

10.99 Code List

ALTERING CODE.

It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of this code or to insert or delete pages, or portions thereof, or to alter or tamper with this code in any manner whatsoever except pursuant to ordinance or resolution or other official act of the City Council which will cause the law of the city to be misrepresented thereby.

('58 Code, § 1-7) [Penalty, see § 10.99](#)

10.99 GENERAL PENALTY.

In accordance with G.S. 160A-175, and unless this code provides a different criminal penalty, violation of any provision hereof shall be a misdemeanor as provided in G.S. 14-4, punishable upon conviction by a fine not exceeding \$50 or by imprisonment not exceeding 30 days. By express statement, any section may be enforced by the ordering of appropriate equitable remedy, including injunction, by the general court of justice. Each day that any breach or violation of, or any failure to comply with, any provision or requirement of any section or subsection of this code or any ordinance of the city, continues or is allowed to continue, shall constitute, and is hereby declared to be, a separate and distinct offense.

(Am. Ord. 06-20, passed 8-7-06)

30.04 SUMMONING AID.

The Chief of Police or any policeman of the city shall have authority, if resisted in the execution of their lawful duties, to summon a sufficient number of men to aid them in enforcing the law, and it shall be unlawful for any person to refuse to assist.

('58 Code, § 11-7) [Penalty, see § 10.99](#)

30.07 INTERFERING WITH POLICE.

It shall be unlawful for any person to interfere with, hamper, molest, resist, or hinder a policeman in the lawful discharge of his duty.

('58 Code, § 11-11) [Penalty, see § 10.99](#)

31.06 LOITERING NEAR FIRES.

No person shall stand or be in any street, alley, or square at which or near which a fire is in progress, in such a way as to interfere with the duties of the Fire Department.

('58 Code, § 6-13) [Penalty, see § 10.99](#)

§ 31.07 INTERFERING WITH FIREMEN OR APPARATUS.

No person shall interfere with a fireman in the discharge of his duty or hinder him in the performance of his duty. No person, other than members of the Fire Department, shall loiter about any fire station, or change, handle, or meddle in any manner with any fire engine or any other fire apparatus.

('58 Code, § 6-14) [Penalty, see § 10.99](#)

§ 31.08 OBSTRUCTING FIRE VEHICLES.

It shall be unlawful for any person to in any way interfere with the fire equipment of the city, whether it is in use or not. No person shall obstruct the streets so as to prevent the fire trucks or other fire equipment from having free passage over them in case of fire. All persons and vehicles shall give the right- of-way to the fire equipment of the city.

('58 Code, § 6-15) [Penalty, see § 10.99](#)

§ 31.09 OBSTRUCTING HYDRANTS.

It shall be unlawful for any person to obstruct any hydrant or fire plug in such manner as to interfere with the easy approach to, or the convenient use of it by the Fire Department.

('58 Code, § 6-16) [Penalty, see § 10.99](#)

§ 31.10 TAMPERING WITH HYDRANTS.

It shall be unlawful for any person, except those designated by the city, to operate or tamper with any fire hydrant, valve, or any other implement owned by the city and operated by the Water and Sewer Department.

('58 Code, § 6-17) [Penalty, see § 10.99](#)

31.11 FALSE FIRE ALARMS.

No person shall give or cause to be given any false fire alarm by means of the city fire alarm system or otherwise.

('58 Code, § 6-18) [Penalty, see § 10.99](#)

§ 31.12 PROTECTION OF FIRE HOSE.

It shall be unlawful to in any way damage or mutilate any fire hose while in use at a fire or otherwise.

('58 Code, § 6-19) [Penalty, see § 10.99](#)

31.14 BURNING TRASH IN FIRE LIMITS.

No person shall burn or cause to be burned any trash, refuse, shaving, paper, leaves, litter, or other materials of any kind outside any house, on or in any street, sidewalk, alley, lot, or yard within the fire limits.

('58 Code, § 6-21) [Penalty, see § 10.99](#)

§ 31.15 BURNING TRASH OUTSIDE FIRE LIMITS.

Trash or rubbish shall not be burned on any private lot outside the fire limits except by permit issued by the Fire Department and must meet provisions set forth by the Fire Department at the issuance of the permit.

('58 Code, § 6-22) [Penalty, see § 10.99](#)

§ 31.16 PERMIT FOR BONFIRE OR OUTDOOR FIRE.

No person shall kindle or maintain any bonfire, or shall knowingly furnish the material for any bonfire, or authorize any bonfire to be kindled or maintained on or in any street, avenue, road, lane, or public ground or on any private lot within the city unless a written permit to do so shall have first been secured from the Fire Chief. Nothing in this section shall be construed to prohibit the burning of trash and rubbish on private lots of residences without a permit when the burning is done in conformity with the provisions of § [31.15](#).

('58 Code, § 6-23) [Penalty, see § 10.99](#)

§ 31.17 REMOVAL OF DEAD WIRES.

It shall be unlawful for any electric light, telegraph, or telephone company to permit any of their disconnected, dead, or unused wires to hang or remain on any pole, tree, or house where it has been formerly connected and in use. These wires shall be taken down and removed immediately upon notice by the Building Inspector. It shall be the duty of the Chief of the Fire Department to notify the Building Inspector whenever he has knowledge of this condition existing.

('58 Code, § 6-30) [Penalty, see §](#)

32.02 DISPERSAL OF ASSEMBLIES DURING EMERGENCY.

(A) The Mayor by proclamation may prohibit assemblies of three or more persons in specified geographic areas of the city after he finds that these assemblies constitute a clear and present danger of prolonging or aggravating an existing emergency which endangers lives, safety, and property. The proclamation shall be in writing and state the Mayor's findings. The Mayor shall take reasonable steps to give notice of the terms of the proclamation to those affected by it, and shall post a copy of it in the city hall. The Mayor shall retain a text of the proclamation and upon request shall furnish certified copies of it for use as evidence.

(B) The proclamation authorized by division (A) above shall specify the geographical area or areas in which the restrictions apply. The Mayor may amend the proclamation from time to time, making any modifications in the geographical area to which it applies as he determines to be necessary to maintain the purposes of the prohibition. The Mayor shall by proclamation remove the prohibition when the emergency no longer requires it, or when directed to do so by the City Council.

(C) Any police officer may order any assembly prohibited by a proclamation authorized by this section to disperse.

(D) The failure of any member of an assembly ordered to disperse by a police officer acting under authority of this section shall be guilty of a misdemeanor.

('58 Code, § 10-24.2) [Penalty, see § 10.99](#)

§ 32.03 STORAGE OF FIREARMS AND AMMUNITION BY DEALERS APPLICABLE DURING STATE OF DECLARED EMERGENCY.

(A) Every person engaged in the business of selling firearms and ammunition or both shall comply with the following rules.

(1) No ammunition shall be displayed on an open counter or in any other place readily accessible to the public.

(2) No ammunition or firearms shall be displayed in windows or display areas when the business is not regularly open.

(3) During any period in which firearms or ammunition or both are unattended, they shall be stored in a place meeting the requirements of regulations promulgated by the City Council under authority of this section, or, if no regulations have been promulgated, in a place difficult for access to unauthorized persons.

(B) The City Council is authorized to promulgate regulations governing the construction, location, and accessibility of storage places for firearms and ammunition required to be used by this section. The Council may adopt any regulations under this authority that in its judgment will reasonably and effectively serve to prevent unauthorized persons from obtaining the stored firearms and ammunition.

(C) The City Council shall take reasonable steps to notify all persons that it can reasonably identify as being affected by these regulations of their requirements. The notification shall sufficiently precede the effective date of the regulations to permit compliance with them. The city shall maintain on file an official copy of the regulations.

(D) Any person failing to comply with any requirements of this section or of any reasonable regulations promulgated under authority of this section shall be guilty of a misdemeanor.

(58 Code, § 10-24.3) [Penalty, see § 10.99](#)

33.04 RESPONSIBILITY OF ADULTS.

It is unlawful for any custodian to allow or permit any minor to be in or upon, or remain in or upon a public place within the city or on any property or right-of-way belonging to the city and located outside the corporate limits of the city, within the curfew hours set by § [33.02](#), except as provided in § [33.03](#).

(Ord. 94-26, passed 11-7-94) [Penalty, see § 10.99](#)

📖 § 33.05 RESPONSIBILITY OF BUSINESS ESTABLISHMENT.

It is unlawful for any person, firm, or corporation operating a place of business or amusement to allow or permit any minor to be in or upon, or to remain in or upon the premises of such place of business or amusement within the curfew hours set by § [33.02](#), except as provided in § [33.03](#).

(Ord. 94-26, passed 11-7-94) [Penalty, see § 10.99](#)

40.01 PERMIT TO DIG IN STREETS.

No person shall make any excavation or opening, or dig any ditch, trench, tunnel, or hole in, along, across, or under any street, sidewalk, or other public place for the purpose of laying or placing therein any pipe, electric conduit, or poles for any other purposes, unless a written permit therefor has been issued by the city.

(Am. Ord. 06-01, passed 1-3-06)

[Penalty, see § 10.99](#)

§ 40.02 APPLICATION FOR PERMIT.

All persons desiring a permit in order to make an opening in any street or sidewalk shall make written application therefor, which application shall show the location of the proposed opening, the purpose therefor, and the approximate number of square feet of surface to be cut. The application shall be accompanied by the fee required by this section. The fee required for making any opening in any street or sidewalk shall be according to a fee schedule for the permits, established by the City Council, which is hereby adopted as though set out in full herein.

[Penalty, see § 10.99](#)

§ 40.03 CITY INDEMNIFIED.

Any person obtaining a permit as provided for in §§ 40.01 and 40.02, as a requirement for issuance of the permit, shall execute and deliver to the city a good and sufficient bond, with corporate security or other surety approved by City Council in an amount equal to one and one-half the estimated amount of restoring the street or sidewalk as it existed prior to the excavation, the aforesaid bond being conditioned upon the restored area remaining in a good state of repair, free from maintenance for a period of one year from the date the restoration made by the permitter is completed. In addition to the aforesaid bond, the city shall be provided an indemnity to hold harmless the city against any claims or expenses, including attorney fees, for bodily injury, for property damages for accidents or accordance rising out of the persons, firm or entity, excluding only the liability of the city for its sole negligence except in connection with general supervision of work performed by the person, firm or entity.

(Ord. 06-01, passed 1-3-06)

[Penalty, see § 10.99](#)

§ 40.04 STREET REPAIR.

When any part of any street, sidewalk, alley, or other public place of the city shall be torn or dug up for any purpose, the person making the excavation or opening shall have the duty of refilling the excavation or opening so as to restore it to the city standards as specified in the city's specifications for minimum standard street specifications ALD STD 018 or as per instructions of the Division of Public Works. Any person, firm, or corporation, neglecting, refusing, or failing to comply with any provisions of this section shall be guilty of a violation thereof.

(Am. Ord. 06-01, passed 1-3-06) [Penalty, see § 10.99](#)

§ 40.05 EXCAVATIONS; LEAVING UNPROTECTED.

It shall be unlawful for any person, firm, or corporation who obtains a permit under the provisions of this subchapter to do any excavation of any kind which may create or cause a dangerous condition in or near any city maintained street right-of-way, city maintained alleyway, or public place of the city without placing and maintaining proper guard rails, signal lights, or other warnings at, in, or around the excavation, sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care from injuries on account of the work.

(Am. Ord. 06-01, passed 1-3-06) [Penalty, see § 10.99](#)

§ 40.06 SUPERVISION AND CONTROL.

All excavations and work in streets, sidewalks, alleys, or public places of the city shall be under the supervision and control of the Department of Public Works, whose duty it shall be to inspect the work from time to time during the progress thereof. Upon the completion thereof, a final inspection shall be made to see that the street, sidewalk, or public place is restored to city specification and that all debris, materials, tools, and equipment are removed therefrom. Any person refusing or failing to comply with any provision of this section shall be guilty of a violation thereof.

(Am. Ord. 06-01, passed 1-3-06) [Penalty, see § 10.99](#)

§ 40.07 STREETS NOT TO BE DAMAGED.

It shall be unlawful for any person, firm, or corporation to drag or run, or cause to be dragged or run, any harrow or other implement, engine, machine, or tool on any bituminous asphalt, or other type of permanently paved street right-of-way of the city which shall be liable in any way to injure or cut the surface thereof.

[Penalty, see § 10.99](#)

§ 40.08 MOVING OF BUILDINGS.

No person, firm, or corporation shall move any building on or across the public streets or sidewalks until the following procedures have been complied with.

- (A) An application for a house moving permit must be submitted to the Director of Planning.
- (B) A Stanly County building permit must be obtained.
- (C) Approval of the moving route shall be from the Director of Public Utilities.
- (D) The Director of Planning will not approve moving permit unless all appropriate fees have been submitted. The fee shall be according to a schedule for permits, established by the City Council, which is hereby adopted as though set out in full herein.

(Am. Ord. 06-01, passed 1-3-06) [Penalty, see § 10.99](#)

§ 40.09 PLACING OF POLES.

No poles for electric, cable television, fiber optic shall be placed or erected in any street right-of-way without a permit therefor from the city.

('58 Code, ' 13-9) (Am. Ord. 06-01, passed 1-3-06) [Penalty, see § 10.99](#)

40.11 BARRICADES.

(A) It shall be unlawful for any person to drive any vehicle into or on any alley or street when the alley or street has been barricaded by an employee of the city.

('58 Code, § 13-12)

(B) It shall be unlawful for any person other than an employee of the city, to remove, tear down, or destroy any barricade which has been erected by the city.

('58 Code, § 13-13) [Penalty, see § 10.99](#)

LOADING PLATFORMS

§ 40.22 CONSTRUCTION OF PLATFORMS.

Platforms or structures constructed pursuant to the provisions of this subchapter shall be not more than six feet in length and shall extend into the public alley not more than four feet or to a point in the alley that is five feet from the center line of the alley, whichever distance is less. All platforms or structures shall be constructed of fireproof material, and the construction thereof shall conform to and comply with the requirements of the building code of the city. Construction of the platform or structure shall be under the supervision of city personnel and shall be constructed in accordance with the plans and specifications submitted with the application.

('58 Code, § 13-18) [Penalty, see § 10.99](#)

§ 40.23 MAINTENANCE.

The person to whom a permit to construct a platform or structure is issued shall be responsible at all times for the care and upkeep of the platform or structure and shall see that no merchandise, crates, trash, boxes, and other articles are left on the platform or in the alley near the platform, that the platform and the alley around the platform are in a reasonably clean and sanitary condition at all times, and that the platform is used only for loading and unloading purposes. No platform shall be used for the storage of any merchandise, tools, or other property.

('58 Code, § 13-19) [Penalty, see § 10.99](#)

§ 40.24 REMOVAL ORDER.

The City Council may, upon a finding that the public necessity requires it, require and compel the removal of any platform or structure constructed or erected under the provisions of this subchapter. Upon notification that the platform or structure should be removed, the property owner shall proceed forthwith at his own expense to remove it.

('58 Code, § 13-20) [Penalty, see § 10.99](#)

§ 40.52 INSTALLATION AND MAINTENANCE OF SIGNS OR CERTAIN VEGETATION OR OBJECTS PROHIBITED.

Within the triangles described in [§ 40.51](#), and except as provided in [§ 40.53](#), it shall be unlawful to install, set out, or maintain, or allow the installation, setting out, or maintenance of, any sign, hedge, shrubbery, tree, natural growth, earthen berm, or object of any kind which obstructs cross-visibility at a level between 30 inches and 72 inches above the level of the center of the adjacent intersection.

(Ord. 94-34, passed 12-5-94) [Penalty, see § 10.99](#)

41.04 PRE-COLLECTION PRACTICES.

(A) Preparation of refuse.

(1) Garbage. All garbage, before being placed in a container for collection, shall have drained from it all free liquids and must be bagged.

(2) Rubbish. All rubbish shall be drained of liquid before being deposited for collection.

(3) Excess garbage, rubbish residential trash. Garbage, rubbish and residential trash that cannot be placed in the wheeled container shall be placed next to the container for collection. This type of waste shall be secured and placed in a manner for easy disposal by the city or its contractor, such as in bags or boxes. The cumulative amount of excess garbage and rubbish permitted in one collection period shall not exceed four cubic yards.

(4) Yard waste. Tree trimmings, hedge clippings, and similar material shall be cut to a length not to exceed six feet. Tree and shrub trimmings, leaves, and grass clippings that have been placed in plastic bags and which weigh no more than 50 pounds. Each residence shall be limited to a maximum of four cubic yards of yard waste per pick-up under the city's contract. If a residence has more than this allotted amount of yard waste, the occupant may pay the contractor an amount agreed upon by the city and contractor as a uniform per cubic yard surcharge.

(5) Recyclable materials. All recyclable materials being placed in a container for collection shall have drained from it all free liquids.

(B) Refuse containers.

(1) Residential units. Refuse containers for residential units shall be a wheeled container provided by the city or contractor without charge to the owner, tenant, lessee, or occupant of any residential unit for use at the residential unit. Any owner, tenant, lessee or occupant of any residential unit desiring up to three additional wheeled containers beyond what is provided for by the city or its contractor as part of the basic service, shall have the option of contacting the city or its contractor for up to three additional carts. The additional carts shall be provided to the owner, tenant, lessee or occupant by the city or its contractor and the owner, tenant, lessee or occupant shall be billed for these extra wheeled containers. The owner, tenant, lessee, or occupant of the residential unit to whom a wheeled container is furnished shall be responsible to the city and contractor for the proper care and maintenance of the container, and the owner, tenant, lessee, or occupant will be billed for damages to the wheeled container, reasonable wear and tear excepted, following the discovery of the damages. If the owner, tenant, lessee, or occupant of any residential unit shall vacate the occupied premises while in possession of a wheeled container he or she shall, before departing from the premises, notify the Director of Public Works or the city contractor, and the Director, his or her agent or the contractor will promptly pick up the container and issue a receipt to the person, notify the city or its contractor for removal of the wheeled container.

(2) Commercial and business units. All businesses shall have the option of contracting with the city or its contractor for up to three wheeled garbage containers. The wheeled garbage containers shall be collected once weekly by the city or its contractor in accordance with the city's solid waste collection schedule. The cost of the wheeled containers shall be the responsibility of each business. All waste set out for collection must be placed in the wheeled container. At no time shall any waste be set outside the wheeled garbage container nor will such

waste be collected by the city or contractor. Businesses also have the option of contracting directly with any commercial solid waste hauler franchised by the City of Albemarle for the placement of a dumpster or roll-off container at the business location and for the removal of the solid waste.

(C) Storing of refuse.

(1) Containers. All refuse which readily fits into the container shall be placed in the type container referred to in division (B) above for pickup by the city's garbage collection crews, or its contractor.

(2) Public places. No person shall place any refuse in any street, alley, or other public place, or on any private property whether owned by the person or not, within the city except in proper containers for collection, or under express approval granted by the Director of Public Works. Nor shall any person throw or deposit any refuse in any stream or other body of water.

(3) Scattering of refuse. No person shall cast, place, sweep, or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements on any street, sidewalk, alley, sewer, parkway, or other public place, or into any occupied premises within the city. Remedy for the correction of such a situation shall be performed by the property owner at the direction of the city.

(D) Points of collection.

(1) Wheeled containers. Where the wheeled container is used the owner, tenant, lessee, or occupant of the premises shall be responsible for causing the wheeled container to be placed at the curb or side of the street, but not in the portion of the street used for vehicular travel, at a place readily accessible for collection by the city or contract garbage collection crews once each week on the day designated by the Director of Public Works for the area in which the premises are located. The wheeled containers shall be so located not earlier than 6:00 p.m. the day prior to collection nor later than 8:00 a.m. on the day of the pickup and must be removed from the street location not later than 7:00 p.m. the same day. If there is no member of the premises or household to which a wheeled container is assigned who is capable of moving the wheeled container as required herein, he shall notify the Director of Public Works or the city's contractor in writing of the existence of the disability. In this event, the disabled person shall furnish a physician's certificate confirming the disability and on the failure of the alleged disabled person to furnish the certificate within ten days after required, the alleged disabled person shall be deemed physically able to comply with all the provisions of this section. No person shall molest or interfere with the contents of any wheeled container or the container itself which has been set out for collection and removal by the city.

(2) Roll-off container, detachable containers and dumpster. Where a roll-off container, detachable containers or dumpster is used, the owner, tenant, lessee, or occupant of the premises shall provide a location for the container off the right of way. Requests for the temporary placement of such containers and dumpsters must be made to the city.

(E) Obstacles to collection. The owner, tenant, lessee, or occupant of the premises shall have the responsibility of keeping the premises free from dogs or any other obstacle which would hinder or impede city or contractor personnel from removing or returning the container to the premises.

(F) Penalty. Violations may be enforced through the provisions of § [10.84](#), the penalty established by § [10.99](#) may be enforced, or violations may be considered a nuisance by the city as provided by in § [82.16](#) and enforceable through §§ [82.17](#) and [82.18](#). Nothing in the above shall prohibit the pursuit of criminal procedures for remedy.

(Ord. 07-01, passed 1-2-07)

41.05 COLLECTION PRACTICES.

(A) Collection.

(1) Residential units and small multi-family units. Refuse accumulation by residences shall be collected on the days fixed therefore by the Director of Public Works, but in all events at least once a week.

(2) Large multi-family units. Refuse generated by Large Multi-Family Units is not a part of the city's solid waste collection contract or services. Collection of accumulated refuse at these locations shall be provided for in the manner arranged by the property owner(s).

(3) Commercial and business units. Refuse generated by commercial and business units is not a part of the city's residential solid waste collection service, therefore, all waste must fit inside the collection containers. Business and commercial entities may opt to pay for up to three small business roll-out containers from the city franchise hauler. If another option for refuse collection is selected, the collection of accumulated refuse at these locations shall be provided for in the manner arranged by the property owner(s) or occupant(s) with a private waste collection company franchised to do business in the city by the City of Albemarle.

(4) Yard waste. Residential yard waste shall be placed along the ditchline or curb line of the residence from which the waste is generated for collection and shall not be placed across the street or beyond the side property lines of the residence. Residents are encouraged to place such waste out as closely to their collection day as possible. The placement of the residential yard waste shall not be placed in a manner to disrupt the flow of traffic or to create a traffic hazard. Collection shall occur once each week on the same schedule as the residential garbage is collected. Trimmings or clippings shall not exceed six feet in length, and tree and shrub trimmings, leaves, and grass clippings which have been placed in plastic bags and which weigh no more than 50 pounds. Grass clippings put out for collection may not be placed loose at the curb or roadside and must always be bagged.

(5) Leaf collection.

(a) The city or its contractor shall collect, during the period beginning with the third full week in October through the last full week prior to Christmas of each year, leaves loose in windrows at the curb or ditch line of all streets of the city as shown on the map of streets as published annually prior to the commencement of leaf collection by the city or its contractor. During this period, leaves shall be picked up on each street once every other week.

(b) During the months of January, February, March, and April of each year, contractor shall pick up leaves on each street once a month.

(c) After the April collection cycle, the city or its contractor shall pick up only those leaves that have been bagged and placed at the curb on normal yard waste collection days.

(6) Recyclable materials. Materials for collection by the city or its contractor shall be placed in the recycling container provided by the city or its contractor. The recycling container shall be placed at the curb or side of the street, but not in the portion of the street used for vehicular travel, at a place readily accessible for collection by the city's garbage collection crews once each week on the day designated by the city for the area in which the premises are located. The recycling containers shall be so located not earlier than 6:00 p.m. the day prior to collection nor later than 8:00 a.m. on the day of the pickup and must be removed from the street location not later than 7:00 p.m. of the collection day.

(7) Residential trash. Materials for collection by the city or its contractor shall be placed at the roadside for collection. Residential trash shall be placed at the curb or side of the street, but not in the portion of the street used for vehicular travel, at a place readily accessible for collection by the city's garbage collection crews once each week on the day designated by the city for the area in which the premises are located.

(8) White goods. White goods for collection by the city or its contractor shall be placed at the curb or side of the street, but not in the portion of the street used for vehicular travel, at a place readily accessible for collection by the city or contractor garbage collection crews. Collection shall be on Friday's only and residents shall be required to call in the item to be collected to the city or its contractor.

(9) Issues outside contract services. Any materials or amounts outside this policy shall be the responsibility of the property owner or tenant to arrange for the removal of such materials or waste.

(B) Special refuse issues.

(1) Contagious disease refuse. The removal of wearing apparel, bedding, or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the North Carolina Department of Environment and Natural Resources. This refuse shall not be placed in containers for regular collections.

(2) Flammable or explosive refuse. Highly flammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Director of Public Works at the expense of the owner or possessor thereof.

(3) Tires. Whole automobile, truck, tractor, or implement tires shall not be placed in containers for collection and will not be collected under any circumstances. Tires can be disposed of by removing the tire from the rim and depositing free of charge in the designated container(s) at the City of Albemarle Landfill.

(4) No tree limbs, stumps, logs, or other large material that cannot be readily loaded by two laborers shall be hauled by the city. No tree limbs cut by landscape or tree service contractors or workmen will be hauled by the city or its contractor.

(5) No building materials, roofing, soil, dirt, rock, or concrete will be collected or hauled by the city or its contractor.

(6) Small dead animals will be picked up at the on the designated solid waste collection day. Persons having small dead animals on Saturday, Sunday and holidays should put the animal in an airtight plastic bag and securely tie same until next available collection day.

(7) No hazardous solid or liquid waste shall be put in any receptacle for collection by the city or its contractor.

(8) Medical waste. Medical waste shall not be placed in any receptacle provided by the city or its contractor and shall not be placed out for collection by the city or its contractor.

(9) Ashes. No hot ash shall be placed in wheeled containers. All ashes set out for collection shall be cooled and be placed in plastic bags for collection.

(C) Holidays.

New Year's Day

Martin Luther King Day

Good Friday

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

The city or its contractor may decide to observe any or all of the above referenced holidays by suspension of service on the holiday. Such suspension does not relieve the city or its contractor of the obligation to provide for the collection of any materials scheduled for the designated holiday. The city or its contractor shall give notice of its holiday schedule at least ten days prior to the holiday to the general public by newspaper advertisement at least one week prior to the holiday.

(D) Collection by actual producers, franchised collectors, and outside collectors.

(1) Requirements for vehicles. The actual producers of refuse or the owners of premises on which refuse is accumulated who desire personally to collect and dispose of the refuse, persons who desire to dispose of waste material not included in the definition of refuse, the collectors of refuse under franchise granted by the City of Albemarle, and collectors of refuse from outside of the city who desire to haul over the streets of the city, shall use a water-tight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped, or spilled.

(2) Rules and regulations. The Director shall have the authority to make any other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over city streets by outside collectors and franchised collectors as he shall find necessary, subject to the right of appeal as set forth in § [41.03](#).

(E) Refuse property of city. Ownership of refuse material set out for collection by the city or its contractor or deposited on the city landfill shall be vested in the city.

(F) Penalty. Violations may be enforced through the provisions of § [10.84](#), the penalty established by § [10.99](#) may be enforced, or violations may be considered a nuisance by the city as provided by in § [82.16](#) and enforceable through §§ [82.17](#) and [82.18](#). Nothing in the above shall prohibit the pursuit of criminal procedures for remedy.

(Ord. 07-01, passed 1-2-07; Am. Ord. 12-04, passed 2-6-12)

§ 41.06 CITY SANITARY LANDFILL.

(A) The city landfill shall be open to the public at the hours established by the Director of Public Works with approval of the City Council. No person shall be permitted to enter into, trespass on, or dump garbage or trash at the city's sanitary landfill other than during the normal operating hours posted by sign notice at the entrance gate to the sanitary landfill.

(B) Every person using the sanitary landfill shall place his refuse at a point designated by the operator of the sanitary landfill. The operator of the sanitary landfill shall make any reasonable regulations for the day-to-day operation of the landfill so as to ensure that it will be maintained in a sanitary manner satisfactory to the North Carolina Department of Environment and Natural Resources.

(C) No person shall be permitted to scavenge or salvage items from the sanitary landfill.

(D) No person other than a duly-authorized employee of the city shall be permitted to walk or stand within 50 feet of any of the equipment used for the operation of the sanitary landfill while the equipment is in operation, the motor is running, or the operator is either operating or maintaining the piece of equipment.

(E) No person shall place any refuse or waste material in the sanitary landfill which may cause any harm to the operation of the landfill or the personnel operating the landfill. This includes any flammable or explosive solid or liquid material which might give off toxic fumes.

(F) No hazardous or liquid wastes shall be accepted or disposed of in the city's sanitary landfill except as may be permitted by the North Carolina Department of Environment and Natural Resources.

(G) For any automobile, truck, tractor, or implement tires to be accepted at the landfill, tires must be removed from the rim and deposited in specified tire recycling containers.

(Ord. 07-01, passed 1-2-07) Penalty, see § [10.99](#)

41.04 PRE-COLLECTION PRACTICES.

(A) Preparation of refuse.

(1) Garbage. All garbage, before being placed in a container for collection, shall have drained from it all free liquids and must be bagged.

(2) Rubbish. All rubbish shall be drained of liquid before being deposited for collection.

(3) Excess garbage, rubbish residential trash. Garbage, rubbish and residential trash that cannot be placed in the wheeled container shall be placed next to the container for collection. This type of waste shall be secured and placed in a manner for easy disposal by the city or its contractor, such as in bags or boxes. The cumulative amount of excess garbage and rubbish permitted in one collection period shall not exceed four cubic yards.

(4) Yard waste. Tree trimmings, hedge clippings, and similar material shall be cut to a length not to exceed six feet. Tree and shrub trimmings, leaves, and grass clippings that have been placed in plastic bags and which weigh no more than 50 pounds. Each residence shall be limited to a maximum of four cubic yards of yard waste per pick-up under the city's contract. If a residence has more than this allotted amount of yard waste, the occupant may pay the contractor an amount agreed upon by the city and contractor as a uniform per cubic yard surcharge.

(5) Recyclable materials. All recyclable materials being placed in a container for collection shall have drained from it all free liquids.

(B) Refuse containers.

(1) Residential units. Refuse containers for residential units shall be a wheeled container provided by the city or contractor without charge to the owner, tenant, lessee, or occupant of any residential unit for use at the residential unit. Any owner, tenant, lessee or occupant of any residential unit desiring up to three additional wheeled containers beyond what is provided for by the city or its contractor as part of the basic service, shall have the option of contacting the city or its contractor for up to three additional carts. The additional carts shall be provided to the owner, tenant, lessee or occupant by the city or its contractor and the owner, tenant, lessee or occupant shall be billed for these extra wheeled containers. The owner, tenant, lessee, or occupant of the residential unit to whom a wheeled container is furnished shall be responsible to the city and contractor for the proper care and maintenance of the container, and the owner, tenant, lessee, or occupant will be billed for damages to the wheeled container, reasonable wear and tear excepted, following the discovery of the damages. If the owner, tenant, lessee, or occupant of any residential unit shall vacate the occupied premises while in possession of a wheeled container he or she shall, before departing from the premises, notify the Director of Public Works or the city contractor, and the Director, his or her agent or the contractor will promptly pick up the container and issue a receipt to the person, notify the city or its contractor for removal of the wheeled container.

(2) Commercial and business units. All businesses shall have the option of contracting with the city or its contractor for up to three wheeled garbage containers. The wheeled garbage containers shall be collected once weekly by the city or its contractor in accordance with the city's solid waste collection schedule. The cost of the wheeled containers shall be the responsibility of each business. All waste set out for collection must be placed in the wheeled container. At no time shall any waste be set outside the wheeled garbage container nor will such waste be collected by the city or contractor. Businesses also have the option of contracting directly with any commercial solid waste hauler franchised by the City of Albemarle for the placement of a dumpster or roll-off container at the business location and for the removal of the solid waste.

(C) Storing of refuse.

(1) Containers. All refuse which readily fits into the container shall be placed in the type container referred to in division (B) above for pickup by the city's garbage collection crews, or its contractor.

(2) Public places. No person shall place any refuse in any street, alley, or other public place, or on any private property whether owned by the person or not, within the city except in proper containers for collection, or under express approval granted by the Director of Public Works. Nor shall any person throw or deposit any refuse in any stream or other body of water.

(3) Scattering of refuse. No person shall cast, place, sweep, or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements on any street, sidewalk, alley, sewer, parkway, or other public place, or into any occupied premises within the city. Remedy for the correction of such a situation shall be performed by the property owner at the direction of the city.

(D) Points of collection.

(1) Wheeled containers. Where the wheeled container is used the owner, tenant, lessee, or occupant of the premises shall be responsible for causing the wheeled container to be placed at the curb or side of the street, but not in the portion of the street used for vehicular travel, at a place readily accessible for collection by the city or contract garbage collection crews once each week on the day designated by the Director of Public Works for the area in which the premises are located. The wheeled containers shall be so located not earlier than 6:00 p.m. the day prior to collection nor later than 8:00 a.m. on the day of the pickup and must be removed from the street location not later than 7:00 p.m. the same day. If there is no member of the premises or household to which a wheeled container is assigned who is capable of moving the wheeled container as required herein, he shall notify the Director of Public Works or the city's contractor in writing of the existence of the disability. In this event, the disabled person shall furnish a physician's certificate confirming the disability and on the failure of the alleged disabled person to furnish the certificate within ten days after required, the alleged disabled person shall be deemed physically able to comply with all the provisions of this section. No person shall molest or interfere with the contents of any wheeled container or the container itself which has been set out for collection and removal by the city.

(2) Roll-off container, detachable containers and dumpster. Where a roll-off container, detachable containers or dumpster is used, the owner, tenant, lessee, or occupant of the premises shall provide a location for the container off the right of way. Requests for the temporary placement of such containers and dumpsters must be made to the city.

(E) Obstacles to collection. The owner, tenant, lessee, or occupant of the premises shall have the responsibility of keeping the premises free from dogs or any other obstacle which would hinder or impede city or contractor personnel from removing or returning the container to the premises.

(F) Penalty. Violations may be enforced through the provisions of § [10.84](#), the penalty established by § [10.99](#) may be enforced, or violations may be considered a nuisance by the city as provided by in § [82.16](#) and enforceable through §§ [82.17](#) and [82.18](#). Nothing in the above shall prohibit the pursuit of criminal procedures for remedy.

(Ord. 07-01, passed 1-2-07)

41.05 COLLECTION PRACTICES.

(A) Collection.

(1) Residential units and small multi-family units. Refuse accumulation by residences shall be collected on the days fixed therefore by the Director of Public Works, but in all events at least once a week.

(2) Large multi-family units. Refuse generated by Large Multi-Family Units is not a part of the city's solid waste collection contract or services. Collection of accumulated refuse at these locations shall be provided for in the manner arranged by the property owner(s).

(3) Commercial and business units. Refuse generated by commercial and business units is not a part of the city's residential solid waste collection service, therefore, all waste must fit inside the collection containers. Business and commercial entities may opt to pay for up to three small business roll-out containers from the city franchise hauler. If another option for refuse collection is selected, the collection of accumulated refuse at these locations shall be provided for in the manner arranged by the property owner(s) or occupant(s) with a private waste collection company franchised to do business in the city by the City of Albemarle.

(4) Yard waste. Residential yard waste shall be placed along the ditchline or curb line of the residence from which the waste is generated for collection and shall not be placed across the street or beyond the side property lines of the residence. Residents are encouraged to place such waste out as closely to their collection day as possible. The placement of the residential yard waste shall not be placed in a manner to disrupt the flow of traffic or to create a traffic hazard. Collection shall occur once each week on the same schedule as the residential garbage is collected. Trimmings or clippings shall not exceed six feet in length, and tree and shrub trimmings, leaves, and grass clippings which have been placed in plastic bags and which weigh no more than 50 pounds. Grass clippings put out for collection may not be placed loose at the curb or roadside and must always be bagged.

(5) Leaf collection.

(a) The city or its contractor shall collect, during the period beginning with the third full week in October through the last full week prior to Christmas of each year, leaves loose in windrows at the curb or ditch line of all streets of the city as shown on the map of streets as published annually prior to the commencement of leaf collection by the city or its contractor. During this period, leaves shall be picked up on each street once every other week.

(b) During the months of January, February, March, and April of each year, contractor shall pick up leaves on each street once a month.

(c) After the April collection cycle, the city or its contractor shall pick up only those leaves that have been bagged and placed at the curb on normal yard waste collection days.

(6) Recyclable materials. Materials for collection by the city or its contractor shall be placed in the recycling container provided by the city or its contractor. The recycling container shall be placed at the curb or side of the street, but not in the portion of the street used for vehicular travel, at a place readily accessible for collection by the city's garbage collection crews once each week on the day designated by the city for the area in which the premises are located. The recycling containers shall be so located not earlier than 6:00 p.m. the day prior to

collection nor later than 8:00 a.m. on the day of the pickup and must be removed from the street location not later than 7:00 p.m. of the collection day.

(7) Residential trash. Materials for collection by the city or its contractor shall be placed at the roadside for collection. Residential trash shall be placed at the curb or side of the street, but not in the portion of the street used for vehicular travel, at a place readily accessible for collection by the city's garbage collection crews once each week on the day designated by the city for the area in which the premises are located.

(8) White goods. White goods for collection by the city or its contractor shall be placed at the curb or side of the street, but not in the portion of the street used for vehicular travel, at a place readily accessible for collection by the city or contractor garbage collection crews. Collection shall be on Friday's only and residents shall be required to call in the item to be collected to the city or its contractor.

(9) Issues outside contract services. Any materials or amounts outside this policy shall be the responsibility of the property owner or tenant to arrange for the removal of such materials or waste.

(B) Special refuse issues.

(1) Contagious disease refuse. The removal of wearing apparel, bedding, or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the North Carolina Department of Environment and Natural Resources. This refuse shall not be placed in containers for regular collections.

(2) Flammable or explosive refuse. Highly flammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Director of Public Works at the expense of the owner or possessor thereof.

(3) Tires. Whole automobile, truck, tractor, or implement tires shall not be placed in containers for collection and will not be collected under any circumstances. Tires can be disposed of by removing the tire from the rim and depositing free of charge in the designated container(s) at the City of Albemarle Landfill.

(4) No tree limbs, stumps, logs, or other large material that cannot be readily loaded by two laborers shall be hauled by the city. No tree limbs cut by landscape or tree service contractors or workmen will be hauled by the city or its contractor.

(5) No building materials, roofing, soil, dirt, rock, or concrete will be collected or hauled by the city or its contractor.

(6) Small dead animals will be picked up at the on the designated solid waste collection day. Persons having small dead animals on Saturday, Sunday and holidays should put the animal in an airtight plastic bag and securely tie same until next available collection day.

(7) No hazardous solid or liquid waste shall be put in any receptacle for collection by the city or its contractor.

(8) Medical waste. Medical waste shall not be placed in any receptacle provided by the city or its contractor and shall not be placed out for collection by the city or its contractor.

(9) Ashes. No hot ash shall be placed in wheeled containers. All ashes set out for collection shall be cooled and be placed in plastic bags for collection.

(C) Holidays.

New Year's Day

Martin Luther King Day

Good Friday

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

The city or its contractor may decide to observe any or all of the above referenced holidays by suspension of service on the holiday. Such suspension does not relieve the city or its contractor of the obligation to provide for the collection of any materials scheduled for the designated holiday. The city or its contractor shall give notice of its holiday schedule at least ten days prior to the holiday to the general public by newspaper advertisement at least one week prior to the holiday.

(D) Collection by actual producers, franchised collectors, and outside collectors.

(1) Requirements for vehicles. The actual producers of refuse or the owners of premises on which refuse is accumulated who desire personally to collect and dispose of the refuse, persons who desire to dispose of waste material not included in the definition of refuse, the collectors of refuse under franchise granted by the City of Albemarle, and collectors of refuse from outside of the city who desire to haul over the streets of the city, shall use a water-tight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped, or spilled.

(2) Rules and regulations. The Director shall have the authority to make any other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over city streets by outside collectors and franchised collectors as he shall find necessary, subject to the right of appeal as set forth in § [41.03](#).

(E) Refuse property of city. Ownership of refuse material set out for collection by the city or its contractor or deposited on the city landfill shall be vested in the city.

(F) Penalty. Violations may be enforced through the provisions of § [10.84](#), the penalty established by § [10.99](#), may be enforced, or violations may be considered a nuisance by the city as provided by in § [82.16](#) and enforceable through §§ [82.17](#) and [82.18](#). Nothing in the above shall prohibit the pursuit of criminal procedures for remedy.

(Ord. 07-01, passed 1-2-07; Am. Ord. 12-04, passed 2-6-12)

 **§ 41.06 CITY SANITARY LANDFILL.**

(A) The city landfill shall be open to the public at the hours established by the Director of Public Works with approval of the City Council. No person shall be permitted to enter into, trespass on, or dump garbage or trash at the city's sanitary landfill other than during the normal operating hours posted by sign notice at the entrance gate to the sanitary landfill.

(B) Every person using the sanitary landfill shall place his refuse at a point designated by the operator of the sanitary landfill. The operator of the sanitary landfill shall make any reasonable regulations for the day-to-day operation of the landfill so as to ensure that it will be maintained in a sanitary manner satisfactory to the North Carolina Department of Environment and Natural Resources.

(C) No person shall be permitted to scavenge or salvage items from the sanitary landfill.

(D) No person other than a duly-authorized employee of the city shall be permitted to walk or stand within 50 feet of any of the equipment used for the operation of the sanitary landfill while the equipment is in operation, the motor is running, or the operator is either operating or maintaining the piece of equipment.

(E) No person shall place any refuse or waste material in the sanitary landfill which may cause any harm to the operation of the landfill or the personnel operating the landfill. This includes any flammable or explosive solid or liquid material which might give off toxic fumes.

(F) No hazardous or liquid wastes shall be accepted or disposed of in the city's sanitary landfill except as may be permitted by the North Carolina Department of Environment and Natural Resources.

(G) For any automobile, truck, tractor, or implement tires to be accepted at the landfill, tires must be removed from the rim and deposited in specified tire recycling containers.

(Ord. 07-01, passed 1-2-07) Penalty, see § [10.99](#)

51.08 ENFORCEMENT.

(A) Administrative Remedies.

(1) Notification of Violation. Whenever the POTW Director finds that any industrial user has violated or is violating this chapter, wastewater permit, or any prohibition, limitation or requirement contained therein or any other pretreatment requirement, the POTW Director may serve upon such a person a written notice stating the nature of the violation. Within 30 days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the city by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(2) Consent Orders. The POTW Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to division (A)(4) below.

(3) Show Cause Hearing. The POTW Director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this chapter or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the POTW Director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation. The POTW Director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate. A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under division (B) of this section nor is any action or inaction taken by the POTW Director under this section subject to an administrative appeal under § [51.04](#)(B)(8).

(4) Administrative Orders. When the POTW Director finds that an industrial user has violated or continues to violate this chapter, permits or orders issued hereunder, or any other pretreatment requirement the POTW Director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

- (a) Immediately comply with all requirements;
- (b) Comply in accordance with a compliance time schedule set forth in the order;
- (c) Take appropriate remedial or preventative action in the event of a continuing or threatened violation; or
- (d) Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.

(5) Emergency Suspensions.

(a) The POTW Director may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or non-discharge permit.

(b) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the POTW Director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW Director to the date of the above-described hearing.

(6) Termination of Permit or Permission to Discharge.

(a) The POTW Director may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

1. Failure to accurately report the wastewater constituents and characteristics of his or her discharge;
2. Failure to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
4. Violation of conditions of the permit or permission to discharge, conditions of this chapter, or any applicable state and federal regulations.

(b) Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under division (A) of this section why the proposed action should not be taken.

(B) Civil Penalties.

(1) Any user who is found to have failed to comply with any provision of this chapter, or the orders, rules, regulations and permits issued hereunder, may be assessed a civil penalty up to twenty-five thousand dollars (\$25,000) per day per violation.

(a) Penalties of up to \$25,000 per day per violation may be assessed against a violator:

1. For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation; or
2. In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this chapter, or the orders, rules, regulations and permits issued hereunder, only if the POTW Director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.

(2) In determining the amount of the civil penalty, the POTW Director shall consider the following:

- (a) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
- (b) The duration and gravity of the violation;
- (c) The effect on ground or surface water quantity or quality or on air quality;
- (d) The cost of rectifying the damage;
- (e) The amount of money saved by noncompliance;
- (f) Whether the violation was committed willfully or intentionally;

(g) The prior record of the violator in complying or failing to comply with the pretreatment program; and

(h) The costs of enforcement to the city.

(3) Appeals of civil penalties assessed in accordance with this section shall be as provided in § [51.04\(B\)\(8\)](#).

(C) Other Available Remedies. Remedies, in addition to those previously mentioned in this chapter, are available to the POTW Director who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

(1) Criminal Violations. The District Attorney for the applicable judicial district may, at the request of the city, prosecute noncompliant users who violate the provisions of G.S. 143-215.6B. Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(f)), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(g)), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. 143-215.6B(h)), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (G.S. 143-215.6B(i)).

(2) Injunctive Relief. Whenever a user is in violation of the provisions of this chapter or an order or permit issued hereunder, the POTW Director, through the City Attorney, may petition the Superior Court of Justice for the issuance of a restraining order and/or a preliminary and permanent injunction which restrain or compel the activities in question.

(3) Water Supply Severance. Whenever an industrial user is in violation of the provisions of this chapter or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.

(4) Public Nuisances. Any violation of the prohibitions or effluent limitations of this chapter or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW Director. Any person(s) creating a public nuisance shall be subject to the provisions of § [10.99](#), the city code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying that nuisance.

(D) Remedies Nonexclusive. The remedies provided for in this chapter are not exclusive. The POTW Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the POTW Director may take other action against any user when the circumstances warrant. Further, the POTW Director is empowered to take more than one enforcement action against any noncompliant user.

(Ord. 90-27, passed 9-17-90; Am. Ord. 94-19, passed 9-19-94; Am. Ord. 07-12, passed 5-21-07; Am. Ord. 14-04, passed 2-17-14)

60.02 RATES.

Every person operating taxicabs within the city shall observe and charge only the rates established from time to time by the City Council and filed in the office of the City Clerk. No charge shall be made for children under six years of age when accompanied by an adult. The fares established shall be conspicuously and permanently posted inside the taxicab in reasonable view of all passengers.

('58 Code, § 18-16) [Penalty, see § 10.99](#)

§ 60.03 PARKING ON STREET PROHIBITED.

It shall be unlawful for any person to park or store a taxicab on the public streets of the city for any purpose other than brief stops to pick up and discharge passengers.

('58 Code, § 18-17) [Penalty, see § 10.99](#)

§ 60.04 MECHANICAL CONDITION.

It shall be the responsibility of the owner of each taxicab to keep the vehicle in good mechanical condition sufficient to meet the state inspection standards at all times.

('58 Code, § 18-18) [Penalty, see § 10.99](#)

OWNERS

§ 60.10 CERTIFICATE OF CONVENIENCE AND NECESSITY REQUIRED.

It shall be unlawful for any person to operate a taxicab on and over the streets of the city without first having applied for and secured from the City Council a certificate of convenience and necessity as herein set forth.

('58 Code, § 18-1) [Penalty, see § 10.99](#)

§ 60.11 APPLICATION FOR CERTIFICATE.

Every person desiring to operate a taxicab on and over the streets of the city shall file on forms supplied by the City Clerk an application for a certificate of convenience and necessity.

('58 Code, § 18-2) [Penalty, see § 10.99](#)

60.13 DURATION OF CERTIFICATE.

A certificate of convenience and necessity shall constitute a franchise from the city for the operation of taxicabs within the city, subject to the provisions of this chapter, for one year, unless a shorter period of time is specified in the certificate. Applications for renewal shall be filed annually on or before June 1, and the City Council shall review all certificates to be considered for renewal at its first regular meeting in the month of June of each year. Renewal applications may be filed by letter stating any change which has occurred from the original certificate or application, such as the average number of pieces of equipment operated during the previous year, and the name of the owners of stock if the franchise shall be a corporation. At the time of renewal each year the City Council may reduce the number of taxicabs authorized to the average number of taxicabs which the applicant has been actually operating during the previous 12

months. The owner of a franchise from the city for the operation of taxicabs within the city shall give the City Council at least 30 days prior notice of intention to cease operating taxicabs under the franchise.

('58 Code, § 18-4) [Penalty, see § 10.99](#)

60.18 TRANSFER OF CERTIFICATE.

A certificate is not transferable without the consent of the City Council. Applications for a permit to transfer shall be filed in the same manner as an application for a certificate of convenience and necessity. The proceedings upon the application for a transfer shall be the same as those described for the issuance of a certificate, except that the question of public convenience and necessity need not be proved. In the event the franchise has been issued to a corporation, any change in the ownership of the stock shall be approved by the Council.

('58 Code, § 18-9) [Penalty, see § 10.99](#)

§ 60.20 SUBSTITUTION OF VEHICLES.

The person to whom a certificate has been issued may, by appropriate endorsement thereon by the City Clerk, substitute other vehicles for the vehicles for which the certificate was granted. In this instance, the liability insurance or bonds shall also be transferred to the substitute vehicle.

('58 Code, § 18-11) [Penalty, see § 10.99](#)

60.22 SIGNS IDENTIFYING VEHICLE AS TAXI.

Every person operating taxicabs shall have permanent signs at conspicuous places on each taxicab showing that it is a taxi and the name of the franchise and the number of the taxicab assigned.

('58 Code, § 18-14) [Penalty, see § 10.99](#)

DRIVERS

§ 60.30 DRIVER'S PERMIT REQUIRED.

No person shall drive any taxicab carrying passengers for hire from place to place within the city, or within a distance of five miles thereof, unless that person shall have first applied to and secured from the Chief of Police a permit to drive a taxicab.

('58 Code, § 18-19) [Penalty, see § 10.99](#)

60.35 DISPLAYING PERMIT.

The driver of every taxicab shall at all times while operating the taxicab, prominently post and display in the taxicab, so as to be visible to the passengers therein, his permit to drive a taxicab.

('58 Code, § 18-25) [Penalty, see § 10.99](#)

63.06 POSTING OF LICENSE.

Every massagist shall post the license required by this chapter in his work area. Every person, corporation, partnership, or association licensed under this chapter shall display the license in a prominent place.

('58 Code, § 15-35) [Penalty, see § 10.99](#)

63.08 HOURS OF OPERATION.

(A) No person licensed as a massagist under § [63.04](#) shall massage or treat any person, or engage in the business or profession of massage, before 8:00 a.m. or after 10:00 p.m., prevailing time.

(B) No person, corporation, partnership, or association licensed under § [63.03](#) shall admit customers or prospective customers, or remain open for business, or allow, permit, or condone any massage or treatment of any person on the premises before 8:00 a.m. or after 10:00 p.m., prevailing time.

(C) No person in charge of managing a massage business on the premises shall allow, permit, or condone any massage or treatment of any person before 8:00 a.m. or after 10:00 p.m. prevailing time.

('58 Code, § 15-37) [Penalty, see § 10.99](#)

63.09 PATRONAGE OF MASSAGE, BUSINESS BY MINORS AND EMPLOYMENT OF MINORS.

(A) No person licensed as a massagist under § [63.04](#) shall massage or treat any person under the age of 18 on the licensed premises, except on written order by a licensed physician, osteopath, chiropractor, or registered physical therapist, the order being dated and in the possession of the massagist giving the massage or treatment. A violation of this shall be grounds for revocation of any license issued to the violator pursuant to this chapter.

(B) No person, corporation, partnership, or association licensed under § [63.03](#) shall allow, permit, or condone the massage or treatment of any person under the age of 18 upon the licensed premises, except on written order by a licensed physician, osteopath, chiropractor, or registered physical therapist, the order being dated, and a true copy of the order being in the possession of the licensee before administration of any massage or treatment. A violation of this shall be grounds for revocation of any license issued to the violator pursuant to this article.

(C) No person, corporation, partnership, or association licensed under § [63.03](#) shall employ any person under the age of 18 years in the operation of a massage business.

('58 Code, § 15-38) [Penalty, see § 10.99](#)

65.02 PERMIT REQUIRED.

It shall be unlawful for any person to organize, conduct, or participate in any parade, picket line, or group demonstration in or on any street, sidewalk, alley, or other public place within the city unless a permit therefor has been issued by the city in accordance with the provisions of this chapter.

Penalty, see § [10.99](#)

§ 65.03 REQUIREMENTS AND ISSUANCE OF PERMITS.

The Chief of Police or his designee shall issue permits as required in §65.02, and in the issuance thereof he shall do the following.

(1) Require a written application for the permit to be filed not less than 24 hours in advance of the parade, picket line, or group demonstration, which shall specify the time and place for the commencement of any picket line, and the time, place, route, and duration of any parade or group demonstration, and any other information which the Chief of Police deems necessary.

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

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

65.05 CERTAIN ACTIVITIES PROHIBITED.

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

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

(2) The taking or keeping of any dog or other vicious animal, whether leashed or unleashed.

Penalty, see § 10.99

65.07 INTERFERENCE PROHIBITED.

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

Penalty, see § 10.99

65.08 ADDITIONAL REGULATIONS APPLICABLE TO PICKETING.

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

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

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

(3) Pickets may carry written or printed placards or signs not exceeding two feet in width and two feet in length promoting the objective for which the picketing is done; provided, the words used are not derogatory or defamatory in nature.

(4) Pickets must march in single file and not abreast and must not march closer together than 15 feet, except in passing one another.

Penalty, see § 10.99

65.15 AWNINGS, REQUIRED HEIGHT.

It shall be unlawful for any person to erect or maintain over the sidewalk of the city any awning that comes lower than seven feet from the sidewalks.

('58 Code, §13-4) [Penalty, see § 10.99](#)

§ 65.16 DISPLAY OF MERCHANDISE.

It shall be unlawful for any person to obstruct any of the streets, sidewalks, or alleys by displaying or placing fruit, vegetables, or other merchandise on any portion of the streets, sidewalks, or alleys.

('58 Code, §13-5) [Penalty, see § 10.99](#)

65.17 CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY.

Malt beverages and/or unfortified wine can be possessed, consumed, sold, or distributed at special events held partially or wholly at city-owned or city-controlled property or facilities, but only on/at the following locations: public sidewalks, parks, alleys, streets, and rights-of-way, E.E. Waddell Center, Niven Center, and the Central School Auditorium and Lobby (under control by the City per lease agreement) and upon the issuance of a special event alcohol permit as set forth in this section. Fortified wine and mixed beverages are not permissible at any city owned or operated facility.

(A) Special event alcohol permits shall be issued in conjunction with a special event permit as defined in section 65.03-04 of the City Code and only after applicant has obtained and provided to the City all appropriate State and Local permits allowing the possession, consumption, sale and distribution of alcohol.

(1) Special event alcohol permits may only be issued to a non-profit corporation duly incorporated in the state and having received its status as a tax-exempt organization under section 501(c) of the Internal Revenue Service.

(2) Applicants receiving a special event alcohol permit may allow vendors to sell or distribute malt beverages and/or unfortified wine without such vendors obtaining a separate permit provided that the applicant receiving the special event alcohol permit shall be responsible for such vendor having all state and local permits necessary to sell or distribute such alcoholic beverages and the required insurance in place for the event.

(3) Malt beverages and/or unfortified wine as provided in this section can only be possessed, consumed, sold, or distributed in such area as approved by City Council or designee which must be identified and approved by City Council as part of the special event application.

(4) The event organizer must provide identification devices to be used by the bearer to purchase malt beverages and/or unfortified wine. Identification devices are not transferable and can only be worn and used by the person to whom the identification device was issued by the event organizer. If the event is a multi-day event, new identification markers must be issued on succeeding days of the event. Before issuing the identification markers, the event organizer is responsible for determining the person to be issued the identification device is of legal age to possess malt beverages and/or unfortified wine. It is unlawful for a person authorized to purchase a malt beverage and/or unfortified wine to pass on to any other person not wearing an authorized identification device.

(5) It is unlawful for a person to possess or consume a malt beverages and/or unfortified wine except as set out herein in that he/she is wearing the appropriate identification device designated for the day of the event.

(6) The possession, consumption, sell, and/or delivery of alcoholic beverages not obtained or acquired as set out in this section are not permitted and are considered a violation of this article.

(7) City Council or designee may require the event organizer to hire an off-duty police officer(s) to oversee alcohol sales at the event and may place other reasonable conditions on a special event alcohol permit.

(8) No special event alcohol permit may be issued without the applicant obtaining an insurance policy in the amount of \$1,000,000 displaying general liability and liquor liability and which names the "City of Albemarle" as an additional-insured. Said policy shall remain in effect for the entire period of the event.

(9) Permits issued in accordance with this article will only be in effect for the time and period of the event as specified on the application as approved by City Council. Permits issued under this article and approved by City Council shall not be transferrable.

(B) Denial of revocation of special event alcohol permits: City Council or designee may deny or revoke a special event alcohol permit if it is deemed granting the permit would not be in the public's interest or it is found the applicant or vendor has conducted one of the following:

- (1) Made a deliberate misrepresentation or provided false information on the application;
- (2) Operating in such as manner as to create a public nuisance or constitute a hazard to public health, safety, or welfare;
- (3) Failed to keep the sidewalk, park, street, or right-of-way clean and free of refuse;
- (4) Failed to maintain and health, business, or other permit or license as required by law;
- (5) Failure to obtain or maintain the amount and type(s) of insurance required herein; or
- (6) Violating any terms of this section.

(Ord. 17-30, passed 9-5-17) Penalty, see § [10.99](#)

Disclaimer:

70.04 DRIVERS OF GOVERNMENT-OWNED VEHICLES.

The provisions of this title applicable to the drivers of vehicles on streets shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, any other state, or any county or city. It shall be unlawful for any driver to violate any provisions of this title, except as otherwise permitted in this title or by state statute.

('58 Code, § 16-5) [Penalty, see § 10.99](#)

70.06 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.

('58 Code, § 16-3) [Penalty, see § 10.99](#)

70.08 APPROACH OF POLICE OR FIRE DEPARTMENT VEHICLES.

(A) Upon the approach of any Police or Fire Department vehicle giving audible signal by bell, siren, or exhaust whistle, the driver of every other vehicle shall immediately drive his vehicle to a position as near as possible and parallel to the right-hand edge or curb, clear of any intersection or highway, and shall stop and remain in that position, unless otherwise directed by a police or traffic officer, until the Police or Fire Department vehicle shall have passed.

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

('58 Code, § 16-68) [Penalty, see § 10.99](#)

71.02 OBEDIENCE TO SIGNS.

Any person failing or refusing to comply with the directions indicated on any sign, marker, or device for the control or direction of traffic erected or placed in accordance with the provisions of this chapter when so placed or erected shall be guilty of a misdemeanor. This section shall not be construed to apply when the driver of a vehicle is otherwise directed by a police officer or when an exception is granted to the driver of an authorized emergency vehicle under § [70.07](#).

('58 Code, § 16-16(a)) [Penalty, see § 10.99](#)

71.05 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 the terms and light shall indicate and apply to drivers of vehicles and pedestrians as follows.

(A) Green alone or "go."

(1) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at the place prohibits either turn. But vehicular 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 crosswalk at the time the signal is exhibited.

(2) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(B) Yellow alone or "caution" when shown following the green or "go" signal.

(1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection. However, this provision shall not be construed as a license to a driver of a motor vehicle approaching an intersection at an unlawful rate of speed to proceed through the intersection. Any driver of a motor vehicle driving the vehicle at an unlawful rate of speed at the time of his approach to

an intersection shall forfeit all rights lawfully to enter and proceed into and across the intersection under the "caution" signal as provided.

(2) No pedestrian facing the signal shall enter the roadway until the green or "go" is shown alone unless authorized to do so by a pedestrian "walk" signal.

(C) Red alone or "stop."

(1) Vehicular traffic facing the signal shall stop before entering the crosswalk 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. However, if a sign is not erected prohibiting turns on red lights, the vehicles may turn right on red lights after coming to a complete stop. Streets on which right turns on red are prohibited are set out in Traffic Schedule XIX.

(2) No pedestrian facing the signal shall enter the roadway unless the green or "go" is shown alone or unless authorized to do so by a pedestrian "walk" signal.

(D) Red with green arrow.

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

(2) No pedestrian facing the signal shall enter the roadway until the green or "go" is shown alone unless authorized to do so 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 sign or marking the stop shall be made at the signal.

('58 Code, § 16-22) [Penalty, see § 10.99](#)

71.06 PEDESTRIAN-CONTROL SIGNAL LEGEND.

Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk" are in place the signals shall indicate as follows.

(A) "Walk." Pedestrians facing the signal may proceed across the highway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(B) "Don't Walk." No pedestrian shall start to cross the highway in the direction of the signal, but any pedestrian who has partially completed his crossing on the "walk" signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing.

[Penalty, see § 10.99](#)

§ 71.07 FLASHING SIGNALS.

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

(A) Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall come to a complete stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. In no event shall the vehicle be driven into the crosswalk unless and until the entry can be made with safety to other persons and property at the place.

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

('58 Code, § 16-23) [Penalty, see § 10.99](#)

§ 71.08 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS.

(A) No person shall place, maintain, or display on or in view of any highway any unauthorized sign, signal, marking, or device which purports to be, is in imitation of, or resembles, an official traffic-control device, sign, or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device, sign, or signal.

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

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

(D) Every 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 it or cause it to be removed without notice.

[Penalty, see § 10.99](#)

§ 71.09 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES, 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, sign, or signal or any inscription, shield, or insignia thereon, or any other part thereof.

[Penalty, see § 10.99](#)

§ 72.01 FUNERAL PROCESSIONS.

(A) No funeral procession containing 50 or more vehicles shall occupy or proceed along any street except in accordance with a permit issued by the Chief of Police and any other regulations as are set forth herein.

(B) Every vehicle in a funeral procession must have its headlights turned on for identification purposes. The procession shall travel as close together as possible in line, using the far right lane on

laned highways. The funeral procession shall be routed along the safest direct route to the place of burial.

(C) It shall be unlawful for any person to break through a funeral procession or try to enter into the procession by passing from the rear of the procession, or otherwise interfering with the continuity of the procession. Cautious and respectful passing of the procession is not prohibited when two or more lanes are provided for travel in the same direction. However, it is prohibited when there is only one lane.

(D) Vehicles approaching a funeral procession from the opposite direction should cautiously and respectfully continue.

('58 Code, § 16-28) [Penalty, see § 10.99](#)

§ 72.02 LIMITATIONS ON BACKING.

It shall be unlawful for the driver of a vehicle to back the vehicle into any intersection or over a crosswalk and, in any event or at any place, to back the vehicle unless the movement can be made in safety and unless the driver shall have given ample warning, either by hand, horn, or other signal, to those who may be behind.

('58 Code, § 16-32) [Penalty, see § 10.99](#)

§ 72.03 DRIVING ON SIDEWALKS.

It shall be unlawful for the driver of a vehicle to drive the vehicle within any sidewalk area, except at a permanent or temporary driveway.

('58 Code, § 16-34) [Penalty, see § 10.99](#)

§ 72.04 MOVING PARKED CARS FROM CURB.

The driver of a vehicle parked on a street, when moving the vehicle from the curb, shall move the vehicle out from the curb in the direction in which the vehicle is headed; or, if the vehicle is parked at an angle with the curb, he shall back the vehicle out at that angle until he has cleared other parked vehicles, at which time he may proceed in the desired direction.

('58 Code, § 16-42)

§ 72.05 DRIVING ON BARRICADED STREET.

It shall be unlawful for any person to drive any vehicle into or on any alley or street when the street or alley has been barricaded by an employee of the city.

('58 Code, § 13-12) [Penalty, see § 10.99](#)

§ 72.06 RIDING ON MOTORCYCLES.

A person operating a motorcycle shall ride only on the permanent and regular seat attached thereto. The operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride on the

permanent and regular seat if designed for two persons, or on another seat firmly attached to the rear or side of the operator.

('58 Code, §§ 16-39 and 16-40) [Penalty, see § 10.99](#)

§ 72.07 CONTROLLED-ACCESS HIGHWAYS.

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

[Penalty, see § 10.99](#)

§ 72.08 HEADLIGHTS TO BE DIMMED ON LIGHTED STREETS.

When any motor vehicle is operated on any of the lighted streets within the city in the nighttime, the headlights on the motor vehicle shall be operated on dim lights.

[Penalty, see § 10.99](#)

§ 72.09 FOLLOWING FIRE APPARATUS.

It shall be unlawful for the driver of any vehicle, other than one on official business, to follow any fire apparatus traveling in response to a fire alarm closer than 500 feet, or to drive or park the vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

('58 Code, § 16-48) [Penalty, see § 10.99](#)

§ 72.10 DRIVING OVER FIRE HOSE; BLOCKING EQUIPMENT.

It shall be unlawful for any person to drive an engine, train, or any motor vehicle over the fire hose or any other equipment of the city or any other Fire Department at any time, or to block a fire fighting apparatus or other equipment from its source of supply regardless of its distance from the fire.

('58 Code, § 16-48) [Penalty, see § 10.99](#)

§ 72.11 DRIVING MACHINERY OVER PAVED STREETS.

It shall be unlawful for any person to drive over any hard-surfaced asphalt-paved street, any agricultural machinery, such as harrows or like equipment, with sharp blades, discs, or spikes that will drag on the pavement; or any traction engine with caterpillar wheels, or any heavy piece of machinery that will in any way damage or injure the paving.

('58 Code, § 16-15) [Penalty, see § 10.99](#)

§ 72.12 DRIVING WITHIN LANES.

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

('58 Code, § 16-47) [Penalty, see § 10.99](#)

§ 72.13 BOARDING OR ALIGHTING FROM MOVING VEHICLE.

It shall be unlawful for any person to board or alight from any motor vehicle while the motor vehicle is in motion.

('58 Code, § 16-8) [Penalty, see § 10.99](#)

§ 72.14 RIDING ON CERTAIN PARTS OF, VEHICLE PROHIBITED.

It shall be unlawful for any person to ride on any portion of a motor vehicle not designed or intended for the use of passengers. This provision shall not apply to any employee engaged in the necessary discharge of duty of his employment or to persons riding within truck bodies in spaces intended for freight or merchandise.

('58 Code, § 16-9) [Penalty, see § 10.99](#)

§ 72.16 ALLOWING PARTS OF BODY TO PROTRUDE FROM VEHICLE.

It shall be unlawful for any person riding in a motor vehicle to allow any part of his body to protrude beyond the limits of the vehicle in which he is riding, except when necessary to give signals as are required by law.

('58 Code, § 16-11) [Penalty, see § 10.99](#)

§ 72.17 CLINGING TO VEHICLES.

It shall be unlawful for any person to hang on to any moving vehicle. It shall be unlawful for any person riding on any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle, to attach a bicycle, motorcycle, coaster, sled, toy vehicle, or himself to any moving vehicle on any roadway.

('58 Code, § 16-38) [Penalty, see § 10.99](#)

§ 72.18 NUMBER OF PASSENGERS IN FRONT SEAT.

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

('58 Code, § 16-12) [Penalty, see § 10.99](#)

72.26 MOVEMENT OF TRAFFIC.

On those streets and parts of streets and in those alleys described in Traffic Schedule XX, 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.

('58 Code, §§ 16-26 and 16-27) [Penalty, see § 10.99](#)

SPEED REGULATIONS

§ 72.35 GENERAL SPEED REGULATIONS.

No person shall drive a vehicle on a street or highway at a speed greater than is reasonable and prudent under the conditions then existing. Except as otherwise provided in § [72.36](#), it shall be unlawful to operate a vehicle in excess of 35 miles per hour inside the corporate limits.

[Penalty, see § 10.99](#)

72.37 DUTY OF DRIVER TO DECREASE SPEED.

The fact that the speed of a vehicle is lower than the limits set out in the Traffic Schedules shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling on any narrow or winding roadway, or when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions. Speed shall be decreased as may be necessary to avoid colliding with any other person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

('58 Code, § 16-43) [Penalty, see § 10.99](#)

72.37 DUTY OF DRIVER TO DECREASE SPEED.

The fact that the speed of a vehicle is lower than the limits set out in the Traffic Schedules shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling on any narrow or winding roadway, or when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions. Speed shall be decreased as may be necessary to avoid colliding with any other person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

('58 Code, § 16-43) [Penalty, see § 10.99](#)

73.99 PENALTY.

An owner or operator of a vehicle may, within 48 hours from the time the notice referred to in [§ 73.41](#) was attached to the vehicle or delivered to the owner or operator, pay to the city, as a civil penalty for the offense indicated in the notice, the sum of \$5; provided, that for violations of limited parking prescribed in [§ 73.15](#), the civil penalty shall be \$5. Failure of the owner or operator of the vehicle to appear and pay the penalty within 48 hours shall subject the owner or operator to the penalties provided in [§ 10.99](#).

(Am. Ord. 95-38, passed 10-16-95)

74.01 TRUCK ROUTES.

(A) All trucks and trailers of greater capacity than one and one half tons entering the city destined to any point outside of the city and not taking on or discharging any goods, wares, or merchandise within the city limits, shall travel exclusively on the routes designated as truck routes, and over those truck routes as shall constitute the shortest and most direct route from the point of entrance into the city and to the point of departure from the city. The streets hereby designated as truck routes are those listed in Traffic Schedule XXIV, made a part hereof.

(B) The Director of Public Works shall cause to be erected and maintained at points where through truck routes enter the city and at all junction points and turns where necessary, and at all approaches to the parts of streets on which trucks are prohibited, signs of the dimensions and at the locations as shall be approved by him, directing truck traffic in accordance with this section.

('58 Code, §§ 16-49 and 16-50) [Penalty, see § 10.99](#)

§ 74.02 TRACTOR-TRAILER UNITS; STOPS.

All tractor-trailer units are prohibited from stopping for purposes of loading or unloading or for any other purpose, except in order to obey traffic signals, on the streets or portions of streets described in Traffic Schedule XXV, hereby made a part hereof.

[Penalty, see § 10.99](#)

§ 74.03 VEHICLE WEIGHTS.

Vehicles having a gross vehicle weight in excess of one-half ton are prohibited from driving over or on any of the streets or parts of streets or alleys described in Traffic Schedule XXVI, hereby made a part hereof.

('58 Code, § 16-51) [Penalty, see § 10.99](#)

RAILROADS

§ 74.10 FLAGMAN REQUIRED FOR SWITCHING OPERATION.

All switch or shifting movements of the Yadkin Railroad or Winston-Salem Southbound Railroad at Main Street shall be protected by the flagman or other agent of the company.

('58 Code, § 16-13) [Penalty, see § 10.99](#)

§ 74.11 SPEED; OBSTRUCTION OF STREETS.

No person may run an engine or train within or through the city at a rate of speed greater than 30 miles per hour, or obstruct the passage of any of the public street crossings more than five minutes at a time, or run an engine through the city without a headlight.

('58 Code, § 16-14) [Penalty, see § 10.99](#)

75.03 PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALK.

(A) When traffic-control signals are not in place or not in operation, and at marked crosswalks established at locations other than intersections and described in Traffic Schedule XXXVIII, and when appropriate signs have been erected, 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 crosswalk when the pedestrian is on the half of the roadway on 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 crosswalk is modified under the condition and as stated in [§ 75.07](#).

(B) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk 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 the stopped vehicle.

('58 Code, § 16-24.2) [Penalty, see § 10.99](#)

§ 75.04 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK.

Pedestrians shall move, whenever practicable, on the right half of crosswalks.

[Penalty, see § 10.99](#)

§ 75.05 PROHIBITED CROSSINGS.

Between adjacent intersections at which traffic-control signals are in operation, no pedestrian shall cross at any place other than in a crosswalk. No pedestrian shall cross a roadway other than in a crosswalk in the central business district.

[Penalty, see § 10.99](#)

§ 75.06 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 crosswalk.

[Penalty, see § 10.99](#)

§ 75.07 WHEN PEDESTRIAN SHALL YIELD.

Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles on the roadway. 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 on the roadway.

[Penalty, see § 10.99](#)

§ 75.08 WALKING ALONG ROADWAY.

Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and on an adjacent roadway. Where sidewalks are not provided, any pedestrian walking along and on 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.

[Penalty, see § 10.99](#)

§ 75.09 SOLICITING RIDES OR BUSINESS.

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

[Penalty, see § 10.99](#)

§ 75.10 DRIVERS TO EXERCISE DUE CARE.

Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian on 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 on a roadway.

[Penalty, see § 10.99](#)

76.03 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

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

[Penalty, see § 10.99](#)

§ 76.04 RIDING ON BICYCLES.

A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. It shall be unlawful for the operator of a bicycle, when on any street, to carry any person on the handlebars or frame of the bicycle; and it shall be unlawful for any person to ride on any bicycle in this manner.

('58 Code, §§ 16-39 and 16-40) [Penalty, see § 10.99](#)

§ 76.05 RIDING ON ROADWAYS AND BICYCLE PATHS.

Every person operating a bicycle on 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. Persons riding bicycles on a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use the path and shall not use the roadway.

[Penalty, see § 10.99](#)

§ 76.06 SPEED.

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

('58 Code, § 16-85) [Penalty, see § 10.99](#)

§ 76.07 EMERGING FROM ALLEY OR DRIVEWAY.

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

[Penalty, see § 10.99](#)

§ 76.08 CARRYING ARTICLES.

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

[Penalty, see § 10.99](#)

§ 76.09 PARKING.

No person shall park a bicycle on a street other than on the roadway against the curb, or on 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.

[Penalty, see § 10.99](#)

§ 76.10 RIDING ON SIDEWALKS.

- (A) No person shall ride a bicycle on a sidewalk within the central business district.
- (B) The Chief of Police is authorized to erect signs on any roadway prohibiting the riding of bicycles thereon by any person and when the signs are in place no person shall disobey them.
- (C) Whenever any person is riding a bicycle on a sidewalk, that person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian.

[Penalty, see § 10.99](#)

§ 76.11 LAMPS AND OTHER EQUIPMENT.

(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 500 feet to the front, and with a red reflector on the rear of a type which shall be visible from all distances from 50 feet to 300 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 500 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 100 feet, except that a bicycle shall not be equipped with, nor shall any person use on 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 skid on dry, level, clean pavement.

[Penalty, see § 10.99](#)

§ 76.12 REGISTRATION.

(A) It shall be unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power on any of the streets, alleys, or public highways of the city without first obtaining a certificate of registration from the Chief of Police and having attached to the bicycle a registration number.

(B) The city shall provide registration seals together with registration cards, the registration seals and registration cards to be numbered in numerical order beginning with number one, the design and identification lettering thereon to be approved by the Chief of Police. It shall be the duty of the Chief of Police to attach one of the registration seals to the frame of each bicycle and to issue the corresponding registration card to the owner of the bicycle on the payment of the registration fee required. The registration seal shall remain attached to the bicycle for which it was issued during the period for which it is registered. The Chief of Police shall keep a permanent register in which shall be entered the name, address, and age of the owner of each registered bicycle, the date of registration, and sufficient information to identify the bicycle.

(C) It shall be unlawful for any person to sell or transfer ownership of any bicycle without reporting to the Chief of Police within 48 hours from the time thereof, full and complete information relative to the transfer so that the bicycle may be registered in the name of the transferee. The purchaser or transferee of any bicycle shall apply for a transfer of registration therefor within five days from the time the bicycle is acquired by him.

(D) All persons engaged in the business of buying secondhand bicycles are hereby required to report to the Chief of Police within 48 hours after acquiring any secondhand bicycle or parts thereof, the report to include the registration number of the bicycle, a description of each bicycle acquired, the frame number thereof, together with the name and address of the person from whom it was acquired. In the case of the purchase of any part of a bicycle, the report shall describe each part and give the name and address of the person from whom it was acquired. All dealers in new bicycles in the city shall report their sales to the Chief of Police on blanks furnished for that purpose, within 48 hours thereafter, giving all the information required herein for secondhand bicycles.

(E) It shall be unlawful for any person to wilfully or maliciously remove, destroy, mutilate, or alter the number of any bicycle frame registered pursuant to this section. It shall also be unlawful for any person to wilfully or maliciously remove, destroy, mutilate, or alter any registration plate or registration card is -

(F) Any bicycle operated by the owner or other person lawfully having custody thereof, in violation of this section, may be impounded by the Chief of Police for a period not exceeding 30 days.

('58 Code, §) [Penalty, see § 10.99](#)

Disclaimer:

80.03 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 city may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

(Ord. 94-35, passed 12-5-94; Am. Ord. 16-35, passed 9-19-16) Penalty, see § [10.99](#)

§ 80.04 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 City Manager or designee(s) 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.

(Ord. 94-35, passed 12-5-94; Am. Ord. 16-35, passed 9-19-16) Penalty, see § [10.99](#)

§ 80.05 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) It shall be unlawful to have more than two junked motor vehicles, as defined in § [80.02](#), on the premises of public or private property. The permitted junked motor vehicle(s) must strictly comply with the location and concealment requirements of this section.

(C) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located, to fail to comply with the locational requirements of this section.

(D) Subject to the provisions of division (E) of this section, upon investigation, the City Manager or designee(s) may order the removal of a junked motor vehicle, as defined in this chapter, after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. 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.

(E) Permitted concealment or enclosure of junked motor vehicles.

(1) (a) Two junked motor vehicles, in their entirety, can be located in the rear yard, as defined by the city's zoning ordinance, if they are entirely concealed from public view from a public street and from abutting premises by an acceptable covering.

(b) The City Manager or designee(s) has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair

and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in the preamble of this chapter.

(2) More than two junked motor vehicles. 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 either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit, and which has been constructed in accordance with all zoning and building code regulations.

(Ord. 94-35, passed 12-5-94; Am. Ord. 16-35, passed 9-19-16) Penalty, see § [10.99](#)

80.15 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 city 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.

(Ord. 94-35, passed 12-5-94; Am. Ord. 16-35, passed 9-19-16) Penalty, see § [10.99](#)

81.01 RUNNING AT LARGE.

It shall be unlawful for any person to permit any animal, fowl, or bird owned or controlled by him or in his custody to run or be at large in the city.

('58 Code, § 3-l) [Penalty, see § 10.99](#)

§ 81.01.1 DEFECATING UPON PRIVATE PROPERTY PROHIBITED.

It shall be unlawful for any owner, possessor, or harbinger of any animal to allow such animal(s) under his or her control, whether at large or under restraint, to defecate on the private property of another.

(Ord. 07-36, passed 10-16-07) [Penalty, see § 10.99](#)

§ 81.01.2 DEFECATING UPON PUBLIC PROPERTY PROHIBITED.

It shall be unlawful for any owner, possessor, or harbinger of any animal to allow such animal(s) under his or her control, whether at large or under restraint, to defecate on any public property, or public right-of-way without immediately removing and properly disposing of the said defecation of the animal(s) in an appropriate trash receptacle.

(Ord. 07-36, passed 10-16-07) [Penalty, see § 10.99](#)

81.02 CONDITIONS TO KEEPING HORSES.

(A) It shall be unlawful for any person to keep or allow to be kept, harbor or allow to be harbored, maintain or allow to be maintained more than two horses, mules, jackasses, or jennies, or any combination thereof, on any premises within the jurisdictional limits of the city; provided, however, that additional horses, mules, jackasses, or jennies may be kept on the premises if a minimum of two acres of pasture per animal is provided for each additional animal greater than two. Provided further however,

that the offspring of any mare or jenny kept harbored or maintained in the jurisdictional limits of the city may remain with such mare or jenny until weaned.

('58 Code, § 3-2)

(B) Private stables with a capacity of housing not more than two horses, mules, jackasses or jennies may be located within the corporate limits provided such stable, pen or other enclosure for keeping horses, mules, jackasses or jennies is located at least 200 feet from a place of human habitation. Any offspring of a mare or jenny may be housed in the same stable with such mare or jenny until weaned.

(C) Every stable shall be kept clean at all times. If such premises, after inspection by the County Health Department, are found to be a nuisance or detrimental to the public health of the owner or occupant of the premises shall remedy the condition in accordance with the instructions of the County Health Department within 24 hours. Any such person failing to comply shall be guilty of violating this section.

(D) Stable manure shall be removed at least once every day and deposited in a covered, flyproof, hard-bottom bin or other suitable receptacle. This requirement shall not apply to concrete or other impervious types of floors that can be flushed and drained into the sanitary sewer. No stable manure may be disposed of in such a manner that it is collected or disposed by the city's solid waste collection system.

(Am. Ord. 91-9, passed 5-6-91; Am. Ord. 96-27, passed 10-8-96) [Penalty, see § 10.99](#)

§ 81.03 CONDITIONS TO KEEPING CATTLE.

(A) It shall be unlawful for any person to keep or allow to be kept, graze or allow to be grazed, house or allow to be housed, any cow, bull, steer, or cattle of any kind, nature, or description in the limits of the city within 400 feet of any building or house occupied for purpose of residence.

('58 Code, § 3-4)

(B) Any person keeping or allowing to be kept, grazing or allowing to be grazed, housing or allowing to be housed, any cow, bull, steer, or cattle of any nature or description within the limits of the city in a place or area more than 400 feet distant from any building or house occupied for residential purposes shall keep, graze, and house the same in strict compliance with all rules and regulations adopted and promulgated by the board of health of Stanley County, the board of health of the state, and the City Council.

('58 Code, § 3-5) [Penalty, see § 10.99](#)

§ 81.03.1 CATTLE PROHIBITED IN PUBLIC PARKS.

It shall be unlawful for any person to keep or allow to be kept, graze or allow to be grazed, any horse, cow, bull, steer, or cattle of any kind, nature, or description in any public park owned and maintained by the city.

(Ord. 07-36, passed 10-16-07) [Penalty, see § 10.99](#)

§ 81.04 CONDITIONS TO KEEPING FOWL OR RABBITS.

All persons owning or controlling or having in their custody any fowl or rabbit confined in pens or enclosures on their premises. As used in §§ [81.04](#) through [81.04.3](#), "rabbit" shall mean an adult rabbit over the age of six weeks.

('58 Code, § 3-6) (Ord. 97-59, passed 11-17-97; Am. Ord. 07-13, passed 5-7-07) [Penalty, see § 10.99](#)

§ 81.04.1 MAINTENANCE OF FOWL OR RABBITS IN PENS OR HUTCHES.

All pens and enclosures in which any fowl or rabbit is kept shall comply at all times with the following provisions:

- (A) Shall be a minimum of 30 feet from any property line;
- (B) Must be used for fowl or rabbits only and must be well ventilated;
- (C) Shall have a minimum of four square feet of floor area for each fowl or rabbit; and
- (D) Shall be kept clean, sanitary and free from accumulation of excrement and objectionable odors and shall be cleaned daily; and all droppings and body excrement shall be placed in a fly proof container and double-bagged in plastic bags.
- (E) Maximum number of rabbits allowed is four. This provision does not refer to fowl.

(Ord. 97-59, passed 11-17-97; Am. Ord. 07-13, passed 5-7-07) [Penalty, see § 10.99](#)

§ 81.04.2 RATS, FLIES OR ODOR IN FOWL OR RABBIT PENS OR HUTCHES.

The presence of rats in or about a pen or enclosure in which any fowl or rabbit is kept shall be prima facie evidence that such pen or enclosure is maintained in violation of the provisions of § [81.04.1](#)(D).

(Ord. 97-59, passed 11-17-97; Am. Ord. 07-13, passed 5-7-07) [Penalty, see § 10.99](#)

§ 81.04.3 ENFORCEMENT OF PROVISIONS FOR FOWL OR RABBITS.

(A) The Code Enforcement Officer or his or her duly appointed agent shall enforce the provisions of § [81.04](#) and § [81.04.1](#). The Code Enforcement Officer or his or her duly appointed agent upon notice from any person, or upon their own observation, of the existence of any conditions in violation of the provisions of § [81.04.1](#), shall make such investigations as may be necessary to determine whether in fact such conditions as exist constitute a violation of § [81.04.1](#).

(B) Upon determination that a violation of § [81.04.1](#) does exist, the Code Enforcement Officer or his or her duly appointed agent shall notify in writing the owner, occupant or person in possession of the premises upon which the pen or enclosure is located that a violation of § [81.04.1](#) exists, and direct and order such offender to bring the pen or enclosure in compliance with § [81.04.1](#) within 15 days from the receipt of such notice.

(Ord. 97-59, passed 11-17-97; Am. Ord. 07-13, passed 5-7-07) [Penalty, see § 10.99](#)

§ 81.05 MALE GOATS NOT TO BE KEPT.

It shall be unlawful for any person to keep, maintain, or harbor any male goat within the city.

('58 Code, § 3-7) [Penalty, see § 10.99](#)

§ 81.06 SWINE PROHIBITED.

It shall be unlawful for any person to raise, keep, or maintain any swine within the city.

('58 Code, § 3-8) (Am. Ord. 98-30, passed 7-20-98) [Penalty, see § 10.99](#)

§ 81.07 REMOVAL OF CARCASSES.

The owner of any animal which shall die shall remove the carcass from the city, where it shall be buried.

('58 Code, § 3-9) [Penalty, see § 10.99](#)

81.17 LICENSING.

(A) No person shall own, keep, or harbor any dog within the city unless the dog is licensed as herein provided. Written application for a license shall be made to the City Tax Collector and shall state the name, address, and telephone number of the owner and the name, breed, color, sex, and distinguishing marks of the dog. The license fee shall be paid to the City Tax Collector at the time of making the application. The City Tax Collector shall transmit to the Police Department all registration forms after all fees have been paid. The Police Department shall keep all registration forms for a three-year period open to public inspection at regular city business hours. The records shall be filed alphabetically by name of dog owner and numerically by Stanly County dog tax tag number.

(B) The yearly license fees shall be \$2 for male dog or spayed female dog and \$2 for an unspayed female dog.

(C) All dog licenses shall be issued for one year beginning with January 1. The owner may apply for the license during January without penalty for the delay, but when an application which should have been made by January 1 is not made until after January 31, the appropriate license fee shall be increased by 50%. However, if the applicant became the owner of the dog after January 1, the license fee may be prorated to the nearest quarter and the penalty for delinquency shall be added 30 days after the date when the license should have been procured.

(D) If ownership of a dog is transferred, the new owner may have the current license transferred to his name on payment of a fee of \$1.

(E) The owner shall keep on the dog, at all times when the dog is not inside a private building, a collar or harness, and the tag issued by the Stanly County Tax Collector shall be affixed to the collar or harness in such a manner that the tag can be easily seen.

(F) No person shall use for any dog a tag issued for a different dog.

(G) If a license is destroyed or lost, a duplicate or replacement shall be obtained from the Stanly County Tax Collector and the Police Department shall be notified of the new number.

('58 Code, § 3-10.2) [Penalty, see § 10.99](#)

§ 81.18 RESTRAINT.

A dog owner shall keep his dog under restraint at all times.

('58 Code, § 3-10.3) [Penalty, see § 10.99](#)

§ 81.18.1 DOGS PROHIBITED.

(A) Dogs are prohibited on the premises of the Old Albemarle Cemetery located on Pee Dee Avenue and the Liberty Gardens located at the south west corner of the intersection of West Main Street and Depot Street, provided however, this prohibition shall not apply to police dogs supervised and controlled by a police officer and to service animals accompanied by its master.

(B) Dogs found on the above described premises may be apprehended and impounded pursuant to the provisions of § [81.19](#).

(Ord. 07-29, passed 9-4-07) [Penalty, see § 10.99](#)

§ 81.18.2 UNRESTRAINED DOG PROHIBITED IN PUBLIC PARKS.

(A) It shall be unlawful for any owner, possessor, or harbinger of any dog to allow such dog(s) to enter the premises of a public park owned or maintained by the city unless such dog(s) is under leash or other restraint; provided however, nothing herein contained shall be construed to allow dog(s) where prohibited by § [81.19](#) of this code.

(B) Dog(s) found on the premises of a public park that are not under leash or other restraint may be apprehended and impounded pursuant to the provisions of § [81.19](#) of this code.

(Ord. 07-36, passed 10-16-07) [Penalty, see § 10.99](#)

81.20 CARE OF DOGS.

The owner of a dog shall provide it with humane shelter from heat, cold, rain, wind, and snow, and shall give it food and water adequate to keep the animal in good health and comfort. Doghouses and kennels must be soundly constructed, dry, and provided in cold weather with clean bedding. All dogs must be given opportunity for vigorous daily exercise and must be provided by their owners with veterinary care when needed to prevent suffering. No owner shall permit a dog habitually to bark, howl, or in other ways be a public nuisance.

('58 Code, § 3-10.5) [Penalty, see § 10.99](#)

§ 81.21 CONFINEMENT OF FEMALE DOGS IN HEAT.

The owner shall confine any female dog in heat within a building, in such manner that the dog will not be accessible to other dogs except for planned breeding and will not attract male dogs.

('58 Code, § 3-10.6) [Penalty, see § 10.99](#)

§ 81.22 RABIES.

(A) Every rabid dog or dog exposed to rabies shall be immediately confined by the owner, who shall promptly notify a police officer or a humane officer. The owner shall, upon demand by the Stanly County Health Department surrender any such dog for quarantine in the county pound, a humane

society animal shelter, or a licensed veterinary hospital; provided that, if the owner elects to place the dog in a hospital, he shall be responsible for all costs. The dog may be quarantined a maximum of two weeks but shall be released earlier if certified by a licensed veterinarian to be free of rabies. No fee shall be charged for quarantine by the public pound.

(B) No person shall kill a rabid animal exposed to rabies, nor remove such an animal from the city without permission from the Stanly County Health Department, except when it is necessary to kill the animal to prevent it from escaping or from biting any other animal or person.

(C) The body of any animal dead of rabies or having been exposed to rabies prior to death shall be surrendered by the owner upon demand of the Stanly County Health Department.

('58 Code, § 3-10.7) [Penalty, see § 10.99](#)

§ 81.23 INVESTIGATION AND INTERFERENCE WITH OFFICERS.

Any police officer of the city is authorized to enter any premises where a dog is kept or harbored, to inspect conditions under which the dog is kept, and to require the owner to exhibit a license for the dog. No person shall hinder, molest, or interfere with any police officer in the performance of his duties.

('58 Code, § 3-10.8) [Penalty, see § 10.99](#)