

CHAPTER 7

Traffic

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ARTICLE 1

Words and Phrases Defined

Section 7.1 Definition of words and phrases.

The following words and phrases when used in this Chapter shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in this Article.

Section 7.2 Vehicles.

(a) Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) Motor vehicle. Every vehicle which is self-propelled.

(c) Commercial vehicle. Every vehicle designed, maintained, or used primarily for the transportation of property.

(d) Authorized emergency vehicle. Vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations.

(e) A free-wheeled vehicle having dual tires on one or more axles, or having more than two axles, designed for the transportation of cargo rather than passengers. Includes tractor trucks, trailers and semi-trailers when used in combination, any vehicle that would require Commercial Driver's License in order to operate, or any vehicle that exceeds 26,000 pounds gross vehicle weight. Excludes those two-axle, four or six tired vehicles that may be classified as a truck for registration purposes, but which have operating characteristics similar to those of a passenger car. (Ord. of 6-18-96)

Section 7.3 Bicycles; motorcycles.

(a) Bicycle. Every device propelled by human power upon which any person may ride, having two tandem wheels.

(b) Motorcycle. Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

Section 7.4 Railroads.

(a) Railroad. A carrier of persons or property upon cars, operated upon stationary rails.

(b) Railroad train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

Section 7.5 Traffic; right-of-way.

(a) Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for purposes of travel.

(b) Right of Way. The privilege of the immediate use of the road way.

Section 7.6 Stopping; parking.

(a) Stop. When required means complete cessation of movement.

(b) Stop, stopping, or standing. When prohibited means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(c) Park. When prohibited means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Section 7.7 Official time standard.

Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this Town.

Section 7.8 Person; driver; pedestrian; equestrian.

(a) Person. Every natural person, firm, co-partnership, association, or corporation.

(b) Driver. Every person who drives or is in actual physical control of a vehicle.

(c) Pedestrian. Any person afoot.

(d) Equestrian. Any person riding a horse.

Section 7.9 Police.

(a) Police officer. Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(b) Traffic division. The traffic division of the police department of this Town, or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the police department of this Town.

Section 7.10 Streets, etc.

(a) Street or highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of travel.

(b) Private road or driveway. Every way or place in private ownership and used for travel by the owner and those having express or implied permission from the owner, but not by other persons.

(c) Roadway. That portion of a street or highway improved, designed or ordinarily used for travel, exclusive of the berm or shoulder.

In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(d) Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(e) Alley. A thoroughfare through the middle of a block.

(f) Block. The portion of any street located between two intersections adjacent to each other.

Section 7.11 Roadway; highway.

(a) Laned roadway. A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

(b) Through highway. Every street or highway or portion thereof at the entrances to which traffic from intersection streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this act.

(c) Controlled-access highway. Every highway, street, or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

Section 7.12 Intersection; crosswalk.

(a) Intersection. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of the two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection.

(b) Crosswalk. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.

Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Section 7.13 Zones.

(a) Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(b) Curb loading zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(c) Passenger curb loading zone. A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(d) Freight curb loading zone. A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

Section 7.14 Traffic control.

(a) Official traffic-control devices. All signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(b) Traffic-control signal. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Section 7.15 Districts.

(a) Business district. The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

(b) Residence district. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

ARTICLE 2

Traffic Administration

Section 7.16 through 7.25 reserved.

ARTICLE 3

Enforcement and Obedience to Traffic Regulations

Section 7.26 Authority of police and fire department officials.

(a) It shall be the duty of the officers of the police department or such officers as are assigned by the Chief of Police to enforce all street traffic laws and all of the State vehicle laws applicable to street traffic.

(b) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(c) 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.

Section 7.27 Obedience to police and fire department officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

Section 7.28 Persons propelling push carts or riding animals to obey traffic regulations.

Every person propelling any push cart or riding an animal or animal-drawn vehicle, shall be subject to the provisions of this ordinance applicable to the drive of any vehicle, except those provisions of this ordinance which by their nature can have no application.

Section 7.29 Use of coasters, roller skates, and similar devices restricted.

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play

street as authorized by ordinance.

Section 7.30 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, this State, County or Town, and it shall be unlawful for any said driver to violate any of the provisions of this Chapter, except as otherwise permitted in this Chapter or by State statute.

Section 7.31 Authorized emergency vehicles.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of 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) Disregard regulations governing direction of movement or turning in specified directions and exceed the prima facie speed limits so long as he does not endanger life or property.

(c) The exemption herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a light visible from in front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Section 7.32 Operation of vehicles on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle other than a police vehicle when operated as an authorized emergency vehicle, and when the driver is giving audible signal by siren, exhaust whistle, or bell;

(1) The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) Upon the approach of an authorized emergency vehicle, as above stated, the motorman of every street car shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Section 7.33 through 7.36 reserved.

**ARTICLE 4
Traffic-Control Devices**

Section 7.37 Authority to install traffic-control devices.

The Town shall place and maintain traffic-control signs, signals, and devices when and as required under the traffic ordinances to make effective the provisions of said ordinances, and may place and maintain such additional traffic-control devices to regulate traffic under the traffic ordinances of this Town or under State law, or to guide or warn traffic.

Section 7.38 Specifications for traffic-control devices.

All traffic-control signs, signals, and devices shall conform to State regulations. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location. All traffic-control devices so erected and not inconsistent with the provisions of State law or this ordinance shall be official traffic-control devices.

Section 7.39 Obedience to official traffic-control devices.

All traffic shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the traffic ordinances, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance.

Section 7.40 When traffic devices required for enforcement purposes.

No provision of this ordinance for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

Section 7.41 Traffic-control signal legend.

Whenever traffic is controlled by traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and said terms and light shall indicate and apply to drivers of

vehicles and pedestrians as follows:

(a) Green alone or "Go."

(1) Traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent cross walk at the time such signal is exhibited.

(2) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked cross walk unless faced with a "no walk" sign.

(b) Yellow alone or "Caution" when shown following the green of "Go" signal.

(1) Traffic facing the signal is thereby warned that the red of "Stop" signal will be exhibited immediately thereafter and such traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(2) No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone unless authorized by a pedestrian "Walk" signal.

(c) Red alone or "Stop."

(1) Traffic facing the signal shall stop before entering the cross walk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

(2) No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone unless authorized by a pedestrian "Walk" signal.

(d) Red with green arrow.

(1) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a cross walk and to other traffic lawfully using the intersection.

(2) No pedestrian facing such signal shall enter the roadway until the green of "Go" is shown alone unless authorized by a pedestrian "Walk" signal.

(e) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the

stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Section 7.42 Pedestrian control signals.

Whenever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place such signals shall indicate as follows:

(a) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(b) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

Section 7.43 Flashing signals.

(a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by traffic as follows:

(1) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest cross walk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, traffic may proceed through the intersection or past such signal only with caution.

(b) This section shall apply at railroad grade crossings. Conduct of traffic approaching railroad grade crossings shall be governed by the rules as set forth in Section 7.64.

Section 7.44 Display of unauthorized signs, signals, or markings.

(a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is in imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic,

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or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(d) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Section 7.45 Interference with official traffic-control devices or railroad signs or signals.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

Section 7.46 Authority to establish play Streets - Deleted
(This section was deleted from the ordinance by Board of Commissioners on 12/15/2015.)

Section 7.47 Traffic lanes.

Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

ARTICLE 5**Speed Regulations**

Section 7.48 General.

No person shall operate any motor vehicle upon any streets of the Town at a greater speed than is reasonable and proper, having regard to the width, traffic and use of said street, or so as to endanger the property or life or limb of any person. Except as otherwise provided in this Article, a rate of speed in excess of 35 miles per hour in the said Town shall be deemed a violation of this Chapter.

(Ord. of 9-16-97)

Section 7.49 Exceptions.

SPEED LIMIT

- 25 Cedar Valley Road (SR 1127) from a point 0.47 miles west of Cedar Valley Road (SR 1192) to a point 0.20 miles east of US 321-A (Hudson Elem. School zone, in effect from one hour before to one hour after school begins and ends on school days only).

U.S. and State Roads

The Town would recognize and enforce all speed limits on U.S. and State Roads inside the Town Limits the same as those set by the State. The only exception would be the School Zones as set forth in this section.

Town streets are classified into two groups: connecting streets and residential streets.

Speed limits on these streets are:

- 25 Connecting streets (Those streets which connect two state roads.)
Residential streets (Those streets which connect only other residential streets or flow only through residential areas.)

(Amended Ord. of 12/15/2015)

ARTICLE 6**Turning Movements****Section 7.50 Required position and method of turning at intersections.**

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

Section 7.51 Turning markers.

When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Section 7.52 Authority to place restricted turn signs.

The Board shall determine those intersections at which drivers of vehicles shall not make a right, left, or U turn, and shall place proper signs at

such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted. Restrictions on turning movements shall be as specified in Appendix II, Section 211 through 214, hereby incorporated herein.

(Note: See Appendix II, Section 213, Pg. A-9 for list of intersections with "No right Turn on Red.")

Section 7.53 Obedience to no-turn signs.

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Section 7.54 Limitations on turning around.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

ARTICLE 7

One-Way Streets and Alleys

Section 7.55 Authority to sign one-way streets and alleys.

Whenever any ordinance designates any one-way street or alley there shall be signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Section 7.56 One-way streets and alleys.

Upon those streets and parts of streets and in those alleys described in Appendix II, Section 210, hereby made a part hereof, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

ARTICLE 8

Special Stops Required

Section 7.57 (Reserved)

Section 7.58 Authority to erect stop signs.

Whenever any ordinance designates and describes a through street, there shall be a stop sign on each and every street intersecting such through street or intersecting that portion thereof described and designated as such by any ordinance unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets.

Section 7.59 Intersections where stop required.

The Board may determine and designate intersections where particular hazard exists upon other than through streets and may determine whether vehicles shall stop at one or more entrances to any such stop intersection, and shall erect a stop sign at every such place where a stop is required.

Section 7.60 Signs to bear the word "Stop."

Every sign erected pursuant to this Article shall bear the word "Stop" in letters not less than eight inches in height and such sign shall at nighttime be rendered luminous by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop sign shall be located as near as practicable at the nearest line of the cross walk on the near side of the intersection or, if none, at the nearest line of the roadway.

Section 7.61 Vehicles and streetcars to stop at stop signs.

When stop signs are erected as herein authorized at or near the entrance to any intersection, all traffic shall stop before entering the cross walk on the near side of the intersection or in the event there is no cross walk shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting road-

way before entering the intersection except when directed to proceed by a police officer or traffic-control signal.

Section 7.62 Emerging from alley, driveway, or building.

Traffic shall stop immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, yielding the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all traffic approaching on said roadway.

Section 7.63 Stop when traffic obstructed.

No driver shall enter an intersection or a marked cross walk unless there is sufficient space on the other side of the intersection or cross walk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

Section 7.64 Obedience to signal indicating approach of railroad train.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train.

(3) A railroad train approaching within approximately fifteen hundred feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

(4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

ARTICLE 9**Miscellaneous Driving Rules****Section 7.65 Following fire apparatus prohibited.**

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Section 7.66 Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Section 7.67 Driving through funeral or other procession.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

Section 7.68 Drivers in a procession.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

Section 7.69 Funeral processions to be identified.

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other indentifying insignia or by such other method as may be determined and designated by the police department.

Section 7.70 When permits required for parades and processions.

No funeral, procession or parade containing two hundred or more persons or fifty or more vehicles, excepting the forces of the United States Army or Navy, the military forces of this State, and forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply.

Section 7.71 Vehicles shall not be driven on a sidewalk.

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

Section 7.72 Limitations on backing.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

Section 7.73 Riding on motorcycles.

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

Section 7.74 Clinging to vehicles.

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

Section 7.75 Controlled access.

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

Section 7.76 Boarding, or alighting from, public conveyances or other vehicles.

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

Section 7.77 Unlawful riding.

No person shall ride on any public conveyance, or vehicle, or any portion thereof, not designed, or intended, for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in spaces intended for merchandise.

Section 7.78 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.

Section 7.79 Persons riding must stay inside.

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

Section 7.80 Not more than three persons permitted in front seat.

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

Section 7.81 Trains blocking crossing regulated.

It shall be unlawful for any person, firm, or corporation to allow a railroad train, locomotive, or any railroad vehicle to stand upon a public crossing, or any part thereof, for more than five minutes at any time.

Section 7.82 Speed limit for trains.

It shall be unlawful for any person, firm or corporation to operate any locomotive engine or train or railroad car within the corporate limits of the Town at any speed in excess of thirty-five miles per hour.

Section 7.83 Mobile homes.

It shall be unlawful to park a trailer or mobile home on streets or roadways inside the Town of Hudson without a special permit from the Town Clerk.

Section 7.84 reserved.**ARTICLE 10****Pedestrians' Rights and Duties****Section 7.85 Pedestrians subject to traffic-control signals.**

Pedestrians shall be subject to traffic-control signals as heretofore declared in Sections 7.41 and 7.42 of this chapter, but at other places pedestrians shall be granted those rights and be subject to the restrictions stated in this Article.

Section 7.86 Pedestrians' right-of-way in cross walk.

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a cross walk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, which is so close that it is impossible for the driver to yield. A pedestrian's right-of-way in a cross walk is modified under the condition and as stated in Section 7.89(b).

(b) Whenever any vehicle is stopped at a marked cross walk or at any unmarked cross walk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Section 7.87 Pedestrians to use right half of cross walk.

Pedestrians shall move, whenever practicable, upon the right half of cross walks.

Section 7.88 Crossing at right angles.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a cross walk.

Section 7.89 When pedestrian shall yield.

(a) Every pedestrian crossing a roadway at any point other than within a marked cross walk or within an unmarked cross walk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(c) The foregoing rules in this section have no

application under the conditions stated in Section 7.90 when pedestrians are prohibited from crossing at certain designated places.

Section 7.90 Prohibited crossing.

(a) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a cross walk.

(b) No pedestrian shall cross a roadway other than in a cross walk in any business district.

Section 7.91 Pedestrians walking along roadways.

(a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

Section 7.92 Pedestrians soliciting rides or business.

(a) No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

(b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

Section 7.93 Drivers to exercise due care.

Notwithstanding the foregoing provisions of this Article every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway; shall give warning by sounding the horn when necessary; and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

ARTICLE 11

Regulations for Bicycles

Section 7.94 Effect of regulations.

(a) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Article.

(b) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

Section 7.95 Traffic laws apply to persons riding bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this State declaring rules of the road applicable to vehicles or by this Chapter applicable to the driver of a vehicle, except as to special regulations in this Article and except as to those provisions of laws and ordinances which by their nature can have no application.

Section 7.96 Obedience to traffic-control devices.

(a) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no persons operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

Section 7.97 Riding on bicycles.

(a) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Section 7.98 Riding on roadways and bicycle paths.

(a) Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Whenever a usable path for bicycles has been provided adjacent to a roadway bicycle riders shall use such path and shall not use the roadway.

Section 7.99 Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Section 7.100 Emerging from alley or driveway.

The operator of a bicycle emerging from an alley, driveway or building, shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Section 7.101 Clinging to vehicles.

No person riding upon any bicycle shall attach the same or himself to any vehicle upon a roadway.

Section 7.102 Carrying articles.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars.

Section 7.103 Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

Section 7.104 Riding on sidewalks.

Any person riding a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian

and shall give audible signal before overtaking and passing such pedestrian.

Section 7.105 Lamps and other equipment on bicycles.

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with nor shall any persons use upon a bicycle any siren or whistle.

(c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skip on dry, level, clean pavement.

ARTICLE 12

Method of Parking

Section 7.106 Standing or parking close to curb.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the righthand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as otherwise provided in this Article.

Section 7.107 Signs or markings indicating angle parking.

(a) The Board shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets, which are specified in Appendix II, Section 207, hereby made a part hereof.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

Section 7.108 Obedience to angle-parking signs or markings.

Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

Section 7.109 Lights on parked vehicles.

(a) Whenever a vehicle is lawfully parked at nighttime upon any street within a business or residence district no lights need be displayed upon such parked vehicle.

(b) Whenever a vehicle is parked upon a street or highway outside of a business or residence district during the hours between one-half hour after sunset and one-half hour before sunrise, such vehicle shall be equipped with one or more lamps which shall exhibit a light on the roadway side visible from a distance of five hundred feet to the front of the vehicle and a red light visible from a distance of five hundred feet to the rear.

(c) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

ARTICLE 13

Stopping, Standing, or Parking Prohibited in Specified Places

Section 7.110 Stopping, standing, or parking prohibited. No signs required.

(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet of a fire hydrant;
- (5) On a cross walk;
- (6) Within twenty feet of a cross walk at an intersection;
- (7) Within thirty feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- (8) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless signs or markings indicate a different length;
- (9) Within fifty feet of the nearest rail of a railroad crossing;
- (10) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance (when properly sign-posted);
- (11) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (12) On a roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (14) At any place where official signs prohibit stopping.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

Section 7.111 Parking not to obstruct traffic.

(a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled portion of any street or highway, except in areas designated by the Board of Commissioners and marked or posted as such.

(b) All persons in violation shall be subject to a penalty of a fine not to exceed fifty dollars (\$50.00) or to be imprisoned for a period not to exceed thirty (30) days, or both. Violation shall authorize the towing of any such vehicle when it impedes flow of traffic,

cost for towing shall be paid by the owner of the vehicle. (Ord. of 8/2/83)

Section 7.112 Parking in alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley, in such position as to block the driveway entrance to any abutting property.

Section 7.113 All-night parking prohibited.

No person shall park a vehicle between the hours of 1:00 a.m. and 6:00 a.m. of any day, on the streets specified in Appendix II, Section 202, hereby made a part hereof.

Section 7.114 Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the principle purpose of:

- (1) Displaying such vehicle for sale.
- (2) Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

Section 7.115 Parking adjacent to schools.

When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

Section 7.116 Standing or parking on one-way roadways.

In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking.

Section 7.117 No stopping, standing, or parking near hazardous or congested places.

When official signs are erected at hazardous or congested places no person shall stop, stand, or park a vehicle in any such designated place.

ARTICLE 14

Stopping for Loading or Unloading Only

Section 7.118 Standing in passenger curb loading zone.

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes.

Section 7.119 Standing in freight curb loading zone.

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty minutes.

Section 7.120 Public carrier stops and stands.

Bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles, designated by appropriate signs, shall be specified in Appendix II, Section 206, hereby made a part hereof.

Section 7.121 Stopping, standing, and parking of busses and taxicabs regulated.

- (a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than at a bus stand so designated provided herein.
- (b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand, or passenger loading zone so designed as provided herein, except in case of an emergency.
- (c) The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not farther than eighteen inches from the curb and the bus approximately parallel to the curb, so as not to unduly impede the movement of other vehicular traffic.
- (d) The operator of a taxicab shall not stand or park such vehicle upon any street at any place

other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

Section 7.122 Restricted use of bus and taxicab stands.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter such zone.

ARTICLE 15

**Stopping, Standing, or
Parking Restricted or
Prohibited on Certain Streets**

Section 7.123 Application of Article.

The provisions of this Article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

Section 7.124 Regulations not exclusive.

The provisions of this Article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

Section 7.125 Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in Appendix II, Section 201, hereby made a part hereof.

Section 7.126 Parking time limited on certain streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the times specified within the district or upon any of the streets described in Appendix 11, Sections 203 through 205, hereby made a part hereof.

Section 7.127 Parking signs required.

Whenever by this or any other ordinance any parking time limit is imposed or parking is prohibited on designated streets there shall be appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

Section 7.128 No thru truck traffic.

All streets within the Town, except those listed below, are designated as no thru streets. It shall be unlawful to operate any truck, truck-trailer, or semi-trailer on any no thru street within the Town except for trucks making deliveries to residents who live on no thru streets; residents

who live on no thru streets who drive trucks to their residence; trucks driven on no thru streets specifically for the purpose of performing work at residents located on no thru streets; emergency vehicles; and garbage trucks. Through streets within the Town are as follows:
U.S. Highway 321 (Hickory Boulevard)

Main Street

Cedar Valley Road

Cajah Mountain Road

Pine Mountain Road

Pleasant Hill Road

Mt. Herman Road

International Boulevard

Hardee Street

Central Street (between Huss Ave. and Cajah Mt. Road)

Central Street (between Cloverdale and International Blvd.)

Fairway Avenue

Hayes Avenue (entrance to Shuford Mills only)

Olive Street

Davis Street

Horseshoe Bend Road

Mathewson Street

Cedar Avenue (Ord. of 12/6/83)

Artville Avenue (Ord. of 6-18-96)

CHAPTER 3

Police

Section 3.1 Organization

Section 3.2 Board to have control.

Section 3.3 Chief of Police.

Section 3.4 Oath of Office; holding other offices.

Section 3.5 Uniforms.

Section 3.6 Powers and duties of policemen.

Section 3.7 Extraterritorial jurisdiction of policemen.

Section 3.8 Resisting police prohibited.

Section 3.9 Carrying concealed handguns prohibited on Town property.

Section 3.10 Auxiliary Police Division for the Town of Hudson Police Department.

Section 3.1 Organization.

The police department of the Town shall consist of a chief and as many policemen as the Board shall from time to time determine and elect and as many special policemen as the Mayor and Board may deem necessary to appoint for special purposes.

Section 3.2 Board to have control.

The Board shall have general supervision over the police department. The Board may suspend, for cause, any member of the police department until the next regular meeting at which time final disposition shall be made.

Section 3.3 Chief of Police.

The chief shall have control over the police department under the supervision of the Board. The chief shall keep the Board informed of the department's activities and make such reports that the Board may from time to time require, and he shall perform such other duties as may be required of him by the Board.

Section 3.4 Oath of office; holding other offices.

Each person appointed or employed as Chief of Police, policeman, or auxiliary policeman shall take and subscribe before some person authorized by law to administer oaths/ the oath of office required by Article VI, Sec. 7, of the Constitution. The oath shall be filed with the Clerk. The offices of policeman, Chief of Police and auxiliary policeman may be held concurrently with any other appointive office pursuant to Article VI, Sec. 9 of the Constitution. (See G.S. 160A-284)

Section 3.5 Uniforms

All police officers shall wear uniforms as shall be provided by the Town and shall keep such uniforms in a neat and clean condition, and shall surrender all uniforms and equipment upon leaving the police service of the Town if such uniforms and equipment were furnished by the Town.

Section 3.6 Powers and duties of policemen.

Each policeman shall:

- (1) Have within the corporate limits of the Town all of the powers invested in law-enforcement officers by statute or common law;
- (2) Have power to serve all civil and criminal process that may be directed to him by any officer of the General Court of Justice;
- (3) Rigidly enforce all laws, ordinances and regulations of the Town and the State of North Carolina;
- (4) At all times preserve the peace, protect the property and safety of the citizens of Hudson (See G.S. 160A-285)

Section 3.7 Extraterritorial jurisdiction of policemen.

- (a) In addition to their authority within the corporate limits policemen shall have all the powers invested in law-enforcement officers by statute or common law within one mile of the corporate limits of the Town.
- (b) When any offense is committed within the corporate limits of the Town or within its extraterritorial jurisdiction under circumstances that would authorize a police officer to arrest the offender without a warrant, the officer may pursue the offender outside the jurisdiction for the purpose of making an arrest during such offender's immediate and continuous flight from that territory. Any officer pursuing an offender outside the corporate limits or extraterritorial jurisdiction of the Town shall be entitled to all of the privileges, immunities, and benefits to which he would be entitled if acting within the Town, including coverage under the Workmen's Compensation laws. (See G. S. 160A-286) *(Section (b) amended 6/17/14.)*

Section 3.8 Resisting police prohibited.

No person shall resist the police while in the discharge of their duty, by force, words or threats, or any attempt to excite others to resistance, or in any other manner obstruct them in the performance of their duty.

Section 3.9 Carrying concealed handguns prohibited on Town property.

- (a) Except as provided in subsection (b) below, all persons are prohibited from carrying concealed handguns as defined in G.S. 14-269 in Town owned buildings, their appurtenant premises and parks.
- (b) This prohibition shall not apply to the following persons:

(1) Officers and enlisted personnel of the forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;

(2) Civil officers of the United States while in the discharge of their official duties;

(3) Officers and soldiers of the militia and the national guard when called into actual service;

(4) Sworn law enforcement officers;

(5) Animal Control officers,

(c) A conspicuous notice shall be posted at each entrance to any property forth in (a) above stating: "Possession of weapons or carrying a concealed handgun is prohibited."

(d) Any person in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined \$500.00 or imprisoned for six months or both.

(e) Weapons possessed in violation of this section are hereby declared to be contraband. The Chief of Police or his designee shall hold such weapon for disposal pursuant to court order, in the absence of any court order, the weapon shall be destroyed. (Ord. of 9-12-95)

Section 3.10 (Adopted 06/04)

AN ORDINANCE ADDRESSING AN AUXILIARY POLICE DIVISION FOR THE TOWN OF HUDSON POLICE DEPARTMENT

WHEREAS, pursuant to North Carolina General Statutes 160A-282 (a) and (b), a Town may, by ordinance, provide for the organization of an auxiliary police staff made up of volunteer members; and,

WHEREAS, by enactment of an ordinance, the Town may provide that while undergoing official training, and while performing duties on behalf of the Town pursuant to orders or instructions of the Chief of Police of the Town, auxiliary law-enforcement personnel shall be entitled to benefits under the North Carolina Workers-Compensation Act, and to any fringe benefits for which such volunteer personnel qualify.

**NOW, THEREFORE, BE IT
ORDAINED** by the Board of Commissioners of the Town of Hudson, that there is hereby established within the Town of Hudson Police Department, as a division thereof, an auxiliary police division, with the auxiliary police division being a volunteer organization, whose members shall serve without compensation, composed of as many members as may from time to time be determined by the Town of Hudson Chief of Police, and approved by the Town Manager.

Chapter 11

Disorderly Conduct and Public Nuisances

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Disorderly Conduct

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Section 11.29	Same; disposition of proceeds of sale.
Section 11.30	Same; immunity.

ARTICLE 1
Disorderly Conduct

Section 11.1 General.

No occupant of any house whether residence or business shall permit same to be kept in an indecent and offensive or disorderly manner or permit loafers or idle persons to congregate therein or in front of same to the annoyance of persons passing by or living in the vicinity.

Section 11.2 Vagrants.

Any and all tramps, vagrants, persons under suspicion, who shall be found with no visible means of support, either male or female, shall not be allowed on the streets or other public places.

Section 11.3 House of ill fame.

No person shall keep a house or other place of ill fame in the Town and no person shall knowingly rent any house to be used as a house of ill fame. All adult persons living in such house shall be considered as keepers thereof and be subject to the penalties of this Code.

Section 11.4 Profanity and boisterous conduct.

It shall be unlawful for any person to use loud and boisterous language so as to become a nuisance or use any form of profanity or indecent language on the street or in a gathering or audience or assembly, or in any public place whatsoever, or to indecently expose themselves within the corporate limits.

Section 11.5 Public drunkenness.

It shall be unlawful for any intoxicated person to be on or upon any public street or other public place.

Section 11.6 Consumption or possession of alcohol on the public streets and sidewalks of the Town or in public buildings or Town maintained and operated parks and recreation facilities.

- a) It shall be unlawful for a person to consume a malt beverage or unfortified wine on the public streets or sidewalks, owned, occupied or controlled by the Town.
- b) It shall be unlawful for a person to possess an open container of malt beverage or unfortified wine on the public streets or sidewalks owned, occupied or controlled by the Town.
- c) It shall be unlawful for any person to possess or consume malt beverages or unfortified wine on public streets, sidewalks, alleys or parking lots which are closed to regular traffic for special events.
- d) For the purpose of this section, the term "open container" means a container with a seal that has been broken or a container other than the manufacturer's unopened original

container. The terms "malt beverages" and "unfortified wine" are defined in G. S. 18B-101.

- e) For the purpose of this section, alcohol consumption is allowed at the Hudson Uptown Building (HUB) so long as proper ABC permits are obtained.
- f) The Board of Commissioners may adopt a resolution making other provisions for the possession and consumption of malt beverages and/or unfortified wine at special events of the Town or at special community festivals. Any resolutions that may be adopted shall provide for the specific times, dates and geographical limitations of the special event or festival.
- g) Violations of subsections (a), (b) and (c) of this section shall be misdemeanors, punishable upon conviction in accordance with Section 1.5. (Amended 7/18/2017)

Section 11.7 Dance halls.

Any person, or persons, operating a hall for the purpose of holding public dances and charging admission for personal gain, or profit, in the Town shall secure a permit from the Town Clerk at a cost of seventy-five dollars (\$75.00), which shall expire after twenty-four hours from time of purchase. When such person or persons are known to allow or condone the use of alcoholic beverages, littering of the streets or premises adjacent to the hall, boisterous or disorderly conduct on the premises or otherwise disturbing the peace and well-being of the citizens of Hudson, shall be refused renewal of such permit at the discretion of the Town Clerk. Any person or persons conducting dances and charging admission for the benefit of clubs, civic organizations, schools or other groups interested in the public welfare, will not be required to pay the seventy-five (\$75.00) fee as set out above, but will be subject to all restrictions as outlined. (Ord. of 11/16/67)

Section 11.8 Street Lights

It shall be unlawful for any person to break or damage street lights. Any person violating this Section shall be fined not to exceed twenty-five dollars (\$25.00) or imprisoned for not exceeding thirty days.

It shall be unlawful for any person to injure or damage any public property in the Town. Any person violating this section will be fined not to exceed fifty (\$50.00) or imprisoned for not to exceed thirty day. (Ord. of 11/5/57)

ARTICLE 2 General Nuisances

Section 11.9 Unnecessary noises prohibited.

It shall be unlawful for any person, firm or corporation to create or assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the Town. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

Section 11.10 Noises expressly prohibited.

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

- a) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- b) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle.
- c) The use or operation of any piano, manual or automatic, phonograph, radio, loud speaker, or any other instrument, or sound amplifying devices so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance provided, however, that upon application to the Town Clerk permits may be granted to responsible organizations to produce programs in music, speeches or general entertainment.
- d) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity.
- e) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling, or other noise.
- f) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.

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

(h) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(i) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7 a.m. and 6 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the Town Clerk, which permit may be renewed for a period of three days or less while the emergency continues.

(j) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or within one hundred and fifty (150) feet of any hospital, which unreasonably interferes with the working of such institution, provided, conspicuous signs are displayed in such streets indicating that the same is a school, court or hospital street.

(k) The creation of any excessive noise on Sundays on any street adjacent to any church, provided, conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street.

(l) The creation of loud and excessive noise in connection with loading or unloading any vehicle, of the opening and destruction of bales, boxes, crates and containers.

(m) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.

(n) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(o) The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.

(p) The use of any mechanical loud speakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the Town Clerk.

(q) The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive

noises to be emitted therefrom between the hours of 11 p.m. and 7 a.m.

(r) The firing or discharging of squibs, crackers, gunpowder or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance, except by permit from the Board.

Section 11.11 Firearms regulated.

It shall be unlawful for any person to discharge any firearm of any type within the corporate limits except a peace officer in the performance of his duty.

Section 11.11-1 Carrying concealed handguns prohibited on Town property.

(a) Except as provided in subsection (b) below, all persons are prohibited from carrying concealed handguns as defined in G. S. 14-269 in Town owned buildings, their appurtenant premises and parks.

(b) This prohibition shall not apply to the following persons:

(1) Officers and enlisted personnel of the forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;

(2) Civil officers of the United States while in the discharge of their official duties;

(3) Officers and soldiers of the militia and the national guard when called into actual service;

(4) Sworn law enforcement officers;

(5) Animal Control officers;

(c) A conspicuous notice shall be posted at each entrance to any property forth in (a) above stating: "Possession of weapons or carrying a concealed handgun is prohibited."

(d) Any person in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined \$500 or imprisoned for six months or both.

(e) Weapons possessed in violation of this ordinance are hereby declared to be contraband. The Chief of Police or his designee shall hold such weapon for disposal pursuant to court order. In the absence of any court order, the weapon shall be destroyed.

(Ord. of 9/12/95)

Section 11.12 Posting bills-other advertising.

No person shall stick, paint, brand, stamp, write or put upon any house, fence, wall, pavement, post or upon any property, owned by any person, firm or

corporation, or owned by the Town of Hudson, any printed, written, painted or other advertisement, bill, notice, sign or poster, without first having obtained the written permission of the owner of such property and having received a permit from the Town Clerk.

Section 11.13 Fire bombs prohibited.

(a) For the purposes of this Section, the following terms shall have the meanings herein ascribed:

(1) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents which is filled with any inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(b) It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(c) It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises. The provisions of this Section shall be cumulative and in addition to any other ordinance or General Statutes of North Carolina on this subject.

Section 11.14 Same; enforcement.

The Chief of Police of the Town is hereby authorized to enforce the preceding section for such periods of time as he shall deem necessary.

ARTICLE 3

Animals

Section 11.15 Animals at large.

No horse, goat, cattle or other animals, except a domestic house cat with a current rabies inoculation tag, shall be permitted to run at large within the Town Limits. Running at large means to be off the premises of the owner and not under the reasonable control of the owner or an authorized person, either by leash or otherwise, but an animal within the automobile or other vehicle of its owner shall be deemed to be upon the owner's premises. All animals caught running at large shall be reported to the Caldwell County Animal Control Department by the Hudson Police Department. (Amended by Ord. of 8/4/81 and Ord. of 3/17/97)

(Adopted 9/2008)

Section 11.15-1

Any person owning, harboring, walking, in possession of or in charge of a dog which defecates on public property, public park property, public right-of-way or any private property without the permission of the private property owners, shall remove all feces immediately after it is deposited by the dog. All feces removed in accordance with this section shall be placed in a suitable bag or other container that closes, and shall be disposed of in a lawful manner. Violation of this provision of this Article may be punishable by a civil citation of \$50.00 per occurrence.

Section 11.16 Nuisance

It shall be unlawful for any animal owner or keeper to harbor, maintain, or permit on any lot, parcel of land, or premises under his control, any dog or other animal which by any sound or cry shall disturb the peace and comfort of the inhabitants of the neighborhood or interfere with any person in the reasonable and comfortable enjoyment of life or property. (Ord. of 8/4/81)

Section 11.16-1 Running on owner's premises.

The provisions of this Article do not prohibit animals from running at large on the premises of the owner or person having charge of the animal. (Ord. of 8/4/81)

Section 11.16-2 Control and penalty.

(a) It shall be unlawful for any person owning or having charge of any animal to permit the animal to run at large, unless the animal is under reasonable control as set forth in Section 11.15 of this Article.

For the purpose of this Article, an animal shall be deemed not under control when:

(1) The animal inflicts damage or injury (by biting, jumping upon, pollution of vegetation, or by any other means whatsoever) to the person or property of anyone other than the owner, except in the defense of the owner, his family, or property.

(2) In the case of any unsprayed female animal, when the animal is not securely confined in the owner's yard, pen or other enclosure.

(b) Any animal found running at large in the Town of Hudson shall be impounded. It shall be the duty of the Hudson Police Department, in cooperation with the Caldwell County Animal Control Department, to capture and impound said animal(s) in the Caldwell County Animal Shelter.

Any person owning, keeping, or having charge or control of any animal and allowing the animal to run at large in violation of the provisions of this Article shall pay a civil penalty in accordance with the Town of Hudson Schedule of Fees. Any subsequent violations may be punished as a misdemeanor in accordance with Section 14-4 of the General Statutes (Ord. of 8/4/81; amended by Ord. of 3/17/97)

Section 11.17 Bird sanctuary.

The entire area embraced within the corporate limits of the Town of Hudson is hereby designated as a bird sanctuary.

It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests. Provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the Town of Hudson, then in such event said health authorities shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or as many of said clubs as are found to exist in the Town of Hudson, after having given said clubs at least three

days actual notice of the time and place of said meeting to the representatives of said clubs.

If, as a result of said meeting, no satisfactory alternative is found to abate such nuisance, then said birds may be destroyed in such numbers and in such manner as is deemed advisable by said health authorities under supervision of the Chief of Police of the Town of Hudson.

Anyone violating the provisions of this Section shall be punished by a fine of not more than two hundred dollars (\$200) or imprisoned for a period not to exceed thirty days. (Ord. of 2/6/73, as amended by Ord. of 8/4/81 and Ord. of 3/17/97)

Section 11.18 Caldwell County Animal Control Ordinance

The Caldwell County Animal Control Ordinance, adopted by the Caldwell County Board of Commissioners on March 17, 1997, was adopted in its entirety by the Town of Hudson Board of Commissioners. The Ordinance was adopted as follows:

**CALDWELL COUNTY
ANIMAL CONTROL
ORDINANCE**

Adopted this the 17th day of March, 1997

This document replaces the original Animal Control Ordinance and amendments, beginning with Book 887, Page 419. A copy of this ordinance is on file in the Town Clerk's Office.

Section 11.19 reserved.

Copy of Caldwell County Animal Control Ordinance begins on Page 11-4.2.

ATTACK TRAINING FACILITY. Any person, group of persons, partnership or corporation engaged in boarding, breeding, selling or training dogs or other animals in mode of an attack.

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BREEDER. Any person or establishment that breeds animals for the purpose of resale to the general public or dealers.

CAT. A domestic feline of either sex, including stray.

DANGEROUS ANIMAL. Any animal that has demonstrated a fierce or dangerous propensity or tendency to do any act that may endanger persons or property; and/or any nondomesticated animal indigenous to the state, including hybrid animals that are part wild.

(1) This would include, but not be limited to, any dog that either assaults, bites, attacks or inflicts serious injury on a human being without provocation on public or private property, and/or that has killed or injured a pet or domestic animal without provocation.

(2) Exceptions: No dog is **DANGEROUS** pursuant to this definition:

(a) If, at the time the threat, injury or damage was sustained, the person attacked was teasing, tormenting, abusing or assaulting the dog; or has in the past teased, tormented, abused or assaulted the dog; or was committing or attempting to commit a crime; or

(b) If it has attacked or injured a pet or domesticated animal in defense of an attack by another animal, or if it is protecting or defending its young.

DEALER. Any person who is licensed by the U.S. Department of Agriculture as a **DEALER**.

DOG. A domestic canine of either sex, including stray.

DOMESTIC ANIMAL. Any of various animals as dogs, cats, horses, sheep, cattle, goats, hogs, poultry and the like, domesticated by man so as to live and breed in a tame condition.

EXHIBITOR. Any person who is licensed by the U.S. Department of Agriculture as an **EXHIBITOR**.

EXPOSED TO RABIES. Any person or animal that has bitten, been bitten by, or otherwise come

into contact with the bodily fluids of any animal known or suspected to have been infected with rabies.

INHERENTLY DANGEROUS MAMMAL. Any live member of the Canidae, Felidae or Ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and which include:

(1) Canidae, including any member of the dog (canid) family not customarily domesticated by humans, or any hybrids thereof, including wolf hybrids that are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*);

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(2) Felidae, including any member of the cat family weighing over 15 pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*); and

(3) Ursidae, including any member of the bear family, or any hybrids thereof.

KENNEL. Any person, group of persons, partnership or corporation engaged in boarding animals.

NEUTERED. Any male animal that has been operated upon to prevent reproduction.

NUISANCE. The acts or actions by a cat or dog shall be considered a ***NUISANCE*** if any of the following occurs:

(1) Turns over garbage containers or removes garbage from them;

(2) Damages gardens, foliage or other real or personal property;

(3) Defecates or urinates on property other than the owners;

(4) Is maintained in an unsanitary condition that results in offensive odors or is dangerous to public health;

(5) Chases, harasses or otherwise molests other animals, pedestrians, bicyclists or vehicles.

OWNER. Any person, group of persons, firm, partnership or corporation owning, keeping, having custody or control over, sheltering, feeding, harboring or allowing an animal to remain on or about

their property for more than 72 consecutive hours. In the event that the *OWNER* of an animal is a minor, for purposes of this chapter the parent or guardian of the minor shall be considered the *OWNER* of that animal. The *OWNER* of an animal is responsible for the care, actions and behavior of his or her animals.

PET. A domesticated animal kept for pleasure rather than utility.

RESTRAINT. That portion of land owned or occupied by an owner, not including any portion of such land that is accessible to the public as a right-of-way.

RESTRAINT. An animal is under *RESTRAINT* within the meaning of this chapter if it is:

- (1) Controlled by means of a chain, leash or other like device;
- (2) On or within a vehicle being driven or parked;
- (3) Within a secure enclosure; or

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- (4) Within the dwelling house of the owner.

SECURE ENCLOSURE. A fence or structure with 4 sides of adequate height, made from metal or chain link fencing or equivalent fencing material, forming or causing a humane secure enclosure. The door or gate shall have a latch capable of being securely locked to prevent the animal from escaping or the entry of young children. The secure enclosure shall have a securely fitting top made from metal or any chain link fencing or equivalent fencing to prevent the dog from climbing out, and a floor made of concrete, concrete pavers or equivalent to prevent the dog from digging out of the secure enclosure. For purposes of this definition, a home, mobile home or separate garage does not qualify.

SPAYED. Any female animal that has been operated upon to prevent reproduction.

STRAY. Any dog or cat that appears *STRAY*, homeless or unwanted, and any dog or cat that is not displaying a valid rabies tag.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

§ 90.02 ESTABLISHMENT AND COMPOSITION OF THE OFFICE OF ANIMAL

CONTROL.

(A) There is hereby created the Office of Animal Control within the County Health Department, which shall be composed of such employees and/or officials as shall be determined by the Board of Health and Board of Commissioners.

(B) Employees or agents enforcing this chapter shall be designated as animal control officers. In the performance of their duties, animal control officers shall have all the powers, authority and immunity granted under this chapter and by the general laws of this state to enforce the provisions of this chapter, and the General Statutes of North Carolina as they are related to the care, treatment, control or impounding of animals.

(C) Except as may be otherwise provided by statutes, local laws or ordinances, no officer, agent or employee of the county charged with the duty of enforcing the provisions of this chapter or other applicable laws shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of those duties, unless he or she acts with actual malice.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

§ 90.03 GENERAL DUTIES OF THE OFFICE OF ANIMAL CONTROL.

(A) The Office of Animal Control shall be charged with the responsibility of:

(1) Enforcing in this county all state laws, rules and regulations and all county ordinances relating to the care, custody and control of domesticated dogs and cats;

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(2) Assisting in the enforcement of the laws of the state with regard to animals, and especially with regard to vaccination of animals against rabies, and the confinement or controlling of dangerous animals and dangerous dogs;

(3) Investigating cruelty or abuse with regard to all animals;

(4) Making canvasses of the county, including the homes in the county, as it deems necessary for the purpose of ascertaining that all animals are vaccinated against rabies as required by local ordinance or state statute; and

(5) Operating, pursuant to policies of the Board of Health, Board of County Commissioners, the county animal shelter.

(B) It shall be the duty of the Office of Animal Control to keep or cause to be kept accurate and detailed records of:

(1) Impoundment and disposition of all animals coming into the animal shelter;

(2) Bite cases, violations and complaints, and investigation of same;

(3) All funds belonging to the county which were derived from the operation of the animal control program;

(4) All rabies vaccinations given in the county by veterinarians and animal control staff; and

(5) All other records deemed necessary.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

§ 90.04 ESTABLISHMENT OF A DANGEROUS DOG APPEAL BOARD.

There is hereby created a Dangerous Dog Appeal Board to serve as the official appellate body that hears all dangerous dog appeals. The Appeal Board will convene at the direction of the County Board of Health or its designee. The Appeal Board is to be composed of 5 members appointed by the County Board of Health, and shall serve staggered, 3-year terms. The Appeal Board shall be composed of 3 veterinarians licensed to practice veterinarian medicine in the state, and 2 members of the general public.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

Statutory reference:

Dangerous dogs, see G.S. § 67-4.1

§ 90.05 ENFORCEMENT IN MUNICIPALITIES; RESTRICTED.

Animal control officers shall have no authority to enforce this chapter within the boundaries of any municipality unless the governing body of that municipality adopts a resolution stating that the county is empowered to enforce the provisions of this chapter within that municipality, and repeals any inconsistent ordinance.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

§ 90.06 DECEASED ANIMALS.

(A) It shall be the duty of the owner or person in charge of any animals that die from any cause, and the owner, lessee or person in charge of any land upon which any animals die, to bury the dead animals to a depth of at least 3 feet beneath the surface of the ground within 24 hours after the death of the animals is known, or to otherwise dispose of the animals in a manner approved by the state veterinarian.

(B) It shall be unlawful for any person to remove the carcasses of dead animals from his or her premises to the premises of any other person, without the written permission of the person having charge of the premises and without burying the carcasses as provided in this section.

(C) The Animal Control Office does not pick up any deceased animal from properties or roadways.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009) Penalty, see § 90.99

PROHIBITED ACTIVITIES

§ 90.15 ANIMAL CRUELTY.

(A) *Prohibition.* It shall be unlawful for any person to molest, tease, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate, wound, injure, poison, abandon, kill or subject to conditions detrimental to the health or general welfare of any animal, or to cause or procure that action. The words *TORTURE* and *TORMENT* shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted. However, this section shall not apply to the following activities:

(1) The lawful taking of animals under the jurisdiction and regulations of the North Carolina Wildlife Resources Commission;

(2) Lawful activities conducted for purposes of biomedical research or training or for purposes of production of livestock, poultry or aquatic species;

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(3) Activities conducted for lawful veterinary purposes; and

(4) The lawful destruction of any animal by its owner, veterinarian, Health Director or animal control officer, for the purposes of protecting the public, other animals, property or the public health.

(B) *General care; prohibited acts.* All animals shall be kept and treated under sanitary and humane conditions, and it shall be unlawful for any person to engage in 1 or more of the following acts:

(1) Failure to provide adequate food, water and shelter:

(a) All animals, unless otherwise indicated in this chapter, shall be given at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff in proper containers suitable for the age and species of the animal, and sufficient to maintain a healthful level of nutrition;

(b) All animals shall have access to a constant supply of clean, fresh water; and

(c) All animals shall be provided with adequate shelter from the weather at all times. Examples of inadequate shelter include, but are not limited to, the following:

1. Underneath outside steps, decks and stoops;

2. Underneath houses;

3. Inside or underneath motor vehicles;

4. Inside metal barrels;

5. Inside cardboard boxes;

6. Inside temporary animal carriers or crates;

7. Shelters located in flood-prone areas; and

8. Shelters surrounded by debris, obstructions or impediments that may endanger

an animal.

(2) Failure by any owner to keep his or her animal or animals in good health and comfort, and veterinary care when needed to prevent suffering and humane care and treatment;

(3) Animal cruelty. Examples of cruel treatment include, but are not limited to, the following:

(a) Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck;

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(b) Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised;

(c) Allowing a dog or cat to be tethered or contained in such a way as to prevent it from having adequate shelter at all times;

(d) Intentionally allowing animals to engage in a fight;

(e) Allowing animals to live in crowded or unsanitary conditions; and

(f) Failure or refusal to obtain medical treatment for an animal when that treatment is obvious.

(4) Chaining or tethering an animal to a stationary object for a period of time or under conditions that are harmful or potentially harmful to the animal. Examples of improper chaining or tethering include, but are not limited to, the following:

(a) Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal;

(b) Using a chain or tether made of rope, twine, cord or similar material;

(c) Using a chain or tether that is less than 8 feet in length and/or does not have swivels on 1 end. All chains or tethers must be attached to the animal by means of a properly fitting harness or collar;

(d) Allowing an animal to be chained or tethered such that the animal is not confined to

the owner's property, or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter; and

(e) Using a chain as a primary collar. All collars used for the purpose of chaining or tethering animal must be made of nylon or leather.

(5) Selling or offering for sale, bartering or giving away within the county baby chicks, ducklings or other fowl under 6 weeks of age, or rabbits under 8 weeks of age, as pets, toys, premiums or novelties; provided, however, that this section shall not be construed to prohibit the sale or display of baby chicks, ducklings or other fowl or rabbits in proper facilities by breeders or stores engaged in the business of selling for purposes other than for pets or novelties; and

(6) Coloring, dyeing , staining or otherwise changing the natural color of baby chickens or other fowl or rabbits.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009) Penalty, see § 90.99

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§ 90.16 FEMALE IN ESTRUS (HEAT).

It shall be unlawful for any owner or keeper of a female dog in estrus (heat) not to confine the dog in a secured enclosure.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009) Penalty, see § 90.99

§ 90.17 KEEPING OF INHERENTLY DANGEROUS MAMMALS

(A) *Prohibition.* It shall be unlawful for any person to keep an inherently dangerous mammal within the county.

(B) *Exemption.* Traveling fairs, circuses and carnivals shall be exempt from this section.

(C) *Recapturing.*

(1) The owner of any inherently dangerous mammal shall reimburse the county for all costs incurred while attempting to recapture any escaped, inherently dangerous mammal.

(2) If the animal is sheltered or euthanized by Animal Control, the owner shall also pay these costs.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009) Penalty, see § 90.99

§ 90.18 CONFINEMENT AND PROCEDURE OF POTENTIALLY DANGEROUS DOGS.

(A) The owner of a dog that has been deemed potentially dangerous by the Office of Animal Control will be notified in writing, giving the reasons for the determination.

(1) The owner shall immediately confine the dog in a humane secure enclosure.

(2) If no humane secure enclosure is available at the owner's residence, the dog shall be confined at the animal control shelter or a boarding facility at the owner's expense.

(B) The owner may appeal the determination by filing written objections with the Dangerous Dog Appeal Board within 3 days.

(1) The Appeal Board shall schedule a hearing within 10 days of the filing of the objections. After the appellate hearing, the Board will determine, based on the testimony and evidence, if the dog should be considered dangerous or overturn the declaration.

(2) The owner of the dog and the complainants will be notified by mail the outcome of the hearing.

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(3) If the dog is found by the Board to be considered a dangerous dog, the owner of the dog is required to keep the dog in accordance with all state and local laws pertaining to dangerous dogs.

(C) If the owner of a dog that has been deemed potentially dangerous does not file an appeal with the Dangerous Dog Appeal Board within 3 days of the notice, the dog shall be considered a dangerous dog.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

Statutory reference:

Potentially dangerous dogs; definition and procedures, see G.S. 67-4.1 through 67-4.4

§ 90.19 CONFINEMENT REQUIREMENTS; CONFISCATION OF DANGEROUS DOGS.

(A) The owner of a dog that has been deemed dangerous by the Office of Animal Control or the Dangerous Dog Appeal Board will be notified in writing, giving the reasons for the determination. The owner shall immediately and at all times confine the dog in a humane secure enclosure. If no secure enclosure is available at the owner's residence, the dog shall be confined at the animal control shelter or a boarding facility, at the owner's expense, until a humane secure enclosure is constructed on the owner's property. The enclosure must meet the approval of the Animal Control Director, who has the authority to mandate additional confinement requirements at his or her discretion. If no adequate humane secure enclosure is constructed upon the owner's property after the expiration of 30 days of notice of declaration, the dog shall be euthanized.

(B) The owner shall conspicuously and securely display a uniform dangerous dog warning sign on the secure enclosure. Additional uniform dangerous dog warning signs shall be conspicuously and securely posted at all points of entrance to the residence, and must be visible and legible from the public highway or street. Uniform dangerous dog warning signs must be purchased from the Animal Control Department at the owner's expense.

(C) The owner of a dog that has been deemed dangerous shall have the dog spayed/neutered at the owner's expense, and provide proof of the spay/neuter to the Animal Control Department within 30 days of the date of written notification.

(D) The owner of a dog that has been deemed dangerous shall have the dog micro-chipped at the owner's expense, and register the micro-chip number with the Animal Control Department within 2 business days of the date of written notification.

(E) A dog that has been deemed dangerous either by Animal Control or by the Dangerous Dog Appeal Board shall at all times be kept in a humane secure enclosure. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog is on the premises. The humane secure enclosure shall be locked at all times to prevent the escape of the dog or the entry of young children. The dog may be removed from the secure enclosure for exercise or veterinary care so long as it is under the control of its owner by the use of a securely attached leash and muzzle.

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(F) An animal control officer is empowered to confiscate a dog and harbor it at the owner's expense if the dog is found in violation of state and/or local laws pertaining to dangerous dogs. If any dangerous dog is confiscated under this provision, the owner of the dangerous dog shall be given written notice at the time of confiscation that the dog will be humanely euthanized by the Animal Control Department at the expiration of 3 business days.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

§ 90.20 REQUIRED NOTIFICATION TO ANIMAL CONTROL BY OWNERS OF DANGEROUS DOGS.

The owner of a dangerous dog shall inform the Office of Animal Control, as soon as practicable, but not later than 24 hours after the occurrence of any of the following:

- (A) An assault, attack or biting upon any human being committed by a dangerous dog;
- (B) An assault, attack or biting upon any domesticated animal or pet by a dangerous dog;
- (C) The destruction of or damage to property of another by a dangerous dog; or

(D) The roaming or escape of any animal required to be restrained or confined to a secure enclosure.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009) Penalty, see § 90.99

§ 90.21 TRANSFER OF OWNERSHIP OR RELOCATION OF DANGEROUS DOGS.

(A) If the owner of a dangerous dog wishes to transfer ownership or possession of the dog to another person, the owner shall provide written notice to the authority that made the determination under this chapter, stating the name and address of the new owner or possessor of the dog before the ownership of the dog is transferred.

(B) If the owner of a dangerous dog plans to relocate and/or change address, the owner shall provide written notice to the authority that made the determination under this chapter, stating the new address and or date of relocation prior to this occurrence.

(Ord. passed 10-5-2009) Penalty, see § 90.99

§ 90.22 LAW ENFORCEMENT DOGS EXCLUDED.

Any dog used by a law enforcement agency in the investigation of crimes, or as otherwise necessary in the enforcement of the law, is excluded from requirements of this chapter, with the exception that they are regulated by the provisions of §§ 90.15 and 90.36.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

§ 90.23 DOGS USED FOR SENTRY OR GUARD DUTY.

A sign warning that there is a guard or sentry dog on the premises shall be displayed. The owner shall post a plainly visible sign upon the secure enclosure, warning that a dangerous dog or animal is on

the premises. Any person owning, maintaining or harboring a dog for sentry or guard purposes must register the dog with the Office of Animal Control.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

§ 90.24 INTERFERENCE WITH ENFORCEMENT.

It shall be unlawful for any person to interfere with, hinder or molest the Animal Control Office agents, officers or veterinarians in the performance of any duty authorized by this chapter, or to seek to release any animal in the custody of those agents.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009) Penalty, see § 90.99

§ 90.25 ANIMALS CREATING A NUISANCE.

(A) Pursuant to G.S. § 153A-121, a county may by ordinance define, regulate, prohibit or abate acts, omissions or conditions detrimental to the health, safety or welfare of its citizens, and the peace and dignity of the county; and may define and abate nuisances.

(B) Nothing in this chapter shall prevent a private citizen from bringing an action to abate a nuisance, or from bringing an action for damage, loss or injury to the private citizen or his or her property resulting from an animal being a public nuisance.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009) Penalty, see § 90.99

§ 90.26 EXCLUSION FOR HUNTING DOGS.

This chapter shall not be interpreted as restricting persons owning specially trained hunting/working dogs from actually using their dogs for hunting/working in the presence of the owner or an agent of the owner, and are actually lawfully being used for hunting or training in compliance with applicable statutes, regulations or ordinances of the state and the county.

(Ord. passed 10-5-2009)

§ 90.27 NUISANCES PROHIBITED.

It shall be unlawful for any owner to permit a dog or cat to create a nuisance as defined by this chapter.

(Ord. passed 10-5-2009) Penalty, see § 90.99

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§ 90.28 PROCEDURE FOR COMPLAINT.

Any citizen who personally witnesses a violation of this chapter may file a complaint in the following manner:

(A) A citizen who witnesses a violation of this chapter may submit a written complaint to the Animal Control Department within 10 days of any alleged violation. The written complaint must be signed by the complaining witness and include a detailed explanation of the alleged violation(s). The written complaint must include a detailed description of the animal(s) and the name and address, if known, of the owner or keeper of the animal(s). Any evidence (i.e., photographs) should be attached to the complaint.

(B) Within a reasonable time considering the available resources of the Animal Care and Control Department, an animal control officer will notify the owner of the complainant and conduct an investigation of the alleged violation. The animal control officer will prepare a written report, with findings of fact and a determination as to whether or not the alleged violation is true, based upon a preponderance of the evidence.

(C) If the written findings indicate that a violation has occurred, the animal control officer shall cause the owner of the animal(s) in question to be so notified in writing to take such steps within 48 hours as may be necessary to prevent future violations.

(D) Subsequent violations of this chapter shall subject the owner of the animal(s) to civil and/or criminal penalties as provided by the state and this chapter. Any person who has been convicted of a criminal violation of this chapter shall restrain his/her animal(s) on his/her own premises.

(E) Any animal found off of the premises of its owner after having been convicted of a criminal violation of this chapter shall be unlawful and may be impounded by the Animal Care and Control Department. A notice of impoundment shall be served upon the owner or affixed to the owner's premises.

(Ord. passed 10-5-2009)

RABIES CONTROL

§ 90.35 COMPLIANCE WITH AND SUPPLEMENTARY TO STATE LAW.

(A) It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.

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(B) It is the purpose of this subchapter to supplement state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009) Penalty, see § 90.99

§ 90.36 INOCULATION OF DOGS, CATS AND OTHER PETS.

(A) It shall be unlawful for an owner to fail to provide current inoculation against rabies for any dog or cat 4 months of age or older. Should it be ordered by the County Animal Control Office, County Board of Health, the County Board of Commissioners or the State Public Health Veterinarian that other

pets be inoculated in order to prevent a threatened epidemic, or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet.

(B) A rabies inoculation shall be deemed "current" for a dog or cat if 2 inoculations have been given 1 year apart, and booster doses of rabies vaccine administered every 3 years.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009) Penalty, see § 90.99

§ 90.37 INOCULATION TAG.

(A) Upon complying with the provision of § 90.36, there shall be issued by the inoculator, to the owner of the animal inoculated, a metallic tag, stamped with the number and the year for which issued, and indicating that the animal has been inoculated against rabies.

(B) It shall be unlawful for any dog or cat owner to fail to provide the dog or cat with a collar or harness to which a current tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times.

(C) It shall be unlawful for any person to use for any animal a rabies inoculation tag issued for another animal.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009) Penalty, see § 90.99

§ 90.38 REPORT AND CONFINEMENT OF ANIMALS BITING PERSONS OR SHOWING SYMPTOMS OF RABIES.

(A) Every dog or cat that has bitten any person or that shows symptoms of rabies shall be confined immediately and shall be promptly reported to the Animal Control Office, and thereupon shall be securely quarantined at the direction of the Animal Control Office for a period of 10 days, and shall not be released from the quarantine except by written permission from the Animal Control Office.

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(B) Dogs and cats quarantined under this section shall be confined in a veterinary hospital, boarding kennel approved by the Office of Animal Control, or county animal shelter, at the expense of the owner; provided, however, that if an animal control officer determines that the owner of an animal that must be quarantined has adequate confinement facilities upon his or her own premises, the animal control officer shall authorize the animal to be confined on the premises. The animal control officer may not authorize the animal to be confined on the owner's premises unless the owner has a fenced-in area in his or her yard, and the fenced-in area has no entrances or exits that are not locked, and the animal is currently vaccinated against rabies. Proof will be required at the time of investigation. If the animal is confined on the owner's premises, the animal control officer shall revisit the premises for inspection purposes, at approximately the middle of the confinement period, and again at the conclusion of the confinement period.

(C) In the case of stray dogs or cats whose ownership is not known, the dogs or cats may be euthanized and the head examined for rabies, or kept for the supervised quarantine period required by this section at the county animal shelter.

(D) If rabies does not develop within 10 days after a dog or cat is quarantined under this section, the dog or cat may be released from quarantine with the written permission of the Animal Control

Office. If the dog or cat has been confined in the county animal shelter, the owner shall pay any necessary veterinarian fees and a boarding fee set by and approved by the County Board of Commissioners. Any animal that has bitten a person, which has not been reclaimed within 24 hours from the end of the 10-day rabies observation quarantine period, shall be destroyed by the Animal Control Office.

(E) In the case of any carnivore or bat, the animal may be euthanized and the head examined for rabies.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

§ 90.39 DESTRUCTION OF ANIMAL EXPOSED TO RABID ANIMAL.

Unvaccinated animals exposed by a known rabid animal shall be immediately destroyed. If the animal has a current rabies inoculation, it shall be revaccinated and returned to the owner.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009) Penalty, see § 90.99

§ 90.40 AREA-WIDE EMERGENCY QUARANTINE.

(A) When reports indicate a positive diagnosis of rabies, the County Health Director may order an area-wide quarantine for such period as he or she deems necessary. Upon invoking of such emergency

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quarantine, no dog, cat or other carnivore shall be taken into the streets or permitted to be in the streets during such period. During such quarantine, no dog or cat or other carnivore may be taken or shipped from the county without written permission of the Office of Animal Control. During the quarantine period, the local health authorities shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county.

(B) In the event there are additional positive cases of rabies occurring during the period of quarantine, the period of quarantine may be extended at the discretion of the County Health Director.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

§ 90.41 POSTMORTEM DIAGNOSIS.

(A) If an animal dies while under observation for rabies, the head of the animal shall be submitted to the County Health Department for shipment to the State Laboratory of Public Health for rabies diagnosis.

(B) The carcass of any animal suspected of dying of rabies shall be surrendered to the County Animal Control Office. The head of the animal shall be submitted to the County Health Department for shipment to the State Laboratory of Public Health for rabies diagnosis.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

§ 90.42 UNLAWFUL KILLING, RELEASING AND THE LIKE OF CERTAIN ANIMALS.

It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies or any animal that has bitten a human, or to remove the animal from the county without written permission from the Animal Control Office.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009) Penalty, see § 90.99

§ 90.43 FAILURE TO SURRENDER ANIMAL FOR QUARANTINE OR DESTRUCTION.

It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required in this subchapter, when demand is made therefor by the Animal Control Office.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009) Penalty, see § 90.99

§ 90.55 GENERALLY.

Any animal that appears to be lost, stray or unwanted, or that is found to be not wearing a valid rabies vaccination tag, as required by state law and this chapter, and not under restraint in violation of this chapter, shall be impounded by the Animal Control Office by any means necessary and confined in an animal shelter in a humane manner. Impoundment of the animal shall not relieve the owner thereof from any penalty that may be imposed for violation of this chapter.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009) Penalty, see § 90.99

§ 90.56 TRAPPING.

The Animal Control Department is authorized to place, upon request, live-capture animal traps on private property of the requestor or public property, to trap and remove stray, at-large, unwanted or nuisance animals. It is unlawful for any person other than an animal control officer or his or her designee to remove any animal from the trap, or to damage, destroy, move or tamper with the trap.

(Ord. passed 10-5-2009) Penalty, see § 90.99

§ 90.57 NOTICE TO OWNER.

Immediately upon impounding an animal, the Animal Control Office shall make reasonable effort to notify the owner and inform the owner of the conditions. If the owner is unknown or cannot be located, Animal Control shall hold the animal for 3 days (72 hours).

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

§ 90.58 REDEMPTION BY OWNER GENERALLY.

(A) The owner of an animal impounded under this subchapter may redeem the animal and regain possession thereof within 72 hours from the time notification of impoundment is given, as required by § 90.57, by complying with all applicable provisions of this chapter, and paying any necessary veterinary fees and a boarding fee set and approved by the County Board of Commissioners.

(B) No animal owner may be permitted to adopt his or her own animal under the provisions of this section in order to reclaim an animal that has been impounded pursuant to state law or this subchapter.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

§ 90.59 DESTRUCTION OR ADOPTION OF UNREDEEMED ANIMALS GENERALLY.

(A) *Unredeemed animals.* If an impounded animal is not redeemed by the owner within the period prescribed in § 90.57, it may be destroyed in a humane manner or shall become the property of the animal shelter(s) and offered for adoption by the first person who pays the adoption fee.

(B) *Emergency rabies quarantine.* No animal that has been impounded by reason of its being a stray, unclaimed by its owner, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to § 90.40, except by special authorization of the County Health Director.

(C) *Adoption contract.* Any person adopting a dog or cat from the animal shelter shall be required to sign an adoption contract with the animal shelter, the major provisions of which are outlined in this section. The purchase of euthanized animals from the animal shelter by a duly licensed biological supply company or veterinary researcher shall not be deemed to be an adoption.

(D) *Exceptions.*

(1) The Animal Control Office has the right to refuse adoption of animals to:

(a) Persons less than 18 years of age; or

(b) Persons who have previously been cited for violations of this chapter.

(2) Maximum number of animals adopted to same household is 3 per calendar year.

(E) Any animals that exhibit fierce, dangerous or aggressive behavior will not be offered for adoption.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

§ 90.60 PROCEDURE WITH RESPECT TO REDEMPTION OR ADOPTION OF UNVACCINATED DOG OR CAT.

All animals 4 months of age or older that leave the animal shelter or any animal hospital or veterinary clinic shall be required to have a current rabies vaccination.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

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§ 90.61 SUSPECTED RABID ANIMALS NOT TO BE REDEEMED OR ADOPTED.

Notwithstanding any other provision of this subchapter, impounded animals that appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with in accordance with §§ 90.35 et seq.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

§ 90.62 DESTRUCTION OF WOUNDED OR DISEASED ANIMALS.

Notwithstanding any other provision of this subchapter, any animal impounded that is badly wounded or diseased (not a rabies suspect) shall be destroyed humanely, only after consultation by the Office of Animal Control with a veterinarian licensed to practice in the State of North Carolina. This consultation will include a physical review of the animal by a licensed veterinarian, and agreement by the veterinarian that the animal is suffering and should be euthanized. If the animal has identification, the Office of Animal Control shall attempt to notify the owner before consulting with a licensed veterinarian and euthanizing the animal.

(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

§ 90.99 PENALTY.

(A) (1) Any person, firm or corporation violating any of the provisions of this chapter shall be subject to the imposition by citation of a civil penalty for each such violation in the amount of \$25, which shall be paid in full within 5 business days of the service of the citation by a representative of the County Animal Control Office or any law enforcement officer, or both in accordance with G.S. § 153A-123. If the offender does not pay the penalty within 5 business days, the county may recover the penalty plus court costs and attorney fees in a civil action in the nature of debt.

(2) Each subsequent violation of any of the provisions of this chapter shall subject the violator to the imposition by citation of a civil penalty in the amount of \$100, which shall be paid in

full within 5 business days of the service of the citation. If the offender does not pay the penalty within 5 business days, the county may recover said penalty plus court costs and attorney fees in a civil action in the nature of debt.

(3) Failure to make payment and correct the violation or violations within 5 business days will result in an additional penalty of \$25 per violation per day until the violation is corrected and the citation is paid. All funds derived from the civil penalties collected shall be used in the operation and maintenance of the county animal shelter.

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(B) If any dangerous animal or dangerous dog (as defined in G.S. § 67-4.1) shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner shall pay a \$300 civil penalty and, after a 10-day waiting period, exclusive of Sundays and holidays, the dog shall be destroyed by the Office of Animal Control.

(C) If any dangerous animal or dangerous dog shall, when unprovoked, kill, wound, or worry or assist in killing or wounding any domestic animal or pet, the owner of the animal or dog shall pay a \$200 civil penalty, and the dog will be humanely euthanized by the Animal Control Department at the expiration of 3 business days.

(D) If any dangerous animal or dangerous dog is found in violation of §§ 90.19, 90.20 and/or 90.21, the owner of the animal or dog shall pay a \$150 civil penalty, and the dog will be humanely euthanized by the Animal Control Department at the expiration of 3 business days.

(E) Any person in possession of or keeping an inherently dangerous mammal within the county shall be in violation of this chapter, and shall be subject to the imposition by citation of a civil penalty for each such violation in the amount of \$300, which shall be paid in full within 72 hours of the service of the citation by a representative of the County Office of Animal Control, or any law enforcement officer, or both in accordance with G.S. § 153A-123. If the offender does not pay the penalty within 5 business days, the county may recover the penalty plus court costs and attorney fees in a civil action in the nature of debt. Failure to make payment and correct the violation or violations within the 5 business days will result in an additional penalty of \$600 per violation per day until the violation is corrected. All funds derived from the civil penalties collected shall be used in the operation and maintenance of the county animal shelter.

(F) Violation of this chapter may subject the violator to criminal as well as civil action. Violation of this chapter shall be a misdemeanor for which a criminal summons may be issued. Any person convicted of this violation shall be punishable as provided in G.S. § 14-4. Each day's violation of this section is a separate offense.

(G) In addition, enforcement of this chapter may be by appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction.
(Ord. passed 2-25-2006; Am. Ord. passed 10-5-2009)

ARTICLE 4.**ABANDONED, NUISANCE AND JUNKED
MOTOR VEHICLES****Section 11.20. - Administration.**

The police department, fire department, and code official of the Town shall be responsible for the administration and enforcement of this article. The police department shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the Town and on property owned by the Town. The Town code official, with the assistance of the code official, Town planner, or fire department, 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 article and applicable state laws. Nothing in this article shall be construed to limit the legal authority or powers of the Town police department and fire department in enforcing other laws or in otherwise carrying out their duties.

Section 11.21. - Definitions.

For the purpose of this article, certain words and terms are defined as herein indicated:

Abandoned vehicle: As authorized and defined in G.S. §160A-303, an abandoned motor vehicle is one (1) that:

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on a public street or highway for longer than seven (7) days; or
- (3) Is left on property owned or operated by the Town for longer than twenty-four (24) hours; or
- (4) Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.

Authorizing official: The supervisory employee of the police department or the code official, respectively, designated to authorize the removal of vehicles under the provisions of this article.

Motor vehicle or vehicle: All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

Junked motor vehicle: As 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; or
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five (5) years old and appears to be worth less than five hundred dollars (\$500.00).

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

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
- (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
- (3) A point of collection of pools or ponds of water; or
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor, visible presence; or
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, passenger interior, or other interior sections, etc.; or
- (6) So situated or located that there is a danger of its falling or turning over; or

- (7) One (1) which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or
- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
- (9) So offensive to the sight as to damage the community, neighborhood or area appearance; or
- (10) Used by children in play activities; or
- (11) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Commission.

Section 11.22. - Abandoned vehicle unlawful; removal authorized.

- (a) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as 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.

Section 11.23. - 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 code enforcement office 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.

Section 11.24. - Junked motor vehicle regulated; removal authorized.

- (a) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- (b) Subject to the provisions of subsection (c), upon investigation, the code official may order the removal of a junked motor vehicle as defined in this article after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:
 - (1) 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.
- (c) Permitted concealment or enclosure of junked motor vehicle: Any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. A garage or building structure means one which is erected

pursuant to the lawful issuance of a zoning permit and a building permit which has been constructed in accordance with all zoning and building code regulations.

Section 11.25. - Declared to be a health or safety hazard.

Any partially dismantled or wrecked vehicle, vehicle which is incapable of self-propulsion or being moved in the manner for which it was originally intended, vehicle left on private property without the consent of the owner, occupant or lessee thereof, or any junk motor vehicle is declared to be an attractive nuisance for children, a breeding place for rats and vermin, and a potential fire hazard. All vehicles abandoned upon privately owned property, which have been abandoned for as long as 30 days are declared to constitute a health and safety hazard.

Section 11.26. - Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements.

Except as set forth in section 11.27 below, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. 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, notice shall be given by first class mail (or any other method authorized for service by North Carolina Rules of Civil Procedure). The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to whom the notice is mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle. The notice shall state that the vehicle will be removed by the Town on a specified date, no sooner than seven

(7) days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

An order to remove abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, may be appealed by the registered owner or person entitled to possession to the BOA within the time period stated in the notice to remove by appearing before the BOA at the appeal hearing date and time given on the notice. Such appeal shall stay the order of removal until final determination by the BOA. The appeal shall consider the determination that the vehicle is abandoned, or in the case of a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens. In the event no appeal is taken within the time period stated in the notice to remove, the code official may proceed to remove the vehicle.

Section 11.27. - Exceptions to prior requirement.

The requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice include:

- (1) *Vehicles abandoned on the streets within the Town.* For vehicles left on the public streets or highways, the Town Commission hereby determines that immediate removal of such vehicles therefrom for safekeeping by or under the direction of the police department, the department of planning and community development, or the department of public works, to a storage garage or area 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, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare; therefrom for safekeeping by or under the direction of the police department, the department of planning and community development, or the department of public works, to a storage garage or area. By way of illustration and not of limitation, such 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.

Section 11.28. - Removal from private property.

- (a) Before any vehicle may be removed by the Town from private property as defined above to be abandon, junk or nuisance, the owner of the real property on which any such vehicle is located must be given at least five days' written notice from the Town of the vehicle removal. The owner may request in writing that the code official review the determination that the vehicle to be removed is in violation of the ordinance. No such vehicle shall be removed from privately

owned premises without the written request of the owner, lessee or occupant of the premises on which the vehicle is located unless the vehicle has had the status of an abandoned vehicle on such privately owned premises for as long as 30 days and has, therefore, become a health and safety hazard in accordance with the declaration of the Commission as set out in section 11.25. When a vehicle is removed from privately owned property at the request of a person, the person at whose request such vehicle is moved shall indemnify the Town against loss or expense incurred by reason of removal, storage or sale thereof.

Section 11.29. - Removal of vehicles; post-towing requirements.

Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the Town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the Town. Whenever such a vehicle is removed, the authorizing Town official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

The Town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsections (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 agent.

If the vehicle is registered in North Carolina, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within seventy-two (72) hours from the removal of the vehicle.

Whenever an abandoned, nuisance or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing Town official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information set forth in subsections (1) through (5) above.

Section 11.30. - Right to probable cause hearing before sale or final disposition of vehicle.

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated in G.S. §20-219.11(c) to receive such hearing requests, the magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. §20-219.11 as amended.

Section 11.31. - Redemption of vehicle during proceedings.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this article.

Section 11.32. - Sale and disposition of unclaimed vehicle.

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the Town and in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes, except no probable cause hearing in addition to the hearing provided for in Section 2.11 is required.

State Law reference- Disposal of abandoned, nuisance or junked motor vehicle, by tow truck operator or towing business, G.S. § Art.1, Ch. 44A.

Section 11.33. - General penalty.

(a) Except as set forth in subsection (b), violation of any provision of this Code or any other Town ordinance shall be a misdemeanor as provided by G.S. § 14-4(a).

(b) Violation of any provision of this Code shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00), to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within a period of seventy-two (72) hours after he has been cited for violation of the ordinance. Citation shall be in writing, signed by the code official and shall be delivered or mailed to the offender either at the residence or at the place of business or at the place where the violation occurred. Each day's continuing violation shall be a separate and distinct offense. Any action to recover such civil penalty may be joined in action for appropriate equitable or other legal remedy, including injunctions and orders of abatement and including an action to recover damages owing to the Town by reason of expenses incurred by the Town in abating, correcting, limiting and otherwise dealing with the harmful effects of the offending action.

Section 11.34. - Exceptions.

Nothing in this article shall apply to any vehicle:

- (1) Regulated under G.S. § 160A-303.2 which is kept or stored at 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., or the removing or disposing of any motor vehicle that is used on a regular basis for business or personal use; and
- (2) Regulated under G.S. § 160A-303 which is in an enclosed building or any vehicle 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 to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

Section 11.35. - 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 bond in lieu of such fees, have been paid.

State Law reference- Definition of junkyard, G.S. § 136-143, Junkyard Control Act, G.S. Junkyard Control Act, G.S. 136-141

Section 11.36. - Protection against criminal or civil liability.

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

Article 5

(Adopted 9/2008)

Sex offenders prohibited in certain areas.**Section 11.31 Authority.**

In accordance with G. S. 160A-174, a city may by ordinance define, prohibit, regulate or abate acts, omissions or conditions which are detrimental to the health, safety and welfare of its citizens and the peace and dignity of the city. Further, under the general ordinance making authority that has been delegated to municipalities as a part of its police power, cities and towns have the authority to enact ordinances to protect the safety and general welfare of its citizens. This chapter is therefore adopted under the authority vested in cities and towns by the Legislature of the State of North Carolina as well as the decisions of the courts of this State interpreting and applying the powers delegated to municipalities.

Section 11.32 Definitions.

The following definitions shall apply for the purposes of administering this Chapter.

Registered Sex Offender. Any individual who is required to register or is registered with the North Carolina Sex Offender and Public Protection Registry (established under Article 27A of Chapter 14 of the North Carolina General Statutes) or, the Dru Sjodin National Sex Offender Public Registry (maintained by the United States Department of Justice), or any other official state or federal registered sex offender listing maintained by either the United States Department of Justice or any of the several states. For purposes of determining if any individual is registered or is required to register with

any one of the official registries, law enforcement officers may rely upon the official website of any state or federal registry of sex offenders and the descriptions published and available from such registry.

Public Park. Any publicly owned or maintained land designated by the Town of Hudson as a park or recreational facility including any adjacent public parking area, as well as the driveway, entrance way or pedestrian walkway used by the public to access the public park or recreational facility provided the public walkway, entrance or driveway is not more than 1,000 ft. from the park or recreational facility.

Section 11.33 Sex Offenders Prohibited.

It shall be unlawful for any registered sex offenders to knowingly enter into or on any public park as defined herein.

Section 11.34 Sex offender Permit.

Any person adjudicated a "Sex Offender" may obtain a permit to visit any Public Park facility provided they are not listed as a "Predator." Permits will be issued to any "Sex Offender" wishing to visit any Public Park within the Town of Hudson provided the "Sex Offender" provides a valid justification to visit the Public Park, and the person requesting the permit is not a "Predator." Permits shall clearly state the dates and times the "Sex Offender" may be in the Public Park and which location the person may visit.

Section 11.35 Posting Required.

Each Public Park or recreational facility shall be posted to the effect that registered sex offenders are prohibited. If there is a public bulletin board at or near the entrance or the main parking lot

of each such Public Park or recreational facility, posting a copy of this Ordinance shall be sufficient for compliance. Otherwise, a separate sign or posting indicating that registered sex offenders are prohibited shall be sufficient. Having been posted as required hereunder, subsequent unauthorized removal of such notice, sign or posting, or the damage or destruction of such sign, notice or posting shall not excuse a violation of this Chapter.

Section 11.36 Violation.

If any person shall violate this Chapter, that person shall be guilty of a class 3 misdemeanor and shall be fined not more than FIVE HUNDRED DOLLARS (\$500.00). Each and every entrance into a Public Park as defined herein shall constitute a separate offense under this Chapter and subject the offender to a separate fine.

Section 11.37 Severability.

If any court of competent jurisdiction shall determine that any word, clause, phrase, sentence, paragraph, or subsection of this Chapter is unconstitutional as written, the court shall first attempt to construe the unconstitutional provisions so as to enable such provision to be constitutional as construed. If the court cannot construe such provision narrowly so as to render the same constitutional, then it is hereby declared and the Town of Hudson Board of Commissioners intends that the sections, paragraphs, sentences, clauses and phrases of this Chapter are severable, and if any phrase, clause, sentence, paragraph or section shall be declared unconstitutional or invalid, then such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs or

sections, and that the same would have been enacted by the Town of Hudson Board of Commissioners without such words, clauses, phrases, sentences, paragraphs or sections being included.

**Adopted this the 16th day of
September, 2008.**

From: [Tammy Swanson](#)
To: [Sen. Andy Wells](#); [Susan L. Sitze \(Legislative Analysis\)](#)
Subject: FW: Code of Ordinances - Town of Hudson
Date: Thursday, September 05, 2019 05:05:07 PM

Good Afternoon,

Below is a link to the Town of Hudson's webpage for the Code of Ordinances. The Ordinances regulating the operation and parking of vehicles are included in Chapter 7 (Traffic). Please feel free to contact me if you have any questions, or if you have any problems accessing our information.

<http://townofhudsonnc.com/code-of-ordinances>

Thank you,
Tamra T. Swanson
Town Clerk
Town of Hudson, North Carolina