

EGGERS, EGGERS, EGGERS, AND EGGERS, PLLC

ATTORNEYS AND COUNSELORS AT LAW

P.O. BOX 248

BOONE, NORTH CAROLINA 28607

STACY C. EGGERS, JR.
STACY C. EGGERS, III (1948-1990)
STACY C. EGGERS, IV
KIMBERLY M. EGGERS
CHRISTOPHER C. BARNES
JONATHAN D. GREEN
JOSHUA S. COFFEY

PHONE (828) 264-3601
FAX (828) 262-5229
737 WEST KING STREET

October 10, 2018

Joint Legislative Administrative Procedure Oversight Committee
North Carolina General Assembly
16 W. Jones Street
Raleigh, NC 27601

Joint Legislative Oversight Committee on Justice and Public Safety
North Carolina General Assembly
16 W. Jones Street
Raleigh, NC 27601

Re: Session Law 2018-69: An Act to Assist the Criminal Law
Recodification Working Group
Response of the Town of Beech Mountain

Dear Senators and Representatives:

I am the Town Attorney for the Town of Beech Mountain. Pursuant to Section 3 of Session Law 2018-69, I write to you to respond on behalf of the Town and provide a list of the local ordinance provisions which are punishable by a misdemeanor pursuant N.C. Gen. Stat. §14-4(a). Chapter 11 of the Town of Beech Mountain Code of Ordinances provides for the general penalties for our ordinances, and §11.01(D) provides that unless otherwise specifically provided, violations of any provision of the Code of Ordinances shall not be a misdemeanor. As such, the following Ordinances are responsive to the provisions of the Session Law:

Chapter 70: Traffic Regulations
Chapter 73: Traffic Schedules
§90.02: Ski Pass Violation
Chapter 91: Streets, Sidewalks, and Driveways
Chapter 92: Animals and Bird Ordinance
Chapter 130: Protection of Children
Chapter 131: Discharge of Firearms

For your convenience, please find attached a copy of these ordinances for your review. A complete set of the Town of Beech Mountain Code of

Ordinances may be found at http://www.amlegal.com/codes/client/beechn-mountain_nc/. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stacy C. Eggers, IV", with a stylized flourish at the end.

Stacy C. Eggers, IV

Cc: Tim Holloman, Town Manager

TOWN OF BEECH MOUNTAIN, NORTH CAROLINA

CODE OF ORDINANCES

2017 S-14 Supplement contains:
Local legislation current through Ord. 2017-04, passed 2-14-2017, and
State legislation current through North Carolina Legislative Service,
2016 Extra Sessions Session Laws, Pamphlet No. 5

Published by:
AMERICAN LEGAL PUBLISHING CORPORATION
One West Fourth Street ✧ 3rd Floor ✧ Cincinnati, Ohio 45202
1-800-445-5588 ✧ www.amlegal.com

CHAPTER 11: ENFORCEMENT OF ORDINANCES ¹

Editor's note:

¹ Ordinance deleted in its entirety and rewritten by amendment of April 12, 1983.

Section

In General

11.01 General penalty; enforcement of ordinances, continuing violations

IN GENERAL

§ 11.01 GENERAL PENALTY; ENFORCEMENT OF ORDINANCES, CONTINUING VIOLATIONS.

(A) Unless otherwise specifically provided, violation of any provision of this Code of Beech Mountain Town Ordinances shall subject the offender to a civil penalty in the amount of \$100, to be recovered by the town. Violators shall be issued written notice of the violation which must be paid within 30 days after receipt of said notice. If the violator does not pay the penalty within 30 days, the town may recover such penalty, and all subsequently accruing penalties, in a civil action.

(B) Each day's continuing violation of any ordinance provision shall be a separate and distinct offense.

(C) Notwithstanding division (A) above, all ordinances may also be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

(D) Unless otherwise specifically provided, violations of any provision of this code of ordinances shall not be a misdemeanor.

(E) If any division of this section is held to be invalid or unenforceable, all other divisions shall nevertheless continue in full force and effect.

Beech Mountain - General Provisions

(F) In the event it is necessary for the town to institute a civil action to collect a civil penalty for the violation of any provisions of any town ordinance, the offender shall pay all court costs and reasonable attorney's fees incurred by the town. ¹

(Ord. passed 11-5-1981; Ord. passed 7-13-1982; Ord. passed 4-12-1983; Ord. passed 3-12-1991)

Editor's note:

Ordinance amended on July 13, 1982; April 12, 1983; March 12, 1991

¹ *Division (F) added by amendment March 12, 1991.*

CHAPTER 70: TRAFFIC REGULATIONS

Section

- 70.01 Definitions
- 70.02 Turning regulated
- 70.03 Unlawful passing
- 70.04 Licensed vehicles and licensed operators
- 70.05 Special provisions

- 70.99 Penalty

§ 70.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRIVER. The operator of a vehicle.

HIGHWAY or STREET. The entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms **HIGHWAY** or **STREET** or a combination of the two terms shall be used synonymously.

INTERSECTION. The area embraced within the prolongation of the lateral edge of roadway lines of two or more highways which join one another at an angle whether or not one highway crosses the other.

LOCAL STREET. A street within the town that is not part of the state highway system.

MOTOR VEHICLE. Every vehicle that is self-propelled and every vehicle designed to run upon the streets that is pulled by a self-propelled vehicle.

OPERATOR. A person in actual physical control of a vehicle that is in motion or that has the engine running.

PARKING or STANDING. A vehicle is parked or is permitted to stand when it is stopped and allowed to remain in a fixed location for any duration of time, whether attended or unattended. Except where the context clearly indicates otherwise, the limitation on **PARKING** and **STANDING** in this chapter apply only to locations within a street right-of-way. In no case do these limitations apply when a vehicle is stopped to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device or as a result of an emergency or because the vehicle is disabled due to mechanical failure.

TOWN MANAGER. The Town Manager or his or her designee who are instructed to perform the function assigned by this chapter to the **TOWN MANAGER**. Whenever this title authorizes or requires the **TOWN MANAGER** to install a traffic control device controlling parking or regulating the movement of traffic on, to or from a state highway system street and the installation of such a device is in practice a function of the State Department of Transportation, the **TOWN MANAGER** may discharge that responsibility by requesting the State Department of Transportation to install such a device.

TRAFFIC CONTROL DEVICE. Any sign, signal, marking or other device placed or erected pursuant to a lawful ordinance and designed to control, regulate, warn and guide traffic.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon fixed rails or tracks, provided that for the purposes of this chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a vehicle except those which by their nature have no application.
(1989 Code, Title IV, Ch. 40, § 2-1)

§ 70.02 TURNING REGULATED.

(A) Whenever appropriate traffic control devices are installed that clearly indicate that right or left turns, U-turns or all turns are prohibited or required from a particular lane of traffic, no person may drive any vehicle contrary to the directions of any traffic control device so installed.

(B) The following restrictions on turning shall henceforth be in effect at the indicated locations and the Town Manager shall install appropriate traffic control devices that clearly and adequately notify drivers of the turns required or prohibited:

- (1) No U-turn:
- (2) No left turn:
- (3) Left turn only from left lane of:
- (4) Right turn only from right lane of:

(1989 Code, Title IV, Ch. 40, § 2-5) Penalty, see § 70.99

§ 70.03 UNLAWFUL PASSING.

(A) Whenever, pursuant to division (B) below, appropriate traffic control devices have been installed that clearly indicate that no passing is allowed on a portion of any street, no driver of a vehicle may overtake and pass another on any portion of any street so restricted. Note: G.S. § 20-150(e) makes it unlawful to pass contrary to signs posted by the State Department of Transportation.

(B) The Town Manager may install appropriate traffic control devices to indicate that no passing is allowed whenever and wherever he or she determines that passing would be unsafe on that portion of a street because:

(1) The street intersects with another street;

(2) The slope or grade of the street is such or the street curves to such an extent that a driver's view is obstructed within a distance of 500 feet; and/or

(3) Any other conditions exist making passing hazardous.
(1989 Code, Title IV, Ch. 40, § 2-6) Penalty, see § 70.99

§ 70.04 LICENSED VEHICLES AND LICENSED OPERATORS.

No person may operate a vehicle within the town unless the vehicle bears a license plate and the operator has a driver's license permitting the operator to drive the licensed vehicle.
(1989 Code, Title IV, Ch. 40, § 2-23) Penalty, see § 70.99

§ 70.05 SPECIAL PROVISIONS.

(A) No person riding a bicycle, coaster, toy vehicle, sled, skis or similar devices may attach himself or herself or the vehicle or device to any moving motor vehicle.

(B) The driver of a bicycle or motorcycle, when upon the street, may not carry any other person upon the handle bars, the back or any other part of a motorcycle or bicycle not designed for carrying passengers.

(C) A vehicle which is driven or moved upon a highway only for the purpose of crossing the highway from one property to another shall be exempt from the requirement of registration and certificate of title as required by state law as provided in G.S. § 20-51.
(1989 Code, Title IV, Ch. 40, § 2-34) Penalty, see § 70.99

§ 70.99 PENALTY.**(A) *Criminal penalties.***

(1) Any violation of the following sections shall be punishable by a fine of not more than \$50: § 70.04, and Ch. 73, Sch. IV.

(2) Any violation of the following sections shall be punishable by a fine of \$10: §§ 71.01 and 70.05.

(B) *Civil penalties.*

(1) *General.* In addition to the criminal penalties and other sanctions provided in this code for violation of its provisions, any violation of this chapter may also subject the offender to those civil penalties hereinafter enumerated. Civil penalties may be recovered by the town in a civil action in the nature of a debt or may be collected in such other amounts as prescribed herein within the prescribed time following the issuance of notice of citation for the violation.

(2) *Notice to be affixed.* Whenever a member of the Police Department of the town or other person charged by ordinance or Charter with the enforcement of the provisions of the chapter regulating the parking of vehicles shall find that any of those provisions are being, or have been, violated by the owner or operator of the vehicle, the officer or person shall notify the owner or operator of the vehicle of the violation by conspicuously attaching to the vehicle a parking violation notice or citation in such form as the Town Manager or his or her designee may direct.

(3) *Contents.* The parking violation or citation shall, among other things: state upon its face the amount of the penalty for the specific violation if the penalty is paid within 48 hours from and after the violation; notify the offender that a failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of a debt for the stated penalty plus an additional penalty in the amount of \$25, together with the cost of the action to be taxed by the court; further provide the offender may answer the town parking citation by mailing the citation and stated penalty to the Town Hall, 403 Beech Mountain Parkway, Beech Mountain, NC 28604, or may pay the amount at the Town Hall, and that upon payment, the case or claim in right of action by the town will be deemed compromised and settled; and that the penalty must be either paid or the failure to pay must be cleared with the Town Manager or his or her designee within 48 hours of issuance of the citation. The notice shall further state that if the parking violation citation is not cleared within 48 hours, court action by the filing of a civil complaint for collection of the penalty may be taken. As used upon the parking citation, the word **CLEARED** shall mean either: payment; arrangement for payment to be made; or a prima facie showing that the parking citation was received as a result of mistake, inadvertence or excusable neglect.

(4) *Statement of claim.* The Town Manager or his or her designee is authorized to accept payments in full and final settlement of the claim or claims, right or rights of action which the town may have to enforce the penalty by civil action in the nature of a debt. Acceptance of a penalty shall be deemed a full and final release of any and all claims, or right of action arising out of the contended violations.

(5) *Penalties.* A civil penalty in the amount of \$10 shall be imposed for any violation of § 71.01 if the offender fails to pay the penalty within 48 hours after being cited for a violation and notified of the penalty. The town may seek to collect the penalty in a civil action in the nature of a debt.

(6) *Additional penalty.* A penalty of \$25 in addition to the one imposed for payment within 48 hours, shall apply in those cases in which the penalty described above has not been paid within the prescribed 48-hour period and in which a civil action shall have been instituted.

(7) *Other remedies.* Any vehicle in violation of § 71.01 may be towed away. In those cases in which a vehicle is towed away pursuant to this section, the owner or operator of the vehicle shall be responsible for paying the cost of towing and storing the vehicle.

(8) *Penalties to General Fund.* All penalties paid to the town or as may be recovered in the civil action in the nature of a debt as herein provided shall be paid into the General Fund of the town at such time and under regulations as may be prescribed by the Town Manager or designee. Upon collection of penalties collected pursuant to this section, these penalties shall be paid to the local school system according to law.

(1989 Code, Title IV, Ch. 40, § 2-39) (Ord. passed 6-11-1985; Am. Ord. 2012-01, passed 3-13-2012)

Beech Mountain - Traffic Code

CHAPTER 73: TRAFFIC SCHEDULES

Schedule

- I. Stop intersections
- II. Hazardous roads
- III. Golf cart crossings
- IV. Speed limits
- V. One-way streets

SCHEDULE I. STOP INTERSECTIONS.

(A) The street in the second column of the table below is hereby designated as a main traveled or through street, and the Town Manager shall erect stop signs on the first street at the entrance to the main traveled or through street. The effect of the stop signs on vehicles and pedestrians shall be as provided in G.S. §§ 20-158 and 20-172.

(B) The Council finds that a particular hazard exists at the locations enumerated below, and the Town Manager is hereby directed to erect a stop sign at the location indicated. The effect of such a stop sign on vehicles and pedestrians shall be as provided in G.S. §§ 20-158 and 20-172.

Arrowood Road	Pine Ridge Road
Bear Paw Path	Pine Ridge Road
Birchwood Lane	Beech Mountain Parkway
BMRI Private Road	Beech Mountain Parkway
Charter Hills Road	Tamarack Road
Chestnut Way	Lakeledge Road
Christie Way	Beech Mountain Parkway
Club House Road	Pine Ridge Road Parkway
Coffey Lake	Lakeledge Road
Dogwood Lane (E)	Charger Hills Road
Dogwood Lane (W)	Charter Hills

Beech Mountain - Traffic Code

Elderberry Road	Beech Mountain Parkway
Foxgrape Hollow	Lake Road
Grassy Gap	Pine Ridge Road
Grassy Gap Loop	Lake Road
Greenbriar Road	Lakeledge Road
Hawthorne Road	Pine Ridge Road
Hemlock Circle (N)	Charter Hills
Hemlock Circle (S)	Charter Hills
Hemlock Spur	Grassy Gap Loop
Hornbeam	Beech Mountain Parkway
Jackpine Road	Grassy Gap Creek Road
Lake Road	Beech Mountain Parkway
Lake Road	Lakeledge Road
Lower Club House Road	Pine Ridge Road
Meadows Road	Beech Mountain Parkway
Northridge Road	Beech Mountain Parkway
Oak Road (E)	Pine Ridge Road
Oak Road (W)	Pine Ridge Road
Old Field Road	Pine Ridge Road
Overbrook Trail	Spring Branch Road
Pine Ridge Road	Beech Mountain Parkway
Pinnacle Inn Road	Elderberry
Pinnacle Ridge Road	Beech Mountain Parkway
Pinnacle Ridge Road	Grassy Gap Creek Road
Pond Creek (N)	Charter Hills Road
Pond Creek Lane	Charter Hills Road
Pond Creek Road (S)	Charter Hills Road
Poplar Drive	Rhododendron Drive
Rhododendron Drive	Teaberry Trail

Shagbark Road (N)	Charter Hills Road
Shagbark Road (S)	Charter Hills Road
Skiloft	Beech Mountain Parkway
Skiview Lane	Beech Mountain Parkway
Skiway Road	Beech Mountain Parkway
Spring Branch Road	Lower Grouse Ridge
St. Andrews Road	Grassy Gap Loop
St. Andrews Road	Pine Ridge Road
Sugar Maple Lane	Tamarack Road
Tamarack Road	Beech Mountain Parkway
Teaberry Trail	Pine Ridge Road
Village Cluster	Beech Mountain Parkway
Village Creek Road	Beech Mountain Parkway
Village Road	Beech Mountain Parkway
Wedling Weg	Beech Mountain Parkway

(1989 Code, Title IV, Ch. 40, § 2-2) (Ord. passed 6-12-1990; Ord. passed 2-11-1997)

SCHEDULE II. HAZARDOUS ROADS.

The Town Council finds that a particular hazard exists at the locations listed below, and the Town Manager is hereby directed to have the marking "SLOW" painted on the roadway at the places indicated.

<i>Street</i>	<i>Location</i>
Lakeledge Road	Between Lake Coffey and Lake Road (northeast-bound lane just below the intersection with Lake Road; southwest-bound lane just after the start of the asphalt pavement)

(1989 Code, Title IV, Ch. 40, § 2-7)

Beech Mountain - Traffic Code

SCHEDULE III. GOLF CART CROSSINGS.

The following locations must provide for the crossing of public streets by golf carts. The Town Manager is instructed to mark the locations with cautionary signs and appropriate pavement markings:

<i>Street</i>	<i>Location</i>
Briarcliff Road	0.3 mile west of its intersection with St. Andrews Road
Grassy Gap Loop	0.1 mile east of its intersection with Pine Ridge Road
Old Field Road	0.03 mile east of its intersection with Pine Ridge Road

(1989 Code, Title IV, Ch. 40, § 2-8) (Ord. passed 8-13-1991)

SCHEDULE IV. SPEED LIMITS.

(A) The maximum speed limit on all streets within the boundaries of the town shall be 25 mph, unless otherwise posted. The speed limit on N.C. Highway 184 from the southern corporate limit of Beech Mountain, a point approximately one-half mile south of the Watauga County line, northward to its terminus in Watauga County shall be 25 mph.

(B) (1) Whenever a speed limit has been established and appropriate traffic control devices have been installed in accordance with division (B)(2) below, no person may operate a vehicle on any street in excess of the posted speed.

(2) The following speed limits shall be applicable to the following streets as indicated and the Town Manager shall install appropriate traffic control devices clearly indicating the established speed limit.

<i>Street/Location</i>	<i>Speed Limit</i>
Emerald Mountain	maximum 20 mph
Fox Crest Lane	Maximum 15 mph
That portion of Beech Mountain Parkway maintained by the State Department of Transportation	Maximum 25 mph
The portion of Lakeledge Road that falls between the intersection of Chestnut Way and Lake Coffey	Maximum 15 mph
All other streets	Maximum 25 mph

(3) The Town Manager may install speed limit signs at appropriate locations, but enforcement of the provisions of this section is not dependent upon the installation of the signs.

(1989 Code, Title IV, Ch. 40, § 2-21, § 2-22) (Ord. passed 9-14-2010; Ord. passed 12-14-2010; Ord. 2013-09, passed 8-13-2013)

SCHEDULE V. ONE-WAY STREETS.

(A) Whenever a street is designated a one-way street and traffic control devices are installed in accordance with division (B) below, no person may drive any vehicle on that street except in the direction indicated by the traffic control devices. (Note: G.S. § 20-165.1 makes it unlawful to drive contrary to a sign erected by the State Department of Transportation).

(B) The following streets are hereby designated as one-way streets, and the Town Manager shall install appropriate traffic control devices at every intersection clearly indicating the direction of lawful traffic movement.

<i>Street</i>	<i>Lawful Direction of Travel</i>
Red Oak Road	West beginning at its intersection with Beech Mountain Parkway

(1989 Code, Title IV, Ch. 40, § 2-3) (Ord. passed 8-10-1993; Am. Ord. 2016-01, passed 1-12-2016)
Penalty, see § 70.99

CHAPTER 90: GENERAL PROVISIONS

Section

- 90.01 Reserved
- 90.02 Ski pass
- 90.03 Burning
- 90.04 Land line telephones

- 90.99 Penalty

§ 90.01 RESERVED.

§ 90.02 SKI PASS.

(A) *Purpose.* The purpose of this section is to prohibit the use of stolen, fictitious or borrowed ski passes within the town and to prohibit skiing without a valid ski pass.

(B) *Prohibited conduct.* No person shall use a stolen, fictitious or borrowed ski pass for the purpose of obtaining any services from a ski resort within the corporate limits of the town. No person shall ski at any ski resort within the corporate limits of the town without a valid ski pass.

(C) *Enforcement.* Any person who violates this section shall be guilty of a Class III misdemeanor. (G.S. § 14-4) (1989 Code, Title VI, Ch. 71) (Ord. passed 3-11-2008) Penalty, see § 90.99

CHAPTER 91: STREETS, SIDEWALKS AND DRIVEWAYS

Section

General Provisions

- 91.01 Definitions
- 91.02 Obstructions prohibited
- 91.03 Overhanging or protruding trees, shrubs, fences and the like
- 91.04 Driveway connections
- 91.05 Slippery and dangerous streets
- 91.06 Commercial drives and driveways
- 91.07 Private roads restricted
- 91.08 Town acceptance
- 91.09 Private drive naming and numbering
- 91.10 Connections to the town road system by parties outside town limits

Property Numbering System

- 91.20 Numbering program
- 91.21 Numbering system
- 91.22 Owners to display numbers
- 91.23 Numbers for future buildings
- 91.24 Unlawful to deface number

Special Events

- 91.35 Applicability of regulations
- 91.36 Permit required
- 91.37 Permit application
- 91.38 Staff review
- 91.39 Standards for permit issuance
- 91.40 Denial of permit
- 91.41 Notice of denial
- 91.42 Appeal procedure
- 91.43 Alternative permit
- 91.44 Insurance
- 91.45 Contents of application: parades, marches, and other mobile events
- 91.46 Revocation of permit during event
- 91.47 Duties of permittee
- 91.48 Recouping costs incurred by town

- 91.49 Public conduct during parades
- 91.50 Time restrictions
- 91.51 Assembling for unlawful purposes
- 91.52 Disturbing lawful assembly
- 91.53 Disturbing funerals
- 91.54 Applicant responsible for cleanup
- 91.55 Parking and access
- 91.56 Circuses, carnivals, fairs, etc.
- 91.57 Exemptions

- 91.99 Penalty

GENERAL PROVISIONS

§ 91.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PRIVATE DRIVEWAY. Any means of vehicular access other than those maintained by the town or the State Department of Transportation serving only one parcel or lot. In cases where new applications for residential subdivisions are made, then the definition of ***PRIVATE DRIVEWAY*** contained in the subdivision regulations (§§ 154.245 to 154.254 of this code of ordinances) shall apply.

PRIVATE STREET. Any means of vehicular access other than a private driveway or a public street, road or highway.

(1989 Code, Title IV, Ch. 41, § 3-1) (Ord. passed 1-12-1993)

§ 91.02 OBSTRUCTIONS PROHIBITED.

(A) Except as otherwise authorized by division (B) below, no person or company may place any object within the town right-of-way without prior town permission.

(B) In the event that the terrain of property is such that building materials cannot be safely stored off the street right-of-way, the contractor may, with prior approval of the Town Manager or his or her designee, store materials on the street right-of-way for a period of time not to exceed 48 hours, providing the materials stored do not interfere with, or obstruct, the normal flow of traffic.

(C) No person shall store any type of vehicle used in construction within the town's right-of-way. Any vehicle not ordinarily used primarily as a passenger motor vehicle shall be considered a vehicle used in construction.

(D) The town shall not be liable for any item placed within a street right-of-way that is damaged by the town during snow removal, road maintenance, road improvements and/or utility installation or repair.

(E) Except as otherwise authorized, no person or company shall remove any object, including dirt and rock, from a town right-of-way. Culverts lying within a right-of-way may be maintained as needed.

(F) The town may remove any unauthorized object placed in a town right-of-way. The town may assess the party responsible for causing such object to be placed in a town right-of-way with the cost of removal.

(1989 Code, Title IV, Ch. 41, § 3-2) (Ord. passed 3-12-1991; Ord. passed 3-12-1996; Ord. passed 2-12-2002) Penalty, see § 91.99

§ 91.03 OVERHANGING OR PROTRUDING TREES, SHRUBS, FENCES AND THE LIKE.

(A) No person may cause or allow (from property under his or her control) any tree limb, bush, shrub or other obstruction to overhang a public street at a distance of less than 12 feet above the traveled portion of the street or a public sidewalk at a distance of less than seven feet above the sidewalk.

(B) No person may cause or allow grass, vines, weeds or other vegetation to grow from property under his or her control over, onto or across any public street or sidewalk.

(C) Any violation of divisions (A) or (B) above is declared to be a public nuisance, and if not corrected by the responsible person within three days after being notified of the violation by the Town Manager, the town may summarily abate that nuisance.

(1989 Code, Title IV, Ch. 41, § 3-3) Penalty, see § 91.99

§ 91.04 DRIVEWAY CONNECTIONS.

(A) The objectives of this section are:

(1) To provide maximum protection and safety to the public through the orderly control of traffic entering and leaving the street;

(2) To provide for proper drainage; and

(3) To provide a uniform policy throughout the town in the design and construction of driveways.

(B) Any person or corporation desiring to construct a driveway or other connection within the right-of-way of a town street shall, before beginning any construction, secure a permit from the Public Works Director. The Public Works Director shall approve or deny the application within 15 days of receipt of application.

(C) Standards:

(1) Residential driveway entrances shall be constructed in accordance with the town manual on driveway entrance regulations; and

(2) Commercial driveway entrances shall be constructed in accordance with the Division of Highways, State Department of Transportation *Manual on Driveway Entrance Regulations*. (1989 Code, Title IV, Ch. 41, § 3-4) (Ord. passed 2-13-1990; Ord. passed 5-14-1991)

§ 91.05 SLIPPERY AND DANGEROUS STREETS.

If, in the opinion of the Town Manager, any street within the town which, due to snow, sleet, ice or other condition, may be dangerous to the safety of any person traveling on same, the Town Manager may require all vehicles that travel on the street to be a four-wheel drive vehicle or to have chains or studded snow tires on the drive wheels of the vehicle. In cases of extreme danger, the Town Manager may close the street to traffic until the condition is abated.

(1989 Code, Title IV, Ch. 41, § 3-5)

§ 91.06 COMMERCIAL DRIVES AND DRIVEWAYS.

In the interest of public safety, the Public Works Director may cause commercial drives and driveways which connect to the public street system to be sanded by the town. The work shall only be performed if requested by the property owner or agent, and at the expense of the requesting party.

(1989 Code, Title IV, Ch. 41, § 3-6) (Ord. passed 1-12-1993)

§ 91.07 PRIVATE ROADS RESTRICTED.

No private street or road may be constructed in such a manner as to connect with a town street or road or right-of-way unless the property owner or developer shall have first obtained permission from the town. The town may approve a written request from a party or parties to allow a private street or road to be constructed so as to connect to the town's system provided all requirements of the town and the State Department of Transportation concerning roadway width, construction standards and right-of-way width are met. In the event of conflict between the town and the State Department of Transportation requirements, the more stringent shall apply. Any existing or approved private street or road shall obtain a permit from the town prior to making changes or modifications in design, layout, or connectivity.

(1989 Code, Title IV, Ch. 41, § 3-7) (Ord. passed 1-12-1993; Am. Ord. 2014-01, passed 1-14-2014)
Penalty, see § 91.99

§ 91.08 TOWN ACCEPTANCE.

Private roads constructed to appropriate standards may be accepted by the town, and at the town's sole discretion, upon written offer of dedication provided a monetary guarantee is furnished by the owner in an amount equal to one-fourth times the entire cost of installing all required improvements. This guarantee shall be in a form acceptable to the town and shall guarantee all improvements for a period of one year from the date of acceptance.

(1989 Code, Title IV, Ch. 41, § 3-8) (Ord. passed 1-12-1993)

§ 91.09 PRIVATE DRIVE NAMING AND NUMBERING.

In situations where there is more than one house that is served by a single driveway, the town will consider that private drive a private street. The owners of the property served by that private drive shall submit to the Town Council a list of up to three potential names for the private drive. These street names should comply with the town's usual policy on streets being named for animals or plants. The Town Council shall then pick the name of that private drive. The Council shall reserve the right to reject any or all of the names suggested by the property owners and request a new list. The property owners shall then construct a sign identifying the name of that drive in accordance to specifications to be determined by the Public Works Director. The town's 9-1-1 Addressing Coordinator will then issue street numbers to the homes on that private drive and the owners of the homes will be required to post their 9-1-1 address according to the town ordinances.

(1989 Code, Title IV, Ch. 41, § 3-10) (Ord. passed 6-13-2006)

§ 91.10 CONNECTIONS TO THE TOWN ROAD SYSTEM BY PARTIES OUTSIDE TOWN LIMITS.

In the event that the owner of real property outside of the Town of Beech Mountain wishes to connect to the town's road system, the town may approve a written request from a party or parties to allow a street or road to be constructed so as to connect to the town's system provided that the following criteria are met.

(A) *New development.* If the requested road connection is to serve a parcel or parcels that are undergoing or are to undergo construction, development, or subdivision and such construction, development, or subdivision has not received final approval by the date of the request for the road connection, the following requirements shall apply:

(1) The party shall petition for voluntary annexation into the Town of Beech Mountain of the parcels under the party's control which are to be served or accessed by the road connection. If the requested road connection is to serve a parcel or parcels that are part of a subdivision or development, the entire development shall be required to petition for annexation. The Town Council has the authority

Beech Mountain - General Regulations

to waive or partially waive this requirement if it deems the annexation of the relevant property to be contrary to the interests of the Town of Beech Mountain; and

(2) The construction, development, or subdivision shall comply with all applicable sections of the Town of Beech Mountain's zoning ordinance and subdivision regulations, including the standards for road construction, water and sewer infrastructure, building setbacks, and the like. The applicant may seek a variance from these requirements from the Board of Adjustments if applicable. If the Town Council elects not to annex the development, this section shall not apply.

(3) The road connection to be constructed shall comply with all requirements of the town and the State Department of Transportation concerning roadway width, construction standards, and right-of-way width. The applicant may seek a variance from this requirement from the Board of Adjustments if applicable.

(4) The road connection shall be dedicated to the Town of Beech Mountain. If part of a subdivision or development, other roads, utilities infrastructure, and other applicable improvements shall be dedicated to the Town of Beech Mountain in accordance with the Town of Beech Mountain's subdivision regulations.

(B) *Existing development.* If the requested road connection is to serve a parcel or parcels that are part of a previously existing and approved subdivision or development, or if not part of a subdivision or development, the requested road connection is to serve existing construction that has been completed and has received all required approvals, the following requirements shall apply:

(1) The party shall petition for voluntary annexation into the Town of Beech Mountain of the parcels under the party's control which are to be served or accessed by the road connection. If the requested road connection is to serve a parcel or parcels that are part of a subdivision or development, the entire development shall be required to petition for annexation. The Town Council has the authority to waive or partially waive this requirement; and

(2) The road connection to be constructed shall comply with all requirements of the town and the State Department of Transportation concerning roadway width, construction standards, and right-of-way width. The applicant may seek a variance from this requirement from the Board of Adjustments.

(3) The road connection shall be dedicated to the Town of Beech Mountain.

(C) *Water service required.* Chapter 51 of the Town of Beech Mountain Code of Ordinances shall be applicable in all respects with regard to water and sewer service to properties requesting to connect to town roads under this section, provided, however, that the applicant shall, at a minimum, request the extension of water service to provide for adequate fire protection as set forth by the North Carolina State Fire Code.

(Ord. 2014-01, passed 1-14-2014)

PROPERTY NUMBERING SYSTEM**§ 91.20 NUMBERING PROGRAM.**

The program entitled "Town of Beech Mountain, North Carolina, Lot Renumbering Program" is hereby adopted as the official lot numbering system for the town, and all property numbers assigned shall be assigned in accordance with this program. The property numbering program shall be kept on file in the office of the Town Clerk.

(1989 Code, Title VI, Ch. 70, § 1) (Ord. passed 12-10-1991)

§ 91.21 NUMBERING SYSTEM.

(A) Inasmuch as the town's road system does not lend itself to the classic "grid" method of numbering, certain streets have been considered to be "main" or "artery" streets.

(B) All streets branching off a "main" street will start their numbering at the first point where they leave that "main" street in most cases. Streets will be numbered in consecutive one hundreds.

(C) Generally, an intersection with another through street will start another hundred block. For corner structures, the number is assigned according to the street on which the principal entrance faces.

(1989 Code, Title VI, Ch. 70, § 2) (Ord. passed 12-10-1991)

§ 91.22 OWNERS TO DISPLAY NUMBERS.

(A) Every property owner of improved property shall, on or before December 10, 1992, purchase and display in a conspicuous place on the property the number assigned.

(B) The number must be visible from the road.

(1989 Code, Title VI, Ch. 70, § 3) (Ord. passed 12-10-1991)

§ 91.23 NUMBERS FOR FUTURE BUILDINGS.

All residence and business buildings erected after the adoption of this subchapter shall be assigned a number in accordance with the property numbering program by the Code Enforcement Officer at the time the building permit is procured, and shall purchase and display the number as provided in § 91.22 above.

(1989 Code, Title VI, Ch. 70, § 4) (Ord. passed 12-10-1991)

§ 91.24 UNLAWFUL TO DEFACE NUMBER.

It shall be unlawful for any person to alter, deface or take down any number placed on any property in accordance with this subchapter, except for repair or replacement of the number.
(1989 Code, Title VI, Ch. 70, § 5) (Ord. passed 12-10-1991) Penalty, see § 91.99

SPECIAL EVENTS**§ 91.35 APPLICABILITY OF REGULATIONS.**

(A) This subchapter applies to all fairs, festivals, carnivals, parades, concerts, races, marches, rallies, demonstrations and other activities or public events that:

(1) Take place upon or require the temporary closing or obstruction of all or a portion of any street or other public right-of-way or that substantially hinders or prevents the normal flow of vehicular or pedestrian traffic along any street, sidewalk, square, avenue, trail, or other public right-of-way;

(2) That are anticipated to place demands upon town services or personnel such that so great a number of employees are diverted from their normal activities that normal and routine functions cannot be performed without additional assistance or within the normal time frame; or

(3) Are anticipated to draw a crowd of more than 100 individuals.

(B) Any such activity covered by this subchapter shall hereafter be referred to as "the event."
(1989 Code, Title VI, Ch. 75, § 1-1) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)

§ 91.36 PERMIT REQUIRED.

(A) No person or entity shall run, operate, or sponsor any event subject to the provisions of this subchapter inside the town, whether an admission fee is charged or not, on either public or private property, without a permit, obtained from the Town Clerk or designee in accordance with this subchapter.

(B) For events that occur as part of a series or are of a repetitive nature wherein substantially similar events are held on multiple occasions, only one permit shall be required. Said permit shall be obtained prior to the first event in the series, according to the requirements set forth in this subchapter. The applicant must note on the application that the permit sought is for a series of events. Any number of substantially similar events may be held pursuant to a permit obtained pursuant to this subchapter.

(1) To be considered "substantially similar events" under the terms of this subchapter, repetitive events must:

- (a) Be held on the same property;
- (b) Be organized by the same person, organization, or party;
- (c) Be held within a four month (120 days) time period from the first event to the last;
- (d) Be anticipated to place similar demands upon town services;
- (e) Be anticipated to draw crowds of similar size;
- (f) Be of the same duration; and/or
- (g) Involve the same general types of activities or themes.

(2) Prior to holding subsequent events under a permit for a series of events, the applicant shall provide the town with sufficient information to determine that the subsequent event is a "substantially similar event" as defined above and that the existing permit is adequate for the subsequent event. Such information may be submitted at the time of the original application but shall be provided a minimum of seven days prior to the subsequent event.

(3) The exact dates and times for events following the first event in the series need not be submitted at the time of the original application.
(1989 Code, Title VI, Ch. 75, § 1-2) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)
Penalty, see § 91.99

§ 91.37 PERMIT APPLICATION.

(A) Application for the permit authorized by this chapter shall be filed with the Beech Mountain Town Clerk on a form provided by the town.

(B) The application for an event permit shall set forth the following information:

(1) The name, address, email and telephone number of the person, organization or entity seeking to conduct or sponsor the event;

Beech Mountain - General Regulations

(2) The name, address and telephone number of the individual in charge of the event;

(3) The proposed date and time period when the event is requested to be conducted, and the dates and times of rain dates for the event, if applicable;

(4) A sketch-map showing:

(a) The area where the event is to take place, including assembly areas;

(b) Any streets to be closed or obstructed; or subject to heavy foot or vehicular traffic;

(c) The location of any proposed barriers or traffic control devices that will be erected;

(d) The location of any concession stand, booth or other temporary structures or facilities;

and

(e) The location of proposed fencing, stands, platforms or seating areas;

(5) The approximate number of people expected to attend the event;

(6) The hours when the event will start and terminate;

(7) A statement as to whether the event will occupy all or only a portion of the width of the streets proposed to be traversed, if any;

(8) When applicable, a request that the town provide specified services and/ or that the town close identified streets or portions of streets for a particular period; and

(9) The property owner of the location for the event. If the applicant is not the property owner, written permission from the property owner for the event shall be provided.

(10) Proof of liability insurance in the minimum amounts set forth below.

(C) (1) A fee may be required to be paid upon application for a permit, according to the fee schedule maintained in the office of the Town Clerk.

(2) If events require no significant town services, the Beech Mountain Town Council may waive the event fee set forth above upon a finding by the Beech Mountain Town Council that the benefits to the town created by the event outweigh the expense and imposition on town staff and resources created by the event.

(3) Events of varying sizes require more time in which to properly plan and staff. The application for the event shall be submitted by the following deadlines:

<i>Event size</i>	<i>Notification</i>
Event in excess of 1000 persons	120 days prior to the event
Event 501 - 1000 persons	60 days prior to the event
Event 101 - 500 persons	30 days prior to the event
Event less than 100 persons	7 days prior to the event

(1989 Code, Title VI, Ch. 75, § 1-3) (Ord. passed 3-10-1992; Ord. passed 8-14-2001; Ord. 2016-02, passed 1-12-2016)

§ 91.38 STAFF REVIEW.

(A) Upon receipt of the permit application, the Town Clerk or designee shall circulate it to the Town Manager, who shall forward it to appropriate town departments as needed such as the Police Chief, Fire Chief, Public Works Director, Recreation Director, Tourism Development Authority Coordinator, Planning and Inspections Department or any other person or department deemed necessary. The Town Manager or Chief of Police may arrange a conference on the application with the applicant and one or more members of town staff. To ensure compliance with this chapter, the town may require additional information or require that the applicant take additional actions, including the production of detailed event maps, medical treatment plans, evacuation plans, safety plans, security plans, parking plans, shuttle plans, inclement weather plans, or any other plan that town staff may require as necessary for a safe and orderly event.

(B) Upon the conclusion of the review process a copy of the approved or denied permit, and if applicable the notice of denial as required by § 91.41, shall be filed in the office of the Town Clerk, and copies provided to appropriate town departments.
(Ord. 2016-02, passed 1-12-2016)

§ 91.39 STANDARDS FOR PERMIT ISSUANCE.

The Town Manager or designee shall issue the permit authorizing the event as provided for hereunder when, from a consideration of the application and from any other information that may otherwise be obtained, he or she finds that:

(A) The application is complete and timely filed;

Beech Mountain - General Regulations

(B) The conduct of the event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(C) The conduct of the event will not require the diversion of so great a number of police officers of the town to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the town;

(D) The conduct of the event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the town other than that to be occupied by the proposed line of march and area contiguous thereto;

(E) The concentration of persons, animals and vehicles at assembly points of the event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;

(F) The conduct of the event will not interfere with the movement of firefighting equipment en route to a fire;

(G) The conduct of the event is not reasonably likely to cause injury to persons or property;

(H) The applicant has obtained any necessary permits and licenses, including any required building permits or privilege licenses;

(I) The applicant is in compliance with all other town ordinances;

(J) The applicant has completed all communication plans and emergency plans of action in accordance with their consultation with town department heads;

(K) On the condition the event is mobile, that it is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route; and

(L) The event complies with all other requirements of this subchapter.
(1989 Code, Title VI, Ch. 75, § 1-4) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)

§ 91.40 DENIAL OF PERMIT.

(A) Without regard to any other provision of this subchapter, the Town Manager, or his or her designee, shall deny the application for a permit provided for by this subchapter when, based upon the information available to them, there is non-compliance with the permit requirements, local ordinance, or state or Federal law.

(B) In the event the event applicant/coordinator or representative unreasonably fails to attend scheduled meetings with town staff, fails to produce requested documentation in a timely manner, or is materially out of compliance with the terms of the permit, the Town Manager or designee may cancel or suspend the event permit.
(1989 Code, Title VI, Ch. 75, § 1-5) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)

§ 91.41 NOTICE OF DENIAL.

If the application is denied, the Manager or designee shall notify the applicant as soon as is practicable after the date upon which the application was denied, by certified mail in addition to other more expedient means, stating the reason for denial of the permit.
(1989 Code, Title VI, Ch. 75, § 1-6) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)

§ 91.42 APPEAL PROCEDURE.

Any person aggrieved shall have the right to appeal the denial of an event permit to the Town Council. The appeal shall be made in writing within ten days of receipt of the notice of denial of the permit. The Town Council shall act upon the appeal at their next scheduled regular meeting, or at a special meeting, called with due notice, if deemed necessary by the Mayor.
(1989 Code, Title VI, Ch. 75, § 1-7) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)

§ 91.43 ALTERNATIVE PERMIT.

(A) The Town Manager or designee, in denying an application for an event permit, shall be empowered to authorize the conduct of the event on a date, at a time or over a route different from that named by the applicant.

(B) An applicant desiring to accept an alternate permit shall, within 72 hours after notice of the action town, file a written notice of acceptance with the Town Clerk.

(C) An alternate event permit shall conform to the requirements of, and shall have the effect of an event permit under the provisions of this subchapter.
(1989 Code, Title VI, Ch. 75, § 1-8) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)

§ 91.44 INSURANCE.

(A) No event permit in excess of 250 persons may be granted unless the applicant has demonstrated to the town sufficient proof that they have obtained a comprehensive general liability insurance policy

or comparable special events liability insurance policy from an insurance company licensed to do business in this state, with coverage that includes the entire area of the event. Such coverage shall remain in full force and effect for the duration of the event. The town shall be named as an additional insured on such a policy.

(B) The policy limits of such insurance shall not be less than:

<i>Type of Damage</i>	<i>Policy Limits</i>
<i>Property Damage</i>	\$100,000 for each occurrence
<i>Bodily Injury or Death</i>	\$1,000,000 for each person
	\$2,000,000 for entire event

(1989 Code, Title VI, Ch. 75, § 1-9) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)

§ 91.45 CONTENTS OF APPLICATION: PARADES, MARCHES, AND OTHER MOBILE EVENTS.

Each event permit shall include the following information if the event is mobile:

- (A) Starting time;
- (B) Minimum speed;
- (C) Maximum speed;
- (D) Maximum interval of space to be maintained between the units of the event;
- (E) The portions of the streets to be traversed that may be occupied by the event;
- (F) The maximum length of the event in miles or fractions thereof;
- (G) Proposed plans for vehicular traffic to avoid unnecessary delay to the motoring public; and
- (H) Proposed plan for control of intersections to control traffic flow and pedestrian, bicycle, or vehicular movement.

(1989 Code, Title VI, Ch. 75, § 1-10) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)

§ 91.46 REVOCATION OF PERMIT DURING EVENT.

The Town Manager, Chief of Police, or their designee shall have the authority to revoke or suspend an event permit issued under this subchapter in the event of non-compliance with any of the conditions set forth herein. At any point the conditions surrounding an event become a danger to the general public, whether due to the weather, unruly crowds, structural issues or any other problem that creates a dangerous situation where injury to members of the public is a strong possibility, the Town Manager, Chief of Police, or their designee upon notice to the permittee if time permits, may suspend the permit and shut down the event, in whole or in part, and institute an orderly evacuation of the event area. (1989 Code, Title VI, Ch. 75, § 1-11) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)

§ 91.47 DUTIES OF PERMITTEE.

(A) A permittee under this subchapter shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(B) The permittee or other person heading or leading the event shall carry the event permit upon his or her person during the course of the event and shall be available during the event to coordinate with town officials and employees.

(1989 Code, Title VI, Ch. 75, § 1-12) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)

§ 91.48 RECOUPOING COSTS INCURRED BY TOWN.

(A) The applicant shall pay to the town a fee sufficient to reimburse the town for the costs of any extraordinary services, equipment, or personnel provided unless the services to be provided by the town at the event have been budgeted by the Town Council as an expense of the town.

(B) For police coverage, an applicant may choose to hire off-duty uniformed officers at a negotiated rate between the event and the officers. Any such officers shall be certified as North Carolina law enforcement officers and hold a certification with a North Carolina law enforcement agency.

(C) For events where the anticipated number of people is in excess of 500 people and where extraordinary services or equipment will be required and the Town Council has not budgeted for such expenses, the applicant shall pay to the town the estimated cost of such extraordinary services at least 30 days prior to the start of the event. In lieu of making this payment, the applicant may post a bond or other sufficient security to guarantee compliance with this section, including the payment of the fees described in division (A) above and the cleaning up of the event site to return it to the condition that existed prior to the event. If the required bond or deposit is not promptly paid, the Town Manager, Chief of Police, or designee may cancel the permit for the event.

(1989 Code, Title VI, Ch. 75, § 1-14) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)

§ 91.49 PUBLIC CONDUCT DURING PARADES.

(A) No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(B) No driver of a vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

(C) The Chief of Police or designee shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade, and the Chief of Police shall post signs to this effect. No person shall park or leave unattended any vehicle in violation of any such sign.

(1989 Code, Title VI, Ch. 75, § 1-15) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)
Penalty, see § 91.99

§ 91.50 TIME RESTRICTIONS.

All outdoor events subject to this chapter, with the exception of those held on New Year's Eve, shall conclude their operations for the day no later than 11:00 p.m. Any outdoor event held on New Year's Eve shall conclude its operations for the day no later than 12:30 a.m. on January 1st of the current New Year's Eve.

(1989 Code, Title VI, Ch. 75, § 1-16) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)
Penalty, see § 91.99

§ 91.51 ASSEMBLING FOR UNLAWFUL PURPOSES.

No person shall assemble in any group or crowd for any unlawful purpose.

(1989 Code, Title VI, Ch. 75, § 1-17) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)
Penalty, see § 91.99

§ 91.52 DISTURBING LAWFUL ASSEMBLY.

No person shall disturb or interrupt in any way any lawful assembly, any lawful gathering, whether or not such gathering has a permit, or meeting for religious worship or any school or college while the students are engaged in school sanctioned study.

(1989 Code, Title VI, Ch. 75, § 1-18) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)
Penalty, see § 91.99

§ 91.53 DISTURBING FUNERALS.

No person shall willfully disturb, interrupt or disquiet any assemblage of people who have met for the purpose of any funeral, or obstruct or detain any persons engaged in accompanying any funeral to a place of burial.

(1989 Code, Title VI, Ch. 75, § 1-19) (Ord. passed 3-10-1992; Ord. 2016-02, passed 1-12-2016)
Penalty, see § 91.99

§ 91.54 APPLICANT RESPONSIBLE FOR CLEANUP.

The sponsor of the event (as listed on the application submitted) shall be responsible for cleaning up any litter caused by the event, removing all temporary obstructions, and in general returning the area where the event takes place to the condition that existed prior to the event. The bond or other sufficient security required in § 91.48(C) of this chapter may include an amount to guarantee compliance with this section.

(Ord. 2016-02, passed 1-12-2016)

§ 91.55 PARKING AND ACCESS.

Each event must provide or have available sufficient parking and vehicular maneuvering area for customers. Parking must be adequate to accommodate the proposed event in addition to required parking for any permanent use or uses on the site. The event shall not create hazardous vehicular or pedestrian traffic conditions as determined by the Town's Planning and Inspections Director, Fire Chief, and Police Chief. Temporary traffic control devices including signage to minimize traffic congestion may be required by the town. The design and installation of any such devices and signs must be approved by the Town Planning and Inspections Director.

(Ord. 2016-02, passed 1-12-2016)

§ 91.56 CIRCUSES, CARNIVALS, FAIRS, ETC.

Commercial circuses, carnivals, fairs, haunted houses, and similar events may be held at a site up to three times per year with a maximum duration of 14 days per event.

(Ord. 2016-02, passed 1-12-2016)

§ 91.57 EXEMPTIONS.

(A) This chapter shall not be construed in a manner which would restrict the following activities:

Beech Mountain - General Regulations

(1) The establishment and operation of a ski or snowboard resort engaged in the regular operation of skiing or snowboarding winter recreation activities or the regular operation of off-season activities such as mountain biking, disc golf, and hiking. This exemption shall include races or events in the aforementioned disciplines held on the property used as a ski or snowboard resort provided that no significant town resources are required and the events do not impact the regular movement of traffic on public rights-of-way.

(2) The establishment and operation of a golf facility, tennis facility, swimming pool, or other outdoor recreation entity that by its nature in regular operation draws numbers of patrons that would subject such facility to this subchapter. This exemption shall include golf tournaments and tennis tournaments held on the property used as a tennis or golf facility provided that no significant town resources are required and the events do not impact the regular movement of traffic on public rights-of-way.

(3) The regular service operation of a restaurant or bar.

(4) The regular lodging operation of any inn or hotel.

(B) Notwithstanding the above, this chapter shall apply to any special events that are beyond the normal scope of business for any establishment, such as conventions, concerts or other performances, etc. when such events require extraordinary town services or would otherwise be subject to this subchapter.

(Ord. 2016-02, passed 1-12-2016)

§ 91.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to Chapter 11, § 11.01 of this code.

(B) (1) Any violation of §§ 91.01 et seq. shall subject the offender to a civil penalty and other enforcement procedures as set forth in Chapter 11, § 11.01 of this code.

(2) Any violation of § 91.02 shall subject the offender to a civil penalty of \$250.

(C) (1) Any violation of §§ 91.35 et seq. shall subject the offender to a civil penalty and other enforcement procedures as set forth in § 11.01.

(2) Any violation of § 91.36 shall subject the offender to a civil penalty of \$250.

(D) Any person who willfully violates any provision of this chapter shall be guilty of a Class III misdemeanor as provided for by G.S. § 14-4.
(1989 Code, Title IV, Ch. 41, § 3-11) (Ord. passed 3-12-1991; Ord. passed 2-12-2002; Ord. 2016-02, passed 1-12-2016)

CHAPTER 92: ANIMAL AND BIRD ORDINANCE

Section

Animal Protection

- 92.01 Prohibited
- 92.02 Exceptions

Animal Control

- 92.15 Purpose
- 92.16 Definitions
- 92.17 Registration
- 92.18 Inoculation
- 92.19 Collar and identification
- 92.20 Nuisances prohibited
- 92.21 Enforcement

Specific Provisions

- 92.35 Bird sanctuary
- 92.36 Wild animal control

- 92.99 Penalty

ANIMAL PROTECTION

§ 92.01 PROHIBITED.

(A) It shall be unlawful if an owner:

- (1) Fails to provide adequate food and/or water for any animal;
- (2) Fails to provide adequate medical attention for any sick, diseased or injured animal; or

Beech Mountain - General Regulations

(3) Fails to provide adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain and the like).

(B) It shall be unlawful if any person:

(1) Overworks or overdrives any animal causing physical pain, suffering or death;

(2) Beats, tortures, injures, torments, poisons or mutilates any animal causing physical pain, suffering or death;

(3) Promotes, stages, holds, manages, conducts, carries on or attends any game, contest, fight or combat between one or more animals or between animals and humans;

(4) Conveys any type of animal in a motor vehicle or in a wagon or trailer pulled by a motor vehicle, or in the back of a truck in such a way as to cause physical pain, suffering or death to the animal; or

(5) Places or confines any animal or allows an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or well-being of the animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering or death.

(Ord. passed 8-11-1992; Ord. passed 9-8-1992) Penalty, see § 92.99

§ 92.02 EXCEPTIONS.

(A) *Transportation.* Nothing in this subchapter shall be deemed to prohibit the humane transportation of horses, cattle, sheep, poultry or other livestock in trailers or other vehicles designed, constructed and adequate for the size and number of animals being transported.

(B) *Euthanasia.* Nothing in this subchapter shall be construed to prohibit veterinarians from euthanizing dangerous, unwanted, injured or diseased animals in a humane manner.

(Ord. passed 8-11-1992; Ord. passed 9-8-1992)

*ANIMAL CONTROL***§ 92.15 PURPOSE.**

Pursuant to the authority granted by G.S. § 160A-186, this subchapter is enacted to protect the public from unvaccinated, stray, roaming or dangerous dogs, and to make unlawful acts of dogs that interfere with the enjoyment of property or the peace and safety of the community.
(Ord. passed 8-11-1992; Ord. passed 9-8-1992)

§ 92.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL AT LARGE. Any dog off the premises of his or her owner and not under the immediate control of his or her owner or his or her custodian. A dog without a physical restraint (i.e. leash) that fails to immediately respond to the verbal commands of his or her owner or his or her custodian shall be deemed to be **NOT UNDER IMMEDIATE CONTROL**.

DOG. Both male and female of the canine species.

IDENTIFIABLE ANIMAL. Both male and female of the canine species wearing a collar to which is affixed a metal registration tag bearing the number issued by the town and a metal rabies inoculation tag.

OWNER. Any person, firm, association or corporation owning, keeping or harboring a dog.

UNIDENTIFIABLE ANIMAL. Both male and female of the canine species with or without a collar but to which is not attached the valid metal tags defined in "identifiable animal" above or the owner or custodian of which cannot be found after reasonable efforts by the Police Department of the town.
(Ord. passed 8-11-1992; Ord. passed 9-8-1992)

§ 92.17 REGISTRATION.

(A) All dogs over four months in age that are kept within the corporate limits of the town for a period of more than 30 days shall be registered.

(B) Registration shall consist of the completion of a form identifying the animal, setting forth the name, address and telephone number of the owner, and attesting, with proof thereof, the inoculation of the dog as provided for herein.

Beech Mountain - General Regulations

(C) Each dog will be given a serial number and the town shall issue a metal registration tag for a fee of established by the Town Council. The master schedule of fees is maintained in the Clerk's office.

(D) The town in its discretion may allow the owner of the dog up to 72 hours after registration to provide the necessary proof of inoculation.
(Ord. passed 8-11-1992; Ord. passed 9-8-1992; Ord. 2017-04, passed 2-14-2017)

§ 92.18 INOCULATION.

(A) As a condition to issuance of a registration tag as provided for herein, all dogs over the age of four months shall have a current inoculation against rabies (hydrophobia) by a licensed veterinarian.

(B) A rabies inoculation shall be deemed current for a dog if two inoculations have been given one year apart and booster doses of rabies vaccine administered every three years thereafter.

(C) Every owner of a dog shall have written evidence signed by the veterinarian, and a metal inoculation tag indicating year of inoculation, as proof of inoculation at the time of registration.
(Ord. passed 8-11-1992; Ord. passed 9-8-1992)

§ 92.19 COLLAR AND IDENTIFICATION.

(A) All dogs over four months in age kept within the town for a period of more than 30 days shall be properly identified by a collar with the metal registration tag and veterinarian inoculation tag with year of inoculation firmly affixed thereto.

(B) The dog so identified shall be classified as an "identifiable animal" under this subchapter when and only when wearing the collar and tags.
(Ord. passed 8-11-1992; Ord. passed 9-8-1992)

§ 92.20 NUISANCES PROHIBITED.

It shall be unlawful for any owner to keep or harbor a dog within the corporate limits of the town that is a public nuisance. **PUBLIC NUISANCE** is defined to be:

(A) Any animal found at large;

(B) Any dog that is off the premises of his or her owner and which chases, threatens, snaps at or attacks a person or motor vehicle;

(C) Any dog which turns over a garbage container, or damages a garden (flower or vegetable);
and/or

CHAPTER 130: PROTECTION OF CHILDREN

Section

- 130.01 Generally
- 130.02 Purpose
- 130.03 Definitions
- 130.04 Prohibited conduct
- 130.05 Enforcement
- 130.06 Effective date

§ 130.01 GENERALLY.

(A) Whereas, the N.C. General Assembly recognizes that sex offenders often pose a high risk of engaging in sex offenses even after being released for incarceration or commitment and that protection of the public from sex offenders is of paramount governmental interest; and

(B) Whereas, there are currently 38 registered sex offenders residing in the counties of Avery and Watauga according to the N.C. Sex Offender Registry; and

(C) Whereas, the town of Beech Mountain is a family oriented resort community that promotes recreational opportunities for families and their children; and

(D) Whereas, the recreational facilities on Beech Mountain create opportunities for sexual predators to harm children; and

(E) Whereas, N.C. G.S. § 160A-174 authorizes a municipality to adopt ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to health, safety, or welfare of its citizens.

(F) Now, therefore, be it ordained by the Town Council of the Town of Beech Mountain.
(Title VI, Ch. 81) (Ord. passed - -2006)

§ 130.02 PURPOSE.

The purpose of this chapter is to protect all children within the Town of Beech Mountain from known sex offenders.

(Title VI, Ch. 81, § 1) (Ord. passed - -2006)

§ 130.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

RECREATIONAL FACILITY. Any public or private recreational facility in Beech Mountain. This includes, but is not limited to, the following:

(1) All town maintained hiking trails, including Upper Pond Creek Trail, Lower Pond Creek Trail, Wild Iris Loop Trail, the Grassy Gap Creek Trail, the Red Fox/Arrowhead Loop Trail, Smoketree Trail, Falls Trail and West Bowl/Buckeye Creek;

(2) Buckeye Recreation Center;

(3) Buckeye Lake recreational area, including tennis court, basketball court and baseball field;

(4) Coffey Lake recreational area, including basketball court;

(5) Perry Park recreational area;

(6) The sledding hill near the Beech Mountain Chamber of Commerce office;

(7) Beech Mountain club facilities; and

(8) Beech Mountain ski resort facilities.

REGISTERED SEX OFFENDER. An individual who is registered by any state or federal agency as a sex offender and whose name is published on any state or federal registered sex offender listing, including, but not limited to, the sex offender registry established in G.S. Ch. 14, Art. 27A.

(Title VI, Ch. 81, § 2) (Ord. passed - -2006)

§ 130.04 PROHIBITED CONDUCT.

No registered sex offender shall knowingly enter any recreational facility within the corporate limits of the Town of Beech Mountain.

(Title VI, Ch. 81, § 3) (Ord. passed - -2006)

§ 130.05 ENFORCEMENT.

Any person who violates this chapter shall be subject to a fine of \$500 per violation, and/or 30-days' imprisonment. Each and every entry into a recreational area, regardless of the time period between entries, shall constitute a distinct and separate offense.

(Title VI, Ch. 81, § 4) (Ord. passed - -2006)

§ 130.06 EFFECTIVE DATE.

This chapter shall be effective upon adoption.

(Title VI, Ch. 81, § 5) (Ord. passed - -2006)

CHAPTER 131: DISCHARGE OF FIREARMS

Section

- 131.01 Purpose
- 131.02 Prohibited conduct

- 131.99 Penalty

§ 131.01 PURPOSE.

The purpose of this chapter is to prohibit the use of dangerous weapons that might injure, frighten, or otherwise harm the residents, visitors or pets in the town.
(Ord. passed 10-12-2010)

§ 131.02 PROHIBITED CONDUCT.

(A) No person shall discharge any firearms within the town. This division shall not apply to any person acting in justifiable self-defense or pursuant to the lawful directions of a police officer. This division shall also not apply to police officers acting in the lawful performance of their duties.

(B) No person shall discharge or shoot within the town any air rifle, air pistol, B-B gun, gun, pump gun or similar weapon within 100 yards of any building, house or gathering of people.

(C) No person shall release or shoot any bow and arrow or crossbow within the limits of the town. No part of this division is intended to make illegal obvious children's toys that have little or no chance of harming other people or property.
(Ord. passed 10-12-2010) Penalty, see § 131.99

§ 131.99 PENALTY.

(A) Any person that violates any section of this chapter is subject to the penalty provisions set forth in Chapter 10 of the Code of Ordinances for the Town of Beech Mountain. Each separate occurrence is deemed a separate offense.

(B) Pursuant to G.S. § 14-4, any person violating any section of this chapter shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be punished by a fine not to exceed \$50 or imprisoned for a period of not more than 30 days, unless the discharge of a weapon results in a person, animal, vehicle or structure being struck by a projectile where damage or injury is apparent, they shall then be punished by a fine not to exceed \$500 or imprisoned for a period of not more than 30 days.
(Ord. passed 10-12-2010)