

Memorandum

TO: Rep. Jonathan C. Jordan and Sen. Andy Wells—Co-Chairs of the Joint Legislative Administrative Procedure Oversight Committee

Rep. James L. Boles, Jr., Rep. Ted Davis, Jr., and Sen Shirley B. Randleman--- Co-Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety

FROM: Al Benshoff (General Counsel for the Town of Mocksville) and Brady Herman

DATE: November 20, 2018

RE: Response to the Requirements set forth in Section 3 of Session Law 2018-69 (House Bill 379) for the Town of Mocksville, N.C.

Attached is the response of the Town of Mocksville, North Carolina to the requirements set forth in Section 3 of Session Law 2018-69 for local governmental units. The attached document contains a list of all Mocksville's ordinances that create criminal offenses pursuant to G.S. 14-4(a), with brief descriptions of the prohibited conduct. Additionally, here is a [link](#) to the Town of Mocksville's website for a reference to the ordinances summarized.

If you have any questions about this Memorandum, please contact either Al Benshoff by email at Benshoff@broughlawfirm.com, or Brady Herman at bherman@broughlawfirm.com, at The Brough Law Firm, tel: (919)-929-3905. Also, please acknowledge receipt of this Memorandum and its sufficiency in complying with Session Law 2018-69, Section 3.

Chapter III: General Regulations

Article 1- Animals and Fowl

Section 3-1.3—Dangerous Dog or Potentially Dangerous Dog Declaration: Prohibits any dog or potentially dangerous dog, as defined in this Chapter of the Town Code, within the Town limits unless the owner or keeper presents sufficient evidence to Animal Control that the animal (1) is in a proper enclosure and has a clear visible warning sign that there is a dangerous dog on the premises; (2) a policy of liability insurance of at least \$100,000 at the owners expense; and (3) and is only permitted outside its enclosure when the dog is muzzled and restrained by a substantial chain or leash.

Section 3-1.4—Animals Creating Public Nuisance: Gives the Davie County Animals Services Director the authority to instruct any animals owner to confine such animal if it has been damaging the property of other owners, turning over garbage, impeding the safety of pedestrians, bicyclists or motorists, or creating a nuisance in any other way.

Section 3-1.5—Impoundment of Animals: Requires any animals that appears to be lost, strayed or abandoned, or which is found to be not wearing a currently valid rabies vaccination tag, as required by state law and this Chapter, or which is found running at large or not under restraint in violation of this chapter, may be impounded by Animal Control and confined in the County Animal Control Shelter in a humane manner. The impoundment or reclaiming of such animal under this section will not relieve the animal's owner from paying all applicable fees or any other penalties under this Article.

Section 3-1.2—Possession and/or Harboring Prohibited: Prohibits possessing or harboring any exotic or wild animals within the county except if a valid permit is obtained from Animal Control establishing pre-existing ownership or possession of such exotic or wild animal within 30 days of October 3, 2017, the effective date of this subchapter.

Article 2- Parades and Demonstrations

Section 3-2.2—Permit Required: Prohibits organizing, conducting, or participating in any parade, picket line or group demonstration in or upon any street, sidewalk, alley or other public place within the Town unless a valid permit has been obtained from the Chief of Police in accordance with the provisions of this Article.

Section 3-2.4—Permit Revocation: The Chief of Police has the authority to revoke any permit under this Article if the permittee or participant violates section 3-2.5 (below) or fails to comply with any of the terms and conditions of the permit.

Section 3-2.5—Certain Activities Prohibited: Prohibits the following acts or activates when performed in conjunction with, or as part of any parade, picket line or group demonstration: (1) carrying any firearms, or any other weapon or article which by its use may constitute as a deadly weapon, including but not limited to, blackjacks, nightsticks or flashlights; or (2) the taking or keeping of any vicious dog or other vicious animal, whether leashed or unleashed during the event.

Section 3-2.6—Interference Prohibited: Prohibits tampering, obstructing, or otherwise interfering with any parade, picket line, or group demonstration being conducted under a validly issued permit by the Chief of Police or the Chiefs designee.

Section 3-2.7—Additional Regulations Applicable to Picketing: Requires all picket lines and picketing to be subject to the following additional regulations: (1) must be conducted on the sidewalks reserved for public movement and not on the street used for vehicular traffic; (2) no more than ten pickets promoting the same objective within a single block at one time; (3) picket signs promoting the objective must be less than two feet in width and two feet in length; and (4) pickets must march in a single file line and not march closer than 15 feet.

Article 3- Cemeteries

Section 3-3.1—Burials in Cemeteries: Prohibits burying, or causing to bury, any human body in the Town other than in Rose Cemetery or other cemetery approved by the Town, and not until a lot has been purchased.

Section 3-3.3—Digging Graves in Rose Cemetery: Prohibits digging any grave in Rose Cemetery without the permission from the Town.

Section 3-3.4—Certificate Prior to Burial: Prohibits burying any dead body without first securing a certificate from a licensed physician prior to burial.

Section 3-3.5—Disinterment's in Rose Cemetery: Prohibits making any disinterment's in Rose Cemetery, except by Rose Cemetery employees with the consent of the Board and written consent of the lot owner or nearest of kin.

Section 3-3.6—Damaging Property in Cemetery: Prohibits damaging, destroying, or defacing any property in or belonging to any cemetery.

Section 3-3.7—One Interment in Grave in Rose Cemetery: Requires all burials to be in a vault or urn and only one interment shall be made in a grave in Rose Cemetery, except upon permission of the Town.

Section 3-3.8—Entering Cemetery between Sunset and Sunrise: Prohibits entering any cemetery at anytime within the Town between sunset and sunrise without written consent of the cemetery keeper.

Section 3-3.9—Cemetery Not to be Used as Public Thoroughfare: Prohibits using the avenues of any cemetery as public thoroughfares.

Section 3-3.10—Cemetery Rules and Regulations: Prohibits grave mounds or the planting of any trees, flowers, or shrubs on any lot, except grass at the grave sites. Requires only one grave marker to be placed upon any singles grave site and must be installed at the supervision of a designated employee of the Town.

Article 4- Parks and Recreation

Section 3-4.1—Rich Park; Hours: Prohibits any unauthorized person or private vehicle to be in or upon the premises of Rich Park between dusk and dawn. The hours during which the Rich Park premises will be open to the public daily is from dawn to dusk, except for scheduled park events with Town approval.

CHAPTER IV: Financial and Taxation

Article 2- Occupational Licenses, Taxes and Regulations

Section 4-2.5—Application; False Statement Theron: Prohibits willfully making a false statement in a license application for the privilege of engaging in a business within this Town.

Section 2-2.14—Unlawful to Conduct Business without a License: Prohibits any person to engage in a business within the Town upon which a privilege license tax is imposed, as set forth and designated in this Article, without having first paying the license tax to the Tax Collector.

Article 3- Pawnbrokers

Section 4-3.2—License Required: Prohibits any person, firm or corporation to establish or operate any pawnbroker business without first having applied for and been granted a valid license and paying the applicable fee as set forth in this Article of the Town Code.

Section 4-3.6—Record Keeping Requirements: Requires every pawnbroker to keep consecutively numbered records of each pawn transaction, and the records must correspond in all essential matters to a detachable pawn ticket or copy thereof attached to the record, along with specific information contained in the record as set forth and designated in this section of the Town Code.

Article 4- Peddling and Soliciting

Section 4-4.2—Registration: Requires every person doing business as a peddler, solicitor, or transient vendor within the Town to file a form with a statement of information as set for in this section with the Chief of Police.

Article 4A- Regulation of Street Solicitors

Section 4A.2—Roadway Solicitation Prohibited: Prohibits any person to stand on any street, highway or right-of-way, excluding sidewalks, within the Town, while soliciting or attempting to solicit any employment, business or contributions from the driver or occupants of any vehicle. This section does not apply to emergency repairs or services requested by the operators of the vehicles.

Article 5- Pool, Billiard Tables, and Other Tables, Bowling Alleys and Other Alleys

Section 4-5.1—License Required: Prohibits operating or maintaining any pool or billiard table, bowling alley or other table or alley for any game or play for which charge is made, unless the person applies for, and secures a valid license from the Town Board. The license will expire on June 30 of each year is nontransferable.

Section 4-5.6—Prohibited Acts: Prohibits any licensee under this article, or its employees, to employ any person in carrying on the business who has been convicted of unlawfully selling alcoholic beverages or narcotic drugs.

Section 4-5.7—Rules for Operation of Pool and Billiard Rooms: Requires all hours of operation to be no earlier than 10:00 a.m., and no later than 1:00 a.m. when the use abuts a residential use, or a residentially zoned lot and all pool and billiard rooms must be operated on the ground floor of the building. Prohibits (1) playing on any table during the times when pool or billiard rooms are required to be closed by this article; (2) any screens, curtain, blinds or other obstructions to be placed between the

entrance room where pool is played to the rear wall of the room; (3) partitioning forming rooms, stalls or enclosure where the public congregates; or (4) permitting or maintaining any open or secret connections through doors, windows, trap doors, hidden doors, panels, stairways or other devices with any place where gambling is conducted or where persons meet or congregate for immoral purposes.

Article 6- Taxicabs

Section 4-6.2—License Required: Prohibits maintain or operating any taxicab operation for profit unless the person first applies for and secures a license from the Town Board to do so under this Article.

Section 4-6.7—Proof of Financial Responsibility: Prohibits engaging in the business of operating a taxicab within the Town limits unless the person first files proof of financial responsibility with the Town Clerk.

Section 4-6.8—Accident Reports: All accidents from or in connection with the operation of taxicabs must be reported immediately to the Town Police Department.

Section 4-6.9—Passenger Doors: Prohibits any motor vehicle to be operated upon the Town streets as a taxicab unless the motor vehicle is equipped with at least two doors for passengers to enter and leave the car, exclusive of the doors serving the driver and front passenger seat.

Section 4-6.10—Prepayment of Fares: Requires every driver of a taxicab to have the right to demand payment of the legal fare in advance and may refuse employment unless the fare is prepaid.

Section 4-6.11—Refusal to Carry Orderly Person: Prohibits any driver of a taxicab to refuse or neglect to convey any orderly person, upon request, anywhere in the Town unless previously engaged or unable to do so.

Section 4-6.12—Overcharging; Overpayment: Prohibits the owner or operator of any taxicab for business to charge rates or fares in excess of any fares established by the Board, or for any passenger to pay the rates or fares in excess of the fares provided, or to refuse to pay fares as may be charged in accordance therewith.

Section 4-6.13—Carrying Additional Passengers: Prohibits any driver of a taxicab to carry any person other than the passenger first employing the taxicab, without the consent of the first passenger.

Section 4-6.14—Regular Stands; Cruising, Drop off and Pick Up: Requires every owner of a taxicab licensed under this article to maintain within the Town a regular stand or station from which the taxicabs must be operated. Taxicabs are prohibited to cruise or park in any designated parking space for the purposes of soliciting business or be allowed to cruise generally as defined in this section of the Town Code. When a paying customer is being picked up or dropped off, it must be done outside of the roadway in a location that is safe for the customer as well as the motoring traffic. The taxicab driver will drop the paying customer off at a point that is close to the intended destination but must do so in a safe manner. Prohibits the tax cab to impede the natural flow of traffic at any time for the intent of doing business.

Section 4-6.16—Driver's Permit Required: Requires every person driving a taxicab licensed under this article to hold a valid driver's permit issued by the Town along with a valid North Carolina Driver's License.

Section 4-6.17—Rates of Fare Established: Prohibits an owner or driver of any taxicab to charge or collect from any passenger any fare in excess of the rates set forth by the Town Board. The driver of the taxicab is required to maintain a manifest of all activities which he operates, showing the time and place of origin and destination of each trip and the amount of fare.

Section 4-6.18—Vehicles to be in Good Mechanical Condition; Inspection of Vehicles: Requires all taxicabs operated within the municipality to be kept in good mechanical condition at all times and the owner or operator must have the vehicles inspected from time to time, and at regular intervals by an experienced and competent automobile mechanic. Prohibits (1) any person to operate any taxicabs for the transportation of passengers for hire when the vehicle is not in good mechanical condition; (2) permitting any alcohol within the taxicab; or (3) permitting smoking in any vehicle approved by the Town Council to operate as a taxicab.

Article 7- Garage Sales

Section 4-7.2—General Retail Sales Prohibited: Prohibits conducting general retail sales or commercial activities of any kind in residential areas, unless they are conducting pursuant to the garage sale rules and regulations as set forth and designated in this section of the Town Code.

Article 8—Privilege License Tax for Electronic Gaming Operations

Section 4-8.2—License Tax Levied: Requires any person who is engaged in the business of electronic gaming operations to be responsible for making certain that the applicable license tax is paid.

Section 4-8.4—Record Keeping Requirements: Prohibits any electronic gaming machine to be used or stored on any premises of an electronic gaming operation without the appropriate annual privilege license tax having been first paid. Requires (1) the applicant for an electronic gaming operation privilege license to provide the Town the serial number or other identifying number of each electronic gaming machine used or stored as part of the operation and must be written on the privilege license; and (2) If the electronic gaming operation purchases, leases or otherwise acquires new machines or replaces existing machines with other machines, the business operation must, within 14 days of acquisition, report the serial numbers or other identifying numbers of the acquired machines to the Town.

CHAPTER V: Public Safety

Article 1- States of Emergency

Section 5-1.13—Penalty for Violation: Prohibits any person to violate any prohibition or restriction imposed by a state of emergency proclamation authorized by the Mayor and under this article. The proclamation may impose, compel, or direct a curfew or evacuation plan to be in place, or otherwise restrict the possession and consumption of alcohol, or the transportation of dangerous weapons or substances off private property. Any person in violation of the proclamation will be guilty of a misdemeanor as provided in G.S. § 14-4.

Article 4—Minimum Housing

Section 5-4.22—Alternative Remedies: Prohibits any dwelling to be erected, altered, moved or changed in occupancy without first obtaining a certificate of occupancy from the Housing Inspector. If any dwelling is erected, constructed, altered, repaired, converted, maintained or used in violation of this

article, or of any valid order or decision of the Housing Inspector or Board made pursuant to any article or code adopted under authority of this article, the Housing Inspector may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration or occupancy, to restrain, correct or abate the violation, to prevent the occupancy of the dwellings, or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

Section 5-4.24—Violations: In addition to the conditions, acts or failures to act that constitute violations specified in this article, prohibits any owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close, or vacate and remove, or demolish the same, any order of the Housing Inspector duly made and served as herein provided under this Article within the time specified in the order. Prohibits any owner of any dwelling, with respect to which an order has been issued pursuant to this article, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration or improvement or its vacation and closing, or vacation and removal or demolition.

Article 5- Public Health Nuisances

Section 5-5.4—Littering, Generally: Prohibits throwing or depositing upon any street or sidewalk, or upon any private property, except with written permission of the owner or occupant of the private property, any trash, refuse, garbage, building material, cans, bottles, broken glass, paper or any type of litter.

Section 5-5.5—Littering from Vehicles: Prohibits any person while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place or upon private property.

Section 5-5.6—Maintenance of Public Areas of Certain Commercial Establishments, Generally: Requires every owner, lessee, tenant, occupant or person in charge of any commercial establishment or premises which maintains any paved or unpaved areas for the use of the public, to keep and maintain those areas clean and free from trash, litter, rubbish and any materials liable to be blown, deposited or cast upon the street or other public way within the Town.

Section 5-5.8—Declaration of Public Nuisance: Any of the conditions as set forth in the section of the Town Code, which constitutes as a detriment, danger, or hazard to the health, safety, morals and general welfare of the citizens of the Town and the ETJ will be deemed and declared to be a public nuisance under this section, and wherever the conditions exist and the creation, maintenance or failure to abate any nuisances persists will be deemed and declared a public nuisance under this section.

Article 6- Abandoned, Junked and Nuisance Vehicles

Section 5-6.3—Abandoned Vehicle Unlawful; Removal Authorized: Prohibits any registered owner or person entitled to possession of a vehicle to cause or allow the vehicle to be abandoned, as defined in this Article of the Town Code. Upon an investigation, the authorized officials of the Town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

Section 5-6.4—Nuisance Vehicle Unlawful; Removal Authorized: Prohibits any registered owner or person entitled to possession of a motor vehicle, or 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 by the Town Code Administrator. Upon an investigation, the Town

Code Administrator may determine and declare that a vehicle is a health or safety hazard or otherwise a nuisance vehicle, as defined in this article, and order the vehicle removed.

Section 5-6.5—Junked Motor Vehicle Regulated; Removal Authorized: Prohibits any registered owner or person entitled to possession of a junked motor vehicle, or for the owner, lessee or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed, or fail to comply with the location requirements or the concealment requirements as provided in this section.

Section 5-6.16—Unlawful Removal of Impounded Vehicle: Prohibits 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 article, unless and until all towing and impoundment fees which are due, or bond in lieu of the fees, have been paid by the person.

Article 7- Criminal Nuisances

Section 5-7.2—Declaration of a Criminal Nuisance: Prohibits any criminal nuisance, as defined in G.S. chapter 19, within the Town, or any condition that the Town Board declares, after holding a public hearing, to be a criminal nuisance within the Town.

Section 5-7.6—Failure to Abate a Criminal Nuisance as Ordered by Town Board: Any owner who fails to abate a nuisance after being duly notified by the Town Board, the Board at its discretion may order staff to directly proceed with an abatement procedure against the owner. Any costs for the abatement, including administrative costs associated with it, must be paid to the Town within 30 days of notification.

Section 5-7.8—Enforcement Remedies: Any violations of the provisions of the Article will subject the offender to criminal prosecution, injunctive relief or orders of abatement as afforded to the town under G.S. § 160A-175 for the enforcement of articles.

Article 8- Adult Establishments

Section 5-8.4—Licensing of Adult Establishment Operators: Prohibits operating any adult establishment, either as a principal or accessory use, as defined in this Article, unless the person has have first applied for, and received a privilege license by the Town.

Section 5-8.5—Licensing of Persons Engaged in the Performance of Adult Live Entertainment: Prohibits engaging in the business or profession of adult live entertainment unless the person has first applied for and received a privilege license from the Town as provided under this Article.

Section 5-8.9—Hours of Operation: Prohibits any person licensed under this section to (1) engage in the business or profession of adult entertainment before 8:00 a.m. or after 12:00 midnight; (2) admit customers or prospective customers, or remain open for business, before 8:00 a.m. or after midnight; or (3) allow, permit, or condone the violation of the aforementioned subsections.

Section 5-8.11—Prohibited Practices: Prohibits (1) touching any individual customer in a manner as to result in sexual orgasm by the individual being touched or massaged; or (2) touching any individual customer in a manner which is reasonably calculated to sexually stimulate or arouse the person being touched or massaged.

CHAPTER VI: Municipal Utilities and Services

Article 1- Water

Section 6-1.4—Connection, When Required: Every person owning improved property in the Town, which is located within 300 feet of a municipal water line, is required to connect the property with the water line within 30 days after receiving written notice from the Town.

Section 6-1.5—Permit: Prohibits any person from connecting with the Town water system until the person has applied for and obtained permission from the Town Clerk to connect.

Section 6-1.12—Resale of Water: Prohibits furnishing water from a person's premises for any other premises through any one meter by way of piping or tubing. Each additional premise must have its own separate water meter, if it is to be served by the Town.

Section 6-1.13—Fire Hydrants: Prohibits any person, other than employees of the Town, (1) to take water from any public hydrant, plug, street washer, hose, pipe, or fountain; or (2) in any way use or take water for private use unless the person pays for the privilege and receives a valid permit form the Town.

Section 6-1.15—Tampering with or Obstructing Water Lines: Prohibits (1) tampering with, manipulating, or tuning the cut-offs on any of the water mains forming a part of the water system of the Town; (2) tampering with or harming any waterline, main or any appurtenance thereto; or (3) throwing or depositing any material or substance into any water line that will obstruct the line in any manner.

Article 2- Sewer

Section 6-2.8(c)(1)- Enforcement, Criminal Violations: Prohibits (1) negligently violating any term, condition or requirement of a pretreatment permit; (2) negligently or failing to apply for a pretreatment permit issued by the Town; (3) knowingly and willfully violating any term, condition or requirement of a pretreatment permit, or knowingly and willfully failing to apply for a pretreatment permit issued by the Town; (4) knowingly violating any term, condition or requirement of a pretreatment permit issued by the Town, or knowingly failing to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury; and (5) falsifying information as required under General Statutes Chapter 143, Article 21.

Article 3: Solid Waste Collection and Disposal

Section 6-3.3-- Failure to Use Containers: Prohibits (1) throwing, placing, or depositing any garbage or refuse of any kind in any place or on any public or private property, except in approved containers or as otherwise provided in this Article; or (2) permitting garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit the same in approved containers as required in this section. All garbage and refuse must be collected and placed in containers as required by this Article.

Section 6-3.6—Scrap Building Materials; Tree Trunks not to be Collected: Prohibits any scarp building materials and tree trunks to be collected by the Town and the removal and disposal of these items is the primary responsibility of the property owner.

Section 6-3.8—Burning or Burying Garage and Refuse: Prohibits burning or setting fire to or burying any garbage for the purpose of disposal within the Town.

CHAPTER VII: General Offenses and Miscellaneous Provisions

Article 1- Beer and Wine Consumption on Public Property; Disposal of Containers

Section 7-1.1—Public Property: Prohibits consuming any malt beverages or wine (fortified or unfortified) on any public property or upon any public street within the Town without a valid permit.

Section 7-1.2—Disposal of Containers: Prohibits dropping, throwing, casting or depositing any malt beverage or wine container in any public place or upon any public street, or upon the private premises of another without permission of the owner or person entitled to possession of the premises.

Article 2- Discharge of Firearms

Section 7-2.1—General: Prohibits any person to shoot or discharge any air rifle, pellet gun, gun or pistol, or any spring gun, pistol or other similar device or firearm which impels with force a shot or pellet of any kind within the Town limits.

Section 7-2.2—Permit Required: Allows any person over the age of 21, after first securing a valid permit from the Chief of Police, to use a 22-caliber rifle with blank or shot cartridges for the purposes of firing at pigeons, squirrels or rats upon or around any apartment or dwelling owned or occupied by that person.

Article 3- Damage to Municipal Property

Section 7-3.1—Damage to Municipal Property: Prohibits damaging, tampering with, removing, painting upon or defacing any bridge, culvert, ditch and drain, sign, signpost, streetlight, traffic signal, bulletin board or other Town property upon the streets and sidewalks or elsewhere, except employees of the Town in the performance of their duties.

Article 4- Loitering on Private Property

Section 7-4.1—Loitering, Generally: Prohibits any person to loiter in or upon any private property on any day between the hours of 12:00 a.m. and 6:00 a.m. when signs have been posted by the owner or the owner's employee or agent prohibiting the same.

Section 7-4.2—Loitering on Private Business Property: Prohibits any person to loiter in or upon any private business property, parking lot or area at any time that business is not open to the public, when signs have been posted by the owner or the owner's employee or agent stating that the loitering is prohibited at or during certain designated times.

Article 5- Noise

Section 7-5.1—Unnecessary and the Like Noise- General Prohibition: Prohibits creating, permitting, continuing, or permitting the continuance of any unreasonably loud, disturbing and unnecessary noise or noises of the character, intensity or duration as to be detrimental to the life or health of any individual in the Town.

CHAPTER VIII: Land Use

Article 3- Zoning

Section 8-3.9.10(D)—Enforcement, Criminal Penalties: Any person, firm or corporation convicted of violating the provisions of this article, upon conviction, will be guilty of a misdemeanor and will be fined an amount not to exceed \$500 and/or imprisoned for a period not to exceed 30 days. Each day of violation shall be considered a separate offense; provided that, the violation of this article is not corrected within 30 days after notice of the violation is given.

CHAPTER IX: Streets and Sidewalks

Article 1- In General

Section 9-1.2—Damaging Streets Unlawful: Prohibits any person to drag or run or cause to be dragged or run any implement, machine or tool upon any asphalt or other type of permanently paved street of the Town which will likely, in any way, damage or cut the surface thereof.

Section 9-1.3—Permit Required for Construction of Sidewalks: Prohibits the building, constructing, or erecting of any sidewalk, pedestrian path, bicycle path or walking trail intended for public use without a written permit issued from the Town.

Section 9-1.4—Dropping and Tracking Dirt, Mud, Gravel and Debris Prohibited: Prohibits anyone operating a vehicle used for hauling dirt, gravel, garbage or debris through the public streets to drop such materials onto the streets. Contractors are responsible in ensuring that the public streets adjacent to construction sites are kept free of dirt, mud, gravel and other debris tracked onto the streets by the movement of vehicles. Property owners are responsible in ensuring that gravel and dirt from driveways are kept off all public streets.

Article 2- Excavations; Driveways

Section 9-2.1— Excavation Permit: Prohibits making an excavation or opening or digging any ditch, trench, tunnel or hole in, along, or across any public street, sidewalk, or other public place for the purpose of laying or placing any pipe, wire, or pole therein, unless a written permit has been issued by the Town Manager or some other officer vested with proper authority.

Section 9-2.4—Driveway Permit: Prohibits constructing, reconstructing, repairing, altering or grading any driveway on the public streets, unless a written permit has been validly issued by the Town manager or some other officer vested with proper authority.

Section 9-2.6—Leaving Excavation Unprotected: Prohibits any person who obtains a permit under this Article to do any excavation of any kind which creates or causes a dangerous condition in or near any street or other public place of the Town without warning the public of excavation work and requires protecting all persons using reasonable care from injuries on account of the excavation or work.

Article 3- Trees

Section 9-3.8—Tree Topping: Prohibits any person, including the Town, to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger

than three inches in diameter within the tree's crown to a degree so as to remove the normal canopy and disfigure the tree.

Section 9-3.9—Removal of Stumps: Requires all stumps of street and park trees to be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 9-3.10—Interference with Tree Board: Prohibits any person to prevent, delay or interfere with the Tree Board, or any of its agents, while engaging in and about the planting, cultivation, mulching, pruning, spraying or removing of any street trees, park trees or other trees on public grounds, as authorized under this Article.

Section 9-3.11—Permit Required: Prohibits any person to prune, treat or remove any street tree or park tree without first filing an application and procuring a permit from the Town Manager or the Manager's designee.

Section 9-3.12—License and Bond: Prohibits any person to engage in the business or occupation of pruning, treating or removing street or park trees without first applying for and procuring a license from the Town.

Article 4- Addressing and Road Naming

Section 9-4.14—Legal Status Provisions: Prohibits any person to (1) use or display a different address or portion thereof, except as provided by this Article; (2) name or designate the name of any private road, street, drive, easement, right-of-way, access area or any other thoroughfare, except as provided by this Article; (3) establish or erect any road sign that does not comply with the standards set forth in this Article; or (4) intentionally destroy, mar or deface any Town road name sign.