requests are available from the Town Hall. All applications must be submitted to the Town Hall for review by the Town Administrator or his or her designee. A decision to approve or deny variance requests will be determined within two weeks of submittal.

(1) *Residential*. If the mandated reductions in water usage cannot be obtained without imposing extraordinary hardship for individual customers, as in the case of special health-related requirements, a revised reduction requirement for the particular customer may be established.

(2) *Nonresidential*. If the mandated reductions in water usage cannot be obtained without imposing extraordinary hardship which threatens health and safety, the nonresidential customer may apply to the town for a variance. For these purposes, ***EXTRAORDINARY HARDSHIP*** means a permanent damage to property or an economic loss which is substantially more severe than the sacrifices borne by other water users subject to the water conservation ordinance codified herein. If the reduction would cause an extraordinary hardship or threaten health or safety, a variance may be granted by the Town Administrator, and a revised water use reduction requirement for the particular customer may be established.

(B) Any person aggrieved by a decision relating to such a variance may file a complaint by calling Town Hall and requesting the Board of Commissioner's consideration of such complaint.

(Prior Code, § 53.50) (Ord. 2010-12, passed 5-3-2010)

**§ 52.21 EFFECTIVENESS; REVISIONS.**

The effectiveness of this plan will be evaluated following implementation, or every five years, through observation and comparison of the conservation goals and actual water use reduction data as well as reduction needs versus the frequency of plan implementation, number of violations, violation resolution, and reduction attained relative to previous usage.

(Prior Code, § 53.51) (Ord. 2010-12, passed 5-3-2010)

**§ 52.22 WATER USE CLASSIFICATIONS.**

(A) *Class 1, essential water uses.*

(1) *Domestic use.* Water necessary to:

- (a) Sustain human life and the lives of domestic pets; and
- (b) Maintain minimum standards of hygiene and sanitation.

(2) *Healthcare facilities.* Patient care and rehabilitation including swimming pools used for patient care and rehabilitation.

(3) *Public use.*

(a) Fire hydrants used for:

- 1. Firefighting; and
- 2. Certain testing and drills by the Fire Department if performed in the interest of the public safety and if approved by the Mayor or his or her designee.

(b) Flushing of sewers and hydrants shall be as needed to ensure public health and safety and if approved by the Mayor or his or her designee.

(B) *Class 2, socially or economically important uses of water.*

(1) All domestic uses other than those included in Classes 1 and 3:

- (a) Home water use including kitchen, bathroom, and laundry use;
- (b) Minimal watering of vegetable gardens; and
- (c) Watering of trees where necessary to preserve them.

(2) Commercial, agricultural, industrial, and institutional uses:

- (a) Outdoor commercial watering (public or private) using conservation measures and to the extent that sources of water (other than fresh water) are not available to use;
- (b) Irrigation for commercial vegetable gardens and fruit orchards or the maintenance of livestock;
- (c) Watering by commercial nurseries at a minimum level necessary to maintain stock;

(d) Water use by arboretums and public gardens of national, state, or regional significance where necessary to preserve specimens;

(e) Use of fresh water at a minimum rate necessary to implement vegetation following earth-moving, where such vegetation is required by law or regulation;

(f) Watering of golf course greens;

(g) Filling and operation of swimming pools including:

1. Residential pools which serve more than 25 dwelling units; and
2. Municipal pools.

(h) Commercial car and truck washes;

(i) Commercial laundromats;

(j) Restaurants, clubs, and eating places;

(k) Air conditioning:

1. Refilling for start up at the beginning of the cooling season;
2. Make-up of water during the cooling season; and

3. Refilling specifically approved by health officials and the town governing body, where the system has been drained for health protection or repair purposes.

(l) Schools, churches, motels/hotels, and similar commercial establishments.

(C) *Class 3, nonessential uses of water.*

(1) Ornamental purposes such as fountains, reflecting pools, and artificial waterfalls;

(2) Outdoor noncommercial watering (public or private):

(a) Gardens, lawns, parks, golf courses (except greens), playing fields, and other recreational areas;

(b) Filling and operation of recreational swimming pools serving fewer than 25 dwellings;

(c) Noncommercial washing of motor vehicles;

(d) Serving water in restaurants, clubs, or eating places except by specific request; and

(e) Air conditioning and refilling cooling towers after draining except as specified in Class 1.

(3) Public uses such as fire hydrants (for any purpose, including use of sprinkler caps and testing fire apparatus and for Fire Department drills, except as listed in Class 1). (Prior Code, § 53.52) (Ord. 2010-12, passed 5-3-2010)

**§ 52.23 INTERRUPTION OF SERVICES.**

The following provisions shall govern the implementation of temporary service interruptions.

(A) In order to effectuate compliance with this subchapter, the town is hereby authorized and required to plan and implement temporary service interruption to all or part of its water supply system, as may be deemed appropriate, when any and/or all of the following conditions are determined to exist:

(1) The mandated reduction in system-wide usage has not been achieved;

(2) The mandated reduction in system-wide water usage has been achieved but has failed to have a significant impact in extending limited water supplies; and/or

(3) Temporary service interruptions are necessary in order to further extend limited and/or dwindling water supplies.

(B) In the event it is determined that temporary service interruptions are necessary, the town shall notify its customers through the public media (newspapers, radio, and television), at least one day prior to the temporary service interruptions that a planned, temporary service interruption is to be imposed. Such notice shall:

(1) State the day or days when the planned, temporary service interruption will occur;

(2) State the time(s) when such planned, temporary service interruptions will commence, and the time(s) such interruption will cease;

(3) State whether the planned, temporary service interruptions are to be imposed on the entire system or part thereof and (if only part(s) of the system will experience planned, temporary service interruptions) identify geographic boundaries within which such interruptions will occur; and

(4) Advise all customers within the areas affected by planned, temporary service interruptions how to treat any water received from the system for human consumption during the period(s) of such interruptions and for such additional time as may be necessary until full pressure is restored to the system.

(C) If a planned, temporary service interruption is imposed as authorized and required by this subchapter, the town must provide for the continued delivery of water to healthcare facilities within the area(s) affected by such interruptions by means of any adequate, alternative delivery measures that may be necessary.

(D) If a planned, temporary service interruption is implemented, the town must make provisions, by any means possible, for the continued delivery of such water as may be necessary for the proper operation of sewage collection, treatment, and disposal systems and facilities.

(E) Meter reading schedules are authorized to be altered to assure adequate monitoring of compliance with this subchapter.

(F) Any customer or other person aggrieved by a decision or action imposing an excess-use civil penalty or other remedy for noncompliance with the requirements of this subchapter may file a complaint with the Town Administrator and be provided an opportunity for the customer or aggrieved party to rebut the finding of a violation or provide evidence of circumstances beyond the customer's control which resulted in the violation. A record of evidence regarding disputed violations shall be kept, and a written notice of the town's final decision and action in such cases shall be provided to the customer or aggrieved party.

(Prior Code, § 53.53) (Ord. 2010-12, passed 5-3-2010)

#### § 52.24 CONSERVATION MEASURES.

The town shall direct users to adopt the following conservation measures.

(A) *Indoor residential use.*

(1) *Conservation for voluntary and mandatory conservation phases.*

(a) Use dishwashers only when they are full. Wash dishes by hand, and do not let the tap run. This saves about 25 gallons.

(b) Adjust water level on clothes washing machines, if possible. Use full loads only, if not adjustable.

(c) Turn off faucets while brushing teeth and the like. This saves about five gallons per day.

(d) Reduce water used per flush by installing toilet tank displacement inserts. A plastic jug may often be used as an alternative. Do not use bricks; they disintegrate when soaked and result in grit hinders closing of the flap valve.

(e) Do not use the toilet as a trash can.

(f) Use sink and tub stoppers to avoid wasting water.

(g) Keep a bottle of chilled water in the refrigerator for drinking.

(h) Find and fix leaks in faucets and water-using appliances. Faucets can usually be fixed cheaply and quickly by replacing washers.

(i) Adapt plumbing with flow-restricting or other water-saving devices. These are usually inexpensive and easy to install.

(j) Learn to read water meters to judge how much water is used and what difference conservation makes.

(k) Take shorter showers and shallow baths. This saves about 25 gallons.

(l) Reduce the number of toilet flushes per day. Each flush uses about five gallons (two to three if water-saving toilets are used).

(m) Do not use a garbage disposal.

(n) Use non-phosphate detergent and save laundry water for lawns and plant.

(2) *Conservation for emergency conservation or conservation; in addition to measures listed above.*

(a) Turn off showers while soaping up.

(b) Use disposable eating utensils.

(B) *Outdoor residential use.*

(1) *Conservation for normal conditions and voluntary conservation phase.*

(a) *Lawns.*

1. Water before 10:00 a.m. to prevent evaporation which occurs during the hottest part of the day. Morning is better than evening, which is when the dampness encourages growth of fungus.

2. Water only when lawns show signs of wilt. Grass that springs back when stepped on does not need water.

3. Water thoroughly, not frequently, long enough to soak roots. A light sprinkling evaporates quickly and encourages shallow root systems. Water slowly to avoid runoff.

4. Don't let the sprinkler run any longer than necessary. In an hour, 600 gallons can be wasted.
5. Allow maximum of one inch of water per week on lawns. To measure, place cake tins outside to collect rain and water from sprinklers.
6. Use pistol-grip nozzles on hoses to avoid waste when watering flowers and shrubs.
7. Aerate lawns by punching holes six inches apart. This allows water to reach roots rather than run off surfaces.
8. Position sprinklers to water the lawn, not the pavement.
9. Avoid watering on windy days when the wind not only blows water off target, but also causes excess evaporation.
10. Keep sprinkler heads clean to prevent uneven watering.
11. Adjust hose to simulate a gentle rain. Sprinklers that produce a fine mist wastewater through evaporation.
12. Know how to turn off an automatic sprinkler system in case of rain.
13. Use an alarm clock or stove timer as a reminder to turn off sprinklers that do not have timers.

(b) *Vegetable and flower gardens.*

1. Water deeply, slowly, and weekly. Most vegetables require moisture to a depth of six to eight inches.
2. Keep soil loose so water can penetrate easily.
3. Keep weeds out to reduce competition for water.
4. Put the water where needed and avoid evaporation by using soil-soakers or slow-running hoses, not sprinklers.

(c) *Trees and shrubs.*

1. Water deeply using a soil-soaker or drip-irrigation.
2. Water only when needed. Check the depth of soil dryness by digging with a trowel.

3. Mulch to reduce evaporation. A two-inch to three-inch layer of wood chips, pine needles, grass clippings, or straw keeps the soil cool in summer.
4. Dig troughs around plants to catch and retain water.
5. Water trees growing in full sun more often than those in shade.
6. Do not use sprinklers. Apply water directly at base.
7. Do not fertilize during the summer. Fertilizing increases a plant's need for water.
8. Postpone planting until fall or spring when there is generally less need for water.
9. Install trickle-drip irrigation systems close to the roots of plants. By dripping water slowly, the system does not spray water in to the air. Use soil probes for large trees.
10. Water when cloudy, at night, or even when a light rain is falling.

(2) *Conservation for voluntary conservation phase; in addition to measures listed above.*

- (a) Do not allow children to play with hose or sprinklers.
- (b) Limit car washing.
- (c) Be ready to catch rainfall that occurs. Place containers under drain sprouts.
- (d) Use leftover household water if available.
- (e) Consider delaying the seeding or sodding of new lawns.
- (f) Determine the amount of water being used outdoors by comparing water bills for summer and winter.

(3) *Conservation for mandatory conservation phase; in addition to measure listed above.*

- (a) Vegetable gardens and food trees should be given minimal amounts of water on an individual basis only.
- (b) Do not water lawns and inedible plants.
- (c) Do not use sprinklers.
- (d) Most outdoor watering is prohibited under emergency conservation conditions.

(C) *Hospital and healthcare facility use.*

(1) Reduce laundry usage or services by changing bed linens and the like only when necessary to preserve the health of patients or residents.

(2) Use disposable food service items.

(3) Eliminate, postpone, or reduce, as they may be appropriate, elective surgical procedures during the period of emergency.

(D) *Industrial use.*

(1) Identify and repair all leaky fixtures and water-using equipment. Give special attention to equipment connected directly to water lines such as processing machines, steam-using machines, washing machines, water-cooled air conditioners, and furnaces.

(2) Assure that valves and solenoids that control water flows are shut off completely when the water-using cycle is not engaged.

(3) Adjust water-using equipment to use the minimum amount of water required to achieve its stated purpose.

(4) Shorten rinse cycles for laundry machines as much as possible; implement lower water levels wherever possible.

(5) For processing, cooling, and other uses, either reuse water or use water from sources that would not adversely affect public water supplies.

(6) Advise employees, students, patients, customers, and other users not to flush toilets after every use. Install toilet tank displacement inserts; place flow restrictors in shower heads and faucets; close down automatic flushes overnight.

(7) Install automatic flushing valves to use as little water as possible or to cycle at longer intervals.

(8) Place water-saving posters and literature where employees, students, patients, customers, and the like will have access to them.

(9) Check meters on a frequent basis to determine consumptive patterns.

(10) Review usage patterns to see where other savings can be made.

(Prior Code, § 53.54) (Ord. 2010-12, passed 5-3-2010)

***CONTROL OF BACKFLOW AND CROSS-CONNECTIONS*****§ 52.40 CROSS-CONNECTION CONTROL.*****(A) Introduction.***

(1) The purpose of this subchapter is to define the town as the water purveyor in the elimination of all cross-connections within its public potable water supply.

(2) This subchapter shall apply to all consumers connected to the town's public potable water supply.

(3) This subchapter will comply with the Federal Safe Drinking Water Act (Pub. Law No. 93-523), the North Carolina Administrative Code (Title 15A, Subchapter 8C), and the State Building Code (Volume II) as they pertain to cross-connections with the public water supply.

(4) In accordance with G.S. § 162A-9.1, the town is authorized and empowered to adopt this subchapter.

***(B) Objective.*** The specific objectives of this subchapter are as follows:

(1) To protect the public potable water supply of the town from the possibility of contamination or pollution by isolating within the consumer's water system such contaminants, waterborne health hazards and other significant pollutants which could backflow into the public water system;

(2) To eliminate or control existing cross-connections, actual or potential, between the consumer's potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping systems; and

(3) To provide a continuing inspection program of cross-connection control which will systematically and effectively control all actual or potential cross-connections which may be installed in the future.

***(C) Designation of responsibility.******(1) Health agency's responsibility.***

(a) The North Carolina Department of Environment Quality (Division of Water Resources) has the responsibility for promulgating and enforcing laws, rules, regulations, and policies applicable to all water purveyors in the state in carrying out an effective cross-connection control program.

(b) The Division of Water Resources also has the primary responsibility of ensuring that the water purveyor operates a public potable water system free of actual or potential sanitary hazards including unprotected cross-connections. The Division of Water Resources also has the responsibility of ensuring that the water purveyor provides an approved water supply at the service connection to the consumer's water system and, further, that the purveyor requires the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required.

(2) *Town's responsibility.*

(a) Except as otherwise provided herein, the town is the water purveyor and is responsible for ensuring a safe water supply begins at the source and includes all of the public water distribution system, including the service connection, and ends at the point of delivery to the consumer's water systems. In addition, the town shall exercise reasonable vigilance to ensure that the consumer has taken the proper steps to protect the public potable water system. The town will determine the degree of hazard or potential hazard to the public potable water system, the degree of protection required, and will ensure proper containment protection through an on-going inspection program. The town will identify all facilities where approved backflow prevention assemblies are required to be installed.

(b) When it is determined that a backflow prevention assembly is required for the protection of the public system, the town shall require the consumer, at the consumer's expense, to install an approved backflow prevention assembly at service connection, to test immediately upon installation and thereafter at frequency as determined by the town, to properly repair and maintain assembly or assemblies and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts.

(3) *Public Works Department's responsibility.*

(a) The Public Works Department's Water System ORC, inspector and other Department personnel, and the County Building Inspector have the responsibility to not only review building plans and inspect plumbing as it is installed, but they have the explicit responsibility of preventing cross-connections from being designed and built into the plumbing system within their jurisdiction. Where the review of building plans suggests or detects the potential for cross-connections being made an integral part of the plumbing system, these personnel have the responsibility, under the State Plumbing Code, Volume II and/or Building Code, for requiring that such cross-connections be either eliminated or provided with backflow prevention equipment approved by the State Plumbing and/or Building Code.

(b) The inspection responsibility begins at the point of delivery downstream of the first installed backflow prevention assembly and continues throughout the entire length of the consumer's water system. The inspector should inquire about the intended use of water at any point where it is suspected that a cross-connection might be made or where one is actually called for by the plans. When such is discovered it shall be mandatory that a suitable, approved backflow prevention assembly approved by the State Plumbing Code, Volume II and/or Building Code, North Carolina Department of Environmental Quality and the town be required by the plans and be properly installed.

(c) As prescribed under 15A NCAC 18C .0406(b)(7), each supplier of water shall notify the Department of any known incident of backflow into the public water system that creates a risk of contamination as soon as practical upon discovery of the incident but no later than the end of the next business day.

(4) *Consumer's responsibility.*

(a) As prescribed under 15A NCAC 18C .0406(b), no person shall construct, maintain, or operate a physical arrangement whereby a public water system has a cross-connection with the use of proper backflow protection.

(b) As prescribed under 15A NCAC 18C .0406(b)(1), no person shall introduce any water into the distribution system of a public water supply through any means other than from a source of supply duly approved by the Department or its representatives or make any physical connection between an approved supply and unapproved supply unless authorized in an emergency by the Department or its representative.

(c) The consumer has the primary responsibility of preventing pollutants and contaminants from entering his or her potable water system or the public potable water system. The consumer's responsibility starts at the point of delivery from the public potable water system and includes all of his or her water system. The consumer, at his or her expense, shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the town. The consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of three years. The records shall be on forms approved by the town and shall include the list of materials or replacement parts used. Following any repair, overhaul, repiping, or relocation of an assembly, the consumer shall have it tested to ensure that it is in good operating condition and will prevent backflow. Tests, maintenance, and repairs of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester.

(5) *Certified backflow prevention assembly tester's responsibility.* When employed by the consumer to test, repair, overhaul, or maintain backflow prevention assemblies, a certified backflow prevention assembly tester (tester) will have the following responsibilities:

(a) The tester will be responsible for making competent inspections and for repairing, or overhauling backflow prevention assemblies and making reports of such repair to the consumer and the town on forms approved by the town. The tester shall include the list of materials or replacement parts used. The tester shall be equipped with and be competent to use all the necessary tools, gauges, manometers, and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies. It will be the tester's responsibility to ensure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention assembly. It will be the tester's further responsibility not to change the design, material, or operational characteristics of an assembly during repair or maintenance without prior approval of the town. A tester shall perform the work and be responsible for the competency and accuracy of all tests and reports. The tester shall provide a copy of

all test and repair reports to the consumer and to the town within ten business days of any completed test or repair work. A tester shall maintain such records for a minimum period of three years; and

(b) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by the town. All test equipment shall be registered with the town. All test equipment shall be checked for accuracy annually (at a minimum), calibrated, if necessary, and certified to the town as to such calibration, employing an accuracy/calibration method acceptable to the town.

(Ord. 2023-03, passed 2-6-2023) Penalty, see § 52.99

#### § 52.41 DEFINITIONS.

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

***AIR GAP.*** A physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An approved ***AIR GAP*** shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel, in no case less than one inch (2.54 cm).

***APPROVED CHECK VALVE.*** A check valve that is drip-tight in the normal direction of flow when the inlet pressure is at least one psi and the outlet pressure is zero. The ***CHECK VALVE*** shall permit no leakage in a direction reversed to the normal flow. The closure element (such as, clapper, poppet, or other design) shall be internally loaded to promote rapid and positive closure. An ***APPROVED CHECK VALVE*** is only one component of an approved backflow prevention assembly, for example, pressure vacuum breaker, double-check valve assembly, double-check detector assembly, reduced pressure principle assembly, or reduced pressure detector assembly.

***ATMOSPHERIC TYPE VACUUM BREAKER (NON-PRESSURE TYPE VACUUM BREAKER).*** A device containing a float-check, a check seat, and an air inlet port. The flow of water into the body causes the float to close the air inlet port. When the flow of water stops, the float falls and forms a check valve against back-siphonage and at the same time, opens the air inlet port to allow air to enter and satisfy the vacuum. A shut-off valve immediately upstream may be an integral part of the device. An ***ATMOSPHERIC VACUUM BREAKER*** is designed to protect against a non-health hazard (isolation protection only) under a back-siphonage condition only.

***AUXILIARY WATER SUPPLY.*** Any water supply on or available to the premises other than the purveyor's approved public water supply will be considered as an ***AUXILIARY WATER SUPPLY***. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

**BACKFLOW.** The undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources. See terms **BACKPRESSURE** and **BACK-SIPHONAGE**.

**BACKFLOW PREVENTION ASSEMBLY.** An assembly used to prevent backflow into a consumer or public potable water system. The type of assembly used should be based on the degree of hazard either existing or potential (as defined herein). The types are:

- (1) Double-check valve assembly (DCVA);
- (2) Double-check detector assembly (fire system) (DCDA);
- (3) Pressure vacuum breaker (PVB);
- (4) Reduced pressure principle assembly (RP); and
- (5) Reduced pressure principle-detector assembly (fire system) (RPDA).

**BACKPRESSURE.** Any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

**BACK-SIPHONAGE.** A form of backflow due to a reduction in system pressure which causes a sub-atmospheric pressure to exist at a site in the water system.

**CERTIFIED BACKFLOW PREVENTION ASSEMBLY TESTER.** A person who has proven their competency to the satisfaction of the town. Each person who is certified to make competent tests, or to repair, overhaul, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations, shall be a licensed plumber or have at least two years' experience under and be employed by a state licensed plumber or plumbing contractor, or have equivalent qualifications acceptable to the town, and must hold a certificate of completion from an approved training program in the testing and repair of backflow prevention assemblies.

**CONSUMER.** Any person, firm, or corporation using or receiving water from the town water system.

**CONSUMER'S POTABLE WATER SYSTEM.** The portion of the privately-owned potable water system lying between the point of delivery and point of use and/or isolation protection. This **SYSTEM** will include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, or use potable water.

**CONSUMER'S WATER SYSTEM.** Any water system commencing at the point of delivery and continuing throughout the consumer's plumbing system located on the consumer's premises, whether

supplied by public potable water or an auxiliary water supply. The systems may be either a potable water system or an industrial piping system.

**CONTAINMENT.** Preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

**CONTAMINATION.** An impairment of the quality of the water which creates a potential or actual hazard to the public health through the introduction of hazardous or toxic substances or waterborne health hazards in the form of physical or chemical contaminants or biological organisms and pathogens.

**CROSS-CONNECTION.** Any unprotected actual or potential connection or structural arrangement between a public or a consumer's water system and any other source or system through which it is possible to introduce any contamination or pollution, other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be **CROSS-CONNECTIONS**.

**DEGREE OF HAZARD.** Derived from the evaluation of conditions within a system which can be classified as either a pollutional (non-health) or a contaminations (health) hazard.

**DOUBLE-CHECK-DETECTOR ASSEMBLY.** A specially designed assembly composed of a line-size approved double-check valve assembly with a specific bypass water meter and a meter-sized approved double-check valve assembly. The meter shall register (in U.S. gallons) accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall only be used to protect against a non-health hazard (such as, pollutant). Device must be approved by Foundation for Cross-connection Control and Hydraulic Research.

**DOUBLE-CHECK VALVE ASSEMBLY.** An assembly composed of two independently acting, approved check valves, including tightly closing shut-off valves attached at each end of the assembly and fitted with properly located test cocks. This **ASSEMBLY** shall only be used to protect against a non-health hazard (such as, pollutant). Device must be approved by Foundation for Cross-Connection Control and Hydraulic Research.

**HEALTH AGENCY.** The State Department of Environmental Quality.

**HEALTH HAZARD.** An actual or potential threat of contamination of a physical, chemical, biological, pathogenic, or toxic nature to the public or consumer's potable water system to such a degree or intensity that there would be a danger to health. Examples of waterborne **HEALTH HAZARDS** include, but are not limited to:

- (1) Physical - radioisotopes/radionuclides;
- (2) Chemical - lead, mercury, and other heavy metals, organic compounds, other toxins, and hazardous substances; or

(3) Biological - microorganisms and pathogens like cryptosporidium, typhoid, cholera, and E. Coli.

**INDUSTRIAL FLUIDS.** Any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, or non-health hazard if introduced into a public or consumer potable water system. Such fluids may include, but are not limited to: process waters; chemicals in fluid form; acids and alkalis; oils, gases; and the like.

**INDUSTRIAL PIPING SYSTEM.** A system used by the consumer for transmission, conveyance, or storage of any fluid, solid, or gaseous substance other than an approved water supply. Such a **SYSTEM** would include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, or store substances which are or may be polluted or contaminated.

**ISOLATION.** The act of confining a localized hazard within a consumer's water system by installing approved backflow prevention assemblies. Disclaimer: the town may make recommendations, upon facility inspection, as to the usage's of **ISOLATION** devices/assemblies, but does not assume or have responsibility whatsoever for such installations.

**NON-HEALTH HAZARD.** An actual or potential threat to the quality of the public or the consumer's potable water system. A **NON-HEALTH HAZARD** is one that, if introduced into the public water supply system, could be a nuisance to water customers but would not adversely affect human health.

**POINT OF DELIVERY.** Generally be at the back side of the meter, adjacent to the public street where the town's water distribution mains are located. The consumer shall be responsible for all water piping and control devices located on the consumer's side of the **POINT OF DELIVERY**.

**POLLUTION.** An impairment of the quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

**POLLUTIONAL HAZARD.** An actual or potential threat to the quality or the potability of the public or the consumer's potable water system but which would not constitute a health or a system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances

**POTABLE WATER.** Water from any source which has been approved for human consumption by the North Carolina Department of Environmental Quality (NCDEQ).

**PRESSURE TYPE VACUUM BREAKER.** An assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the

discharge side of the check valve. The assembly is to be equipped with properly located test cocks and tightly closing shutoff valves attached at each end of the assembly. This assembly is designed to protect against a health hazard (such as, contaminant) under a back-siphonage condition only.

***PUBLIC POTABLE WATER SYSTEM.*** Any publicly- or privately-owned water system operated as a public utility, under a current NCDEQ permit, to supply water for public consumption or use. This ***SYSTEM*** will include all sources, facilities, and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store a potable water for public consumption or use.

***REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY.***

(1) An assembly containing within its structure a minimum of two independently acting, approved check valves, together with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and at the same time below the first check valve. The first check valve reduces the supply pressure to a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the pressure differential relief valve, by discharge to atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure.

(2) The unit shall include tightly closing shutoff valves located at each end of the assembly and each assembly shall be fitted with properly located test cocks. The ***ASSEMBLY*** is designed to protect against a health hazard (such as, contaminant). Device must be approved by Foundation for Cross-Connection Control and Hydraulic Research.

***REDUCED PRESSURE PRINCIPLE-DETECTOR ASSEMBLY.*** A specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a specific bypass water meter and a meter-sized approved reduced pressure principle backflow prevention assembly. The meter shall register (in U.S. gallons) accurately for only very low rates of flow and shall show a registration for all rates of flow. This ***ASSEMBLY*** shall be used to protect against health hazard (such as, contaminant). Device must be approved by Foundation for Cross-Connection Control and Hydraulic Research.

***SERVICE CONNECTIONS.*** The terminal end of a ***SERVICE CONNECTION*** from the public potable water system, such as, where the town loses jurisdiction and control over the water at its point of delivery to the consumer's water system.

***UNAPPROVED WATER SUPPLY.*** A ***WATER SUPPLY*** which has not been approved for human consumption by the NCDEQ.

***USED WATER.*** Any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

**WATER PURVEYOR.** The consumer or operator of a public potable water system providing an approved water supply to the public.  
(Ord. 2023-03, passed 2-6-2023)

**§ 52.42 RIGHT OF ENTRY.**

(A) Upon presentation of proper credentials and identification, authorized representatives from the town shall have the right to enter any building, structure, or premises during normal business hours, or at any time during the event of an emergency to perform any duty imposed by this subchapter. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected to the public water supply. Where a consumer has security measures in force which would require proper identification and clearance before entry into their premises, the consumer shall make necessary arrangements with the security guards so that upon presentation of suitable identification, the town personnel will be permitted to enter without delay for the purpose of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service.

(B) On request, the consumer shall furnish to the town any pertinent information regarding the water supply system on such property where cross-connections and backflow are deemed possible.  
(Ord. 2023-03, passed 2-6-2023)

**§ 52.43 ELIMINATION OF CROSS-CONNECTIONS.**

(A) When cross-connections are found to exist, the owner, his or her agent, occupant, or tenant will be notified in writing to disconnect the same within the time limit established by the town. The degree of protection required and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water supply system. If, in the judgment of the town, an imminent health hazard exists water service to the building or premises where a cross-connection exists may be terminated unless an air gap is immediately provided, or the cross-connection is immediately eliminated. The maximum time limits are as follows.

(B) Cross-connections with private wells or other auxiliary water supplies require immediate disconnection.

(C) All facilities which pose a potential health hazard to the potable water system must have a reduced pressure principle backflow prevention assembly within 60 days of notification by the town.

(D) Any industrial and commercial facilities not identified as a health hazard shall be considered non-health hazard facilities. All non-health hazard facilities must install a double-check valve assembly within 90 days of notification by the town.

(E) Water mains served by the town but not maintained by the town shall be considered cross-connections, with degree of hazard to be determined by the town. Degree of protection shall be based upon the degrees of hazard, as determined by the town.

(F) In the event that town personnel do not have sufficient access to every portion of a private water system (such as, classified research and development facilities; federal government property) to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principal backflow prevention assembly shall be required as a minimum of protection.

(G) No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals or their residues from the public water system except at an town-approved location equipped with an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the public water supply.

(Ord. 2023-03, passed 2-6-2023) Penalty, see § 52.99

#### **§ 52.44 INSTALLATION OF ASSEMBLIES.**

(A) All backflow prevention assemblies shall be installed in accordance with the specifications furnished by the town and/or in the latest edition of the State Plumbing Code, Volume II and/or Building Code, whichever is most restrictive.

(B) All new construction plans and specifications, when required by the State Plumbing Code and/or Building Code and the State Division of Water Resources, shall be made available to the town for review and approval and to determine the degree of hazard.

(C) Ownership, testing, and maintenance of the assembly shall be the responsibility of the consumer.

(D) All double-check valve assemblies must be installed in drainable pits wherever below ground installation is necessary, in accordance with detailed specifications provided by the town. Double-check valve assemblies may be installed in a vertical position with prior approval from the town; provided the flow of water is in an upward direction.

(E) Reduced pressure principal backflow prevention assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstance. Pit and/or below grade installations are prohibited.

(F) The installation of any backflow prevention assembly which is not approved by the town must be replaced by one which is approved by the town.

(G) The consumer is responsible to make sure a backflow prevention assembly is working properly upon installation and is required to furnish the following information to the town within 15 days after

a reduced pressure principle backflow preventer (RP), double-check valve assembly (DCVA), pressure vacuum breaker (PVB), double-check-detector assembly (DCDA), or reduced pressure principle detector assembly (RPDA) is installed:

- (1) Service address where assembly is located;
- (2) Owner (and address, if different from service address);
- (3) Description of assembly's location;
- (4) Date of installation;
- (5) Installer (include name, plumbing company represented and plumber's license number);
- (6) Type of assembly and size of assembly;
- (7) Manufacturer, model number, and serial number; and
- (8) Test results/report.

(H) When it is not possible to interrupt water service, provisions shall be made for a parallel installation of backflow prevention assemblies. The town will not accept an unprotected bypass around a backflow preventer.

(I) Upon notification by the town, the consumer shall install the appropriate containment assembly not to exceed the following time frame:

- (1) Health hazard: 60 days; or
- (2) Non-health hazard: 90 days.

(J) Following installation, all RP, DCVA, PVB, DCDA, and RPDA are required to be tested by a certified backflow prevention assembly tester within ten days.

(Ord. 2023-03, passed 2-6-2023) Penalty, see § 52.99

#### **§ 52.45 TESTING AND REPAIR OF ASSEMBLIES.**

(A) Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester approved by the town. Such tests are to be conducted upon installation and annually thereafter or at a frequency established by the town. A record of all testing and repairs is to be retained by the consumer. Copies of the records must be provided to the town within ten business days after the completion of any testing, and/or repair work.

(B) Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing, or routine inspection by the consumer or by the town, these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:

- (1) Health hazard facilities: seven days; or
- (2) Non-health hazard facilities: 21 days.

(C) All backflow prevention assemblies with test cocks are required to be tested annually or at a frequency established by the town.

(D) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by the town. All test equipment shall be registered with the town and shall be checked for accuracy annually (at a minimum), calibrated if necessary, and certified to the town as to such accuracy/calibration, employing a calibration method acceptable to the town (see § 52.40(C)(5)).

(E) It shall be unlawful for any consumer or certified backflow prevention assembly tester to submit any record to the town which is false or incomplete in any material respect. It shall be unlawful for any consumer or certified tester to fail to submit to the town any record which is required by this subchapter. Such violations may result in any of the enforcement actions outlined in § 52.49. (Ord. 2023-03, passed 2-6-2023) Penalty, see § 52.99

**§ 52.46 FACILITIES REQUIRING PROTECTION.**

(A) Approved backflow prevention assemblies shall be installed on the service line to any facility that the town has identified as having a potential for backflow. The following types of facilities or services have been identified by the town as having a potential for backflow of non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly may be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the town. As a minimum requirement, all commercial services will be required to install a double-check valve assembly, unless otherwise listed below.

<i>Abbreviations</i>	
AG	Air gap
DCDA	Double-check detector assembly
DCVA	Double-check valve assembly

<i>Abbreviations</i>	
PVB	Pressure vacuum breaker
RP	Reduced pressure principle assembly
RPDA	Reduced pressure detector assembly

- (1) Automotive services stations, dealerships, and the like.
  - (a) No health hazard: DCVA; or
  - (b) Health hazard: RP.
- (2) Auxiliary water systems.
  - (a) Approved public/private water supply: DCVA;
  - (b) Unapproved public/private water supply: AG; or
  - (c) Used water and industrial fluids: RP.
- (3) Bakeries.
  - (a) No health hazard: DCVA; or
  - (b) Health hazard: RP.
- (4) Beauty shops/barber shops.
  - (a) No health hazard: DCVA; or
  - (b) Health hazard: RP.
- (5) Beverage bottling plants: RP.
- (6) Breweries: RP.
- (7) Buildings - hotels, apartment houses, public and private buildings, or other structures having unprotected cross-connections.
  - (a) (Under five stories) no health hazard: DCVA;
  - (b) (Under five stories) health hazard: RP; or

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- (c) (Over five stories) all: RP.
- (8) Canneries, packing houses, and rendering plants: RP.
- (9) Commercial car wash facilities: RP.
- (10) Commercial greenhouses: RP.
- (11) Commercial sales establishments (department stores, malls, and the like).
  - (a) No health hazard: DCVA; or
  - (b) Health hazard: RP.
- (12) Concrete/asphalt plants: RP.
- (13) Dairies and cold storage plants: RP.
- (14) Dye works: RP.
- (15) Film laboratories: RP.
- (16) Fire systems
  - (a) Three-fourths-inch to two-inch:
    - 1. No health hazard: DCVA; or
    - 2. Health hazard: (booster pumps, foam, antifreeze solution, and the like): RP.
  - (b) Two and one-half-inch to ten-inch or larger:
    - 1. No health hazard: DCVA; or
    - 2. Health hazard: (booster pumps, foam, antifreeze solution, and the like): RPDA.
- (17) Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP.
- (18) Laundries.
  - (a) No health hazard: DCVA; or

(b) Health hazard: (such as, dry cleaners): RP.

(19) Lawn irrigation systems (split taps).

(a) No health hazard: DCVA; or

(b) Health hazard: (booster pumps, chemical systems): RP.

(20) Metal manufacturing, cleaning, processing, and fabricating plants: RP.

(21) Mobile home parks.

(a) No health hazard: DCVA; or

(b) Health hazard: RP

(22) Oil and gas production, storage, or transmission properties: RP.

(23) Pest control (exterminating and fumigating): RP.

(24) Power plants: RP.

(25) Restaurants:

(a) No health hazard: DCVA; or

(b) Health hazard: RP.

(26) Restricted, classified, or other closed facilities: RP.

(27) Sand and gravel plants: RP.

(28) Schools and colleges: RP.

(29) Sewage and storm drain facilities: RP.

(30) Swimming pools: RP.

(31) Waterfront facilities and industries: RP.

(B) All assemblies and installations shall be subject to inspection and approval by the town.  
(Ord. 2023-03, passed 2-6-2023)

**§ 52.47 CONNECTIONS WITH UNAPPROVED SOURCES OF SUPPLY.**

(A) No person shall connect or cause to be connected any supply of water not approved by the NCDEQ to the water system supplied by the town. Any connections allowed by the town must be in conformance with the backflow prevention requirements of this subchapter.

(B) In the event of contamination or pollution of a public or consumer potable water system, the consumer shall notify the town immediately in order that appropriate measures may be taken to overcome and eliminate the contamination or pollution.

(Ord. 2023-03, passed 2-6-2023) Penalty, see § 52.99

**§ 52.48 FIRE PROTECTION SYSTEMS.**

(A) All connections for fire protection systems connected with the public water system two inches and smaller shall be protected with an approved double-check valve assembly as a minimum requirement. All fire systems using toxic additives or booster pumps shall be protected by an approved reduced pressure principle detector assembly at the main service connection.

(B) All connections for fire protection systems connected with the public water system greater than two inches shall be protected with an approved double-check detector assembly as a minimum requirement. All fire protection systems using toxic or hazardous additives or booster pumps shall be protected by an approved reduced pressure principle detector assembly at the main service connection.

(C) All existing backflow prevention assemblies two and one-half inches and larger installed on fire protection systems that were initially approved by the town shall be allowed to remain on the premises, as long as they are being properly maintained, tested, and repaired as required by this subchapter. However, if the existing assembly must be replaced (once it can no longer be repaired), or in the event of proven water theft through an un-metered source, the consumer shall be required to install an approved double-check detector assembly or reduced pressure principle detector assembly as required by this provision.

(Ord. 2023-03, passed 2-6-2023)

**§ 52.49 ENFORCEMENT.**

(A) The consumer or owner, manager, supervisor, or person in charge of any installation found not to be in compliance with the provisions of this subchapter shall be notified in writing of the non-compliance and given specific corrective action(s) necessary to bring the installation into compliance.

(B) Such notice must explain the violation and give the time period within which the violation must be corrected. The time period set to correct a violation shall not exceed 30 days after receiving notice

unless otherwise specified by § 52.43. If the violation has been determined by the town to be an imminent hazard, the consumer shall be required to correct the violation immediately.

(C) The owner, manager, supervisor, or person in charge of any installation which remains in noncompliance after the time prescribed in the initial notification, as outlined in § 52.43, shall be considered in violation of this subchapter and may be issued a civil citation by the town. Said citation shall specify the nature of the violation and the provision(s) of this subchapter violated, and further notify the offender that the civil penalty for said violation is as set forth in § 52.99 and is to be paid to the town within 30 days. If the penalty prescribed herein is not paid within the time allowed the town may initiate a civil action in the nature of a debt and recover the sums set forth in § 52.99, plus the cost of the action. Alternately, in the discretion of the Town Administrator, in the event a consumer is found in violation of this subchapter and fails to correct the violation in a timely manner or to pay any civil penalty or expense assessed under this section, water service may be terminated, and shall be reestablished when the violation is corrected and any applicable civil penalties are paid.

(D) Enforcement of this subchapter shall be administered by the Town Administrator or his or her authorized representative.

(E) Requests for extension of time shall be made in writing to the Town Administrator. Any appeal shall be made in writing to the Town Administrator and will be decided by the Board of Commissioners. Recommendations from the Public Works Department will be taken into consideration during the review of any appeal.

(Ord. 2023-03, passed 2-6-2023)

### **§ 52.99 PENALTY.**

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

(B) (1) In addition to surcharges mentioned in § 52.17, failure to comply with the mandatory conservation measures contained herein will result in a notice of violation and a civil penalty. For violations of Phase II conditions, there will be a \$50 fine for the first offense. The fine will increase by \$50 for each subsequent offense. A fifth violation will result in discontinuation of service. Service may be restored upon return to Phase I conservation and payment of all applicable fees.

(2) Violation of Phase III conditions will result in a \$100 fine for the first offense, \$350 for the second offense, and discontinuation of service for the third offense. Service may be restored upon return to Phase I conservation and payment of all applicable fees.

(C) Violation of §§ 52.40 through 52.49 may be punished by a civil penalty listed below:

(1) Unprotected cross-connection involving a private water system which creates an imminent hazard: up to \$1,000 per day not to exceed \$10,000;

(2) Unprotected cross-connection involving a private water system which is of a moderate or high hazard: up to \$500 per day not to exceed \$5,000;

(3) If in the judgment of the town, any consumer, manager, supervisor, or person in charge of any installation is found to be in noncompliance with the provisions of §§ 52.40 through 52.49 and/or neglects their responsibility to correct a violation, water service may be discontinued until compliance is achieved;

(4) Failure of a consumer or certified tester to submit any record required by §§ 52.40 through 52.49, or the submission of falsified reports/records may result in a civil penalty of up to \$500 per violation. If a certified backflow prevention assembly tester submits falsified records to the town, the town shall permanently revoke that tester;

(5) Failure to test or maintain backflow prevention assemblies as required: \$200 per day not to exceed \$1000; and

(6) Each day in which a violation of any provision of §§ 52.40 through 52.49 shall occur or continue shall constitute a separate and distinct offense.

(Prior Code, § 53.49) (Ord. 2010-12, passed 5-3-2010; Ord. 2023-03, passed 2-6-2023)

**TITLE VII: TRAFFIC CODE**

Chapter

- 70. GENERAL PROVISIONS**
- 71. TRAFFIC REGULATIONS**
- 72. PARKING RULES**
- 73. RECREATIONAL VEHICLES**
- 74. TRAFFIC SCHEDULES**
- 75. PARKING SCHEDULES**



## CHAPTER 70: GENERAL PROVISIONS

### Section

#### *General Provisions*

- 70.01 Definitions
- 70.02 New traffic provisions
- 70.03 Official Traffic Ordinance Book
- 70.04 Authority
- 70.05 Application to public employees
- 70.06 Application to other vehicles or animals
- 70.07 Exemptions
- 70.08 Motor vehicles without current plates or tags

#### *Traffic Control Devices*

- 70.20 Obedience
- 70.21 Signal legend
- 70.22 Flashing signals
- 70.23 No turn signs and turning markers
- 70.24 No parking zones and safety zone markers
- 70.25 Play and school zones
  
- 70.99 Penalty

### **GENERAL PROVISIONS**

#### **§ 70.01 DEFINITIONS.**

Words and phrases used in this traffic code shall have the meaning respectively ascribed to them by G.S. Chapter 20.

(Prior Code, § 70.001)

***Statutory reference:***

*Related provisions, see G.S. Chapter 20*

**§ 70.02 NEW TRAFFIC PROVISIONS.**

Town traffic and parking regulations will be established by ordinance and the Board. When a new traffic or parking ordinance is adopted, the Chief of Police shall place appropriate signs, traffic control devices, or other markings in the affected area to give adequate notice of the regulation.  
(Prior Code, § 70.002)

**§ 70.03 OFFICIAL TRAFFIC ORDINANCE BOOK.**

(A) The Clerk of the town shall maintain an ordinance book separate from this code of ordinances which shall contain the following ordinances:

- (1) Those designating the location of traffic control devices;
- (2) Those designating areas or zones where regulations are applied to parking, loading, bus stops, or taxicab stands;
- (3) Those restricting or regulating traffic at certain times on certain streets or to certain types, weights, or sizes of vehicles;
- (4) Those designating the location of through streets, stop intersections, yield right-of-way intersections, waiting lanes, one-way streets, or truck traffic routes;
- (5) Those establishing regulations upon vehicle turns at designated locations; and
- (6) Those establishing speed limits on certain streets.

(B) The Traffic Ordinance Book shall be available for public inspection. It shall be organized and indexed in such a manner as to allow reasonable access to the information contained therein.  
(Prior Code, § 70.003)

**§ 70.04 AUTHORITY.**

(A) No person shall refuse to comply with any lawful order or direction of a police officer.  
(Prior Code, § 70.004)

(B) In the event of fire or other emergency or when necessary to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of this traffic code. Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.  
(Prior Code, § 70.005)  
Penalty, see § 70.99

**§ 70.05 APPLICATION TO PUBLIC EMPLOYEES.**

The provisions of this traffic code shall apply to the driver of any vehicle owned by or used in the service of the United States government, the state, county, or town, and it shall be unlawful for any driver to violate any of the provisions of this traffic code or state law.

(Prior Code, § 70.006) Penalty, see § 70.99

***Statutory reference:***

*Related provisions, see G.S. § 20-168*

**§ 70.06 APPLICATION TO OTHER VEHICLES OR ANIMALS.**

Every person propelling any push cart or riding a bicycle or an animal upon a roadway and every person driving any animal drawn vehicle shall be subject to the provisions of this traffic code which are applicable to any driver of any vehicle except for those provisions which, by their very nature, can have no application.

(Prior Code, § 70.013)

**§ 70.07 EXEMPTIONS.**

(A) The provisions of this traffic code regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, as defined in G.S. § 20-145, except, unless otherwise directed by a police officer, a driver, when operating the vehicle in any emergency, may:

(1) Park or stand, notwithstanding the provisions herein;

(2) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation;

(3) Exceed the prima facie speed limits, so long as he or she does not endanger life or property;  
and

(4) Disregard regulations governing direction of movement or turning in specified directions, so long as he or she does not endanger life or property.

(B) The exemptions in division (A) above shall not, however, protect the driver of any vehicle from the consequence of his or her reckless disregard for the safety of others.

(Prior Code, § 70.007)

***Statutory reference:***

*Related provisions, see G.S. §§ 20-145 and 20-156*

**§ 70.08 MOTOR VEHICLES WITHOUT CURRENT PLATES OR TAGS.**

(A) No person may cause, suffer, or permit (on premises under the control of the person) the storage outside a fully enclosed structure of a motor vehicle which does not display current license plates and tags unless a permit has been issued for the vehicle under this section provided that:

(1) The restrictions of this section shall not apply to any person until 45 days after the Administrator initially notifies the responsible person that a permit is required under this section; and

(2) This section shall not apply to persons lawfully engaged in a business necessitating the storage so long as the business has received all legally required state and local permits and licenses.

(B) An application for an initial permit under this section shall be made to the Administrator on a form prescribed by the town within 30 days after the Administrator notifies the responsible person that a permit is required under this section.

(1) Permits shall be valid for one calendar year beginning January 1 and ending on December 31.

(2) An application or renewal permit shall be submitted in December of each year on a form sent to the permittee by the Administrator prior to December 1.

(C) Any person who submits a completed permit application pursuant to division (B) above shall be issued a permit under this section if:

(1) The applicant demonstrates to the reasonable satisfaction of the Administrator either that:

(a) The vehicle is operable; or

(b) The vehicle is capable of being made operable and the applicant is in the process of repairing the vehicle such that it will be made operable within a period of not more than one year. When a vehicle has remained inoperable for a continuous period of one year or more after the issuance, pursuant to this section, of a permit that was premised upon a finding of compliance with division (B) above, that shall be regarded in subsequent applications as conclusive evidence of the applicants' inability to satisfy division (B) above.

(2) The applicant must pay an annual permit fee of \$25.

(D) For purposes of this section, the **ADMINISTRATOR** shall be the Town Administrator or any person designated by the Town Administrator to perform the functions and exercise the responsibilities set out in this section.

(Prior Code, § 93.35) (Ord. passed 1-2-1996)

**TRAFFIC CONTROL DEVICES****§ 70.20 OBEDIENCE.**

The driver of any vehicle shall obey the directions of any official traffic control device applicable thereto and placed in accordance with the traffic ordinances of the town, unless otherwise directed by a police or fire officer or subject to the exceptions granted to the driver of an authorized emergency vehicle in § 70.07.

(Prior Code, § 71.01)

**§ 70.21 SIGNAL LEGEND.**

Whenever traffic is controlled by traffic control signals exhibiting the words “go,” “caution,” or “stop,” or exhibiting differently colored lights, successively, one at a time, the following colors only shall be used, and the terms and lights shall indicate as follows.

(A) *Green alone or “go.”*

(1) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign prohibits either turn. Vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians who happen to be lawfully within the intersection.

(2) Pedestrians facing the signal may proceed across the roadway within the crosswalk area whether marked or not.

(B) *Yellow alone or “caution” when shown following the green or “go” signal.*

(1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.

(2) Pedestrians facing the signals are thereby warned that there will not be sufficient time to safely cross a roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(C) *Red alone or “stop.”*

(1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at the other point as may be indicated by a clearly visible line or, if neither, before entering the intersection and shall remain standing until green or “go” is shown alone; however, if a sign is not erected prohibiting turns on red lights, vehicles may turn right on red lights after coming to a complete stop and after the driver has ascertained that it is safe to do so.

(2) No pedestrian facing the signal shall enter or attempt to cross the street or roadway until the signal light shall turn green or “go.”

(Prior Code, § 71.02) Penalty, see § 10.99

#### **§ 70.22 FLASHING SIGNALS.**

Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows.

(A) *Flashing red (stop signal)*. When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and the right to proceed shall be subject to the rules of safety and noninterference with other traffic.

(B) *Flashing yellow (caution signal)*. When a yellow lens is illuminated by rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.  
(Prior Code, § 71.03)

#### **§ 70.23 NO TURN SIGNS AND TURNING MARKERS.**

Whenever authorized signs are placed which indicate that no right, left, or U-turn is permitted, the driver of a vehicle shall obey the directions of any sign, and when authorized markers, buttons, or other indications are placed within an intersection which indicate the course to be traveled by vehicles traversing or turning thereat, the driver of a vehicle shall obey the directions of the indications.

(Prior Code, § 71.04)

#### **§ 70.24 NO PARKING ZONES AND SAFETY ZONE MARKERS.**

Whenever authorized signs or markings are placed which indicate no parking zones or safety zones, the driver of a vehicle shall obey the regulatory indications.

(Prior Code, § 71.05)

#### **§ 70.25 PLAY AND SCHOOL ZONES.**

(A) *Play zone*. “Children at play” signs shall be installed at appropriate places, as may be determined by the Board of Commissioners from time to time.

(Prior Code, § 71.06)

(B) *School zone.* Whenever authorized signs are placed which designate any street or parts thereof as a school zone, drivers of motor vehicles and operators of street cars using the street or parts thereof shall exercise the greatest care for the protection of children.  
(Prior Code, § 71.07)

**§ 70.99 PENALTY.**

(A) Any person violating any provision of this traffic code for which no specific penalty is otherwise prescribed herein shall, in addition to the penalties provided by law and herein, be guilty of a Class 3 misdemeanor pursuant to G.S. §§ 14-4 and 160A-175 and punishable by a criminal fine not to exceed \$25.

(B) (1) A violation of §§ 72.02 through 72.04 shall be an infraction punishable by a fine of \$10 if paid within 24 hours from the time of ticketing of any motor vehicle parked in violation of §§ 72.02 through 72.04 to the Town Police Department. If the fine of \$10 shall not be paid within the 24 hours, then the violation shall be punishable in the discretion of the Court. Any motor vehicle parked in violation of §§ 72.02 through 72.04 may be removed and disposed of in accordance with G.S. § 160A-303 and the applicable provisions of the town code.

(2) A violation of § 72.10 shall be an infraction punishable as provided for in G.S. § 20-37.6.

(3) A violation of § 73.02 shall be an infraction, and subject to a penalty not to exceed \$50. Each day that any of the provisions of § 73.02 is violated shall constitute a separate offense.  
(Prior Code, § 70.999)

(C) A violation of § 71.33 shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4.  
(Prior Code, § 73.01)

(D) For any vehicle violating the use of parking spaces described in § 72.10, the town will make reasonable efforts to locate the registered owner and request the vehicle be moved. Should the owner refuse to move the vehicle or the town is unable to contact the owner for any reason, the owner of said vehicle shall be subject to a fine of \$25, and the offending vehicle may be towed by any licensed towing service. The owner of any vehicle that may be towed shall be responsible for any and all associated towing fees. The town will not be held liable for any damages incurred during the course of the vehicle being towed or after.

(E) A violation of Chapter 74, Schedule I, shall be an infraction carrying a penalty of not more than \$50.

(F) A violation of Chapter 75, Schedule I, shall be punishable as set out in divisions (C)(1) above.  
(Ord. 2021-5, passed 6-7-2021; Ord. 2022-16, passed 4-5-2022; Ord. 2022-09, passed 3-7-2022)

***Statutory reference:***

*Related provisions, see G.S. §§ 14-4, 20-37.6, 160A-175, and 160A-303*

## CHAPTER 71: TRAFFIC REGULATIONS

### Section

#### *Riding Procedures*

- 71.01 Boarding or alighting from vehicles
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- 71.04 Must remain within vehicle while in motion
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#### *Vehicle Operations*

- 71.20 Stop before entering through streets
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- 71.34 Heavy vehicles; local deliveries
- 71.35 Squealing tires unlawful
- 71.36 Speed limits

#### ***Cross-reference:***

*Parking rules, see Chapter 72*

*Recreational vehicles, see Chapter 73*

*Taxicabs, see Chapter 111*

*Traffic schedule, see Chapter 74*

***RIDING PROCEDURES*****§ 71.01 BOARDING OR ALIGHTING FROM VEHICLES.**

No person shall board or alight from any public conveyance or other vehicle while the conveyance or vehicle is in motion.

(Prior Code, § 70.008) Penalty, see § 70.99

**§ 71.02 UNLAWFUL RIDING.**

(A) No person shall ride on any public conveyance or vehicle or any portion thereof not designated or intended for the use of passengers.

(B) This provision shall not apply to an employee engaged in the necessary discharge of a duty nor to persons riding within truck bodies in spaces intended for merchandise.

(Prior Code, § 70.009) Penalty, see § 70.99

**§ 71.03 ENTERING OR RIDING VEHICLES WITHOUT CONSENT.**

No person shall enter, jump on, or ride any automobile or other vehicle without the consent of the owner or driver.

(Prior Code, § 70.010) Penalty, see § 70.99

**§ 71.04 MUST REMAIN WITHIN VEHICLE WHILE IN MOTION.**

No person shall allow any part of his or her body to protrude beyond the limits of the vehicle in which he or she is riding, except to give the signals as are by law required, and no person shall hang onto any vehicle whatsoever.

(Prior Code, § 70.011) Penalty, see § 70.99

**§ 71.05 QUANTITY OF FRONT SEAT PASSENGERS.**

It shall be unlawful for the driver or the person in charge of any motor vehicle to permit more than three persons (including the driver) to ride in the front or driver's seat of a motor vehicle.

(Prior Code, § 70.012) Penalty, see § 70.99

***Statutory reference:***

*Related provisions, see G.S. § 20-140.2*

**§ 71.06 CLINGING ON MOVING VEHICLES.**

Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle shall not attach the vehicle or himself or herself to any public conveyance or other moving vehicle upon any roadway.

(Prior Code, § 70.042) Penalty, see § 70.99

**§ 71.07 RIDING ON HANDLEBARS; HANDLEBAR USE REQUIRED.**

(A) *Riding on handlebars.* The operator of a motorcycle or bicycle, when upon a street, shall not carry any person upon the handlebars, frame, or tank of his or her vehicle nor shall any person so ride upon any vehicle.

(Prior Code, § 70.043)

(B) *Use of handlebars on bicycles or motorcycles.* No person shall ride a bicycle or motorcycle on any street without having his or her hands on the handlebars.

(Prior Code, § 70.041)

Penalty, see § 70.99

**VEHICLE OPERATIONS****§ 71.20 STOP BEFORE ENTERING THROUGH STREETS.**

When stop signs are placed upon highways which intersect a through street, the driver shall bring his or her vehicle to a stop before entering the intersection, and he or she shall not proceed into or across the through street until he or she has first determined that no conflict with traffic will ensue.

(Prior Code, § 70.030) Penalty, see § 70.99

***Statutory reference:***

*Related provisions, see G.S. § 20-158*

**§ 71.21 STOP BEFORE ENTERING STOP INTERSECTIONS.**

When stop signs are placed at intersections, every driver shall stop before entering the intersection, and he or she shall not proceed into or across the through street until he or she has first determined that no conflict with traffic will ensue.

(Prior Code, § 70.031) Penalty, see § 70.99

**§ 71.22 VEHICLES NOT TO BLOCK INTERSECTIONS OR CROSSWALKS.**

No driver shall move his or her vehicle across an intersection or a marked crosswalk unless he or she knows that there is sufficient space on the other side of the intersection or crosswalk to accommodate his or her vehicle without obstructing the passage of other vehicles or pedestrians although a traffic control signal may be indicating his or her right to proceed.

(Prior Code, § 70.032) Penalty, see § 70.99

**§ 71.23 EMERGING FROM ALLEY OR DRIVEWAY.**

(A) The driver of a vehicle merging from an alley, driveway, or building shall stop the vehicle immediately prior to reaching the sidewalk or the sidewalk area extending across any alleyway.

(B) Upon entering the roadway, he or she shall yield the right-of-way to all vehicles approaching on the roadway.

(Prior Code, § 70.038) Penalty, see § 70.99

***Statutory reference:***

*Related provisions, see G.S. § 20-156*

**§ 71.24 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS.**

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

(Prior Code, § 70.039) Penalty, see § 70.99

**§ 71.25 ONE-WAY STREET.**

Upon certain streets designated as one-way streets, vehicular traffic shall move only in the direction indicated by traffic signs.

(Prior Code, § 70.033)

**§ 71.26 LEFT TURNS.**

In making left turns at street intersections, all traffic, when approaching an intersection, shall keep close to the center line of the street, and the left turn shall then be made beyond the center of the intersection and shall proceed in the new direction along the right-hand lane except in certain intersections which may be expressly designated by the town.

(Prior Code, § 70.035)

**§ 71.27 TURNS PROHIBITED AT CERTAIN INTERSECTIONS.**

(A) No vehicle shall make a left turn at any street intersection designated by an appropriate sign.

(B) No vehicle shall make a right turn at any street intersection designated by an appropriate sign.  
(Prior Code, § 70.036) Penalty, see § 70.99

**§ 71.28 DRIVING ON ROADWAYS LANED FOR TRAFFIC.**

All vehicles operated on any roadway which has been clearly marked with traffic lanes shall be driven as nearly as practical entirely within a single lane and shall not be moved out of the lane until the driver has first ascertained that the movement can be made with safety.

(Prior Code, § 70.050) Penalty, see § 70.99

**§ 71.29 DRIVING THROUGH FUNERAL PROCESSION.**

No vehicle shall be driven through a funeral procession except for authorized emergency vehicles when the same are responding to calls.

(Prior Code, § 70.034) Penalty, see § 70.99

**§ 71.30 LIMITATIONS ON BACKING.**

The driver of a vehicle shall not back said vehicle into any intersection or over a crosswalk nor shall he or she back it otherwise unless the movement can be made in safety and ample warning has been given by hand and horn or other signal.

(Prior Code, § 70.037) Penalty, see § 70.99

**§ 71.31 MOVING CARS FROM PARKED POSITION.**

Parked cars shall move out in the direction headed or, if they are parked at an angle with the curb, they shall back out at the angle parked until they have cleared the other cars and shall then proceed in the direction they are most nearly headed in.

(Prior Code, § 70.045) Penalty, see § 70.99

**§ 71.32 CONDUCT AROUND EMERGENCY VEHICLES OR SUPPLIES.**

(A) *Driving over fire hose.* No vehicle shall be driven over any hose of the Fire Department when such is being used at any fire without the consent of the Fire Department official in command.

(Prior Code, § 70.046)

(B) *Following fire apparatus.* It shall be unlawful for the driver of any vehicle, other than that on official business, to follow any fire apparatus traveling in response to a fire alarm closer than one block or to travel into or park the vehicle within one block where fire apparatus has stopped in answer to a fire alarm.

(Prior Code, § 70.047)

(C) *Approaching emergency vehicles.* Upon the approach of any Police or Fire Department vehicle giving signal by bell, siren, or otherwise, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge of the curb, clear of any intersection of streets, and shall stop and remain in the position unless otherwise directed by a police or traffic officer until the Police or Fire Department vehicle shall have passed.

(Prior Code, § 70.048)

Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see G.S. § 20-157*

### § 71.33 DRIVING ON RAIL TRAIL.

(A) No motorized vehicle shall be operated on the trail. The term **MOTORIZED VEHICLE** shall include automobiles, trucks, mopeds, and all other motor vehicles except motorized wheelchairs and emergency police, fire, and rescue vehicles.

(B) A violation of this section shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4.

(C) This section shall be effective upon adoption, subject to appropriate signs being placed upon the trail giving notice of this section.

(Prior Code, § 73.01) (Ord. passed 5-17-2004) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see G.S. § 14-4*

### § 71.34 HEAVY VEHICLES; LOCAL DELIVERIES.

(A) *Heavy vehicles; prohibited generally.* It shall be unlawful for any motor vehicle with a gross weight exceeding 13,000 pounds or having a total length exceeding 30 feet or having two or more axles to travel upon, park upon, or make use of, in any way, any street in the town except and unless the same is a street which constitutes a part of the State Highway System and is maintained by the State Highway Commission.

(Prior Code, § 70.051)

(B) *Local deliveries.* The trucks described and prohibited by division (A) above shall be permitted to make use of the street in the town for local delivery.

(Prior Code, § 70.052)

Penalty, see § 70.99

**§ 71.35 SQUEALING TIRES UNLAWFUL.**

It shall be unlawful for any driver of any motor vehicle to intentionally and without cause drive or in any other manner operate any motor vehicle within the limits of the town in such a manner as to “squeal” the tires or, as it is commonly termed, to “scratch off.”

(Prior Code, § 70.049) Penalty, see § 70.99

**§ 71.36 SPEED LIMITS.**

Except as otherwise posted, it shall be unlawful to operate a vehicle in excess of 35 mph inside the town corporate limits. Ordinances affecting the speed limits allowed on certain streets in the town shall be maintained in the Traffic Ordinance Book referred to in § 70.03.

(Prior Code, § 70.053) Penalty, see § 70.99



## CHAPTER 72: PARKING RULES

### Section

- 72.01 Unlawful to stop in streets; exceptions
- 72.02 Where parking prohibited
- 72.03 Parking limitations at certain streets and times
- 72.04 Parking lots
- 72.05 Parking next to curb
- 72.06 Double-diagonal parking
- 72.07 Parking within lines
- 72.08 Prohibited purposes for parking
- 72.09 Moving other vehicles into restricted areas
- 72.10 Handicapped parking spaces

### § 72.01 UNLAWFUL TO STOP IN STREETS; EXCEPTIONS.

No vehicles shall stop in any street, except for the purpose of parking as prescribed in this chapter, unless the stop is made necessary by the approach of fire apparatus, by the approach of a funeral or other procession which is given right-of-way, by the stopping of a public conveyance, by the lowering of railway gates, by being given countermanding traffic signals, by the passing of some other vehicle or a pedestrian, or by some emergency. In all cases covered by these exceptions, the vehicles shall stop so as not to obstruct any footway, pedestrian aisle, safety zone, crooning, or street intersection if it can be avoided.

(Prior Code, § 70.070) Penalty, see § 70.99

### § 72.02 WHERE PARKING PROHIBITED.

(A) *Parking in designated places.* When signs are placed which prohibit parking or when the curbing has been painted yellow in lieu of the signs, no person shall park a vehicle at any time upon any of the streets.

(Prior Code, § 70.071)

(B) *Designation.* No person shall stop, stand, or park a vehicle, except when conflict with other traffic is imminent or when so directed by a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) Within an intersection;
- (3) On a crosswalk;
- (4) Within 30 feet of any flashing beacon, stop sign, or traffic control signal located at the side of a street or roadway;
- (5) At underpass approaches. No vehicle shall park on either side of any street leading to a railroad underpass or an overhead bridge within 50 feet in any direction of the outer edge of the underpass or overhead bridge;
- (6) At grade crossing approaches. No vehicle shall park on either side of any street leading to a grade crossing within 50 feet of the closest rail; provided, where existing permanent structures are located closer than 50 feet, parking may be permitted in front of the structures unless otherwise prohibited and if the parking does not block the view in either direction of the approach of a locomotive or train;
- (7) Alongside or opposite any street excavation or obstruction if the stopping, standing, or parking would obstruct traffic;
- (8) Upon any bridge or other elevated structure or within any underpass structure;
- (9) Within 15 feet in either direction of the entrance to a hotel, theater, hospital, sanatorium, or any public building;
- (10) On the roadway side of any vehicle stopping, standing, or parking at the edge or curb of a street;
- (11) Within ten feet of any fire plug or hydrant;
- (12) Upon a street or elsewhere in front of a fire station;
- (13) In any public alley or in a position as to block either the entrance or the exit of any public alley;
- (14) Upon a street in front of any private driveway;
- (15) In any portion of a street which shall be marked and designated as a loading zone; and
- (16) In front of a theater.

(Prior Code, § 70.072)

Penalty, see § 70.99

**§ 72.03 PARKING LIMITATIONS AT CERTAIN STREETS AND TIMES.**

Upon those streets or portions of streets designated as streets where parking is prohibited or limited to certain designated times, no person shall park a vehicle except in conformity with the limitations when signs have been placed, erected, or installed and maintained on the streets giving notice of the applicable limitations.

(Prior Code, § 70.073) Penalty, see § 70.99

**§ 72.04 PARKING LOTS.**

(A) It shall be unlawful for any person to park a motor vehicle within or to otherwise use the public parking lots of the town between the hours of 8:00 p.m. and 6:00 a.m. (Eastern Standard Time or Daylight Saving Time, whichever is in effect at the time). Further, it shall be unlawful for any person to remain on the public parking areas between the hours after having been forbidden to do so by any public officer of the town.

(B) Appropriate signs shall be maintained on the parking lots to give notice of these regulations. It shall be unlawful for any person to tamper with, deface, or remove these signs or any other materials used to cordon off the parking lots during the hours stated in division (A) above.

(C) The term **PUBLIC PARKING LOT**, as used in this section, shall mean any parking lot owned or leased and maintained by the town and any private parking lot regulated by town ordinance as provided for in G.S. § 160A-301(d).

(D) Notwithstanding the above, this section shall not apply to any bona fide resident or tenant (or their guests and patrons) of property adjoining the parking lots who first obtains a written permit from the Chief of Police authorizing the parking of the vehicle or vehicles of the owner or tenants (or guests or patrons) between the above stated hours.

(Prior Code, § 70.074) (Ord. passed 11-19-1992) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see G.S. § 160A-301(d)*

**§ 72.05 PARKING NEXT TO CURB.**

(A) *Method of parking; parallel generally.* All vehicles shall park parallel to the curb and not more than 12 inches therefrom.

(Prior Code, § 70.075)

(B) *Vehicle backed to curb.* In no case shall a vehicle remain backed up to the curb except when actually loading or unloading.

(Prior Code, § 70.076)

(C) *Left side to curb.* No vehicle shall stop with its left side to the curb in the business district; except, vehicles shall stop headed in the direction of traffic on one-way streets.

(Prior Code, § 70.077)

Penalty, see § 70.99

#### **§ 72.06 DOUBLE-DIAGONAL PARKING.**

Double-diagonal parking at an angle of approximately 45 degrees shall be allowed.

(Prior Code, § 70.078)

#### **§ 72.07 PARKING WITHIN LINES.**

On any street which is marked off with lines indicating the parking spaces for cars, the same shall be parked between the lines.

(Prior Code, § 70.079)

#### **§ 72.08 PROHIBITED PURPOSES FOR PARKING.**

(A) *Certain purposes.* No person shall stand or park a vehicle upon any street for the purpose of:

- (1) Displaying it for sale;
- (2) Washing, greasing, or repairing the vehicle except repairs necessitated by an emergency;
- (3) Storage thereof by garages, dealers, or other persons; and

(4) Storage of any detached trailer or van when the towing unit has been disconnected or for the purposes of transferring merchandise or freight from one vehicle to another.

(Prior Code, § 70.080)

(B) *Advertising purposes.* No person shall stand or park any vehicle on any street for the primary purpose of advertising.

(Prior Code, § 70.081)

Penalty, see § 70.99

#### **§ 72.09 MOVING OTHER VEHICLES INTO RESTRICTED AREAS.**

No person shall move a vehicle not owned by the person into any prohibited area or sufficiently away from the curb to make the distance unlawful.

(Prior Code, § 70.082) Penalty, see § 70.99

**§ 72.10 HANDICAPPED PARKING SPACES.**

It shall be unlawful:

(A) To park or leave standing any vehicle in a space designated with a sign for handicapped persons as provided for in G.S. § 20-37.6(d) when the vehicle does not display the distinguishing license plate, removable windshield placard or temporary removable windshield placard (as provided in G.S. § 20-37.6), or a disabled veteran registration plate issued under G.S. § 20-79.4; or

(B) For any person not qualifying for the rights and privileges extended to handicapped persons under G.S. § 20-37.6 to exercise or attempt to exercise such rights or privileges by the unauthorized use of a distinguishing license plate, removable windshield placard, or temporary removable windshield placard issued pursuant to the provisions of this section.

(Prior Code, § 70.083) (Ord. 2010-14, passed 5-24-2010) Penalty, see § 70.99

***Statutory reference:***

*Related provisions, see G.S. §§ 20-37.6, 20-79.4 and 20-37.6*



## CHAPTER 73: RECREATIONAL VEHICLES

Section

### *General Provisions*

- 73.01 Coasters, roller skates, and the like
- 73.02 Golf carts

### *Bicycles*

- 73.15 Operation of bicycle on sidewalk
- 73.16 Responsibility of operator
- 73.17 Lights required on bicycles

## **GENERAL PROVISIONS**

### **§ 73.01 COASTERS, ROLLER SKATES, AND THE LIKE.**

(A) (1) No person shall operate, ride, or use any motive device propelled or designed for propulsion by human power upon any public street, public sidewalk, or public vehicular area including, but not limited to, the Town Hall premises and parking area located in any commercial district as identified by the Town Zoning Map or on any major thoroughfare as identified by the County Comprehensive Transportation Plan, adopted December 2018.

(2) The term ***MOTIVE DEVICE PROPELLED OR DESIGNED FOR PROPULSION BY HUMAN POWER*** includes: tricycles, coasters, scooters, skateboards, roller skates, roller blades, sleds, and wagons but shall not include bicycles, strollers, and wheelchairs nor shall it include other devices operated by handicapped or disabled persons.

(B) Any person operating, riding, or using any motive device propelled or designed for propulsion by human power in areas not specified in division (A) above shall keep to the right-hand portion of a street and yield the right-of-way to pedestrians and/or vehicular traffic. All persons must exercise due care for their own safety and the safety of other persons using the street and shall not operate in a reckless manner. All persons must also utilize safety equipment to include, but not be limited to, helmets, elbow pads, knee pads, and wrist guards.

(C) No person shall ride or use any motive device propelled for propulsion by human power in a reckless manner or without exercising due care for their own safety or the safety of other persons using the sidewalk. Any person operating, riding, or using any motive device propelled for propulsion by human power on a sidewalk shall yield the right-of-way to any pedestrian.

(D) No person shall operate, ride, or use any skateboard in town-owned parks except in designated areas.

(E) Notwithstanding the foregoing, during special occasions and celebrations as from time to time designated by the Board, the Chief of Police is hereby authorized and empowered to designate certain public streets or portions thereof upon which persons may be permitted to operate, ride, or use any motive device propelled for propulsion by human power under such rules and regulations as may be prescribed by the Chief of Police to ensure the public safety.

(Prior Code, § 70.044) (Ord. 2010-21, passed 10-4-2010) Penalty, see § 70.99

### § 73.02 GOLF CARTS.

(A) *Purpose.* The purpose of this section shall be to establish golf cart provisions within the town to promote the health, safety, and welfare of persons operating cart(s) within the town.

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

***DRIVER'S LICENSE.*** A valid license issued to operate a motor vehicle issued by this state or any other state.

***FINANCIAL RESPONSIBILITY.*** Liability insurance coverage on a golf cart in an amount not less than required by state law for motor vehicles operated on public highway in the state.

***GOLF CART.*** A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 mph.

***OPERATOR.*** Only persons over 16 years of age and holding a driver's license may operate a golf cart.

(C) *Rules and regulations.*

(1) Carts may be driven on roads only from dawn to dusk unless the cart is equipped with two operating headlights (one on each side of the front of the golf cart) and two operating tail lights with brake lights (one on each side of the rear of the cart) which are visible from a distance of 500 feet.

(2) Carts must be equipped with a rear-vision mirror and a rear-triangle reflector of the same type required by state law.

(3) Cart drivers must have a valid driver's license in their name.

(4) Cart drivers will stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking vehicles.

(5) The number of occupants in a golf cart shall be limited to the number of persons for whom individual seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart, and no part of the body of the operator or occupant(s) shall extend outside the perimeter of the golf cart while the golf cart is in motion.

(6) All applicable state laws shall be adhered to including the possession and use of alcoholic beverages.

(7) The operator of the golf cart shall comply with all traffic rules and regulations adopted by the state and the town which governs the operation of motor vehicles.

(8) Carts will adhere to all traffic flow patterns and will operate on the right side of the roadway.

(9) Carts shall not be operated on sidewalks.

(10) Carts shall not be operated on private property without the permission and consent of the property owner.

(11) This section shall apply to the operation of golf carts on any public street, road, or highway where the speed limit is 35 mph or less within the municipal limits of the town or on any property owned or leased by the town.

(D) *Inspection and fees.*

(1) The inspection by the Chief of Police or his or her designee will cover the following safety requirements, and every cart operating on town streets must have the following safety equipment:

(a) Permits issued to operators/owners of golf carts by the Town Police Department;

(b) Proof of ownership and liability insurance and a completed waiver of liability releasing the town and its employees and affiliates from all liability that may arise as a result of operating a cart inside the town. A current waiver of liability must be on file with the Police Department and must be renewed annually;

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(c) Meet the requirements or minimum standards of safety equipment as set forth in division (C) above; and

(d) A valid driver's license for operators of said golf cart.

(2) Cart owners must complete the attached registration form, wavier of liability form, and provide a copy of the proof of liability insurance prior to the cart being inspected. The completed forms and proof of insurance will be maintained by the Police Department.

(E) *Permits.*

(1) Permits will be issued annually and are valid from July 1 of each year. The following fees shall apply:

(a) Inspection by Police Department (includes permit): \$10 annually; and

(b) Reinspection by Police Department: \$5 (if a cart fails the initial inspection).

(2) Lost or stolen permits are the responsibility of the owner. A police report must be filed in the event of a lost or stolen permit. The Chief of Police will have the discretion in determining whether a permit may be reissued in this instance. If no record can be found of a previous application or the receipt of a permit, the Chief of Police may direct the applicant to reapply and also resubmit any and all fees necessary before a replacement permit is issued.

(3) Any person who operates a cart in the town and fails to receive and properly display a town permit will be subject to all applicable state laws in addition to being in violation of this section.

(F) *Enforcement.* It shall be the policy of the Police Department to issue a uniform citation against any person the officer has probable cause to believe has violated this section, whether the offending person is a juvenile or any other person.

(Prior Code, § 70.054) (Ord. 2010-15, passed 7-12-2010) Penalty, see § 70.99

### ***BICYCLES***

#### **§ 73.15 OPERATION OF BICYCLE ON SIDEWALK.**

It shall be unlawful for any person to operate a bicycle upon any sidewalk in the business area of the town.

(Prior Code, § 70.040) Penalty, see § 70.99

**§ 73.16 RESPONSIBILITY OF OPERATOR.**

Any person operating a bicycle shall be required to observe traffic regulations or traffic control signals in the same manner as required of operators of motor vehicles and shall be required to maintain the bicycle under complete control at all times.

(Prior Code, § 72.01)

**§ 73.17 LIGHTS REQUIRED ON BICYCLES.**

Every bicycle shall be equipped with a lighted lamp on the front thereof, visible under normal atmospheric conditions from a distance of at least 300 feet in front of the bicycle, and shall also be equipped with a reflex mirror or lamp on the rear exhibiting a red light, visible under like conditions from a distance of at least 200 feet to the rear of the bicycle, when used at night.

(Prior Code, § 72.02)

***Statutory reference:***

*Related provisions, see G.S. § 20-129(e)*



**CHAPTER 74: TRAFFIC SCHEDULES**

Schedule

I. Speed limits on certain streets

**SCHEDULE I: SPEED LIMITS ON CERTAIN STREETS.**

Speed limits shall be restricted on the following streets.

<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Garrett Road	35 mph	2018-2	3-5-2018
Woodlawn Drive between Liberty Street and School Drive	20 mph	2021-2	2-1-2021



## CHAPTER 75: PARKING SCHEDULES

### Schedule

- I. Parking prohibited
- II. Handicapped parking

### **SCHEDULE I: PARKING PROHIBITED.**

Parking shall be prohibited on the following streets in the following locations.

<i>Street Name</i>	<i>Side</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Hilton Road	Both	Between Hampton Court and Spencer Drive	2016-91	6-6-2016
North Edgewood Street	Westerly	A strip of zone along the westerly side of North Edgewood Street beginning at a point 117 feet northerly from where the westerly edge of North Edgewood Street intersects the northerly edge of West Main Street and running in a northerly direction along the westerly side of North Edgewood Street a distance of 38 feet.	2016-94	7-11-2016
Rhodes Street	Easterly	A strip of zone along the easterly side of Rhodes street beginning at the intersection of West Liberty Street running north-westerly along Rhodes Street to the intersection of West Pine Street a distance of 341 feet.	2021-5	6-7-2021



**SCHEDULE II: HANDICAPPED PARKING.**

The following restrictions shall apply to specified handicap parking spaces.

(A) The use of the parallel parking space located immediately in front of the Town Hall (located at 102 East Main Street) and presently marked as handicap accessible shall be limited to Town Hall visitors only, which space shall permit persons with or without a qualifying handicapped placard to park for an unlimited period of time so long as they are visiting Town Hall. The town shall add a sign to the space located on Main Street to clearly mark that this space is for Town Hall visitors only.

(B) Additionally, the town hereby designates the second parking space from the southerly side of the town parking lot located along Sinithwick Street as a handicap parking space. This parking space shall be properly marked with required signage and pavement markings to allow for proper ingress and egress from that parking space.

(C) The following described parking space shall be designated for handicapped parking: lying along the easterly curb of Washington Street and beginning at a point 15 feet northerly from the northerly side of Railroad Street and then running northerly along the easterly side of Washington Street a distance of 20 feet.

(Prior Code, § 70.083) (Ord. 2022-09, passed 3-7-2022)



## **TITLE IX: GENERAL REGULATIONS**

### Chapter

- 90. ANIMALS**
- 91. FIRE PROTECTION AND PREVENTION**
- 92. ABANDONED VEHICLES**
- 93. NUISANCES**
- 94. CEMETERIES**
- 95. DEMONSTRATIONS AND ASSEMBLAGES**
- 96. PARKS AND RECREATION**
- 97. FAIR HOUSING**



## CHAPTER 90: ANIMALS

### Section

#### *General Provisions*

- 90.01 Prohibited animals
- 90.02 Number and size of animals
- 90.03 Animals running at large
- 90.04 Animal waste
- 90.05 Bird sanctuary
- 90.06 Noisy cats

#### *Dogs*

- 90.20 Barking dogs
- 90.21 Dogs at large
- 90.22 Dogs as nuisance
- 90.23 Dangerous dogs
- 90.24 Abatement
- 90.25 Impoundment and destruction
- 90.26 Rabies; confinement
- 90.27 Vaccination and tags; collars required
  
- 90.99 Penalty

#### *GENERAL PROVISIONS*

### **§ 90.01 PROHIBITED ANIMALS.**

(A) *Keeping animals prohibited.* It shall be unlawful for any person to keep, stable, maintain, or otherwise have a horse, pony, mule, goat, cow, pig, chickens, turkey, geese, or any other fowl within the corporate limits of the town. This section shall not apply to parades or other official celebrations nor shall it apply to animals used in legitimate farm operations or animals used for instructional purposes at Martin Community College.

(Prior Code, § 90.01)

(B) *Keeping bees prohibited.* It shall be unlawful for any person, firm, or corporation in the town to keep or maintain in the town any apiary or other such container for the purpose of the raising of honey bees.

(Prior Code, § 90.04)

Penalty, see § 90.99

#### **§ 90.02 NUMBER AND SIZE OF ANIMALS.**

(A) It shall be a violation of this section for any person to keep or allow to be kept on any lot or premises in the town more than three animals in excess of 15 pounds or more than four animals total.

(B) This limitation shall not apply to animals which are less than six months of age.

(C) This limitation shall not apply to kennels, as defined by the Zoning Ordinance of the town, which must otherwise be in compliance with the Zoning Ordinance and other applicable laws and regulations.

(Prior Code, § 90.05) (Ord. passed 10-6-2008) Penalty, see § 90.99

#### **§ 90.03 ANIMALS RUNNING AT LARGE.**

No person shall allow any animal or fowl to run at large. It shall be the duty of the police to impound the animals and fowl and make sale thereof after reasonable efforts are made to locate their owners; provided, all monies collected pursuant to this section shall be turned over to the Town Treasury by the police. Dogs running at large are subject to the superseding requirements of §§ 90.20, 90.21, 90.23(A), 90.24, and 90.25.

(Prior Code, § 90.02) Penalty, see § 90.99

#### **§ 90.04 ANIMAL WASTE.**

It is unlawful for any person to allow animal waste to accumulate to the extent that it becomes a health hazard to any animal, person, or the public. Any accumulation of animal waste, when not immediately removed or discarded in a sanitary manner, is considered to be a potential health hazard (such as feces accumulated in homes, yards, pens, hutches, and public areas). *IMMEDIATE*, in this instance, is defined as waste accumulation of not more than one day's duration.

(Prior Code, § 90.06) (Ord. passed 10-6-2008) Penalty, see § 90.99

**§ 90.05 BIRD SANCTUARY.**

(A) Pursuant to G.S. § 160A-188, the entire area within the corporate limits of the town is declared a bird sanctuary.

(B) It shall be unlawful for any person to hunt, kill, trap, or otherwise take any birds within the town limits except:

(1) For those birds classified as pests under G.S. Chapter 113, Article 22A, the State Structural Pest Control Act of 1955, being G.S. §§ 106-65.22 et seq., or the State Pesticide Law of 1971, being G.S. §§ 143-434 et seq.; or

(2) Pursuant to a permit issued by the State Wildlife Resources Commission under G.S. § 113-274(c)(1a) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use in taking birds within town limits.

(Prior Code, § 90.03) Penalty, see § 90.99

***Statutory reference:***

*Related provisions, see G.S. Chapter 113, Article 22A, and §§ 113-274(c)(1a), and 160A-188*

**§ 90.06 NOISY CATS.**

It shall be a violation of this section for any owner of a cat to allow such animal, by prolonged howling or whining, to cause annoyance to neighboring residents or to interfere with the reasonable use and enjoyment of the premises occupied by neighboring residents.

(Prior Code, § 90.40) (Ord. passed 10-6-2008) Penalty, see § 90.99

***DOGS***

**§ 90.20 BARKING DOGS.**

It shall be unlawful to keep or maintain in the town, any dog which (by prolonged and habitual barking, howling, or whining) causes serious annoyance to neighboring residents and interferes with the reasonable use and enjoyment of the premises occupied by the residents or with the reasonable use and enjoyment of the public streets, sidewalks, or other public areas.

(Prior Code, § 90.21) Penalty, see § 90.99

**§ 90.21 DOGS AT LARGE.**

(A) Any person owning, keeping, possessing, harboring, or having the care, custody, or control of a dog within the town shall keep the dog secured as follows:

(1) By keeping the dog inside the keeper's premises;

(2) By keeping the dog in a secure enclosure; except, dangerous dogs, as defined in § 90.23(A), shall be kept in an enclosure which has a top and a concrete base with fencing securely attached or anchored to the concrete perimeter to a depth of six inches; and/or

(3) By keeping the dog on a leash which is held by a person of suitable age and discretion who can maintain control of the dog; except, dangerous dogs shall be muzzled and kept on a chain-link leash not more than six feet long.

(B) Proof of a dog found running at large, if identifiable, shall constitute a prima facie case against the owner, possessor, or keeper of the dog, and if the owner, possessor, or keeper of the dog shall not be identifiable, the dog shall be considered a stray dog and disposed of accordingly.

(Prior Code, § 90.22) (Ord. passed 10-6-2008) Penalty, see § 90.99

**§ 90.22 DOGS AS NUISANCE.**

It is a nuisance for any dog to habitually or frequently bark or cry, to frequent school grounds and parks, to chase vehicles, to molest or annoy any person away from the property of its owner or custodian, or to damage, defile, or destroy public or private property. Failure of the owner or keeper of the animal to prevent the animal from committing a nuisance is a violation of this subchapter.

(Prior Code, § 90.26) (Ord. passed 10-6-2008) Penalty, see § 90.99

**§ 90.23 DANGEROUS DOGS.**

(A) *Defined.* It shall be unlawful for any owner or keeper of a dangerous dog to keep or maintain said dog in violation of this subchapter. A **DANGEROUS DOG** is defined as follows:

(1) Any dog with a known propensity, tendency, or disposition to attack without provocation, to cause injury, or to otherwise threaten the safety of human beings or domestic animals;

(2) Any dog which, without provocation, has attacked or bitten a human being or domestic animal;

(3) Any dog owned or harbored primarily or in part for the purpose of dogfighting or any trained for dogfighting;

(4) Any dog which, without provocation, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack; or

(5) A pit bull terrier when off the premises of the owner or keeper and not muzzled and held on a chain-link leash, not more than six feet long, by a person of suitable age and discretion who can maintain control of the dog. A **PIT BULL TERRIER** shall be defined as any American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Terrier breed of dog or any mixed breed of dog which has the appearance of being predominantly of the breeds of dogs known as American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Terrier, and any other breed of dog commonly known as pit bull, pit bull dog, pit bull terrier, or a combination of those breeds.  
(Prior Code, § 90.20)

(B) *County Dangerous Dog Ordinance*. The town hereby consents to the application and enforcement of the County Dangerous Dog Ordinance within the incorporated area of the town.

(Prior Code, § 90.28)

(Res. passed 8-4-2008; Ord. passed 10-6-2008) Penalty, see § 90.99

#### § 90.24 ABATEMENT.

Any animal kept or maintained in violation of the provisions of this subchapter is declared to be a public nuisance which may be abated by injunction, restraining order, or other lawful means including summary abatement.

(Prior Code, § 90.24) (Ord. passed 10-6-2008)

#### § 90.25 IMPOUNDMENT AND DESTRUCTION.

(A) Any dog kept or maintained in violation of this subchapter or any stray dog, as defined in division (B) below, may be impounded by the duly authorized representative of the town and a charge, as from time to time set by the town, imposed for the cost of impoundment. At the expiration of seven days, unless claimed by its owner or keeper and the impounding charges paid, the dog may be humanely destroyed.

(B) A **STRAY DOG** shall be defined as any abandoned dog, any dog which does not wear a tag or emblem of identification, any dog which has not been vaccinated as required by law, or any dog which is found off the premises of its owner or keeper without being restrained by leash.

(C) Upon apprehension and impoundment, if the owner or keeper of the impounded dog can be identified through tag or other identification, reasonable notice of the impoundment shall be given to the owner or keeper before the dog is destroyed.

(Prior Code, § 90.25) (Ord. passed 10-6-2008)

**§ 90.26 RABIES; CONFINEMENT.**

(A) In all cases where a dog has bitten a human, the dog shall be confined for the appropriate rabies incubation period.

(B) If it is determined by standard practices that the animal should be tested for rabies, the animal shall be destroyed for that purpose.

(C) Cost of confinement, maintenance, and testing shall be the responsibility of the owner or keeper. (Prior Code, § 90.27) (Ord. passed 10-6-2008)

**§ 90.27 VACCINATION AND TAGS; COLLARS REQUIRED.**

All dogs in the town shall be inoculated against rabies and shall wear a collar to which is attached a current rabies vaccination tag and a tag sufficient for notification purposes to identify the owner or keeper.

(Prior Code, § 90.23) (Ord. passed 10-6-2008) Penalty, see § 90.99

**§ 90.99 PENALTY.**

Any person violating this chapter shall be guilty of a Class 3 misdemeanor and punishable by a criminal fine not exceeding \$25 pursuant to G.S. §§ 14-4 and 160A-175. In addition, enforcement may include all other remedies included in this code of the town. Each day's continuing act or conduct prohibited hereby and each day's failure to comply shall constitute a separate and distinct offense.

(Ord. 2022-17, passed 4-5-2022)

***Statutory reference:***

*Related provisions, see G.S. §§ 14-4 and 160A-175*

## CHAPTER 91: FIRE PROTECTION AND PREVENTION

Section

### *General Provisions*

- 91.01 Fire Prevention Code adopted
- 91.02 Jurisdiction
- 91.03 Inspection of self-service gasoline pump

### *Fireworks*

- 91.15 Fireworks prohibited

## **GENERAL PROVISIONS**

### **§ 91.01 FIRE PREVENTION CODE ADOPTED.**

The Board of Commissioners of the town hereby adopts the Fire Prevention Code, abbreviated edition.

(Prior Code, § 91.01)

#### ***Statutory reference:***

*Related provisions, see, see G.S. § 160A-76*

### **§ 91.02 JURISDICTION.**

The Fire Prevention Code is hereby made to apply to the extraterritorial jurisdiction of the town.  
(Prior Code, § 91.02)

### **§ 91.03 INSPECTION OF SELF-SERVICE GASOLINE PUMP.**

Before any self-service gasoline pumps or automatic gasoline dispensing systems be put into operation, a fire-prevention officer shall inspect same, and the gasoline pumps or automatic dispensing

systems shall not be put into operation by the owner or lessor thereof until a fire-prevention officer has approved the same in writing.

(Prior Code, § 91.04) Penalty, see § 10.99

### ***FIREWORKS***

#### **§ 91.15 FIREWORKS PROHIBITED.**

It shall be unlawful for any person to shoot firecrackers, torpedoes, or any explosive generally known as fireworks in the town.

(Prior Code, § 91.03) Penalty, see § 10.99

## CHAPTER 92: ABANDONED VEHICLES

### Section

#### *General Provisions*

- 92.01 Objectives
- 92.02 Administration
- 92.03 Definitions
- 92.04 Hearings
- 92.05 Exceptions

#### *Abandoned, Junked Motor Vehicles*

- 92.20 Abandoned and nuisance vehicle unlawful
- 92.21 Junked motor vehicles regulated
- 92.22 Pre-towing notice required; exception
- 92.23 Post-towing notice required
- 92.24 Redemption of vehicle
- 92.25 Sale and disposition of unclaimed vehicles
- 92.26 Conditions on removal from private property
- 92.27 Protection against liability
- 92.28 Unlawful removal of impounded vehicles
  
- 92.99 Penalty

#### **GENERAL PROVISIONS**

### **§ 92.01 OBJECTIVES.**

This chapter is enacted in order to promote and enhance:

- (A) The quality of urban attractiveness and aesthetic appearance of the town;
- (B) The protection of property values throughout the town;

(C) The preservation of the livability and attractiveness of neighborhoods;

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

(E) The attractiveness of the town's thoroughfares and commercial roads which present the primary public visibility to visitors and to passersby of the town; and

(F) The promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of junked motor vehicles.  
(Prior Code, § 70.115)

### § 92.02 ADMINISTRATION.

The Police Department and the Zoning Administrator 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 and on property owned by the town. The Zoning Administrator shall be responsible for administering the removal and disposition of abandoned, nuisance, or junked motor vehicles located on private property. The town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles, and junked motor vehicles in compliance with this chapter and applicable state laws. Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the Town Police Department and Fire Department in enforcing other laws or in otherwise carrying out their duties.  
(Prior Code, § 70.116)

### § 92.03 DEFINITIONS.

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

**ABANDONED VEHICLES.** As authorized and defined in G.S. § 160A-303, an **ABANDONED MOTOR VEHICLE** is one that:

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking;
- (2) Is left on property owned or operated by the town for longer than 24 hours;
- (3) Is left on a public street or highway for longer than seven days; and/or

(4) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours.

**AUTHORIZING OFFICIAL.** The supervisory employee of the Police Department or the Zoning Administrator designated to authorize the removal of vehicles under the provisions of this chapter.

**JUNKED MOTOR VEHICLES.** Authorized and defined in G.S. § 160A-303.2, the term **JUNKED MOTOR VEHICLE** means a vehicle that does not display a current license plate lawfully upon that vehicle and that:

(1) Is partially dismantled or wrecked;

(2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or

(3) Is more than five years old and appears to be worth less than \$100 or is more than five years old and appears to be worth less than \$500, as provided by the municipality in an ordinance adopted under this section.

**MOTOR VEHICLE** or **VEHICLE.** 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 odor;

(5) One which has areas of confinement that cannot be operated from the inside such as trunks and hoods;

(6) One as situated or located so that there is a danger of it falling or turning over;

(7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;

(8) One which has sharp parts which are jagged or contain sharp edges of metal or glass; or

(9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Commissioners.

(Prior Code, § 70.117)

**Statutory reference:**

*Related provisions, see G.S. § 160A-303*

**§ 92.04 HEARINGS.**

(A) After the removal of an abandoned vehicle, nuisance vehicle, or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle.

(B) A request for hearing must be filed in writing with the Magistrate. The Magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. § 20-219.11.

(Prior Code, § 70.124)

**Statutory reference:**

*Related provisions, see G.S. § 20-219.11*

**§ 92.05 EXCEPTIONS.**

Nothing in this subchapter shall apply to any vehicle:

(A) Which is located in a bona fide **AUTOMOBILE GRAVEYARD** or **JUNKYARD**, as defined in G.S. § 136-143, in accordance with the Junkyard Control Act, G.S. §§ 136-141 et seq.;

(B) Which is in an enclosed building;

(C) Which 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) Which is in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Prior Code, § 70.129)

**Statutory reference:**

*Related provisions, see G.S. §§ 136-141 et seq. and 136-143*

***ABANDONED, JUNKED MOTOR VEHICLES***

**§ 92.20 ABANDONED AND NUISANCE VEHICLE UNLAWFUL.**

*(A) Abandoned vehicle unlawful; removal authorized.*

(1) 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 herein.

(2) Upon investigation, proper authorizing officials of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.  
(Prior Code, § 70.118)

*(B) Nuisance vehicle unlawful; removal authorized.*

(1) 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.

(2) Upon investigation, the Zoning Administrator may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle, as defined above, and order the vehicle removed.  
(Prior Code, § 70.119)  
Penalty, see § 92.99

**§ 92.21 JUNKED MOTOR VEHICLES REGULATED.**

(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 on the premise of public or private property. A single permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.

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

(D) Subject to the provisions of division (A) above, upon investigation, the Zoning Administrator may order the removal of a junked motor vehicle after finding in writing that the aesthetic benefits of

removing the vehicle outweigh the burdens imposed on the private property owner. The finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following, among other relevant factors, may be considered:

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

(E) Permitted concealment or enclosure of junked motor vehicles must adhere to the following standards.

(1) *Concealing junked motor vehicles.*

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

(b) The Zoning Administrator has the 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 stated in § 92.01.

(2) *More than one junked motor vehicle.* Any other junked motor vehicles must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicles cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all Zoning and Building Code regulations. (Prior Code, § 70.120) Penalty, see § 92.99

**§ 92.22 PRE-TOWING NOTICE REQUIRED; EXCEPTION.**

(A) *Removal of abandoned, nuisance, or junked motor vehicles; pre-towing notice requirements.*

(1) Except as set forth in division (B) below, 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.

(a) In the case of a nuisance vehicle or a junked motor vehicle (if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence), the notice shall be given by first-class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed and the date mailed.

(b) If the names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the town on a specified date (no sooner than seven days after the notice is affixed). The notice shall state that the vehicle will be removed by the town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

(2) 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 and instead 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 Board of Commissioners, in writing, and heard at the next regularly scheduled meeting of the Board of Commissioners, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.  
(Prior Code, § 70.121)

*(B) Exceptions to prior notice requirement.*

(1) The requirement that notice be given prior to the removal of an abandoned, nuisance, or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare.

(2) The findings shall, in all cases, be entered by the authorizing official in the appropriate daily records.

(3) Circumstances justifying the removal of vehicles without prior notice include the following.

(a) *Vehicles abandoned on the streets.* For vehicles left on the public streets and highways, the Board of Commissioners hereby determines 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.

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

(Prior Code, § 70.122)

### § 92.23 POST-TOWING NOTICE REQUIRED.

(A) Any abandoned, nuisance, or junked motor vehicle which has been ordered removed may, as directed by the town, be removed to a storage garage or area by the town truck operator or towing business contracting to perform the services for the town. Whenever the vehicle is removed, the authorizing town officials shall immediately notify the last known registered owner of the vehicle the notice to include the following:

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

(B) The town shall attempt to give notice to the vehicle owner by telephone; however (whether or not the owner is reached by telephone) written notice (including the information set forth in 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 the 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 (A)(5) above. (Prior Code, § 70.123)

**§ 92.24 REDEMPTION OF VEHICLE.**

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of the fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this subchapter. (Prior Code, § 70.125) Penalty, see § 92.99

**§ 92.25 SALE AND DISPOSITION OF UNCLAIMED VEHICLES.**

Any abandoned, nuisance, or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the town and in accordance with G.S. Chapter 44A, Article 1.

(Prior Code, § 70.126)

***Statutory reference:***

*Related provisions, see G.S. Chapter 44A, Article 1*

**§ 92.26 CONDITIONS ON REMOVAL FROM PRIVATE PROPERTY.**

(A) As a general policy, the town will not remove a vehicle from private property if the owner, occupant, or lessee of the property could have the vehicle removed under the applicable state law procedures.

(B) In no case will a vehicle be removed by the town from private property without a written request of the owner, occupant, or lessee except in those cases where a vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the Zoning Administrator.

(C) The town may require any person requesting the removal of an abandoned, nuisance, or junked motor vehicle from private property to indemnify the town against any loss, expense, or liability incurred because of the removal, storage, or sale thereof.

(Prior Code, § 70.127)

**§ 92.27 PROTECTION AGAINST 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 subchapter.

(Prior Code, § 70.128) Penalty, see § 92.99

**§ 92.28 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLES.**

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 provisions of this code unless and until all towing and impoundment fees, which are due or found in lieu of the fees, have been paid.

(Prior Code, § 70.130) Penalty, see § 92.99

**§ 92.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is otherwise prescribed herein shall, in addition to the penalties provided by law, be guilty of a Class 3 misdemeanor pursuant to G.S. §§ 14-4 and 160A-175 and punishable by a criminal fine not to exceed \$25.

(Ord. 2022-16, passed 4-5-2022)

***Statutory reference:***

*Related provisions, see G.S. §§ 14-4 and 160A-175*

## CHAPTER 93: NUISANCES

### Section

#### *General Provisions*

- 93.01 What constitutes a nuisance
- 93.02 Cost of removal to be charged to owner
- 93.03 Notice of abatement
- 93.04 Provisions cumulative

#### *Noises*

- 93.15 Prohibition; generally
- 93.16 Enumerated

#### *Weeds and Vegetation*

- 93.30 Plantings on right-of-way
  - 93.31 Maximum permitted height growth
  - 93.32 When deemed public nuisance
  - 93.33 Investigation
  - 93.34 Notice to abate nuisance
  - 93.35 Abatement by town
  - 93.36 Property owner must obey
  - 93.37 When notice cannot be given
- 
- 93.99 Penalty

### **GENERAL PROVISIONS**

#### **§ 93.01 WHAT CONSTITUTES A NUISANCE.**

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

**Williamston - General Regulations**

(A) Trees, shrubs, and similar growths at street intersections where the growths so impair the vision of drivers using the streets as to create a traffic hazard at the intersection;

(B) Any accumulation of animal or vegetable matter or weeds and other uncontrolled growth which is offensive by virtue of odors or vapors or by the inhabitancy therein of rats, mice, snakes, insects, or vermin of any kind which is or may be dangerous or prejudicial to the public health or safety or the keeping of animals or pets in such a manner and in the location as to seriously interfere with the reasonable use by neighboring residents or property owners of their property because of odor or habitual barking, howling, whining, crying, growling, or other noisemaking;

(C) Any accumulation of rubbish, trash, or junk (including vehicles or parts thereof) causing or threatening to cause a fire hazard, the accumulation of stagnant water, or the inhabitancy therein of rats, mice, snakes, or vermin of any kind or being a point of heavy growth of weeds or other noxious vegetation or a point of concentration of gasoline, oil, or other flammable material or being located so that there is a danger of falling or turning over or a danger to children;

(D) Trees and any other overhanging above-ground objects which, because of their deteriorated condition or otherwise, pose a danger or threat of danger to the safety or health of adjoining property or occupiers of adjoining property;

(E) Deteriorated or ill-maintained buildings and structures, the condition of which adversely affects other property or the public because of, but not limited to, improper drainage, leakage, or decay;

(F) The accumulation of scrap materials which are not surrounded by a fence of sufficient height, strength, and construction to deny persons, especially children, access to the scrap materials and to shield neighboring properties from the view of the materials. Scrap materials include, but are not limited to:

(1) Fragments of metal, wood, glass, masonry, plastic, textiles, rope, leather, rubber, paper, or any substance which formerly was part of the construction of some useful object or thing or which consists of the excess resulting from the creation of some useful object or thing;

(2) Objects or things (including, but not limited to, machines, tools, equipment, hardware, furniture, and appliances or parts of same) which are no longer in serviceable condition or have value only as raw material for reprocessing; and

(3) Remnants of junked motor vehicles.

(G) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department or any condition which is dangerous or prejudicial to the public health or safety; and

(H) Any violation of the Zoning Ordinance of the town which adversely affects the use and enjoyment of neighboring property.

(Prior Code, § 93.01) (Ord. passed 1-6-1996; Ord. passed 5-7-2007)

**§ 93.02 COST OF REMOVAL TO BE CHARGED TO OWNER.**

(A) The nuisance may be removed in accordance with the procedure set out herein.

(B) (1) 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 Town Administrator 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.

(2) Upon failure to pay the charges within 30 days, the charges shall become a lien on the land or premises and shall be collected as unpaid taxes.

(Prior Code, § 93.02) (Ord. passed 1-6-1996; Ord. passed 5-7-2007)

**§ 93.03 NOTICE OF ABATEMENT.**

(A) Upon a determination that the conditions constituting a public nuisance exist, the Town Administrator or his or her designee shall notify in writing the owner, occupant, or person in possession of the premises in question of the condition constituting the nuisance and shall order the prompt abatement thereof within ten days from the receipt of the written notice.

(1) If the owner, occupant, or person in possession of the premises cannot be ascertained with due diligence, notice shall be posted on the premises. The notice shall state the condition or situation constituting the nuisance that, if not removed within ten days, may be caused to be removed by the town and that if the owner, occupant, or person in possession has not abated the nuisance within ten days, the town will cause the nuisance to be abated and that the expense of removal, if not paid within 30 days after being billed by the town, shall become a lien on the land or premises and shall be collected as unpaid taxes.

(2) Within ten days of the receipt of the notice or the posting of the premises, an appeal of the determination of the Town Administrator may be taken to the Town Board; except, if the conditions constituting the nuisance are such that the danger is imminent and likely to occur before notice can be given, the nuisance may be abated summarily; in which case, the appeal may be heard on the question of whether the cost of abatement shall be a lien upon the land or premises.

(B) Upon an appeal duly taken, the Town Board shall afford a hearing to the appellant or appellants at which hearing the Town Administrator shall present evidence sufficient to substantiate a finding of the nuisance.

(1) Appellant or appellants shall be given an opportunity to present evidence and all parties may cross examine witnesses. The Town Board may consider all reliable evidence and need not be bound by the strict rules of evidence applicable to courts of law, but all witnesses shall be sworn.

(2) At the conclusion of the hearing, the Town Board shall make findings of fact, state its conclusions, and enter an appropriate order, which findings and order shall be mailed or delivered to appellant or appellants.

(3) An order upholding the order of the Town Administrator may direct appropriate town employees to remove, abate, or remedy the nuisance and assess the costs as set out above to be paid within 30 days or to become a lien upon the land or premises where the nuisance existed and to be collected as unpaid taxes.

(Prior Code, § 93.03) (Ord. passed 1-6-1996; Ord. passed 5-7-2007)

#### **§ 93.04 PROVISIONS CUMULATIVE.**

(A) The procedure set forth in this chapter shall be in addition to any other remedies which may now or hereafter exist under law for the abatement of nuisances, and this chapter shall not prevent the town from proceeding by the use of other remedies as provided for in § 10.99.

(B) In the event the town subjects the offender to a civil penalty, the penalty shall be paid within 30 days after being the offender is cited for the violation. Each day that the violation continues after notification of the violation and of the penalty shall constitute a separate offense. The citation shall include:

- (1) The name and address (if known) of the violator;
- (2) The ordinance provision violated;
- (3) The date and location of the violation;
- (4) A description of the violation;
- (5) The amount of the civil penalty; and

(6) A statement that if the penalty is not paid to the town within 30 days, a civil action will be brought against the violator to recover the penalty. The Town Administrator is authorized to sign the complaint on behalf of the town.

(C) The provisions of this chapter, so far as they are the same as those of ordinances adopted prior to the adoption of this chapter and included herein, shall be considered as continuations thereof and not as new enactments.

(D) This chapter shall not affect nor otherwise excuse nor waive the power to remove or abate any nuisance in existence at the time of the adoption of this chapter.

(Prior Code, § 93.04) (Ord. passed 1-6-1996; Ord. passed 5-7-2007)

*NOISES*

**§ 93.15 PROHIBITION; GENERALLY.**

The production or emission of the following (which tend to annoy, disturb, or frighten the citizens of the town) are prohibited:

(A) Loud noises; and

(B) Amplified speech, music, or other sounds.

(Prior Code, § 93.20) Penalty, see § 93.99

**§ 93.16 ENUMERATED.**

The following acts, among others, are declared to be noises and sounds in violation of this subchapter, but the enumeration shall not be deemed to be exclusive:

(A) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal, so as to create any unreasonably loud or harsh sound or the sounding of the device for an unnecessary and unreasonable period of time;

(B) The playing of any radio, phonograph, or other music instrument in the manner or with the volume (particularly during the hours between 11:00 p.m. and 7:00 a.m.) as to annoy or disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence;

(C) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in the manner as to create loud or unnecessary grating, grinding, rattling, or other noise;

(D) The keeping of any animal or bird which, by causing frequent or long-continued noises, disturbs the comfort and repose of any citizen;

(E) The use of any mechanical loudspeakers or amplifiers on trucks, automobiles, or other vehicles for advertising or other purposes except where a specific license has been procured from the Chief of Police of the town and then only under the terms and conditions set forth in the license; and

(F) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, or display of merchandise.

(Prior Code, § 93.21) Penalty, see § 93.99

**WEEDS AND VEGETATION****§ 93.30 PLANTINGS ON RIGHT-OF-WAY.**

No planting or other obstruction more than 36 inches high may be made on the right-of-way between the curb and sidewalk for a distance of 25 feet from the corners of intersections.

(Prior Code, § 52.01) Penalty, see § 93.99

**§ 93.31 MAXIMUM PERMITTED HEIGHT GROWTH.**

(A) Heavy undergrowth and excessive accumulations of plant growth such as grass and weeds shall not be permitted to exceed ten inches in height upon occupied property or vacant lots within the town. Every owner, lessee, occupant, or person in possession of property in the town shall cut down, within ten inches of the ground, all weeds, grass, or other noxious growth thereon as often as may be necessary and at least twice each year; the first time shall not be later than June 15, and the second time shall not be later than September 15 of each year.

(B) If the weeds, grasses, or other noxious growth are not cut in compliance with this section, the town, through its agents and employees, shall proceed to have the weeds, grass, or other noxious growth cut out, and the owner, lessee, occupant, or person in possession of the property shall be responsible to the town for the cost thereof, as provided in G.S. § 160A-193.

(Prior Code, § 52.02)

***Statutory reference:***

*Related provisions, see G.S. § 160A-193*

**§ 93.32 WHEN DEEMED PUBLIC NUISANCE.**

The uncontrolled growth of noxious weeds and grass pausing or threatening to cause conditions dangerous and prejudicial to the public health or a fire hazard dangerous to the public safety, upon any premises or upon any vacant lot, is hereby declared to be a public nuisance.

(Prior Code, § 52.03)

**§ 93.33 INVESTIGATION.**

The Town Administrator, upon notice from any person of the existence of the conditions described in § 93.31, shall make or cause to be made the investigations as may be necessary to determine whether, in fact, the conditions constitute a public nuisance.

(Prior Code, § 52.04)

**§ 93.34 NOTICE TO ABATE NUISANCE.**

Following the investigation provided in § 93.33 and upon determination by the Town Administrator that the conditions constitute a public nuisance, the Town Administrator shall notify, in writing, the owner, lessee, occupant, or person in possession of the premises in question of the condition constituting a public nuisance and shall order the prompt abatement thereof.  
(Prior Code, § 52.05)

**§ 93.35 ABATEMENT BY TOWN.**

Any person who, under the provisions of § 93.34, has been ordered to abate a public nuisance may, within ten days from receipt of the order, request the Town Administrator in writing to remove the conditions constituting the nuisance, the costs of the removal to be paid by the person making the request. If not paid, the costs shall be a lien upon the land or premises where the nuisance was situated and shall be collected as unpaid taxes as provided in G.S. § 160A-193.  
(Prior Code, § 52.06)

***Statutory reference:***

*Related provisions, see G.S. § 160A-193*

**§ 93.36 PROPERTY OWNER MUST OBEY.**

If any person who, under the provisions of § 93.34, has been ordered to abate a nuisance, fails to do so or fails to request the Town Administrator to do so, within ten days of receipt of the order, the Town Administrator shall proceed to remove the conditions constituting the nuisance. The costs of the removal shall be a lien upon the premises where the nuisance was situated and shall be collected as unpaid taxes as provided in G.S. § 160A-193.  
(Prior Code, § 52.07)

***Statutory reference:***

*Related provisions, see G.S. § 160A-193*

**§ 93.37 WHEN NOTICE CANNOT BE GIVEN.**

In any case in which the Town Administrator is unable to give written notice to the owner, lessee, occupant, or person in possession of premises upon which a nuisance exists, whether by reason of inability to identify any person or to ascertain his or her address, the Town Administrator shall give the notice by publication in a newspaper of general circulation which is qualified under G.S. § 1-597 to publish legal advertisements in the county. At the same time, the Town Administrator shall post a copy of the notice at a conspicuous place upon the premises in question. The ten-day period provided in

§ 93.35 shall commence to run from the date of the newspaper publication, and the cost of the publication shall be included in the cost of removal of the conditions which constitute the nuisance. (Prior Code, § 52.08)

**Statutory reference:**

*Related provisions, see G.S. § 1-597*

**§ 93.99 PENALTY.**

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

(B) Any person violating any provision of §§ 93.01 through 93.04, 93.20, and 93.21 for which no specific penalty is prescribed shall be guilty of a Class 3 misdemeanor and punishable by a criminal fine not exceeding \$25, pursuant to G.S. §§ 14-4 and 160A-175.

(C) (1) In addition to other remedies provided by law and this code, a violation of § 93.35 may subject the offender to a civil penalty in the amount of \$25, the penalty to be assessed and recovered by the town pursuant to § 10.99.

(2) The citation shall include:

(a) The name and address (if known) of the violator;

(b) The ordinance provision violated;

(c) The date and location of the violation;

(d) A description of the violation;

(e) The amount of the civil penalty; and

(f) A statement that if the penalty is not paid to the town within 20 business days, a civil action or other remedies shall be sought against the violator to recover the penalty, pursuant to § 10.99. The Town Administrator or his or her designee is authorized to sign the complaint on behalf of the town.

(D) (1) Violation of any of the provisions of §§ 93.30 through 93.37 shall be subject to a civil penalty as provided in § 10.99.

(2) Each day of continuing violation of these provisions shall constitute a separate offense.

(3) The provisions of §§ 93.30 through 93.37 shall in no way limit or restrict the town's enforcement of all remedies available at law.

(Ord. 2022-15, passed 4-5-2022; Ord. 2022-18, passed 6-6-2022)

***Statutory reference:***

*Related provisions, see G.S. §§ 14-4 and 160A-175*



## CHAPTER 94: CEMETERIES

### Section

#### *General Provisions*

- 94.01 Public Works Department supervision
- 94.02 Purchase of burial rights
- 94.03 No transfer of lots
- 94.04 Intermittent of fees
- 94.05 Special section for infants and cremation urns
- 94.06 Removal of unused building material
- 94.07 Restoration, repairs, and improvements

#### *Graves*

- 94.20 Depth
- 94.21 Setback
- 94.22 Coping, curves, and the like

#### *Monuments*

- 94.35 One per family lot
- 94.36 Head marker
- 94.37 Marker
- 94.38 Foundations

#### *Violations*

- 94.50 Removal or injury to structures
- 94.51 Destroying or injuring plants
- 94.52 Trespassing
- 94.53 Disturbing the peace
- 94.54 Vehicle speed
- 94.55 Littering
  
- 94.99 Penalty

**GENERAL PROVISIONS****§ 94.01 PUBLIC WORKS DEPARTMENT SUPERVISION.**

(A) *Public Works Department supervision.* The town cemetery, known as Woodlawn Cemetery, shall be a part of the Public Works Department under the supervision of the Public Works Director or his or her designee.

(Prior Code, § 94.001)

(B) *General duties.* The Public Works Director or his or her designee shall have the powers and duties as shall be conferred upon him or her by this chapter or any ordinance, resolution, or order of the Board of Commissioners. The Public Works Director or his or her designee shall have charge of the upkeep, protection, and preservation of the cemetery; shall supervise the digging of all graves, the interment and disinterment of bodies, and the erection of monuments and markers; shall supervise and approve the planting of any and all shrubbery, trees, and flowers; and shall make provision for the entrance and exit of persons and vehicles to and from the cemetery.

(Prior Code, § 94.002)

**§ 94.02 PURCHASE OF BURIAL RIGHTS.**

Upon payment of the appropriate fees, as set out in the regularly adopted fee schedule of the town, evidence of burial rights shall be transferred to the purchaser from the town.

(Prior Code, § 94.090)

**§ 94.03 NO TRANSFER OF LOTS.**

No cemetery lot or burial rights may be sold or transferred by its owner to any other party. If the owner finds that he or she has no use for a lot, the town will buy the lot from that person at the same price originally paid for that lot; except, when more than one burial lot has been purchased in the name of one person for the purpose of interment of other family members, it shall not be considered a transfer for those other family members to be interred in the lots.

(Prior Code, § 94.091)

**§ 94.04 INTERMITTENT OF FEES.**

Except as otherwise specified herein, fees for interment shall be as set out in the town's regularly adopted Schedule of Fees.

(Prior Code, § 94.092)

**§ 94.05 SPECIAL SECTION FOR INFANTS AND CREMATION URNS.**

(A) Section N-Northwest is designated a special section for infant and cremation urn graves.

(B) The following rules apply in that section only:

(1) Plot size shall be two and one-half feet by five feet; and

(2) Grave marker size shall be no more than one foot by one and one-half feet.

(C) Notwithstanding the provisions in division (B) above, infants and cremation urns may be interred in family plots. The number of infant and cremation urns which may be placed in one gravesite shall be as determined from time to time by the Board of Commissioners.

(Prior Code, § 94.093)

**§ 94.06 REMOVAL OF UNUSED BUILDING MATERIAL.**

Any tools, materials, or debris remaining after the erection of monumental markers or other lawful structures authorized herein shall be promptly removed from the cemetery by the owner of the lot upon which the monument, marker, or structure is located.

(Prior Code, § 94.050)

**§ 94.07 RESTORATION, REPAIRS, AND IMPROVEMENTS.**

(A) *Grading, landscaping, and improvements.* All grading, landscaping, and improvements of every kind in the cemetery shall be made or done by the town only.

(Prior Code, § 94.051)

(B) *Repair or removal of mausoleums, monuments, or tombs.* Should any mausoleum, monument, or tomb in the cemetery become unsafe, unsightly, or in need of repair or resetting, the Superintendent of the Town Cemetery shall so notify the owner or any person having an interest in the lot upon which the condition exists and shall request the person to make the needed repairs under the Superintendent's supervision, and the person shall be required to make the necessary repairs under the supervision of the Superintendent of the Town Cemetery. The town is not responsible for replacing or restoring any monuments or marker.

(Prior Code, § 94.094)

(C) *Restoration of property by town.* In the event of any violation of provisions of this chapter, the town shall have authority to restore the property to its condition, as authorized herein. Where repairs or maintenance are made and the responsibility of the owner, by this chapter, and the activities are not

undertaken by the party after reasonable notice of an unacceptable condition, the town may undertake the repairs or maintenance and assess the owner the cost of the repairs or maintenance.  
(Prior Code, § 94.095)

### ***GRAVES***

#### **§ 94.20 DEPTH.**

All graves in the cemetery shall be at least four feet in depth.  
(Prior Code, § 94.015)

#### **§ 94.21 SETBACK.**

No graves in the cemetery shall be dug nearer than 12 inches to any property line.  
(Prior Code, § 94.016)

#### **§ 94.22 COPING, CURVES, AND THE LIKE.**

No coping, curb, fencing, grave mound, or border of any kind shall be allowed on any burial lot in the cemetery.  
(Prior Code, § 94.017)

### ***MONUMENTS***

#### **§ 94.35 ONE PER FAMILY LOT.**

Only one central or family monument shall be allowed on a family lot in the cemetery. When a monument is not desired by the family, one head marker per grave may be authorized.  
(Prior Code, § 94.030)

**§ 94.36 HEAD MARKER.**

When a head marker is used in place of a monument, it shall be laid flush with the ground and shall not exceed two feet in length and one foot in width and shall be placed at the head of the grave.  
(Prior Code, § 94.031)

**§ 94.37 MARKER.**

When a monument is used, a marker may also be placed at the end of each grave farthest from the monument. The marker shall be laid flush with the ground and shall not exceed two feet in length and one foot in width.  
(Prior Code, § 94.032)

**§ 94.38 FOUNDATIONS.**

(A) No memorial shall be erected in the cemetery unless there shall first be a foundation to consist of a concrete mixture (one part cement of standard brand; two parts clean, sharp sand; and three parts rock) which not to exceed one and one-half inches in size. The foundation shall be the full length of the marker on top and in the center of the foundation.

(B) The foundation for monuments shall be 12 inches longer than the length of the base of the monument and 12 inches wider than the width of the base of the monument, thus making an extension of six inches on each side of the monument base. The foundation will be 12 inches thick for monuments weighing over 400 pounds and eight inches thick for monuments less than 400 pounds. The finished grade of the foundation shall be flush with the ground. The foundation will not extend over the property line. No portion of any monument or marker (excluding foundations) will be closer than six inches from any property line.

(C) The foundation for markers shall extend two inches beyond the marker on all sides. The thickness of the foundation shall be equal to the thickness of the marker or a minimum of four inches, whichever is greater. The finished grade of the foundation shall be at a depth also equal to the thickness of the marker. Thus, upon completion of construction, the top surface of the marker will be flush with the ground.

(D) Any type of memorial, monument, marker, or other structure to be placed which will not conform to the conditions outlined in divisions (A) through (C) above is prohibited unless written approval is obtained from the Director of Public Works.  
(Prior Code, § 94.033)

***VIOLATIONS*****§ 94.50 REMOVAL OR INJURY TO STRUCTURES.**

It shall be unlawful for any person to remove any board, gravestone, or other monument erected at any grave or to deface, injure, or destroy any board, gravestone, or monument in any manner.  
(Prior Code, § 94.052) Penalty, see § 94.99

**§ 94.51 DESTROYING OR INJURING PLANTS.**

It shall be unlawful for any person to destroy or injure in any manner any flower, shrub, tree, or plant in the cemetery. All pruning or cutting of trees and shrubbery is prohibited except as done under the supervision of the Public Works Director or his or her designee.  
(Prior Code, § 94.053) Penalty, see § 94.99

**§ 94.52 TRESPASSING.**

(A) It shall be unlawful for any person, other than officers of the law engaged in the prosecution of their duties as such, to enter the cemetery in the nighttime between one hour after sunset and one hour before sunrise without prior authority to do so from the Public Works Director or his or her designee.

(B) No person shall enter the cemetery at other times except for the purpose of attending funerals, visiting graves, or pursuing some other lawful mission.  
(Prior Code, § 94.070) Penalty, see § 94.99

**§ 94.53 DISTURBING THE PEACE.**

No person shall disturb the quiet, repose, and good order of the cemetery.  
(Prior Code, § 94.071) Penalty, see § 94.99

**§ 94.54 VEHICLE SPEED.**

It shall be unlawful for any person to drive any vehicle within the cemetery except upon the cemetery roadways at a speed not in excess of 15 mph.  
(Prior Code, § 94.072) Penalty, see § 94.99

**§ 94.55 LITTERING.**

It shall be unlawful for any person to deposit or cause to be deposited garbage or other unclean or offensive substance in the cemetery.

(Prior Code, § 94.073) Penalty, see § 94.99

**§ 94.99 PENALTY.**

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

(B) Any person violating the provisions of §§ 94.50 through 94.53 shall be guilty of a Class 3 misdemeanor, punishable by a criminal fine not exceeding \$25 pursuant to G.S. §§ 14-4 and 160A-175. (Ord. 2022-19, passed 6-6-2022)

***Statutory reference:***

*Related provisions, see G.S. §§ 14-4 and 160A-175*



## CHAPTER 95: DEMONSTRATIONS AND ASSEMBLAGES

### Section

- 95.01 Definitions
- 95.02 Public assembly and parade permits
- 95.03 Assembly and parade regulations
  
- 95.99 Penalty

### § 95.01 DEFINITIONS.

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

**APPEALS BOARD.** The Board of Commissioners of the Town of Williamston.

**DEMONSTRATION.** A public display of sentiment for or against a person or cause, including protesting.

**FESTIVAL.** A concert, fair, exhibit, promotion, community event, block party, or similar event.

**PARADE.** An athletic event, march, ceremony, pageant, procession, or other similar activity consisting of persons, animals, vehicles, or things or any combination thereof that disrupts the normal flow of traffic upon any public street. A funeral procession is not a **PARADE**.

**PERMIT OFFICIAL.** The person or persons designated by the Board of Commissioners as being responsible for issuing permits under this chapter. The Chief of Police or other officer acting in his or her stead shall be the **PERMIT OFFICIAL** unless and until another official is so designated by the Board.

### **PUBLIC ASSEMBLY.**

(1) A festival or demonstration which is reasonably anticipated to obstruct the normal flow of traffic upon any public street and that is collected together in one place; and

(2) A festival on town property or any other town-controlled area.  
(Prior Code, § 95.01) (Ord. passed 6-20-2005)

#### § 95.02 PUBLIC ASSEMBLY AND PARADE PERMITS.

(A) *Permit required.* No public assembly or parade is permitted unless a permit allowing the activity has been obtained pursuant to this section.

(B) *Permit application.* An application for a public assembly or parade permit shall be made in writing on a form prescribed by the Permit Official at least 30 days before commencement of the event. Notwithstanding the preceding sentence, the Permit Official shall consider an application that is filed less than 30 days before the commencement of the proposed event where the purpose of the event is a spontaneous response to a current event or where other good and compelling causes are shown. The application must contain the following:

(1) The name, address, and telephone number for the person in charge of the proposed event and the name of the organization with which that person is affiliated or on whose behalf the person is applying (collectively referred to as applicant);

(2) The name, address, and telephone number for an individual who shall be designated as the responsible planner and on-site manager for the event;

(3) The date, time, place, and route of the proposed event including the location and time that the event will begin to assemble and disband and any requested street closings;

(4) The anticipated number of persons and vehicles and the basis on which this estimate is made;

(5) A list of the number and type of animals that will be at the event and all necessary health certificates for the animal;

(6) The other attachments and submissions that are requested on the application form; and

(7) Payment of a non-refundable application fee as established from time to time by the Board of Commissioners.

(C) *Permitting criteria.*

(1) Unless subject to division (2) below, nothing in this section shall authorize the Permit Official to deny a permit based upon political, social, or religious grounds or reasons or based upon the content of the views expressed. The Permit Official may attach reasonable conditions to any permit approval. Violation of these conditions shall be reason for immediate revocation of the permit. An application may be denied for any of the following reasons:

- (a) The application is not fully completed and executed;
- (b) The applicant has not tendered the required application fee or has not tendered other required user fees, indemnification agreements, insurance certificates, or security deposits within times prescribed;
- (c) The application contains a material falsehood or misrepresentation;
- (d) The applicant is legally incompetent to contract or to sue and be sued;
- (e) The applicant has, on prior occasions, made material misrepresentations regarding the nature or scope of an event;
- (f) The applicant has previously permitted a violation or has violated the terms of a public assembly or parade permit issued to or on behalf of the applicant;
- (g) The applicant has, on prior occasions, damaged town property and has not paid in full for the damage;
- (h) A fully executed prior application for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple simultaneous events;
- (i) The proposed event would conflict with previously planned programs organized, conducted, or sponsored by the town and previously scheduled at or near the same time and place;
- (j) The proposed event would present an unreasonable danger to the public health or safety;
- (k) The proposed event would substantially or unnecessarily interfere with traffic;
- (l) The event would likely interfere with the movement of emergency equipment and police protection in areas contiguous or in the vicinity of the event;
- (m) There would not, at the time of the event, be sufficient law enforcement and traffic control officers to adequately protect participants and nonparticipants from traffic-related hazards in light of the other demands for police protection at the time of the proposed event;
- (n) The applicant has not complied or cannot comply with applicable licensure requirements, ordinances, or regulations concerning the sale or offering for sale any goods or services; and/or
- (o) The use or activity intended by the applicant is prohibited by law.

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(2) For non-First Amendment protected public assemblies or parades, the following criteria shall also apply:

- (a) The cultural and/or educational significance of the event;
- (b) The extent to which the event contributes to the economic revitalization and business development of the town;
- (c) The impact and/or cost of the event to town support services;
- (d) The impact of the event to the public health, safety, and welfare;
- (e) The impact of the event on business and resident populations within or adjacent to the proposed event site;
- (f) The evaluation of any previous event produced by the event organizer with regard to planning, quality, public safety, and payment of invoices; and
- (g) The frequency and timing of the event or similar events.

(D) *Costs and fees.*

(1) The applicant shall be responsible for hiring and paying off-duty law enforcement officers or reimbursing the town for the costs of providing on-duty law enforcement officers to appropriately police street closures. For festivals, the applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers or reimbursing the town for the costs of providing on-duty law enforcement officers to provide internal festival security and for hiring and paying necessary emergency medical technicians. The Permit Official shall determine the number of officers needed to appropriately police street closures and for internal security and the number of emergency medical technicians needed and the time when the services shall commence and end, taking into consideration the following:

- (a) The proposed location of the special event or route of the parade;
- (b) The time of day that the public assembly or parade is to take place;
- (c) The date and day of the week proposed;
- (d) The general traffic conditions in the area requested, both vehicular and pedestrian. Special attention is given to the rerouting of the vehicles or pedestrians normally using the requested area;
- (e) The number of marked and unmarked intersections along the route requested together with traffic control devices present;

(f) If traffic must be completely rerouted from the area, the number of marked and unmarked intersections and the traffic control devices are to be taken into consideration;

(g) The estimated number of participants;

(h) The estimated number of viewers;

(i) The nature, composition, format, and configuration of the special event or parade;

(j) The anticipated weather conditions;

(k) The estimated time for the special event or parade; and

(l) For festivals, whether alcohol will be served, live music offered, or retail sales stations provided and the number and location of alcohol service stands, music stages, and retail stands.

(2) In addition, the applicant shall reimburse the town for the costs of providing street and sidewalk cleaning, trash receptacle placement, trash removal, and trash disposal. Notwithstanding the foregoing, the town may provide the services required by this section at no cost or at a reduced cost to the applicant, should the town desire to provide the support to the public assembly or parade. The action is not a waiver of a regulatory requirement based upon political, social, or religious grounds or reasons or based upon the content of the views expressed but instead is an affirmative act of town association or speech.

(E) *Time and notice of decision.* The Permit Official shall approve or deny an application within 20 days of receipt. A notice of denial shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal for measures by which the applicant may cure any defects in the application or otherwise procure a permit. Where an application is denied because the proposed event would conflict with another event that has or will be approved, the Permit Official shall propose an alternative place, if available for the same time, or an alternative time if available for the same place.

(F) *Appeals.* An applicant may appeal the denial of an application in writing within ten days after notice of the denial has been received.

(1) As soon as practicable, the Appeals Board shall hold a quasi-judicial hearing on whether to issue the permit or uphold the denial. The applicant shall have the right to present evidence at the hearing. The decision to issue or uphold the denial shall be based solely on the approval criteria set forth in this section. The Appeals Board shall render a decision on the appeal within five business days after the date of the hearing.

(2) In the event that the purpose of the proposed event is a spontaneous response to a current event or where other good and compelling causes are shown, the Appeals Board shall reasonably attempt to conduct the hearing and render a decision on the appeal as expeditiously as is practicable.

(G) *Violation.* It shall be unlawful for any person to violate any provision of this section or to violate any term or condition of a permit issued pursuant to this section.  
(Prior Code, § 95.02) (Ord. passed 6-20-2005) Penalty, see § 95.99

### **§ 95.03 ASSEMBLY AND PARADE REGULATIONS.**

(A) It shall be unlawful to unreasonably hamper, obstruct, impede, or interfere with a public assembly or parade or with any person, vehicle, or animal participating or used in the public assembly or parade.

(B) It shall be unlawful for the operator of a motor vehicle to drive between vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

(C) Spectators of a public assembly or parade and persons attending or participating in a public assembly or parade picketing shall be subject to all applicable local, state, and federal laws including, but not limited to G.S. § 14-277.2.

(D) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse, in accordance with G.S. § 14-288.5, in the event of a riot or disorderly conduct by an assemblage of three or more persons.  
(Prior Code, § 95.03) (Ord. passed 6-20-2005) Penalty, see § 95.99

***Statutory reference:***

*Related provisions, see G.S. §§ 14-277.2 and 14-288.5*

### **§ 95.99 PENALTY.**

Any person violating the provisions of this chapter or any term or condition of a permit issued pursuant to §§ 95.02 or 95.03 shall be guilty of a Class 3 misdemeanor punishable by a criminal fine not exceeding \$25 pursuant to G.S. §§ 14-4 and 160A-175. Notwithstanding the criminal penalties provided herein, the town shall also have the right to punish any violations of this chapter with a civil penalty as provided in § 10.99.

(Ord. 2022-20, passed 6-6-2022; Ord. 2022-21, passed 6-6-2022)

***Statutory reference:***

*Related provisions, see G.S. §§ 14-4 and 160A-175*

## CHAPTER 96: PARKS AND RECREATION

Section

### *Skateboard Park*

- 96.01 Definitions
- 96.02 Responsibilities of users
- 96.03 Notice
- 96.04 Sanctions
- 96.05 Liability
- 96.06 Hours of operation

### **SKATEBOARD PARK**

#### **§ 96.01 DEFINITIONS.**

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

**HAZARDOUS RECREATIONAL ACTIVITY.** Skateboarding, inline skating, or freestyle bicycling.

**INHERENT RISK.** Those dangers or conditions that are characteristic of, intrinsic to, or an integral part of skateboarding, inline skating, and freestyle bicycling.

**SKATEBOARD PARK.** A facility established on town-owned property which is designed for the purpose of engaging in hazardous recreational activities and which is specifically designated by the town for such use.

(Ord. 2021-1, passed 2-21-2021)

#### **§ 96.02 RESPONSIBILITIES OF USERS.**

(A) All users of a skateboard park shall wear a helmet, elbow pads, and kneepads at all times while engaging in hazardous recreational activities.

(B) Any person who observes, participates in, or assists in hazardous recreational activities assumes the known and unknown inherent risks in these activities, irrespective of age, and is legally responsible for all damages, injury, or death to himself or herself or other persons or property that results from these activities.

(C) While engaged in hazardous recreational activities, irrespective of where such activities occur, a participant is responsible for doing all of the following:

- (1) Acting within the limits of his or her ability and the purpose and design of the equipment used;
- (2) Maintaining control of his or her person and equipment used; and
- (3) Refraining from acting in any manner that may cause or contribute to death or injury of himself or herself or other persons or property.

(D) Failure to comply with the requirements of this section shall constitute negligence, as provided in G.S. § 99E-24(c).

(Ord. 2021-1, passed 2-21-2021)

***Statutory reference:***

*Related provisions, see G.S. § 99E-24(c)*

**§ 96.03 NOTICE.**

The town shall post signage at its skateboard park, affording reasonable notice to all users, as follows:

(A) Any person engaged in a hazardous recreational activity at the skateboard park must wear a helmet, elbow pads, and kneepads at all times;

(B) The town does not provide regular supervision of the skateboard park;

(C) Users of the skateboard park assume all risks associated with the use of the skateboard park; and

(D) Failure to comply with these requirements for use may subject the violator to sanctions as provided in this subchapter.

(Ord. 2021-1, passed 2-21-2021)

**§ 96.04 SANCTIONS.**

In addition to any other penalties provided for in this code of ordinances, any person who violates the provisions of this subchapter may be subject to sanctions imposed by the town through its Recreation Department including, but not limited to, suspension or permanent revocation of the privilege to use the skateboard park and assessment for the full costs of any damage to the skateboard park caused by the person.

(Ord. 2021-1, passed 2-21-2021)

**§ 96.05 LIABILITY.**

The town (including its officials, employees, and agents) shall not be liable to any person who voluntarily participates in hazardous recreational activities for any damage or injury to property or persons that arises out of the person's participation in the activity and that takes place at a skateboard park.

(Ord. 2021-1, passed 2-21-2021)

**§ 96.06 HOURS OF OPERATION.**

It shall be unlawful for any person to be present on the premises of the town's skateboard park and recreation facility outside of the posted normal hours of operation except for town employees conducting town business thereon and for emergency and law enforcement personnel on official business.

(Ord. 2021-1, passed 2-21-2021) Penalty, see § 10.99



## CHAPTER 97: FAIR HOUSING

### Section

- 97.01 Discrimination unlawful
- 97.02 Construction and application

### § 97.01 DISCRIMINATION UNLAWFUL.

(A) No owner of real property shall discriminate against any other person because of the religion, race, color, national origin, or ancestry of the other person or because of the religion, race, color, national origin, or ancestry of the friends or associates of the other person in regard to the sale or rental of or dealings concerning real property located within the town.

(B) Any discrimination shall be considered an unlawful housing practice.  
(Prior Code, § 154.70) Penalty, see § 10.99

### § 97.02 CONSTRUCTION AND APPLICATION.

(A) Nothing in this chapter shall require an owner to offer property to the public at large before selling or renting it nor shall this chapter be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than religion, race, color, or national origin.

(B) Nothing contained in this chapter shall be construed to bar any religious or denominational institution or organization or any organization operated for charitable or educational purposes which is operated, supervised, or controlled by or in connection with a religious organization from limiting admission to or giving preference to persons of the same religion or denomination or from taking the selection as is calculated by the organization to promote the religious principles for which it has been established or maintained.

(C) The provisions of this chapter relative to discrimination in housing shall not apply to the rental of a room or rooms to four or less persons in a single dwelling unit nor to the rental or lease of a portion of a dwelling house containing accommodation for not more than three families when the remainder of the dwelling is occupied by the owner or a member of his or her immediate family or a lessee of the entire dwelling or members of his or her immediate family.  
(Prior Code, § 154.71)



## **TITLE XI: BUSINESS REGULATIONS**

### **Chapter**

- 110. LICENSES GENERALLY**
- 111. TAXICABS**
- 112. ALCOHOLIC BEVERAGES**
- 113. PEDDLERS AND SOLICITORS**
- 114. AMUSEMENTS AND LEISURE**
- 115. SALES AND SERVICES**
- 116. MOBILE FOOD VENDORS**



## CHAPTER 110: LICENSES GENERALLY

### Section

#### *General Provisions*

- 110.01 Definitions
- 110.02 Construction of chapter
- 110.03 Privilege license

#### *Levy*

- 110.15 Levy of tax
- 110.16 Who must pay
- 110.17 Period of license; due date
- 110.18 Proration of tax
- 110.19 Refunds
- 110.20 Separate businesses
- 110.21 Exemptions

#### *Licenses*

- 110.35 Application
- 110.36 Issuance and revocation
- 110.37 Amount of tax disputed
- 110.38 Form and contents of licenses
- 110.39 Assignments
- 110.40 Changes in licensed business
- 110.41 Duplicates
- 110.42 Records
- 110.43 Notices

#### *Enforcement and Collection*

- 110.55 Determination
- 110.56 Tax Collector to investigate
- 110.57 Bookkeeping

- 110.58 Duty to post license
- 110.59 Deficiencies; conferences
  
- 110.99 Penalty

### ***GENERAL PROVISIONS***

#### **§ 110.01 DEFINITIONS.**

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

##### ***BUSINESS.***

(1) Includes each trade, occupation, profession, business, and franchise taxed under this chapter.

(2) A ***BUSINESS*** is seasonal in nature when it is conducted for profit six months out of the year or less.

***PERSON.*** Any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, company, firm, or other legal entity.  
(Prior Code, § 110.001)

#### **§ 110.02 CONSTRUCTION OF CHAPTER.**

(A) This chapter is enacted for revenue purposes only.

(B) Therefore, it should be construed to require payment of the maximum tax permitted under its terms.

(C) In addition, issuance of a license pursuant to this chapter does not excuse a licensee from compliance with any other applicable ordinance or statute.

(D) This chapter does not prevent the town from imposing license taxes on additional businesses, from increasing or decreasing the amount of any license tax, or from regulating any business taxed.  
(Prior Code, § 110.002)

**§ 110.03 PRIVILEGE LICENSE.**

(A) The Privilege License Schedule is amended so that now the Privilege License Tax for restaurants with seating capacity for fewer than five customers shall be \$42.50.

(B) The privilege license schedule is amended to eliminate the distinction between in-town laundries and out-of-town laundries and to tax both at the rate of \$25.  
(Prior Code, § 110.003) (Ord. passed 7-1-1992)

***LEVY***

**§ 110.15 LEVY OF TAX.**

An annual Privilege License Tax is hereby levied on each business conducted within this town listed in the Privilege License Schedule in the amount set forth in the schedule as may be filed in the offices of the Town Clerk and Tax Collector amended from time to time.  
(Prior Code, § 110.015)

**§ 110.16 WHO MUST PAY.**

(A) Each person who conducts a business within the town is subject to this chapter.

(B) A person ***CONDUCTS BUSINESS*** when he or she engages in one act of business taxed under this chapter.

(C) He or she conducts the business ***WITHIN THE TOWN*** if he or she maintains a business location within the town or, if either personally or through agents, he or she:

(1) Solicits business within the town limits; or

(2) Picks up or delivers goods or delivers services within the town limits.

(Prior Code, § 110.016)

**§ 110.17 PERIOD OF LICENSE; DUE DATE.**

Unless specified otherwise herein, a license issued pursuant to this subchapter is good for the 12-month period beginning July 1 and ending June 30. The tax is due on July 1 of each year. However,

if a person begins a business after July 1 of a year, the tax for that year is due before the business is begun.

(Prior Code, § 110.017)

#### **§ 110.18 PRORATION OF TAX.**

If a business is begun after January 31 and before July 1, the amount of tax due is half the amount otherwise due. If a business is seasonal in nature and if the amount of tax is not based on gross receipts, the amount of tax due is half the amount otherwise due.

(Prior Code, § 110.018)

#### **§ 110.19 REFUNDS.**

If, for any reason, a licensee discontinues his or her business during the license year, he or she is not entitled to a refund.

(Prior Code, § 110.019)

#### **§ 110.20 SEPARATE BUSINESSES.**

A separate license is required and a separate Privilege License Tax must be paid for each place of business unless two or more places of business under common ownership, each conducting a business subject to the Name Tax hereunder, communicate directly with and open into each other and are operated as a unit. Once a business obtains a general license, such as a retail merchants license or a chain store license (except for beer and wine sales), it is not required herein that it obtain an additional license for each taxable activity conducted at the business.

(Prior Code, § 110.020)

#### **§ 110.21 EXEMPTIONS.**

(A) *Generally.* Except as otherwise provided in this section or by state law, no person is exempt from the payment of a Privilege License Tax levied by this subchapter.

(B) *Charitable organizations.* A person who operates a business for a religious, educational, civic, patriotic, charitable, or fraternal purpose, when the entire gross income of the business is used for a purpose, is exempt from paying any Privilege License Tax levied by this subchapter.

(C) *Blind persons.* Blind persons are exempt from paying any Privilege License Tax levied by this chapter to the extent provided by G.S. § 105-41.

(Prior Code, § 110.021)

**Statutory reference:**

*Related provisions, see G.S. § 105-41*

## LICENSES

### § 110.35 APPLICATION.

(A) Unless first contacted by the Tax Collector, a person shall apply to the Tax Collector for each license required herein no less than 30 days before the date the tax is due.

(B) The application, which shall be submitted on forms provided by the Tax Collector, shall contain:

(1) The name of the applicant and whether he, she, or it is an individual, a partnership, a corporation, or some other entity;

(2) The nature of the business;

(3) Where the business is conducted;

(4) An address to which notices and statements required by this subchapter may be mailed;

(5) Whether the business is one regulated by a State Occupational Licensing Board, subject to G.S. Chapter 93B, and, if so, the aerial number of the state license the applicant currently holds; and

(6) Any other information the Tax Collector determines to be necessary to compute the amount of tax due.

(Prior Code, § 110.035)

**Statutory reference:**

*Related provisions, see G.S. Chapter 93B*

### § 110.36 ISSUANCE AND REVOCATION.

(A) *Reasons for refusal or revocation.* The Tax Collector shall refuse to issue a license or shall revoke a license for either of the following reasons:

(1) The applicant misrepresents a fact relevant to the amount of tax due or his or her qualifications for a license; and

(2) The applicant refuses to provide information necessary to compute the amount of tax due. (Prior Code, § 110.036)

(B) *Unqualified applicants; right to a conference.*

(1) If the Tax Collector believes that a reason exists for refusing a license under division (A) above, he or she shall refuse to accept payment of the tax and shall not issue the license. At the applicant's request, the Tax Collector shall, pursuant to § 110.43, give him or her a written statement of the reason for refusing the license. The applicant may, within ten days after the day he or she receives this statement, request a conference to discuss the refusal. In his or her request, he or she shall specify why his or her application for a license should not be refused. The Tax Collector shall arrange the conferences within a reasonable time.

(2) If the Tax Collector refuses to issue a license, the applicant may reapply for a license at any time thereafter. If the reason for which the application was refused no longer exists, and if no other reason exists for refusing to issue a license, the Tax Collector shall issue the license pursuant to division (C) below.

(Prior Code, § 110.037)

(C) *Tax collector to issue license.* If the Tax Collector believes that no reason exists for refusal of a license under division (A) above, he or she shall determine the amount of tax due and notify the applicant of that amount. The Tax Collector shall not issue a license until the tax is paid.

(Prior Code, § 110.038)

(D) *Revocation.*

(1) The Tax Collector shall revoke a license if a reason exists to revoke it, as set forth in division (A) above.

(a) Before the Tax Collector may revoke a license, he or she shall give the licensee written notice of the grounds for revocation, pursuant to § 110.43.

(b) The licensee may, within ten days after the day on which notice is served, request a conference with the Tax Collector in writing. The request shall specify the reasons why the license should not be revoked. The Tax Collector shall arrange the conference within a reasonable time.

(2) If the licensee fails to request a conference within ten days after the day on which notice is served, the Tax Collector shall revoke the license. If the licensee requests a conference, the Tax Collector may not revoke the license until after the conference.

(3) If the Tax Collector revokes a licence, the former licensee may apply for a new license at any time thereafter. If the reason for which the license was revoked no longer exists and if no other reason exists for refusing to issue a license, the Tax Collector shall issue the license pursuant to division (C) above.

(Prior Code, § 110.040)

**§ 110.37 AMOUNT OF TAX DISPUTED.**

If the applicant disputes the amount the Tax Collector determines to be due, he or she may either refuse to pay and request a conference with the Tax Collector to discuss the determination or pay the amount and request a conference to discuss his or her right for a refund. If a conference is requested, the Tax Collector shall arrange it within a reasonable time.

(Prior Code, § 110.039)

**§ 110.38 FORM AND CONTENTS OF LICENSES.**

(A) A license shall show the name of the person licensed, the place where the business is conducted (if it is to be conducted at one place), the nature of the business licensed, the period for which the license is issued and the amount of tax paid.

(B) In addition, if a machine is licensed, the license shall show the identity of the machine.

(C) The Tax Collector shall keep a copy of each license issued.

(Prior Code, § 110.041)

**§ 110.39 ASSIGNMENTS.**

A license may be assigned if:

(A) A business licensed under this chapter and carried on at a fixed place is sold as a unit to any person; and

(B) The purchaser is to carry on the same business at the same place. Such a change shall be reported to the Tax Collector pursuant to § 110.40. Otherwise, each license issued under this subchapter is a personal privilege and is not assignable.

(Prior Code, § 110.042)

**§ 110.40 CHANGES IN LICENSED BUSINESS.**

(A) A licensee or his or her assignee shall report a change in the information contained in the license application to the Tax Collector within ten days after the change occurs.

(B) If information shown on the license itself is affected thereby, the licensee or his or her assignee shall surrender the license to the Tax Collector when reporting the change.

(1) *Changes affecting the amount of tax due.* If there are no reasons for revoking the license under § 110.36(A) and the change results in the imposition of a separate or additional tax, the Tax Collector shall reissue a license reflecting the change upon payment of the separate or additional tax.

(2) *Changes not affecting the amount of tax due.* If there are no reasons for revoking the license under § 110.36(A) and the change does not result in an imposition of a separate or additional tax, the Tax Collector shall reissue a license reflecting the change.

(3) *Change requiring refusal of a licensee.* If there is reason for revoking the license under § 110.36(A), the Tax Collector shall refuse to reissue a license and shall instead begin proceedings to revoke the license pursuant to § 110.36(D).

(Prior Code, § 110.043)

**§ 110.41 DUPLICATES.**

Upon satisfactory proof that a license has been lost or destroyed, the Tax Collector shall furnish a duplicate for a fee of \$5.

(Prior Code, § 110.044)

**§ 110.42 RECORDS.**

The Tax Collector shall maintain, for three years, a record of each conference held pursuant to this subchapter.

(Prior Code, § 110.045)

**§ 110.43 NOTICES.**

Whenever this subchapter requires the Tax Collector to give a written statement or notice to an applicant or a licensee, he or she may do so in one of three ways:

(A) By personally delivering the statement or notice to the applicant or licensee;

(B) By mailing the statement or notice by registered or certified mail, return receipt requested, to the address specified for that purpose in the license application; and

(C) By causing the statement or notice to be served on the applicant or licensee in accordance with the procedures for service of process under Rule 4 of the State Rules of Civil Procedure, being G.S. § 1A-1, Rule 4.  
(Prior Code, § 110.046)

***ENFORCEMENT AND COLLECTION***

**§ 110.55 DETERMINATION.**

Each person has the duty to determine whether the business he or she conducts is taxed under this chapter and, if so, whether the tax has been paid for the current tax year.  
(Prior Code, § 110.060)

**§ 110.56 TAX COLLECTOR TO INVESTIGATE.**

If the Tax Collector has reason to believe that a person is conducting a business in the town in violation of this chapter, he or she shall conduct an investigation to determine the person's tax liability.  
(Prior Code, § 110.061)

**§ 110.57 BOOKKEEPING.**

(A) Each person who conducts a business taxed under this chapter shall keep all records and books necessary to compute his or her tax liability.

(B) If a person fails to keep books and records as required, the Tax Collector shall make his or her own determination of that person's tax liability from the information available to him or her.  
(Prior Code, § 110.062)

**§ 110.58 DUTY TO POST LICENSE.**

(A) A licensee shall post his or her license or licenses conspicuously in the place of business licensed. If he or she has no regular place of business, the license must be kept where it may be inspected at all times by the proper town officials.

(B) If a machine is licensed, the license shall be affixed to the machine.  
(Prior Code, § 110.063)

### § 110.59 DEFICIENCIES; CONFERENCES.

(A) *Notice of deficiency.* If the Tax Collector determines that a person has not paid the full amount of tax due under this chapter, either for the current license year or for a prior license year, he or she shall give the person written notice of the deficiency, pursuant to § 110.43. The notice of deficiency shall specify the total amount of tax due, the section of this chapter upon which the tax is based, the amount of tax paid, any interest due, the balance owed, the manner and time period in which the person may respond to the notice of the deficiency, and the consequences to the person if he or she fails to respond as specified.

(Prior Code, § 110.064)

(B) *Request for a conference.* The person may, within ten days after the day on which notice is served, request a conference in writing. The request shall specify the person's objections to the notice of deficiency. By way of illustration but not limitation, a person who receives notice of a deficiency may object on the following grounds:

(1) The tax due has already been paid;

(2) The Tax Collector miscalculated the amount of tax due;

(3) The Tax Collector based his or her calculation on incorrect or insufficient information concerning either the nature or the amount of business conducted; and

(4) The Tax Collector based his or her determination on an erroneous interpretation of a section of this chapter that establishes category of business subject to a particular tax.

(Prior Code, § 110.065)

(C) *Deficiency to become final.* If the taxpayer fails to requests a conference under division (B) above, the deficiency becomes final, and the Tax Collector shall proceed to collect the deficiency.

(Prior Code, § 110.066)

(D) *Conference held.* If the taxpayer requests a conference, the Tax Collector shall not proceed to collect the deficiency until he or she hears the taxpayer's objections and determines that the deficiency should become final. The Tax Collector shall maintain a record of each conference held.

(Prior Code, § 110.067)

(E) *Collection of deficiency.*

(1) The Tax Collector may use any of the following methods to collect a deficiency:

(a) Criminal prosecution in accordance with § 110.99(A);

(b) Equitable relief in accordance with § 110.99(B);

(c) The remedies of levy, sale, attachment, and garnishment in accordance with G.S. § 160A-207; and

(d) The remedies of levy and sale of real and personal property of the taxpayer within the town in accordance with the provisions of G.S. § 105-242.

(2) Any person who commences or continues to conduct a business taxed under this chapter without payment of the tax is liable for the additional tax of 5% each 30 days, imposed by G.S. § 105-236.

(Prior Code, § 110.068)

**Statutory reference:**

*Related provisions, see G.S. §§ 105-236, 105-242, and 160A-207*

**§ 110.99 PENALTY.**

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

(B) *Criminal remedies.* Conducting business within the town without having paid the Privilege License Tax imposed herein, without a valid license issued pursuant to this chapter or without posting a license pursuant to § 110.58, is a misdemeanor punishable as provided in G.S. § 105-236. Each day that a person conducts business in violation of this chapter is a separate offense. Payment of a fine imposed in violation of proceedings pursuant to this section does not relieve a person of his or her liability for taxes imposed under this chapter.

(C) *Equitable remedies.* In addition to the criminal remedies set forth in division (A) above and pursuant to G.S. § 160A-175(d), the town may seek an injunction against any person who conducts a business in violation of these provisions.

(Prior Code, § 110.069)

**Statutory reference:**

*Related provisions, see G.S. §§ 105-236 and 160A-175(d)*



## CHAPTER 111: TAXICABS

### Section

#### *General Provisions*

- 111.01 Definitions
- 111.02 Compliance
- 111.03 Fare; rate card; receipt
- 111.04 Refusal of passenger to pay
- 111.05 Accepting and discharging passengers
- 111.06 Quantity of passengers
- 111.07 Refusal to carry orderly passengers
- 111.08 Inspection; maintenance
- 111.09 Taxicab identification
- 111.10 Quantity of taxi franchises

#### *Certificate of Public Convenience and Necessity*

- 111.25 Required
- 111.26 Application
- 111.27 Public hearing
- 111.28 Issuance
- 111.29 Payment of license fees
- 111.30 Transfer
- 111.31 Suspension and revocation

#### *Driver's Licenses*

- 111.45 Required
  - 111.46 Application; fees
  - 111.47 Investigation of applicant
  - 111.48 Issuance
  - 111.49 Term
  - 111.50 Display
  - 111.51 Suspension and revocation
- 
- 111.99 Penalty

**GENERAL PROVISIONS****§ 111.01 DEFINITIONS.**

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

**CERTIFICATE.** A certificate of public convenience and necessity issued by the Town Board of Commissioners authorizing the holder thereof to conduct a taxicab business in the town.

**CRUISING.** The driving of a taxicab on the streets, alleys, or public places of the town in search of or soliciting prospective passengers for hire.

**DRIVER'S LICENSE.** The permission granted by the Chief of Police to a person to drive a taxicab upon the streets of the town.

**HOLDER.** A person to whom a certificate of public convenience and necessity has been issued.

**MANIFEST.** A daily record prepared by a taxicab driver or dispatcher of all trips made by each driver of the holder showing time and place of origin, destination, number of passengers, and the amount of fare for each trip.

**RATE CARD.** A card issued by the Chief of Police for display in each taxicab which contains the rates of fare then in force.

**TAXICAB.** A motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of not more than six passengers (as prescribed by G.S. § 62-260(a)(2)), and not operated on a fixed route.

**WAITING TIME.** The time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge but does not include any time that the taxicab is not in motion if due to any cause other than the request, act, or fault of the passenger or passengers.

(Prior Code, § 111.01)

**Statutory reference:**

*Related provisions, see G.S. § 62-260(2)*

**§ 111.02 COMPLIANCE.**

Vehicles used as taxicabs must be properly licensed. Prior to the use and operation of any vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined by the Police Department

and found to comply with all rules and regulations that are now or later prescribed by the state or the town. These rules and regulations shall be promulgated to provide safe transportation and the safety devices as the state and the town may require.

(Prior Code, § 111.10)

### **§ 111.03 FARE; RATE CARD; RECEIPT.**

(A) *Fare, rate, and rate card.*

(1) No owner or driver of a taxicab shall charge a sum for the use of a taxicab within the corporate limits of the town or within a five-mile radius in excess of the rates approved by the Town Board of Commissioners, a copy of which will be furnished by the Police Department to each holder upon request.

(2) The rate card is to be conspicuously displayed inside the taxicab in such a place as to be in full view of the passengers occupying the rear seat.

(Prior Code, § 111.02)

(B) *Receipt.* The driver of any taxicab shall, upon demand by any passenger, render to the passenger a receipt for the amount charged, on which shall be the name of the owner, license number, amount of charges, and the date of the transaction.

(Prior Code, § 111.03)

Penalty, see § 111.99

### **§ 111.04 REFUSAL OF PASSENGER TO PAY.**

It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this chapter after having hired the same, and it shall be unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of the service.

(Prior Code, § 111.04) Penalty, see § 111.99

### **§ 111.05 ACCEPTING AND DISCHARGING PASSENGERS.**

(A) *Solicitation; acceptance and discharge of passengers.*

(1) No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any person for the purpose of soliciting passengers.

(2) No driver shall receive or discharge passengers except on the right-hand sidewalk or the extreme right-hand side of the roadway and shall at no time receive or discharge passengers on the traveled portion or traffic lane of any street or roadway.

(Prior Code, § 111.05)

(B) *Cruising*. No driver shall cruise in search of passengers except in the areas and at the time as shall be designated by the Town Board of Commissioners. The areas and times shall only be designated when the Board of Commissioners determines that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

(Prior Code, § 111.06)

Penalty, see § 111.99

#### **§ 111.06 QUANTITY OF PASSENGERS.**

(A) *Additional passengers*. No driver shall permit any other person to occupy or ride in the taxicab unless the person or persons first occupying and employing the taxicab shall consent to the acceptance of an additional passenger or passengers.

(Prior Code, § 111.07)

(B) *Restriction on number of passengers*.

(1) No driver shall permit more persons to be carried in a taxicab than as seated in the license for the vehicle issued by the Police Department.

(2) A child in arms shall not be counted as a passenger.

(Prior Code, § 111.08)

Penalty, see § 111.99

#### **§ 111.07 REFUSAL TO CARRY ORDERLY PASSENGERS.**

(A) No driver shall refuse or neglect to convey any orderly person or persons upon request unless previously engaged, unable, or forbidden by the provisions of this chapter to do so.

(B) The holder of a certificate of public convenience shall be responsible for maintaining a manifest for each vehicle. The manifest shall be made available for inspection at reasonable times by the Chief of Police or Town Administrator.

(Prior Code, § 111.09) (Ord. passed 8-4-1997) Penalty, see § 111.99

**§ 111.08 INSPECTION; MAINTENANCE.**

(A) Every vehicle operating under this chapter shall be periodically inspected by the Police Department quarterly before January 16, April 15, July 16, and October 16 to ensure the continued maintenance of safe operating conditions and sanitary conditions.

(B) Vehicles must be kept in a clean and sanitary condition.  
(Prior Code, § 111.11)

**§ 111.09 TAXICAB IDENTIFICATION.**

Each taxicab shall bear on the outside of each side of the vehicle a sign of the proportions so as to be legible from a distance of 50 feet. The sign is to contain the company name, the word “taxi,” the name of the holder, and the telephone number of the company.  
(Prior Code, § 111.12)

**§ 111.10 QUANTITY OF TAXI FRANCHISES.**

The number of taxi franchises shall be as from time to time determined by the Board of Commissioners.  
(Prior Code, § 111.13) (Ord. passed 7-6-1992) Penalty, see § 111.99

***CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY***

**§ 111.25 REQUIRED.**

No person shall operate or permit to be operated a taxicab owned or controlled by him or her as a vehicle for hire upon the streets of the town without having first obtained a certificate of public convenience and necessity from the Board of Commissioners.  
(Prior Code, § 111.25) Penalty, see § 111.99

**§ 111.26 APPLICATION.**

An application for a certificate shall be filed with the Town Administrator upon forms provided by the town, and the applicant shall have verified, under oath, the following information:

(A) The name and address of the applicant;

- (B) The financial status of the applicant;
- (C) The experience of the applicant in transporting passengers;
- (D) The number of vehicles to be operated by the applicant;
- (E) A full and accurate statement as to the criminal record of the applicant;
- (F) The proposed color scheme or insignia to be used on the vehicle or vehicles; or
- (G) The further information as the Board of Commissioners may require.

(Prior Code, § 111.26)

#### **§ 111.27 PUBLIC HEARING.**

Upon filing of an application, the Town Administrator shall fix a time and place for a public hearing thereon. Notice of the hearing shall be given to the applicant and to all persons to whom certificates have been theretofore issued. Due notice shall be given to the general public by posting a notice of the hearing in the Town Hall. Any interested person may file with the Town Administrator a memorandum in support of or opposition to the issuance of a certificate.

(Prior Code, § 111.27)

#### **§ 111.28 ISSUANCE.**

(A) *Issuance; qualification generally.*

(1) If the Town Board of Commissioners finds that further taxicab service is required by the public convenience and necessity and that the applicant is properly qualified to operate a taxicab business, certificate may be issued.

(2) The certificate shall be in effect from the time of issuance until midnight on the following January 31 at which time it will be subject to renewal for one-year periods from February 1 to January 31 of each succeeding year.

(Prior Code, § 111.28)

(B) *Contingent on proof of financial responsibility.* No certificate shall be issued or continued until and unless the person or holder has complied or continues to comply with the provisions of G.S. § 20-280 relating to financial responsibility as now written or hereafter amended.

(Prior Code, § 111.29)

(Ord. passed 8-4-1997)

**Statutory reference:**

*Related provisions, see G.S. § 20-280*

**§ 111.29 PAYMENT OF LICENSE FEES.**

No certificate shall be issued or continued in effect unless the holder thereof has paid an annual license fee in an amount as from time to time set by the Town Board for the right to engage in the business of taxicab services. The annual license fee shall cover the use of one vehicle and an additional \$15 shall be paid for each additional vehicle operated under the issued certificate. The fees shall be due and paid yearly in advance on or before February 1 of the yearly period of the certificate.  
(Prior Code, § 111.30) (Ord. passed 8-4-1997)

**§ 111.30 TRANSFER.**

No certificate of public convenience and necessity may be sold, assigned, mortgaged, or otherwise transferred without the consent of the Town Board of Commissioners.  
(Prior Code, § 111.31)

**§ 111.31 SUSPENSION AND REVOCATION.**

(A) A certificate issued under the provisions of this subchapter may be revoked or suspended by the Town Board of Commissioners if the holder thereof has:

- (1) Violated any of the provisions of this subchapter including the failure to pay any fee required by this chapter;
- (2) Discontinued operations for a period of more than 30 days without the permission of the Board of Commissioners; and/or
- (3) Has violated any of the ordinances of the town or the laws of the state or the United States, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.

(B) No revocation or suspension shall occur until reasonable notice and an opportunity for hearing has been given to the holder.  
(Prior Code, § 111.32) (Ord. passed 8-4-1997)

***DRIVER'S LICENSES*****§ 111.45 REQUIRED.**

No person shall operate a taxicab for hire upon the streets of the town. No person who owns or controls a taxicab shall permit it to be so driven and no taxicab licensed by the town shall be driven at

any time for hire unless the driver of the taxicab shall have first obtained and shall have then in force a taxicab driver's license issued under the provisions of this subchapter.

(Prior Code, § 111.50) Penalty, see § 111.99

#### **§ 111.46 APPLICATION; FEES.**

(A) *Application; contents.* An application for a driver's license shall be filed with the Chief of Police on forms provided by the town which shall contain the following information:

(1) The names and addresses of five residents of the town for the purpose of character references;

(2) The experience of the applicant in the transportation of passengers;

(3) The educational background of the applicant;

(4) A concise history of the applicant's employment;

(5) All information regarding state driver's license and chauffeur's license; and

(6) A reliable statement as to the applicant's physical and mental condition. This may be required to be substantiated by a reputable physician's examination at the discretion of the Chief of Police.

(Prior Code, § 111.51)

(B) *Fee.* A fee of in an amount as from time to time set by the Town Board for processing the application for a taxicab driver's license shall be paid by the driver at the time of application.

(Prior Code, § 111.52)

(Ord. passed 8-4-1997)

#### **§ 111.47 INVESTIGATION OF APPLICANT.**

The Chief of Police shall be responsible for conducting an investigation of the applicant's background including all information furnished by the applicant, and a copy of the investigation report shall be attached to the application for the consideration of the Board of Commissioners along with the Chief of Police's recommendation.

(Prior Code, § 111.53)

**§ 111.48 ISSUANCE.**

Upon approval of an application for a taxicab driver's license, the Chief of Police shall issue a license to the applicant which will bear the name, address, color, age, date of birth, fingerprint, photograph, and signature of the applicant.

(Prior Code, § 111.54)

**§ 111.49 TERM.**

The license shall be in effect from the time of issuance until midnight on the following January 31, at which time it will be subject to renewal of one-year periods from February 1 through January 31 of each succeeding year. An annual license fee in an amount as from time to time set by the Town Board shall be due in advance on or before February 1 of the yearly licensing period.

(Prior Code, § 111.55) (Ord. passed 8-4-1997)

**§ 111.50 DISPLAY.**

Every driver licensed under this subchapter shall post his or her driver's license in such a place as to be in full view of all passengers while the driver is operating the taxicab.

(Prior Code, § 111.56)

**§ 111.51 SUSPENSION AND REVOCATION.**

(A) *Suspension.* Upon reasonable notice given and an opportunity for a hearing, the Chief of Police may suspend, for up to 60 days, any driver's license issued under this subchapter for failure to comply with the provisions of this chapter, the ordinances of the town, and the laws of the state relating to the fitness of the licensee to provide public transportation and to the regulation of public transportation. The suspension may be appealed to the Town Administrator within ten days of the notice of suspension.

(B) *Revocation.* Upon reasonable notice given and an opportunity for a hearing, the Town Administrator may revoke any driver's license issued under this subchapter for failure to comply with the provisions of this chapter, the ordinances of the town, and the laws of the state relating to the fitness of the licensee to provide public transportation and to the regulation of public transportation. The revocation or the affirmance of any suspension by the Town Administrator may be appealed to the Town Board of Commissioners within ten days of the notice of revocation or suspension.

(Prior Code, § 111.57) (Ord. passed 8-4-1997)

**§ 111.99 PENALTY.**

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

(B) The fine for violation for provisions of § 111.10 may exceed \$50, up to a maximum of \$500, as allowed by G.S. § 14-4.

(Prior Code, § 111.99) (Ord. passed 7-6-1992)

***Statutory reference:***

*Related provisions, see G.S. § 14-4*

## CHAPTER 112: ALCOHOLIC BEVERAGES

### Section

112.01 Malt beverages and unfortified wine

112.99 Penalty

### § 112.01 MALT BEVERAGES AND UNFORTIFIED WINE.

(A) Pursuant to G.S. § 18B-300, no person (not an occupant of a motor vehicle) shall consume malt beverages and unfortified wine on the public streets of the town or on property owned, occupied, or controlled by the town.

(B) No person (not an occupant of a motor vehicle) shall possess open containers of malt beverages and unfortified wine on the public streets of the town or on property owned, occupied, or controlled by the town.

(C) No person shall possess malt beverages and unfortified wine on the public streets, alleys, or parking lots of the town which are temporarily closed to regular traffic for special events.  
(Prior Code, § 112.01) (Ord. passed 9-22-1997) Penalty, see § 112.99

***Statutory reference:***

*Related provisions, see 18B-300*

### § 112.99 PENALTY.

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

(B) Any person violating § 112.01 shall be guilty of a Class C misdemeanor and subject to a fine of up to \$50 for each violation.

(Prior Code, § 112.01) (Ord. passed 9-22-1997)



## CHAPTER 113: PEDDLERS AND SOLICITORS

### Section

- 113.01 Permit required
- 113.02 Application for permit
- 113.03 Door-to-door activity regulations

### § 113.01 PERMIT REQUIRED.

Prior to conducting any residential door-to-door sales or solicitation, an itinerant merchant, salesperson, promoter, peddler, or other person must obtain from the Town Administrator a permit to do so.

(Prior Code, § 113.01)

### § 113.02 APPLICATION FOR PERMIT.

The application for a permit to sell or solicit door-to-door shall contain the following information:

(A) Evidence that all applicable licenses have been purchased, including those required by the town under Chapter 110 of this code of ordinances;

(B) Name, address, phone number, and driver's license number of the salesperson;

(C) Identification of the company or organization the salesperson or solicitor will be promoting and a description of any products or services sold;

(D) Signature of the applicant signifying knowledge of all regulations covering his or her activity;  
and

(E) An application processing fee as set out in the duly adopted Town Schedule of Fees.  
(Prior Code, 113.02)

**§ 113.03 DOOR-TO-DOOR ACTIVITY REGULATIONS.**

The following regulations shall apply to all residential door-to-door sales and solicitations.

(A) No door-to-door sales or solicitations may take place between the hours of 9:00 p.m. and 8:00 a.m.

(B) The salesperson or solicitor must display the town permit at a residence prior to entering that residence.

(Prior Code, § 113.03) Penalty, see § 10.99

## CHAPTER 114: AMUSEMENT AND LEISURE

Section

### *General Provisions*

114.01 Electronic gaming operations

### *Pool Rooms, Bowling Alleys, and the Like*

114.15 Betting prohibited

114.16 License; applications

114.17 Bond; fees

114.18 Investigation and approval

114.19 Assignments and transfers; change of premises

114.20 Disorderly conduct of licensee or employees

114.21 Revocation; process

### *Carnival, Rides, and the Like*

114.35 Authorization required

114.36 Chief of Police to regulate

114.37 Fees

114.99 Penalty

### **GENERAL PROVISIONS**

#### **§ 114.01 ELECTRONIC GAMING OPERATIONS.**

(A) For the purposes of this section, the term ***ELECTRONIC GAMING OPERATION*** means the following: a business enterprise, whether as a principal or accessory use where persons utilize electronic machines (including but not limited to computers and gaming terminals) to conduct games of chance (including sweepstakes) where cash, merchandise, or other items of value are redeemed or otherwise

distributed whether or not value of such distribution is determined by electronic games played or by predetermined odds. This term includes but is not limited to internet cafés, internet sweepstakes, beach sweepstakes, or cybercafés. This does not include any lottery approved by the state.

(B) Each electronic gaming operation shall pay an annual Privilege License Tax of \$500 for each electronic gaming machine used as part of the electronic gaming operation. The tax shall be due on or before the first day of the Privilege License Tax year defined in division (C) below.

(C) The Privilege License Tax year, for purposes of this section, shall be the calendar year (that being from January 1 through December 31 of each year) except that the first payment due under this section shall be from July 1, 2010 to December 31, 2010 on a one-half prorated basis, due upon the adoption of the ordinance codified herein.

(Prior Code, § 110.080) (Ord. 2010-18, passed 7-12-2010)

### ***POOL ROOMS, BOWLING ALLEYS, AND THE LIKE***

#### **§ 114.15 BETTING PROHIBITED.**

No person shall bet upon any game played on any table or in any alley of any kind mentioned in § 114.16(A).

(Prior Code, § 114.01) Penalty, see § 114.99

#### **§ 114.16 LICENSE; APPLICATIONS.**

(A) *License required.* No person shall maintain or operate any pool or billiard table, bowling alley, video or electronic game, or any other table or alley for any game or play for which a charge is directly or indirectly made without a license therefor being issued by the Board of Commissioners. It is the intent of this subchapter that the tables and alleys, except those in private homes, shall not be operated unless licensed by the Board.

(Prior Code, § 114.02)

(B) *Application.* Applications for the licenses shall be made to the Board on forms prepared and furnished by the Board Administrator. The forms shall be information necessary to enable the applications shall be made to the Board on forms and shall be filed with the town so prepared as to furnish all Boards to act intelligently on the applications.

(Prior Code, § 114.03)

Penalty, see § 114.99

**§ 114.17 BOND; FEES.**

(A) *Bond.* Each application filed with the Board for the purpose of obtaining a license for any business, as described in § 114.16(A), shall be accompanied by a bond in the sum as may be required by the Board and with the sureties as may be approved by them and conditioned upon the faithful observance by the licensee and his or her employees of each and every provision of this subchapter. (Prior Code, § 114.04)

(B) *Fee.* Applications shall be accompanied by the license tax required by Chapter 110. (Prior Code, § 114.05)

**§ 114.18 INVESTIGATION AND APPROVAL.**

(A) No license for the operation of a pool or billiard hall shall be issued by the town to any firm or individual unless the applicant shall be investigated by the Police Department or some other representative of the Board of Commissioners.

(B) A report of the investigation shall be made to the Town Administrator. Issuance of a license shall not take place until approval is given by the Board of Commissioners. (Prior Code, § 114.06)

**§ 114.19 ASSIGNMENTS AND TRANSFERS; CHANGE OF PREMISES.**

(A) *Assignment or transfer; changes of premises.* No license issued hereunder shall be assignable or transferable. No license issued hereunder shall cover any change of premises without the written permission of the Board. (Prior Code, § 114.07)

(B) *Business on licensed premises other than that for which license issued.* No business other than that for which the license is issued shall be conducted on the premises of any of the businesses named in § 114.16(A). (Prior Code, § 114.08)

**§ 114.20 DISORDERLY CONDUCT OF LICENSEE OR EMPLOYEES.**

No licensee nor employee of any license shall permit the licensed premises to become disorderly or to otherwise violate laws of the state. (Prior Code, § 114.09) Penalty, see § 114.99

**§ 114.21 REVOCATION; PROCESS.**

(A) *Revocation; authority.* The town shall have full authority to revoke a license issued under this subchapter when it appears that the operation of the business involves or results in the violation of federal or state law or local ordinance or where it appears that the operator fails to exercise control over the activities on the premises or when it is deemed in the best interests of the health, safety, welfare, or morals of the people of the town.

(Prior Code, § 114.10)

(B) *Process.*

(1) When the Town Administrator is informed of cause to revoke a license issued pursuant to this subchapter, he or she shall schedule and notify the licensee in writing of a hearing before the Administrator concerning revocation of the license. At that hearing, the Administrator shall hear evidence of cause to revoke or not to revoke the license. The Administrator shall render a decision in writing within three days after the hearing. Both the notice of hearing and the written decision shall be served upon the licensee in person or by certified or registered mail, return receipt requested, to the licensee's residence or place of business. In addition, written notice of the hearing shall be posted on the premises.

(2) The licensee may appeal the Administrator's decision to the Board of Commissioners by written notice of appeal delivered to the Clerk to the Board within ten days after the Administrator issues the written decision. The Board of Commissioners shall consider the appeal at its next regularly scheduled meeting or may schedule a special meeting for that purpose prior to the next regularly scheduled meeting in its discretion.

(3) During the pendency of the appeal, the business may continue to operate unless prohibited to do so for some reason other than the action to revoke its license.

(4) In the event the license is revoked, the licensee shall be reimbursed the pro rata part of the license fee theretofore collected by the town.

(Prior Code, § 114.11)

***CARNIVAL, RIDES, AND THE LIKE*****§ 114.35 AUTHORIZATION REQUIRED.**

Pursuant to G.S. § 160A-181, it shall be unlawful for any circus, carnival, itinerant show, and exhibition, ride, or combination of rides to set up or do business in the town without first receiving authorization from the Board of Commissioners. Any person desiring to set up and operate any of the

above listed forms of amusement shall first file an application with the Town Administrator who shall then direct the Chief of Police or Acting Chief of Police or his or her representative to investigate the applicant. The Chief of Police or Acting Chief of Police shall cause an investigation to be made and shall recommend to the Board of Commissioners as to hours, days, number of days, and location of operation. Any operations under any approval issued by the Board of Commissioners shall thereafter be supervised by the Chief of Police or Acting Chief of Police.

(Prior Code, § 114.30)

***Statutory reference:***

*Related provisions, see G.S. § 160A-181*

**§ 114.36 CHIEF OF POLICE TO REGULATE.**

(A) Pursuant to the authority granted to the Chief of Police in § 114.35, the Chief of Police shall supervise the operation of the circus, carnival, itinerant show, or exhibition, ride, or combination of rides; he or she shall have authority to stop the operations of all or any part of the activity upon a finding that (in the interest of the public health, safety, and welfare) it is necessary to do so. Such an order of abatement by the Chief of Police shall last until the close of business that day and may be renewed daily until the nuisance is abated. The operator of a business may appeal the order to the Clerk of the Board. The Commissioners shall hold a hearing at which the operator may be heard and render a decision on the appeal within three days after notice of appeal.

(B) The abatement of the subject activity shall continue under hearing on the appeal.

(Prior Code, § 114.31)

**§ 114.37 FEES.**

No activity listed in § 114.35 shall begin operation before paying to the town a fee of \$150 to defray costs of sanitation, water, fire, and police protection.

(Prior Code, § 114.32) Penalty, see § 114.99

**§ 114.99 PENALTY.**

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

(B) (1) Violation of any of the provisions of §§ 114.15 through 114.21 and 114.35 through 114.37 shall be subject to a civil penalty as provided in § 10.99. Each day of continuing violation of these provisions shall constitute a separate offense.

**Williamston - Business Regulations**

(2) The provisions of §§ 114.15 through 114.21 and 114.35 through 114.37 shall in no way limit or restrict the town's enforcement of all remedies available at law.  
(Ord. 2022-23, passed 4-5-2022)

## CHAPTER 115: SALES AND SERVICES

Section

### *Closing Out or Distress Sales*

- 115.01 Definitions
- 115.02 State mandate

### *Yard Sales*

- 115.15 Purpose
- 115.16 Definitions
- 115.17 Conditions for sales
- 115.18 Signs
- 115.19 Responsibilities of owner
- 115.20 Parking
- 115.21 Exemptions
  
- 115.99 Penalty

### ***CLOSING OUT OR DISTRESS SALES***

#### **§ 115.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions, as set out in G.S. § 66-76, shall apply unless the context clearly indicates or requires a different meaning.

***CLOSING OUT SALES.*** All sales advertised, represented, or held forth under the designation of “going out of business,” “discontinuance of business,” “selling out,” “liquidation,” “lost our lease,” “must vacate,” “forced out,” “removal,” or any other designation of like meaning.

***DISTRESS SALES.*** All sales in which:

- (1) It is represented or implied that going out of business is possible or anticipated;

(2) Closing out is referred to in any way; or

(3) It is implied that business conditions are so difficult that the seller is forced to conduct the sale.

(Prior Code, § 115.01)

***Statutory reference:***

*Related provisions, see G.S. § 66-76*

**§ 115.02 STATE MANDATE.**

The provisions of G.S. §§ 66-76 through 66-83 require all towns to provide for and issue licenses to those persons conducting “closing out sales” and “distress sales.” The Town Clerk shall take applications under oath, make a determination that the application is for the appropriate type of sale for issuance of a license, and issue a license upon payment of fees and accruing a bond and meeting all other requirements set forth in the state statutes.

(Prior Code, § 115.02)

***Statutory reference:***

*Related provisions, see G.S. §§ 66-76 through 66-83*

***YARD SALES***

**§ 115.15 PURPOSE.**

These rules and regulations are designed to control and restrict yard sales in order to protect the public health, safety, convenience, and general welfare and to restrict such sales to casual and/or occasional occurrences only, in keeping with the character of the neighborhood where this activity is carried on. The intent of this subchapter is to eliminate perpetual, prolonged, and extended garage and yard sales in the town. Such sales, if continued indefinitely, tend to become retail businesses in residential areas and zones, create a nuisance, and violate the zoning regulations of the town. The provisions of this subchapter arise from the need to limit, regulate, restrict, and control garage and yard sales.

(Ord. 2014-70, passed 8-12-2014)

**§ 115.16 DEFINITIONS.**

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

**GOODS.** Any goods, warehouse merchandise, or other personal property capable of being the object of a sale regulated hereunder.

**PERSONS.** Individuals, partnerships, family groups, voluntary associations, and corporations.

**YARD SALE.** The sale or offering for sale of new, used, or secondhand items of personal property at any residential premises. Includes all sales in residential areas entitled garage sale, yard sale, tag sale, porch sale, lawn sale, attic sale, basement sale, rummage sale, flea market sale, or any similar casual sale of tangible, personal property.

(Ord. 2014-70, passed 8-12-2014)

### **§ 115.17 CONDITIONS FOR SALES.**

(A) Yard sales shall be limited to no more than four yard sales in any calendar year at the same residential property.

(B) Yard sales shall be limited in time to no more than the daylight hours of three consecutive days. It shall be unlawful to conduct any yard sale with a duration exceeding three consecutive days.

(C) Personal property offered for sale may be displayed within the residence, in a garage, in a carport, or in a yard, but only in such areas. No personal property offered for sale at a yard sale shall be displayed in any public right-of-way.

(D) Any and all items that remain from the yard sale after the third day must be removed or stored in an enclosed area within 48 hours after said yard sale.

(Ord. 2014-70, passed 8-12-2014) Penalty, see § 115.99

### **§ 115.18 SIGNS.**

Only the following specified signs may be displayed in relation to a pending yard sale: no sign or other form of advertisement shall be exhibited for more than seven days prior to the day such sale is to commence, and signs must be removed at the close of the yard sale activities or by the end of daylight, whichever first occurs.

(Ord. 2014-70, passed 8-12-2014) Penalty, see § 115.99

### **§ 115.19 RESPONSIBILITIES OF OWNER.**

The individual, owner, or tenant of the premises on which such sale or activity is conducted shall be responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on said premises nor

permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the Police or Fire Departments of the town in order to maintain the public health, safety, and welfare. A police officer, zoning inspector, fire-prevention inspector, or any other official designated by the town to make inspections shall have the right of entry to any premises showing evidence of a yard sale for the purpose of enforcement or inspection.

(Ord. 2014-70, passed 8-12-2014) Penalty, see § 115.99

### **§ 115.20 PARKING.**

All parking of vehicles shall be conducted in compliance with all applicable laws.

(Ord. 2014-70, passed 8-12-2014)

### **§ 115.21 EXEMPTIONS.**

This subchapter shall not be applicable to:

(A) Persons selling goods pursuant to an order or process or a court of competent jurisdiction;

(B) Persons acting in accordance with their powers and duties as public officials;

(C) Any person selling a single item of personal property which is specifically named or described in an advertisement offering the item for sale;

(D) Any publisher of a newspaper, magazine, or other publication or other communications media which publishes or broadcasts anything in good faith without knowledge of its false, deceptive, or misleading character or without knowledge that the provisions of this subchapter have not been met;

(E) Any sale conducted by any legitimate business or commercial or industrial establishment properly zoned for that business under the zoning regulations of the town (with or without the protection of the nonconforming use section of the zoning laws) or any sale conducted by any other vendor or dealer when the sale is conducted in a properly zoned area and not otherwise prohibited; and/or

(F) Any public auction conducted by a licensed auctioneer.

(Ord. 2014-70, passed 8-12-2014)

### **§ 115.99 PENALTY.**

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

(B) The fine for violation of the provisions of §§ 115.15 through 115.21 may exceed \$50, up to a maximum of \$500, as allowed by G.S. § 14-4.

(Ord. 2014-70, passed 8-12-2014)

***Statutory reference:***

*Related provisions, see G.S. § 14-4*



## CHAPTER 116: MOBILE FOOD VENDORS

### Section

- 116.01 Intent
- 116.02 Authority
- 116.03 Definitions
- 116.04 Permitting
- 116.05 Application for permit
- 116.06 Permit review
- 116.07 Regulations
- 116.08 Suspension and revocation of permit
  
- 116.99 Penalty

### **§ 116.01 INTENT.**

Allowing food truck businesses to operate in the town promotes diversification of the town's economy and employment opportunities. Food trucks support the incubation and growth of entrepreneurial/start-up businesses. The town further recognizes that mobile food vendors have the same responsibilities to their customers and the community as do food service establishments with fixed locations and should be required to abide by local permit requirements to ensure the health, safety, and welfare of the public.

(Ord. passed 8- -2024)

### **§ 116.02 AUTHORITY.**

G.S. § 160A-174 grants the town the power to define, prohibit, regulate, acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town through the creation of ordinances.

(Ord. passed 8- -2024)

**§ 116.03 DEFINITIONS.**

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

**FOOD TRUCK.** A readily movable, enclosed trailer or motorized-wheeled vehicle, capable of being moved about a public right-of-way, designed and equipped to prepare and/or serve food.

**MOBILE FOOD VENDOR.** Any mobile seller of food whether from a food truck, pushcart, or other wheeled conveyance. A temporary, stationery set up for food vending such as with a tent and table shall be excluded from this chapter.

**PUSHCART.** A non-motorized cart or wheeled vehicle from which to sale food that is prepared elsewhere and ready for consumption at the point of sale.

**REGULATORY FEE.** A fee assessed to cover the cost of regulating a particular business activity that is assessed to the business being regulated.

**TOWN SANCTIONED EVENT.** Any event sponsored by the town, or in which official permission or approval has been granted by the Town Administrator, or designee, that is:

- (1) Open to the public;
  - (2) Does not impede or block street traffic without town approval;
  - (3) For a lawful purpose not prohibited by federal, state, and local law; and
  - (4) Does not require excessive emergency services as determined by prior events sponsored by the same applicant.
- (Ord. passed 8- -2024)

**§ 116.04 PERMITTING.**

(A) A permit shall be required prior to operation of any form of mobile food vending unless otherwise excepted in this chapter.

(B) Applicants seeking a permit shall be assessed no regulatory or application fee in connection with making an application for a permit.

(C) Permits shall be posted in a visible location affixed to the food truck or pushcart at all times while in operation.

(D) Applicants intending to operate upon private property must attach to his or her permit application a signed written approval from the owner of each parcel unless approved by the Town Administrator or designee to operate from public or town-owned property in connection with a town-sanctioned event.

(E) Food trucks shall provide documentation of approval from the State Department of Health. A valid health permit, if required by the State Health Department, must be maintained for the duration of the permit period and shall be placed in a conspicuous location for public inspection. If no State Health Department permit is required by law, the mobile food vendor must attach a health permit exemption form to be provided by the town and signed by a local Health Department official.

(F) Such permits do not include a license to peddle or solicit as referenced in Chapter 113.

(G) No permit issued shall authorize any mobile food vendor to operate on or from a public street unless for a town-sanctioned event.

(Ord. passed 8- -2024) Penalty, see § 116.99

**§ 116.05 APPLICATION FOR PERMIT.**

Mobile food vendors shall not operate in the town without a valid permit from the town. The following information shall be provided with each application for a mobile food vendor permit:

(A) Name of mobile food vendor;

(B) Make, model, and license plate number of vending unit;

(C) Owner’s contact information;

(D) Operator’s contact information;

(E) Type of vendor (food truck or pushcart);

(F) Copy of approved permit from the County Health Department (except ice and ice cream vendors which are not regulated by the County Health Department), or a health permit exemption form to be provided by the town;

(G) List of operating locations;

(H) Signatures from property owner, indicating consent for the use of private property and agreement to the listed requirements;

(I) Current state sales and use tax number from the State Department of Revenue; and

(J) A current certificate of insurance coverage issued by a valid insurance carrier authorized or eligible to do business in the state, bearing a minimum liability limit of \$1,000,000 and listing the town as an additional insured for any property damage or personal injury for which the town might incur liability arising out of the operations of a food truck.

(Ord. passed 8- -2024)

#### **§ 116.06 PERMIT REVIEW.**

Permit requests shall be submitted to the Planning Department staff and shall be referred to the Tax Department, Police Department, Public Works Department, and/or Fire Marshal for review prior to action.

(Ord. passed 8- -2024)

#### **§ 116.07 REGULATIONS.**

(A) Mobile food vendors shall not operate within the town without a valid permit.

(B) Mobile food vendors shall be positioned at least three feet away from any fire hydrants, any Fire Department connection, utility box, or vault and at least ten feet away from the nearest building provided unless a closer location is approved by the Fire Marshal.

(C) Mobile food vendors shall be situated to allow at least five feet of unobstructed space for pedestrians on sidewalks, pedestrian paths, and other locations intended primarily for pedestrian travel. If any applicable law, including regulations of the Americans with Disability Act, shall require a greater distance, the greater distance shall apply.

(D) No mobile food vendor otherwise shall be located within any area of a lot, including, but not limited to, driveway entrances, alleyways, handicapped parking spaces and ramps, and building entrances and exits, that may impede, endanger, or interfere with pedestrian or vehicular traffic.

(E) Mobile food vendors shall be allowed to locate on a property within any zoning district that allows restaurants, including drive-in and fast food, except as otherwise provided by this chapter but shall remain at least 50 feet away from the main entrance of any fixed restaurant establishment or outdoor dining space, unless a closer distance is permitted in writing by said establishment.

(F) Mobile food vendors shall provide a trash receptacle for customer use. All associated equipment, including trash receptacles, must be within three feet of the food truck, unless they are part of a town-sanctioned event.

(G) Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.

(H) Mobile food vendors may operate on any private property with the consent of the owner as provided herein or on public property if approved in connection with a town-sanctioned event as provided by this chapter.

(I) No mobile food vendor shall conduct business on any public right-of-way, sidewalk, upon any public road in the town, or on any property owned by the town except as allowed by the Town Administrator or designee in connection with a town-sanctioned event.

(J) No liquid, grease, or solid waste may be discharged from the food truck. Mobile food vendors shall not dispose of waste of any kind in tree pits, storm drains, the sanitary sewer system, or on public streets or rights-of-way and must otherwise comply with all applicable waste regulations under federal, state or local law.

(K) Mobile food vendors must comply with all current fire, health, sanitation, public safety, and traffic laws and otherwise must operate in a safe and sanitary manner consistent with all applicable local, state, and federal regulations.

(L) Mobile food vendors shall only serve walk-up customers and shall not receive vehicular traffic or operate a drive-through window.

(M) Any lighting installed upon a food truck or pushcart shall be such that minimizes the glare on roadways and surrounding properties.

(N) No signage shall be allowed other than signs permanently attached to the motor vehicle except one sandwich board sign with a display area no larger than 24 inches in height and three inches in length is allowed but must be posted within three feet of the food truck and does not impede vehicle or pedestrian traffic.

(O) Mobile food vendors must have a current sales and use tax registration number from the State Department of Revenue.

(Ord. passed 8- -2024) Penalty, see § 116.99

**§ 116.08 SUSPENSION AND REVOCATION OF PERMIT.**

(A) The town reserves the right to require any permit holder to cease part or all of its operation, or to remove the food truck from a permitted location to allow for construction, maintenance, or repair of any street, gutter, sidewalk, storm drain inlet, or any similar municipal utility.

(B) The Town Administrator or designee reserves the right to temporarily suspend a mobile food vendor permit to maintain the health, safety, and welfare of the public. The town may temporarily suspend the food truck permit when the street is closed for a special event.

(C) Any permit issued pursuant to the provisions of this chapter may be suspended or revoked following a determination by the Planning and Zoning Officer that the mobile food vendor's operations are in violation of the provisions of this chapter, causing parking, traffic congestion, or litter problems either on or off the property where the use is located, or that such use is otherwise creating a danger to the public health or safety.

(D) Such suspension or revocation may occur after notice and hearing before the Town Planning and Zoning Officer, held upon ten days' notice.

(E) In emergency situations, including, but not limited to, the disposal of liquid waste or grease, or other causing or allowing conditions that pose an imminent danger to the health, welfare, and safety of the public, the Town Administrator or designee may summarily revoke a mobile food vendor permit without prior notice and the food truck will be required to cease operation immediately.  
(Ord. passed 8- -2024)

#### **§ 116.99 PENALTY.**

(A) *Civil penalties.*

(1) Violations of any of the provisions of this chapter will result in the following civil penalties:

- (a) First offense in any 12-month period: \$50;
- (b) Second offense in any 12-month period: \$100; or
- (c) Third offense in any 12-month period: permit revocation.

(2) The Planning and Zoning Officer may issue a notice of violation, assessing civil penalties as follows.

(a) The notice shall be issued in writing and shall set forth with reasonable specificity the basis for the civil penalty.

(b) The notice of violation shall be served by registered or certified mail, or by personal service. When service is made by registered or certified mail, a copy of the notice may also be sent by first class mail. Service shall be deemed sufficient if the first-class mail is not returned by the post office within ten days after the mailing.

(c) Refusal to accept the notice shall not relieve the violator of the obligation to pay the penalty.

(d) The notice of violation shall contain a date or period by which the violation must be corrected. From and after the date specified in the notice, each subsequent day that the violation continues in existence shall constitute a separate and distinct offense subject to additional civil penalties.

(e) If a person fails to pay any civil penalty within 30 days after the decision becomes final, the town may recover the penalty, together with all costs allowed by law, by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt.

(B) *Other remedies.* In addition to civil penalties and permit suspension and revocation, a violation of the provisions of this chapter may also be enforced through injunctive or other equitable relief, or a combination of remedies, as issued by a court of competent jurisdiction.

(C) *Appeals.*

(1) A party aggrieved may appeal any decision under this section to the Town Administrator within 15 calendar days after the contested decision. An appeal must be made in writing and shall contain the reasons supporting the appeal and any evidence that supports it. The Town Administrator or designee other than the person rendering the decision shall review the information provided and shall issue a written decision determining whether a violation has occurred.

(2) After receiving a determination from the Town Administrator or designee, a party aggrieved may appeal to the Board of Commissioners within 21 calendar days after the Town Administrator's decision (or the decision of his or her designee) was mailed. The scope of the Board's review shall be limited to verifying the facts supporting a written decision or findings of fact made on a suspension. If the Board finds that the facts as found are correct, the civil penalty, administrative fee, suspension, or revocation shall not be disturbed.

(Ord. passed 8- -2024)



**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. GENERAL OFFENSES**



## CHAPTER 130: GENERAL OFFENSES

Section

### *General Provisions*

- 130.01 Curfew
- 130.02 Disorderly conduct
- 130.03 Loitering to engage in drug activities

### *Weapons*

- 130.15 Prohibition of firearms and deadly weapons
- 130.16 Unlawful to discharge weapons
- 130.17 Use of projectiles
- 130.18 Molotov cocktails and firebombs

- 130.99 Penalty

## **GENERAL PROVISIONS**

### **§ 130.01 CURFEW.**

(A) *Purpose.*

- (1) The purpose of this section shall be to establish a curfew for minors in the town.
- (2) Unsupervised minors are particularly vulnerable to being induced to participate in drug abuse and other criminal activities during the nighttime.
- (3) Minors often lack the ability to make informed, mature decisions when faced with the temptation to engage in criminal activities.
- (4) Also, it is important that parents be encouraged to take an active role in the proper upbringing of their children. Furthermore, there is a need to protect businesses and other persons from vandalism and other types of criminal activities frequently committed by minors.

(5) This section will assist parents in the difficult task of child rearing and the town in regulating those activities which are detrimental to the health, safety, and welfare of its citizens and to the peace and dignity of the town.

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

**CUSTODIAN.** A parent, guardian, step-parent, foster parent, house parent, or other person legally responsible for the care and custody of a minor as defined by this section.

**MINOR.** Any person who has not reached his or her sixteenth birthday and is not married, emancipated, or a member of the armed services of the United States.

**PUBLIC PLACE.** Any place which is generally open to and used by the public (whether it be publicly or privately owned) including, but not limited to, streets, highways, public vehicular areas, places of business, amusement parks, and other common areas open to the public.

(C) *Time limits.* It is unlawful for any minor to be or remain upon any public place, as defined in division (B) above, within the town or on any property or right-of-way belonging to the town and located outside its corporate limits between the hours of midnight on Friday and 5:00 a.m. on Saturday, between midnight on Saturday and 5:00 a.m. on Sunday, and between the hours of 11:00 p.m. and 5:00 a.m. of the following morning on Monday, Tuesday, Wednesday, Thursday, and Friday. The times, as set out herein, shall mean Eastern Standard Time or Daylight Saving Time, whichever is in effect.

(D) *Exceptions.* The restrictions provided by division (C) above shall not apply to a minor who is:

- (1) Accompanied by his or her custodian, as defined in division (B) above;
- (2) Accompanied by a responsible person over 18 years of age who has the written permission of the minor's custodian to have the minor under his or her supervision;
- (3) Traveling in connection with his or her employment, religious activity, or attendance at a function sponsored by the town or a school;
- (4) Temporarily within the town or on town property while engaged in interstate travel;
- (5) Attempting to obtain assistance in a medical emergency;
- (6) On an errand at the direction of the minor's parent or guardian without any detour or stop;
- (7) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Married or had been married or had disabilities of minority removed in accordance with state law.

(E) *Responsibility of adults.* It is unlawful for any custodian to allow or permit any minor to be in or upon or remain in or upon a public place within the town or any property or right-of-way belonging to the town and located outside the corporate limits of the town within the curfew hours set by division (C) above except as provided in division (D) above.

(F) *Responsibility.* It is unlawful for any person, firm, or corporation operating a place of business or amusement to allow or permit any minor to be in or upon or to remain in or upon the premises of the place of business or amusement within the curfew hours set by division (C) above except as provided in division (D) above.

(G) *Enforcement.* When a minor is found to be in violation of this section, a police officer will, by telephone, check with the Communications Center of the Town Police Department to determine if the minor is a first offender.

(1) If the minor is a first offender, he or she will be taken to the residence of his or her custodian. A written warning will be given to the custodian and an information report will be taken by the officer.

(a) The report shall include the name of the minor and the custodian, the time, date, and location of the offense.

(b) This report will be turned in to the Communications Center and entered into the Police Department computer system.

(2) If, upon checking with the Communications Center, the minor is found to be a repeat offender, he or she will be taken to the residence of his or her custodian, and the custodian may be issued a criminal citation charging him or her with a violation of this section. A report will be turned in to the Communications Center and entered into the Police Department computer system.

(3) If the minor is found to be a repeat offender, the minor may be treated as a delinquent juvenile.

(4) If the minor is under 12 years of age, a report will be made and a copy forwarded to the County Department of Social Services.

(H) *Aiding and abetting by adult, guardian, or parent.* It shall be a violation of this section for any person over 18 years of age to aid or abet a minor in the violation of division (C) above.

(I) *Refusal of custodian to take custody of a minor.* If the custodian of a minor found to be in violation of this section refuses to take custody of the minor, the officer having custody of the minor shall contact the County Department of Social Services and release the minor to that agency, pending further investigation by the Police Department and the Department of Social Services. The custodian may be issued a criminal citation charging him or her with a violation of this section.

(Prior Code, § 130.02) (Ord. passed 8-7-1995) Penalty, see § 130.99

### § 130.02 DISORDERLY CONDUCT.

Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:

(A) Act in a violent or tumultuous manner toward another whereby any person is placed in danger of safety of his or her life, limb, or health;

(B) Act in a violent or tumultuous manner toward another whereby public property or property of any other person is placed in danger of being destroyed or damaged;

(C) Endanger lawful pursuits of another by note of violence or threats of bodily harm;

(D) Cause, provoke, or engage in any fight, brawl, or riotous conduct so as to endanger the life, limb, health, or property of another or public property;

(E) Assemble or congregate with another or others and cause, provoke, or engage in any fight or brawl;

(F) Collect in bodies or in crowds and engage in unlawful activities;

(G) Assemble or congregate with another or others and engage or attempt to engage in gaming;

(H) Frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice, or device or attempt to do so;

(I) Assemble with another or others and engages in any fraudulent scheme, device, or trick to obtain any valuable thing in any place or from any person or attempts to do so;

(J) Utter, in a public place or any place open to the public, any obscene words or epithets;

(K) Frequent any place where gaming or the illegal sale or possession of alcoholic beverages, narcotics, or dangerous drugs is practiced, allowed, or tolerated;

(L) Use "fighting words" directed towards any person who becomes outraged and thus creates turmoil;

(M) Assemble or congregate with another or others and do bodily harm to another;

(N) By acts of violence, interfere with another's pursuit of a lawful occupation; and

(O) Congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuse to clear the public way when ordered to do so by a peace officer or other person having authority.

(Prior Code, § 131.01) Penalty, see 130.99

**Statutory reference:**

*Related provisions, see G.S. § 14-288.4*

**§ 130.03 LOITERING TO ENGAGE IN DRUG ACTIVITIES.**

(A) For the purpose of this section, **PUBLIC PLACE** means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility, or the doorways and entranceways to any building which fronts on any of those places or a motor vehicle in or on any of those places or any property owned by the town.

(B) For the purpose of this section, a **KNOWN UNLAWFUL DRUG USER, POSSESSOR, or SELLER** is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession, or sale of any of the substances referred to in the State Controlled Substances Act, G.S. Chapter 90, Article 5, or has been convicted of any violation of any substantially similar laws of any positional subdivision of this state, any other state, or of federal law.

(C) It shall be unlawful for a person to remain or wander about in a public place in a manner and under circumstance manifesting the purpose to engage in a violation of any subdivision of the State Controlled Substances Act, G.S. Chapter 90, Article 5. When done with the intent of violation of the aforementioned statutes, each circumstances shall include:

(1) Repeatedly beckoning, stopping, or attempting to stop passersby or repeatedly attempting to engage passersby in conversation;

(2) Repeatedly stopping or attempting to stop motor vehicles;

(3) Repeatedly interfering with the free passage of other persons;

(4) The person being a known unlawful drug user or seller;

(5) The person behaving in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaged in an unlawful drug-related activity;

(6) The person repeatedly pausing to or receiving from passersby, whether on foot or in a vehicle, money or objects;

(7) The person taking flight upon the approach or appearance of a police officer;

(8) The person being at a location frequented by persons who use, possess, or sell drugs; or

(9) Any vehicle involved being registered to a known unlawful drug user, possessor, or seller or being known to be or have been involved in drug-related activities.

(Prior Code, § 131.06) Penalty, see § 130.99

***Statutory reference:***

*Related provisions, see G.S. Chapter 90, Article 5*

## **WEAPONS**

### **§ 130.15 PROHIBITION OF FIREARMS AND DEADLY WEAPONS.**

(A) Except as provided in division (G) below, all persons are prohibited from possessing any firearm (excluding a handgun carried under the authority of a lawful concealed handgun permit) in town-owned buildings and their appurtenant premises, as defined herein.

(B) Except as provided in division (G) below, all persons are prohibited from possessing any firearm (excluding a concealed handgun carried under the authority of a lawful concealed handgun permit) at the following town athletic facilities (facilities used for athletic events, including but not limited to, a gymnasium) and athletic fields (any athletic fields, including any appurtenant facilities such as restrooms, during an organized athletic event if the field had been scheduled for use with the Parks and Recreation Department) in accordance with G.S. § 14-415.23:

(1) Perry Park at Pine Street;

(2) Godwin Coppage Park at Tyner Road; and

(3) The Tennis Courts at Edgewood Avenue.

(C) Except as provided in division (G) below, all persons are prohibited from carrying concealed weapons, other than firearms, as defined in G.S. § 14-269 in town-owned buildings, their appurtenant premises, and in town parks and recreational facilities, as defined herein. These weapons are defined as bowie knife, dirk, dagger, sling shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, or other deadly weapon of any kind.

(D) Except as provided in division (G) below, all persons are prohibited from displaying or carrying openly any firearm or weapon described in division (C) above on the streets, sidewalks, alleys, or other public property in the town in the areas set aside for and during the periods of operation of festivals, concerts, amusement and entertainment events, and other public assemblies.

(E) Nothing herein is intended to prohibit a person from storing a firearm within a motor vehicle while the vehicle is on the aforementioned properties in the town.

(F) For the purposes of this section, **BUILDINGS** is defined as set forth in G.S. § 14-54(c) and includes any dwelling, dwelling house, uninhabited house, building under construction, building within the curtilage of a dwelling house, and any other structure designed to house or secure within it any activity or property.

(G) This prohibition shall not apply to the following persons:

(1) Those persons identified in G.S. § 14-269(b);

(2) Animal control officers acting in the scope of their employment; and

(3) Persons firing firearms without projectiles in organized educational, entertainment, instructional, or ceremonial events sponsored by the town.

(H) A conspicuous notice shall be posted at each entrance to any property or facility set forth in divisions (A) or (B) above outlining the restrictions prescribed in this section.

(I) Firearms and other weapons possessed in violation of this section are hereby declared to be contraband. The Chief of Police or his or her designee shall dispose of such weapons pursuant to applicable state law.

(Ord. 2014-69, passed 8-12-2014) Penalty, see § 130.99

**Statutory reference:**

*Related provisions, see G.S. §§ 14-54(c), 14-269, and 14-415.23*

**§ 130.16 UNLAWFUL TO DISCHARGE WEAPONS.**

It shall be unlawful of any person to shoot or discharge any air rifle, bullet rifle, pistol, or shotgun or other device designated to project a missile by compressed air or mechanical action with less than deadly force or other firearm at any time or place within the town except when used in defense of person or property or pursuant to lawful directions of law enforcement officers.

(Prior Code, § 131.02) Penalty, see § 130.99

**§ 130.17 USE OF PROJECTILES.**

No person shall shoot or project any stone, rock shot, or other hard substance by means of a sling shot, bean shooter, shot shooter, pop gun, bow, or other similar contrivance; provided, archery may be engaged in on the ranges as may be set aside and approved therefor by the Board of Commissioners. (Prior Code, § 131.05) Penalty, see § 130.99

**§ 130.18 MOLOTOV COCKTAILS AND FIREBOMBS.**

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

***FIREBOMB.*** Any type of object designed or constructed so that, upon being propelled, it will explode or ignite its area of impact.

***MOLOTOV COCKTAIL.*** Any breakable container or any container filled with a flammable fluid or substance and fitted with a fuse or wick which is designed in such a manner that, upon being propelled, it will, at impact, empty its contents. (Prior Code, § 131.03)

(B) *Manufacture, possession, and the like.* It shall be unlawful for any person or persons to manufacture, possess, or transport any Molotov cocktail or other firebomb. (Prior Code, § 131.04) Penalty, see § 130.99

**§ 130.99 PENALTY.**

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

(B) Any person who violates § 130.01 shall be guilty of a misdemeanor and shall be fined not more than \$50 or imprisoned for not more than 30 days. (Prior Code, § 130.99)

(C) Any person convicted of § 130.02 shall be punished as provided in § 10.99. (Prior Code, § 131.01)

(D) Violation of any provision of §§ 130.02, 130.03, and 130.16 through 130.18 shall be a misdemeanor, as provided by G.S. § 14-4. The offender may be subject to a fine in excess of \$50, up to a maximum of \$500.

(Prior Code, § 131.99)

(Ord. passed 8-7-1995) Penalty, see § 10.99

***Statutory reference:***

*Related provisions, see G.S. § 14-4*



**TITLE XV: LAND USAGE**

Chapter

- 150. BUILDING REGULATIONS**
- 151. HOUSING; HABITABLE DWELLINGS**
- 152. STREETS, SIDEWALKS, AND PUBLIC PROPERTY**
- 153. STORMWATER MANAGEMENT**
- 154. FLOOD DAMAGE PREVENTION**
- 155. SUBDIVISIONS**
- 156. ZONING**



## CHAPTER 150: BUILDING REGULATIONS

### Section

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- 150.001 Permits required
- 150.002 Application; County Building Inspector
- 150.003 Fees
- 150.004 Fire District determined

#### *Regulatory Codes*

- 150.015 Applicability
- 150.016 Building Code adopted
- 150.017 Fire-Resistance Rating adopted
- 150.018 Uniform Resistance Building Code adopted
- 150.019 Plumbing Code adopted
- 150.020 Heating, ventilation, and like codes adopted
- 150.021 Compliance with codes adopted
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#### *Nonresidential Building or Structure Code*

- 150.035 Title; purpose
- 150.036 Definitions
- 150.037 Applicability; compliance
- 150.038 Maintenance standards
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**Williamston - Land Usage**

- 150.047 Ejectment
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***Central Business District Vacancy Regulations***

- 150.065 Title; purpose
- 150.066 Definitions
- 150.067 Registration
- 150.068 Fees
- 150.069 Requirements
- 150.070 Inspections; enforcement; appeals
  
- 150.999 Penalty

***GENERAL PROVISIONS*****§ 150.001 PERMITS REQUIRED.**

Building, plumbing, electrical, heating, air-conditioning, refrigeration, and ventilation permits and any other permit required by the regulatory codes adopted in this chapter or any permits required by state law shall be obtained from the appropriate authority prior to beginning any construction, repair, or alteration regulated by the codes or state law.

(Prior Code, § 150.01)

***Statutory reference:***

*Related provisions, see G.S. § 160D-1110*

**§ 150.002 APPLICATION; COUNTY BUILDING INSPECTOR.**

(A) Applications for building, plumbing, heating, air-conditioning, refrigeration, and ventilation permits shall be made to the Building Inspector who shall issue the permit upon payment of the appropriate fees and proof of compliance with applicable regulations by the applicant, including production of a zoning permit.

(B) For purposes of this chapter, the County Building Inspector shall serve as the Town Building Inspector.

(Prior Code, § 150.02)

**Statutory reference:**

*Related provisions, see G.S. § 160D-307*

**§ 150.003 FEES.**

The fees to be paid for the appropriate permit required by § 150.01 and inspection fees shall be as determined by the county.

(Prior Code, § 150.03)

**§ 150.004 FIRE DISTRICT DETERMINED.**

The Fire District of the town shall be determined by the Board of Commissioners from time to time.

(Prior Code, § 150.04)

**Statutory reference:**

*Related provisions, see G.S. § 160D-1128*

***REGULATORY CODES***

**§ 150.015 APPLICABILITY.**

The provisions of this subchapter and of the regulatory codes adopted herein shall apply to the following:

(A) The location, design, materials, equipment, construction, reconstruction, alteration, repair, maintenance, moving, demolition, removal, use, and occupancy of every building or structure or any appurtenance connected or attached to the building or structure;

(B) The installation, erection, alteration, repair, use, and maintenance of plumbing systems consisting of house sewers, building drains, waste and vent systems, hot and cold water supply systems, and all fixtures and appurtenances thereof;

(C) The installation, erection, alteration, repair, use, and maintenance of mechanical systems consisting of heating, ventilating, air-conditioning, and refrigeration systems; fuel burning equipment; and appurtenances thereof; and

(D) The installation, creation, alteration, repair, use, and maintenance of electrical systems and appurtenances thereof.

(Prior Code, § 150.20)

#### **§ 150.016 BUILDING CODE ADOPTED.**

The State Building Code, Volume I, “General Construction,” as adopted by the State Building Code Council and as amended, is hereby adopted by reference as fully as though set forth in this subchapter as the Town Building Code to the extent the code is applicable for safe and stable design, methods of construction, minimum standards, and use of materials in buildings or structures hereafter erected, enlarged, altered, repaired, or otherwise constructed or reconstructed.

(Prior Code, § 150.21)

#### **§ 150.017 FIRE-RESISTANCE RATING ADOPTED.**

The State Building Code, Volume I-A, “Fire-Resistance Ratings,” as adopted by the State Building Code Council and as amended, is hereby adopted by reference and incorporated as though fully set forth herein.

(Prior Code, § 150.22)

#### **§ 150.018 UNIFORM RESISTANCE BUILDING CODE ADOPTED.**

The State Uniform Residential Building Code, as adopted and amended by the State Building Inspectors Association and as published by the State Building Code Council, is hereby adopted by reference as fully as though set forth in this subchapter as the Residential Building Codes for single- and two-family residential buildings of the town.

(Prior Code, § 150.23)

#### **§ 150.019 PLUMBING CODE ADOPTED.**

The State Plumbing Code (State Building Code, Volume II, “Plumbing”), as adopted and published by the State Building Code Council and as amended, is hereby adopted by reference as fully as though set forth in this subchapter as the Plumbing Code for the town.

(Prior Code, § 150.24)

**§ 150.020 HEATING, VENTILATION, AND LIKE CODES ADOPTED.**

The State Heating, Air-Conditioning, Refrigeration, and Ventilation Code (State Building Code, Volume III, “Heating”), as adopted and published by the State Building Code Council and as amended, is hereby adopted by reference as fully as though set forth in this subchapter as the Heating Code for the town.

(Prior Code, § 150.25)

**§ 150.021 COMPLIANCE WITH CODES ADOPTED.**

(A) *Building Codes.* All buildings or structures that are hereafter constructed, reconstructed, emoted, altered, extended, enlarged, repaired, demolished, or moved shall conform to the requirements, minimum standards, and other provisions of the building codes adopted by §§ 150.016 through 150.018.

(B) *Plumbing Code.* Every building or structure intended for human habitation, occupancy, or use shall have plumbing, plumbing systems, or plumbing fixtures installed, constructed, altered, extended, repaired, or reconstructed in accordance with the minimum standards, requirements, and other provisions of the Plumbing Code adopted by § 150.019.

(C) *Heating and like codes.* All mechanical systems consisting of heating, ventilating, air-conditioning, and refrigeration systems; fuel burning equipment; and appurtenances shall be installed, erected, altered, repaired, used, and maintained in accordance with the minimum standards, requirements, and other provisions of the Heating, Air-Conditioning, Refrigeration, and Ventilation Code adopted by § 150.20.

(Prior Code, § 150.28)

**§ 150.022 EFFECT OF AMENDMENTS TO ADOPTED CODE.**

Amendments to the regulatory codes adopted by reference in this subchapter, which are from time to time adopted and published by the agencies or organizations referred to herein, shall be effective in the town at the time the amendments are filed with the Zoning Administrator as provided in § 150.023.

(Prior Code, § 150.26)

**§ 150.023 COPIES FILED.**

(A) An official copy of each regulatory code adopted in this subchapter and official copies of all amendments thereto shall be kept on file in the office of the Zoning Administrator.

(B) The copies shall be the official copies of the codes and the amendments.

(Prior Code, § 150.27)

***NONRESIDENTIAL BUILDING OR STRUCTURE CODE*****§ 150.035 TITLE; PURPOSE.**

(A) *Title.* This subchapter shall be known and may be cited and referred to as the “Nonresidential Building or Structure Code.”

(B) *Purpose.* In order to protect the health, safety, and welfare of the town and its citizens, it is the purpose of this subchapter to establish minimum standards of maintenance, sanitation, and safety relating to nonresidential buildings or structures, as expressly authorized by G.S. § 160D-1129. This subchapter provides for the repair, closing, or demolition of nonresidential buildings or structures as a result of a public necessity caused by conditions that are dangerous to the public health, safety, and welfare. (Ord. 2020-11, passed 6-4-2020)

***Statutory reference:***

*Related provisions, see G.S. § 160D-1129*

**§ 150.036 DEFINITIONS.**

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

***BASIC STRUCTURAL ELEMENTS.*** The parts of a building which provide the principal strength, stability, integrity, shape, and safety of the building including, but not limited to: plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry, and all other essential components.

***BUILDING.*** Any structure, place, or any other construction built for the shelter or enclosure of persons, animals, chattels, or property of any kind or any part of such structure, shelter, or property.

***ENFORCEMENT OFFICER.*** A Town Code Enforcement Officer, Building Inspector, Fire Code Inspector, Zoning Administrator, or other employee designated by the Town Administrator to enforce the provisions of this subchapter.

***NONRESIDENTIAL.*** Any building or structure or portion of a building or structure occupied, formerly occupied, or intended to be occupied, in whole or in part, for a use other than a dwelling, home, residing place, living space, or sleeping space for one or more human beings either permanently or transiently.

***OCCUPANT.*** Any person who is a tenant or has actual possession of a nonresidential building or structure or part thereof.

**OPERATOR.** Any person who has charge, care, or control of a nonresidential building or structure or part thereof.

**OWNER.** Any person, firm, association, or legal entity who alone or jointly or severally with others:

(1) Shall have title in fee simple to any nonresidential building or structure with or without accompanying actual possession thereof; or

(2) Shall have charge, care, or control of any nonresidential building or structure as owner or agent of the owner or as executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this subchapter and of rules and regulations adopted pursuant thereto to the same extent as if he or she were the owner.

**PARTIES OF INTEREST.** All individuals, associations, and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.

**PREMISES.** Any lot or parcel of land inclusive of any building or improvements located thereon.

**SAFE.** A condition which is not likely to do harm to humans or to real or personal property.

**STRUCTURALLY SOUND.** Substantially free from flaw, defect, decay, or deterioration to the extent that the building or structure or structural member is capable of adequately or safely accomplishing the purpose for which it was intended or designed.

**STRUCTURE.** Anything construed or placed upon a property which is supported by the ground or which is supported by any other structure except a currently operable licensed vehicle.

**UNSAFE.** A condition which is reasonably likely to do harm to humans or to real or personal property if not corrected or stopped.

**VACANT INDUSTRIAL WAREHOUSE.** Any building or structure designed for the storage of goods or equipment in connection with manufacturing processes which has not been used for that purpose for at least one year and has not been converted to another use.

**VACANT MANUFACTURING FACILITY.** Any building or structure previously used for the lawful production or manufacturing of goods which has not been used for that purpose for at least one year and has not been converted to another use.

(Ord. 2020-11, passed 6-4-2020)

**§ 150.037 APPLICABILITY; COMPLIANCE.**

(A) The provisions of this subchapter shall apply to all nonresidential buildings or structures which are now in existence or which may be built within the corporate limits of the town.

(B) Every nonresidential building or structure and the premises on which it is situated shall comply with the provisions of this subchapter, whether or not such building or structure shall have been constructed, altered, or repaired before or after the enactment of this subchapter and irrespective of any permits or licenses which have been issued for the use or occupancy of the building or structure or for the installment or repair of equipment or facilities. This subchapter establishes minimum standards for all nonresidential buildings and structures and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of the building or structure, equipment, or facilities contained therein.

(Ord. 2020-11, passed 6-4-2020)

**§ 150.038 MAINTENANCE STANDARDS.**

(A) All nonresidential buildings and structures shall be free of all conditions that are dangerous and injurious to the public health, safety, and welfare of occupants or members of the general public.

(B) Without limitation of the foregoing requirement, the existence of any of the following conditions shall be deemed to be dangerous to the public health, safety, and welfare for which a public necessity exists for the repair, closing, or demolition of such building or structure and must be corrected in accordance with the provisions herein:

(1) Interior walls, vertical studs, partitions, supporting members, sills, joists, rafters, or other basis structural members that list, lean, or buckle to such an extent as to render the building unsafe; that are rotted, deteriorated, or damaged; and that have holes or cracks which might admit rodents;

(2) Exterior walls that are not structurally sound, free from defects and damages, and capable of bearing imposed loads safely. Where a wall of a building has become exposed as a result of demolition of adjacent buildings, such wall must have all doors, windows, vents, or other similar openings closed with material of the type comprising the wall. The exposed wall shall be painted, stuccoed, or bricked and sufficiently weather-proofed to prevent deterioration of the wall;

(3) Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used. Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used. Roofs shall be kept structurally sound and shall be maintained in such a manner so as to prevent rain or other objects from penetrating into the interior of the building;

(4) Such damage by fire, wind, or other causes as to render the building unsafe;

(5) Dilapidation, decay, unsanitary conditions, or disrepair which is dangerous to the health and safety of the occupants or members of the general public;

(6) Lack of adequate ventilation, light, heating, or sanitary facilities to such extent as to endanger the health, safety, or general welfare of the occupants or members of the general public;

(7) Buildings and structures, including their environs, that have accumulations of garbage, trash, or rubbish which creates health and sanitation problems. All garbage and solid waste shall be in approved containers or stored in a safe and sanitary manner;

(8) Buildings and structures that have loose and insufficiently anchored overhanging objects which constitute a danger of falling on persons or property;

(9) Buildings and structures, including their environs, that have insufficiently protected holes, excavations, breaks, projections, obstructions, and other such dangerous impediments on and around walks, driveways, parking lots, alleyways, and other areas which are accessible to and generally used by persons on or around the premises;

(10) Buildings and structures that have cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic, or other dangerous objects or similar hazardous conditions. Exterior surfaces shall be maintained in such material or treated in such a manner as to prevent deterioration and repaired or replaced with like or similar material according to its original use;

(11) Buildings and structures that have objects and elements protruding from building walls or roofs which are unsafe or not properly secured or which can create a hazard such as abandoned electrical boxes and conduits, wires, sign brackets and other brackets, and similar objects;

(12) Chimneys, flues, and vent attachments thereto which are not structurally sound. Chimneys, flues, gas vents, or other draft-producing equipment which are in use shall provide sufficient draft to develop the rated output of the connected equipment and shall be structurally safe, durable, smoke-tight, and capable of withstanding the action of flue gases;

(13) Exterior porches, landings, balconies, stairs, or fire escapes which are not structurally sound. All exterior porches, landings, balconies, stairs, and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept sound, in good repair, and free of defects;

(14) Cornices which are not structurally sound. Rotten or weakened portions shall be repaired and/or replaced. All exposed wood shall be treated or painted;

(15) Improperly attached gutters or downspouts that are located so as to cause a hazard to pedestrians, vehicular traffic, or adjacent property;

(16) Advertising sign structures, attached or freestanding awnings, marquees and their supporting members, and other similar attachments and structures that cause a safety hazard to the occupants or members of the general public;

(17) All exterior surfaces that may cause unsafe conditions due to a lack of maintenance. Exterior surfaces shall be painted or sealed in order to protect the underlying surface from deterioration. All exterior surfaces that have been painted shall be maintained generally free of peeling and flaking. Where 50% or more of the aggregate of any painted surface shall have peeling or flaking or previous paint worn away, the entire surface shall be repainted in order to prevent further deterioration;

(18) Windows containing broken or cracked glass that could be in danger of falling or shattering. All windows must be tight-fitting and have sashes of proper size and design and be free from rotten wood, broken joints, or broken or loose mullions;

(19) All openings originally designed as windows, doors, loading docks, or other means of egress or ingress which have been temporarily closed by boarding or other manner in a non-secure manner so as to allow unauthorized admittance. If an opening is temporarily closed by boarding to secure the building or structure, the boarding shall be trim fit, sealed to prevent water intrusion, and painted or stained to properly conform with the other exterior portions of the building and the building or structure shall be maintained in a state that secures the building or structure from any unauthorized admittance from humans, animals, or birds; and

(20) Any combination of conditions which, in the judgment of the Enforcement Officer, renders any building or structure dangerous or injurious to the health, safety, or general welfare of occupants or members of the general public.  
(Ord. 2020-11, passed 6-4-2020)

#### **§ 150.039 DUTIES AND POWERS OF ENFORCEMENT OFFICER.**

(A) *Duties.* The Enforcement Officer is hereby designated as the public officer to enforce the provisions of this subchapter and to exercise the duties and powers herein prescribed. It shall be the duty of the Enforcement Officer:

(1) To investigate the conditions of nonresidential buildings and structures in the town and to inspect nonresidential buildings and structures located in the town in order to determine which nonresidential buildings and structures are not being maintained so that the health and safety of its occupants or members of the general public are jeopardized and for the purpose of carrying out the objectives of this subchapter with respect to such nonresidential buildings and structures;

(2) To take such action together with other appropriate departments and agencies, public and private, as may be necessary to effect the repair or demolition of nonresidential buildings and structures which have not been properly maintained in compliance with minimum standards established by this subchapter;

(3) To keep a record of the results of inspections made under this subchapter and an inventory of those nonresidential buildings and structures which have not been properly maintained in compliance with the minimum standards established by this subchapter; and

(4) To perform such other duties as may be herein prescribed.

(B) *Powers.* The Enforcement Officer is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this subchapter including the following powers in addition to others herein granted:

(1) To investigate nonresidential buildings and structures in the town to determine whether they have been properly maintained in compliance with the minimum standards established by this subchapter so that the safety or health of the occupants or members of the general public are not jeopardized;

(2) To administer oaths and affirmations, examine witnesses, and receive evidence;

(3) To enter upon premises for the purpose of making examinations and inspections provided that such entries shall be made in accordance with law and in such manner as to cause the least possible inconvenience to the persons in possession; and

(4) To appoint and fix duties of such officers, agents, and employees as the Enforcement Officer deems necessary to carry out the purposes of this subchapter.  
(Ord. 2020-11, passed 6-4-2020)

**§ 150.040 INSPECTIONS.**

For the purpose of making inspections, the Enforcement Officer is hereby authorized to enter, examine, and survey, at all reasonable times, nonresidential buildings and structures. If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. § 15-27.2 or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises.  
(Ord. 2020-11, passed 6-4-2020)

***Statutory reference:***

*Related provisions, see G.S. § 15-27.2*

**§ 150.041 ENFORCEMENT PROCEDURE.**

(A) *Preliminary investigation.* Whenever it appears to the Enforcement Officer that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public are jeopardized for failure of the property to meet the minimum standards established by this subchapter, the Enforcement Officer shall undertake a preliminary investigation.

(B) *Complaint and hearing.* If the preliminary investigation discloses evidence of a violation of the minimum standards established by this subchapter, the Enforcement Officer shall issue and cause to be served upon the owner of and parties in interest in the nonresidential building or structure a complaint. The complaint shall state the charges and contain a notice that a hearing will be held before the Enforcement Officer at a place therein fixed not less than ten days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Enforcement Officer.

(C) *Procedure after hearing.*

(1) If, after notice and hearing, the Enforcement Officer determines that the nonresidential building or structure has been maintained in that the property meets the minimum standards established by this subchapter, the Enforcement Officer shall state, in writing, findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof a copy of said determination.

(2) If, after notice and hearing, the Enforcement Officer determines the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by this subchapter, the Enforcement Officer shall state, in writing, findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order in accordance with the provisions of divisions (C)(3) and (C)(4) below and subject to the limitations set forth in § 150.42.

(3) If the Enforcement Officer determines that the cost of repair, alteration, or improvement of the building or structure would not exceed 50% of its then-current value, the Enforcement Officer shall state, in writing, the findings of fact in support of such determination and issue an order that requires the owner, within a reasonable time specified in the order, to either repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established herein or vacate and close the nonresidential building or structure for any use.

(4) If the Enforcement Officer determines that the cost of repair, alteration, or improvement of the building or structure would exceed 50% of its then-current value, the Enforcement Officer shall state, in writing, the findings of fact in support of such determination and issue an order that requires the owner, within a reasonable time specified in the order, to either remove or demolish the nonresidential building or structure or repair, alter, or improve the nonresidential building or structure to bring it into compliance with the minimum standards established herein.

(D) *Failure to comply with order and ordinances.*

(1) If the owner fails to comply with an order to either repair, alter, or improve the nonresidential building or structure or vacate and close the nonresidential building or structure, the

Enforcement Officer shall submit to the Town Board an ordinance ordering the Enforcement Officer to cause such nonresidential building or structure to be repaired, altered, or improved in order to bring it into compliance with the minimum standards established by this subchapter or to be vacated and closed for any use. The property shall be described in the ordinance. If the Town Board adopts the ordinance, the Enforcement Officer shall cause the building or structure to be vacated and closed for any use.

(2) If the owner fails to comply with an order to either remove or demolish the nonresidential building or structure or repair, alter, or improve the nonresidential building or structure, the Enforcement Officer shall submit to the Town Board an ordinance ordering the Enforcement Officer to cause such nonresidential building or structure to be removed or demolished. No ordinance shall be adopted to require removal or demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the Town Board. The property shall be described in the ordinance. If the Board adopts the ordinance, the Enforcement Officer shall cause the building or structure to be removed or demolished.

(Ord. 2020-11, passed 6-4-2020)

**§ 150.042 LIMITATIONS ON HISTORIC SITES.**

Notwithstanding any other provision of this subchapter, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally-designated historic district or in a historic district listed in the National Register of Historic Places and the Town Board determines, after a public hearing, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, an order issued by the Enforcement Officer pursuant to § 150.041(C)(3) and an ordinance approved by the Town Board pursuant to § 150.041(D)(1) may only require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by this subchapter.

(Ord. 2020-11, passed 6-4-2020)

**§ 150.043 VACANT AND CLOSED NONRESIDENTIAL BUILDINGS OR STRUCTURES.**

(A) *Limitations on vacant manufacturing facilities or industrial warehouses.* Notwithstanding any other provision of this subchapter, an order issued by the Enforcement Officer pursuant to § 150.041(C)(3) and an ordinance approved by the Town Board pursuant to § 150.041(D)(1) may not require repairs, alterations, or improvements to be made to a vacant manufacturing facility or a vacant industrial warehouse to preserve the original use. The order and ordinance may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

(B) *Vacated and closed nonresidential buildings or structures.*

(1) If the Board has adopted an ordinance or the Enforcement Officer has issued an order requiring the building or structure to be repaired, altered, or improved or vacated and closed and the building or structure as been vacated and closed for a period of two years pursuant to the ordinance or order, then, if the Board finds that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the town in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area, the Board may, after the expiration of the two-year period, adopt an ordinance and serve such ordinance on the owner, setting forth the following.

(a) The ordinance shall require that the owner either demolish and remove the nonresidential building or structure within 90 days or repair, alter, or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this subchapter within 90 days.

(b) The ordinance shall require that if the owner does not either demolish and remove the nonresidential building or structure within 90 days or repair, alter, or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this subchapter within 90 days, the Coordinator or Officer shall demolish and remove the nonresidential building or structure.

(2) In the case of a vacant manufacturing facility or a vacant industrial warehouse, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five years before the Board may take action under this section.

(3) If the owner fails to comply with the requirements of the ordinance within 90 days, the Enforcement Officer shall demolish and remove the nonresidential building or structure.  
(Ord. 2020-11, passed 6-4-2020)

**§ 150.044 SERVICE OF COMPLAINTS AND ORDERS.**

(A) Complaints or orders issued by the Enforcement Officer under this subchapter shall be served either personally or by registered or certified mail and, in conjunction therewith, may be served by regular mail. When the manner or service is by regular mail in conjunction with registered or certified mail and the registered or certified mail is unclaimed or refused but the regular mail is not returned by the post office within ten days after mailing, service shall be deemed sufficient. The person mailing the complaint or order by regular mail shall certify that fact and the date thereof, and such certificate shall be conclusive in the absence of fraud. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(B) If the identities of any owner or the whereabouts of persons are unknown and cannot be ascertained by the Enforcement Officer in the exercise of reasonable diligence and the Enforcement Officer makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper having general circulation in that town at least once no later than the time at which personal service would be required under the provisions of this subchapter. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(Ord. 2020-11, passed 6-4-2020)

**§ 150.045 IN REM ACTION.**

After failure of an owner of a nonresidential building or structure to comply with an order of the Enforcement Officer issued pursuant to the provisions of this subchapter and upon adoption by the Town Board of an ordinance authorizing and directing the owner to do so, as provided by G.S. § 160D-1129(f) and § 150.041(D), the Enforcement Officer shall proceed to cause such nonresidential building or structure to be repaired, altered, or improved to comply with the minimum standards established by this subchapter or to be vacated and closed or to be removed or demolished, as directed by ordinance of the Town Board. The Enforcement Officer may cause to be posted on the main entrance of any nonresidential building or structure which is to be vacated and closed a placard with the following words: “This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful.”

(Ord. 2020-11, passed 6-4-2020) Penalty, see § 150.999

**Statutory reference:**

*Related provisions, see G.S. § 160D-1129(f)*

**§ 150.046 COSTS; LIENS.**

(A) As provided by G.S. § 160D-1129(i), the amount of the cost of any repairs, alterations, or improvements or vacating and closing, or removal or demolition caused to be made or done by the Enforcement Officer pursuant to this subchapter shall be a lien against the real property upon which such costs were incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by G.S. Chapter 160A, Article 10. The amount of the costs shall also be a lien on any other real property of the owner located within the town limits except for the owner’s primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.

(B) If the nonresidential building or structure is removed or demolished by the Enforcement Officer, the Enforcement Officer shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall

credit the proceeds of the sale, if any, against the costs of the removal or demolition, and any balance remaining shall be deposited in the Superior Court by the Enforcement Officer, shall be secured in a manner directed by the Court, and shall be disbursed by the Court to the person found to be entitled thereto by final order or decree of the Court. Nothing in this section shall be construed to impair or limit in any way the power of the governing body to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Ord. 2020-11, passed 6-4-2020)

***Statutory reference:***

*Related provisions, see G.S. Chapter 160A, Article 10 and § 160D-1129(i)*

**§ 150.047 EJECTMENT.**

(A) If any occupant fails to comply with an order to vacate a nonresidential building or structure, the Enforcement Officer may file a civil action in the name of the town to remove the occupant. The action to vacate shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming, as parties-defendant, any person occupying the nonresidential building or structure.

(B) The Clerk of the Superior Court shall issue a summons requiring the defendant to appear before a Magistrate at a certain time, date, and place not to exceed ten days from the issuance of the summons to answer the complaint. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the Enforcement Officer produces a certified copy of an ordinance adopted by the Town Board pursuant to G.S. § 160D-1129(f) and § 150.041(D) to vacate the occupied nonresidential building or structure, the Magistrate shall enter judgment ordering that the premises be vacated and all persons be removed.

(C) The judgment ordering that the nonresidential building or structure be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. § 42-30. An appeal from any judgment entered under this division (C) by the Magistrate may be taken as provided in G.S. § 7A-228, and the execution of the judgment may be stayed as provided in G.S. § 7A-227.

(D) An action to remove an occupant of a nonresidential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this division (D) unless the occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the Town Board has ordered the Enforcement Officer to proceed to exercise his or her duties under G.S. § 160D-1129(f) and § 150.041(D) to vacate and close or remove and demolish the nonresidential building or structure.

(Ord. 2020-11, passed 6-4-2020)

***Statutory reference:***

*Related provisions, see G.S. §§ 7A-227, 7A-228, 42-30, and 160D-1129(f)*

**§ 150.048 FILING OF ORDINANCES.**

An ordinance adopted by the Town Board, pursuant to §§ 150.041(D) or 150.043(B) shall be recorded in the office of the County Register of Deeds and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160D-1129(f) and (g).

(Ord. 2020-11, passed 6-4-2020)

***Statutory reference:***

*Related provisions, see G.S. § 160D-1129(f) and (g)*

**§ 150.049 DECLARING AND ABATING NUISANCES.**

Neither this subchapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise or to enforce this subchapter by criminal process, as authorized by G.S. § 14-4 and § 150.999, and the enforcement of any remedy provided herein or in other ordinances or laws.

(Ord. 2020-11, passed 6-4-2020)

***Statutory reference:***

*Related provisions, see G.S. § 14-4*

**§ 150.050 APPEALS.**

(A) All appeals which may be taken from decisions or orders of the Enforcement Officer pursuant to this subchapter shall be heard and determined by the Board of Adjustment. As the appeals body, the Adjustment Board shall have the power to fix the times and places of its meetings and to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties.

(B) Appeals shall be subject to the following:

(1) An appeal from any decision or order of the Enforcement Officer may be taken by any person aggrieved thereby. Any appeal from the Enforcement Officer shall be taken within ten days from the rendering of the decision or service of the order and shall be taken by filing with the Enforcement Officer and with the Board of Adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Enforcement Officer shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made.

(a) When the appeal is from a decision of the Enforcement Officer refusing to allow the person aggrieved thereby to do any act, the Enforcement Officer's decision shall remain in force until modified or reversed.

(b) When any appeal is from a decision of the Enforcement Officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board unless the Enforcement Officer certifies to the Board of Adjustment, after the notice of appeal is filed, that by reason of the facts stated in the certificate, a copy of which shall be furnished the appellant, a suspension of the requirement would cause imminent peril to life or property; in which case, the requirement shall not be suspended except by a restraining order which may be granted for due cause shown upon not less than one day's written notice to the Enforcement Officer by the Adjustment Board or by a Court of Record upon petition made pursuant to G.S. § 160D-1208 and § 150.050.

(2) The Board of Adjustment shall fix a reasonable time for the hearing of all appeals, shall give notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision or order appealed from and may make such decision and order as in its opinion ought to be made in the matter, and to that end, it shall have all the powers of the Enforcement Officer, but the concurring vote of four-fifths of the members of the Board shall be necessary to reverse or modify any decision or order of the Enforcement Officer. The Board of Adjustment shall have power also in passing upon appeals in any case when practical difficulties or unnecessary hardships would result from carrying out the strict letter of this subchapter and to adopt the application of the subchapter to the necessities of the case to the end that the spirit of the subchapter shall be observed, public safety and welfare secured, and substantial justice done.

(3) Every decision of the Board shall be subject to review by the Superior Court by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise. (Ord. 2020-11, passed 6-4-2020)

***Statutory reference:***

*Related provisions, see G.S. § 160D-1208*

**§ 150.051 TEMPORARY INJUNCTION.**

Any person aggrieved by an order issued by the Enforcement Officer or a decision rendered by the Board of Adjustment shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Enforcement Officer pending a final disposition of the cause, as provided by G.S. § 160D-1208.

(Ord. 2020-11, passed 6-4-2020)

***Statutory reference:***

*Related provisions, see G.S. § 160D-1208*

**§ 150.052 VIOLATIONS.**

(A) It shall be unlawful for the owner of any nonresidential building or structure to fail, neglect, or refuse to repair, alter, or improve the same or to vacate and close and remove or demolish the same,

upon order of the Enforcement Officer duly made and served in accordance with the provisions of this subchapter, within the time specified in such order; each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.

(B) It shall be unlawful for the owner of any nonresidential building or structure, with respect to which an order has been issued pursuant to § 150.041(C), to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration, improvement, or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(Ord. 2020-11, passed 6-4-2020) Penalty, see § 150.999

***CENTRAL BUSINESS DISTRICT VACANCY REGULATIONS***

**§ 150.065 TITLE; PURPOSE.**

(A) *Title.* This subchapter shall be known and may be cited and referred to as the “Central Business District Vacancy Ordinance.”

(B) *Purpose.* It is the purpose and intent of the Town Board of Commissioners, through the adoption of this subchapter, to establish a vacant property registration ordinance as a mechanism for the preservation of the historic integrity of the town’s Historic District and to protect the town’s commercial districts from becoming blighted through the lack of adequate maintenance and security of abandoned and vacant properties. The town finds that the presence of properties exhibiting evidence of vacancy pose special risks to the health, safety, and welfare of the community and, therefore, requires heightened regulatory attention. The provisions of this subchapter shall apply to all properties in the CBD (Central Business District) Zone of the town, as shown on the Official Zoning Map.

(Ord. 2022-08, passed - -)

**§ 150.066 DEFINITIONS.**

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

***CENTRAL BUSINESS DISTRICT* or *CBD.*** The zone encompassing downtown as defined by the Official Zoning Map of the town.

***DAYS.*** Consecutive calendar days.

**EVIDENCE OF VACANCY.** Any aesthetic condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation; extensively chipped or peeling exterior paint; exterior walls in poor condition; porches and steps in poor condition; roof in poor condition; broken windows and other signs of general disrepair; accumulation of newspapers, circulars, flyers, or mail; past-due utility notices or disconnected utilities; accumulation of trash, junk, or debris; the absence of window coverings such as curtains, blinds, or shutters; the absence of furnishings or personal items consistent with commercial habitation; and statements by neighbors, passersby, delivery agents, or government employees that the property is vacant.

**GOVERNMENT AGENCY.** Any public body having authority over the property and residents of the town including, but not limited to, the town, Town Police Department, Town Fire Department, county, and County Sheriff's office.

**GOVERNMENT OFFICIAL.** Any public official representing a public body which has authority over the property and residents of the town including, but not limited to, the Town Administrator, Town Zoning Administrator, County Building Inspector, Town Police Chief, and Town Fire Marshal.

**HISTORIC DISTRICT.** The state-designated Historic District, as listed in the National Register of Historic Places.

**LOCAL.** Located within a 40 road- or driving-mile distance of the subject property.

**NONRESIDENTIAL PROPERTY.** Any real property used or intended to be used for anything other than residential property as defined herein.

**OUT OF AREA.** Located in excess of a 40 road- or driving-mile distance away from the subject property.

**OWNER.** Any person, partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property. No trustee in any deed of trust shall be considered an **OWNER**.

**OWNER OF RECORD.** The person or entity listed on recorded deed, probated will, or heir by intestacy.

**PROPERTY.** Any unimproved or improved real property or portion thereof situated in the town and includes the buildings or structures located thereon regardless of condition.

**RESIDENTIAL PROPERTY.** A building or portion thereof designed exclusively for residential occupancy including one-family, two-family, and multiple dwellings, mobile homes, house trailers, boarding and lodging houses, apartment houses, and apartment hotels.

**TOWN.** The Town of Williamston corporate limits and its extraterritorial jurisdiction.

**UTILITIES.** Water, sewer, telephone, natural and propane gas, and electricity services.

**VACANT.** Property that has not been occupied for 30 days or that has had no obvious signs of occupancy for 30 days including, but not limited to, no apparent human activity inside, no evidence of utility usage, inside storage of materials visible from the street, or boarded or otherwise covered windows and/or doors.

(Ord. 2022-08, passed - -)

**§ 150.067 REGISTRATION.**

(A) Any vacant commercial property located within the town's CBD must be registered by the owner with the town's Planning Department, either of the owner of a vacant property's own accord, before receiving a notice of registration requirement or within 30 days of receiving a notice of registration requirement from the town.

(B) The town will send a notice of registration requirement to the owner of record of properties that exhibit evidence of vacancy. Owners shall register property within the time period set forth in division (A) above unless the owner can provide clear and convincing evidence to the Town Zoning Administrator, within such time period, that the property is not vacant.

(C) The registration shall contain:

- (1) The name of the owner (individual or otherwise);
- (2) The direct street/office mailing address of the owner and P.O. box if applicable;
- (3) A direct contact name and phone number; and

(4) The name, address, and telephone number of any local property management company hired by the owner to meet the maintenance requirements of this subchapter if the owner's principal residence is not local.

(D) Any changes in the information in division (C) above shall be reported to the town within 30 days of such changes.

(E) Registration must be renewed annually.

(F) Vacant properties shall remain subject to the annual registration, maintenance, and security requirements of this subchapter as long as they remain vacant.

(G) Once the property is no longer vacant or is sold, the owner must provide written proof of occupancy or sale to the Town Administrator.

(Ord. 2022-08, passed - -)

**§ 150.068 FEES.**

(A) The fee for registering a vacant property shall be \$15 annually, beginning on July 1. Fees will not be prorated.

(B) Registration fees may be waived by the Town Zoning Administrator if the owner can demonstrate with clear and convincing evidence that the property has been sold or the property will be occupied within 30 days from the date of notice of registration requirement.

(Ord. 2022-08, passed - -)

**§ 150.069 REQUIREMENTS.**

(A) *Maintenance requirements.* Properties subject to this subchapter shall be kept in compliance with the following maintenance requirements.

(1) The exteriors of buildings/structures on the property shall be painted and/or maintained in a way that does not exhibit any evidence of vacancy.

(2) The yard(s), if applicable, of the property shall be maintained in a way that does not exhibit evidence of vacancy.

(3) The deck(s) and porch(es), if applicable, located on the property shall be maintained in a way that does not exhibit evidence of vacancy.

(4) The window(s) and door(s) of buildings/structures on the property shall be intact and operable and shall be maintained in a way that does not exhibit evidence of vacancy.

(5) Instances of visible rotting of buildings/structures located on the property or portion thereof shall be corrected in order to eliminate evidence of vacancy with the exterior painted and/or kept in good aesthetic condition.

(6) The property shall be maintained so as to exhibit no evidence of vacancy.

(7) The storefronts and facades of buildings shall be maintained in a way that does not exhibit evidence of vacancy.

(8) The interiors, when visible to passersby through storefront windows, shall be maintained in a way that does not exhibit evidence of vacancy.

(B) *Security requirements.* Vacant properties subject to this subchapter shall comply with the following security requirements.

(1) The property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. This includes, without limitation, the closure and locking of windows, doors (including, but not limited to, walkthrough, sliding, and garage doors), gates, pet doors, and any other such opening of such size that it may allow access to the interior of the property or structure(s).

(2) Broken windows shall be replaced and/or re-glazed; windows at street-level shall not be boarded up.

(C) *Requirements to hire local property management company for out of area owners.*

(1) If the property owner's principal residence is not local, a local property management company shall be contracted to fulfill the maintenance and security requirements of this subchapter, set forth in § 150.068 and division (A) above, and any other applicable laws.

(2) The property shall be posted with the name and 24-hour contact phone number of the local property management company. The posting shall be no smaller than 18 inches by 24 inches and shall be of a font that is legible from a distance of 45 feet and shall contain, along with the name and 24-hour contact number, the words: "This property managed by..." and "To report problems or concerns call...." The posting shall be placed in the interior of a window facing the street to the front of the property so it is visible from the street or secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. The exterior posting must be constructed of and printed with weather-resistant materials.

(3) The requirement set forth in division (C)(1) above may be waived by the Town Zoning Administrator for owners who reliably demonstrate an ability to maintain the property and have not received any citations for maintenance violations in the previous quarter. Upon the inability to maintain the property, the waiver of this division (C) will no longer apply.

(Ord. 2022-08, passed - -)

**§ 150.070 INSPECTIONS; ENFORCEMENT; APPEALS.**

(A) *Inspections.* The town shall have the authority and the duty to inspect properties subject to this subchapter for compliance and to issue citations for any violations. The town shall have the discretion to determine when and how such inspections are to be made provided that their policies are reasonably calculated to ensure that this subchapter is enforced.

(B) *Enforcement.*

(1) The imposition of one penalty for any violation shall not excuse the violation or authorize its continuance.

(2) All such persons shall be required to submit an acceptable plan of action to the Town Zoning Administrator within 15 business days of notification. This plan of action must include, but is not limited to, a description of the work to be done, by whom, and a specific schedule. Plans shall be reviewed by the Town Zoning Administrator, and work is to commence within 15 days of plan approval. When not otherwise specified, failure to meet any stated condition within ten days of required action shall constitute a separate offense.

(C) *Appeals.* Any person aggrieved by any of the requirements of this subchapter may present an appeal in writing to the Board of Commissioners.

(Ord. 2022-08, passed - -)

### **§ 150.999 PENALTY.**

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

(B) The violation of any provision of §§ 150.35 through 150.52 shall constitute a misdemeanor, as provided by G.S. § 14-4.

(1) In addition to or in lieu of the other remedies provided by these provisions, any owner of a nonresidential building or structure that fails to comply with an order of the Enforcement Officer within the time specified therein shall be subject to a civil penalty in the amount of \$50 for the first offense, \$100 for the second offense in the calendar year, and \$250 for the third and subsequent offenses in the calendar year. Each subsequent offense after the third will be subject to a civil penalty of \$250.

(2) Each 30-day period or part thereof in which a violation is allowed to persist will constitute a separate and distinct offense.

(C) Any person who occupies or knowingly allows the occupancy of a building or structure so posted, as prescribed in § 150.045 shall be guilty of a Class 3 misdemeanor.

(D) Any person who violates §§ 150.065 through 150.070 shall be subject to an administrative civil penalty in the amount of \$50 to be recovered by the town. The town may initiate a civil action in the nature of debt if any person violating any of these provisions fails to pay the penalty within 30 days after he or she has been served with notice of violation. Each day such violation continues constitutes a separate offense. The Zoning Administrator shall have the recourse to initiate through the Town Attorney such remedies in law and equity as may be necessary to ensure compliance with the provisions of these regulations.

(Ord. 2022-08, passed - -; Ord. 2020-11, passed 6-4-2020)

***Statutory reference:***

*Related provisions, see G.S. § 14-4*

## CHAPTER 151: HOUSING; HABITABLE DWELLINGS

### Section

#### *General Provisions*

- 151.01 Findings; purpose
- 151.02 Definitions
- 151.03 Application

#### *Minimum Standards of Fitness*

- 151.15 Responsibilities of owners and occupants
- 151.16 Compliance
- 151.17 Structural condition
- 151.18 Basic equipment and facilities
- 151.19 Ventilation
- 151.20 Area, height, and use requirements
- 151.21 Safety, sanitation, and maintenance
- 151.22 Control of infestations; rubbish and garbage
- 151.23 Rooming houses

#### *Enforcement*

- 151.35 Zoning Administrator
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- 151.37 Hearing; appeals; petition
- 151.38 Zoning Board of Adjustments to hear appeals
- 151.39 Service of complaints and orders
- 151.40 In rem action; records
- 151.41 Costs; liens
- 151.42 Sale of materials after demolition
- 151.43 Alternative remedies

#### ***Cross-reference:***

*Building regulations, see Chapter 150*

*Fair housing, see Chapter 97*

**GENERAL PROVISIONS****§ 151.01 FINDINGS; PURPOSE.**

(A) Pursuant to G.S. § 160D-1119, it is hereby found and declared that there exists in the town dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents, and other calamities; lack of ventilation, light, and sanitary facilities; and due to other conditions rendering the dwellings unsafe or unsanitary and dangerous and detrimental to the health, safety, and morale and otherwise inimical to the welfare of the residents of the town.

(B) In order to protect the health, safety, and welfare of the residents of the town, as authorized by G.S. Chapter 160D, it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. § 160D-1201.

(Prior Code, § 154.01)

**Statutory reference:**

*Related provisions, see G.S. Chapter 160D, §§ 160D-1119 and 160D-1201*

**§ 151.02 DEFINITIONS.**

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

**BASEMENT.** A portion of a building which is located partly underground having direct access to light and air from windows located above the level of the adjoining ground.

**CELLAR.** A portion of a building located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

**DETERIORATED.** Unfit for human habitation and capable of being repaired, altered, or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of 50% of its value, as determined by findings of the Zoning Administrator.

**DILAPIDATED.** Unfit for human habitation and incapable of being repaired, altered, or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of 50% of its value, as determined by findings of the Zoning Administrator.

**DWELLING.**

(1) Any building, structure, manufactured home, or mobile home which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any outhouses or appurtenance belonging thereto or usually enjoyed therewith.

(2) Temporary housing, as defined herein, shall not be regarded as a *DWELLING*.

(3) The term shall also include the terms *ROOMING HOUSE* and *ROOMING UNIT*, as hereinafter defined, within its meaning.

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

***EXTERMINATION.*** The control and elimination of insects, rodents, and other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, or trapping or by any other recognized and legal pest elimination methods approved by the Zoning Administrator.

***GARBAGE.*** The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

***HABITABLE ROOM.*** A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets, and storage space.

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

***MULTIPLE DWELLING.*** Any dwelling containing more than two dwelling units.

***OCCUPANT.*** Any person over one year of age living, sleeping, cooking, or eating in or having actual possession of a dwelling unit or rooming unit.

***OPERATOR.*** Any person who has charge, care, or control of a building or part thereof in which dwelling units or rooming units are let.

***OR ANY PART THEREOF.*** Whenever the words dwelling, dwelling unit, rooming house, rooming unit, or premises are used in this chapter, they shall be construed as though they were followed by the words ***OR ANY PART THEREOF***.

***OWNER.***

(1) Any person who alone, jointly, or severally with others shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or shall have charge, care, or control of any dwelling or dwelling unit as owner or agent of the owner or as executor, administrator, trustee, or guardian of the estate of the owner or shall be a mortgagee of record for any dwelling, dwelling unit, or rooming unit.

(2) Any person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto to the same extent as if he or she were the *OWNER*.

*PERSON*. Any individual, corporation, firm, partnership, association, organization, or other legal entity.

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

*PUBLIC AUTHORITY*. The Town Housing Authority or any officer who is in charge of any department or branch of the government of the town, the county, or the state relating to health, fire, and building regulations or other activities concerning dwellings in the town.

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

*ROOMING UNIT*. Any room or group of rooms forming a single habitable unit based or intended to be used for living and sleeping but not for cooking or eating purposes.

*RUBBISH*. Combustible and noncombustible waste materials except garbage and ashes. The term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust.

*SUPPLIED*. Paid for, furnished, or provided by or under the control of the owner or operator.

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

*UNFIT FOR HUMAN HABITATION*. Applied to a dwelling having conditions which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

(Prior Code, § 154.02)

### § 151.03 APPLICATION.

This chapter shall apply also to the extraterritorial area of the town.  
(Prior Code, § 154.04)

**MINIMUM STANDARDS OF FITNESS****§ 151.15 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.**

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

(B) *Individual dwelling units and premises.* Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises which he or she occupies and controls.

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

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

(E) *Care of facilities, equipment, and structure.* No occupant shall willfully destroy, deface, or impair any of the facilities or equipment or any part of the structure of a dwelling or dwelling unit. (Prior Code, § 154.20) Penalty, see § 10.99

**§ 151.16 COMPLIANCE.**

(A) Every dwelling and dwelling unit used as a human habitation or held out for use and as human habitation shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of this subchapter.

(B) No person shall occupy as owner or occupant or let to another for occupancy or use as a human habitation any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of this subchapter. (Prior Code, § 154.21) Penalty, see § 10.99

**§ 151.17 STRUCTURAL CONDITION.**

(A) *Walls, partitions, sills, and the like.* Walls or partitions or supporting members, sills, joists, rafters, or other structural members shall not list, lean, or buckle; shall not be rotted, deteriorated, or damaged; and shall not have holes or cracks which might admit rodents.

(B) *Supporting of floors or roofs.* Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(C) *Foundations and the like.* Foundation walls, piers, or other foundation supports shall not be deteriorated or damaged.

(D) *Steps, porches, and the like.* Steps, stairs, landings, porches, or other parts or appurtenances shall be maintained in the condition that they will not fall or collapse.

(E) *Fire exits and the like.* Adequate facilities for egress in case of fire or panic shall be provided.

(F) *Finishing of interior walls and ceilings.* Interior walls and ceilings of all rooms, closets, and hallways shall be finished of suitable materials which will, by use of reasonable household methods, promote sanitation and cleanliness and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

(G) *Waterproofing of roof, exterior walls, and the like.* The roof, flashing, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather-tight and watertight.

(H) *Chimneys.* There shall be no chimney or parts thereof which are defective, deteriorated, or in danger of falling or in the condition or location as to constitute a fire hazard.

(I) *Use of ground for floors.* There shall be no use of the ground for floors or wood floors on the ground.

(Prior Code, § 154.22) Penalty, see § 10.99

## **§ 151.18 BASIC EQUIPMENT AND FACILITIES.**

(A) *Plumbing system.*

(1) Each dwelling unit shall be connected to a potable water supply and to the public sewer or other approved sewage disposal system.

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

(3) All plumbing fixtures shall meet the standards of the State Building Code, Volume II, and shall be maintained in a state of good repair and in good working order.

(4) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room affording privacy to the user.

(B) *Heating system.* Every dwelling and dwelling unit shall have facilities for providing heat in accordance with the following.

(1) Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms, and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of 70°F, measured at a point three feet above the floor during ordinary winter conditions.

(2) Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, or gas vents whereby heating appliances may be connected so as to heat all habitable rooms with a minimum temperature of 70°F, measured three feet above the floor during ordinary winter conditions.

(C) *Electrical systems.*

(1) Every dwelling and dwelling unit shall be wired for electric light and convenience receptacles. Every habitable room shall contain at least two floor- or wall-type electric convenience receptacles, connected in the manner as determined by the State Building Code, Volume IV. There shall be installed in every bathroom, water closet room, laundry room, and furnace room at least one supplied ceiling- or wall-type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, each habitable room shall contain at least three floor- or wall-type electric convenience receptacles.

(2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

(3) All fixtures, receptacles, equipment, and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the State Building Code, Volume IV.

(Prior Code, § 154.23)

### § 151.19 VENTILATION.

(A) *Generally.* Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of the room. Whenever walls or other portions of structures face a window of any room and the light obstructing structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to

the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of the room, the total window area of the a skylight shall equal at least 15% of the total floor area of the room.

(B) *Openable windows.* Every habitable room shall have at least one window or skylight, which can easily be opened, or other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight-type window size as required, or the room shall have other approved, equivalent ventilation.

(C) *Bathroom and water closet rooms.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms; except, no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

(Prior Code, § 154.24)

#### **§ 151.20 AREA, HEIGHT, AND USE REQUIREMENTS.**

(A) *Room size.*

(1) Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Uniform Residential Building Code. Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each or the next three occupants, and at least 75 square feet of additional habitable floor area for each additional occupant.

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

(B) *Calling height.* At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven and one-half feet.

(C) *Floor area calculation.* Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may account for not more than 10% of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half feet shall not be considered as part of the floor area in computing the total area of the room to determine maximum permissible occupancy.

(D) *Cellar.* No cellar shall be used for living purposes.

(E) *Basement.* No basement shall be used for living purposes unless:

(1) The floor and walls are substantially watertight;

(2) The total window area, total openable window area, and ceiling height are equal to those required for habitable rooms; and

(3) The required minimum window area of every habitable room is entirely above the grade adjoining the window area except where the windows face a stairwell, window wall, or accessway. (Prior Code, § 154.25) Penalty, see § 10.99

### § 151.21 SAFETY, SANITATION, AND MAINTENANCE.

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

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

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

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

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

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

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

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

(I) *Egress*. Every dwelling unit shall be provided with adequate means of egress as required by the Town Building Code.

(Prior Code, § 154.26)

#### **§ 151.22 CONTROL OF INFESTATIONS; RUBBISH AND GARBAGE.**

(A) *Screens*. In every dwelling unit (for protection against mosquitoes, flies, and other insects) every door opening directly from a dwelling unit to an outdoor space shall have supplied and installed screens and a self-closing device. Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens installed.

(B) *Rodent control*. Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.

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

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

(E) *Garbage storage and disposal*. Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an incinerator unit, to be approved by the Inspector, in the structure for the use of the occupants of each dwelling unit or an approved outside garbage can, as required by this code and other town ordinances.

(Prior Code, § 154.27)

#### **§ 151.23 ROOMING HOUSES.**

(A) *Application*. All of the provisions of this subchapter and all of the minimum standards and requirements of this subchapter shall be applicable to rooming houses and to every person who operates a rooming house or who occupies or lets to another for occupancy any rooming unit in any rooming house except as provided herein.

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

(C) *Location of sanitary facilities.* Every water closet, flush urinal, lavatory basin, and bathtub or shower required by division (B) above shall be located within the rooming house and within rooms which afford privacy and are separate from the habitable rooms and which are accessible from a common hall and without going outside the rooming house or through any other room in the rooming house.

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

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

(Prior Code, § 154.28)

## ***ENFORCEMENT***

### **§ 151.35 ZONING ADMINISTRATOR.**

(A) *Zoning Administrator; duties generally.* The Zoning Administrator is hereby designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers herein prescribed. It shall be the duty of the Zoning Administrator:

(1) To investigate the dwelling conditions and to inspect dwellings and dwelling units located in the town in order to determine which dwellings and dwelling units are unfit for human habitation and for the purpose of carrying out the objectives of this chapter with respect to the dwelling and dwelling units;

(2) To take action together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;

(3) To keep a record of the results of inspections made under this chapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein proscribed; and

(4) To perform the other duties as may be herein prescribed.  
(Prior Code, § 154.45)

(B) *Powers generally.* The Zoning Administrator is authorized to exercise the power as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including the following powers, in addition to others herein granted:

(1) To investigate the dwelling condition in the town in order to determine which dwellings therein are unfit for human habitation;

(2) To administer oaths and affirmations, examine witnesses, and receive evidence;

(3) To enter upon premises for the purposes of making examinations and inspections; provided, the entries shall be made in accordance with § 151.36 and state law and shall be made in the manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of the officers, agents, and employees as he or she deems necessary to carry out the purposes of this chapter; and

(5) To perform the other duties as may be prescribed herein or by the Board of Commissioners.  
(Prior Code, § 154.46)

### **§ 151.36 RIGHT OF ENTRY.**

Upon issuance of an administrative search warrant for the area, for the purpose of making inspections to determine whether the buildings are dangerous buildings within the provisions of this chapter, the Zoning Administrator is hereby authorized to enter, examine, and survey all dwellings, dwelling units, rooming units, and premises listed in the administrative warrant. The owner or occupant of every dwelling, dwelling unit, or rooming unit or the person in charge thereof shall give the Zoning Administrator free access to the dwelling, dwelling unit, or rooming unit and its premises at all reasonable times for the purposes of the inspection, examination, and survey. Every occupant of a dwelling, dwelling unit, or rooming unit shall give the owner thereof or his or her agent or employee access to any part of the dwelling, dwelling unit, or rooming unit and its premises for the purpose of making the repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter.

(Prior Code, § 154.47)

**§ 151.37 HEARING; APPEALS; PETITION.***(A) Preliminary investigation; notice; hearing.*

(1) Whenever a petition is filed with the Zoning Administrator by a public authority or by at least five residents of the town charging that any dwelling or dwelling unit is unfit for human habitation or whenever it appears to the Zoning Administrator, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for the charges, issue and cause to be served upon the owner of and parties in interest in the dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Zoning Administrator at a place therein fixed not less than ten nor more than 30 days after the serving of the complaint.

(2) The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. Notice of the hearing shall also be given to at least one of the persons signing a petition relating to the dwelling. Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Zoning Administrator.

*(B) Procedure after hearing.*

(1) After the notice and hearing, the Zoning Administrator shall state, in writing, his or her determination whether the dwelling or dwelling unit is unfit for human habitation and, if so, whether it is deteriorated or dilapidated.

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

(3) If the Zoning Administrator determines that the dwelling is dilapidated, he or she shall state, in writing, his or her findings of fact to support the determination and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to vacate and close the dwelling and to remove or demolish the same within a specified period of time, not to exceed 90 days.

*(C) Failure to comply with order of Zoning Administrator.*

(1) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Zoning Administrator to repair, alter, or improve the same within the

time specified therein or if the owner of a dilapidated dwelling shall fail to comply with an order of the Zoning Administrator to vacate, close, and remove or demolish the same within the time specified therein, the Zoning Administrator may submit to the Board of Commissioners, at its next regular meeting, a resolution directing the Town Attorney to petition the Superior Court for an order directing the owner to comply with the order of the Zoning Administrator, as authorized by G.S. § 160D-1208.

(2) *In rem remedy.* After failure of an owner of a deteriorated dwelling or dwelling unit or of a dilapidated dwelling to comply with an order of the Zoning Administrator within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in division (C)(1) above, the Zoning Administrator shall submit to the Board of Commissioners an ordinance ordering the Zoning Administrator to cause the dwelling or dwelling unit to be repaired, altered, improved, or vacated, closed, and removed or demolished, as provided in the original order of the Zoning Administrator, and pending the removal or demolition to placard the dwelling, as provided by G.S. § 160D-1203 and § 151.40.

(3) *Summary of ejectment of occupant.* If an occupant fails to comply with an order to vacate a dwelling, the Zoning Administrator may file a civil action in the name of the town to remove the occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming, as parties-defendant, any person occupying the dwelling. The Clerk of the Superior Court shall issue a summons requiring the defendant to appear before a Magistrate at a certain time, date, and place not to exceed ten days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. § 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the Zoning Administrator produces a certified copy of an ordinance adopted by the governing body pursuant to division (E) below authorizing the Zoning Administrator to proceed to vacate the occupied dwelling, the Magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment under G.S. § 42-30. An appeal from any judgment entered hereunder by the Magistrate, as provided in G.S. § 7A-228, and the execution of the judgment may be stayed as provided in G.S. § 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this division (C)(3) unless the occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the Town Board of Commissioners has ordered the Zoning Administrator to initiate.

(D) *Appeals from orders of Zoning Administrator.*

(1) An appeal from any decision or order of the Zoning Administrator may be taken by any person aggrieved thereby. Any appeal from the Zoning Administrator shall be taken within ten days from the rendering of the decision or service of the order and shall be taken by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Zoning Administrator shall forthwith transmit to the Town Board all the papers constituting the record upon which the decision appealed from was made.

(a) When an appeal is from a decision of the Zoning Administrator refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed.

(b) When any appeal is from a decision of the Zoning Administrator requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board of Adjustment unless the Zoning Administrator certifies to the Board, after the notice of appeal is filed with him or her, that (by reason of the facts stated in the certificate, a copy of which shall be furnished the appellant) a suspension of his or her requirement would cause imminent peril to life or property; in which case, the requirement shall not be suspended except by a restraining order which may be granted for due cause shown upon not less than one day's written notice to the Zoning Administrator by the Board or by a Court of Record upon petition made pursuant to G.S. § 160D-1208 and division (E) below.

(2) The Board of Adjustment shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision or order appealed from and may make the decision and order as in its opinion ought to be made in the matter, and to that end, it shall have all the powers of the Zoning Administrator, but the concurring vote of four members of the Board shall be necessary to reverse or modify any decision or order of the Zoning Administrator. The Board of Adjustment shall have power also in passing upon appeals in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter to adapt the application of this chapter to the necessities of the case to the end that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.

(3) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board but not otherwise.

(E) *Petition to Superior Court by owner.* Any person aggrieved by a decision rendered by the Board of Adjustment shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction, restraining the Zoning Administrator pending a final disposition of the cause, as provided by G.S. § 160D-1208.

(Prior Code, § 154.48)

**Statutory reference:**

*Related provisions, see G.S. §§ 7A-227, 7A-228, 42-29, 42-30, 160D-1203 and 160D-1208*

**§ 151.38 ZONING BOARD OF ADJUSTMENTS TO HEAR APPEALS.**

All appeals which may be taken from decisions or orders of the Zoning Administrator pursuant to § 151.37 shall be heard and determined by the Zoning Board of Adjustment. As the appeals body, the Board shall have power to fix the times and places of its meetings and to adopt necessary rules of

procedure and any other rules and regulations which may be necessary for the proper discharge of its duties. The Board shall perform the duties prescribed by § 151.37 and shall keep an accurate journal of all its proceedings.

(Prior Code, § 154.54)

### **§ 151.39 SERVICE OF COMPLAINTS AND ORDERS.**

Complaints or orders issued by the Zoning Administrator shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of the person are unknown and the same cannot be ascertained by the Zoning Administrator in the exercise of reasonable diligence, the Zoning Administrator shall make an affidavit to that effect and the serving of the complaint or order upon the person may be made by publishing the same at least once, no later than the time at which personal service would be required by the provisions of this chapter, in a newspaper having general circulation in the town. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

(Prior Code, § 154.49)

### **§ 151.40 IN REM ACTION; RECORDS.**

(A) After failure of an owner of a dwelling or dwelling unit to comply with an order of the Zoning Administrator issued pursuant to the provisions of this chapter and upon adoption by the Board of Commissioners of an ordinance authorizing and directing him or her to do so, as provided by G.S. § 160D-1203(4) and § 151.37, the Zoning Administrator shall proceed to cause the dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by this chapter or to be vacated and closed and removed or demolished, as directed by the ordinance of the Board of Commissioners, and shall cause to be posted on the main entrance of the dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building as posted shall constitute a misdemeanor.

(B) Each ordinance shall be recorded in the office of the County Register of Deeds and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160D-1203(4).

(Prior Code, § 154.50)

***Statutory reference:***

*Related provisions, see G.S. § 160D-1203(4)*

### **§ 151.41 COSTS; LIENS.**

As provided in G.S. § 160D-1203(7), the amount of the cost of any repairs, alterations, or improvements or vacating and closing or removal or demolition caused to be made or done by the

Zoning Administrator pursuant to § 151.40 shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, be enforced, and the costs collected as provided by G.S. Chapter 160A, Article 10.

(Prior Code, § 154.51)

***Statutory reference:***

*Related provisions, see G.S. § Chapter 160A, Article 10 and 160D-1203(7)*

**§ 151.42 SALE OF MATERIALS AFTER DEMOLITION.**

As provided in G.S. § 160D-1203(7), if the dwelling is removed or demolished by the Zoning Administrator, he or she shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling and shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining shall be deposited in the Superior Court by the Zoning Administrator, shall be secured in a manner directed by the Court, and shall be disbursed by the Court to the persons found to be entitled thereto by final order or decree of the Court.

(Prior Code, § 154.52)

***Statutory reference:***

*Related provisions, see G.S. § 160D-1203(7)*

**§ 151.43 ALTERNATIVE REMEDIES.**

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise or to enforce this chapter by criminal processes, as authorized by G.S. § 14-4, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy provided in this chapter or in other ordinances or laws.

(Prior Code, § 154.53)

***Statutory reference:***

*Related provisions, see G.S. § 14-4*



## CHAPTER 152: STREETS, SIDEWALKS, AND PUBLIC PROPERTY

Section

### *General Provisions*

- 152.01 Cleanliness standards
- 152.02 Signs and the like
- 152.03 Erection of exterior structures
- 152.04 Skating prohibited
- 152.05 Obstructions
- 152.06 Display or sale of merchandise on sidewalks

### *Changes or Alterations*

- 152.20 Approval of town required
- 152.21 Barricades
- 152.22 Restoration of street
- 152.23 Permanent closing of streets

## **GENERAL PROVISIONS**

### **§ 152.01 CLEANLINESS STANDARDS.**

(A) *Duty of lot occupant as to cleanliness of sidewalk and gutters.*

(1) The occupant of a lot on any street shall keep the footway or sidewalk clean and the gutter open and free from obstruction as far as the lot extends.

(2) If any rubbish, dirt, ashes, or any other thing be placed or left which is without lawful authority upon footway or sidewalk or upon the gutter, the occupant of the lot shall remove the same. (Prior Code, § 92.01)

(B) *Sweeping trash on streets prohibited.* No merchant or any other person shall sweep or cause to be swept any litter, trash, paper, or any other sweepings from any store or building, but the same shall

be swept from the back door and immediately placed in some box, barrel, or other receptacle kept for the purpose so that the same can be removed therefrom.

(Prior Code, § 92.02)

(C) *Throwing glass and the like.* No person shall throw any glass bottles, tin cans, or other waste or refuse matter on any street or sidewalk.

(Prior Code, § 92.03)

Penalty, see § 10.99

### **§ 152.02 SIGNS AND THE LIKE.**

(A) *Erection of posts and the like.* No person shall erect any post, filling station pump, plant any tree, or build or erect anything on any street or sidewalk except upon the authority of a resolution duly adopted by the Board of Commissioners.

(Prior Code, § 92.04)

(B) *Signs; erection prohibited without Commissioners' permission.* No person shall erect any banner, sign, billboard, or other advertising structure on any street or sidewalk without the permission of the Board of Commissioners.

(Prior Code, § 92.05)

(C) *Regulations.* It shall be unlawful to hang or suspend any sign over or above the sidewalks or streets unless the lower edge of the sign is at least eight feet above the sidewalk level or at least 15 feet above the street level. The sign shall be kept securely fastened at all times.

(Prior Code, § 92.06)

Penalty, see § 10.99

### **§ 152.03 ERECTION OF EXTERIOR STRUCTURES.**

(A) *Porches or balconies.* No person shall erect any porch or balcony over any sidewalk or street without a resolution having been adopted by the Board of Commissioners giving the person permission to do so.

(Prior Code, § 92.07)

(B) *Awnings.* It shall be unlawful to erect or maintain any shelter, sunshade, or awning in front of any building which extends over the sidewalk and where the lower edge is less than seven feet above the

level of any sidewalk or which extends more than ten feet from the building to which it is attached. Stationary awning arms shall not be less than eight feet above the level of the sidewalk.

(Prior Code, § 92.08)

(C) *Fences and hedges.*

(1) It shall be unlawful to erect or repair any fence which is more than four feet in height within ten feet of any sidewalk. No hedge or shrubbery shall be permitted to overhang a sidewalk.

(2) In the event that there is no improved sidewalk, it shall be considered that the word **SIDEWALK** contained in this division (C) shall include three feet of area adjacent to the street, curb, or gutter. At any street intersection where there is no improved sidewalk, it shall be unlawful to erect or repair any fence more than four feet in height within ten feet of a point located seven feet from the opposite curb or gutter. The word **OPPOSITE**, as used herein, shall designate the curb or gutter which tends to lie perpendicular to the fence.

(Prior Code, § 92.09)

Penalty, see § 10.99

**§ 152.04 SKATING PROHIBITED.**

No person shall skate with roller skates upon the streets and sidewalks.

(Prior Code, § 92.10) Penalty, see § 10.99

**§ 152.05 OBSTRUCTIONS.**

(A) *Bricks, boxes, building materials, and the like.* No person shall obstruct any of the public streets or sidewalks by placing therein any bricks, stones, boxes, crates, or building materials.

(Prior Code, § 92.25)

(B) *Public alley.* No person shall obstruct or close any public alley or shall make an excavation therein without the permission of the Board of Commissioners.

(Prior Code, § 92.26)

(C) *Ditches.* It shall be unlawful for any person to obstruct, change, or alter in any way any ditch in the town which carries in it any water running off any street in the town or off any property, the title to which is held by the town.

(Prior Code, § 92.27)

Penalty, see § 10.99

**§ 152.06 DISPLAY OR SALE OF MERCHANDISE ON SIDEWALKS.**

(A) *Display or sale of merchandise on sidewalk; permit.*

(1) No person shall place on any sidewalk or vacant lot any article of merchandise for the purpose of display or sale nor shall anyone place any counter, showcase, or other fixture on any sidewalk or vacant lot for the purpose of displaying or selling any article of merchandise.

(2) It shall be lawful to conduct sales and displays for a period not to exceed three days after first obtaining a permit from the Town Administrator. No articles of merchandise, displays, counters, showcases, or other means to conduct the sales or displays shall be placed or maintained so as to take up or displace over three feet of the inside portion of any sidewalk or that part of any sidewalk furthest from the curb.

(3) For the purpose of this division (A), the word **SIDEWALK** shall be construed to mean the portion of sidewalk from the curb to the next property line on the side furthest from the street.  
(Prior Code, § 92.28)

(B) *Application.* An application for the permit required by division (A) above shall be in writing to the Town Administrator and shall be submitted to the office at least 24 hours in advance of the time the sale or display is to be held or conducted and shall designate the place and times of the sale or display. The office of Town Administrator, before issuing the permit, shall first obtain the recommendation of the Chief of Police or, in his or her absence, the next highest ranking officer of the police force.  
(Prior Code, § 92.29)

(C) *Issuance.* It shall be found as a requisite for issuance of the permit required by division (A) above, that:

(1) The activity will not require excessive diversion of police from other necessary duties;

(2) The activity will not interfere with the right of property owners in the area to enjoy peaceful occupancy and use of their property;

(3) The activity can be conducted without unreasonable interference with normal vehicular or pedestrian traffic in the area and will not prevent normal police or fire protection to the public and will not be likely to cause injury to persons or property or provoke disorderly conduct or create a public disturbance; and

(4) The activity will not violate any other ordinance of the town or law of the state.

(Prior Code, § 92.30)

Penalty, see § 10.99

**CHANGES OR ALTERATIONS**

**§ 152.20 APPROVAL OF TOWN REQUIRED.**

(A) It shall be unlawful for any person to change, alter, or vary in any manner whatever, any existing street in the town without first presenting the proposed changes to the Board of Commissioners of the town and obtaining the approval of the Board officially given.

(B) It shall be unlawful for any person to remove from any public street in the town any dirt or any other material in the street used or to be used in connection therewith.  
(Prior Code, § 92.45) Penalty, see § 10.99

**§ 152.21 BARRICADES.**

Any person carrying on or doing any work in any street or part of street in the town, pursuant to the approval of the town as provided in § 152.20, shall erect and maintain proper, safe, and sufficient barricades and, during the period of time between one-half hour after sunset and one-half hour before sunrise, shall maintain sufficient lights or flares around the barricades, work, or excavations to warn persons of the presence of the excavations and work and to prevent injury to persons and property.  
(Prior Code, § 92.46)

**§ 152.22 RESTORATION OF STREET.**

The person changing, altering, or varying any public street, pursuant to the provisions of § 152.20, shall restore that street or part of street upon which the work has been performed to the same condition as existed prior to the work; provided, the work may be done by the town at the expense of the person.  
(Prior Code, § 92.47)

**§ 152.23 PERMANENT CLOSING OF STREETS.**

When a street or alley is closed pursuant to G.S. § 160A-299 by order of the Board of Commissioners, a copy of the order closing the street or alley shall be filed in the Traffic Ordinance Book, described in § 70.03.  
(Prior Code, § 92.48)

***Statutory reference:***

*Related provisions, see G.S. § 160A-299*



## CHAPTER 153: STORMWATER MANAGEMENT

### Section

- 153.01 Purpose; establishment
- 153.02 Jurisdiction
- 153.03 Definitions
- 153.04 Equivalent residential unit
- 153.05 Schedule of fees and charges
- 153.06 Adjustments
- 153.07 Credits and exemptions
- 153.08 Billing and collection
- 153.09 Disposition of service charges and fees
- 153.10 Supplying information

### § 153.01 PURPOSE; ESTABLISHMENT.

(A) *Purpose.* This ordinance establishes a stormwater management utility as an identified fiscal and accounting fund for the purpose of addressing the stormwater management needs of the town including to pay for all or part of the construction, reconstruction, repair, enlargement, improvement, acquisition, maintenance, operation, administration, and use of the stormwater utility within the jurisdiction.

(B) *Establishment.*

(1) There is hereby established a stormwater management utility which shall be responsible for stormwater management programs and which shall provide for the management, protection, control, regulation, use, and enhancement of stormwater and drainage systems owned by the town.

(2) Just and reasonable charges for use, access, connection, and availability of stormwater drainage facilities shall be calculated and determined based on expected and typical stormwater runoff as may be calculated within reasonable and practical limits.

(3) There is hereby established a Stormwater Enterprise Fund for the town for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the stormwater management utility including, but not limited to, rents, rates, fees, charges, and penalties as may be established, after notice and a public hearing, by the governing body and other funds that may be transferred or allocated to the stormwater management utility. All revenues and receipts of the

stormwater management utility shall be placed in the Stormwater Enterprise Fund, and all expenses of the utility shall be paid from the Stormwater Enterprise Fund except that other revenues, receipts, and resources not accounted for in the Stormwater Enterprise Fund may be applied to stormwater management programs and stormwater and drainage systems as deemed appropriate by governing body. (Ord. 2016-90, passed 6-6-2016)

### § 153.02 JURISDICTION.

The boundaries and jurisdiction of the stormwater management utility shall include all areas of the corporate limits of the town including all areas hereafter annexed thereto. (Ord. 2016-90, passed 6-6-2016)

### § 153.03 DEFINITIONS.

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

**CREDITS.** Ongoing reductions in the stormwater service charge applicable to a given property in recognition of on-site or off-site systems, facilities, measures, and actions taken by customers to reduce or mitigate the impact of their properties or actions on quantity or quality impacts that would otherwise be managed in the public system. **CREDITS** shall be conditioned on the continuing performance of the systems, facilities, measures, or actions in reference to standards adopted by the utility upon which the credits are granted and may be revised or rescinded. In no case shall **CREDITS** exceed the amount of the stormwater sendee charge.

**DEVELOPED LAND.** Properly altered from a natural state that contains impervious surface.

**EQUIVALENT RESIDENTIAL UNIT (ERU).** A value assigned to the estimated impervious coverage of residential use developed land serving as the basis for rate assessment, including comparative analysis, for nonresidential land uses.

**GOVERNING BODY.** The Board of Commissioners for the Town of Williamston.

**IMPERVIOUS COVERAGE.** The amount of impervious coverage of real property is a key factor in the peak rate of stormwater runoff and the pollutant loadings of stormwater runoff discharged to the structural and natural drainage systems and facilities. Therefore, the approximate weighted average intensity of **IMPERVIOUS COVERAGE** for similar categorized parcels of developed land shall be the primary parameter for establishing the rate structure to distribute the cost of systems and facilities through a schedule of rates, fees, charges, and penalties related to the use and operation of the stormwater utility and public enterprise.

**IMPERVIOUS SURFACES.** Those areas within developed land which prevent or significantly impede the infiltration of stormwater into the soil. Common **IMPERVIOUS SURFACES** include, but are not limited to, roof tops, sidewalks, walkways, patio areas, roads, driveways, parking lots, storage areas, brick or concrete pavers, compacted gravel surfaces (roads, driveways, walks, parking, and storage areas), and other surfaces which prevent or significantly impede the natural infiltration of stormwater into the soil.

**INSTITUTIONAL CATEGORY.** Billing category consisting of developed land for which the primary use is nonresidential, noncommercial, and the parcel size is one acre or larger. Parcels in the **INSTITUTIONAL CATEGORY** are generally characterized as sites that contain large amounts of open space and are less heavily developed in terms of intensity of impervious coverage. Examples of use in this category include educational and medical campuses.

**LARGE COMMERCIAL CATEGORY.** Billing category consisting of developed land for which the primary use is nonresidential and the parcel size is one acre or larger. Parcels in the **LARGE COMMERCIAL CATEGORY** are generally characterized as sites containing pervious open space and are less heavily developed than small commercial category sites in terms of impervious coverage. Examples of use in this category include single-parcel shopping centers and manufacturing.

**PLANNING DIRECTOR.** Director of the Planning Department for the Town of Williamston.

**PUBLIC WORKS DIRECTOR.** Director of the Public Works Department for the Town of Williamston.

**RESIDENTIAL CATEGORY.** Billing category consisting of developed land containing one or more structures which the primary use is as a dwelling unit designed for occupancy by one or more families and shall include single-family houses, duplex units, manufactured homes, mobile homes, and other multiple-unit residential properties.

**SERVICE CHARGE.** The stormwater service charge applicable to a parcel of developed land which is generally reflective of a parcel's impact on the cost of providing services and facilities to properly control stormwater runoff quantity and/or quality. The **SERVICE CHARGE** will vary from one category of developed land to another based upon the ratio of the percent of weighted average impervious coverage versus that for the residential category.

**SINGLE-FAMILY RESIDENTIAL.** Developed land containing one structure which is not attached to another dwelling unit and which contains one or more rooms with a bathroom and kitchen facilities designed for occupancy by one family and shall include single-family houses, single duplex units, manufactured homes, and mobile homes located on individual lots or parcels of lands. Developed land may be classified as **RESIDENTIAL** despite the presence of incidental structures associated with residential uses such as garages, carports, or small storage buildings. **RESIDENTIAL** shall not include developed land containing structures used primarily for nonresidential purposes.

**SMALL COMMERCIAL CATEGORY.** Billing category consisting of developed land for which the primary use is nonresidential and the parcel size is less than one acre. Parcels in the **SMALL COMMERCIAL CATEGORY** are generally characterized as containing little to no open space and are heavily developed in terms of impervious coverage.

**STORMWATER.** The runoff from precipitation that travels over natural or developed surfaces to the nearest stream, other conduit, or impoundment and appears in lakes, rivers, ponds, or other bodies of water.

**STORMWATER AND DRAINAGE SYSTEMS.** Natural and structural channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey, or otherwise influence the movement of stormwater runoff.

**STORMWATER MANAGEMENT PROGRAMS.** Programs designed to protect water quality by controlling the level of pollutants in and the quantity and flow of stormwater.

**STORMWATER UTILITY.** A management structure that is responsible solely and specifically for the stormwater management program and system that is supported through a rate structure that is based on the amount of stormwater generated by individual properties.

**TOWN.** Town of Williamston.

**UNDEVELOPED LAND.** Any land that does not meet the definition of developed lands. (Ord. 2016-90, passed 6-6-2016)

#### **§ 153.04 EQUIVALENT RESIDENTIAL UNIT.**

(A) *Establishment of the equivalent residential unit (ERU).* The area of impervious coverage for the residential category shall be the basis of one ERU. The rate unit is based upon an analysis of the intensity of the weighted average impervious surface of various single-family residential use developed land parcels throughout the jurisdiction.

(B) *Application of the equivalent residential unit (ERU).* Differences in the level and cost of services and facilities across the jurisdiction constitute sufficient reason to differentiate in the application of the ERU for individual developed land properties based upon the defined billing categories. (Ord. 2016-90, passed 6-6-2016)

#### **§ 153.05 SCHEDULE OF FEES AND CHARGES.**

(A) *Fee schedule adopted.* The schedule of fees and charges for use of the stormwater utility shall apply to all developed land properties within the jurisdiction.

(1) *Residential category.* Each residential property shall be billed and shall pay based upon an ERU value equal to one.

(2) *Small commercial category.* Each small commercial property shall be billed and shall pay based upon a value equal to 3.1 ERUs.

(3) *Large commercial category.* Each large commercial property shall be billed and shall pay based upon a value equal to 2.5 ERUs.

(4) *Institutional category.* Each institutional property shall be billed and shall pay based upon a value equal to 1.5 ERUs.

(B) *Charge per equivalent residential unit.* The monthly service charge for use of the stormwater utility shall be the service charge per ERU as may be amended from time to time by the governing body after public hearing.

(C) *Classification of land use.* The Planning Director shall determine whether properties are developed land per this section and classify properties by assigning them to the most similar billing category from the standpoint of land use, size of parcel area, and probable hydrologic response.  
(Ord. 2016-90, passed 6-6-2016)

#### **§ 153.06 ADJUSTMENTS.**

(A) From time to time, the governing body may, by resolution, adopt policies providing for the adjustment of stormwater drainage charges from parcels or groups of parcels based upon hydrologic data supplied by affected property owners demonstrating an actual hydrologic response substantially different from the ERU being used for the parcel or parcels. Such adjustment shall be made only after receiving the recommendation of the Planning Director.

(B) If the adjustment would have the effect of changing the ERU for all or substantially all of the land uses in a particular category, such adjustment shall be accomplished by amending the ERU in conjunction with adoption of the Stormwater Enterprise Fund annual budget.

(C) Any adjustment of fees or ERU that may impact fees charged shall not be made effective retroactively.  
(Ord. 2016-90, passed 6-6-2016)

#### **§ 153.07 CREDITS AND EXEMPTIONS.**

(A) Except as provided in division (B) below, no public or private property shall be exempt from stormwater service charges or receive a credit against such service charges.

(B) The following exemptions shall be allowed:

(1) Undeveloped land;

(2) Improved public road rights-of-way which have been conveyed to and accepted for maintenance by the State Department of Transportation and are available for use in common for vehicular transportation by the general public;

(3) Improved public road rights-of-way which have been conveyed to and accepted for maintenance by the town and are available for use in common for vehicular transportation by the general public; and

(4) Railroad rights-of-way used exclusively for trackage and related safety appurtenances.  
(Ord. 2016-90, passed 6-6-2016)

#### § 153.08 BILLING AND COLLECTION.

(A) *Method of billing.* Billing of the stormwater service charge and any other rents, rates, fees, charges, and penalties for stormwater management services and facilities will be computed each month and billed in conjunction with other utilities such as water and sewer. Any prepayment or overpayment shall be retained and applied against future subsequent monthly charges.

(B) *Delinquencies.* A stormwater utility service charge billing or other billing for rents, rates, fees, charges, and penalties associated with the stormwater utility shall be declared delinquent if not paid in accordance with ordinances and policies adopted for payment of water and sewer utility accounts. A delinquent billing shall accumulate an additional penalty at the rate as established for delinquent, unpaid water and sewer utilities and shall run from the date of the original billing. This penalty shall be termed a ***DELINQUENCY PENALTY CHARGE***.

(C) *Appeal of disputed bills; adjustments.* If any customer disputes the stormwater utility service charge or any other rents, rates, fees, charges, or penalties adopted pursuant to this chapter, that customer must appeal the billing in accordance with ordinances and policies adopted for payment of water and sewer utility accounts, stating the reasons for the appeal and providing information pertinent to the calculation of the bill.

(Ord. 2016-90, passed 6-6-2016)

#### § 153.09 DISPOSITION OF SERVICE CHARGES AND FEES.

(A) Stormwater management utility service charge and fee revenues shall be assigned and dedicated solely to the Stormwater Enterprise Fund in the town budget and accounting system which shall be and remain separate from other funds and shall be used only to fund stormwater management programs and structural and natural stormwater and drainage systems.

(B) The service charges and fees paid to and collected by virtue of the provision of this chapter shall not be used for general or other governmental or proprietary purposes of the town except to pay for costs incurred by the town in rendering services to the stormwater management utility.  
(Ord. 2016-90, passed 6-6-2016)

**§ 153.10 SUPPLYING INFORMATION.**

The owner, occupant, or person in charge of any developed land within the jurisdiction shall supply the Public Works Director and/or Planning Director with such information as may be reasonably requested related to the use, development, and area of the premises. Willful failure to provide such information or to falsify it is a violation of this chapter.  
(Ord. 2016-90, passed 6-6-2016) Penalty, see § 10.99



## **CHAPTER 154: FLOOD DAMAGE PREVENTION**

### Section

154.01 Flood provisions adopted

#### **§ 154.01 FLOOD PROVISIONS ADOPTED.**

The town's flood provisions and amendments thereto are hereby adopted by reference and incorporated herein as if set out in full.

(Prior Code, § 151.01) (Ord. passed 9-4-2007; Ord. passed 10-19-2008)



## **CHAPTER 155: SUBDIVISIONS**

### Section

155.01 Subdivision regulations adopted

#### **§ 155.01 SUBDIVISION REGULATIONS ADOPTED.**

The town's subdivision regulations and amendments thereto are hereby adopted by reference and incorporated herein as if set out in full.

(Prior Code, § 152.01) (Ord. passed 4-6-1992; Ord. 2022-26, passed 6-6-2022)



## **CHAPTER 156: ZONING**

### Section

#### 156.01 Zoning provisions adopted

#### **§ 156.01 ZONING PROVISIONS ADOPTED.**

The town's zoning provisions and amendments thereto are hereby adopted by reference and incorporated herein as if set out in full.

(Prior Code, § 153.01) (Ord. passed 6-19-2000; Ord. 2020-16, passed 1-4-2020; Ord. 2021-7, passed 7-12-2021; Ord. 2021-8, passed 11-1-2021; Ord. 2022-27, passed 6-6-2022; Ord. 2022-38, passed 9- -2022; Ord. 2023-1, passed 2-6-2023; Ord. 2023-06, passed 4- -2023; Ord. 2023-11, passed 9- -2023; Ord. 2024-01, passed 6-3-2024; Ord. 2024-2, passed 5-6-2024)



## **TABLE OF SPECIAL ORDINANCES**

Table

- I. SPECIFIC BUILDING DEMOLITION**
- II. ANNEXATION**
- III. STREET NAME CHANGES**
- IV. VACATION**
- V. ZONING MAP CHANGES**



**TABLE I: SPECIFIC BUILDING DEMOLITION**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
2014-66	6-2-2014	Demolition of the dwelling at 220 Andrews Street.
2015-81	9-14-2015	Demolition of the dwelling at 101 Morris Street.
2016-97	9-12-2016	Demolition of dwelling at 405 Warren Street.
Order	8-17-2017	Demolition of building at 925 W. Main Street.
112	10-2-2017	Demolition of dwelling at 925 W. Main Street.
2018-1	2-5-2018	Demolition of dwelling at 817 W. Main Street.
2019-113	4-1-2019	Demolition of dwelling at 117 S. Pearl Street.
2019-114	4-1-2019	Demolition of dwelling unit at 406 Martin Street.
2022-35	6-6-2022	Demolition of dwelling at 207 Center Street.
2022-36	6-6-2022	Demolition of dwelling at 311 Roberson Street.



**TABLE II: ANNEXATION**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
2015-79	6-29-2015	Annexation of property beginning at southwest side of highway with County Tax Parcel No. 05-02079.
2017-105	6-19-2017	Annexation of 15.74 acres.



**TABLE III: STREET NAME CHANGES**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
2019-112	4-1-2019	Portion of Woodlawn Drive renamed to West Woodlawn Drive.



**TABLE IV: VACATION**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
2021-4	6-7-2021	Closure of Tank Street and a portion of Hunter Street.



**TABLE V: ZONING MAP CHANGES**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
2021-3	2-1-2021	Tax Parcel No. 05-00254 is rezoned from R-8 to O&I.
2021-9	11-1-2021	Boundaries for Tax Parcel No. 0504927 is redrawn.
2021-10	11-1-2021	Tax Parcel No. 0502346 is rezoned from CH to O&I.
2023-07	- -2023	Tax Parcel Nos. 0500847 and 0500850 owned by Greene Memorial Disciple Church is rezoned from R-4 to O&I.
2023-2	2-6-2023	Tax Parcel No. 0500494 owned by Casieka Group, LLC is rezoned from M-2 to R-15AO.



## **PARALLEL REFERENCES**

References to North Carolina General Statutes  
References to Prior Code  
References to Resolutions  
References to Ordinances



## REFERENCES TO NORTH CAROLINA GENERAL STATUTES

<i>G.S. Section</i>	<i>Code Section</i>
1-597	93.37
Chapter 1A	10.99
1A-1, Rule 4	110.43
7A-227	150.047; 151.37
7A-228	150.047; 151.37
14-4	33.99; 34.99; 70.99; 71.33; 90.99; 92.99; 93.99; 94.99; 95.99; 111.99; 115.99; 130.99; 150.049; 150.999; 151.43
14-54(c)	130.15
14-269	130.15
14-269(b)	130.15
14-277.2	95.03
14-288.4	130.02
14-288.5	95.03
14-415.23	130.15
15-27.2	150.040
18B-300	112.01
Chapter 20	70.01
20-37.6	70.99; 72.10
20-37.6(d)	72.10
20-79.4	72.10
20-129(e)	73.17
20-140.2	71.05
20-145	70.07
20-156	70.07; 71.23
20-157	71.32
20-158	71.20
20-168	70.05
20-219.11	92.04
20-280	111.28
42-29	151.37
42-30	150.047; 151.37
Chapter 44A, Article 1	92.25

## Williamston - Parallel References

<i>G.S. Section</i>	<i>Code Section</i>
62-260(2)	111.01
66-76	115.01
66-76 through 66-83	115.02
Chapter 90, Article 5	130.03
Chapter 93B	110.35
99E-24(c)	96.02
105-41	110.21
105-236	110.59; 110.99
105-242	110.59
105-271 et seq.	34.02
106-65.22 et seq.	90.05
Chapter 113, Article 22A	90.05
113-274(c)(1a)	90.05
132-1	34.01
136-141 et seq.	92.05
136-143	92.05
143-318.9 through 143-318.18	30.15
Chapter 143, Article 33C	31.30
143-434 et seq.	90.05
Chapter 159, Article 3	31.15
159-7 et seq.	31.18
160A-68	30.15
160A-70	30.32
160A-71	30.15
160A-76	91.01
Chapter 160A, Article 7, Part 3	30.01
160A-81	30.15
Chapter 160A, Article 10	150.046; 151.41
160A-101(7)(b)	30.02
160A-101(8)(a)	30.31
160A-168	35.02
160A-171	31.50
160A-174	116.02
160A-175	33.99; 34.99; 70.99; 90.99; 92.99; 93.99; 94.99; 95.99
160A-175(d)	110.99
160A-181	114.35
160A-188	90.05
160A-193	93.31; 93.35; 93.36
160A-207	110.59
160A-215.1	34.01

<i>G.S. Section</i>	<i>Code Section</i>
160A-215.1(b)	34.01
160A-281	32.15
160A-284	32.15
160A-285	32.16
160A-292	32.01
160A-299	152.23
160A-301(d)	72.04
160A-303	70.99; 92.03
160A-303.2	92.03
160A-317(a)	52.01
Chapter 160D	11.01; 151.01
160D-301	31.34
160D-302	31.34
160D-307	150.002
160D-1101	150.001
160D-1119	151.01
160D-1128	150.004
160D-1129	150.035
160D-1129(f)	150.045; 150.048
160D-1129(g)	150.048
160D-1129(i)	150.046; 150.047
160D-1201	151.01
160D-1203	151.37
160D-1203(4)	151.40
160D-1203(7)	151.51; 151.42
160D-1208	150.050; 150.051; 151.37
162A-9.1	52.40
163-284	30.02
163-292	30.02



## REFERENCES TO PRIOR CODE

<i>Prior Code Section</i>	<i>Current Code Section</i>
10.01	10.01
10.02	10.03
10.03	10.11
10.04	10.08
10.05	10.02
10.06	10.03
10.07	10.04
10.08	10.09
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**Williamston - Parallel References**

<i>Prior Code Section</i>	<i>Current Code Section</i>
30.48	31.19
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32.031	31.32
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32.046	31.31
32.060	31.33
32.061	31.33
32.075	31.35
33.01	31.50
33.02	32.01
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33.04	32.15
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33.06	31.53
34.01	32.15
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38.02	35.02
39.01	31.01
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## References to Prior Code

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<i>Prior Code Section</i>	<i>Current Code Section</i>
50.03	50.02
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53.49	52.19; 52.99
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70.003	70.03
70.004	70.04
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70.006	70.05

**Williamston - Parallel References**

<i>Prior Code Section</i>	<i>Current Code Section</i>
70.007	70.08
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70.039	71.24
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70.043	71.07
70.044	73.01
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70.046	71.32
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70.071	72.02
70.072	72.02
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70.075	72.05
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70.077	72.05
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<i>Prior Code Section</i>	<i>Current Code Section</i>
70.079	72.07
70.080	72.08
70.081	72.08
70.082	72.09
70.083	72.10, Chapter 75, Schedule II
70.095	34.02
70.096	34.02
70.115	92.01
70.116	92.02
70.117	92.03
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70.119	92.20
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70.121	92.22
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70.124	92.04
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70.126	92.25
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70.128	92.27
70.129	92.05
70.130	92.28
70.999	70.99
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71.02	70.21
71.03	70.22
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71.05	70.24
71.06	70.25
71.07	70.25
72.01	73.16
72.02	73.17
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90.04	90.01
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90.20	90.23

**Williamston - Parallel References**

<i>Prior Code Section</i>	<i>Current Code Section</i>
90.21	90.20
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90.27	90.26
90.28	90.23
90.40	90.06
91.01	91.01
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91.03	91.15
91.04	91.03
91.20	32.02
91.21	32.02
92.01	152.01
92.02	152.01
92.03	152.01
92.04	152.02
92.05	152.02
92.06	152.02
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92.10	152.04
92.25	152.05
92.26	152.05
92.27	152.05
92.28	152.06
92.29	152.06
92.30	152.06
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92.47	152.22
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93.03	93.03
93.04	93.04
93.20	93.15
93.21	93.16

<i>Prior Code Section</i>	<i>Current Code Section</i>
93.35	70.08
94.001	94.01
94.002	94.01
94.015	94.20
94.016	94.21
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94.030	94.35
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94.032	94.37
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