

TOWN OF WILLIAMSTON, NORTH CAROLINA

CODE OF ORDINANCES

2013 S-3 Supplement Contains:

Local legislation current through Ord. 2012-40, passed 9-4-2012

State legislation current through 2013 ALS Pamphlet #1

AMERICAN LEGAL PUBLISHING CORPORATION

432 Walnut Street Cincinnati, Ohio 45202-3909 (800) 445-5588

ORDINANCE 2009-6

ENACTING A CODE OF ORDINANCES FOR THE TOWN OF WILLIAMSTON, NORTH CAROLINA, REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE TOWN OF WILLIAMSTON DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES.

WHEREAS, the Acts of the Legislature of the State of North Carolina empower and authorize the Town of Williamston to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the Board of Commissioners of the Town of Williamston, North Carolina has authorized a general compilation, revision and codification of the ordinances of the Town of Williamston of a general and permanent nature and publication of such ordinance in book form; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF WILLIAMSTON OF THE TOWN OF WILLIAMSTON, NORTH CAROLINA:

Section 1. The general ordinances of the Town of Williamston, North Carolina as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of the Town of Williamston, North Carolina."

Section 2. Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles:

TITLE I: GENERAL PROVISIONS

- | | | |
|---------|-----|-------------------------------|
| Chapter | 10. | General Provisions |
| | 11. | Extraterritorial Jurisdiction |

TITLE III: ADMINISTRATION

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|-----|--|
| 30. | Organization and Administration |
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| 33. | Town Departments |
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| 35. | Elections |
| 36. | Finance and Taxation |
| 37. | Civil Emergencies and Emergency Management |
| 38. | Municipal Policies |
| 39. | Personnel Policies |

TITLE V: PUBLIC WORKS

- | | |
|-----|----------------------|
| 50. | Electricity |
| 51. | Garbage and Refuse |
| 52. | Weeds and Vegetation |
| 53. | Water and Sewers |

Williamston - Adopting Ordinance**TITLE VII: TRAFFIC CODE**

- 70. Motor Vehicles and Traffic
- 71. Traffic Control Devices
- 72. Bicycles
- 73. Railroads

TITLE IX: GENERAL REGULATIONS

- 90. Animals and Fowl
- 91. Fire Protection
- 92. Streets and Sidewalks
- 93. Nuisance
- 94. Cemeteries
- 95. Public Assemblies

TITLE XI: BUSINESS REGULATIONS

- 110. Licenses
- 111. Taxicabs
- 112. Alcoholic Beverages
- 113. Peddlers and Solicitors
- 114. Amusements
- 115. Electronic Video Games
- 116. Closing Out or Distress Sales

TITLE XIII: GENERAL OFFENSES

- 130. Offenses Against Public Morals
- 131. Miscellaneous Offenses

TITLE XV: LAND USAGE

- 150. Buildings
- 151. Flood Provisions
- 152. Subdivision Regulations
- 153. Zoning
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[Reserved]

PARALLEL REFERENCES

References to North Carolina General Statutes
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Section 3. All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.

Section 4. Such Code shall be deemed published as of the day of its adoption and approval by the Board of Commissioners and the Clerk of the Town of Williamston is hereby authorized and ordered to file a copy of such Code of Ordinances in the Office of the Clerk.

Section 5. Such Code shall be in full force and effect upon adoption, and such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.

Passed and adopted by the Board of Commissioners of the Town of Williamston, North Carolina on this 21st day of September, 2009.

Tommy Roberson /s/
Tommy Roberson, Mayor

Attest:

Glinda W. Fox /s/
Glinda W. Fox, Town Clerk

ORDINANCE 2010-09

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF
ORDINANCES FOR THE TOWN OF WILLIAMSTON, NC.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the first supplement to the Code of Ordinances of the Town of Williamston, Williamston, NC, which supplement contains all ordinances of a general and permanent nature enacted since the prior adoption to the Code of Ordinances of the Town of Williamston.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE
TOWN OF WILLIAMSTON OF THE TOWN OF WILLIAMSTON, NORTH CAROLINA:

Section 1. That the first supplement to the Code of Ordinances of the Town of Williamston as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Town of Williamston Board of Commissioners and the Town Clerk is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

PASSED AND ADOPTED by the Board of Commissioners of the Town of Williamston on this 1st day of March, 2010.

Tommy Roberson /s/
Tommy Roberson, Mayor

Attest:

Glinda W. Fox /s/
Glinda W. Fox, Town Clerk

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§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the Town of Williamston shall be designated as the *Code of Williamston, North Carolina* and may be so cited.

§ 10.02 INTERPRETATION.

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.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

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

§ 10.04 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.

§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or 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.

GENDER. Words importing the masculine gender shall include the feminine and neuter.

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

GENERALLY. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and the others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to the peculiar and appropriate meaning.

GOVERNOR. The Governor of North Carolina.

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.

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

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 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 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 curblin 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.

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

TOWN. The Town of Williamston, in the County of Martin, 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 Council.

(1992 Code, § 1-2)

Statutory reference:

For state law as to computation of time, see G.S. §§ 1-593 and 1A-1, Rule 6(a)

For state law as to similar definitions and rules of construction, see G.S. § 12-3

§ 10.06 RULES OF INTERPRETATION.

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.

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

(B) *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.

(C) *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.

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

§ 10.07 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.

§ 10.08 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.

§ 10.09 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.

§ 10.10 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.

§ 10.11 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.

§ 10.12 REASONABLE TIME; COMPUTING 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.

§ 10.13 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 § 10.19.

§ 10.14 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 the 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 therefore;
- (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) Nor shall any ordinance 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.

Statutory reference:

Statutes not repealed by General Statutes, see G.S. § 164-7

§ 10.15 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.

§ 10.16 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.

§ 10.17 ORDINANCES WHICH AMEND CODE; EFFECT OF NEW ORDINANCES.

(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 subsection, 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 readopted 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.

§ 10.18 SECTION HISTORIES; SECTION HEADINGS; STATUTORY REFERENCES.

(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. 10, passed 5-13-1960; 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 “(1992 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.

§ 10.19 PROVISIONS CONSIDERED AS CONTINUATIONS OF EXISTING ORDINANCES.

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

(1992 Code, § 1-3)

§ 10.99 GENERAL PENALTY; ENFORCEMENT OF ORDINANCES; CONTINUING VIOLATIONS.

(A) Any person, firm or corporation violating any of the provisions of any section or division of this code of ordinances for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense.

(B) 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 \$100, 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 the violation.

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

(D) (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. When a violation of such a provision occurs, the town may apply to the appropriate division of the general court of justice for a

mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

(2) In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that 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. 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. The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

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

(F) Except as otherwise specifically provided, each day's continuing violation of any provision of this code or any other town ordinance shall be a separate and distinct offense.

(G.S. § 14-4(a)) (Ord. passed 8-6-2007)

Statutory reference:

As to penalty for violation of town ordinances, see G.S. § 14-4

For provisions concerning enforcement of ordinances, see G.S. § 160A-175

For statutory authority, see G.S. § 160A-175

CHAPTER 11: EXTRATERRITORIAL JURISDICTION

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§ 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 96 “Housing”, found in this code;
- (D) Ordinances adopting the North Carolina State Building Code or any part thereof;
- (E) National Flood Insurance Flood Damage Prevention Ordinance (8-13-1987);
- (F) An Ordinance Establishing the Williamston Planning Board; and

(G) Any other ordinance heretofore or hereafter enacted pursuant to G.S. Chapter 160A, Article 19.
(1992 Code, § 1-10)

Statutory reference:

For state law as to authority of a town to establish extraterritorial jurisdiction for planning and regulation of development, see G.S. § 160A-360

§ 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 Williamston Planning Board pursuant to studies of existing and projected urban development and areas of critical concern to the town.
(1992 Code, § 1-11)

§ 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 Register of Deeds of the county. 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.
(1992 Code, § 1-12)

TITLE III: ADMINISTRATION

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30. ORGANIZATION AND ADMINISTRATION

31. BOARD OF COMMISSIONERS

32. BOARDS AND COMMITTEES

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36. FINANCE AND TAXATION

37. CIVIL EMERGENCIES AND EMERGENCY MANAGEMENT

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30.16 Duties

30.17 Mayor Pro Tem

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30.46 Town Clerk

30.47 Finance Officer

30.48 Town Tax Collector

Cross-reference:

Chief of Police, see §§ 34.01 through 34.03

Fire Chief, see §§ 91.20 and 91.21

FORM OF GOVERNMENT

§ 30.01 MAYOR-COUNCIL FORM.

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

MAYOR**§ 30.15 TERM OF OFFICE.**

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

§ 30.16 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.

(B) Not vote on any question before the Board except in the case of a tie vote.
(Sec. 30.02 Ord. passed 5-1-1995)

Statutory reference:

G.S. 160A-101(8)(a)

§ 30.17 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.

Statutory reference:

Mayor Pro Tempore, see G.S. 160A-70

TOWN ADMINISTRATOR**§ 30.30 CREATION OF OFFICE.**

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

(1992 Code, § 2-14)

§ 30.31 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.
(1992 Code, § 2-15)

§ 30.32 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.

§ 30.33 DUTIES.

The Town Administrator shall have the following duties:

(A) 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;

(B) 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;

(C) 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;

(D) 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;

(E) 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;

(F) 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

(G) Perform the other duties and functions as the Board of Commissioners may prescribe.
(1992 Code, § 2-17)

§ 30.34 RELATION TO CHARTER.

This chapter, or any part thereof, shall not be interpreted so as to alter or modify the requirements of the Williamston Town Charter relating to the power and authority granted therein to the Mayor or any individual Town Commissioner. It is the intent of this chapter 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.

(1992 Code, § 2-18)

Cross-reference:

Town Administrator, see § 33.01(A)

TOWN OFFICIALS

§ 30.45 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 of North Carolina. 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.

Cross-reference:

Town Attorney, see § 33.01(D)

§ 30.46 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.

Cross-reference:

Town Clerk, see § 33.01(B)

§ 30.47 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, being G.S. §§ 159-7, *et seq.*

Cross-reference:

Finance Officer, see § 33.01(C)

§ 30.48 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 this charter and the ordinances of the town. The Town Tax Collector shall diligently comply with and enforce all the laws of North Carolina relating to the collection of taxes and other revenues by municipalities.

Cross-reference:

Finance and Taxation, see Chapter 36

CHAPTER 31: BOARD OF COMMISSIONERS

Section

- 31.01 Meetings; time
- 31.02 Procedure; *Robert's Rules of Order*
- 31.03 Motion to reconsider
- 31.04 Rules of decorum
- 31.05 Enforcement of decorum

§ 31.01 MEETINGS; TIME.

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.

(1992 Code, § 2-6) (Am. Ord. 2012-40, passed 9-4-2012)

Statutory reference:

As to open meetings and public notice, see G.S. §§ 143-318.9 through 143-318.18

As to the organization meeting of the Board generally, see G.S. § 160A-68

For state law as to regular and special meetings, see G.S. § 160A-71

See also G.S. § 160A-81

§ 31.02 PROCEDURE; *ROBERT'S RULES OF ORDER*.

(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*.

(1992 Code, § 2-7)

§ 31.03 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.

(1992 Code, § 2-8)

§ 31.04 RULES OF DECORUM.

For the preservation of order and decorum during Commissioners 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.

(1992 Code, § 2-9) Penalty, see § 10.99

§ 31.05 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.

(1992 Code, § 2-10)

CHAPTER 32: BOARDS AND COMMITTEES

Section

Designation of Boards and Committees

- 32.001 Public bodies
- 32.002 Appointment process

Planning Board/Board of Adjustment

- 32.015 Creation; power
- 32.016 Appointment; terms
- 32.017 Comprehensive studies
- 32.018 Board of Adjustment

Parks and Recreation Advisory Board

- 32.030 Purpose/function
- 32.031 Appointment; terms

Police Advisory Board

- 32.045 Purpose/function
- 32.046 Appointment; terms

Williamston Housing Authority

- 32.060 Purpose/function
- 32.061 Appointment; terms

Williamston Community Appearance Commission

- 32.075 Purpose/function
- 32.076 Appointment; terms

Martin Memorial Library Board of Trustees

- 32.090 Purpose/function
- 32.091 Appointment; terms

DESIGNATION OF BOARDS AND COMMITTEES**§ 32.001 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.

§ 32.002 APPOINTMENT PROCESS.

(A) 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 Town Commissioner meet with their respective board, commission, or authority as often as possible but at least quarterly.

(B) The authorities, boards and commissions that serve the Town of Williamston shall include, but are not limited to the following:

- (1) Planning Board/Board of Adjustment;
- (2) Parks and Recreation Advisory Board;
- (3) Police Advisory Board;
- (4) Williamston Housing Authority;
- (5) Williamston Community Appearance Commission; and
- (6) Martin Memorial Library Board of Trustees.

PLANNING BOARD/BOARD OF ADJUSTMENT**§ 32.015 CREATION; POWER.**

The Williamston 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 North Carolina.

(1992 Code, § 2-24)

§ 32.016 APPOINTMENT; TERM.

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

- (1) Five members residing in the corporate limits; and
- (2) Two members residing in the extraterritorial jurisdiction.

(B) The number of extraterritorial jurisdiction representatives is determined by the proportional representation method described in G.S. 160A-362. The Martin 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.

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

§ 32.017 COMPREHENSIVE STUDIES.

The Planning Board has authority to make comprehensive studies of the present and future needs of the Williamston 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 Williamston planning area and best promote the health, safety, convenience, prosperity, and general welfare of its citizens.

§ 32.018 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 authorizes variances, upon appeal, as outlined in the zoning ordinance.

PARKS AND RECREATION ADVISORY BOARD**§ 32.030 PURPOSE/FUNCTION.**

The Parks and Recreation Advisory Board serves as an advisory board for the Williamston Recreation Department. It shall suggest policies to the Recreation Department, the Town Administrator and the Board of Commissioners, within its powers and responsibilities, and serve as a liaison between the Parks and Recreation Director, the Town Administrator and the Board of Commissioners.

§ 32.031 APPOINTMENT; TERMS.

The Parks and Recreation Advisory Board shall consist of seven members, who are appointed to a three-year term and may be re-appointed to serve two additional terms.

POLICE ADVISORY BOARD**§ 32.045 PURPOSE/FUNCTION.**

The Police Advisory Board serves as a liaison between the neighborhoods of the community, the Williamston 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.

§ 32.046 APPOINTMENT; TERMS.

The Police Advisory Board shall consist of seven members, who are appointed to a three-year term and may be re-appointed to serve two additional terms.

WILLIAMSTON HOUSING AUTHORITY**§ 32.060 PURPOSE/FUNCTION.**

The Williamston Housing Authority has the responsibility of striving to meet the need for all of Williamston's citizens to live in standard housing. Plans and proposals are submitted to the Planning Board and the Board of Commissioners for approval.

§ 32.061 APPOINTMENT; TERMS.

The Williamston Housing Authority shall consist of five members, who are appointed to a five-year term and may be re-appointed to serve an indefinite number of terms.

WILLIAMSTON COMMUNITY APPEARANCE COMMISSION**§ 32.075 PURPOSE/FUNCTION.**

The Williamston 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.

§ 32.076 APPOINTMENT; TERMS.

The Williamston Community Appearance Commission shall consist of seven members, who are appointed to a four-year term and may be re-appointed to serve two additional terms.

MARTIN MEMORIAL LIBRARY BOARD OF TRUSTEES**§ 32.090 PURPOSE/FUNCTION.**

The Martin Memorial Library is the public library of the Town of Williamston. It shall have a board of trustees appointed by the Town Board of Commissioners and the purpose of the board of trustees is to advise the Board of Commissioners on library matters. Other library matters will be allocated between the town and BHM Regional Library, Inc. by contact between the two entities and by policy as from time to time adopted..

§ 32.091 APPOINTMENT; TERMS.

The Martin Memorial Library Board of Trustees shall consist of nine members, who are appointed to a six-year term and may be re-appointed to serve one additional term.

CHAPTER 33: TOWN DEPARTMENTS

Section

- 33.01 Administration Department
- 33.02 Fire and EMS Department
- 33.03 Planning and Development Department
- 33.04 Police Department
- 33.05 Recreation Department
- 33.06 Public Works Department

§ 33.01 ADMINISTRATION DEPARTMENT.

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.

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

Cross-reference:

Town Administrator, see §§ 30.30 through 30.34

(B) *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.

(C) *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.

(D) *Town Attorney.* The Board of Commissioners shall appoint a Town Attorney who shall be a licensed attorney in the State of North Carolina. 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.

(E) *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.

Cross-reference:

Personnel policies, see § 39.01

§ 33.02 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.

Cross-reference:

Fire Protection, see Chapter 91

Statutory reference:

State law provisions, see G.S. 160A-292

§ 33.03 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.

Cross-reference:

Housing, see Chapter 154

Land Usage, Title XV

§ 33.04 POLICE DEPARTMENT.

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.

Cross-reference:

Police, see Chapter 34

Traffic Code, Title VII

§ 33.05 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, rented and other facilities and grounds that might be rented or borrowed by the town for recreational activities wherever located.

§ 33.06 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.

Cross-reference:

Public Works, Title V

Cemeteries, see Chapter 94

CHAPTER 34: POLICE

Section

- 34.01 Chief of Police; appointment; removal
- 34.02 Duties; generally
- 34.03 Duties of police

Statutory reference:

For state law as to town police and law enforcement generally, see G.S. §§ 160A-281 to 160A-289

§ 34.01 CHIEF OF POLICE; APPOINTMENT; REMOVAL.

The Board of Commissioners shall appoint a Chief of Police and shall have the power to remove the Chief of Police.

(1992 Code, § 23-1)

Statutory reference:

As to oath of officer, see G.S. § 160A-284

For state law as to authority of town to appoint Chief of Police, see G.S. § 160A-281

§ 34.02 DUTIES; GENERALLY.

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.

(1992 Code, § 23-2)

Statutory reference:

For state law as to powers and duties of police officers generally, see G.S. § 160A-285

§ 34.03 DUTIES OF POLICE.

The police shall perform those duties from time to time determined by the Chief of Police as well as those proscribed in the town personnel policy and by state law.
(1992 Code, § 23-3)

CHAPTER 35: ELECTIONS

Section

- 35.01 Method adopted for election of Mayor and Commissioners
- 35.02 Conducted by County Board of Elections

§ 35.01 METHOD ADOPTED FOR ELECTION OF MAYOR AND COMMISSIONERS.

The Mayor and Commissioner 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 North Carolina. Their terms shall be four years as provided in ordinances adopted September 19, 1994, April 3, 1995 and May 1, 1995.
(1992 Code, § 9-1)

§ 35.02 CONDUCTED BY COUNTY BOARD OF ELECTIONS.

The elections of the town shall be conducted by the Martin County Board of Elections, subject to the approval of the State Board of Elections as set out in G.S. § 163-285(2).
(1992 Code, § 9-2)

CHAPTER 36: FINANCE AND TAXATION

Section

- 36.01 Levying tax; retail short-term lease or rental of motor vehicles
- 36.02 Tax discount
- 36.99 Penalty

§ 36.01 LEVYING TAX; RETAIL SHORT-TERM LEASE OR RENTAL OF MOTOR VEHICLES.

(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 taxes authorized by G.S. § 160A-211.

(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 day 15 of each month, prepare and render 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 insure 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, 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.
(Ord. passed 3-6-2006) Penalty, see § 36.99

§ 36.02 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.
(1992 Code, § 11-1)

§ 36.99 PENALTY.

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

(B) *Levying tax.* In case of failure or refusal to file a return or pay the tax for a period of 30 days after the time required for filing the return or paying the tax, there shall be an additional tax, as a penalty, of 5% of the tax due, with an additional tax of 5% for each additional month or fraction thereof until the tax is paid. The Town Board of Commissioners, for good cause shown, may consider appeals and adjust any penalty or additional tax imposed hereunder.
(Ord. passed 3-6-2006)

CHAPTER 37: CIVIL EMERGENCIES AND EMERGENCY MANAGEMENT

Section

- 37.01 When state of emergency deemed to exist
- 37.02 Issuance of proclamation by Mayor
- 37.03 Restorations during emergency
- 37.04 Extension, alteration and the like, of proclamation; violation of restorations prohibited

Statutory reference:

As to power of town to enact ordinances to deal with states of emergency, see G.S. § 14-288.12
For state law as to riots and civil disorders generally, see G.S. §§ 14-288.1 et seq.

§ 37.01 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.

(1992 Code, § 8-1)

§ 37.02 ISSUANCE OF PROCLAMATION BY MAYOR.

(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 the 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.

(1992 Code, § 8-2)

§ 37.03 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.

(1992 Code, § 8-3)

§ 37.04 EXTENSION, ALTERATION AND THE LIKE, OF PROCLAMATION; VIOLATION OF RESTORATIONS PROHIBITED.

(A) 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.

(B) 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. The fine for violation of any such restriction may exceed \$50, up to a maximum of \$500, as provided in G.S. § 14-4.

(1992 Code, § 8-4) Penalty, see § 10.99

CHAPTER 38: MUNICIPAL POLICIES

Section

- 38.01 Regulating smoking in municipal buildings and vehicles
- 38.02 Criminal history checks

- 38.99 Penalty

§ 38.01 REGULATING SMOKING IN MUNICIPAL BUILDINGS AND VEHICLES.

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

SMOKING. 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 ordinance, and the same shall remain in full force and effect.

(E) *Effective date.* This section shall be effective upon adoption.
(Ord. passed 10-4-1993) Penalty, see § 38.99

§ 38.02 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 city 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; 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 city which termination or denial is based upon criminal history record inquiry (CHRI) received from criminal information and identification section (CIIS) through the Williamston 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 Williamston 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 North Carolina 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.
(Ord. 2009-4, passed 9-21-2009)

§ 38.99 PENALTY.

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

(B) *Regulating smoking in municipal buildings and vehicles.* Violation of § 38.01 shall subject the offender to a civil penalty in the amount of \$10 to be recovered by the town. Violators shall be issued a written citation which must be paid to the town within 48 hours. Violation of § 38.01 shall not constitute a misdemeanor or infraction punishable under G.S. § 14-4.
(Ord. passed 10-4-1993)

CHAPTER 39: PERSONNEL POLICIES

Section

39.01 Personnel policies

§ 39.01 PERSONNEL POLICIES.

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.

(1992 Code, § 22-1)

TITLE V: PUBLIC WORKS

Chapter

50. ELECTRICITY

51. GARBAGE AND REFUSE

52. WEEDS AND VEGETATION

53. WATER AND SEWERS

CHAPTER 50: ELECTRICITY

Section

- 50.01 Electrical Code; adopted
- 50.02 Effect of amendments to adopt code
- 50.03 Filing of copies with Zoning Administrator
- 50.04 Compliance

Statutory reference:

For state law as to power of town to adopt regulatory codes by reference, see G.S. § 160A-76

§ 50.01 ELECTRICAL CODE; ADOPTED.

The North Carolina Electrical Code (North Carolina State Building Code, Volume IV, “Electrical”), adopting by reference the National Electrical Code of the National Fire Protection Association, as adopted by the North Carolina 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. (1992 Code, § 10-1)

§ 50.02 EFFECT OF AMENDMENTS TO ADOPT CODE.

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 § 50.03. (1992 Code, § 10-2)

§ 50.03 FILING OF COPIES WITH ZONING ADMINISTRATOR.

(A) 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.

(B) The copies shall be the official copies of the codes and the amendments.

(C) If copies of the regulatory code are on file with the town’s Building Inspector, they shall be considered to be on file with the Zoning Administrator. (1992 Code, § 10-3)

§ 50.04 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.
(1992 Code, § 10-4)

CHAPTER 51: GARBAGE AND REFUSE

Section

General Provisions

- 51.01 Definitions
- 51.02 Clean and ordinary condition of premises; compliance with chapter
- 51.03 Disposal; throwing, dropping or depositing on public lands or in waters
- 51.04 Permitted areas and methods
- 51.05 Obstruction of drainage ditch
- 51.06 Construction site to be maintained in sanitary condition; construction refuse not to be deposited on street, sidewalk and the like
- 51.07 Transportation

Collection

- 51.20 Collection practices; generally
- 51.21 Preparation of certain materials for collection
- 51.22 Containers; generally
- 51.23 No collection on weekends and holidays
- 51.24 Violation
- 51.25 Appeal

- 51.99 Penalty

Statutory reference:

For state law as to authority of town to regulate disposal of solid wastes, impose charges for collection and disposal by town and the like, see G.S. § 160A-209

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, in size from one cubic yard to eight cubic yards, 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, 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.
(1992 Code, § 13-1)

§ 51.02 CLEAN AND ORDINARY CONDITION OF PREMISES; COMPLIANCE WITH CHAPTER.

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.

(1992 Code, § 13-2)

§ 51.03 DISPOSAL; THROWING, DROPPING OR DEPOSITING ON PUBLIC LANDS OR IN WATERS.

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. 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. 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.

(1992 Code, § 13-3)

§ 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 of Williamston, or as provided in §§ 51.20 through 51.25.

(1992 Code, § 13-4)

§ 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, title to which is held by the town.

(1992 Code, § 13-5) Penalty, see § 51.99

§ 51.06 CONSTRUCTION SITE TO BE MAINTAINED IN SANITARY CONDITION; CONSTRUCTION REFUSE NOT TO BE DEPOSITED ON STREET, SIDEWALK AND THE LIKE.

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.
(1992 Code, § 13-6)

§ 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.
(1992 Code, § 13-7)

COLLECTION

§ 51.20 COLLECTION PRACTICES; GENERALLY.

(A) *Collection schedules; residences.* Except as otherwise provided in this chapter 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 Martin 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 are placed in separate piles.

(2) All persons engaged in the business of building, land clearing, tree removal and stump grinding, 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 of Williamston. (1992 Code, § 13-8) (Ord. passed 7-1-1991; Ord. passed 4-7-2008) Penalty, see § 51.99

§ 51.21 PREPARATION OF CERTAIN MATERIALS FOR COLLECTION.

Liquids; covering of containers. All refuse shall have the liquid drained therefrom before it is placed in the container for collection. All lids to containers shall fit tight after the containers are filled. The cover shall be kept on the containers at all times, except when being filled or emptied. (1992 Code, § 13-9)

§ 51.22 CONTAINERS; GENERALLY.

(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, vehicles to service an automatic container, than 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 oversize containers and 55-gallon drums or parts thereof.

(1992 Code, § 13-10)

§ 51.23 NO COLLECTION ON WEEKENDS AND HOLIDAYS.

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

(1992 Code, § 13-11)

§ 51.24 VIOLATION.

In addition to those penalties provided below in § 51.99, the Public Works Director may refuse to collect the refuse of anyone violating the terms of this subchapter.
(1992 Code, § 13-12)

§ 51.25 APPEAL.

Appeal from any decision of the Public Works Director pursuant to this subchapter may be taken to the Town Board of Commissioners.
(1992 Code, § 13-13)

§ 51.99 PENALTY.

(A) Violation of any of the provisions of this chapter shall constitute a misdemeanor and shall be punishable as provided in § 10.99. Each day of violation of this chapter shall constitute a separate offense.

(B) The provisions of this chapter shall in no way limit or restrict its enforcement to the remedies provided, but instead the provisions shall also be enforced as provided in G.S. § 160A-175.
(1992 Code, § 13-22)

CHAPTER 52: WEEDS AND VEGETATION

Section

- 52.01 Plantings on right-of-way between curbs and sidewalk near intersections
- 52.02 Maximum permitted height of growth
- 52.03 When deemed public nuisance
- 52.04 Investigation of conditions by Town Administrator
- 52.05 Notice to abate nuisance
- 52.06 Abatement of nuisance by town; upon request
- 52.07 Upon failure of property owner to obey notice
- 52.08 When notice cannot be given

- 52.99 Penalty

Cross-reference:

Nuisances, see Chapter 93

§ 52.01 PLANTINGS ON RIGHT-OF-WAY BETWEEN CURBS AND SIDEWALK NEAR INTERSECTIONS.

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.
(1992 Code, § 13-14)

§ 52.02 MAXIMUM PERMITTED HEIGHT OF GROWTH.

Heavy under growths 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 not later than June 15 and the second time not later than September 15 of each year. 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.
(1992 Code, § 13-15)

§ 52.03 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.
(1992 Code, § 13-16)

§ 52.04 INVESTIGATION OF CONDITIONS BY TOWN ADMINISTRATOR.

The Town Administrator, upon notice from any person of the existence of the conditions described in § 52.05, shall make or cause to be made the investigations as may be necessary to determine whether, in fact, the conditions constitute a public nuisance.
(1992 Code, § 13-17)

§ 52.05 NOTICE TO ABATE NUISANCE.

Following the investigation provided in § 52.04 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.
(1992 Code, § 13-18)

§ 52.06 ABATEMENT OF NUISANCE BY TOWN; UPON REQUEST.

Any person who, under the provisions of § 52.05, 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.
(1992 Code, § 13-19)

§ 52.07 UPON FAILURE OF PROPERTY OWNER TO OBEY NOTICE.

If any person who, under the provisions of § 52.05, 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.
(1992 Code, § 13-20)

§ 52.08 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 § 52.06 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. (1992 Code, § 13-21)

§ 52.99 PENALTY.

(A) Violation of any of the provisions of this chapter shall constitute a misdemeanor and shall be punishable as provided in § 10.99. Each day of violation of this chapter shall constitute a separate offense.

(B) The provisions of this chapter shall in no way limit or restrict its enforcement to the remedies provided, but instead the provisions shall also be enforced as provided in G.S. § 160A-175. (1992 Code, § 13-22)

CHAPTER 53: WATER AND SEWERS

Section

General Provisions

- 53.01 Town required connection to water and sewer lines

Water

- 53.15 Water use ordinance

Sewers

- 53.30 Sanitary sewer use ordinance

Water Shortage Response Plan

- 53.45 Purpose
53.46 Definitions
53.47 Plan implementation
53.48 Monitoring and enforcement
53.49 Violations, surcharges and penalties
53.50 Variance requests
53.51 Plan effectiveness and revision
53.52 Water use classifications
53.53 Interruption of service
53.54 Conservation measures

GENERAL PROVISIONS

§ 53.01 TOWN REQUIRED CONNECTION TO WATER AND SEWER LINES.

(A) Any owner of improved property located within the town limits of the Town of Williamston and upon or within a reasonable distance of any water line or sewer collection line owned, leased and

operated by the Town of Williamston, shall be required to connect his or her premises with the water line, sewer line or both.

(B) Charges shall be made in accordance with the specifications and schedules of the town then in effect.

(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's 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. passed 7-12-1993) Penalty, see § 10.99

WATER

§ 53.15 WATER USE ORDINANCE.

(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.
(1992 Code, § 28-1) (Am. Ord. 2009-7, passed 12-16-2009)

SEWERS

§ 53.30 SANITARY SEWER USE ORDINANCE.

(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.
(1992 Code, § 25-1)

WATER SHORTAGE RESPONSE PLAN**§ 53.45 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.
(Ord. 2010-12, passed 5-3-2010)

§ 53.46 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. That 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. That raw water supplies (i.e., 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.

NON-RESIDENTIAL CUSTOMER. Commercial, industrial, institutional, public and all other such users, with the exception of hospitals and health care 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. That 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 purpose, and has not been returned to the surface or groundwater source.

WATER. Water available to the Town of Williamston 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 § 53.52.
(Ord. 2010-12, passed 5-3-2010)

§ 53.47 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. 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 non-essential uses should be halted. 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. 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 § 53.54 Conservation Measures and § 53.52 Water Use Classifications)

(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. 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 non-essential water uses. Notification shall follow the provisions outlined for voluntary conservation. 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 § 53.52 Water Use Classifications)

(3) Phase III - 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. 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, non-essential uses shall be banned. 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. Under extreme conditions requiring mandatory reduction the following measures will apply:

(a) Residential customers may be allotted 1,000 gallons per month per person per connection.

(b) The following surcharges will apply for customers exceeding allotted usage.

1. Monthly usage of 1,001 - 1,250 gallons/person/connection will result in a 25% surcharge.

2. Monthly usage of 1,251 - 1,500 gallons/person/connection will result in a 75% surcharge.

3. Monthly usage of 1,501 or more gallons/person/connection will result in a 150% surcharge.

(c) 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.

1. A 10 - 24% water use reduction from the previous 12-month average usage will result in a 25% surcharge on the monthly billing.

2. A 0 - 9% usage reduction will result in a 50% surcharge on the monthly bill.

3. An increase of 1 - 25% above the previous 12-month average usage will result in a 100% surcharge added to the next monthly bill.

4. Increased usage beyond 25% of the previous 12-month average will be surcharged at 150% of the monthly bill.

(d) These restrictions shall continue until the emergency is declared 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 § 53.52 Water Use Classification and § 53.53 Interruption of Services)

(Ord. 2010-12, passed 5-3-2010)

§ 53.48 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 town's public works and police department personnel. Suspected violations may be reported to the town office by phone at (252) 792-5142 or by contacting the town's public works department at (252) 792-1024.
(Ord. 2010-12, passed 5-3-2010)

§ 53.49 VIOLATIONS, SURCHARGES AND PENALTIES.

(A) In addition to surcharges mentioned in § 53.47, 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.

(B) 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) Any customer or other person aggrieved by a decision or action imposing a civil penalty or other remedy for non-compliance 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.
(Ord. 2010-12, passed 5-3-2010)

§ 53.50 VARIANCE REQUESTS.

(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) *Non-Residential.* If the mandated reductions in water usage cannot be obtained without imposing extraordinary hardship which threatens health and safety, the non-residential 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. (Ord. 2010-12, passed 5-3-2010)

§ 53.51 PLAN EFFECTIVENESS AND REVISION.

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. (Ord. 2010-12, passed 5-3-2010)

§ 53.52 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) *Health care facilities.* Patient care and rehabilitation, including swimming pools used for patient care and rehabilitation.

(3) *Public use.*

(a) Fire hydrants;

- 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: 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:

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: non-essential uses of water.*

(1) Ornamental purposes: fountains, reflecting pools, and artificial waterfalls.

(2) Outdoor non-commercial 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) Non-commercial washing of motor vehicles;

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

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

(3) Public use. Fire hydrants: any purpose, including use of sprinkler caps and testing fire apparatus and for fire department drills, except as listed in Class 1.
(Ord. 2010-12, passed 5-3-2010)

§ 53.53 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 health care 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, 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 non-compliance 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.

(Ord. 2010-12, passed 5-3-2010)

§ 53.54 CONSERVATION MEASURES.

Direct users to adopt the following conservation measures.

(A) Indoor residential use.

(1) Conservation for voluntary and mandatory conservation phases.

(a) Use dishwasher only when they are full. Washing dishes by hand (don't let the tap run!) 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. 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 the resulting 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. See list of devices in Appendix E.

(j) Learn to read your water meter so you can judge how much water you use and what difference conservation makes.

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

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

(m) Don't 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, when the dampness encourages growth of fungus.

2. Water only when lawn shows 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 your lawn. 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 waste water through evaporation.
12. Know how to turn off an automatic sprinkler system in case of rain.
13. Use an alarm clock or stove timer to remind you to shut off sprinklers that don't 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 you want it 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 your plants. By dripping water slowly, the system doesn't 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.

(4) Most outdoor watering is prohibited under emergency conservation conditions.

(C) *Hospital and health care 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 re-use 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.
(Ord. 2010-12, passed 5-3-2010)

TITLE VII: TRAFFIC CODE

Chapter

70. MOTOR VEHICLES AND TRAFFIC

71. TRAFFIC CONTROL DEVICES

72. BICYCLES

73. RAILROADS

CHAPTER 70: MOTOR VEHICLES AND TRAFFIC

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Statutory reference:

As to authority of town to regulate on-street and off-street parking, see G.S. § 160A-301

As to authority of town to regulate removal of abandoned, nuisance and junked vehicles on public and private property within the town's jurisdiction, see G.S. §§ 160A-193, 160A-303 and 160A-303.2

As to limitations on the tax, see G.S. § 20-97

For state law as to authority of town to impose annual license tax on motor vehicles, see G.S. § 160A-213

For state law as to operation of vehicles and rules of the road, see G.S. §§ 20-138.1 et seq.

For state law as to stopping, standing and parking generally, see G.S. §§ 20-161 to 20-163

GENERAL PROVISIONS

§ 70.001 DEFINITIONS.

Words and phrases used in this chapter shall have the meaning respectively ascribed to them by G.S. Chapter 20.
(1992 Code, § 16-1)

§ 70.002 TRAFFIC AND PARKING REGULATIONS.

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.
(1992 Code, § 16-2)

§ 70.003 MAINTENANCE OF OFFICIAL TRAFFIC ORDINANCE BOOK.

(A) The Clerk of the Town of Williamston 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.
(1992 Code, § 16-3)

§ 70.004 OBEDIENCE TO POLICE.

No person shall refuse to comply with any lawful order or direction of a police officer.
(1992 Code, § 16-4) Penalty, see § 70.999

§ 70.005 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS IN SPECIAL CASES.

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 chapter. 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.
(1992 Code, § 16-5)

§ 70.006 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, the state, County or town, and it shall be unlawful for any driver to violate any of the provisions of this chapter or state law.
(1992 Code, § 16-6) Penalty, see § 70.999

Statutory reference:

*For state law as to applicability of traffic regulations to drivers of governmental vehicles,
see G.S. § 20-168*

§ 70.007 EXEMPTIONS FOR AUTHORIZED EMERGENCY VEHICLES.

The provisions of this chapter regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles, as defined in G.S. § 20-145, except as follows:

(A) Unless otherwise directed by a police officer, a driver, when operating the vehicle in any emergency, may:

- (1) Park or stand, notwithstanding the provisions of this chapter;
- (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 foregoing exemptions shall not, however, protect the driver of any vehicle from the consequence of his or her reckless disregard for the safety of others.

(1992 Code, § 16-7)

Statutory reference:

For state law as to exemption of emergency vehicles from right-of-way rules, see G.S. § 20-156

§ 70.008 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.

(1992 Code, § 16-8) Penalty, see § 70.999

§ 70.009 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.

(1992 Code, § 16-9) Penalty, see § 70.999

§ 70.010 ENTERING, JUMPING ON OR RIDING VEHICLES WITHOUT PERMISSION.

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

(1992 Code, § 16-10) Penalty, see § 70.999

§ 70.011 DUTY TO STAY INSIDE MOVING VEHICLES; HANGING ONTO VEHICLES.

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.

(1992 Code, § 16-11) Penalty, see § 70.999

§ 70.012 LIMITATION ON NUMBER OF PERSONS IN FRONT SEAT.

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

(1992 Code, § 16-12) Penalty, see § 70.999

Statutory reference:

For state law as to overloaded or overcrowded vehicles, see G.S. § 20-140.2

§ 70.013 PERSONS PROPELLING PUSH CARTS, RIDING ANIMALS OR BICYCLES TO OBEY REGULATIONS.

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 chapter which are applicable to any driver of any vehicle, except for those provisions of this chapter which, by their very nature, can have no application.

(1992 Code, § 16-13)

OPERATION OF VEHICLES

§ 70.030 STOP BEFORE ENTERING THROUGH STREET.

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.

(1992 Code, § 16-21) Penalty, see § 70.999

Statutory reference:

*For state law as to authority of town to erect stop signs and require obedience thereto,
see G.S. § 20-158*

§ 70.031 STOP BEFORE ENTERING STOP INTERSECTION.

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.

(1992 Code, § 16-22) Penalty, see § 70.999

§ 70.032 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.

(1992 Code, § 16-23) Penalty, see § 70.999

§ 70.033 ONE-WAY STREET.

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

(1992 Code, § 16-24)

§ 70.034 DRIVING THROUGH FUNERAL PROCESSIONS.

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

(1992 Code, § 16-25) Penalty, see § 70.999

§ 70.035 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 certain intersections which may be expressly designated by the town.
(1992 Code, § 16-26)

§ 70.036 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.
(1992 Code, § 16-27) Penalty, see § 70.999

§ 70.037 LIMITATIONS ON BACKING.

The driver of a vehicle shall not back it 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.
(1992 Code, § 16-28) Penalty, see § 70.999

§ 70.038 EMERGING FROM ALLEY OR PRIVATE DRIVEWAY.

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. Upon entering the roadway, he or she shall yield the right-of-way to all vehicles approaching on the roadway.
(1992 Code, § 16-29) Penalty, see § 70.999

Statutory reference:

For similar state law, see G.S. § 20-156

§ 70.039 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS; EXCEPTION.

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.
(1992 Code, § 16-30) Penalty, see § 70.999

§ 70.040 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.

(1992 Code, § 16-31) Penalty, see § 70.999

§ 70.041 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.

(1992 Code, § 16-32) Penalty, see § 70.999

§ 70.042 CLINGING TO 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.

(1992 Code, § 16-33) Penalty, see § 70.999

§ 70.043 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.

(1992 Code, § 16-34) Penalty, see § 70.999

§ 70.044 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, public vehicular area, including but not limited to the Town Hall premises and parking area, located in any commercial district as identified by the Williamston Zoning Map or on any major thoroughfare as identified by the Thoroughfare Plan for Williamston, dated 1995.

(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, ride or use 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 city-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 insure the public safety.
(Ord. 2010-21, passed 10-4-2010) Penalty, see § 70.999

§ 70.045 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 that angle until they have cleared the other cars and shall then proceed in the direction they are most nearly headed in.
(1992 Code, § 16-37) Penalty, see § 70.999

§ 70.046 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.
(1992 Code, § 16-38) Penalty, see § 70.999

Statutory reference:

For similar state law, see G.S. § 20-157

§ 70.047 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.
(1992 Code, § 16-39) Penalty, see § 70.999

§ 70.048 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.
(1992 Code, § 16-40) Penalty, see § 70.999

§ 70.049 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”.
(1992 Code, § 16-41) Penalty, see § 70.999

§ 70.050 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.
(1992 Code, § 16-42) Penalty, see § 70.999

§ 70.051 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 same is a street which constitutes a part of the North Carolina Highway System and is maintained by the North Carolina Highway Commission.
(1992 Code, § 16-43) Penalty, see § 70.999

§ 70.052 LOCAL DELIVERIES.

The trucks described and prohibited by § 70.051 shall be permitted to make use of the street in the town for local delivery.

(1992 Code, § 16-44)

§ 70.053 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 § 70.003.

(1992 Code, § 16-45) Penalty, see § 70.999

§ 70.054 GOLF CARTS.

(A) *Purpose.* The purpose of this section shall be to establish a golf cart ordinance 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.

(1) ***DRIVER'S LICENSE.*** A valid license issued to operate a motor vehicle issued by North Carolina or any other state.

(2) ***FINANCIAL RESPONSIBILITY.*** Liability insurance coverage on a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highway in the State of North Carolina.

(3) ***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 m.p.h.

(4) ***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 rear vision mirror and a rear triangle reflector of the same type required by North Carolina law.

(3) Cart drivers must have a valid driver 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 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 of North Carolina and the Town of Williamston 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 miles per hour or less within the municipal limits of the town or on any property owned or leased by the town.

(D) *Inspection and fees.* 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.

(1) Permits issued to operators/owners of golf carts by the Williamston Police Department.

(2) Each owner must have proof of ownership, and liability insurance, and a completed waiver of liability, releasing the town, 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.

(3) All carts must meet the requirements or minimum standards of safety equipment as set forth in division (C) of this section.

(4) All cart operators must present a valid driver's license.

(5) Permits will be issued annually, and are valid from July 1st of each year. The following fees shall apply:

(a) Inspection by Police Department (includes permit): \$10.00 annually;

(b) Re-inspection by Police Department: \$5.00
(If a cart fails the initial inspection)

(6) 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 re-issued 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.

(7) Any person who operates a cart in the town and fails to receive and properly display a Town of Williamston permit will be subject to all applicable state laws, in addition to being in violation of this section.

(8) Cart owners must complete the attached registration form, waiver 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) *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.

(Ord. 2010-2010-15, passed 7-12-2010) Penalty, see § 70.999

STOPPING, STANDING AND PARKING

§ 70.070 VEHICLES NOT 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 countermarching 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.

(1992 Code, § 16-46) Penalty, see § 70.999

§ 70.071 PARKING IN DESIGNATED PLACES; PROHIBITED AT ALL TIMES.

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.

(1992 Code, § 16-47) Penalty, see § 70.999

§ 70.072 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:

(A) On a sidewalk;

(B) Within an intersection;

(C) On a crosswalk;

(D) Within 30 feet of any flashing beacon, stop sign or traffic control signal located at the side of a street or roadway;

(E) 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;

(F) 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, that 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;

(G) Alongside or opposite any street excavation or obstruction, if the stopping, standing or parking would obstruct traffic;

(H) Upon any bridge or other elevated structure or within any underpass structure;

(I) Within 15 feet in either direction of the entrance to a hotel, theater, hospital, sanatorium or any public building;

(J) On the roadway side of any vehicle stopping, standing or parking at the edge or curb of a street;

(K) Within ten feet of any fire plug or hydrant;

(L) Upon a street or elsewhere in front of a fire station;

(M) In any public alley, or in a position as to block either the entrance or the exit of any public alley;

(N) Upon a street in front of any private driveway;

(O) In any portion of a street which shall be marked and designated as a loading zone; and

(P) In front of a theater.

(1992 Code, § 16-48) Penalty, see § 70.999

§ 70.073 ON CERTAIN STREETS AT CERTAIN 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.

(1992 Code, § 16-49) Penalty, see § 70.999

§ 70.074 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 of Williamston between the hours of 8:00 p.m. and 6:00 a.m. Eastern Standard time or Daylight Savings 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 of Williamston.

(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 above hours.

(C) The term **PUBLIC PARKING LOT**, as used in this chapter, shall mean any parking lot owned or leased and maintained by the Town of Williamston 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.

(1992 Code, § 16-50) (Ord. passed 11-19-1992) Penalty, see § 70.999

§ 70.075 METHOD OF PARKING; PARALLEL GENERALLY.

All vehicles shall park parallel to the curb and not more than 12 inches therefrom.

(1992 Code, § 16-52)

§ 70.076 VEHICLE BACKED TO CURB.

In no case shall a vehicle remain backed up to the curb, except when actually loading or unloading.
(1992 Code, § 16-53)

§ 70.077 LEFT SIDE TO CURB.

No vehicle shall stop with its left side to the curb in the business district; except that on one-way streets, vehicles shall stop headed in the direction of traffic.
(1992 Code, § 16-54) Penalty, see § 70.999

§ 70.078 DOUBLE DIAGONAL PARKING.

Double diagonal parking, at an angle of approximately 45 degrees, shall be allowed.
(1992 Code, § 16-55)

§ 70.079 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.
(1992 Code, § 16-56)

§ 70.080 PROHIBITED FOR CERTAIN PURPOSES.

No person shall stand or park a vehicle upon any street for the purpose of:

- (A) Displaying it for sale;
- (B) Washing, greasing or repairing the vehicle, except repairs necessitated by an emergency;
- (C) Storage thereof by garages, dealers or other persons; and

(D) 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.
(1992 Code, § 16-57) Penalty, see § 70.999

§ 70.081 PROHIBITED FOR PRIMARY PURPOSES OF ADVERTISING.

No person shall stand or park any vehicle on any street for the primary purpose of advertising.
(1992 Code, § 16-58) Penalty, see § 70.999

§ 70.082 MOVING VEHICLES OWNED BY OTHER OPERATORS 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.

(1992 Code, § 16-59) Penalty, see § 70.999

§ 70.083 HANDICAPPED PARKING SPACES.

(A) It shall be unlawful:

(1) 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

(2) For any person not qualifying for the rights and privileges extended to handicapped persons under G.S. § 20-7.5 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.

(B) 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.

(Ord. 2010-14, passed 5-24-2010) Penalty, see § 70.999

MOTOR VEHICLE TAX

§ 70.095 ANNUAL MOTOR VEHICLE TAX.

(A) Each motor vehicle licenced by the state which is resident within the Town of Williamston on January 1 of each year shall be subject to an annual Motor Vehicle Tax of \$5.

(B) 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 chapter.

(1992 Code, § 16-60)

§ 70.096 ADMINISTRATION OF MOTOR VEHICLE TAX.

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.
(1992 Code, § 16-61)

ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES**§ 70.115 OBJECTIVES.**

This subchapter 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.
(1992 Code, § 16-64)

§ 70.116 ADMINISTRATION.

The Police Department and the Zoning Administrator shall be responsible for the administration and enforcement of this subchapter. 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 subchapter and applicable state laws. Nothing in this subchapter 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.
(1992 Code, § 16-65)

§ 70.117 DEFINITIONS.

For the purpose of this subchapter, 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
- (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 subchapter.

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 which cannot be operated from the inside such as trunks and hoods;
 - (6) One as situated or located that there is a danger of it falling or turning over;
 - (7) One which is a point of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind;
 - (8) One which has sharp parts 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.
- (1992 Code, § 16-66)

§ 70.118 ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

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

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

(1992 Code, § 16-67) Penalty, see § 70.999

§ 70.119 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

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

(B) Upon investigation, 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.

(1992 Code, § 16-68) Penalty, see § 70.999

§ 70.120 JUNKED MOTOR VEHICLE REGULATED; REMOVAL AUTHORIZED.

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

(B) It shall be unlawful to have more than one junked motor vehicle as defined herein on the 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, person entitled to the possession of a junked motor vehicle or for the owner, lessee or occupant of the real property upon which a junked motor vehicle is located, to fail to comply with the locational requirements or the concealment requirements of this section.

(D) Subject to the provisions of division (A) above, upon investigation, the Zoning Administrator may order the removal of a junked motor vehicle as defined in this chapter 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 vehicle:

(1) *Concealing junked motor vehicle.*

(a) One junked motor vehicle, in its entirety, can be located in the rear yard as defined by the town's 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; and

(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 § 70.115.

(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.

(1992 Code, § 16-69) Penalty, see § 70.999

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

(A) Except as set forth in § 70.122, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice(e) shall retain a written record to show the name(s) and address(es) to which mailed, and the date mailed. 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.

(B) With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the

case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, the appeal shall be made to the Board of Commissioners in writing, heard at the next regularly scheduled meeting of the Board of Commissioners and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(1992 Code, § 16-70)

§ 70.122 EXCEPTIONS TO PRIOR NOTICE REQUIREMENT.

(A) 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.

(B) The findings shall, in all cases, be entered by the authorizing official in the appropriate daily records.

(C) Circumstances justifying the removal of vehicles without prior notice include:

(1) *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:

- (a) Obstructing traffic;
- (b) Parked in violation of an ordinance prohibiting or restricting parking;
- (c) Parked in a no-stopping or standing zone;
- (d) Parked in loading zones;
- (e) Parked in bus zones; or
- (f) Parked in violation of temporary parking restrictions imposed under code sections.

(2) *Other abandoned or nuisance vehicles.* With respect to abandoned or nuisance vehicles left on 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.

(1992 Code, § 16-71)

§ 70.123 REMOVAL OF VEHICLES; POST TOWING NOTICE REQUIREMENTS.

(A) Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the town, be removed to a storage garage or area by the 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 North Carolina, 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 (5) above. (1992 Code, § 16-72)

§ 70.124 RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLES.

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the 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.

(1992 Code, § 16-73)

§ 70.125 REDEMPTION OF VEHICLE DURING PROCEEDINGS.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of 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 chapter.

(1992 Code, § 16-74) Penalty, see § 70.999

§ 70.126 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 I.

(1992 Code, § 16-75)

§ 70.127 CONDITIONS ON REMOVAL OF VEHICLES FROM PRIVATE PROPERTY.

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. 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. 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.

(1992 Code, § 16-76)

§ 70.128 PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.

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

(1992 Code, § 16-77) Penalty, see § 70.999

§ 70.129 EXCEPTIONS.

Nothing in this chapter 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.

(1992 Code, § 16-78)

§ 70.130 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the town, any vehicle which has been impounded pursuant to the provisions of this code unless and until all towing and impoundment fees, which are due or fond in lieu of the fees, have been paid.

(1992 Code, § 16-79) Penalty, see § 70.999

§ 70.999 PENALTY.

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

(B) A violation of §§ 70.071 through 70.074 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 §§ 70.071 through 70.074 to the Williamston 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.

(C) Any motor vehicle parked in violation of §§ 70.071 through 70.074 may be removed and disposed of in accordance with G.S. § 160A-303 and the applicable provisions of the Code of the Town of Williamston.

(D) A violation of § 70.054 shall be an infraction, and subject to a penalty not to exceed \$50. Each day that any of the provisions of § 70.054 is violated shall constitute a separate offense.

(E) A violation of § 70.083 shall be an infraction punishable as provided for in G.S. § 20-37.6. (1992 Code, § 16-51) (Ord. passed 11-19-1992; Am. Ord. 2010-14, passed 5-24-2010; Am. Ord. 2010-15, passed 7-12-2010)

CHAPTER 71: TRAFFIC CONTROL DEVICES

Section

- 71.01 Obedience to official traffic control devices
- 71.02 Traffic control signal legend
- 71.03 Flashing signals
- 71.04 No turn signs and turning markers
- 71.05 No parking zone and safety zone markers
- 71.06 Play zones
- 71.07 School zone

§ 71.01 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES.

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, subject to the exceptions granted the driver of an authorized emergency vehicle in § 71.02.

(1992 Code, § 16-14)

§ 71.02 TRAFFIC CONTROL 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 than 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, then 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”.

(1992 Code, § 16-15) Penalty, see § 10.99

§ 71.03 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 non-interference 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. (1992 Code, § 16-16)

§ 71.04 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.

(1992 Code, § 16-17)

§ 71.05 NO PARKING ZONE 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.
(1992 Code, § 16-18)

§ 71.06 PLAY ZONES.

“Children at Play” signs shall be installed at appropriate places, as may be determined by the Board of Commissioners from time to time.
(1992 Code, § 16-19)

§ 71.07 SCHOOL ZONE.

Whenever authorized signs are placed which designate any street, or part thereof as a school zone, drivers of motor vehicles and operators of street cars using the street, or part thereof, shall exercise the greatest care for the protection of children.
(1992 Code, § 16-20)

CHAPTER 72: BICYCLES

Section

- 72.01 Responsibility of operator
- 72.02 Lights required on bicycles

§ 72.01 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.

(1992 Code, § 16-80)

§ 72.02 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.

(1992 Code, § 16-81)

Statutory reference:

For similar state law, see G.S. § 20-129(e)

CHAPTER 73: RAILROADS

Section

73.01 Regulating the use of rail trail

§ 73.01 REGULATING THE USE OF 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.

(Ord. passed 5-17-2004) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS AND FOWL

91. FIRE PROTECTION

92. STREETS AND SIDEWALKS

93. NUISANCES

94. CEMETERIES

95. PUBLIC ASSEMBLIES

CHAPTER 90: ANIMALS AND FOWL

Section

General Provisions

- 90.01 Keeping animals prohibited
- 90.02 Animals running-at-large
- 90.03 Bird sanctuary
- 90.04 Keeping bees prohibited
- 90.05 Regulation of number and size of animals
- 90.06 Animal waste

Dogs

- 90.20 Dangerous dogs
- 90.21 Barking dogs
- 90.22 Dogs running-at-large
- 90.23 Vaccination and tags/collars required
- 90.24 Abatement
- 90.25 Impoundment and destruction of dog
- 90.26 Nuisance dogs
- 90.27 Rabies; confinement
- 90.28 Consent to application of Martin County Dangerous Dog Ordinance

Cats

- 90.40 Prolonged howling, whining prohibited

- 90.99 Penalty

Statutory reference:

As to creation of bird sanctuary, see G.S. § 160A-188

For state law as to authority of town to regulate keeping running-at-large and the like, of domestic animals, see G.S. § 160A-186

GENERAL PROVISIONS**§ 90.01 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, turkeys, geese or any other fowl within the corporate limits of the Town of Williamston. 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.

(1992 Code, § 4-1) Penalty, see § 90.99

§ 90.02 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, that 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 through 90.25.

(1992 Code, § 4-2) Penalty, see § 90.99

§ 90.03 BIRD SANCTUARY.

Pursuant to G.S. § 160A-188, the entire area within the corporate limits of the Town of Williamston is declared a bird sanctuary. It shall be unlawful for any person to hunt, kill, trap or otherwise take any birds within the town limits:

(A) Except for those birds classified as pests under G.S. Chapter 113, Article 22A, the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971; or

(B) Except pursuant to a permit issued by the North Carolina 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.

(1992 Code, § 4-3) Penalty, see § 90.99

§ 90.04 KEEPING BEES PROHIBITED.

It shall be unlawful for any person, firm or corporation in the Town of Williamston to keep or maintain in the town any apiary or other such container for the purpose of the raising of honey bees.

(1992 Code, § 4-4) Penalty, see § 90.99

§ 90.05 REGULATION OF 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 of Williamston which must otherwise be in compliance with the Zoning Ordinance and other applicable laws and regulations.

(Ord. -, passed 10-6-2008) Penalty, see § 90.99

§ 90.06 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 (i.e. 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.

(Ord. -, passed 10-6-2008) Penalty, see § 90.99

DOGS

§ 90.20 DANGEROUS DOGS.

It shall be unlawful for any owner or keeper of a dangerous dog to keep or maintain said dog in violation of this chapter. A **DANGEROUS DOG** is defined as follows:

(A) 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;

(B) Any dog which, without provocation, has attacked or bitten a human being or domestic animal;

(C) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any trained for dog fighting;

(D) Any dog which, with 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

(E) 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, or pit bull terrier, or a combination of those breeds.(Ord. -, passed 10-6-2008) Penalty, see § 90.99

§ 90.21 BARKING DOGS.

It shall be unlawful to keep or maintain in the Town of Williamston, 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.
(1992 Code, § 4-6) Penalty, see § 90.99

§ 90.22 DOGS RUNNING-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 that dangerous dogs as defined above 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;

(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 that dangerous dogs as defined above 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.(Ord. -, passed 10-6-2008) Penalty, see § 90.99

§ 90.23 VACCINATION AND TAGS/COLLARS REQUIRED.

All dogs in the Town of Williamston 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.(Ord. -, passed 10-6-2008) Penalty, see § 90.99

§ 90.24 ABATEMENT.

Any animal kept or maintained in violation of the provisions of this chapter is declared to be a public nuisance which may be abated by injunction, restraining order or other lawful means including summary abatement.(Ord. -, passed 10-6-2008)

§ 90.25 IMPOUNDMENT AND DESTRUCTION OF DOG.

(A) Any dog kept or maintained in violation of this chapter or any stray dog as defined 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, then reasonable notice of the impoundment shall be given to the owner or keeper before the dog is destroyed.(Ord. -, passed 10-6-2008)

§ 90.26 NUISANCE DOGS.

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 chapter.
(Ord. -, passed 10-6-2008) Penalty, see § 90.99

§ 90.27 RABIES; CONFINEMENT.

In all cases where a dog has bitten a human, the dog shall be confined for the appropriate rabies incubation period. If it is determined by standard practices that the animal should be tested for rabies, then the animal shall be destroyed for that purpose. Cost of confinement, maintenance and testing shall be the responsibility of the owner or keeper.
(Ord. -, passed 10-6-2008)

§ 90.28 CONSENT TO APPLICATION OF MARTIN COUNTY DANGEROUS DOG ORDINANCE.

The Town of Williamston hereby consents to the application and enforcement of the Martin County Dangerous Dog Ordinance within the incorporated area of the town.
(Res. -, passed 8-4-2008)

CATS**§ 90.40 PROLONGED HOWLING, WHINING PROHIBITED.**

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.
(Ord. -, passed 10-6-2008) Penalty, see § 90.99

§ 90.99 PENALTY.

A violation of this chapter shall be a Class 3 misdemeanor punishable by a fine not exceeding \$50 and imprisonment not to exceed 30 days. In addition, enforcement may include all other remedies included in the Code of the Town of Williamston. Each day's continuing act or conduct prohibited hereby and each day's failure to comply shall constitute a separate and distinct offense.(Ord. -, passed 10-6-2008)

CHAPTER 91: FIRE PROTECTION

Section

General Provisions

- 91.01 Fire Prevention Code; adopted
- 91.02 Applied to extraterritorial jurisdiction
- 91.03 Use of fireworks prohibited
- 91.04 Inspection of self-service gasoline pump

Fire Department

- 91.20 Chief; appointment; supervision
- 91.21 Duties

Statutory reference:

As to authority of town as to fire protection generally, see G.S. §§ 160A-291 to 160A-293

As to authority of town to send firefighters and apparatus beyond territorial limits, see G.S. § 58-83-1

As to fire protection outside town limits generally, see G.S. § 160A-293

For state law as to fire protection generally, see G.S. §§ 69-1 et seq.

GENERAL PROVISIONS

§ 91.01 FIRE PREVENTION CODE; ADOPTED.

The Board of Commissioners of the town hereby adopts the Fire Prevention Code, abbreviated edition.

(1992 Code, § 12-1)

Statutory reference:

For state law as to authority of town to adopt technical codes by reference, see G.S. § 160A-76

§ 91.02 APPLIED TO EXTRATERRITORIAL JURISDICTION.

The Fire Prevention Code is hereby made to apply to the extraterritorial jurisdiction of the town.
(1992 Code, § 12-2)

§ 91.03 USE OF FIREWORKS PROHIBITED.

It shall be unlawful, for any person to shoot firecrackers, torpedoes or any explosive generally known as fireworks in the town.

(1992 Code, § 12-3) Penalty, see § 10.99

§ 91.04 INSPECTION OF SELF-SERVICE GASOLINE PUMP.

Before any self-service gasoline pumps or automatic gasoline dispensing systems be put into operation, the 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 the fire prevention officer has approved same in writing.

(1992 Code, § 12-4)

FIRE DEPARTMENT**§ 91.20 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.

(1992 Code, § 12-5)

§ 91.21 DUTIES.

It shall be the duty of the Chief of the Fire Department to:

(A) Preserve and care for fire apparatus;

(B) Have charge of fighting and extinguishing fires and training the Fire Department;

(C) Seek out and have corrected all places and conditions dangerous to the safety of the town and its residents;

(D) Make annual reports concerning his or her activities to the Board of Commissioners; and

(E) Perform the other duties 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.

(1992 Code, § 12-6)

CHAPTER 92: STREETS AND SIDEWALKS

Section

General Provisions

- 92.01 Duty of lot occupant as to cleanliness of sidewalk and gutters
- 92.02 Sweeping trash on streets prohibited
- 92.03 Throwing glass and the like
- 92.04 Erection of posts and the like
- 92.05 Signs; erection prohibited without Commissioners permission
- 92.06 Regulations
- 92.07 Porches or balconies
- 92.08 Awnings
- 92.09 Fences and hedges
- 92.10 Skating prohibited

Obstruction

- 92.25 Bricks, boxes, building materials and the like
- 92.26 Public alley
- 92.27 Ditches
- 92.28 Display or sale of merchandise on sidewalk; permit
- 92.29 Application
- 92.30 Issuance

Changes or Alterations

- 92.45 Approval of town required
- 92.46 Barricades
- 92.47 Restoration of street
- 92.48 Permanent closing of streets by town

Statutory reference:

As to damage to public property, see G.S. § 14-127

For procedure for town closing of streets, see G.S. § 160A-299

For state law as to general authority and control over streets, sidewalks and the like, see G.S. § 160A-296

GENERAL PROVISIONS**§ 92.01 DUTY OF LOT OCCUPANT AS TO CLEANLINESS OF SIDEWALK AND GUTTERS.**

(A) 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.

(B) 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. (1992 Code, § 26-1)

§ 92.02 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 same shall be swept from the back door and immediately placed in some box, barrel or other receptacle kept for the purpose as that the same can be removed therefrom.

(1992 Code, § 26-2) Penalty, see § 10.99

§ 92.03 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.

(1992 Code, § 26-3) Penalty, see § 10.99

§ 92.04 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.

(1992 Code, § 26-4) Penalty, see § 10.99

§ 92.05 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.

(1992 Code, § 26-5) Penalty, see § 10.99

§ 92.06 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.

(1992 Code, § 26-6) Penalty, see § 10.99

§ 92.07 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.

(1992 Code, § 26-7) Penalty, see § 10.99

§ 92.08 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.

(1992 Code, § 26-8) Penalty, see § 10.99

§ 92.09 FENCES AND HEDGES.

(A) 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.

(B) In the event that there is no improved sidewalk, then it shall be considered that the word **SIDEWALK** contained in this section 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**, used herein, shall designate the curb or gutter which tends to lie perpendicular to the fence.

(1992 Code, § 26-9) Penalty, see § 10.99

§ 92.10 SKATING PROHIBITED.

No person shall skate with roller skates upon the streets and sidewalks.

(1992 Code, § 26-10) Penalty, see § 10.99

OBSTRUCTION**§ 92.25 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.

(1992 Code, § 26-11) Penalty, see § 10.99

§ 92.26 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.

(1992 Code, § 26-12) Penalty, see § 10.99

§ 92.27 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, title to which is held by the town.

(1992 Code, § 26-13) Penalty, see § 10.99

§ 92.28 DISPLAY OR SALE OF MERCHANDISE ON SIDEWALK; PERMIT.

(A) 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.

(B) 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.

(C) For the purpose of this section and §§ 92.29 and 92.30, 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.

(1992 Code, § 26-14) Penalty, see § 10.99

§ 92.29 APPLICATION.

An application for the permit required by § 92.28 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.
(1992 Code, § 26-15)

§ 92.30 ISSUANCE.

It shall be found as a requisite for issuance of the permit required by § 92.28, that:

(A) The activity will not require excessive diversion of police from other necessary duties;

(B) The activity will not interfere with the right of property owners in the area to enjoy peaceful occupancy and use of their property;

(C) 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

(D) The activity will not violate any other ordinance of the town or law of the state.
(1992 Code, § 26-16)

CHANGES OR ALTERATIONS**§ 92.45 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.
(1992 Code, § 26-17) Penalty, see § 10.99

§ 92.46 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 § 92.45, 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. (1992 Code, § 26-18)

§ 92.47 RESTORATION OF STREET.

The person changing, altering or varying any public street pursuant to the provisions of § 92.45 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, that the work may be done by the town at the expense of the person. (1992 Code, § 26-19)

§ 92.48 PERMANENT CLOSING OF STREETS BY TOWN.

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 § 70.003. (1992 Code, § 26-20)

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

- 93.20 Prohibition; generally
- 93.21 Enumerated

Motor Vehicles

- 93.35 Permits for motor vehicles not displaying current license plates and tags
- 93.99 Penalty

Cross-reference:

Weeds and Vegetation, see Chapter 52

Statutory reference:

For state law as to authority of town to regulate, restrict or prohibit loud noises, see G.S. § 160A-184

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:

(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, 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, habitual barking, howling, whining, crying, growling or other noise making;

(C) Any accumulation of rubbish, trash or junk (including vehicles or parts thereof) causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause 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 unmaintained 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 of Williamston which adversely affects the use and enjoyment of neighboring property.

(1992 Code, § 18-1) (Ord. passed 1-6-1996; Ord. passed 5-7-2007)

§ 93.02 COST OF REMOVAL TO BE CHARGED TO OWNER.

The nuisance may be removed in accordance with the procedure set out below. 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. 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.

(1992 Code, § 18-2) (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. If the owner, occupant or person in possession of the premises cannot be ascertained with due diligence, then 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. 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 that if the conditions constituting the nuisance are such that the danger is imminent and likely to occur before notice can be given, then 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. 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. 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. 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.

(1992 Code, § 18-3) (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 provision of this subchapter, so far as they are the same as those of ordinances adopted prior to the adoption of this subchapter and included herein, shall be considered as continuations thereof and not as new enactments, and this subchapter 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 subchapter.

(D) Should any part of this subchapter be declared by a court to be unconstitutional or invalid, the declaration shall not affect the validity of this subchapter as a whole or any other part thereof. (1992 Code, § 18-4) (Ord. passed 1-6-1996; Ord. passed 5-7-2007)

NOISES**§ 93.20 PROHIBITION; GENERALLY.**

The production or emission of loud noises or amplified speech, music or other sounds that end to annoy, disturb or frighten the citizens of the town are prohibited. (1992 Code, § 17-1) Penalty, see § 93.99

§ 93.21 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) *Blowing horns.* 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) *Radios, phonographs and the like.* 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) *Use of vehicles.* 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) *Pets and animals.* The keeping of any animal or bird which by causing frequent or long continued noises disturbs the comfort and repose of any citizen;

(E) *Loudspeakers and the like.* The use of any mechanical loudspeakers or amplifiers on trucks, automobiles or other vehicles for advertising or other purposes, except where 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) *Drums and the like.* 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.
(1992 Code, § 17-2) Penalty, see § 93.99

MOTOR VEHICLES**§ 93.35 PERMITS FOR MOTOR VEHICLES NOT DISPLAYING CURRENT LICENSE PLATES AND 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. Permits shall be valid for one calendar year beginning January 1 and ending on December 31. 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 pays 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.

(Ord. passed 1-2-1996)

§ 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.

(B) 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 \$50, the penalty to be recovered by the town in a civil action in the nature of a debt if the offender does not pay the penalty within 30 days after being cited for the violation. Each day that any violation continues after notification of the violation and of the penalty therefore shall constitute a separate offense.

(C) 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.

(Ord. passed 1-2-1996)

CHAPTER 94: CEMETERIES

Section

Supervision

- 94.001 Public Works Department supervision
- 94.002 General duties

Graves

- 94.015 Depth
- 94.016 Setback
- 94.017 Coping, curves and mounds; prohibited

Monuments

- 94.030 One per family lot
- 94.031 Head marker
- 94.032 Marker
- 94.033 Foundations

Removal and Destruction

- 94.050 Removal of unused building materials
- 94.051 Grading, landscaping and improvements
- 94.052 Removal or injury to structures
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Violations

- 94.070 Trespassing
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General Provisions

- 94.090 Purchase of burial rights
- 94.091 No transfer of lots

- 94.092 Interment fees
- 94.093 Special section for infants and cremation urns
- 94.094 Repair or removal of mausoleums, monuments or tombs
- 94.095 Restoration of property by town

94.999 Penalty

Statutory reference:

As to authority of town as to cemeteries, see G.S. §§ 160A-341 et seq.

For state law as to cemeteries generally, see G.S. Chapter 65

SUPERVISION

§ 94.001 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.
(1992 Code, § 7-1)

§ 94.002 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.
(1992 Code, § 7-2)

GRAVES

§ 94.015 DEPTH.

All graves in the cemetery shall be at least four feet in depth.
(1992 Code, § 7-3)

§ 94.016 SETBACK.

No graves in the cemetery shall be dug nearer than 12 inches to any property line.
(1992 Code, § 7-4)

§ 94.017 COPING, CURVES AND MOUNDS; PROHIBITED.

No coping, curb, fencing, grave mound or border of any kind shall be allowed on any burial lot in the cemetery.
(1992 Code, § 7-5)

MONUMENTS

§ 94.030 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.
(1992 Code, § 7-6)

§ 94.031 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.
(1992 Code, § 7-7)

§ 94.032 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.
(1992 Code, § 7-8)

§ 94.033 FOUNDATIONS.

(A) No memorial shall be erected in the cemetery unless there shall first be a foundation to consist of a concrete mixture as follows: One part cement of standard brand, two parts clean sharp sand and three parts rock; size not to exceed one and one-half inches. 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 above conditions, is prohibited unless written approval is obtained from the Director of Public Works.

(1992 Code, § 7-9)

REMOVAL AND DESTRUCTION

§ 94.050 REMOVAL OF UNUSED BUILDING MATERIALS.

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.

(1992 Code, § 7-10)

§ 94.051 GRADING, LANDSCAPING AND IMPROVEMENTS.

All grading, landscaping and improvements of every kind in the cemetery shall be made or done by the town only.

(1992 Code, § 7-11)

§ 94.052 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.

(1992 Code, § 7-12) Penalty, see § 94.999

§ 94.053 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.
(1992 Code, § 7-13) Penalty, see § 94.999

VIOLATIONS

§ 94.070 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.
(1992 Code, § 7-14) Penalty, see § 94.999

§ 94.071 DISTURBING THE PEACE.

No person shall disturb the quiet, repose and good order of the cemetery.
(1992 Code, § 7-15) Penalty, see § 94.999

§ 94.072 VEHICLE SPEED.

It shall be unlawful for any person to drive any vehicle within the cemetery, except upon the cemetery roadways, and then at a speed not in excess of 15 mph.
(1992 Code, § 7-17) Penalty, see § 94.999

§ 94.073 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.
(1992 Code, § 7-18) Penalty, see § 94.999

GENERAL PROVISIONS**§ 94.090 PURCHASE OF BURIAL RIGHTS.**

Upon payment of the appropriate fees, as set out in the regularly adopted fee schedule of the Town of Williamston, evidence of burial rights shall be transferred to the purchaser from the town.
(1992 Code, § 7-19)

§ 94.091 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 that 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.
(1992 Code, § 7-20)

§ 94.092 INTERMENT FEES.

Except as otherwise specified herein, fees for interment shall be as set out in the town's regularly adopted schedule of fees.
(1992 Code, § 7-21)

§ 94.093 SPECIAL SECTION FOR INFANTS AND CREMATION URNS.

Section N-Northwest is designated a special section for infant and cremation urn graves. The following rules apply in that section only:

(A) Plot size shall be two and one-half feet by five feet; and

(B) Grave marker size shall be no more than one foot by one and one-half feet.

(C) Notwithstanding the above, infants and cremation urns may be interred in family plots. The number of infant and cremation urns which may be placed in one grave site shall be as determined from time to time by the Board of Commissioners.
(1992 Code, § 7-22)

§ 94.094 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.

(1992 Code, § 7-23)

§ 94.095 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, 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.

(1992 Code, § 7-24)

§ 94.999 PENALTY.

The fine for violation of the provisions of §§ 94.052 through 94.053 and §§ 94.070 through 94.071 may exceed \$50, up to a maximum of \$500, as allowed by G.S. § 14-4.

(1992 Code, § 7-16)

CHAPTER 95: PUBLIC ASSEMBLIES

Section

- 95.01 Definitions
- 95.02 Public assembly and parade permits
- 95.03 Public assembly and parade regulations

§ 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.
(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 “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.* An application may be denied for any of the following reasons:

(1) The application is not fully completed and executed;

(2) 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;

(3) The application contains a material falsehood or misrepresentation;

(4) The applicant is legally incompetent to contract or to sue and be sued;

(5) The applicant has on prior occasions made material misrepresentations regarding the nature or scope of an event;

(6) 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;

(7) The applicant has on prior occasions damaged town property and has not paid in full for the damage;

(8) 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;

(9) 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;

(10) The proposed event would present an unreasonable danger to the public health or safety;

(11) The proposed event would substantially or unnecessarily interfere with traffic;

(12) The event would likely interfere with the movement of emergency equipment and police protection in areas contiguous or in the vicinity of the event;

(13) There would not, at the time of the event, be sufficient law enforcement and traffic control officers to adequately protect participants and non-participants from traffic related hazards in light of the other demands for police protection at the time of the proposed event;

(14) 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;

(15) The use or activity intended by the applicant is prohibited by law; and/or

(16) 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. Unless subject to division (C)(16) above, 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.

(D) *Costs and fees.* 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:

- (1) The proposed location of the special event or route of the parade;
- (2) The time of day that the public assembly or parade is to take place;
- (3) The date and day of the week proposed;
- (4) 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;
- (5) The number of marked and unmarked intersections along the route requested together with traffic control devices present;
- (6) If traffic must be completely rerouted from the area, then the number of marked and unmarked intersections and the traffic control devices are to be taken into consideration;
- (7) The estimated number of participants;
- (8) The estimated number of viewers;
- (9) The nature, composition, format and configuration of the special event or parade;
- (10) The anticipated weather conditions;

(11) The estimated time for the special event or parade; and

(12) 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. 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. 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. 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.
(Ord. passed 6-20-2005) Penalty, see § 10.99

§ 95.03 PUBLIC 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 (Weapons).

(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.

(Ord. passed 6-20-2005) Penalty, see § 10.99

TITLE XI: BUSINESS REGULATIONS

Chapter

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CHAPTER 110: LICENSES

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Statutory reference:

For state law as to authority of town to impose privilege license tax, see G.S. § 160A-211

GENERAL PROVISIONS

§ 110.001 DEFINITIONS.

For the purpose of this chapter, 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.
(1992 Code, § 15-1)

§ 110.002 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. (1992 Code, § 15-2)

§ 110.003 PRIVILEGE LICENSE ORDINANCE.

(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. (Ord. passed 7-1-1992)

LEVY

§ 110.015 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. (1992 Code, § 15-3)

§ 110.016 WHO MUST PAY TAX.

(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 maintain a business location within the town, or if either personally or through agents, he or she:

(1) Solicits business within the town limit; or

(2) Picks up or delivers goods or delivers services within the town limit.

(1992 Code, § 15-4)

§ 110.017 PERIOD OF LICENSE; DUE DATE.

Unless specified otherwise herein, a license issued pursuant to this chapter 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. (1992 Code, § 15-5)

§ 110.018 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. (1992 Code, § 15-6)

§ 110.019 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. (1992 Code, § 15-7)

§ 110.020 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 under this chapter, 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. (1992 Code, § 15-8)

§ 110.021 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 chapter.

(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 chapter.

(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.
(1992 Code, § 15-9)

LICENSES

§ 110.035 APPLICATION.

Unless first contacted by the Tax Collector, a person shall apply to the Tax Collector for each license required by this chapter no less than 30 days before the date the tax is due. The application, which shall be submitted on forms provided by the Tax Collector, shall contain:

(A) The name of the applicant and whether he, she or it is an individual, a partnership, a corporation or some other entity;

(B) The nature of the business;

(C) Where the business is conducted;

(D) An address to which may be mailed notice and statements required by this chapter;

(E) 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

(F) Any other information the Tax Collector determines to be necessary to compute the amount of tax due.
(1992 Code, § 15-10)

§ 110.036 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:

(A) The applicant misrepresents a fact relevant to the amount of tax due or his or her qualifications for a license; and

(B) The applicant refuses to provide information necessary to compute the amount of tax due.
(1992 Code, § 15-11)

§ 110.037 UNQUALIFIED APPLICANTS; RIGHT TO A CONFERENCE.

(A) If the Tax Collector believes that a reason exists for refusing a license under § 110.036 of this chapter, 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 § 110.046, 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.

(B) 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 § 110.038.

(1992 Code, § 15-12)

§ 110.038 TAX COLLECTOR TO ISSUE LICENSE.

If the Tax Collector believes that no reason exists for refusal of a license under § 110.036, 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.

(1992 Code, § 15-13)

§ 110.039 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.

(1992 Code, § 15-14)

§ 110.040 REVOCATION.

(A) The Tax Collector shall revoke a license if a reason exists to revoke it as set forth in § 110.036. Before the Tax Collector may revoke a license, he or she shall give the licensee written notice of the grounds for revocation, pursuant to § 110.046. 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.

(B) 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.

(C) 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 § 110.038.

(1992 Code, § 15-15)

§ 110.041 FORM AND CONTENTS OF LICENSE.

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. In addition, if a machine is licensed, the license shall show the identity of the machine. The Tax Collector shall keep a copy of each license issued.

(1992 Code, § 15-16)

§ 110.042 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 § 110.043. Otherwise, each license issued under this chapter is a personal privilege and is not assignable.

(1992 Code, § 15-17)

§ 110.043 CHANGES IN BUSINESS CONDUCTED BY LICENSEE.

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. 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.

(A) *Changes affecting the amount of tax due.* If there are no reasons for revoking the license under § 110.036 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.

(B) *Changes not affecting the amount of tax due.* If there are no reasons for revoking the license under § 110.036 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.

(C) *Change requiring refusal of a licensee.* If there is reason for revoking the license under § 110.036, the Tax Collector shall refuse to reissue a license and shall instead begin proceedings to revoke the license pursuant to § 110.040.
(1992 Code, § 15-18)

§ 110.044 TAX COLLECTOR TO FURNISH DUPLICATES.

Upon satisfactory proof that a license has been lost or destroyed, the Tax Collector shall furnish a duplicate for a fee of \$5.
(1992 Code, § 15-19)

§ 110.045 RECORD OF CONFERENCES.

The Tax Collector shall maintain, for three years, a record of each conference held pursuant to this subchapter.
(1992 Code, § 15-20)

§ 110.046 PROVIDING NOTICE TO AN APPLICANT OR LICENSEE.

Whenever this chapter 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, North Carolina Rules of Civil Procedure.
(1992 Code, § 15-21)

ENFORCEMENT AND COLLECTION**§ 110.060 DUTY TO DETERMINE WHETHER TAX DUE.**

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.
(1992 Code, § 15-22)

§ 110.061 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.
(1992 Code, § 15-23)

§ 110.062 DUTY TO KEEP BOOKS.

(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.
(1992 Code, § 15-24)

§ 110.063 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.
(1992 Code, § 15-26)

§ 110.064 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 § 110.046. 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. (1992 Code, § 15-27)

§ 110.065 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:

- (A) The tax due has already been paid;
 - (B) The Tax Collector miscalculated the amount of tax due;
 - (C) The Tax Collector based his or her calculation on incorrect or insufficient information concerning either the nature or the amount of business conducted; and
 - (D) 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.
- (1992 Code, § 15-28)

§ 110.066 DEFICIENCY TO BECOME FINAL.

If the taxpayer fails to requests a conference under § 110.065, the deficiency becomes final and the Tax Collector shall proceed to collect the deficiency. (1992 Code, § 15-29)

§ 110.067 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. (1992 Code, § 15-30)

§ 110.068 COLLECTION OF DEFICIENCY.

- (A) The Tax Collector may use any of the following methods to collect a deficiency:

- (1) Criminal prosecution in accordance with § 110.069(A);

(2) Equitable relief in accordance with § 110.069(B);

(3) The remedies of levy, sale, attachment and garnishment, in accordance with G.S. § 160A-207; and

(4) 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.

(B) 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.

(1992 Code, § 15-31)

§ 110.069 ENFORCEMENT.

(A) *Criminal remedies.* Conducting business within the town without having paid the privilege license tax imposed by this chapter, without a valid license issued pursuant to this chapter or without posting a license pursuant to § 110.063, 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.

(B) *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 this chapter.

(1992 Code, § 15-32)

ELECTRONIC VIDEO GAMES

§ 110.080 PRIVILEGE LICENSE TAX FOR 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 cafes, internet sweepstakes, beach sweepstakes or cybercafes. This does not include any lottery approved by the State of North Carolina.

(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) of this section.

(C) The privilege license tax year for purposes of this section shall be the calendar year, that 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 pro rated basis, due upon the adoption of the ordinance codified herein.

(Ord. 2010-18, passed 7-12-2010)

CHAPTER 111: TAXICABS

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Statutory reference:

As to authority to license and regulate all vehicles operated for hire in town, see G.S. § 160A-304

As to proof of financial responsibility of taxicab driver, see G.S. § 20-280

For state law as to authority of town to license, regulate and control drivers and operators of taxicabs, see G.S. § 20-37

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(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.
(1992 Code, § 27-1)

§ 111.02 FARE; RATE; RATE CARD.

(A) 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.

(B) 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.
(1992 Code, § 27-2)

§ 111.03 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.
(1992 Code, § 27-3)

§ 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.
(1992 Code, § 27-4) Penalty, see § 111.99

§ 111.05 SOLICITATION, ACCEPTANCE AND DISCHARGE OF PASSENGERS.

(A) 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.

(B) 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.
(1992 Code, § 27-5) Penalty, see § 111.99

§ 111.06 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.

(1992 Code, § 27-6) Penalty, see § 111.99

§ 111.07 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.

(1992 Code, § 27-7) Penalty, see § 111.99

§ 111.08 RESTRICTION ON NUMBER OF PASSENGERS.

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. A child in arms shall not be counted as a passenger.

(1992 Code, § 27-8) Penalty, see § 111.99

§ 111.09 REFUSAL TO CARRY ORDERLY PASSENGER PROHIBITED.

(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.

(1992 Code, § 27-9) (Ord. passed 8-4-1997) Penalty, see § 111.99

§ 111.10 COMPLIANCE WITH STATE AND LOCAL RULES AND REGULATIONS.

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.

(1992 Code, § 27-26)

§ 111.11 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 insure the continued maintenance of safe operating conditions and sanitary conditions.

(B) Vehicles must be kept in a clean and sanitary condition.
(1992 Code, § 27-27)

§ 111.12 DESIGNATION OF VEHICLES AS TAXICAB.

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.
(1992 Code, § 27-28)

§ 111.13 LIMITATION ON NUMBER OF TAXIS.

The number of taxi franchises shall be as from time to time determined by the Board of Commissioners.
(Ord. passed 7-6-1992)

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.
(1992 Code, § 27-10) Penalty, see § 111.99

§ 111.26 APPLICATION; CONTENTS.

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 vehicle; or
 - (G) The further information as the Board of Commissioners may require.
- (1992 Code, § 27-11)

§ 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.

(1992 Code, § 27-12)

§ 111.28 ISSUANCE; QUALIFICATION GENERALLY.

(A) 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.

(B) 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.

(1992 Code, § 27-13) (Ord. passed 8-4-1997)

§ 111.29 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.

(1992 Code, § 27-14)

§ 111.30 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. That annual license fee in an amount as from time to time set by the Town Board 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.
(1992 Code, § 27-15) (Ord. passed 8-4-1997)

§ 111.31 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.
(1992 Code, § 27-16)

§ 111.32 SUSPENSION AND REVOCATION.

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:

(A) Violated any of the provisions of this subchapter, including the failure to pay any fee required by this chapter;

(B) Discontinued operations for a period of more than 30 days without the permission of the Board of Commissioners;

(C) 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; and

(D) No revocation or suspension shall occur until reasonable notice and an opportunity for hearing has been given to the holder.

(1992 Code, § 27-17) (Ord. passed 8-4-1997)

DRIVER'S LICENSES**§ 111.50 REQUIRED.**

No person shall operate a taxicab for hire upon the streets of the town, 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.

(1992 Code, § 27-18) Penalty, see § 111.99

§ 111.51 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:

- (A) The names and addresses of five residents of the town for the purpose of character references;
- (B) The experience of the applicant in the transportation of passengers;
- (C) The educational background of the applicant;
- (D) A concise history of the applicant's employment;
- (E) All information regarding state driver's license and chauffeur's license; and
- (F) A reliable statement as the applicant's physical and mental condition. (This may be required to be substantiated by reputable physician's examination, in the discretion of the Chief of Police.)

(1992 Code, § 27-19)

§ 111.52 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.

(1992 Code, § 27-20) (Ord. passed 8-4-1997)

§ 111.53 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.
(1992 Code, § 27-21)

§ 111.54 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.
(1992 Code, § 27-22)

§ 111.55 TERM.

The license shall be in effect from time to 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.
(1992 Code, § 27-23) (Ord. passed 8-4-1997)

§ 111.56 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.
(1992 Code, § 27-24)

§ 111.57 SUSPENSION AND REVOCATION.

(A) 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 chapter for failure to comply with the provisions of this chapter, the ordinances of the Town of Williamston and the laws of the State of North Carolina 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) Upon reasonable notice given and an opportunity for a hearing, the Town Administrator may revoke any driver's license issued under this chapter for failure to comply with the provisions of this

chapter, the ordinances of the Town of Williamston and the laws of North Carolina 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.
(1992 Code, § 27-25) (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 § 111.13 may exceed \$50, up to a maximum of \$500, as allowed by G.S. § 14-4.
(Ord. passed 7-6-1992)

CHAPTER 112: ALCOHOLIC BEVERAGES

Section

112.01 Regulating the consumption and possession of malt beverages and unfortified wine

§ 112.01 REGULATING THE CONSUMPTION AND POSSESSION OF 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 of Williamston or on property owned, occupied or controlled by the Town of Williamston.

(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 of Williamston or on property owned, occupied or controlled by the Town of Williamston.

(C) No person shall possess malt beverages and unfortified wine on the public streets, alleys or parking lots of the Town of Williamston which are temporarily closed to regular traffic for special events. Any person violating this section shall be guilty of a Class C misdemeanor and subject to a fine of up to \$50 for each violation.

(Ord. passed 9-22-1997) Penalty, see § 10.99

CHAPTER 113: PEDDLERS AND SOLICITORS

Section

- 113.01 Permitting of activities
- 113.02 Application for permit
- 113.03 Regulations controlling door-to-door activities

Statutory reference:

For state law as to power of town to regulate solicitation campaigns, itinerant merchants, peddlers and the like, see G.S. § 160A-178

§ 113.01 PERMITTING OF ACTIVITIES.

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.

(1992 Code, § 21-1)

§ 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 of Williamston 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) The applicant must pay an application processing fee as set out in the duly adopted schedule of fees of the Town of Williamston.

(1992 Code, § 21-2)

§ 113.03 REGULATIONS CONTROLLING DOOR-TO-DOOR ACTIVITIES.

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; and

(B) The salesperson or solicitor must display the Town of Williamston permit at a residence prior to entering that residence.
(1992 Code, § 21-3)

CHAPTER 114: AMUSEMENTS

Section

Poolrooms, Bowling Alleys and the Like

- 114.01 Betting prohibited
- 114.02 License required
- 114.03 Application
- 114.04 Bond
- 114.05 Fee
- 114.06 Investigation and approval
- 114.07 Assignment or transfer; changes of premises
- 114.08 Conducting of business on licensed premises other than that for which license issued
- 114.09 Duties of licensee and his or her employees
- 114.10 Revocation; authority
- 114.11 Process

Carnivals, Rides and the Like

- 114.30 Authorization required
- 114.31 Authority of Chief of Police to regulate
- 114.32 Fees

- 114.99 Penalty

POOLROOMS, BOWLING ALLEYS AND THE LIKE

§ 114.01 BETTING PROHIBITED.

No person shall bet upon any game played on any table or in any alley of any kind mentioned in § 114.02.

(1992 Code, § 3-1) Penalty, see § 114.99

§ 114.02 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 therefore being issued by the Board of Commissioners. It is the intent of this section that the tables and alleys, except those in private homes, shall not be operated unless licensed by the Board.

(1992 Code, § 3-2) Penalty, see § 114.99

§ 114.03 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.

(1992 Code, § 3-3)

§ 114.04 BOND.

Each application filed with the Board for the purpose of obtaining a license for any business, as described in § 114.02, 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.

(1992 Code, § 3-4)

§ 114.05 FEE.

Applications shall be accompanied by the license tax required by the License Tax Ordinance.

(1992 Code, § 3-5)

§ 114.06 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.

(1992 Code, § 3-6)

§ 114.07 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.
(1992 Code, § 3-7)

§ 114.08 CONDUCTING OF 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 § 114.02.
(1992 Code, § 3-8)

§ 114.09 DUTIES OF LICENSEE AND HIS OR HER EMPLOYEES.

No licensee nor employee of any license shall permit the licensed premises to become disorderly or to otherwise violate laws of the State of North Carolina.
(1992 Code, § 3-9)

§ 114.10 REVOCATION; AUTHORITY.

The town shall have full authority to revoke a license issued under this chapter 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.
(1992 Code, § 3-10)

§ 114.11 PROCESS.

(A) When the Town Administrator is informed of cause to revoke a license issued pursuant to this chapter, 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.

(B) 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.

(C) 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.

(D) 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.
(1992 Code, § 3-11)

CARNIVALS, RIDES AND THE LIKE

§ 114.30 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.
(1992 Code, § 3-12)

§ 114.31 AUTHORITY OF CHIEF OF POLICE TO REGULATE.

(A) Pursuant to the authority granted to the Chief of Police in § 114.30, the Chief of Police shall supervise the operation of the circus, carnival, itinerant show or exhibition, ride or combination of rides, and 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 to 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.
(1992 Code, § 3-13) Penalty, see § 114.99

§ 114.32 FEES.

No activity listed in § 114.30 shall begin operation before paying to the town a fee of \$150 to defray costs of sanitation, water, fire and police protection.
(1992 Code, § 3-14)

§ 114.99 PENALTY.

The fine for violation of the provisions of this chapter may exceed \$50, up to a maximum of \$500, as allowed by G.S. § 14-4.
(1992 Code, § 3-15)

CHAPTER 115: CLOSING OUT OR DISTRESS SALES

Section

115.01 State mandate

115.02 Definitions

§ 115.01 STATE MANDATE.

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 General Statutes.
(1992 Code, § 15-36)

§ 115.02 DEFINITIONS.

As set out in G.S. § 66-76, these terms shall be defined as follows.

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 it is represented or implied that going out of business is possible or anticipated, in which closing out is referred to in any way, or in which it is implied that business conditions are so difficult that the seller is forced to conduct the sale.
(1992 Code, § 15-37)

TITLE XIII: GENERAL OFFENSES

Chapter

130.OFFENSES AGAINST PUBLIC MORALS

131.MISCELLANEOUS OFFENSES

CHAPTER 130: OFFENSES AGAINST PUBLIC MORALS

Section

130.01 Signs prohibiting carrying firearms on certain municipal property

130.02 Curfew for minors

130.99 Penalty

§ 130.01 SIGNS PROHIBITING CARRYING FIREARMS ON CERTAIN MUNICIPAL PROPERTY.

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

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

(Ord. passed 12-4-1995)

§ 130.02 CURFEW FOR MINORS.

(A) The purpose of this section shall be to establish a curfew for minors in the Town of Williamston.

(B) Unsupervised minors are particularly vulnerable to being induced to participate in drug abuse and other criminal activities during the nighttime.

(C) Minors often lack the ability to make informed, mature decisions when faced with the temptation to engage in criminal activities.

Williamston - General Offenses

(D) 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.

(E) This section will assist parents in the difficult task of child rearing and the Town of Williamston, 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.

(1) *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 and amusement parks, and other common areas open to the public.

(2) *Time limits.* It is unlawful for any minor to be or remain upon any public place as defined in this section within the Town of Williamston, or on any property or right-of-way belonging to the town and located outside the corporate limits of the Town of Williamston between the hours of midnight Friday and 5:00 a.m. on Saturday, between midnight Saturday and 5:00 a.m. on Sunday, or between the hours of 11:00 p.m. and 5:00 a.m. of the following morning on Monday, Tuesday, Wednesday, Thursday or Friday. The times as set out herein shall mean Eastern Standard Time or Daylight Savings Time, whichever is in effect.

(3) *Exceptions.* The restrictions provided by division (B) above shall not apply to a minor who is:

(a) Accompanied by his or her custodian as defined in division (A) above;

(b) 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;

(c) Traveling in connection with his or her employment, religious activity or attendance at a function sponsored by the town or a school;

(d) Temporarily within the town or on town property while engaged in interstate travel;
or

(e) Attempting to obtain assistance in a medical emergency;

(f) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(g) 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;

(h) 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

(i) Married or had been married or had disabilities of minority removed in accordance with state law.

(4) *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 of Williamston or any property or right-of-way belonging to the town and located outside the corporate limits of the Town of Williamston, within the curfew hours set by division (B) above, except as provided in division (C) above.

(5) *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 (B) above, except as provided in division (C) above.

(6) *Enforcement.*

(a) 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 of Williamston Police Department to determine if the minor is a first offender. 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. The report shall include the name of the minor and the custodian, the time, date and location of the offense. This report will be turned in to the Communications Center and entered into the Police Department computer system.

(b) 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.

(c) If the minor is found to be a repeat offender, the minor may be treated as a delinquent juvenile.

(d) If the minor is under 12 years of age, a report will be made and a copy forwarded to the Martin County Department of Social Services.

(7) *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 (B) above.

(8) *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 Martin 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. (Ord. passed 8-7-1995) Penalty, see § 130.99

§ 130.99 PENALTY.

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

(B) *Curfew for minors; punishment.* Any person who violates § 130.02 shall be guilty of a misdemeanor and shall be fined not more than \$50, or imprisoned for not more than 30 days. (Ord. passed 8-7-1995)

CHAPTER 131: MISCELLANEOUS OFFENSES

Section

- 131.01 Disorderly conduct
- 131.02 Firearms; use unlawful; generally
- 131.03 Molotov cocktail; definitions
- 131.04 Manufacture, possession and the like; unlawful
- 131.05 Sling shot, air rifles and the like, prohibited; archery exception
- 131.06 Prohibition of loitering for purpose of engaging in drug related activities

- 131.99 Penalty

§ 131.01 DISORDERLY CONDUCT.

(A) Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:

- (1) Any person who shall 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;
- (2) Any person who shall 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;
- (3) Any person who shall endanger lawful pursuits of another by note of violence or threats of bodily harm;
- (4) Any person who shall 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;
- (5) Any person who shall assemble or congregate with another or others and cause, provoke or engage in any fight or brawl;
- (6) Any persons who shall collect in bodies or in crowds and engage in unlawful activities;
- (7) Any person who shall assemble or congregate with another or others and engage or attempt to engage in gaming;

(8) Any person who shall frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device, or attempt to do so;

(9) Any person who assembles 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;

(10) Any person who utters, in a public place or any place open to the public, any obscene words or epithets;

(11) Any person who frequents any place where gaming or the illegal sale or possession of alcoholic beverages, narcotics or dangerous drugs is practiced, allowed or tolerated;

(12) Any person who shall use “fighting words” directed towards any person who becomes outraged, and thus creates turmoil;

(13) Any person who shall assemble or congregate with another or others and do bodily harm to another;

(14) Any person who shall, by acts of violence, interfere with another’s pursuit of a lawful occupation; and

(15) Any person who shall 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.

(B) Any person convicted of disorderly conduct, as defined in this section, shall be punished as provided in § 10.99.

(1992 Code, § 19-1) Penalty, see 131.99

Statutory reference:

For state law as to disorderly conduct, see G.S. § 14-288.4

§ 131.02 FIREARMS; USE UNLAWFUL; GENERALLY.

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.

(1992 Code, § 19-2) Penalty, see § 131.99

§ 131.03 MOLOTOV COCKTAIL; DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context 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.
(1992 Code, § 19-3)

§ 131.04 MANUFACTURE, POSSESSION AND THE LIKE; UNLAWFUL.

It shall be unlawful for any person or persons to manufacture, possess or transport any Molotov cocktail or other firebomb.
(1992 Code, § 19-4) Penalty, see § 131.99

§ 131.05 SLING SHOT, AIR RIFLES AND THE LIKE, PROHIBITED; ARCHERY EXCEPTION.

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, that archery may be engaged in on the ranges as may be set aside and approved therefore by the Board of Commissioners.
(1992 Code, § 19-5) Penalty, see § 131.99

§ 131.06 PROHIBITION OF LOITERING FOR PURPOSE OF ENGAGING IN DRUG RELATED 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 entranceway 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 of Williamston.

(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 North Carolina 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 North Carolina 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 passerby, or repeatedly attempting to engage passerby 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 passerby 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.
- (1992 Code, § 19-6) Penalty, see § 131.99

§ 131.99 PENALTY.

Violation of any provision of this chapter 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.
(1992 Code, § 19-7) Penalty, see § 10.99

TITLE XV: LAND USAGE

Chapter

150.BUILDINGS

151.FLOOD PROVISIONS

152.SUBDIVISION REGULATIONS

153.ZONING

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CHAPTER 150: BUILDINGS

Section

General Provisions

- 150.01 Permits; required
- 150.02 Application for and issuance of building, plumbing and heating permits; County Building Inspector named
- 150.03 Fees
- 150.04 Fire District

Regulatory Codes

- 150.20 Applicability of subchapter and of regulatory codes
- 150.21 Building Code; adopted
- 150.22 Fire resistance rating; adopted
- 150.23 Uniform Residential Building Code; adopted
- 150.24 Plumbing Code; adopted
- 150.25 Heating and the like Code; adopted
- 150.26 Effect of amendments to adopted codes
- 150.27 Filing of copies with Zoning Administrator
- 150.28 Compliance

Statutory reference:

*As to applicability of North Carolina State Building Code within all municipalities,
see G.S. § 143-138(e)*

*For state law as to power of town to adopt certain technical or regulatory codes by reference,
see G.S. § 160A-76*

GENERAL PROVISIONS**§ 150.01 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.

(1992 Code, § 6-1)

Statutory reference:

For state law as to building permits, see G.S. §§ 160A-417 to 160A-423

§ 150.02 APPLICATION FOR AND ISSUANCE OF BUILDING, PLUMBING AND HEATING PERMITS; COUNTY BUILDING INSPECTOR NAMED.

(A) Applications for building, plumbing and 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.

(1992 Code, § 6-2)

Statutory reference:

For state law as to Building Inspectors and inspections, see G.S. §§ 160A-411 et seq.

§ 150.03 FEES.

The fees to be paid for the appropriate permit required by § 150.01 and inspection fees shall be as determined by Martin County.

(1992 Code, § 6-3)

§ 150.04 FIRE DISTRICT.

The Fire District of the town shall be determined by the Board of Commissioners from time to time.

(1992 Code, § 6-4)

Statutory reference:

For state law requiring establishment of fire limits, see G.S. § 160A-435

REGULATORY CODES

§ 150.20 APPLICABILITY OF SUBCHAPTER AND OF REGULATORY CODES.

The provisions of this subchapter, and of the regulatory codes adopted in this subchapter, 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 of 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.

(1992 Code, § 6-5)

§ 150.21 BUILDING CODE; ADOPTED.

The North Carolina State Building Code, Volume I, "General Construction", as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth in this subchapter as the Building Code of the town 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.

(1992 Code, § 6-6)

§ 150.22 FIRE RESISTANCE RATING; ADOPTED.

The North Carolina State Building Code, Volume I-A, "Fire Resistance Ratings", as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference.

(1992 Code, § 6-7)

§ 150.23 UNIFORM RESIDENTIAL BUILDING CODE; ADOPTED.

The North Carolina Uniform Residential Building Code, as adopted and amended by the North Carolina Building Inspectors Association and as published by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth in this subchapter as the Residential Building Codes for one-and two-family residential buildings of the town.
(1992 Code, § 6-8)

§ 150.24 PLUMBING CODE; ADOPTED.

The North Carolina Plumbing Code (North Carolina State Building Code, Volume II, “Plumbing”), as adopted and published by the North Carolina 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.
(1992 Code, § 6-9)

§ 150.25 HEATING AND THE LIKE CODE; ADOPTED.

The North Carolina Heating, Air Conditioning, Refrigeration and Ventilation Code (North Carolina State Building Code, Volume III, “Heating”), as adopted and published by the North Carolina 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.
(1992 Code, § 6-10)

§ 150.26 EFFECT OF AMENDMENTS TO ADOPTED CODES.

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 § 150.27.
(1992 Code, § 6-11)

§ 150.27 FILING OF COPIES WITH ZONING ADMINISTRATOR.

(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.
(1992 Code, § 6-12)

§ 150.28 COMPLIANCE.

(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 standard, and other provisions of the building codes adopted by §§ 150.21 through 150.23.

(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 § 150.24.

(C) *Heating and the like Code.* 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 § 150.25.
(1992 Code, § 6-13)

CHAPTER 151: FLOOD PROVISIONS

Section

151.01 Flood provisions; adopted by reference

§ 151.01 FLOOD PROVISIONS; ADOPTED BY REFERENCE.

The Town of Williamston's flood provisions are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. -, passed 9-4-2007; Ord. -, passed 10-19-2008)

CHAPTER 152: SUBDIVISION REGULATIONS

Section

152.01 Subdivision regulations; adopted by reference

§ 152.01 SUBDIVISION REGULATIONS; ADOPTED BY REFERENCE.

The Town of Williamston's subdivision regulations are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. -, passed 4-6-1992)

CHAPTER 153: ZONING

Section

153.01 Zoning provisions; adopted by reference

§ 153.01 ZONING PROVISIONS; ADOPTED BY REFERENCE.

The Town of Williamston's zoning provisions are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. -, passed 12-2-1968; Ord. -, passed 6-19-2000)

CHAPTER 154: HOUSING

Section

General Provisions

- 154.01 Legislative findings; purpose of subchapter
- 154.02 Definitions
- 154.03 Conflict with other provisions
- 154.04 Extraterritorial application

Minimum Standards of Fitness

- 154.20 Responsibilities of owners and occupants as to cleanliness and maintenance
- 154.21 Compliance with subchapter, chapter and the like
- 154.22 Structural condition
- 154.23 Basic equipment and facilities
- 154.24 Ventilation
- 154.25 Area, height and use requirements
- 154.26 Safety, sanitation and maintenance
- 154.27 Control of insects, rodents and infestations; rubbish and garbage storage and disposal
- 154.28 Rooming houses

Enforcement

- 154.45 Zoning Administrator; duties generally
- 154.46 Powers generally
- 154.47 Right of entry for purpose of inspections; right of entry of owner and the like for purpose of making repairs
- 154.48 Procedure for determination, repair, demolition and the like of unfit dwellings generally; appeals and petitions
- 154.49 Service of complaints and orders
- 154.50 In rem action by Zoning Administrator; placarding; recordation of ordinances authorizing in rem action
- 154.51 Cost of repairs, demolition and the like, lien on real property affected
- 154.52 Sale of materials after demolition
- 154.53 Alternative remedies
- 154.54 Duties of Zoning Board of Adjustment

Fair Housing

154.70 Discrimination unlawful

154.71 Construction and application of article

Statutory reference:

For North Carolina Fair Housing Law, see G.S. §§ 41A-1 et seq.

For state law as to minimum housing standards, see G.S. §§ 160A-441 to 160A-450

GENERAL PROVISIONS**§ 154.01 LEGISLATIVE FINDINGS; PURPOSE OF SUBCHAPTER.**

(A) Pursuant to G.S. § 160A-441, 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 insanitary, 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 160A, Article 19, it is the purpose of this subchapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, are expressly authorized by G.S. § 160A-444.

(1992 Code, § 14-1)

§ 154.02 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 subchapter, 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 subchapter, at a cost not in excess of 50% of its value, as determined by findings of the Zoning Administrator.

DWELLING. 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. Temporary housing as defined in this section shall not be regarded as a dwelling. The term shall include within its meaning the terms ***ROOMING HOUSE*** and ***ROOMING UNIT***, as hereinafter defined.

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. 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. 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.

(1992 Code, § 14-2)

§ 154.03 CONFLICT WITH OTHER PROVISIONS.

In the event any provision, standard or requirement of this subchapter is found to be in conflict with any provision of any other ordinance or code of the town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the town shall prevail.
(1992 Code, § 14-3)

§ 154.04 EXTRATERRITORIAL APPLICATION.

This subchapter shall apply also to the extraterritorial area of the town.
(1992 Code, § 14-4)

MINIMUM STANDARDS OF FITNESS**§ 154.20 RESPONSIBILITIES OF OWNERS AND OCCUPANTS AS TO CLEANLINESS AND MAINTENANCE.**

(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 promises 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.
(1992 Code, § 14-5) Penalty, see § 10.99

§ 154.21 COMPLIANCE WITH SUBCHAPTER, CHAPTER AND THE LIKE.

(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 division.

(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 division.

(1992 Code, § 14-6) Penalty, see § 10.99

§ 154.22 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, flashings, 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.

(1992 Code, § 14-7) Penalty, see § 10.99

§ 154.23 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 North Carolina Building Code, Volume II, "Plumbing" 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 either divisions (B)(1) or (2) below.

(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 North Carolina State Building Code, Volume IV, "Electrical". 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 North Carolina State Building Code, Volume IV "Electrical".
(1992 Code, § 14-8)

§ 154.24 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 the 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, that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.
(1992 Code, § 14-9)

§ 154.25 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 North Carolina 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 count 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.
(1992 Code, § 14-10) Penalty, see § 10.99

§ 154.26 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.
(1992 Code, § 14-11)

§ 154.27 CONTROL OF INSECTS, RODENTS AND INFESTATIONS; RUBBISH AND GARBAGE STORAGE AND DISPOSAL.

(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.
(1992 Code, § 14-12)

§ 154.28 ROOMING HOUSES.

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 in the following sections.

(A) *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.

(B) *Location of sanitary facilities.* Every water closet, flush urinal, lavatory basin and bathtub or shower required by division (A) 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.

(C) *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.

(D) *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.
(1992 Code, § 14-13)

ENFORCEMENT**§ 154.45 ZONING ADMINISTRATOR; DUTIES GENERALLY.**

The Zoning Administrator is hereby designated as the officer to enforce the provisions of this subchapter and to exercise the duties and powers herein prescribed. It shall be the duty of the Zoning Administrator:

(A) 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 subchapter with respect to the dwelling and dwelling units;

(B) 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;

(C) To keep a record of the results of inspections made under this subchapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein proscribed; and

(D) To perform the other duties as may be herein prescribed.
(1992 Code, § 14-14)

§ 154.46 POWERS GENERALLY.

The Zoning Administrator is authorised to exercise the power as may be necessary or convenient to carry out and effectuate the purposes and provisions of this subchapter, including the following powers in addition to others herein granted:

(A) To investigate the dwelling condition in the town in order to determine which dwellings therein are unfit for human habitation;

(B) To administer oaths and affirmations, examine witnesses and receive evidence;

(C) To enter upon premises for the purposes of making examinations and inspections; provided, the entries shall be made in accordance with § 154.47 and state law, and shall be made in the manner as to cause the least possible inconvenience to the persons in possession;

(D) 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 subchapter; and

(E) To perform the other duties as may be prescribed herein or by the Board of Commissioners.
(1992 Code, § 14-15)

§ 154.47 RIGHT OF ENTRY FOR PURPOSE OF INSPECTIONS; RIGHT OF ENTRY OF OWNER AND THE LIKE FOR PURPOSE OF MAKING REPAIRS.

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 subchapter or with any lawful order issued pursuant to the provisions of this subchapter.

(1992 Code, § 14-16)

§ 154.48 PROCEDURE FOR DETERMINATION, REPAIR, DEMOLITION AND THE LIKE OF UNFIT DWELLINGS GENERALLY; APPEALS AND PETITIONS.

(A) *Preliminary investigation; notice; hearing.* 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. 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 subchapter 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 game 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. § 160A-446(g).

(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 the preceding paragraph, 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. § 160A-443(4) and § 154.50.

(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 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) 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 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. 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 paragraph 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, 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 Board all the papers constituting the record upon which the decision appealed from was made. 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. 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, 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 days' written notice to the Zoning Administrator, by the Board or by a Court of Record upon petition made pursuant to G.S. § 160A-446(f) and division (E) below.

(2) The Board 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 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 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 subchapter, to adapt the application of this subchapter to the necessities of the case to the end that the spirit of this 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 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 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. § 160A-446(f).

(1992 Code, § 14-17)

§ 154.49 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.

(1992 Code, § 14-18)

§ 154.50 IN REM ACTION BY ZONING ADMINISTRATOR; PLACARDING; RECORDATION OF ORDINANCES AUTHORIZING IN REM ACTION.

(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 division, 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. § 160A-443(5) and § 154.48, 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 division, 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 Register of Deeds of Martin County and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-443(5).

(1992 Code, § 14-19)

§ 154.51 COST OF REPAIRS, DEMOLITION AND THE LIKE, LIEN ON REAL PROPERTY AFFECTED.

As provided in G.S. § 160A-443(8), 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 § 154.50, shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority and be enforced and the costs collected as provided by G.S. Chapter 160A, Article 10.

(1992 Code, § 14-20)

§ 154.52 SALE OF MATERIALS AFTER DEMOLITION.

As provided in G.S. § 160A-443(6), 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.
(1992 Code, § 14-21)

§ 154.53 ALTERNATIVE REMEDIES.

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 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 subchapter or in other ordinances or laws.
(1992 Code, § 14-22)

§ 154.54 DUTIES OF ZONING BOARD OF ADJUSTMENT.

All appeals which may be taken from decisions or orders of the Zoning Administrator pursuant to § 154.48 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, 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 § 154.48 and shall keep an accurate journal of all its proceedings.
(1992 Code, § 14-23)

FAIR HOUSING**§ 154.70 DISCRIMINATION UNLAWFUL.**

(A) No owner of real property shall discriminate against any other person because of the religion, race, color or 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.
(1992 Code, § 14-24)

§ 154.71 CONSTRUCTION AND APPLICATION OF ARTICLE.

(A) Nothing in this subchapter shall require an owner to offer property to the public at-large before selling or renting it, nor shall this subchapter 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 subchapter 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 in calculated by the organization to promote the religious principles for which it has been established or maintained.

(C) The provisions of this subchapter 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.
(1992 Code, § 14-25)

TABLE OF SPECIAL ORDINANCES

[Reserved]

PARALLEL REFERENCES

References to North Carolina General Statutes

References to 1992 Code

References to Ordinances

References to Resolutions

REFERENCES TO NORTH CAROLINA GENERAL STATUTES

<i>G.S. Cite</i>	<i>Code Section</i>
1A-1, Rule 6(a)	10.05
1-593	10.05
1-597	52.08
7A-227	154.48
7A-228	154.48
12-3	10.05
14-4	10.99, 37.04, 38.01, 73.01, 94.999, 111.57, 114.99, 131.99, 154.53
14-4(a)	10.99
14-127	Ch. 92
14-277.2	95.03
14-288.1 <i>et seq.</i>	Ch. 37
14-288.4	131.01
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20-37	Ch. 111
20-37.6	70.083, 70.999
20-37.6(d)	70.083
20-79.4	70.083
20-97	Ch. 70
20-129(e)	72.02
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20-140.2	70.012
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20-156	70.007, 70.038
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20-219.11	70.124
20-280	Ch. 111, 111.29

<i>G.S. Cite</i>	<i>Code Section</i>
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42-29	154.48
42-30	154.48
Ch. 44A, Art. I	70.126
62-260(2)	111.01
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66-76	115.02
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69-1 <i>et seq.</i>	Ch. 91
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132-1	36.01
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143-138(e)	Ch. 150
143-318.9 – 143-318.18	31.01
154.50	154.48
Ch. 159, Art. 3	30.33
159-7, <i>et seq.</i>	30.47
Ch. 160A, Art. 7, Part 3	30.01
Ch. 160A, Art. 10	154.51
Ch. 160A, Art. 19	11.01, 154.01
160A-68	31.01
160A-70	30.17
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160A-76	Ch. 50, 91.01, Ch. 150
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160A-101(7)(b)	35.02
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160A-171	33.01
160A-175	10.99, 51.99, 52.08
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160A-184	Ch. 93
160A-186	Ch. 90
160A-188	Ch. 90, 90.03
160A-193	52.02, 52.06, 52.07, Ch. 70
160A-207	110.068
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160A-360	11.01
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160A-411 <i>et seq.</i>	150.02
160A-417 – 160A-423	150.01
160A-435	150.04
160A-441	154.01
160A-441 – 160A-450	153.01
160A-443(4)	154.48
160A-443(5)	154.50
160A-443(6)	154.52
160A-443(8)	154.51
160A-444	154.01
160A-446(f)	154.48
160A-446(g)	154.48
163-285(2)	35.02
163-292	35.02
164-7	10.14

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1-10	11.01
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2-7	31.02
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2-9	31.04
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