

TOWN OF APEX, NORTH CAROLINA

ORDINANCES WITH OFFENSES PUNISHABLE AS MISDEMEANORS UNDER G.S.14-4(S)

As a result of the requirements of House Bill 379, the following is a review of Town of Apex Code of Ordinances related to criminal penalties. The Police Department would enforce the criminal action, but Human Resources may be involved if it involved a Town employee.

Chapter 10, Article III. Smoking Prohibited in Municipal Buildings and Vehicles

- **ARTICLE III. - SMOKING PROHIBITED IN MUNICIPAL BUILDINGS AND VEHICLES^[2]**

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- **Amended by** Ordinance No. 2018-1002-42

- **Sec. 10-31. - Definitions.**

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Smoking shall mean the inhaling, exhaling, burning or carrying of a lighted pipe, cigar, cigarette or other combustible tobacco product.

(Ord. of 9-7-93, § 1)

- **Sec. 10-32. - Smoking prohibited in municipal buildings.**

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It shall be unlawful for any person to smoke in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the town.

(Ord. of 9-7-93, § 1)

- **Sec. 10-33. - Smoking prohibited in municipal vehicles.**

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It shall be unlawful for any person to smoke in any vehicle now or hereafter owned or leased by the town.

(Ord. of 9-7-93, § 1)

- **Sec. 10-34. - Penalty.**

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Violation of this article shall constitute a misdemeanor punishable with G.S. [14-4](#).

Pursuant to a request of Town Administration as a result of the requirements of House Bill 379, following is a review of Town of Apex Code of Ordinances generally relating to the Police Department's role in enforcing criminal laws. It includes the following Chapters/Articles:

- Chapter 4
- Chapter 13, Articles III, IV and VI
- Chapter 14
- Chapter 20

While there are other sections in other chapters that we might enforce, they are in chapters that would logically be reviewed by other departments (I.e. PW for Chapter 18, Parks for Chapter 15, etc.).

Chapter 4 – ANIMALS:

Sec. 4-1. – Animal Sanitation - Any person in possession of or in charge of a dog which defecates on public property, public park property, public right-of-way or any private property without the permission of the private property owner, shall have in their possession a bag or other container and must remove all feces immediately after it is deposited by the dog and dispose of in a lawful manner. The provision of this section shall not apply to blind persons using dogs a guides.

Sec. 4-2. - Definitions.

By Town of Apex Ordinance dated April 15, 1994, the Wake County Animal Control Ordinance, as amended from time to time, (hereinafter "the WCAC Ordinance") was adopted by the Town of Apex as its own ordinance. For the purpose of applying the WCAC Ordinance within the corporate limits of the Town of Apex, the terms "at large" and "restraint" as referenced in Section 2 -3-1 of the WCAC Ordinances shall have the following meanings:

At large means any animal shall be deemed at large when it is not under restraint as defined by this section.

Restraint means an animal is under restraint if, and only if, it is either:

(1)

On the property of the owner or possessor and controlled by means of a chain, leash, or other like device;

(2)

Controlled by a leash of not greater than ten feet in length if the animal is off the property of the owner or possessor;

(3)

Within a secure vehicle being driven or parked;

(4)

Within a secure enclosure; or

(5)

Within the dwelling house of the owner or possessor.

Sec. 4-3. – Prohibition of Certain Animals - Livestock and male chickens. The keeping of livestock or male chickens is prohibited within the corporate limits of the town. Livestock includes, but is not limited to, cows, goats, sheep, swine and other similar animals. The following animals are exempt from this sections; Horses, Ponies, Rabbits, Fowl (except for male chickens), and Miniature Pigs provided they are neutered and they be no more than 20" in height at the shoulders when full grown. Miniature pigs must be kept in the dwelling house of the possessor unless outside in a fenced area, or controlled by a leash in the same manner as required for dogs.

Chapter 13 – OCCUPATIONAL LICENSES, TAXES, AND REGULATIONS:

Sec. 13-51. – (Peddling, soliciting, Park Concessions) Permit Required - No person shall engage in peddling, soliciting or park concessions in the town without first obtaining a permit issued by the police department unless an exemption applies under other sections of the chapter.

Sec. 13-61. – (Transient and mobile food vendor) Permit Required - It shall be unlawful for any person to engage in transient or mobile food vending in the town without first obtaining a permit issued by the town police department unless an exemption applies under other sections of the chapter.

Sec. 13-111. – (Taxicabs and Limousines) License Required - Every person, before operating any taxicab or limousine for hire with driver within the corporate limits of the town, shall apply to and secure from the town manager a privilege license for the privilege of operating each taxicab or limousine.

Sec. 13-118. – Limitation of passengers. - No taxicab shall carry more than four adult passengers at a given time or on a given trip.

Sec. 13-124. – Refusal of passenger to pay fare. - No person who hires any taxicab or limousine shall refuse to pay the legal fare as established by the rate schedule displayed in the taxicab or limousine.

Chapter 14 - OFFENSES AND MISCELLANEOUS PROVISIONS:

Sec. 14-1. - Attempts; aiding and abetting; attempts to avoid doing required acts. - It shall be unlawful for any person to attempt to commit any act which is prohibited or to avoid an act that is required by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof; and it shall be unlawful for any person to aid or abet the commission or attempted commission of any act which is prohibited by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof.

Sec. 14-2 - Interfering with Police - It shall be unlawful for any person to interfere with, hamper, molest, resist or hinder a police officer in the lawful discharge of such officer's duty. **State Law reference - Resist, Delay, or Obstruct G.S. 14-223.**

Sec. 14-3. - Police and fire alarms and signals; unauthorized use. - No person without special authority from the police department or fire department shall carry or use any whistle, bell, horn or siren similar in appearance or sound to the whistles, horns or sirens used by the police department or fire department. **State Law reference - Prohibited use of red or blue lights. G.S. 20-130-1.**

Sec. 14-4. - Congregating near fires. - It shall be unlawful to congregate on the streets, sidewalks or alleys near a fire in a manner which would interfere with the activities of the fire department. **State Law reference - Interference with firefighters, G.S. 69-39.**

Sec. 14-5. - Impersonation of town officers and employees. - No person shall falsely represent him or herself to be an officer or employee of the town or, without proper authority, wear or display any uniform, insignia or credential which identifies any town officer or employee; nor shall any person, without proper authority, assume to act as an officer or employee of the town, whether to gain access to premises, obtain information, perpetrate a fraud or for any other purpose; provided, that nothing in this section shall be construed to prevent a private citizen from making a lawful citizen's arrest for felony or breach of the peace committed in such person's presence. **State law reference NCGS 14-277. Impersonation of a law-enforcement or other public officer.**

Sec. 14-6. - Disorderly conduct. - Any person who shall do or engage in any of the following shall be guilty of disorderly conduct: **(1)** Act in a violent or tumultuous manner toward another, whereby any person is placed in fear of safety of life, limb or health. **(2)** Act in a violent or tumultuous manner toward another, whereby public property or property of any other person is placed in danger of being destroyed or damaged. **(3)** Endanger lawful pursuits of another by acts of violence, angry threats and abusive conduct. **(4)** Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property. **(5)** Assemble or congregate with another or others for the purpose of causing, provoking or engaging in any fight or brawl. **(6)** Jostle or roughly crowd or push any person in any public place. **(7)** Be one of those who collect in bodies or in crowds for unlawful purposes. **(8)** Be one of those who assemble or congregate for the purpose of or with the intent to engage in gaming. **(9)** Frequent any public place with intent to obtain money from another by an illegal and fraudulent scheme, trick, artifice or device. **(10)** Be one of those who assemble for the purpose of engaging in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person. **(11)** Utter, while in a state of anger in the presence of another, any lewd or obscene words or epithets. **(12)** Frequent any place where gaming or the illegal sale or possession of alcoholic beverages or controlled substances is practiced, allowed or tolerated. **(13)** Use "fighting words" directed toward any person. **(14)** Be one of those who assemble or congregate for the purpose of doing bodily harm to another. **(15)** By acts of violence interfere with another's pursuit of a lawful occupation. **(16)** Be one of those who congregate in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuse to clear such public

way when ordered to do so by a peace officer or other person having authority. **(17)** Make any unreasonably loud and unnecessary noise. **(18)** Damage, defoul or disturb public property or the property of another so as to create a hazardous, unhealthful or physically offensive condition. **State Law reference – G.S 14-269 & G.S. 14-288.4.**

Sec. 14-7. - Failure to pay admission fees. - It shall be unlawful for any person to attempt to see any public entertainment for which a fee is charged without paying the required admission fee.

Sec. 14-8. - Failure to pay transportation fare. - No person except persons entitled to free transportation shall ride any bus, taxicab or other public conveyance without paying the fare prescribed or allowed by law.

Sec. 14-9. – Advertising - By marking streets, sidewalks or poles. It shall be unlawful to advertise or attempt to advertise by marking or painting on any of the streets, sidewalks or poles in the town except with permission of the board.

Sec. 14-10. – Same (Advertising)—Posting bills. - No person shall stick, brand, stamp, write or put upon any house, fence, wall, pavement, post or upon any property owned by the town, any printed, written or painted advertisement, bill, notice, sign or poster.

Sec. 14-11. – Same (Advertising) - On streets by creating noise. - No person shall advertise any article of any kind for sale by crying out on the street or sidewalk. No person shall advertise any article of any kind or any event of any kind by crying out the same or by using therefor any megaphone, bell, horn or other noisemaking device on any street or sidewalk, except with permission of the town council.

Sec. 14-12. - Begging—Permit required. It shall be unlawful for any person to beg on any public street or public place without a permit. This section does not apply to any person requesting donations for any church, religious or charitable organization.

Sec. 14-13. – Same (Begging)—Indirect solicitation of alms by sale of articles. - It shall be unlawful for any person to solicit alms in any public place by offering for sale any article of merchandise.

Sec. 14-14. - Consumption and possession of open containers of malt beverages and unfortified wine prohibited on public streets and municipal property. – It shall be unlawful to consume or possess an open container of malt beverage or unfortified wine on any public street, highway, or any sidewalk of such street or highway. This section shall not apply to downtown side food service tables provided the service of such malt beverage or unfortified wine is pursuant to a valid ABC permit and in conformity with the ABC laws.

Secs. 14-15, 14-16. - Reserved. (Sunday Sales of Alcoholic Beverages) - Pursuant to the authority granted by S.L. 2017-87 any establishment located in the corporate limits of the Town of Apex and holding an ABC permit issued pursuant to **G.S.18B – 1001** is permitted to sell beverages allowed by its permit beginning at 10 A.M. on Sundays.

Sec. 14-17. - Discharge of firearms, air rifles, bows and arrows, etc. – It shall be unlawful for any person to shoot or discharge within the town any firearm, rifle, gun, pistol, bow and arrow, compound bow, crossbow, or other similar device with impels with force a projectile of any kind by use of explosives, air, springs, or any other energizing mechanism. The Chief of Police may issue a permit allowing the discharge of a shotgun using no lower than #6 shot, or a .22-calibre rifle with blank or shot cartridges on property owned or occupied by the applicant to fire on pigeons, squirrels, crows, or rats (when not in violation of state law)

Sec. 14-17.2. - Concealed weapons prohibited; town property; signage. - It shall be unlawful to carry concealed a handgun in each building own, leased as lessee, operated, occupied, managed, or controlled by the town as well as the appurtenant premises to such building, or athletic fields during an organized event. Posting of signs indicating concealed weapons are prohibited and must be posted in a conspicuous manner.

Sec. 14-18. - Halloween restrictions. – No person over 12 years of age shall engaged in the practice of “trick of treating” at any time, and no Halloween “trick of treating” shall be carried on after the hour of 9:00 PM.

Sec. 14-19. - Damaging property—Public property on streets and places of town. - No person shall break, destroy or in any manner damage any light, pump, well or tree in any street or public place or deface or in any manner damage any building belonging to the town. **State Law reference— Willful injury to personal property, G.S. 14-160 and/or G.S. 14-127.**

Sec. 14-20. – Same (Damaging property)—Water system, police alarm systems, etc. - No person shall willfully or negligently damage or interfere with any valve, valve box, meter, meter box, storm or sanitary sewer manhole cover, storm sewer catch basin cover, fire hydrant, police or fire alarm box, traffic signal or any other property used in the town's water, sewer, police or fire alarm system.

Sec. 14-21. – Same (Damaging property)—Signs, etc. - It shall be unlawful for any person to deface, damage, knock down or remove posted, painted or erected signs, signals or devices authorized by this Code.

Sec. 14-22. - Trespass on town property. - It shall be unlawful for any person to enter upon any real property belonging to, or under the control of, the town unless such person does so under the direction or supervision of the governing body of the town.

Sec. 14-23. - Loafing in vehicles without permission. - It shall be unlawful for any person to loaf or sit in or upon the vehicle of any other person while such vehicle is standing at any place within the town unless such person has permission from the owner or person in charge thereof to do so.

Sec. 14-24. – Loitering - On streets. No person shall habitually loaf or loiter on the streets, nor be one of those who congregate on the streets or sidewalks in such a way as to obstruct or interfere with the free passage into or out of any public business or private property. It shall be the duty of any police officer who observes a violation of this section first to warn the offender and, on failure of the offender to heed the warning, to arrest the offender.

Sec. 14-25. – Same (Loitering/Loafing) - On business premises; after 11:00 p.m. – It shall be unlawful for any person to loiter, whether in or on any type of vehicle or afoot, in, upon or about the premise of any business in the town or within its one-mile jurisdictional limit, without having some business thereat, or to loiter upon the premise of any business or its one-mile jurisdictional limit after the closing of such business, or, to loiter in any public place in the town after 11:00 PM.

Sec. 14-26. – Same (Loitering)—Offensive use of premises; permitting loitering. - No occupant of any house, whether residence or business, shall permit such house to be kept in an indecent and offensive or disorderly manner or permit loafers or idle persons to congregate therein or in front of same to the annoyance of persons passing by or living in the vicinity.

Sec. 14-27. - Assembling so as to block passage on streets. - All persons are forbidden from assembling or collecting and standing so as to obstruct any sidewalk or street, and all persons so collecting and standing shall disperse and move upon the demand of any police officer.

Sec. 14-28. - Playing upon streets, sidewalks and public places. No person shall play at any game upon any street, sidewalk, or public place or use any street, sidewalk, or public place for the purpose of recreation except from the later of sunrise or 7:00 am on any given day until sunset except when its training, snowing, foggy, smoky, or dim, in a cul-de-sac or dead end street areas as long as the game or recreational activity does not impede vehicular traffic, interfere with maintenance activities, endanger property, endanger the life, limb, or health of any person, prevent the full and complete such of such street, constitute a breach of the peace, or constitute unreasonable annoyance to persons of ordinary sensibilities.

Sec. 14-30. – (Noise) Measuring Techniques. – No individual other than the operators shall be within ten feet of the sound level meter during the sample period, and, it shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound level measurements.

Sec. 14.31. – Sound emission standards and limitations. – It shall be unlawful during the daytime or nighttime hours for any person to cause or allow the emission of sound from any source or sources which when measured, exceed the maximum decibel limits specified by the town more than ten percent of any measuring period.

Sec. 14-33 – Other prohibited noises. - The following acts are specifically declared to be unreasonably loud, annoying, frightening, loud or disturbing noise, the emission of which shall be unlawful: **(1)** The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time, **(2)** The use of any gong or siren upon any vehicle other than police, fire, ambulance or other emergency vehicles, **(3)** The playing of any radio, phonograph, amplifier, television, tape deck, tape recorder, or musical instrument in such a manner or with such volume during the nighttime hours as to annoy or disturb the quiet, comfort or repose of any person or persons in any dwelling, hotel, motel or other type of residence, **(4)** The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise, **(5)** The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as warning of danger, **(6)** The discharge into the open air of the exhaust of any stationary internal combustion or steam engine or motor vehicle, except through a muffler or other device which will effectively prevent

loud or explosive noises therefrom, **(7)** The erection (including excavating), demolition, alteration or repair of any building or other structure in a residential or business district other than between the hours of 7:00 a.m. and 8:30 p.m., except by permit from the building inspector when, in his opinion, such work will not create objectionable noise. The building inspector may permit emergency work in the preservation of public health or safety at any time, **(8)** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while the same are in session, or within 150 feet of any hospital, which unreasonably interferes with the work of such institution or which disturbs or unduly annoys patients in the hospital, **(9)** The creation of loud and excessive noise in connection with loading or unloading any vehicles or the opening and destruction of bales, boxes, crates and containers, **(10)** The outdoor use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise, except by permit from the town council, **(11)** The conducting, operating or maintaining of any garage or filling station, or the repair, rebuilding or testing of any motor vehicle in any residential district, so as to cause loud or offensive noises to be emitted therefrom during the nighttime hours, **(12)** The firing or discharging of firearms, fireworks, gun powder or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance, except by permit from the town council, **(13)** The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity, **(14)** The use of any mechanical device operated by compressed air unless the noise created is effectively muffled and reduced, **(15)** The collection of garbage, recyclables and yard waste between the hours of 11:00

p.m. and 6:00 a.m. This prohibition shall not apply to industrial facilities located in industrial zoning districts including LI (light industrial) and TF (tech/flex) as defined by the unified development ordinance, **(16)** The delivery or receipt of goods, merchandise, or materials from commercial or business establishments between the hours of 11:00 p.m. and 6:00 a.m. Vehicles intended for these delivery or receipt purposes shall not operate or park with engines in operation at these same locations during these same prohibited hours. This prohibition shall not apply to industrial facilities located in industrial zoning districts including LI (light industrial) and TF (tech/flex) as defined by the unified development ordinance.

Sec. 14-34. - Sound magnification. – It shall be unlawful for any person to use or operate on or over any street within the town any radio, phonographs, or other similar mechanical device to produce sound or any mechanical loudspeaker or other sound-magnifying device at a level of volume greater than 55dB(A) measured at a distance of 20 feet.

Sec. 14-35. - Inference in prosecution for noise violation. - The complaints of two or more persons, at least one of whom resides in a different home from the other complaining person or persons, or the complaint of one or more persons, when combined with the complaint of a duly authorized investigating person (**officer**), shall be prima facie evidence that such sound is a loud and annoying, frightening, loud and disturbing, or unreasonably loud noise.

Sec. 14-38. - Bird sanctuary. – The area within the corporate limits of the town and all land owned or leased by the town outside the corporate limits is hereby designated as a bird sanctuary. It shall be unlawful to intentionally trap, hunt, shoot, or otherwise kill, within the sanctuary hereby established, any native wild bird except for starlings, crows, or similar birds or fowl when such birds or fowl are found to congregate in such numbers in a particular locality or constitute nuisance or menace to health or property.

Chapter 18 – STREETS AND SIDEWALKS

Sec. 18-5. – Defacing Numbers. – It shall be unlawful for any person to alter, deface or take down any number placed on any property except for repair or replacement of such number.

Sec. 18-9. – Damage to streets or sidewalks. - No person shall damage, deface or mar in any manner whatsoever any of the streets or sidewalks.

Sec. 18-11. – Obstructions. - It shall be unlawful to build, erect, construct or place any porch, steps, fence, wall or other obstruction whatsoever in or over any of the streets or sidewalks. It shall be unlawful to obstruct any sidewalk or street with any buggy, wheelbarrow, wagon, automobile, truck or other vehicle, railroad car, chair, bench, open gate, chicken coop, box or other article; provided, that a margin not exceeding two and one-half feet in width on the inside of the sidewalk in the business blocks shall be allowed for the exhibition of merchandise by abutting merchants. Notwithstanding the provisions of Town Code, outdoor displays and signs that comply with all other applicable provisions of the town, shall be permissible on a public sidewalk in the Central Business District directly in front of the place of business to which the display or sign relates, except when the street is temporarily closed to regular traffic for special events. However, no display or sign shall reduce the clear accessible travel path of the sidewalk to a width of less than 36 inches when measured from the street-side edge of the sidewalk perpendicularly towards the building-side edge of the sidewalk and do not constitute a hazard to persons using the sidewalks.

Sec. 18-12 – Same (Obstructions) Boxes, etc.; building materials. - No brick, stone, wood or other substances obstructing the free passage of persons or vehicles shall be placed or suffered to lie in any of the sidewalks, alleys, streets or other public ways of the town, nor shall any person place thereon any boxes, crates, casks or barrels of any description or any other obstruction of any kind; provided, that any person erecting a building may with permission place building material for immediate use on the streets in such a way as to not interfere with the usual traffic.

Sec. 18-13. – Construction of passageways on sidewalks. - Before building or remodeling at any place where the same is in close proximity to the sidewalk, a passageway shall be constructed so as to provide safe and easy passage.

Sec. 18-14. – Auction sales on streets; attracting crowds. - It shall be unlawful to hold any auction sale on any street, except at designated places, without permission of the police; and it shall be unlawful to attract a crowd on any street, sidewalk or public thoroughfare so as to impede travel thereon.

Sec. 18-15. – Awnings - It shall be unlawful to erect or maintain in front of any building any shelter, sunshade or awning which shall extend over the sidewalk less than seven feet above the level of any sidewalk or which shall extend more than ten feet from the building to which it may be attached; provided, that stationary awning arms shall not be less than eight feet above the level of the sidewalk.

Sec. 18-16. - Signs. - It shall be unlawful to hang or suspend any sign over or above the sidewalk or streets at less than eight feet from the ground over the sidewalk and less than 15 feet from the ground above the street. The sign shall be kept securely fastened at all times

Chapter 20 – TRAFFIC

Sec. 20-4. - Obedience to police. - It shall be unlawful for any person to refuse or to obey or disobey any lawful order of a police officer when such officer is on duty.

Sec. 20-5. - Citations—Failure to obey. - Any person who violates a citation or notice to appear given by an officer for any traffic violation or parking violation is guilty of a misdemeanor, regardless of the disposition of the charge on which such person was originally charged.

Sec. 20-11. - Transportation of explosives. - Makes it unlawful to transport or carry any explosive in any public conveyance which is carrying passengers for hire, and also requires each vehicle carrying explosives to have easily legible white letters at least six inches high that says “Explosives Dangerous” on a red background, or in lieu thereof, shall display on an erect pole fastened to the front end of such vehicle and at such height that is visible from all directions, a red flag with the word “DANGER” printed, stamped, or sewed thereon in white letters. Such flag shall be at least 18 inches by 30 inches in size and the letters shall be at least six inches high. Finally, no person shall carry in the bed or body of any vehicle containing explosives any metal tools or other pieces of metal or any exploders, detonators, blasting caps, matches or other similar devices of explosive material . **State law reference G.S. 20-167.**

Sec. 20-12. - Transportation of flammable fluids. - Vehicles carrying flammable fluids may not park within the town limits and must follow such truck routes as may have been established, except vehicles with a maximum capacity of 1,800 gallons (separated in compartments holding no more than 600 gallons each), which may park for the purposes of loading and unloading only.

Sec. 20-14. - Display, etc., of unauthorized signs, signals or markings. - No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be, is an imitation of or resembles an official traffic control device or railroad 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 or any railroad sign or signal. No person shall place or maintain and no public authority shall permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property, adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

Sec. 20-15. - Entering, riding, etc., vehicle without consent of owner or driver and improper behavior. - No person shall enter, cling to, jump on or ride any vehicle without the consent of the owner or driver of such vehicle. Additionally, it shall be unlawful to cling to, jump on, or attempt to enter a vehicle while it is in motion.

Sec. 20-16. - Boarding or leaving vehicle. - No person shall board or alight from any public conveyance or other vehicle on the public streets while such conveyance or vehicle is in motion.

Sec. 20-50. - Obedience to traffic signals. - At any intersection controlled by traffic signals, any pedestrian using such intersection shall be subject to the control of such traffic signals. **State Law reference G.S. 20-172.**

Sec. 20-51. - Sitting, lying, etc., upon streets and pedestrian facilities. - No person shall willfully stand, sit or lie upon any portion of a highway, street, sidewalk, greenway, or multi-use path in such a manner as to impede the regular flow of vehicular or pedestrian traffic. **State Law reference G.S. 20- 174.1.**

Sec. 20-52. - Standing, etc., in street to solicit employment, business or contributions; hitchhiking. - No person shall stand or loiter in the main traveled portion of the street, excluding sidewalks, or stop any motor vehicle for the purpose of soliciting employment, business or contributions from the driver or occupant of any motor vehicle that impedes the normal flow of traffic on a public street, or solicit a ride from the driver of any motor vehicle not registered as for hire within the corporate limits.

Sec. 20-53. - Right-of-way (Pedestrian) - At crosswalks. – Where traffic control signals are not in place or in operation, the driver of any vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise stated in this chapter. 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 vehicle to the rear shall not overtake and pass the stopped vehicle. **State Law reference G.S. 20-173.**

Sec. 20-54. – Same (Pedestrian) - At places other than crosswalks. - 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 upon such roadway. Any pedestrian crossing a roadway where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles on the roadway. Between adjacent intersections, at which traffic signals are in operation, pedestrians shall not cross at any place, except in a marked crosswalk. It shall be unlawful for pedestrians to walk along the traveled portion of the roadway where there is a sidewalk provided. If there is not a sidewalk, the pedestrian shall walk alongside the extreme left side of the roadway, and the pedestrian shall yield the right-of-way to all approaching vehicular traffic. The driver of every vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding of horn when necessary and shall observe proper precaution upon observing any child or any confused or incapacitated person upon such roadway. **State Law reference G.S. 20-174.**

Sec. 20-55. - Same—Blind persons. – Gives blind persons with a white in color or white tipped with red cane or guide dog, the right-of-way at intersections. **State Law reference G.S. 20-175.2.**

Sec. 20-56. - Use of white cane. - It shall be unlawful for any person, except one who is wholly or partially blind, to carry or use on the public streets or in any other public place a cane or walking stick white in color or one that is white tipped with red. **State Law reference G.S. 20-175.1.**

Sec. 20-61. - Turn signs, lane markers, etc. – Makes it unlawful for any person to disobey markers, buttons, or other indicators within an intersection or elsewhere indicated the course to be travel by vehicles and that circular intersections shall by right turn only on all approaches with a counterclockwise flow.

Sec. 20-62. -No parking and safety zone markers. - Whenever authorized signs or markings are placed, erected or installed indicating no parking zones or safety zones, no driver of a vehicle shall disobey the regulations in connection therewith

Sec. 20-68. - Stop intersections. – Makes it unlawful for a driver of any vehicle to fail to stop at a stop sign that has been erected or installed at an intersection.

Sec. 20-69. - Yielding right-of-way—In obedience to signs. – Makes it unlawful to disobey yield right of way signs when they have been placed, erected, or installed at any street intersection.

Sec. 20-71. – One Way Streets - Upon those streets, or portions thereof, designated in subsection (b) as one-way streets, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained.

Sec. 20-80. - Steering mechanism. – Makes it unlawful to operate a motor vehicle on the public streets without a steering mechanism that is in good working order. **State Law Reference G.S. 20- 123.1.**

Sec. 20-81. - Brakes. – Makes it unlawful to operate a motor vehicle on a public street without brakes that are in good working order. **State Law reference G.S. 20-124.**

Sec. 20-82. - Lights. – Every vehicle operated upon a public street during the period from a half hour after sunset to a half hour before sunrise and at any other times when there is not sufficient light to render clearly discernible any person on the public street at a distance of 400 feet ahead or 500 feet ahead when windshield wipers are in use due to environmental factors reducing visibility, other than intermittent use in misting rain, sleet, or snow, shall display lights on such vehicle as determined by the commissioner of motor vehicles. **State Law reference G.S. 20-129.**

Sec. 20-83. - Horns and other warning devices—Horns required. - Every motor vehicle, when operated upon the public streets, shall be equipped with a horn in good working condition capable of emitting a sound audible under normal conditions from a distance of not less than 200 feet. **State Law reference G.S. 20-125.**

Sec. 20-84. Sirens, whistles; use of horns. - It shall be unlawful for any vehicle except an emergency vehicle to be equipped with a siren, or for any person at any time to use a horn otherwise than as a reasonable warning or to make unnecessary or unreasonable loud or harsh sound by means of a horn or other device. **State Law reference G.S. 20-125.**

Sec. 20-85. - Vehicles out of repair so as to cause noise. - It shall be unlawful to operate a motor vehicle so out of repair as to cause unnecessary or unreasonable grinding, grating, squealing, rattling or other annoying noises.

Sec. 20-86. - Windshield wipers. – Requires that all motor vehicles with a permanent windshield be equipped with windshield wipers in good working order. **State Law reference G.S. 20-127.**

Sec. 20-87. - Obstructions to vision. - It shall be unlawful for any person to drive any vehicle upon a public street with any sign, poster or other nontransparent material upon the front windshield, side winds, side or rear windows, or hanging from the rear view mirror of such vehicle other than a toll transponder, parking pass, certificate, or other paper required to be so displayed by law or approved by the commissioner of motor vehicles.

Sec. 20-88. - Television. - No person shall drive any motor vehicle with any television viewer, screen or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat or which is visible to the driver while operating the motor vehicle. **State Law reference G.S. 20-136.1.**

Sec. 20-89. – Street Gates – A locked gate shall be located at Sandy Hill Court. When locked, the gate shall leave a four-foot-wide opening across Sandy Hill Court. No motorized vehicles or traffic shall pass through the gate or its four-foot-wide opening. Town personnel may unlock the gate for emergencies.

Sec. 20-100. - Speed limits. – Regulates the speed limits within the town to 35 mph on all streets except otherwise posted. **State Law reference G.S. 20-141.**

Sec. 20-101. - Rapid acceleration of vehicle. - It shall be unlawful to operate or accelerate a motor vehicle in such a manner as to cause squealing or spinning of tires or to propel sand, dirt, gravel or rocks by the tires.

Sec. 20-102. - Left turns - Generally. – Requires any driver of a vehicle making a left turn do so by first giving the proper signal by hand or signal light, then make the left turn from beyond the center of the intersection after seeing that the movement can be made in safety. **State Law reference G.S. 20- 153 – 20-155.**

Sec. 20-103. – Same (Left turns)—at certain intersections. - In making left turns at the street intersections that are so marked, all traffic shall travel to the left of the center of such intersections as may be indicated by buttons, markers or other directing signs.

Sec. 20-104. - "U" turns - No driver of any vehicle shall turn such vehicle around in the street and head in the opposite direction within the business district.

Sec. 20-105. - Turning at intersections marked by traffic lanes. – Requires that the driver of any vehicle make a turn from the lane as indicated by clearly marked arrows or other markings. **State Law reference G.S. 20-153.**

Sec. 20-106. - Driving on laned streets. –No person driving a vehicle on a street where such street is clearly marked by lines indicating traffic lanes shall drive outside these lines unless such movement can be made in safety.

Sec. 20-107. - Emerging from alley or driveway. - The driver of any vehicle or a pedestrian emerging from an alley, driveway or building shall come to a complete stop prior to entering onto a sidewalk or the sidewalk area extending across the alleyway, driveway or building frontage and shall remain in such stopped position until movement into or across the street can be made in safety without interfering with any vehicular or pedestrian traffic lawfully using such street.

Sec. 20-108. - Backing. - No person shall back a vehicle into any intersection or crosswalk, nor shall a driver back such vehicle otherwise on a public street without ensuring that such movement can be made in safety and only then when ample warning is given by horn, hand signal or other signal.

Sec. 20-109. - Driving through funeral procession. - No person shall drive a vehicle through a funeral procession, except police or fire department vehicles or ambulances responding to emergency calls.

Sec. 20-110. - Moving from parked position. – Requires that the driver of any vehicle parallel parked shall leave such position in the direction that such vehicle is headed, and the driver of any vehicle parked at an angle shall back out from the curb at the same angle, and shall then proceed in the direction that such vehicle is most nearly headed.

Sec. 20-111. - Railroad warning signals. – Makes it unlawful for the operator of a vehicle to fail to stop for railroad gate arms when they are lowered. **State Law reference G.S. 20-142.**

Sec. 20-112. - Driving on sidewalk. - No person shall drive a motor vehicle upon any sidewalk area with the exception of a permanent or temporary driveway.

Sec. 20-113. - Right-of-way at intersections. – Requires that when two vehicles enter at an intersection where no control sign is present at approximately the same time, the vehicle on the left shall yield to the vehicle on the right, or, if another vehicle is already within the intersection, the other drivers must yield to the vehicle within the intersection. **State Law reference G.S. 20-155.**

Sec. 20-114. - Obstructing traffic at intersections. - No person shall move a vehicle across an intersection or a marked crosswalk, unless there is sufficient space on the other side of such intersection or crosswalk to accommodate such vehicle without obstructing the passage of other vehicles or pedestrians, even if a traffic control signal indicates such movement to be lawful.

Sec. 20-117. - Stopping in street generally. - No person shall stop a vehicle in the street. **State Law reference 20-161.**

Sec 20.118. – No through truck traffic on certain streets. - No trucks except those either picking up or delivering items of cargo or providing a service to some person, business or other place within the restricted area shall be permitted to travel on the

following streets or sections thereof: (1) Tunstall Avenue between East Williams Street and Center Street, (2) Knollwood Drive between U.S. 64 and Laura Duncan Road, (3), Salem Street between 900 N. Salem Street and East Williams Street, (4) Commercial trucks are prohibited from travel along Mason Street within the small town character area of the Town of Apex, (5) Hughes Street between NC 55 and Center Street (SR 1010).

Sec. 20-119. - Avoidance of official traffic control devices. - It shall be unlawful to drive an automobile or other motor vehicle across or onto a sidewalk or across the property of a service station or other commercial establishment or across public property for the purpose of avoiding an official traffic control device; further, when signs have been erected giving notice thereof, it shall be unlawful to drive across private property for the exclusive purpose of traveling from one public street to another public street.

Sec. 20-125. - Conduct on approach of emergency vehicle. – Requires all drivers to yield the right- of-way to approaching emergency vehicles giving audible signal by bell, siren or exhaust whistle audible under normal conditions from a distance of not less than 1,000 feet.

Sec. 20-127. - Following fire apparatus - It shall be unlawful for the driver of any vehicle other than an emergency vehicle to follow any fire apparatus traveling in response to a fire alarm closer than one city block or to drive into or park such vehicle within one block where fire apparatus has stopped to answer a fire alarm. **State Law reference G.S. 20-157.**

Sec. 20-128. - Driving over fire hose; blocking fire-fighting apparatus. - It shall be unlawful to drive a motor vehicle over a fire hose or any other equipment that is being used at a fire at any time, or to block any firefighting apparatus or any other firefighting equipment from its source of supply regardless of its distance from the fire.

Sec. 20-129. - Quiet zones. - Whenever authorized signs are placed indicating a zone of quiet, any person operating a motor vehicle within such zone shall not sound the horn or any other warning device located on such vehicle, except in an emergency.

Sec. 20-130. - Number of persons allowed 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 of such vehicle, to ride in the front seat or driver's seat of such vehicle. **State Law reference— Overloaded or overcrowded vehicle, G.S. 20-140.2.**

Sec. 20-131. - Riding on portion of vehicle not intended for passenger use. - No person shall ride on any portion of any public conveyance or other vehicle not designed or intended for the use of passengers on the public streets. This provision shall not apply to an employee engaged in the necessary discharge of such person's duty, nor to persons riding in truck bodies in spaces intended for merchandise.

Sec. 20-132. - Leaning out of vehicle, etc. No person shall allow any part of such person's body to protrude beyond the limits of the vehicle in which such person is riding, except to give such signals as required by law, and no person shall hang onto any vehicle whatsoever.

Sec. 20-141. - Operating without hands on handlebars. - No person shall operate a bicycle or motorcycle on the public streets without having at least one hand on the handlebars at all times.

Sec. 20-142. - Riding more than two abreast. - It shall be unlawful for persons operating motorcycles or bicycles on the public streets to travel more than two abreast. **State Law reference** - **Similar law as to motorcycles, G.S. 20-146.1.**

Sec. 20-143. - Riding bicycles on sidewalk. – Makes it unlawful to ride a bicycle on any public sidewalk without due caution and requires the operator of the bicycle to yield the right-of-way to all pedestrians. Additionally, no person shall ride a bicycle on the sidewalks along N. Salem St between Chatham St and Center St. Speed limit shall be limited to ten miles per hour.

Sec. 20-144. – Helmets for riders on motorcycles. - No motorcycle shall be operated on a public street unless the operator and all passengers thereon wear safety helmets of a type approved by the commissioner of motor vehicles. **State Law reference G.S. 20-140-4.**

Sec. 20-145. – Number of persons permitted on motorcycles. - No person shall operate a motorcycle upon the public streets when the number of persons upon such motorcycle, including the operator, shall exceed the number of persons for which it was designed to carry. **State Law reference G.S. 20-140.4.**

Sec. 20-146. - Attaching bicycles, coasters, etc., to moving vehicle. - Any person riding upon any bicycle, skateboard, motorcycle, coaster, sled, roller skates, toy vehicle or any other such vehicle shall not attach such vehicle or such person's self to any moving vehicle upon any public street.

Sec. 20-190. - Blocking Certain Crossings. - No railroad company shall allow any of its trains to obstruct crossings at any street or road in the town for a longer time than five minutes.

Sec. 20-192. – Clearing posts. - All railroad companies whose tracks cross the streets of the town shall establish a clearance post on each side of each crossing, which clearance post shall be 50 feet from the outside of the crossing on each side, beyond which clearance post no trains shall be placed or permitted to remain. The railroad companies shall keep the space between the crossing and the clearance posts free and clear of all standing engines, cars and other obstructions to the view of persons approaching the crossing in the course of traffic and travel.

Sec. 20-193. – Crossing on streets to be smooth. - All railroad companies whose tracks cross any of the streets of the town shall keep the crossings graded and improved to a smooth condition across the railroad right-of-way in such a manner as to allow vehicles to cross the tracks without difficulty or excessive jolting.

Sec. 20-197. – (Group Demonstration, Parade, Picket Line) Permit—Required. - It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk or other public place within the town unless a permit therefor has been issued by the town.

Sec. 20-201. - Prohibited acts - Carrying firearms; taking or keeping vicious dog; carrying of flag of hostile country. – 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 vicious animal, whether leashed or unleashed. **(3)** The carrying or displaying of any flag or emblem of any foreign state or any foreign political party or other organization which is engaged in hostilities against the armed forces of the United States.

Sec. 20-202. - Interference with permitted activity. - 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.

Sec. 20-203. - Regulation and conduct of picketing. – **(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, that the words used are not derogatory or defamatory in nature. **(4)** Pickets must march in single file and not abreast and not march closer together than 15 feet, except in meeting one another while proceeding in opposite directions. Pickets shall not be allowed to walk more than five feet from curb line and shall be in continuous motion. **(5)** If pickets promoting different objectives desire to use the same sidewalk for picketing and such use would result in the presence of more than ten pickets thereon, the chief of police shall allot time to each group of pickets for the use of such sidewalk on an equitable basis.

- **Sec. 12-17. - Unlawful attachments.**

modified

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It shall be unlawful to tamper with, alter, or in any way attempt to cause an electric service meter owned by the town to fail to register the correct values or to use any configuration or construction determined by the town to be detrimental to the operation of an electrical service meter. Supply side connections, including but not limited to, solar installations, that are made in accordance with the National Electrical Code are not unlawful attachments.

(Code 1973, § 21-16; Ord. No. 2017-0221-08, § 1, 2-21-2017)

- **Sec. 12-18. - Damage to property used in service.**

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It shall be unlawful to detach or otherwise damage any wire, meter or any other appliance or apparatus used in connection with the operation of the town electric system.

(Code 1973, § 21-17)

The following sections of the Town of Apex Code of Ordinances are enforced by the Planning Department's Zoning Compliance Officers

Chapter 10 - HEALTH AND SANITATION^{[\[1\]](#)}

Footnotes:

--- (1) ---

Cross reference— Administration, ch. 2; animals, ch. 4; animals constituting nuisances, § 4-1; buildings; construction and related activities, ch. 5; cemeteries, ch. 6; fire protection, ch. 9; municipal utilities and services, ch. 12; parks and recreation, ch. 15; streets and sidewalks, ch. 18; traffic, ch. 20.

ARTICLE I. - IN GENERAL

Sec. 10-1. - Cleanliness of premises—Generally.

- (a) It shall be unlawful for any person to allow the uncontrolled growth of noxious weeds and grass, or the accumulation of offensive animal or vegetable matter dangerous and prejudicial to the public health, or the accumulation of rubbish or trash creating a fire hazard dangerous to the public safety, or allow the existence of any condition which may constitute a public nuisance, upon any premises within the town.
- (b) No owner or occupant of any premises shall bury therein any animal or vegetable matter which, on decaying, may become dangerous or prejudicial to the public health or may constitute a nuisance.

(Code 1973, §§ 16-2, 16-10)

Cross reference— Collection of garbage and trash, § 12-110 et seq.; removal of rubbish in cemetery, § 6-23.

State Law reference— Regulating disposal of refuse, G.S. 160A-192; littering, G.S. 14-399, 14-399.1.

Sec. 10-2. - Same—Businesses.

It shall be unlawful for any person operating any business within the town to fail, refuse or neglect to keep the premises of such business free from trash, empty boxes or any other debris unless such trash, box or other debris is placed in authorized containers for collection as provided in this Code.

(Code 1973, § 16-3)

Sec. 10-3. - Same—Care of plots along sidewalk.

The occupant or owner of every lot abutting a sidewalk shall keep the space along the sidewalk cut and in a sanitary condition. Failure to do so will subject the premises to the necessary work by the town, and the cost shall be assessed against the owner of the abutting lot and collected as taxes.

(Code 1973, § 16-13)

Charter reference— Keeping sidewalks free of debris, § 5-4.

Sec. 10-4. - Same—Sweeping trash on streets.

No person shall sweep or in any manner cause trash to be deposited on the streets or sidewalks.

(Code 1973, § 18-10)

Cross reference— Littering in parks, § 15-7(d).

Sec. 10-5. - Same—Weeds to be cut.

The owner or any person in possession of any vacant lot shall cut or shrub down within four inches of the ground all weeds, grass or other noxious growth from the lot at least twice each year; the first time not later than June 15 and the second time not later than August 15 of each year. Each day after these dates, respectively, shall be and constitute a separate offense. The delinquent shall, on conviction, pay a fine of \$1.00 for each day any weeds, grass or other noxious growth shall remain uncut. If, for any cause, the weeds or other noxious growth are not cut down on the lot on or before June 15 and August 15, the town may cause the same to be cut down and the cost of cutting may be charged against each of the lots from which the weeds or other noxious growth are moved and against the owners thereof, and charged to them and collected as taxes.

(Code 1973, § 16-12)

Sec. 10-6. - Discarded refrigerators, etc.

It shall be unlawful for any person to discard or have stored outside any icebox, refrigerator, freezer chest or any other airtight box on any lot, street, alley, yard, platform or any other location outside of a building without first removing or making the latching mechanism inoperative in such a manner as not to prevent the opening from the inside of such items by small children, or in the alternative shall remove the doors.

(Code 1973, § 16-1)

State Law reference— Similar provisions, G.S. 14-318.1.

Sec. 10-7. - Persons to comply with order; action by town.

If any person shall violate any provision of sections 10-1 through 10-5, it shall be the duty of the code enforcement officer or the chief of police to give notice to the owner or to any person in possession of the lot, directing that within 12 hours or sooner from the time of notice, all weeds, trash and other offensive vegetable or animal matter shall be removed from the lot. Should any owner or any person in possession refuse or fail to abate the nuisance, the code enforcement

officer or the chief of police shall proceed to remove same; and the cost thereof shall be charged against the lot and shall become a lien on the lot. If not paid within 30 days, the lien shall be collected as in the manner provided for the collection of delinquent taxes.

(Code 1973, § 16-11)

State Law reference— Authority of town to abate public health nuisances, G.S. 160A-193; abatement of nuisance by local health director, G.S. 130A-19.

Secs. 10-8—10-19. - Reserved.

ARTICLE II. - MOSQUITO CONTROL

Sec. 10-20. - Breeding places in water to be treated.

It shall be unlawful to have, keep, maintain, cause or permit within the town any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as to effectually prevent such breeding.

(Code 1973, § 16-4)

Sec. 10-21. - Enumeration of breeding places.

Any collection of water as provided in section 10-20 shall be held to be those contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs (except horse troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks of flush closets or other similar containers.

(Code 1973, § 16-5)

Sec. 10-22. - Methods of treatment.

The method of treatment of any collection of water directed toward the prevention of breeding of mosquitoes shall be approved by the town and may be any one or more of the following:

- (1) Screening with wire netting of at least 16 meshes to the inch each way or with any other material which will effectually prevent the ingress or egress of mosquitoes.
- (2) Complete emptying every seven days of unscreened containers, together with their thorough drying or cleaning.
- (3) Using an approved larvicide applied under the direction of the town.
- (4) Cleaning and keeping sufficiently free of vegetable growth and other obstructions and stocking with mosquito-destroying fish.
- (5) Proper disposal, by removal or destruction, of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water.

(Code 1973, § 16-6)

Sec. 10-23. - Presence of larvae; failure to act.

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there, and failure to prevent such breeding within three days after notice by the town shall be deemed a violation of this article.

(Code 1973, § 16-7)

Sec. 10-24. - Town to remedy situation on failure of owner.

Should the person responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take necessary measures to prevent the same within three days after due notice has been given to such person, the town is authorized to do so, and all necessary cost incurred by the town for this purpose shall be a charge against the property owner or other person offending, as the case may be, and against the property, collectable as taxes are collectable.

(Code 1973, § 16-8)

Sec. 10-25. - Agent of town authorized to enforce article.

For the purpose of enforcing the provisions of this article, a duly accredited agent of the town, acting under the authority of the town, may at all reasonable times enter in and on any premises within the town's jurisdiction; and any person charged with any of the duties imposed by this article failing within the time designated by this article, or within the time stated in the notice by the town, as the case may be, to perform such duties or to carry out the necessary measures to the satisfaction of the town shall be deemed guilty of a separate violation of this article.

(Code 1973, § 16-9)

Secs. 10-26—10-30. - Reserved.

ARTICLE III. - SMOKING PROHIBITED IN MUNICIPAL BUILDINGS AND VEHICLES^{[\[2\]](#)}

Footnotes:

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Editor's note— Section 1 of an ordinance adopted Sept. 7, 1993, added a new Art. III, §§ 10-26—10-29. In order to facilitate future supplementation the editor has renumbered §§ 10-26—10-29 as §§ 10-31—10-34.

Sec. 10-31. - Definitions.

Smoking shall mean the inhaling, exhaling, burning or carrying of a lighted pipe, cigar, cigarette or other combustible tobacco product.

(Ord. of 9-7-93, § 1)

Sec. 10-32. - Smoking prohibited in municipal buildings.

It shall be unlawful for any person to smoke in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the town.

(Ord. of 9-7-93, § 1)

Sec. 10-33. - Smoking prohibited in municipal vehicles.

It shall be unlawful for any person to smoke in any vehicle now or hereafter owned or leased by the town.

(Ord. of 9-7-93, § 1)

Sec. 10-34. - Penalty.

Violation of this article shall constitute a misdemeanor punishable with G.S. 14-4.

(Ord. of 9-7-93, § 1)

Section	Ordinance Text	Laurie's Paraphrasing
Sec. 10-32. - Smoking prohibited in municipal buildings.	It shall be unlawful for any person to smoke in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the town.	Prohibited for any person to smoke in any building or facility owned or controlled by the town.

Chapter 18 - STREETS AND SIDEWALKS

Sec. 18-3. - *Building Numbering—Owners to display numbers on property.* Every property owner of improved property shall display in a conspicuous place on the property the number assigned, which number shall be of a type approved by the town council, and which number shall be maintained in a legible condition.

Sec. 18-4. - *Building Numbering—Future buildings.* All residence and business buildings when erected shall be assigned a number in accordance with the house numbering plan map and shall purchase and display the number as provided in section 18-3.

Sec. 18-5. - *Building Numbering—Defacing numbers.* It shall be unlawful for any person to alter, deface or take down any number placed on any property in accordance with section 18-3 except for repair or replacement of such number.

Sec. 18-7. - *Driveway connections.* No person shall make any driveway connection to a street without first having obtained a written permit from the code enforcement officer. Driveway connections shall be permitted and constructed in accordance with existing ordinances and other policies as the town council may prescribe.

Sec. 18-8. - *Public tree care, shrubs or flowers, cutting, injuring, etc.* It shall be unlawful to pull down, cut, deface with signs, break or in any way injure any of the trees, shrubs or flowers on the streets, parks or squares except under the direction of the town consistent with this section.

Sec. 18-9. - *Damage to streets or sidewalks.* No person shall damage, deface or mar in any manner whatsoever any of the streets or sidewalks.

Sec. 18-10. - *Removal of snow from sidewalks.* Every occupant of a store building in front of which the sidewalk is paved with stone, brick, asphalt or cement shall remove snow, ice or other obstruction from such sidewalk at the earliest possible time and as soon as the weather permits.

Sec. 18-11. - *Obstructions—Structures; vehicles.*

(a) It shall be unlawful to build, erect, construct or place any porch, steps, fence, wall or other obstruction whatsoever in or over any of the streets or sidewalks. It shall be unlawful to obstruct any sidewalk or street with any buggy, wheelbarrow, wagon, automobile, truck or other vehicle, railroad car, chair, bench, open gate, chicken coop, box or other article; provided, that a margin not exceeding two and one-half feet in width on the inside of the sidewalk in the business blocks shall be allowed for the exhibition of merchandise by abutting merchants; provided further, that this section shall not apply to baby carriages and invalid chairs rolled on the sidewalks in such manner as not to obstruct the same.

(b) Notwithstanding the provisions of Town Code subsection 18-11(a) and section 18-12, downtown sidewalk food service tables may be placed and used on the sidewalks in the Central Business District of the Town of Apex as provided in this subsection 18-11(b) except when the street is temporarily closed to regular traffic for special events. Downtown sidewalk food service tables are subject to the following requirements:

- (1) No downtown sidewalk food service table nor any chairs or other items used in connection with one shall reduce the clear accessible travel path of the sidewalk to a width of less than 36 inches.
- (2) Downtown sidewalk food service tables and all chairs and other items used in connection with them shall be situated, outfitted and used in a manner that does not constitute a hazard to persons using the sidewalks.
- (3) No person shall place, use or operate a downtown sidewalk food service table except as authorized by a site specific development plan approved by the Apex Planning Department.

(c) Notwithstanding the provisions of Town Code subsection 18-11(a) and section 18-12, outdoor displays and signs that comply with all other applicable provisions of the Apex Town Code, the Unified Development Ordinance and the other standards and specifications of the town shall be permissible on a public sidewalk in the Central Business District directly in front of the place of business to which the display or sign relates, except when the street is temporarily closed to regular traffic for special events. Outdoor displays and signs on sidewalks in the Central Business District are subject to the following requirements:

- (1) No outdoor display or sign located on a sidewalk shall reduce the clear accessible travel path of the sidewalk to a width of less than 36 inches. The width of the clear accessible travel path shall be measured from the street-side edge of the concrete sidewalk perpendicularly toward the building-side edge of the concrete sidewalk.
- (2) Outdoor displays and signs located on a sidewalk shall be situated, outfitted and used in a manner that does not constitute a hazard to persons using the sidewalks.

- Sec. 18-12. - *Obstructions—Boxes, etc.; building materials.* No brick, stone, wood or other substances obstructing the free passage of persons or vehicles shall be placed or suffered to lie in any of the sidewalks, alleys, streets or other public ways of the town, nor shall any person place thereon any boxes, crates, casks or barrels of any description or any other obstruction of any kind; provided, that any person erecting a building may with permission place building material for immediate use on the streets in such a way as to not interfere with the usual traffic.
- Sec. 18-13. - *Obstructions—Construction of passageways on sidewalks.* Before building or remodeling at any place where the same is in close proximity to the sidewalk, a passageway shall be constructed so as to provide safe and easy passage.
- Sec. 18-14. - *Auction sales on streets; attracting crowds.* It shall be unlawful to hold any auction sale on any street, except at designated places, without permission of the police; and it shall be unlawful to attract a crowd on any street, sidewalk or public thoroughfare so as to impede travel thereon.
- Sec. 18-15. - *Awnings.* It shall be unlawful to erect or maintain in front of any building any shelter, sunshade or awning which shall extend over the sidewalk less than seven feet above the level of any sidewalk or which shall extend more than ten feet from the building to which it may be attached; provided, that stationary awning arms shall not be less than eight feet above the level of the sidewalk.
- Sec. 18-16. - *Signs.* It shall be unlawful to hang or suspend any sign over or above the sidewalk or streets at less than eight feet from the ground over the sidewalk and less than 15 feet from the ground above the street.
- Sec. 18-17. - *Street signs.* Street name signs, regulatory signs, warning signs and other traffic signs shall be erected and maintained by the town to serve municipal streets within public rights-of-way. Street name signs shall have a white legend on a green background and shall be retro-reflective. It shall be unlawful to display privately-maintained street name signs, regulatory signs, warning signs or other traffic signs on public streets. Street name signs not having a white legend on a green background that were installed before the enactment of this section, shall be deemed not to violate the requirement of a white legend on a green background, but they shall be replaced by the town with conforming street name signs as funds and resources permit.
- Sec. 18-18. - *Excavations—Permit required.* No person shall make any excavation, cut or any other opening in any of the streets or sidewalks without first having obtained a written permit from the department of inspections.
- Sec. 18-19. - *Excavations—Paying cost of construction.* The property owner shall pay the actual cost of construction for cutting streets or sidewalks, and the costs of restoring the same to as good or better condition.
- Sec. 18-20. - *Excavations—Adjustment for cuts longer than estimated in application.* When the opening is being made and it is found that the cut or opening will necessarily have to be larger than was

estimated in the application, the applicant shall immediately pay the town the remainder of the fee that would have been charged for the opening or cut in the first instance.

Sec. 18-21. - *Excavations—Disposition of money.* All money collected for the purpose of opening or cutting of any street or sidewalk shall be paid into the general fund.

Sec. 18-22. - *Excavations—Flags and lights.* Any person excavating or opening any street or sidewalk shall protect the same with a sufficient number of red flags during the daytime and amber or caution lights at night.

Sec. 18-24. - *Poles and conduits—*Use of poles and underground conduits for town purposes. One duct in all underground conduit systems shall be provided for the town free of charge for the town's police or fire alarm telegraph system when required, and the town shall have the use of all poles on streets for the same purposes.

Town of Apex Code of Ordinances Chapter 5 - Buildings, Costruction and Related Activities

CHAPTER	ARTICLE	SECTION	DESCRIPTION
5 - Buildings,Construction, and Related Activities	I - In General	5-1. Code Enforcement Officer -- Inspection to be made; right-of-entry	Code enforcement official has right of entry to make inspections
5 - Buildings,Construction, and Related Activities	I - In General	5-2. Same -- Issuance of stop orders	Issued for refusal of entry or substantial violation of law or building codes
5 - Buildings,Construction, and Related Activities	I - In General	5-6. Official Copies of Codes	Three copies of each regulatory code and amendments kept on file in Town Clerk office
5 - Buildings,Construction, and Related Activities	II - Building Code	5-21. Permit -- Required; land disturbing; application; plans and specifications	Permit required prior to any work begins on any new construction, alteration; removal; demolition; or other building operation. Application; plans and specifications requires for a permit.
5 - Buildings,Construction, and Related Activities	II - Building Code	5-22. Same -- Plot plan required; setback compliance	Plot plan submitted showing location of all buildings and fixtures such as air conditioning equipment in yards showing in compliance with zoning regulations for setbacks
5 - Buildings,Construction, and Related Activities	II - Building Code	5-23. Same -- Issuance	Proper application for permit made; proposed work compies with regulatory codes; plans and specifications provided and proper fees paid permit is issued.
5 - Buildings,Construction, and Related Activities	II - Building Code	5-24. Same -- Expiration	Permit issued no work commenced within six months permit expires; Permit issued work discontinued for 12 months permit expires
5 - Buildings,Construction, and Related Activities	II - Building Code	5-25. Same -- Revocation	Permit revoked for departure from approved application, plans, specifications; for failure to comply with the appropriate regualtory codes; false satements or misrepresentaions in securing the permit
5 - Buildings,Construction, and Related Activities	II - Building Code	5-27. Notification and approval before and during construction	Before construction begins the general contractor and a ist of subcontractors shall be submitted to the code enforcement official. Builder, permit holder, foreman, or superintendent shall notify code enforcment official and receive approval before concealing work. Occupancy not allowed until final completion approved.
5 - Buildings,Construction, and Related Activities	II - Building Code	5-28. Changes not to be made without approval	No changes or deviations from the plans or specifications shall be made after issuance of a permit without written approval from the code enforcement officer on the changes.
5 - Buildings,Construction, and Related Activities	II - Building Code	5-29. Precaution during building operations	Precaution shall be taken to protect the general public and workers during construcion of a building. All construction equipment shall be maintained to ensure protection of the general public and workers. The storage of materials shall be stored not to endanger the public or adjoining property. No material or equipment is to be stored on the streets to interfere with vehicular or pedestrian traffic without a permit issued by the proper adminstrative official. Trash shall not be allowed to accumlate on the site and shall be removed as conditions warrant. Combustible rubbish shall be removed daily. All trash shall be removed by the contractor. The inspector sahlI notify the owner when construction operation reveals any unsafe or illegal conditions.
5 - Buildings,Construction, and Related Activities	II - Building Code	5-30. Cerificate of Occupancy	No new building, alteration, addition or part thereof shall be occupied until the code enforcement officer has issued a certificate of occupancy. The certificate of occupancy shall be issued when it has been determined by the code enforcement official that the building in all respects conforms to the regualtory codes and the zonong ordiance for the occupancy intended. A temporary certificate of occupancy may be issued for a portion or portions of a building prior to completion of the entire building.
5 - Buildings,Construction, and Related Activities	II - Building Code	5-31. Violation not legalized by overisght	No violation shall be deemed legalized by an overisght or dereliction of duty on the part of the code enforcement officer or other official or employee of the town.
5 - Buildings,Construction, and Related Activities	IV- Electrical Code	5-53. Permit -- Required; exceptions	No electric wiring, devices, appliances, or equipment shall be installed within or on any building , structure or premises without having a permit from the code enforcement oficer. Exceptions to the requirement of the permit are minor repair work such as replacing switches, sockets, receptacles and non-commercial light fixtures. The repair of electrical wiring, devices and appliances in a electric public service plant or company does not require a permit.
5 - Buildings,Construction, and Related Activities	IV- Electrical Code	5-54 Same -- Application	A permit application for electrical shall be completed on forms supplied by the code enforcement officer. All applications shall be signed by the electrical contractor or contractor's authorized agent.

5 - Buildings,Construction, and Related Activities	IV- Electrical Code	5-55. Same -- Plans and specifications; supplementary permit	Plans and specifications for the proposed work shall be submitted to and approved by the code enforcement officer before any electrical work is performed on any new building, existing building or alteration. If permit is denied because of defective plans the applicant can submit revised plans and specifications. If any changes are needed to the approved plans and specifications during construction amended plans shall be submitted and a supplementary permit subject to the same conditions as the original permit shall be issued.
5 - Buildings,Construction, and Related Activities	IV- Electrical Code	5-56. Same -- Fees as specified	Fees adopted from time to time by the town council shall be posted at the office of the code enforcement officer.
5 - Buildings,Construction, and Related Activities	V- Plumbing Code	5-60. State plumbing code adopted	The NC State Plumbing code adopted and approved by the NC State Building Code Council is adopted and enforced by the town as the plumbing and gas code for the town.
5 - Buildings,Construction, and Related Activities	V- Plumbing Code	5-61. Permit -- Required	No plumbing, or gas appliances or equipment shall be installed within or on any building , structure or premises without having a permit from the code enforcement officer.
5 - Buildings,Construction, and Related Activities	V- Plumbing Code	5-62. Same -- Application	A permit application for plumbing shall be completed on forms supplied by the code enforcement officer. All applications shall be signed by the plumbing contractor or contractor's authorized agent.
5 - Buildings,Construction, and Related Activities	V- Plumbing Code	5-63. Same -- Plans and specifications; supplementary permit	Plans and specifications for the proposed work shall be submitted to and approved by the code enforcement officer before any plumbing work is performed on any new building, existing building or alteration. If permit is denied because of defective plans the applicant can submit revised plans and specifications. If any changes are needed to the approved plans and specifications during construction amended plans shall be submitted and a supplementary permit subject to the same conditions as the original permit shall be issued.
5 - Buildings,Construction, and Related Activities	V- Plumbing Code	5-64. Same -- Fees as prescribed	Fees adopted from time to time by the town council shall be posted at the office of the code enforcement officer.
5 - Buildings,Construction, and Related Activities	V- Plumbing Code	5-65. Drainage -- Approval required	No change shall be made to any land which affects the course, width, or elevation of any floodplain, natural or any other drainage channel that will change the drainage of such land without providing adequate drainage as approved by the code enforcement officer.
5 - Buildings,Construction, and Related Activities	V- Plumbing Code	5-66. Same -- Nuisance; abatement	The owners of any improperly drained areas of surface water or roof drains that creates a structural, health hazard, or any other nuisance to the public shall be abated. The code enforcement officer shall require the drainage water be disposed of according to the plumbing code.
5 - Buildings,Construction, and Related Activities	VI - Mechanical Code	5-70. State heating code adopted; scope	The NC State Mechanical code adopted and approved by the NC State Building Code Council is adopted and enforced by the town as the mechanical code for the town. All mechanical systems shall be maintained in accordance with the provisions of the heating code herein adopted.
5 - Buildings,Construction, and Related Activities	VI - Mechanical Code	5-71. Permit -- required; exceptions	No appliances, or equipment regulated by the heating code shall be installed within or on any building , structure or premises without having a permit from the code enforcement officer. Minor repairs, minor burner services, or filter replacements of warm air furnaces or cooling systems do not require a permit.
5 - Buildings,Construction, and Related Activities	VI - Mechanical Code	5-72. Same -- Application	A permit application for mechanical shall be completed on forms supplied by the code enforcement officer. All applications shall be signed by the mechanical contractor or contractor's authorized agent.
5 - Buildings,Construction, and Related Activities	VI - Mechanical Code	5-73. Same -- Plans and specifications; supplementary	Plans and specifications for the proposed work shall be submitted to and approved by the code enforcement officer before any mechanical work is performed on any new building, existing building or alteration. If permit is denied because of defective plans the applicant can submit revised plans and specifications. If any changes are needed to the approved plans and specifications during construction amended plans shall be submitted and a supplementary permit subject to the same conditions as the original permit shall be issued.
5 - Buildings,Construction, and Related Activities	VI - Mechanical Code	5-74. Same -- Fees as prescribed	Fees adopted from time to time by the town council shall be posted at the office of the code enforcement officer.
5 - Buildings,Construction, and Related Activities	VII -- Housing Code Division 1	5-80. Definitions	Terms that are used throughout the housing code to describe the components and elements of the dwelling and inspection process.

5 - Buildings,Construction, and Related Activities	VII -- Housing Code;	5-81. Findings and purpose	Pursuant to GS 160A-441 it is here by found and declared that there exist dwellings within the town which are unfit for human habitation. The purpose of this article is to establish minimum standards of fitness for contiuned occupancy of all buildings for used human habitation.
5 - Buildings,Construction, and Related Activities	VII -- Housing Code	5-82. Responsibilities of owners and occupants	Every owner of a dwelling containing two or more dwellings units are required to maintain the shared or public areas of the dwelling in a clean and sanitary condition. Every occupant of a dwelling unit shall keep the premises such person occupies in a claen and sanitary condition. Every occupant shall dispose of all occupant's rubbish and garbage in supplied storage facilities. The owner is responsible for the availability of rubbish and storage facilities. Every occupant shall keep all supplied plumbing fixtures in a clean and sanitary condition and excerise proper use and operation of plumbing fixtures. Occupants shall not willfully destory, deface, or impair any part of the structure of a dwelling unit.
5 - Buildings,Construction, and Related Activities	VII -- Housing Code	5-83. Duties and powers of enforcing officer	Duties: The code enforcement officer is designated to enforce the provisions of this article. The code enforcement officer investigates conditions of dwelling units located in town to determine which dwellings are unfit for human habitation. The officer works with other appropriate departments and agencies necessary to result rehabilitaion of the deteriorated dwellings. The officer keeps records of results of inspections and an inventory of dwellings that do not meet the minimum standards of fitness. Powers: The officer has the power to investigate dwelling conditions in the town to determine which dwellings are unfit for human habitation. While investigating the officer has the power to enter on the premises to exam and inspect the dwelling provided the entries shall be made in a manner to cause the least possible inconvenience t the persons in possession. The officer adminiters oaths and affirmations, examines witnesses to receive evidence to make necessary determinatiins
5 - Buildings,Construction, and Related Activities	VII -- Housing Code Division 2 - Minium Stanards	5-90. Fitness of dwellings and dwelling units	Every dwelling unit used for human habitation shal comply with all of the minimum standards of fitness for human habitation and all of the requirements of sections 5-91 through 5-96 of the miniumum housing standard. No person shall occupy any dewlling which does not meet the minimum standards of fitness for human habitation and all the requirements of sections 5-91 through 5-96 of the minimum housing standards
5 - Buildings,Construction, and Related Activities	VII -- Housing Code	5-91. Structural condition	All dwellings shall have foundations; foundation supports; floors; walls, roofs and other structural members adequate support for the proposed use. The structural members sahl not be deteriorated, rottedor damaged. Adequate egress shall be provided in case of fire or panic. All steps,stairs,landings and other appurtances shall be maintained in conditions that they willnot fial or collapse. Interior walls, ceilings, closets and hallways sahl be finished with suitable materials to allow for resonable household methods to promote sanitation and cleanliness. All roofs, doors, exterior walls and other areas exposed ot weather shall be constructed and maintained to be watertight and weathertight. All chimneys shall be maintained to prevent deterioration, danger of falling or a condition as to constitute a fire.The ground shall not be used as floors and no wood floor shall be on the ground.
5 - Buildings,Construction, and Related Activities	VII -- Housing Code	5-92. Basic equipment and facilities	Plumbing System: Dwelling units shall be coneected to a potable water system and approved sewage disposal system. Eac dwelling unit shall have at the minimum a kitchen sink, lavatory,tub,or shower, water closet and adequate supply of hot and cold water. The water system shall be supplied through an approved piping system. All fixtures shall be inside the dwelling and in goood working condition with the water closet, tub or shower located in a room that provides privacy to the user. Heating System: Dwelling units shall be equipment with central electric heating systems or fireplaces, chimneys, flue gas vents of sufficient sizes to heat all habitable rooms, bathrooms, and water closet compartments to a minum of 70 degrees at a point measured three feet above the floors. Electrical Sysyem: Dwelling units shall be wired for electric lights and convenience outlets. Every habitable room shall have at least two convenience outlets and every bathroom , laundry room, and furnace room shall at least one electric light fixture. Every public hall and stairway shall have adequate lighting. All fixtures, receptacles, and wiring shall be maintained in good repair, safe and capable of being used.

5 - Buildings,Construction, and Related Activities	VII -- Housing Code	5-93. Ventilation	<p>General: Every habitable room shall have at least one window or skylight facing dircetly to the outdoors. Habitable rooms shall have a minimum toatl window area od ten percent of the flor area of the room. If th eonly window in a roomis of the skylight type the total window area of the skylight shall equal fifteen percent of the total floor area of such room. Habitable Rooms: Every habitable room shall have at least one window or skylight which can be easily opened to provide adequate ventilation for the room. The total openable window shall be at leat forty-five percent of the minimum window area or shall have other approved equivalent ventilation.</p> <p>Bathroom and Wtaer closet rooms: Every bathroom and water closet compartment shall comply with the light and ventilation for habitable rooms except no window sahll be required if equipped with an approved wentilation system.</p>
5 - Buildings,Construction, and Related Activities	VII -- Housing Code	5-94. Space, use and location	<p>Every dwelling unit shall contain at least 150 of habitable floor area for the first, 100 square feet of additional habitable area for each of the next three occupants and 75 square feet for each additional occupant. Every room occupied for sleeping purposes shall contain at least 70 square feet of floor area. Every room occupied for sleeping bymore than one occupant shall contain at least 50 square feet for each occupant 12 years of age or older and at least 35 square feet of floor area for each occupant under 12 years of age. Ceiling heights of every habitable room shall be not less that six feet six inches for at least one-half of the floor area. Any ceiling height less than four feet shall not be considered as part of the floor area to determine maximum permissible occupancy. Cellars shall not be used for living purposes. Basements shall only be used for living purposes when floors and walls are watertight, total window area, openable window area and ceiling height are equal to habitable room requirements; and the required window area of all habitable rooms are entirely above grade except where the windows face a stairwell, window well or accessway.</p>
5 - Buildings,Construction, and Related Activities	VII -- Housing Code	5-95. Miantenance	<p>Exterior foundation, walls and roofs shall be substantially weathertight, rodent proof,kept in sound condition and good repair. Foundations, walls and roofs shall be capable of affording privacy, safe to use and capable of supporting the load which normal use may cause to be placed on them. Every exterior wall shall be protected to prevent the entrance or penetration moisture or the weather. Interior floor, walls, and ceilings shall be substantially rodentproof; kept in sound condition and good repair, safe to use and capable of supporting the load which normal use may cause to be placed on them. Stairs, porches and appurtenances shall be safeto use and kept in sound condition and good repair capable of supporting the laod that normal use may cuase to be place don them. Bathroom floors shall be constructed and maintained to be reasonably impervious to water to permit the floor to be easily cleaned and sanitary. Every piece of equipment required under this section shall be constructed or installed that it will function safely and effectively.Every yard shall be graded as to prevent the accumulation of stagnant water and all exterior areas shall be kept free of species of weeds or plants which ar noxious or detrimental to health. Every dwelling unit shall be provided with adequate means of egress as required.</p>
5 - Buildings,Construction, and Related Activities	VII -- Housing Code	5-96. Control of insects, rodents and infestations	<p>Every dwelling unit shall have screen installed on every door opening directly to outdoor sapce and have a self-closing device installed for protection against mosquitoes, files and other insects. Windows intended for ventilation in every dwelling unt shall have screnn installed for protection from insects. Every occupant of a dwelling unit shall be responsible for extermination of any insects, rodents or other pests for that dwelling unit. Occupants of units contining more than one dwelling units shall be responsible for extermination only of the infested unit. The owner of two or more dwelling units shall be responsible for extermination in the units and of any shared or public parts of the dwelling units. Every dwelling unit shall be supplled with approved containers and covers for storage of rubbish/garbage. The owner, operator or agen tin charge is responsible for remoavl of rubbish/garbage. Every dwelling unit shall be supplied with an approved garbage disposal facility as require by the town ordinances.</p>

5 - Buildings,Construction, and Related Activities	VII -- Housing Code	5-97. Rooming houses	Rooming houses shall have at least one water closet, lavatory and bathtub or shower connected to an approved water and sewer system in good working condition. They shall be supplied for each four rooms within a rooming house whenever these facilities are shared. The facilities shall be directly accessible from a common hall or passageway not more than one story from any persons sharing the facilities. The facilities shall be supplied with hot and cold water at all times. The facilities shall not be located in a cellar. Rooms used for sleeping purposes by one occupant shall contain at least 70 square feet of floor area. Rooms used for sleeping areas by more than one occupant shall contain at least 50 square feet of floor area for each occupant over 12 years of age and 35 square feet of floor area for each occupant under 12 years of age. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings. The operator is responsible for the sanitary maintenance of the entire premises where the structure/building within the rooming house is contained is leased or occupied by the operator. The sanitary facilities shall be located within the rooming house within a room that provides privacy separated from the habitable rooms. That room shall be accessible from a common hall and can be reached without going outside the rooming house or through any other rooms.
5 - Buildings,Construction, and Related Activities	VII -- Housing Code Division 3 Enforcement	5-100. Procedure	<p>A preliminary investigation is done on a dwelling whenever a code enforcement officer has a petition filed by a public authority or by at least five residents of the town that a dwelling is unfit for human habitation or whatever it appears to the code enforcement official that any dwelling is unfit for human habitation. If the investigation determines the dwelling unfit a complaint of the findings and notice of a hearing before the code enforcement officer is given to the owner or any parties interested in such dwelling, the hearing will take place not less than ten days or more than thirty days after serving the complaint. The owner or interested parties shall have the right to file an answer to the complaint in person or otherwise and give testimony at the place and time of the hearing. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the code enforcement official. After the notice and hearing the code enforcement officer shall state in writing whether the dwelling is unfit for human habitation and if it's deteriorated or dilapidated. If the dwelling is determined to be deteriorated the code enforcement officer shall state in writing the findings and shall issue an order directing the owner to repair, alter and improve the dwelling to comply with the minimum standards of fitness established by this article within a specific period of time not to exceed 90 days. The order may also direct the owner to vacate the dwelling until the improvements are made. If the dwelling is determined to be dilapidated the code enforcement officer shall state in writing to the owner the findings and issue an order to remove or demolish the dwelling within a specific period of time not to exceed 90 days. If the owner of a deteriorated or dilapidated dwelling unit fails to comply with an order of the code enforcement officer to repair, alter, improve, vacate, close, remove or demolish the dwelling within the specified time the code enforcement officer shall submit to the town council a resolution directing the town attorney to petition the superior court for an order directing the owner to comply with the order of the code enforcement officer as authorized by the General Statutes. After failure of an owner to comply with the order of the code enforcement officer in the time specified therein, if an injunctive relief has not been sought or granted the code enforcement officer shall submit to the town council an ordinance ordering the code enforcement officer to cause the dwelling to be repaired, altered, improved, vacated, closed, removed, or demolished as provided in the original order and placard the dwelling as provided by G.S.160A-443(4). Any appeal from any decision or order of the code enforcement officer may be taken by any person aggrieved thereby. Any appeal shall be within ten days from the</p>

5 - Buildings,Construction, and Related Activities	VII -- Housing Code Enforcement Division 3	5-101. Service of complaints	The complaints or orders issued by the code enforcement officier shall be served on persons either personally, registerd or certified mail. If served by registered or certified mail a copy may also be sent by regular mail. Service shall be deemed sufficient and complete if the registered or certified mail is unclaimed or refused, but regular mail is not returned by the post office within 10 days. A notice of pending proceedings shall be posted in a conspicuous place on the premises affected by the order when regular mail is used. When the identities or wherabouts of any persons are unknown and cannot be ascertained by the code enforcement officier by reasonable diligence or if the such persons have refused to accept service by registered or certified mail the code enforcement officer make an affidavit to the effect, then the serving of the complaint is published in a local newspaper once each week for two successive weeks. A noitce of the pending proceedings shall be posted in a conspicuous place on the premises affected by the compaint or order.
5 - Buildings,Construction, and Related Activities	VII -- Housing Code Enforcement Division 3	5-102. In rem action; placarding	When the owner of a dwelling unit fails to comply with an order of the code enforcement officer issued pursuant to the provisions of this article and on adoption by the town council of an ordinance authorizing and directing such officer to do so, as provided by GS 160A-443(5) The code enforcement officer shall proceed to have the dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness, or to be vacated, closed, removed, or demolished as directed by the ordinance of the town council. The notice stating "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful" sahl be posted on the main entrance of the dwelling unit.
5 - Buildings,Construction, and Related Activities	VII -- Housing Code Enforcement Division 3	5-103. Costs to be lien on Property	The cost of any repairs, alterations, improvements; vacting,closing,removal or demolition caused ot be made or done by the code enforcement officier pursuant to section 5-102 shall b ein a lien against the real property on which the cost was incurred. The lien shall be filed, have the same priorty and be enfoeced and the costs collected as provided by GS 160A-207
5 - Buildings,Construction, and Related Activities	VII -- Housing Code Enforcement Division 3	5-104. Alternative remedies	This division nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and delcare nuisances and to cause their abatement by summary of action or otherwise or to enforce this article by criminal process as authorized by GS 14-4 and section 105-106 of this code. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy provided herein or in othe rordinances or laws.
5 - Buildings,Construction, and Related Activities	VII -- Housing Code Enforcement Division 3	5-105. Zoning board of adjustment to hear appeals	The zoning board of appeals shall hear and determine all appeals which may be taken form decisions or orders of the code enforcement officer pursuant to section 5-100. The board shall have the power to determine the fixed time and places of the meetings to adopt necessary rules of procedure and any other rules necessary for discharge of it's duties. The board shall perform the duties prescribed in section 5-100 and shall keep accurate journal of all its proceedings.
5 - Buildings,Construction, and Related Activities	VII -- Housing Code Enforcement Division 3	5-106. Conflict with provisions	The higher standard or more stringent requirement for the promotion and protection of the health and safety of the town shall prevail in the event there is a conflict between this article and any provision of of any other ordinance or code of the town.
5 - Buildings,Construction, and Related Activities	VII -- Housing Code Enforcement Division 3	5-107. Violations	When an owner of a dwelling unit fails,neglects, or refuses to repair, alter,improve, or to vacte close, remove or demolish the same on order of the code enforcement officer it shall be unlawful. Each day that any such failure, negelct or refusal to comply with such order shall constitute a seperate and distinct offense. It is unlawful for the owner of a dwelling unit that has been issued an order pursuant to section 5-100 to occupy or allow any other person ot occupy that dwelling or to trespass in or upon that dwelling after the time prescribed in the order for its repair, alteration,improvement, vacation and closing. Each day that such occupancy continues after the prescribed time sahl constitute a separate and distinct offense.
5 - Buildings,Construction, and Related Activities	VIII - Insulation Contractors	5-110. Authority	This article is adopted pursuant to GS 143-151.26 through 143-151.36 and 160A-194
5 - Buildings,Construction, and Related Activities	VIII - Insulation Contractors	5-111. License- required; alternative requirements	A person shall be licensed as a contractor under GS Ch. 87; working under the supervision of a registered architect or professional engineer, an owner working upon owner's own building or licensed under this article to install, alter, or restore within the town any insulation or other materials or energy utilization equipment designed to meet the state building code requirments for insulation and energy utilization standards.

5 - Buildings,Construction, and Related Activities	VIII - Insulation Contractors	5-112. Same-- Application; fee as prescribed	An application provided by the code enforcement officer shall be completed with the name,home address of the applicant, home office address if a corporation. Name and addresses of the partners if a partnership.Names and addresses of officers and partners if a corporation, complete records of all convictions of felonies or acts involving dishonesty, fraud or deceit by all employees, partners, or directors whether in this or any other state or jurisdiction. Complete record of all licenses held by applicant, employees, officer, or director involving construction,alteration,or modification of buildingsand structures. Information in which any local,state, or federal government has refused, suspended, or revoked licenses of applicant, employee, partner, or officer of the applicant. A fee as prescribed by the town council form time to time is charged for each license. The amount of the fee is for the fiscal year and prorated by quarters to ten dof the year. Any false on applications shall be grounds for immediate revocation or denial of licenses.
5 - Buildings,Construction, and Related Activities	VIII - Insulation Contractors	5-113. Same - Procedure for issuance	Each application is forwarded to the code enorcement officer and is reviewed for issunace or denial. The license shall be issued unless the code enforcement officer shall find that the applicant,employee, partner, officeror director of the applicant has been convicted within the last three years of a felony, or an act of dishonesty, fraud, or deceit in this state, any other state, or jurisdiction. Has been refused a license, license suspended or revoked by any local, state, or federal governmnet agency. Applicant has made a false statement in the application.
5 - Buildings,Construction, and Related Activities	VIII - Insulation Contractors	5-114. Same - Termination; renewal	All licenses issued under this document shall terminate on the last day of the fiscal year in which it was issued. All renewal of licenses shall be pursuant to the same procedures and requirements whe it was orignally issued.
5 - Buildings,Construction, and Related Activities	VIII - Insulation Contractors	5-115.Same - Suspension; revocation	Any licensed issued under this document may be revoked, suspended at any time upon showing that the applicant , employee, partner or officer of applicant knowingly makesa false statement in the application; violated the state building code requirements as to insulation or energy utilization equipment in this or any jurisdiction; been convicted of an act involving dishonesty, fraud, or deceit with respect to any contract enetered into for work requiring this license. Any licensee who has there license suspended or revoked may appeal the suspension or revocation to the town council. The town council shall afford the licensee an opportunity to show why the license should not be suspended or revoked.
5 - Buildings,Construction, and Related Activities	VIII - Insulation Contractors	5-116. Change of location	Any licensed business change location provided the town is notified with ten days and the operation at the new location does not violate any aplicable state or local law, ordinance or regulation.
5 - Buildings,Construction, and Related Activities	VIII - Insulation Contractors	5-117. Permit; required; fee; exceptions	A permit shal be issued by the code enforcement officer for installing, altering, or restoring any insulation or utilization equipment designed or intended to meet the state building codefor insulation and energy utilization. There shall be a fee prescribed from time to time by the town council for each permit issued. An owner working on his own building; an installer working under the supervision of a registered architect or professional engineer, or a general contractor licensed under GS Ch. 87 workin gunder a general building permit are exempt from th einsulation permit requirement.
5 - Buildings,Construction, and Related Activities	VIII - Insulation Contractors	5-118. Penalties	All persons violating this article shall be subject to all the applicable punishment, penalties, and equiptable relief provided by GS 143-151.26 through 143-151.36 and 160A-175.