



Mayor
Rick Coleman

Aldermen
Jerry Cearley
Allen Huggins
Darlene Morrow
Stacey Thomas
Hoyle Withers

Town Manager
Maria Stroupe

Town Clerk/HR
Da'Sha Leach

Finance
Jonathan Newton

Town Attorney
J. Thomas Hunn

Police
Allen Scott

Electrical
J. Doug Huffman

Public Works
Bill Trudnak

Development Svc
Tiffany Faro

Fire Chief
Steven Lambert

Recreation
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November 20, 2018

Rep. Ted Davis, Jr., Co-Chair
Joint Legislative Oversight Committee on Justice and Public Safety
NC House of Representatives
300 N. Salisbury Street, Room 417B
Raleigh, NC 27603-5925

Dear Rep. Davis:

Re: Session Law 2018-69

In compliance with Session Law 2018-69, we have compiled and are forwarding for your review information on all ordinances of the Town of Dallas that are punishable as misdemeanors under NC General Statute 14-4(a). As required, we have enclosed a list of all applicable ordinances, which comprises one set of the enclosed documents. We have also enclosed copies of the ordinances found in this list (excluding certain specific Chapters of the Dallas Code of Ordinances as explained below), within which are found descriptions of the conduct subject to the noted punishment. The applicable ordinances are identified by the underlining of their numbers and titles.

The ordinances for which copies are not enclosed comprise Title XV (Land Usage) of the Dallas Code of Ordinances. While a notation of these ordinances is found within the enclosed list, the description of these ordinances is provided in the following information:

Chapter 150: Housing Codes

The purpose of these ordinances is to ensure that dwellings unfit for human habitation due to dilapidation, a lack of light, ventilation, and/or sanitary conditions, and other conditions rendering the dwelling unsafe or unsanitary for human sanitation are either repaired or demolished to protect the public health, safety and welfare of the residents of Dallas. To achieve this goal, the ordinances establish standards of fitness that must be met by all housing units. Failure to meet these standards subjects the property owner to the penalties noted in Session Law 2018-69.

Chapter 151: Flood Damage Prevention

The purpose of these ordinances is to ensure that flood-prone areas within the Town, which can potentially cause a loss of life, property, and public health conditions, are reduced or eliminated through the establishment of building standards that apply to new construction and substantial improvements. To achieve this goal, the ordinances establish standards related to regulatory flood protection elevations for residential and non-residential structures, including accessory structures. Failure to meet these standards subjects the property owner to the penalties noted in Session Law 2018-69.

Chapter 152: Subdivision Regulations

The purpose of these ordinances is to establish procedures and standards for the development and subdivision of land within the Town and its extraterritorial area and to facilitate the adequate provision of water, sewerage, parks, schools, and playgrounds. To achieve this goal, these ordinances establish standards that, among other things, coordinate the location of planned streets and highways with existing roadways, provide for the dedication or reservation of recreation areas, and distribute population and traffic

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so as to avoid overcrowding and congestion that would be detrimental to the public's health, safety and general welfare. Failure to meet these standards subjects the property owner to the penalties noted in Session Law 2018-69.

Chapter 153: Zoning Code

The purpose of these ordinances is to ensure, through the balancing of individual and community interests, that the use of land by any person or party does not harm their neighbors or the overall community. To achieve this goal, these ordinances establish standards that, among other things, separate incompatible uses of land, preserve the character of neighborhoods, protect natural resources, promote economic development, and establish the level of urban services that will be required. Failure to meet these standards subjects the property owner to the penalties noted in Session Law 2018-69.

For further reference, the complete text of Chapters 150-153 (as well as the entire Dallas Code of Ordinances) can be accessed through the Town's website: www.dallasnc.net.

Should any additional information related to the ordinances of the Town of Dallas be needed, please let me know, and we will be glad to provide it.

Sincerely,

Maria Stroupe
Town Manager

Enclosures

TOWN OF DALLAS, NC
ORDINANCES PUNISHABLE PURSUANT TO G.S. 14-4(a)

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Chapter 35: Fire Department

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§35.04 – Following Fire Equipment

§35.05 – Interfering With Firefighters or Fire Apparatus

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- §90.04 – Responsibilities Of Owners
- §90.05 – Determination of Stray Animal
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- §90.08 – Town Declared Bird Sanctuary; Killing, Hunting Or Trapping Prohibited; Exceptions
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- §91.07 – Slingshots Prohibited; Exception
- §91.08 – Discarding Or Abandoning Iceboxes And The Like; Precautions Required
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- §94.071 – Application For Permit Fee
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Chapter 151: Flood Damage Prevention

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- 150.44 Rooming housing; minimum standards
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- 152.051 Approval prerequisite to plat recordation
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- 153.021 Zoning map; zone boundaries
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- 153.027 M O and I zones: Medical and office
institutional
- 153.028 O and I-1 zones: Office and
institutional
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institutional
- 153.030 A-1 zones: Advertising sign district
- 153.031 BC-1 zone: Shopping center
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perimeter
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structures
- 153.046 Density credits
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developments
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Dallas - Land Usage

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- 153.061 Maintenance of required screens
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Parallel Conditional Use Districts and Conditional Use Permit

- 153.070 Intent
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- 153.082 Flashing, moving and electronic variable message (EVM) signs
- 153.083 Schedule of sign regulations
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§ 34.22 SUBJECT TO POLICE RULES AND REGULATIONS.

All auxiliary police officers shall be subject to the rules and regulations as set forth in the Town Police Department's *Rules and Regulations Policy Manual*. (Prior Code, § B-II-3) (Ord. passed 8-13-1996; Ord. passed 12-10-2002)

(C) A violation of the above §§ 34.35 and/or 34.36 shall be a misdemeanor, as set forth in § 10.99. (Prior Code, § B-III-2) (Ord. passed 1-11-1982)

SOLICITATION OF BUSINESS BY WRECKER COMPANIES AT ACCIDENT SCENES**§ 34.35 DEFINITION.**

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

WRECKER. A person, firm or corporation engaged in the business of, or offering the services of, a vehicle wrecker or towing service, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designed for that purpose. (Prior Code, § B-III-1)

§ 34.36 SOLICITATION OF BUSINESS BY WRECKERS AT ACCIDENT SCENES.

(A) No wrecker may respond to the scene of an accident or emergency for the purpose of towing unless called there by a town police officer or a person involved in the accident or emergency.

(B) This section is intended to prohibit wrecker owners from soliciting business at the scenes of accidents and emergencies and shall not be construed to prohibit any wrecker from contracting with any person, firm or corporation; provided that the wrecker owner, his or her agents and employees do not solicit towing contracts at the scenes of accidents or emergencies.

CHAPTER 35: FIRE DEPARTMENT

Section

General Provisions

- 35.01 Organization
- 35.02 Duties of Chief
- 35.03 General authority
- 35.04 Following fire equipment
- 35.05 Interfering with firefighters or fire apparatus
- 35.06 Only firefighters may ride on trucks without permission
- 35.07 Interfering with fire alarm apparatus
- 35.08 Giving false alarm of fire forbidden
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- 35.10 No burning of garbage, rubbish or leaves; items of exception by permit

Fire Limits

- 35.25 Description
- 35.26 Regulations within fire limits

GENERAL PROVISIONS

§ 35.01 ORGANIZATION.

(A) The Fire Department shall be a volunteer organization, and shall consist of a Chief and a sufficient number of firefighters to maintain and operate the Department.

(B) The Department may, from time to time, adopt its own rules and regulations governing the Department, subject to the approval of the Board of Aldermen.

(Prior Code, § C-I-1)

§ 35.02 DUTIES OF CHIEF.

The duties of the Chief, subject to supervision by the Board of Aldermen, shall be as follows:

(A) General control of the Department, the personnel, apparatus and fire alarm systems;

(B) To command the Department and supervise the firefighting and extinguishing of all fires and to have the authority to keep away from the vicinity of all fires, any and all idle, disorderly or suspicious persons;

(C) He or she shall inspect or cause to be inspected all trucks and other equipment of the Fire Department each and every week to ascertain that the equipment is being kept in proper condition. He or she shall report annually to the Board of Aldermen the condition of all equipment;

(D) He or she shall inspect or cause to be inspected all fire hydrants and fire alarm systems at least once every three months and shall make a report of the inspection to the Board of Aldermen; and

(E) Fire Inspector: (note: because of state regulations, the Board of Aldermen signed an agreement with the county to handle most of the function of Fire Inspector).

(1) The Chief is to assume the functions of Fire Inspector. As such, he or she or his or her designated agent shall have authority to enter any and all premises, at a reasonable time, for purposes of inspection.

(2) He or she shall make annual inspections of all structures located within the fire limits.

(3) He or she shall, upon receipt of a complaint, forthwith investigate.

(4) He or she shall investigate the causes of fires and shall keep records of his or her findings as to origin, location owner, extent of damage and amount of insurance carried. The findings must be reported to the State Insurance Commissioner at regular intervals.

(5) He or she shall cause the removal of fire hazards by serving proper order to owner or agent of premises in question, the order to state a reasonable time limit. Failure to comply with the order shall be considered a misdemeanor.

(Prior Code, § C-I-2)

§ 35.03 GENERAL AUTHORITY.

(A) The officer in command shall have authority to summon aid and no citizen so summoned may refuse to help in extinguishing the fire or in protecting exposed property.

(B) During the continuance of a fire, the Fire Chief, his or her assistant, or the Mayor shall have authority to call upon any citizen to render assistance in pulling down or demolishing any building or in removing goods or furniture from a building on fire or in danger of fire, but not without the consent of the officer of the Fire Department or the Police Department which may be in charge.

(C) It shall be unlawful to congregate on the streets or alleys near a fire in a manner which would interfere with the activities of the Fire Department.

(D) In the event of an alarm of fire, the apparatus of the Fire Department responding to it, shall have the right-of-way in and upon all streets, lanes, alleys and other public ways.

(E) The drivers of vehicles, upon the approach of fire apparatus, shall immediately bring their vehicle to a stop on the right-hand side of the street in the

direction in which they are facing and shall not move their vehicle until the apparatus has passed.

(Prior Code, § C-I-3) Penalty, see § 10.99

§ 35.04 FOLLOWING FIRE EQUIPMENT.

It shall be unlawful to follow any fire apparatus which is responding to a call by automobile or any other vehicle, unless it is used for transporting firefighters to the scene of fire, at a distance closer than one city block, or to pass the apparatus or to park within the same block in which fire is in progress.

(Prior Code, § C-I-4) Penalty, see § 10.99

§ 35.05 INTERFERING WITH FIREFIGHTERS OR FIRE APPARATUS.

No person shall interfere with a firefighter in the discharge of his or her duty, or hinder him or her in the performance of the duty; nor shall any person other than members of the Fire Department loiter about any fire station, or change, handle or meddle in any manner with any fire engine or any other fire apparatus.

(Prior Code, § C-I-5) Penalty, see § 10.99

§ 35.06 ONLY FIREFIGHTERS MAY RIDE ON TRUCKS WITHOUT PERMISSION.

No person other than a bona fide member of the Fire Department shall mount any fire engine, wagon or apparatus before it leaves the station or while on its way to or from a fire, or at any other time, unless by permission of the driver or officer in command of the engine, wagon or other apparatus.

(Prior Code, § C-I-6) Penalty, see § 10.99

§ 35.07 INTERFERING WITH FIRE ALARM APPARATUS.

No person shall interfere carelessly or willfully with the fire alarm system, or injure the poles, wires, boxes or other apparatus connected therewith.

(Prior Code, § C-I-7) Penalty, see § 10.99

**§ 35.08 GIVING FALSE ALARM OF FIRE
FORBIDDEN.**

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

(Prior Code, § C-I-8) Penalty, see § 10.99

compliance with ordinances governing construction in the town.

(Prior Code, § C-II-2) Penalty, see § 10.99

§ 35.09 PROTECTION OF FIRE HOSE.

It shall be unlawful for any person, firm or corporation to drive over, or in any way damage or mutilate any fire hose while in use at a fire or otherwise.

(Prior Code, § C-I-9) Penalty, see § 10.99

**§ 35.10 NO BURNING OF GARBAGE, RUBBISH
OR LEAVES; ITEMS OF EXCEPTION BY
PERMIT.**

No person shall burn any garbage, rubbish or leaves within the corporate limits of the town. Permit may be issued by the Town Clerk, under controlled conditions, to burn off gardens and vacant lots.

(Prior Code, § C-I-10) Penalty, see § 10.99

FIRE LIMITS

§ 35.25 DESCRIPTION.

The fire limits for the town shall include that section of the town known as the Public Square, Courthouse Square and all property facing the Public Square for 150 feet from the sidewalk.

(Prior Code, § C-II-1)

§ 35.26 REGULATIONS WITHIN FIRE LIMITS.

No construction or alterations of any kind or description shall be made in the above set out fire limits without a building permit and without full

CHAPTER 50: GENERAL PROVISIONS

Section

- 50.01 Privies prohibited
- 50.02 Septic tanks regulated

§ 50.01 PRIVIES PROHIBITED.

No privy of any kind shall be permitted in the town.

(Prior Code, § I-III-1) Penalty, see § 10.99

§ 50.02 SEPTIC TANKS REGULATED.

Septic tanks may be installed where sewer is not reasonably accessible, provided the tank is constructed in accordance with the specifications of the State Board of Health and a permit therefor is issued by the Town Clerk.

(Prior Code, § I-III-2) Penalty, see § 10.99

CHAPTER 51: GARBAGE AND REFUSE COLLECTION

Section

- 51.01 Definition
- 51.02 Garbage required to be promptly removed
- 51.03 Garbage carts and recyclable items
- 51.04 Dumpsters
- 51.05 Wet garbage
- 51.06 Deposit of garbage in public places and on private property
- 51.07 Transportation of garbage and slops by private persons
- 51.08 Placement and removal of garbage cans
- 51.09 Unauthorized garbage, building debris, tree trimmings or any other type of refuse or solid waste
- 51.10 Removal of dead animals
- 51.11 Littering
- 51.99 Penalty

§ 51.01 DEFINITION.

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

GARBAGE. Includes all refuse, animal, fruit and other vegetable matters, all tin cans, glassware and crockery in which any such matter has been put up or stored, and all rags, wastepaper, floor sweepings and other combustible refuses, except building material scraps and tree trimmings. (Prior Code, § I-II-1)

§ 51.02 GARBAGE REQUIRED TO BE PROMPTLY REMOVED.

No garbage that has become decayed or that shall otherwise be a menace to health or cleanliness shall be allowed to remain in any dwelling house, hotel, boarding house, café, restaurant, lunch stand, fruit stand, meat market, store or other building or on any premises a longer time than shall be reasonably necessary to remove and deposit the same in a can or cans as hereinafter provided in this chapter. (Prior Code, § I-II-2) Penalty, see § 51.99

§ 51.03 GARBAGE CARTS AND RECYCLABLE ITEMS.

The occupant of every building, premises or place where garbage does or may exist shall be provided with a garbage receptacle in which the occupant shall deposit all garbage existing at the place occupied by occupant. If the occupant needs additional garbage receptacle(s), the occupant shall contact the administrative office requesting the number needed. Receptacles are the property of the town and shall not be removed if the occupant vacates the premises. All garbage shall be placed in trash bags and tied or fastened securely before being placed in receptacles and all garbage receptacles shall be placed where they can be conveniently reached by the garbage collector (see § 51.08). Garbage receptacles shall be appropriately placed by 6:00 a.m. on the morning designated as the pick-up day at the occupant's location and shall be promptly removed to the back or side yard of that location after having been emptied by the garbage collector (see § 51.08). All receptacles shall be kept reasonably clean by the use of lye or

other effective cleaners. The occupant of every building, premises or place shall be provided with one recycling bin. If the occupant needs additional recycling bin(s), the occupant shall contact the administrative office requesting the number needed. Recyclable items are to be handled according to instructions given by the garbage collector. (Prior Code, § I-II-3) (Ord. passed 10-10-2000; Ord. passed 9-1-2003) Penalty, see § 51.99

§ 51.04 DUMPSTERS.

(A) Every site upon which one or more dumpsters are to be placed shall be located and constructed so as to facilitate collection and minimize any harmful effect on persons occupying the development site, neighboring properties or public rights-of-way. Those premises hereafter that provide a dumpster shall locate the dumpster on the property it serves. The site shall be paved with concrete, asphalt or other bituminous paving and shall be located abutting a driveway of sufficient width to allow access by the private solid waste collection equipment. Sites and means of access shall be approved by the Town Planner.

(B) All dumpsters shall be screened where, in the absence of screening, they would be clearly visible at dumpster level to:

(1) Persons located within any dwelling unit on residential property other than that where the dumpster is located;

(2) Occupants, customers or other invitees located within any building on nonresidential property other than that where the dumpster is located, unless the other property is used for purposes permitted exclusively in the Industrial Zoning District; and

(3) Persons traveling on any public street, sidewalk or bikeway within the town. (Prior Code, § I-II-4) Penalty, see § 51.99

§ 51.05 WET GARBAGE.

All wet garbage shall have the liquid drained off and shall be wrapped in paper or other combustible material before it is placed in the garbage can, thus preventing smell and the breeding of flies in summer and freezing and adhesion to the can in winter. (Prior Code, § I-II-5) Penalty, see § 51.99

§ 51.06 DEPOSIT OF GARBAGE IN PUBLIC PLACES AND ON PRIVATE PROPERTY.

No person shall throw, place or deposit any garbage in any street, alley, public place or private property within the town limits, except in garbage cans or garbage vehicles as provided in this chapter. (Prior Code, § I-II-6) Penalty, see § 51.99

§ 51.07 TRANSPORTATION OF GARBAGE AND SLOPS BY PRIVATE PERSONS.

No person or persons shall collect, handle, haul or transport on any of the streets, alleys, public ways or places of the town, any garbage, without first having procured a permit therefor, from the Town Clerk.

(Prior Code, § I-II-7) Penalty, see § 51.99

§ 51.08 PLACEMENT AND REMOVAL OF GARBAGE CANS.

Garbage cans or similar containers containing garbage and trash for removal shall be placed at the curb/roadside of the premises from which the same are to be removed at or before 6:00 a.m. on the day scheduled for removal. After the garbage cans or similar containers have been emptied, the same shall be removed from the curb/roadside before 7:00 p.m. on the same day collected.

(Prior Code, § I-II-8) (Ord. passed 8-13-1996; Ord. passed 10-10-2000) Penalty, see § 51.99

**§ 51.09 UNAUTHORIZED GARBAGE,
BUILDING DEBRIS, TREE TRIMMINGS OR
ANY OTHER TYPE OF REFUSE OR SOLID
WASTE.**

It shall be unlawful for any person, firm or corporation to transport garbage, refuse or any other type of solid waste into the town and discard it anywhere within the town's corporate limits or deposit it in any residential or business garbage or trash receptacle for collection by the town.

(Prior Code, § I-II-9) (Ord. passed 2-14-1989; Ord. passed 12-10-1996) Penalty, see § 51.99

§ 51.10 REMOVAL OF DEAD ANIMALS.

Dead animals will be removed by the town at any time.

(Prior Code, § I-II-10) (Ord. passed 5-10-1994)

§ 51.11 LITTERING.

(A) *Definition.* **LITTER** means any garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or machinery, wood, motor vehicle or equipment, sludge from a waste treatment facility, water supply treatment plant or air pollution control facility, from domestic, industrial, commercial, mining, agricultural or governmental operations. **LITTER** does not include political pamphlets, handbills, religious tracts, newspapers and other printed materials the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of the state.

(B) *Littering prohibited.* No person, including, but not limited to, any firm, organization, private corporation or governing body, agents or employees of any municipal corporation, shall intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public or private property not owned by him or her within this state or in any waters under the jurisdiction of the town, including, but not limited to, any public street, highway, public park, lake, river,

campground, forest land, recreational area, trailer park, highway, road, street or alley, except as the same shall be deposited into a litter receptacle in a manner so that the litter will be prevented from being carried away or deposited by the elements upon any part of the private or public property or waters. When litter is blown, scattered, spilled, thrown or placed from a vehicle or watercraft, the operator thereof shall be presumed to have committed the offense. This presumption, however, does not apply to a vehicle transporting agricultural products or supplies when the litter from that vehicle is a nontoxic, biodegradable agricultural product or supply.

(Prior Code, § I-II-11) Penalty, see § 51.99

§ 51.99 PENALTY.

(A) Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed \$50, or imprisonment not to exceed 30 days and pay for the cost of clean up.

(Prior Code, § I-II-9)

(B) (1) Any person, including, but not limited to, any firm, organization, private corporation or governing body, agents or employees of any municipal corporation who violates § 51.11 is guilty of a misdemeanor, punishable by a fine of \$200. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.

(2) If the town or any person sustains damages arising out of a violation of this section, a court in a civil action may order the person to pay the town or the injured party up to three times the actual damages or \$200 whichever is greater. In addition, the court shall order the person to pay the town's or the injured party's court costs and attorney's fees.

(Prior Code, § I-II-11)

(Ord. passed 2-14-1989; Ord. passed 12-10-1996)

§ 52.03 MAKING CONNECTIONS.

(A) All connections with the town's electrical distribution system shall be made at a point to be designated by the Superintendent of the Electrical Department and under his or her supervision.

(B) Installation of all new or replacement secondary feeder lines shall meet the following specifications:

(1) At least ten feet above ground level at the point of attachment, whether SEC cable is used or conduit. If SEC cable is used, the point attachment shall be installed by the electrical contractor and the point of attachment shall be installed below the weatherhead;

(2) The point of attachment shall be of solid strength (eyebolt and the like); and

(3) The use of house knobs or any similarities shall be prohibited.

(C) Any deviation from the above specifications shall be approved by the Superintendent of the Electrical Department.

(Prior Code, § G-I-3) (Ord. passed 6-10-1975)

§ 52.04 SEPARATE CONNECTIONS REQUIRED.

Each individual business or residential building or structure shall install a separate electrical connection.
(Prior Code, § G-I-4)

§ 52.05 METERS.

(A) All premises served by the town's electrical distribution system must be equipped with an accurate meter, approved as to design and accuracy by the Superintendent of the Electrical Department, and all charges shall be on the meter rate.

(B) All electrical meters shall remain the property of the town.

(C) Defective or inaccurate meters shall be tested and repaired by the town.

(Prior Code, § G-I-5)

§ 52.06 WIRING.

No current shall be turned on into any wiring which does not fully comply with the provisions of the ordinances of the town relative to electrical and installations.

(Prior Code, § G-I-6)

§ 52.07 TAMPERING.

(A) It shall be unlawful for any person not authorized by the town to tamper with, alter or injure any part of the town electrical distribution system if any meter is tampered with and the like, the power supplying the effected area shall be disconnected.

(B) To have the power restored, a cut-on fee, as prescribed by the Board of Aldermen, shall be charged plus any damage that might have incurred to any part of the town's electrical system or any meter due to tampering and the like.

(Prior Code, § G-I-7) (Ord. passed 5-13-1975)
Penalty, see § 10.99

§ 52.08 RATES.

Rates for electrical service shall be determined from time to time by the Board of Aldermen, and shall be kept on file in the office of the Town Clerk.

(Prior Code, § G-I-8)

§ 52.09 BILLS.

Bills for electrical service shall be dated and sent out at times as may be directed by the Board of Aldermen.

(Prior Code, § G-I-9)

someone authorized by him or her to perform this service.

(Prior Code, § E-I-1) Penalty, see § 10.99

§ 53.002 APPLICATION.

Application to have water turned on shall be made to the Town Clerk and shall be referred by him or her to the Superintendent of the Water Department.

(Prior Code, § E-I-2)

§ 53.003 DEPOSIT.

(A) *Residential.* A deposit shall be made with each application, for inside customers it shall be \$75 and for outside customers it shall be \$150, this sum to be retained by the town, to insure the payment of all bills. When service to any customer is permanently discontinued, this deposit, less any amount still due the town for water services, shall be refunded without interest; provided, that where any applicant for water service is the owner of the premises to be served, no deposit shall be required. If, however, the owner of the premises has his or her water service discontinued for non-payment of his or her water bill, the town may, before resuming service, require for him or her the same deposit as is required by a non-owner.

(B) *Business.* Any business that applies to be on the town's water system shall be required to make a deposit of a two months' average bill, which will be refunded without interest, when permanently discontinued, less the amount still due to the town for water service; provided that where the business owner that applied for water service is the owner of the premises to be served, no deposit shall be required. If, however, the owner of the premises has the water service discontinued for non-payment of the electric bill, the town may, before resuming service, require from the owner the same deposit as is required and determined by a non-owner.

(Prior Code, § E-I-3) (Ord. passed 3-14-2000)

§ 53.004 PLUMBING.

No water shall be turned on for service in premises in which the plumbing does not comply with the ordinance of the town; provided that water may be turned on for construction work in unfinished buildings subject to the provisions of this chapter.

(Prior Code, § E-I-4) Penalty, see § 10.99

§ 53.005 RESALE.

No water shall be resold or distributed by the recipient thereof from the town supply to any premises other than that for which application has been made and the meter installed, except in case of emergency.

(Prior Code, § E-I-5) Penalty, see § 10.99

§ 53.006 TAMPERING.

(A) It shall be unlawful for any person to injure any part of the town's water system or any meter thereon.

(B) If any part of the town's water system or any meter is injured, the occupant shall be notified by the town of damage incurred and the occupant shall have 15 days to pay for the damage.

(C) If not paid, the water supplying the affected area shall be disconnected. To have the water restored, a cut-on fee, as prescribed by the Board of Aldermen, shall be charged plus any damage that might have been incurred to any part of the town's water system or any meter due to injury.

(Prior Code, § E-I-6) (Ord. passed 2-3-1976) Penalty, see § 10.99

§ 53.007 FIRE HYDRANTS.

The fire hydrants are for the use of the Fire Department for fighting fires, and are not to be used by unauthorized persons for any purpose, without permission from the Town Clerk.

(Prior Code, § E-I-7)

§ 53.008 REQUIRED CONNECTIONS.

(A) The owners of all homes, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the corporate limits of the town and abutting on any street, alley or right-of-way in which there is/are now located or may in the future be located near a water main of the town is hereby required at the owner's expense to connect on to the metering system in accordance with the provisions of this chapter.

(B) At a time as a water main becomes available to a property within the corporate limits of the town, a connection shall be made to the water main within 60 days.

(Prior Code, § E-I-8) (Ord. passed 7-12-1994)

SERVICE PIPES**§ 53.020 INSTALLATION.**

All service pipes from the main to the meter shall be installed by the town at the cost of the owner of the premises or the applicant for the service. All service pipes from the meter to the premises served shall be installed by, and at the cost of, the owner of the property to be served or the applicant for the service. The installation shall be under the supervision of the Superintendent of the Water Department, and no connections shall be covered until the work has been inspected by him or her.

(Prior Code, § E-II-1)

§ 53.021 PIPES.

No service pipe shall be installed unless it conforms to specification drawn by the Town Engineer and approved by the Board of Aldermen, a copy of which specification shall be kept on file by the Town Clerk and shall be open to inspection by any person interested.

(Prior Code, § E-II-2)

§ 53.022 SEPARATE CONNECTIONS REQUIRED.

Each individual business or residential building or structure shall install a separate water connection.

(Prior Code, § E-II-3)

§ 53.023 REPAIRS.

All repairs to service pipes from the main to the meter shall be made by, and at the cost of, the town. All repairs to services pipes from the meter to the premises served shall be made by, and at the cost of, the owner of the premises.

(Prior Code, § E-II-4)

§ 53.024 EXCAVATIONS.

Excavations for installing service pipes or repairing the same shall be made in compliance with the ordinances provisions relating to making excavation in streets (Chapter 94); provided, that it shall be unlawful to place any service pipe in the same excavation with, or directly over, any drain pipe or sewer pipe.

(Prior Code, § E-II-5) Penalty, see § 10.99

§ 53.025 LEADED SERVICE LINES.

The town will replace any service line and/or any of its accessories that may be found to contain lead and to replace the line(s) at its earliest convenient time.

(Prior Code, § E-II-6) (Ord. passed 8-11-1992)

§ 53.026 FIRE HYDRANTS.

The fire hydrants are for the use of the Fire Department for fighting fires, and are not to be used by unauthorized persons for any purpose, without permission from the Town Clerk.

(Prior Code, § E-II-7)

Other	
Paper and paper products plants	A.G. or R.P.D.
Plating plants	A.G. or R.P.D.
Power plants	A.G. or R.P.D.
Radioactive materials or substance plants or facilities handling	A.G. or R.P.D.
Restricted, classified or other closed facilities	A.G. or R.P.D.
Sand and gravel plants	A.G. or R.P.D.
Schools and colleges	A.G. or R.P.D.
Sewage and storm drain facilities	A.G. or R.P.D.

(Prior Code, § E-V-5)

**§ 53.080 CROSS-CONNECTION WITH
SOURCE, OTHER THAN TOWN, PROHIBITED.**

(A) Where a residential connection to a town waterline is made and the property owner continues to have a well or other source of water, it shall be unlawful for the plumbing servicing any building upon the property to be so connected that any water outlet within the building may be served with water from any source other than the town connection, and it shall also be unlawful to have plumbing cross-connected or so installed that water from the town water system or the private water system may in any way become intermingled. The cross-connection may result in removal of the meter supplying the connections, as well as other penalties; civil or criminal, provided by law.

(B) Upon discovery of a cross-connection upon any property being furnished water through the town's water system, the owner of the property shall be notified that the cross-connection must be discontinued within 30 days and that a failure to remove or correct the cross-connection within 30 days will result in removal of the meter. If the correction is not made within the 30-day period, the meter shall be removed and shall not be reinstalled without payment of the remainder of the capital charges unless it has previously been paid, in which case, a \$10 charge will be required.

(Prior Code, § E-V-6) Penalty, see § 10.99

**§ 53.081 PREVENTION OF BACKFLOW AND
BACK-SIPHONAGE.**

The following methods and devices for prevention of backflow or back-siphonage shall be provided for the conditions indicated.

(A) *Dry chemical feeders.* Dry chemical feeders submerged water inlets shall have a non-pressure type vacuum breaker installed on the atmospheric side of the last control valve.

(B) *Fluoride chemical feeders.*

(1) Sodium fluoride saturation tank makeup water lines shall have air gaps between the overflow rim of the tank and the water supply pipe of at least four inches.

(2) When using the positive displacement fluoride chemical solution feed pumps, if the point of application to the water supply is at atmospheric pressure and is below the maximum elevation of the solution in the fluoride discharge line at a point above the liquid level in the tank. If the point of application is a pressure line, then a pressure type vacuum breaker shall be used.

(C) *Filter surface wash agitators.* Either a non-pressure type vacuum breaker shall be installed

**§ 53.097 STAGE I WATER SHORTAGE
CONDITION; GUIDELINES.**

(A) In the event a Stage I Water Shortage Condition is declared, the following guidelines apply.

(1) An extensive publicity campaign will be initiated using public media and specialized methods to inform the public of an impending or existing water shortage.

(2) Conservation measures will be encouraged and recommended.

(B) In the event that a Stage I water shortage condition is declared, the following guidelines shall apply and the public shall be encouraged to adhere to the following.

(1) Limit car washing to the minimum.

(2) Limit lawn and garden watering to that which is necessary for plants to survive.

(3) Cease washing down outside areas, such as sidewalks, patios, parking lots, service bays or aprons and the like.

(4) Cease leaving faucets running while shaving or rinsing dishes.

(5) Limit watering shrubbery to the minimum required, reusing household water when possible.

(6) Limit use of clothes washers and dish washers and when used, operate fully loaded.

(7) Use showers rather than bathtubs for bathing, and limit showers to no more than four minutes.

(8) Limit flushing of toilets by multiple usage.

(9) Use disposable and biodegradable dishes as much as possible.

(10) Use flow restrictive and water saving devices.

(11) Limit hours of operation of water cooled air conditioners.

(12) Temporarily delay new landscape work by all residents, businesses and institutions until the water shortage has ended.

(Prior Code, § E-VI-3)

**§ 53.098 STAGE II WATER SHORTAGE
CONDITION; UNLAWFUL USES OF WATER.**

(A) In the event a Stage II Water Shortage Condition is in effect and the raw water storage facilities drop to 60% or less of storage, then the Public Utilities Director may declare a Stage II Water Shortage. In exercising the authority for declaring a water shortage condition, consideration shall be given to water shortage levels and available sources of supply, available usable storage on hand, drawdown rates, the project supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

(B) In the event the Public Utilities Director issues a declaration of a Stage II Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the water system for any purpose hereinafter set forth until a time as the declaration of water shortage shall have been rescinded. In addition to the voluntary guidelines already in effect, it shall be unlawful to use water supplied by the town's water system in the following manner:

(1) To water lawns, grass, shrubbery, trees, flowers and vegetable gardens, except in accordance with the following schedule set forth below for specific areas of the town. The watering shall be done by hand-held hose or container or drip irrigation system only. All areas west of Holland Street on Sundays and Thursdays between 6:00 a.m. and 9:00 a.m.. All areas east of Oakland Street on Saturdays and Wednesdays between 6:00 a.m. and 9:00 a.m.;

(2) To fill newly constructed swimming and/or wading pools or to add water or to refill private swimming and/or wading pools which have been drained;

(3) To wash automobiles, trucks, trailers, boats, airplanes or any other type of mobile equipment, including commercial washing;

(4) To wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exterior of existing or newly constructed homes or apartments, sidewalks or patios, or to use water for other similar purposes;

(5) To use water for public or private fire hydrants for any purpose other than fire suppression or other public emergency;

(6) To operate or induce water into any ornamental fountain, pool or pond, or other structure for similar use of water;

(7) To operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected;

(8) To serve drinking water in restaurant, cafeterias or other food establishments, except upon request; and

(9) To use water for any unnecessary purpose or to intentionally waste water.
(Prior Code, § E-VI-4) Penalty, see § 10.99

§ 53.099 STAGE III WATER SHORTAGE CONDITION; RESTRICTIONS.

(A) (1) In the event a Stage II Water Shortage Condition exists and the town's raw water storage facilities drop to 40% or less of storage, then the Public Utilities Director may declare a Stage III Water Shortage.

(2) In exercising the authority for declaring a water shortage condition, consideration shall be given to water storage levels and available sources of

supply, available usable storage on hand, drawdown rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

(B) In the event the Public Utilities Director issues a declaration of Stage III Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the town's water system for any purpose hereinafter set forth until a time as the declaration of water shortage has been rescinded. In addition to the restrictions for Stage I and Stage II Water Shortage Conditions, the following restrictions shall also apply:

(1) To fill or add any water into any pool;

(2) Use water outside a structure for any use other than an emergency involving a fire;

(3) Fire protection to be maintained by the drafting of ponds, rivers and the like, whenever possible;

(4) The use of throw-away utensils and plates is encouraged and recommended at all eating establishments; and

(5) To operate an evaporative air conditioner which recycles water except during operating hours of business.
(Prior Code, § E-VI-5)

§ 53.100 LIFTING OF WATER SHORTAGE RESTRICTIONS.

(A) Water shortage conditions will expire when the Public Utilities Director, after consultation with the Board of Aldermen and upon recommendation of the Water Plant Superintendent, deems that the conditions which caused the alert were abated.

(B) The expiration or cancellation of a water shortage declaration shall be promptly and extensively publicized.
(Prior Code, § E-VI-6)

GENERAL USE PROVISIONS**§ 54.001 TAPPING OR CONNECTION WITH
SANITARY SEWER MAINS, BY TOWN ONLY,
OR APPROVED AUTHORIZED AGENTS OR
EMPLOYEES.**

No person shall make any service lateral tap or make any connections whatsoever, to any sanitary main owned or controlled by the town. All the taps and connections shall be made only by the town or its duly authorized agents or employees.

(Prior Code, § F-I-1-1) Penalty, see § 54.999

**§ 54.002 APPLICATION FOR SERVICE
LATERAL TAP; FEE.**

Any person desiring a service lateral tap to any sanitary sewer main owned or controlled by the town shall make application to the Town Clerk and shall pay, in advance, to the town a fee set by the Board of Aldermen to cover the costs to the town for making a four-inch service lateral tap. If a larger tap is required, the fee shall be the cost of the four-inch service plus the additional cost to provide the tap.

(Prior Code, § F-I-1-2) Penalty, see § 54.999

§ 54.003 PIPES.

No service pipe shall be installed unless it conforms to specifications and is drawn up by the Town Engineer, at the applicant's expense, and approved by the Public Utilities Director, a copy of which specifications and plans shall be kept on file by the Public Utilities Director. Plans and specifications may be subject to state approval.

(Prior Code, § F-I-1-3) Penalty, see § 54.999

**§ 54.004 SEPARATE CONNECTIONS
REQUIRED.**

Each individual business or residential building or structure shall install a separate sewer connection.

(Prior Code, § F-I-1-4) Penalty, see § 54.999

§ 54.005 TAMPERING.

It shall be unlawful for any person not authorized by the town to tamper with, alter or injure any part of the town's sewer system.

(Prior Code, § F-I-1-5) Penalty, see § 54.999

§ 54.006 OBSTRUCTING SEWER LINES.

No person shall throw or deposit any material or substance in any sewer line that will, in any manner, obstruct the line.

(Prior Code, § F-I-1-6) Penalty, see § 54.999

§ 54.007 REPAIRS.

All repairs for service pipes and plumbing systems of buildings shall be made by and at the expense of the owner of the premises served.

(Prior Code, § F-I-1-7) Penalty, see § 54.999

§ 54.008 EXCAVATIONS.

Excavations of installing service pipes or repairing the same shall be made in compliance with this chapter's provisions relating to making excavations in streets; provided that it shall be unlawful to place any service pipe in the same excavation with, or directly over, any drain or water pipe.

(Prior Code, § F-I-1-8) Penalty, see § 54.999

§ 54.009 RATES.

Sewer rates shall be determined from time to time by the Board of Aldermen, and shall be kept on file in the office of the Town Clerk.

(Prior Code, § F-I-1-9)

be presented to the Board of Aldermen of the town for approval in the form of a sewer rate ordinance.
(Prior Code, § F-VI-1)

§ 54.029 AUTHORITY.

This subchapter is adopted under the authority granted by G.S. § 160A.
(Prior Code, § F-VII-1)

SEWER REGULATIONS

§ 54.040 USE OF PUBLIC SEWERS REQUIRED.

(A) *Unauthorized deposits.* It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town or in any area under the jurisdiction of the town any human or animal excrement, garbage or objectionable waste. It shall be unlawful for any person to throw or deposit any material or substance in any public sanitary sewer line that will, in any manner, obstruct the line.

(B) *Discharge; natural outlets.* It shall be unlawful to discharge to any natural outlet within the town or in any area under the jurisdiction of the town any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and with regulations of the Division of Environmental Management, Department of Natural Resources and Community Development of the State.

(C) *Septic tank and other facilities.* Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater. Also see § 54.041.

(D) *Required connections.* The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes,

situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the town, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect those facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 150 feet of the property line. Also see § 54.043.

(Prior Code, § F-II-1) Penalty, see § 54.999

§ 54.041 PRIVATE WASTEWATER DISPOSAL.

(A) *Public sanitary sewer not available.*

(1) Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain permits from the Gaston County Inspection Department (GCID) and Department of Public Health (DPH) and Division of Environmental Management (DEM) of the state.

(2) The owner(s) shall provide any plans, specifications and other information as deemed necessary by the GCID, DPH and DEM. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the local government.

(B) *Public sanitary sewer made available.* At a time as a public sanitary sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days. Under unusual and/or special circumstances, the local government may waive this provision.

(Prior Code, § F-II-2)

ingredients in excessive amounts. Grease interceptors shall not be required for single or multi-family dwelling units or other private living quarters, except that, in the case of mobile home parks or campgrounds, wherein individual sewer connections from each mobile home or camp-site space join together to become a common flow prior to entering the town system, and such common flows, in any instance, exhibit excessive amounts of floatable oil, grease complexes, sand or other harmful ingredients, then the Town Manager, or designee, shall order the owner(s) of said mobile home park, or campground at his/their exclusive cost to properly install and maintain a grease interceptor in a location "upstream" and prior to the mobile home park common flow entering the town system. All interceptors shall be of a type and capacity, and to precise engineering specifications, as approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. Where installed, all greases, oil, and sand interceptors shall be maintained by the owner(s) at his/their expense in continuously efficient operation at all times. If the owner(s) fail(s) to timely comply with an order to install a grease interceptor as described herein, the town shall arrange for and complete said installation and all costs associated therewith shall be assessed against said owner(s) and become a liability of the owner(s) so assessed.

(b) In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material(s) and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected material(s) not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

(9) *Indemnification.* The owner(s) shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer; provided, however, that the

indemnification shall not extend to loss or damage due solely to willful misconduct or negligence on the part of the town.

(Prior Code, § F-II-3) (Ord. passed 9-8-2015)

§ 54.043 PROHIBITED DISCHARGES.

(A) It shall be unlawful for any person to discharge or cause to be discharged any pollutant or wastewater which will interfere with the operation and/or performance of the POTW.

(B) These general prohibitions apply to all the users of the POTW whether or not the user is subject to national categorical pretreatment standards or any other nation, state or local pretreatment standards or requirements.

(C) A user may not discharge the following substances to the POTW:

(1) *Unpolluted waters.* Any unpolluted waters such as infiltration/inflow to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to the sewers as are specifically designed as storm sewers or to a natural outlet approved by the Superintendent and DEM. Unpolluted industrial cooling water or process waters may be discharged on approval of the Superintendent and DEM to a storm sewer or natural outlet;

(2) *Liquids, solids or gas that causes fire or explosion.* Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge in the system (or at any point in the system) be more than 5% nor any single reading over 10% of the Lower Explosive Limit (LEL) of the meter. Materials specifically prohibited from discharge into the POTW

include gasoline, kerosene, naphtha, fuel oil and any other substances which the town, the state or EPA has notified the user is a fire hazard or a hazard to the system;

(3) *Solid or viscous substances; obstruction.* Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to, floatable oil, garbage with particles greater than one-half inch in any dimensions, animal guts or tissues, paunch manure, bones, hairs hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt, residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

(4) *pH factor.* Any wastewater having a pH less than 6.0 or greater than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW;

(5) *Toxic substances.* Any wastewater containing toxic substances in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard;

(6) *Noxious or malodorous liquids, gas or solids.* Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair;

(7) *Unsuitable for reclamation.* Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge or scum, to be unsuitable for reclamation

process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to fail to be in compliance with sludge use or disposal criteria, guidelines or regulations developed under § 405 of the Act being 33 U.S.C. § 1345; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act being 42 U.S.C. §§ 6901 et seq., the Clean Air Act being 33 U.S.C. §§ 1251 et seq., the Toxic Substances Control Act, being 15 U.S.C. §§ 2601 et seq. or state criteria applicable to the sludge management method being used;

(8) *Substance which affects permits.* Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards;

(9) *Color.* Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(10) *Temperature.* Any wastewater, liquid or vapors having a temperature higher than 150°F;

(11) *BOD.* Any pollutants, including oxygen demanding pollutants (BOD and the like) releasing at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference;

(12) *Radioactive wastes.* Any wastewater containing any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the town in compliance with applicable state and/or federal regulations; or

(13) *Slug.* Quantities of flow, concentrations or both which constitute a slug as defined herein.

(D) When the Superintendent determines that a user(s) is discharging any of the above-enumerated substances in amounts as to interfere with the operation of the POTW, the Superintendent shall:

(1) Advise the user(s) of the impact of the discharge; and

(2) Develop effluent limitations for the user(s) to correct the discharge.

(Prior Code, § F-II-4) Penalty, see § 54.999

§ 54.044 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial sub-category the federal standard, if more stringent than limitations imposed under this chapter for sources in that sub-category, shall immediately supersede the limitations imposed under this chapter. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 C.F.R. § 403.12.

(Prior Code, § F-II-5)

§ 54.045 MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Where the POTW achieves consistent removal of pollutants limited by federal pretreatment standards, the town may apply to the Approval Authority for modification of specific limits in the federal pretreatment standards. **CONSISTENT REMOVAL** shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW to a less toxic or harmless state in the effluent which is achieved by the system 95% of the samples taken when measured according to the procedures set forth in 40 C.F.R. § 403.7(c)(2), *General Pretreatment Regulations for Existing and New Sources of Pollution*, promulgated pursuant to the Act. The town may then modify pollutant discharge limits in the federal pretreatment standards if the requirement

(G) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause the discharge to occur or suffer from the discharge are advised of the emergency notification procedures.

(Prior Code, § F-II-11)

DISCHARGE OF INDUSTRIAL WASTEWATER

§ 54.065 APPLICATION REQUIREMENTS.

(A) Any person who is now discharging any industrial wastewater into the wastewater disposal system or who desires to discharge any industrial wastewater shall complete an official application and file it with the town. Approval shall be evidenced by written notice from the Superintendent.

(B) Any person now so discharging industrial wastewater shall complete and file an application within 180 days from the date of passage of this chapter.

(C) Any person desiring to commence discharging industrial wastewater after this chapter becomes effective shall complete and file an application in order to obtain discharge permission from the town prior to commencing the discharge of the wastes into the wastewater disposal system.
(Prior Code, § F-III-1) Penalty, see § 54.999

§ 54.066 CONTENTS OF APPLICATION.

(A) Name, address and location, if different from the address);

(B) SIC number according to the *Standard Industrial Classification Manual, Bureau of Budget, 1972*, as amended;

(C) Wastewater constituents and characteristics including, but not limited to, those mentioned in §§ 54.043 and 54.046 as determined by a qualified

laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Act, being 33 U.S.C. § 1314(g) and contained in 40 C.F.R. part 136, as amended;

(D) Time and duration of discharge;

(E) Average daily and three minutes peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(F) Site plans, floor plans, mechanical and plumbing plans and details to show all building drains, building sewers and appurtenances by the size, location and elevations;

(G) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(H) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local government, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

(I) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide the additional pretreatment.

(1) The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(2) The following conditions shall apply to this schedule.

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing

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 title, bicycles shall be deemed vehicles, and every rider of a bicycle upon a street or highway shall be subject to the provisions of this title applicable to the driver of vehicle except those which, by their nature, can have no application.

(Prior Code, § H-I-1) (Ord. passed 6-12-2012)

§ 70.02 BOARDING, ALIGHTING FROM, PUBLIC CONVEYANCES OR OTHER VEHICLES.

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

(Prior Code, § H-VII-1) Penalty, see § 10.99

§ 70.03 UNLAWFUL RIDING.

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

(Prior Code, § H-VII-2) Penalty, see § 10.99

§ 70.04 ENTERING, JUMPING ON OR RIDING VEHICLES WITHOUT PERMISSION.

No person shall enter, jump on or ride any automobile, or other vehicle, without the consent of the owner or driver.

(Prior Code, § H-VII-3) Penalty, see § 10.99

§ 70.05 PERSONS RIDING MUST STAY INSIDE.

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

(Prior Code, § H-VII-4) Penalty, see § 10.99

§ 70.06 NOT MORE THAN THREE PERSONS PERMITTED IN FRONT SEAT.

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

(Prior Code, § H-VII-5) Penalty, see § 10.99

§ 70.07 REGISTRATION OF MOTOR VEHICLES.

(A) *Vehicle registration fee.* Every person owning or leasing a motor vehicle in the town shall pay an annual registration fee as set forth by the Board of Aldermen of the town on each motor vehicle so owned or leased by that person.

(B) *Registration not required.*

(1) The owner, operator or leasee of a motor vehicle temporarily used in the town for a period not to exceed 30 days.

(2) A motor vehicle used for demonstration purposes by manufacturers or dealers and displaying dealer's license plates issued by the state.

(3) Motor vehicles owned by the town, county, state or federal governments.
(Prior Code, § H-VII-8) Penalty, see § 10.99

**REQUIRED OBEDIENCE TO POLICE
OFFICERS****§ 70.20 OBEDIENCE TO POLICE.**

No person shall willfully fail, or refuse, to comply with any lawful orders or direction by a police officer.

(Prior Code, § H-II-1)

**§ 70.21 AUTHORITY OF POLICE IN SPECIAL
CASES.**

In the event of a fire or other emergency, or when necessary to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions may require notwithstanding the provisions of this title.

(Prior Code, § H-II-2)

**§ 70.22 EXEMPTIONS TO AUTHORIZED
EMERGENCY VEHICLES.**

The provisions of this title regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles, as defined in this title, except as follows: a driver when operating the vehicle in any emergency, except when otherwise directed by a police officer, may:

(A) Park or stand notwithstanding the provisions of this title;

(B) Proceed past a red or stop signal, or stop sign, but only after slowing down as may be necessary for safe operation;

(C) Exceed the prima facie speed limits so long as he or she does not endanger life or property; and

(D) Disregard regulations governing direction of movement or, turning, in specified directions, so long as he or she does not endanger life or property.

(Prior Code, § H-II-3)

**OBEDIENCE TO OFFICIAL TRAFFIC
CONTROL DEVICES****§ 70.35 OBEDIENCE TO NO PARKING ZONE
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.

(Prior Code, § H-III-3) Penalty, see § 10.99

§ 70.36 PLACING SIGNAL.

Traffic control signals or flashing signals shall be placed at those intersections described in Chapter 75, Schedule I.

(Prior Code, § H-III-6)

CHAPTER 71: OPERATION OF VEHICLES

Section

- 71.01 Stop before entering certain street intersections
- 71.02 Yield before entering certain street intersections
- 71.03 Stop when traffic obstructed
- 71.04 One-way streets
- 71.05 Driving through funeral processions
- 71.06 Right or left turns to be made
- 71.07 Limitations on turning around
- 71.08 Limitations on backing
- 71.09 Emerging from alley or private driveway
- 71.10 Vehicles shall not be driven on the sidewalk
- 71.11 Clinging to moving vehicles
- 71.12 Riding on handlebars prohibited
- 71.13 Riding on sidewalks, or without hands on handlebars prohibited
- 71.14 Use of coaster, roller skates and similar devices restricted
- 71.15 Lights on parked vehicles
- 71.16 Moving cars from parked positions
- 71.17 Speed limits
- 71.18 Driving on roadways laned for traffic
- 71.19 Driving over fire hose
- 71.20 No trucks allowed
- 71.21 No through traffic
- 71.22 Load/unloading prohibited
- 71.23 Skating on streets or sidewalks prohibited

71.99 Penalty

Cross-reference:

Golf Carts, see Chapter 74

Traffic Schedules, see Chapter 75

§ 71.01 STOP BEFORE ENTERING CERTAIN STREET INTERSECTIONS.

Those intersections described in Chapter 75, Schedule II, attached to and made a part of this title, are hereby declared to be yield intersections when entered from the streets or highways first named, and when stop signs are placed, erected or installed at the intersections, every driver of a vehicle shall stop in obedience to the signs before entering the intersection, and shall not proceed into, or across, the through street or highway until he or she has first determined that no conflict with traffic will be involved.
(Prior Code, § H-V-1) Penalty, see § 71.99

§ 71.02 YIELD BEFORE ENTERING CERTAIN STREET INTERSECTIONS.

Those intersections described in Chapter 75, Schedule III, attached to and made a part of this title, are hereby declared to be yield intersections when entered from the streets or highways first named, and when yield signs are placed, erected or installed at those signs, slow down and driver of a vehicle shall, in obedience to the signs, slow down and yield the right-of-way to any vehicle in movement on the main traveled or through street or highway which is approaching so as to arrive at the intersection at approximately the same time as the vehicle entering the main traveled or through street or highway.
(Prior Code, § H-V-2) Penalty, see § 71.99

§ 71.03 STOP WHEN TRAFFIC OBSTRUCTED.

No driver shall enter an intersection, or a marked crosswalk, unless there is sufficient space on the other

side of the intersection or crosswalk, to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles, or pedestrians, notwithstanding any traffic control signal indication to proceed.

(Prior Code, § H-V-3) Penalty, see § 71.99

§ 71.04 ONE-WAY STREETS.

Upon those streets, or portions of streets, described in Chapter 75, Schedule IV, attached to and made a part of this title, vehicular traffic shall move only in the indicated direction when signs indicating the direction of the traffic are erected, and maintained, at every intersection where movement in the opposite direction is prohibited.

(Prior Code, § H-V-4) Penalty, see § 71.99

§ 71.05 DRIVING THROUGH FUNERAL PROCESSIONS.

No vehicle shall be driven through a funeral procession, except Fire Department vehicles, police patrols and ambulances, when the same are responding to calls.

(Prior Code, § H-V-5) Penalty, see § 71.99

§ 71.06 RIGHT OR LEFT TURNS TO BE MADE.

(A) No vehicle shall make a left turn at any street intersection described in Chapter 75, Schedule V, attached to and made a part of this title.

(B) No vehicle shall make a right turn at any street intersection described in Chapter 75, Schedule VII, attached to and made a part of this title.

(Prior Code, § H-V-6) Penalty, see § 71.99

§ 71.07 LIMITATIONS ON TURNING AROUND.

No driver shall turn any vehicle so as to proceed in the opposite direction in the business district, except

at street intersections, in the street, or portions of streets, described in Chapter 75, Schedule VII, attached to and made a part of this title.

(Prior Code, § H-V-7) Penalty, see § 71.99

§ 71.08 LIMITATIONS ON BACKING.

The driver of a vehicle shall not back the same into any intersection, or over a crosswalk, and shall not in any event, or at any place, back a vehicle unless the movement can be made in safety, and he or she shall have given ample warning to those who may be behind, by hand or other signal.

(Prior Code, § H-V-8) Penalty, see § 71.99

§ 71.09 EMERGING FROM ALLEY OR PRIVATE DRIVEWAY.

The driver of a vehicle emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving onto a sidewalk, or into the sidewalk areas extending across any alleyway, and upon entering the roadway he or she shall yield the right-of-way to all vehicles approaching on the roadway.

(Prior Code, § H-V-9) Penalty, see § 71.99

§ 71.10 VEHICLES SHALL NOT BE DRIVEN ON THE SIDEWALK.

The driver of a vehicle shall not drive within any sidewalk area.

(Prior Code, § H-V-10) Penalty, see § 71.99

§ 71.11 CLINGING TO MOVING VEHICLES.

Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates or any toy vehicle, shall not attach the same, or himself or herself, to any public conveyance, or moving vehicle upon any roadway.

(Prior Code, § H-V-11) Penalty, see § 71.99

§ 71.12 RIDING ON HANDLEBARS PROHIBITED.

The operation of motorcycles or bicycles, when upon a street, shall not carry any person upon the handlebar frame, or tank of any such vehicle, nor shall any person so ride upon any such vehicle.
(Prior Code, § H-V-12) Penalty, see § 71.99

§ 71.13 RIDING ON SIDEWALKS, OR WITHOUT HANDS ON HANDLEBARS PROHIBITED.

No person shall ride a bicycle or motorcycle on any street without having his or her hands upon the handlebars, nor shall any person ride a bicycle upon any sidewalk or walkway within the town.
(Prior Code, § H-V-13) Penalty, see § 71.99

§ 71.14 USE OF COASTER, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED.

No person upon roller skates, or riding in, or by means of, any coaster, toy vehicle or similar device, shall go upon any roadway, unless it be while crossing a street at a crosswalk or intersection; except upon streets set aside as play streets.
(Prior Code, § H-V-14) Penalty, see § 71.99

§ 71.15 LIGHTS ON PARKED VEHICLES.

The displaying of lights upon a vehicle, when lawfully parked at night upon a street of the town is in accordance with this title, shall not be required when there is sufficient light to reveal any person within a distance of 200 feet upon the street.
(Prior Code, § H-V-15) Penalty, see § 71.99

§ 71.16 MOVING CARS FROM PARKED POSITIONS.

Cars parked shall move out in the direction headed, or if they are parked at an angle with the curb they shall back out on that angle until they have

cleared the other cars and shall then proceed in the direction they are most nearly headed in.

(Prior Code, § H-V-16) Penalty, see § 71.99

§ 71.17 SPEED LIMITS.

(A) A vehicle may be operated on any street of the town, designated elsewhere in this title as a business district, at a rate of speed not exceeding 25 mph (state changed); provided, however, that at no time shall the speed be greater than is reasonable and prudent under the conditions then existing.

(B) The speed limit on state highways in residential districts shall be 35 mph, and 25 mph on all other residential streets, except where a different speed limit has been designated for those streets or portions of streets described in Chapter 75, Schedule VI, attached to and made part of this title.
(Prior Code, § H-V-17) (Ord. passed 10-27-1987; Ord. passed 12-8-1987) Penalty, see § 71.99

§ 71.18 DRIVING ON ROADWAYS LANED FOR TRAFFIC.

All vehicles operated on any roadway which has been clearly marked with lanes for traffic shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety.

(Prior Code, § H-V-18) Penalty, see § 71.99

§ 71.19 DRIVING OVER FIRE HOSE.

No vehicle shall be driven over any fire hose of the Fire Department when laid down on any streets or driveway to be used at any fire, without the consent of the Fire Department official in command.

(Prior Code, § H-V-19) Penalty, see § 71.99

§ 71.20 NO TRUCKS ALLOWED.

Upon those streets or portion of street described in Chapter 75, Schedule VIII, attached to and made a

part of this title, no trucks shall be allowed to travel over or through.

(Prior Code, § H-V-20) (Ord. passed 9-7-1978)

Penalty, see § 71.99

§ 71.21 NO THROUGH TRAFFIC.

Upon those streets or portions of streets described in Chapter 75, Schedule VII, attached to and made a part of this title, no vehicles shall be allowed to travel through except for local traffic.

(Prior Code, § H-V-21) (Ord. passed 10-27-1987;

Ord. passed 12-8-1987) Penalty, see § 71.99

§ 71.22 LOAD/UNLOADING PROHIBITED.

Upon those streets or portions of streets described in Chapter 75, Schedule VIII, attached to and made a part of this title, no loading or unloading shall be permitted.

(Prior Code, § H-V-22) (Ord. passed 6-9-1998)

Penalty, see § 71.99

§ 71.23 SKATEBOARDING, SKATING ON STREETS OR SIDEWALKS PROHIBITED.

It shall be unlawful to skate, rollerblade, inline skate, skateboard or any variation thereof, on any street or sidewalk within the corporate limits of the town.

(Prior Code, § H-V-23) Penalty, see § 71.99

§ 71.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) In addition to the civil penalties provided for in § 10.99, violation of § 71.23 shall be a misdemeanor punishable by a fine not to exceed \$50, as provided for in G.S. § 14-4.

(Prior Code, § H-V-23)

CHAPTER 72: STOPPING, STANDING AND PARKING

Section

- 72.01 Vehicles not to stop in streets; exceptions
- 72.02 Vehicles not to obstruct passing in designated places
- 72.03 Parking prohibited at all times in designated places
- 72.04 Parking prohibited during certain hours in designated places
- 72.05 Parking time limited to two hours in designated places
- 72.06 One-hour limit in designated places
- 72.07 Parking time limited to ten minutes in designated places
- 72.08 Bus, taxicab, automobile or public drays for hire; law enforcement stands
- 72.09 Parking of taxicabs within the same block
- 72.10 Parking parallel to curb
- 72.11 Vehicles backed up to curb
- 72.12 Left side to curb not permitted on streets with parallel parking
- 72.13 Parking within lines where provided
- 72.14 Parking at 45-degree angle
- 72.15 Unlawful parking
- 72.16 Standing or parking vehicles for primary purpose of advertising prohibited
- 72.17 Stopping, standing or parking prohibited in specified places
- 72.18 Moving of vehicles of other operators into restricted areas prohibited
- 72.99 Penalty

§ 72.01 VEHICLES NOT TO STOP IN STREETS; EXCEPTIONS.

No vehicle shall stop in any streets except for the purpose of parking as prescribed in this title, unless the stop is made necessary by the approach of fire apparatus, by the approaching of a funeral or other procession which is given the right-of-way, by the stopping of a public conveyance by the lowering of railway gates, by the giving of traffic signals, by the passing of some other vehicle or a pedestrian or by some emergency; and in any case, covered by these exceptions the vehicles shall stop so as not to obstruct any footway, pedestrian aisle, safety zone, crossing or street intersection if such can be avoided.
(Prior Code, § H-IV-1) Penalty, see § 72.99

§ 72.02 VEHICLES NOT TO OBSTRUCT PASSING IN DESIGNATED PLACES.

No vehicle shall so stand on any street as to interrupt, or interfere with, the passage of public conveyance or other vehicles.
(Prior Code, § H-IV-2) Penalty, see § 72.99

§ 72.03 PARKING PROHIBITED AT ALL TIMES IN DESIGNATED PLACES.

When signs are placed, erected or installed, giving notice thereof, or the curbing has been painted yellow in lieu of the signs, no person shall park a vehicle at any time upon any of the streets or portions of streets described in Chapter 76, Schedule I, attached to and made a part of this title.
(Prior Code, § H-IV-3) Penalty, see § 72.99

§ 72.04 PARKING PROHIBITED DURING CERTAIN HOURS IN DESIGNATED PLACES.

When signs are placed, erected or installed in each block, giving notice thereof, no person shall park a vehicle between the hours of 1:00 a.m. and 6:00 a.m., upon any of the streets or portions of street described in Chapter 76, Schedule II, attached to and made a part of this title, unless other hours are designated in the schedule, provided that this section shall not apply to automobiles, other vehicles, parked on the streets between the hours of 1:00 a.m. and 6:00 a.m., when the owners thereof are at work in the building or on the premises, in front, or near, which the automobiles, or other vehicles, are parked.
(Prior Code, § H-IV-4) Penalty, see § 72.99

§ 72.05 PARKING TIME LIMITED TO TWO HOURS IN DESIGNATED PLACES.

When signs are placed, erected or installed in each block, giving notice thereof, no person shall park a vehicle for longer than two hours at any time between the hours of 6:00 a.m. and 6:30 p.m., on any day, except Sunday and public holidays, upon any of the streets or portions of streets described in Chapter 76, Schedule III, attached to and made a part of this title, and the changing of the position of a vehicle from one point directly to another point within the same block, shall be deemed one continuous parking period.
(Prior Code, § H-IV-5) Penalty, see § 72.99

§ 72.06 ONE-HOUR LIMIT IN DESIGNATED PLACES.

When signs are placed, erected or installed in each block, giving notice thereof, no person shall park a vehicle for longer than one hour at any time between the hours of 6:00 a.m. and 6:30 p.m., on any day, except Sunday and public holidays, upon any of the streets or portions of streets described in Chapter 76, Schedule IV, attached to and made a part of this title, and the changing of the position of a vehicle from one point directly to another point, within the same block, shall be deemed one continuous parking period.
(Prior Code, § H-IV-6) Penalty, see § 72.99

§ 72.07 PARKING TIME LIMITED TO TEN MINUTES IN DESIGNATED PLACES.

When signs are placed, erected or installed in each block, giving notice thereof, no person shall park a vehicle for longer than ten minutes at any time between the hours of 6:00 a.m. and 6:30 p.m., on any days except Sunday and public holidays, upon any of the streets or portions of streets described in Chapter 76, Schedule V, attached to and made a part of this title, and the changing of the position of a vehicle from one point directly to another point, within the same block, shall be deemed as one continuous parking period.
(Prior Code, § H-IV-7) Penalty, see § 72.99

§ 72.08 BUS, TAXICAB, AUTOMOBILE OR PUBLIC DRAYS FOR HIRE; LAW ENFORCEMENT STANDS.

Those streets, or portions of streets, described in Chapter 76, Schedule VI, attached to and made a part of this title, shall be reserved as stands for the specific purpose and at the exact location named therein, and no automobile or other vehicle shall park therein, except those for which the space or stand has been designated.
(Prior Code, § H-IV-8) Penalty, see § 72.99

§ 72.09 PARKING OF TAXICABS WITHIN THE SAME BLOCK.

Not more than two taxicabs owned by the same company shall be parked in one block at the same time, except the taxicabs as may be parked in established taxi stands, as set in § 72.08.
(Prior Code, § H-IV-9) Penalty, see § 72.99

§ 72.10 PARKING PARALLEL TO CURB.

Where not otherwise indicated by this title, and where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb and not more than 12 inches therefrom.
(Prior Code, § H-IV-10) Penalty, see § 72.99

§ 72.11 VEHICLES BACKED UP TO CURB.

In no case shall a vehicle remain backed up to curb, except when actually loading or unloading. If the vehicle be horse-drawn, the horse, or horses, shall stand parallel to the curb and face the direction of traffic.

(Prior Code, § H-IV-11) Penalty, see § 72.99

§ 72.12 LEFT SIDE TO CURB NOT PERMITTED ON STREETS WITH PARALLEL PARKING.

No vehicle shall stop or park facing against the flow of traffic with its left side to the curb on any street or roadway that has marked parallel parking spaces designated for single vehicle parking, except on those streets designated as one-way traffic only.

(Prior Code, § H-IV-12) (Am. Ord. passed 3-8-2016) Penalty, see § 72.99

§ 72.13 PARKING WITHIN LINES WHERE PROVIDED.

On any street which is marked off with lines indicating the parking spaces for cars, the same shall be parked between the lines.

(Prior Code, § H-IV-13) Penalty, see § 72.99

§ 72.14 PARKING AT 45-DEGREE ANGLE.

Automobiles and other vehicles shall be parked at an angle of approximately 45 degrees with the curb upon the streets, or portions of streets, described in Chapter 76, Schedule VI, attached to and made a part of this title.

(Prior Code, § H-IV-14) Penalty, see § 72.99

§ 72.15 UNLAWFUL PARKING.

No person shall stand, or park a vehicle upon any street for the principal purpose of:

(A) Displaying it for sale;

(B) Washing, greasing or repairing the vehicle, except repairs necessitated by an emergency;

(C) Storage thereof by garages, dealers or other persons when the storage is not incident to the bona fide use and operation of the automobile or other vehicles;

(D) Storage of any detached trailer, or van, when the towing unit has been disconnected or for the purpose of transferring merchandise or freight, from one vehicle to another;

(E) Tractor/trailers or the tractor, except for the purpose of loading or unloading merchandise or freight at a place of business; or

(F) It shall be unlawful for any vehicle, except the owner of the property, to block any residential or business driveway.

(Prior Code, § H-IV-15) (Ord. passed 1-11-1997; Ord. passed 3-13-2001) Penalty, see § 72.99

§ 72.16 STANDING OR PARKING VEHICLES FOR PRIMARY PURPOSE OF ADVERTISING PROHIBITED.

No person shall stand or park, on any street any vehicle for the primary purpose of advertising.

(Prior Code, § H-IV-16) Penalty, see § 72.99

§ 72.17 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

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

(A) On the sidewalk;

(B) On a crosswalk;

(C) Within 30 feet of any flashing beacon, stop sign or traffic control signal located at the side of a street or roadway;

(D) Alongside or opposite any street excavation or obstruction, when the stopping, standing or parking would obstruct traffic;

(E) Upon any bridge or other elevated structure or within any underpass structure;

(F) Within 15 feet in either direction of the entrance to a hotel, theater, hospital sanitarium or any public building; or

(G) On the roadway side of any vehicle stopped, standing or parking at the edge or curb of a street.
(Prior Code, § H-IV-17)

particular vehicle was parked in violation of the ordinance, together with the proof that the defendant was at the time of the parking the registered owner of the vehicle, shall be prima facie proof of the fact that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

(Prior Code, § H-IV-20)

(Ord. passed 7-11-1978)

**§ 72.18 MOVING OF VEHICLES OF OTHER
OPERATORS INTO RESTRICTED AREAS
PROHIBITED.**

No person shall move a vehicle not owned by the person into any prohibited area, or sufficiently away from curb to make the distance unlawful.

(Prior Code, § H-IV-18) Penalty, see § 72.99

§ 72.99 PENALTY.

(A) *Generally.* Any person violating any of the restriction on stopping, standing or parking of motor vehicles imposed by ordinance of the town may, within 15 days of the time that a written notice for the violation was attached to his or her vehicle, pay to the official designated as a penalty for and in full satisfaction of the violation the sum of \$2. Upon failure to make the payment heretofore designated, a written notice shall be mailed to the person, and if payment not be made within 48 hours after the time of mailing of the notice, the person shall be subject to punishment not to exceed \$50 or by imprisonment not to exceed 30 days.

(Prior Code, § H-IV-19)

(B) *Prima facie proof.* In any prosecution charging violation of any ordinance of the town governing the stopping, standing or parking of a motor vehicle, without a driver, proof that the

CHAPTER 73: PARADES AND DEMONSTRATIONS

Section

- 73.01 Permit required
- 73.02 Exceptions
- 73.03 Standards for issuance of permit
- 73.04 Notice of rejection; appeal
- 73.05 Use of sidewalk; special conditions
- 73.06 Interference prohibited
- 73.07 Unreasonable obstruction of street or sidewalk
- 73.08 Solicitation on streets or highways

(C) The Armed Forces of the United States or any governmental agency acting within the scope of its functions.

(Prior Code, § H-VI-2)

§ 73.03 STANDARDS FOR ISSUANCE OF PERMIT.

The Chief of Police shall issue a permit for a lawful parade, demonstration or march, as provided for hereunder, when from a consideration of the application and from other information as he or she might otherwise obtains he or she finds that:

§ 73.01 PERMIT REQUIRED.

It shall be unlawful for any person to engage in any parade, demonstration or march on any street, sidewalk or public way of the town, or to promote or to stage any parade, demonstration or march, unless a parade permit shall have been obtained therefor, and unless the persons seeking to conduct the same shall have first made written application to the Chief of Police stating the date, place, route and purpose of the parade, demonstration or march, at least 72 hours in advance of the scheduled event, and shall obtain a written permit therefor from the officer.

(Prior Code, § H-VI-1) Penalty, see § 10.99

§ 73.02 EXCEPTIONS.

The provisions of this chapter shall not apply to:

(A) Funeral processions;

(B) Students going to and from school classes or participating in educational activities, provided the conduct is part of the school activities and under the immediate direction and supervision of proper school authorities; or

(A) The conduct of the same will not substantially interrupt the safe and orderly movement of other traffic contiguous to it route;

(B) The conduct of the same will not require the diversion of so great a number of the 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;

(C) The concentration of persons, animals and vehicles at assembly points of the same will not unduly interfere with proper fire and police protection of areas contiguous to the assembly areas;

(D) The conduct of the same will not unreasonably interfere with the movement of firefighting equipments, ambulances or police vehicles en route to a call, fire or emergency;

(E) The same is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route; and

(F) The same is not held for the sole purpose of advertising any products or goods and it is not designed purely for private profit.

(Prior Code, § H-VI-3) Penalty, see § 10.99

§ 73.04 NOTICE OF REJECTION; APPEAL.

(A) The Chief of Police shall act upon the application for the permit required hereunder within 12 hours after the filing thereof.

(B) If the Chief of Police disapproves the application, he or she shall immediately notify the applicant by mail or in person stating the reasons for his or her denial of the permit; which notification shall be given not later than 24 hours from the time of the application.

(C) Any person aggrieved shall have the right to appeal the denial of the permit to the Board of Aldermen within three days after notice of rejection by the Chief of Police.

(D) The Board of Aldermen shall act upon the appeal within 14 days after its receipt.
(Prior Code, § H-VI-4)

§ 73.05 USE OF SIDEWALK; SPECIAL CONDITIONS.

If a lawful parade, demonstration or march is conducted on a sidewalk of the town, the same shall be done or engaged in only under the following conditions.

(A) The use of only one of the sidewalks within any one block of the town shall be permitted. The term **BLOCK** as used in this division (A) shall mean the portion of a street lying between street intersections.

(B) Persons engaged in the parade, demonstration or march must march in single file if the sidewalk is less than six feet in width, but sidewalk is greater than six feet in width must keep to only one side of the sidewalk used, and the interval in the columns between the single file marchers or each pair

of abreast marchers if permitted, shall be not closer than six feet.

(C) No animals, vehicles or other objects shall be used in the parade, demonstration or march.
(Prior Code, § H-VI-5) Penalty, see § 10.99

§ 73.06 INTERFERENCE PROHIBITED.

(A) No person shall physically interfere with or obstruct any lawful parade, demonstration or march on any street, sidewalk or public way, nor address profane, indecent, abusive or threatening language to or at any persons engaged in any lawful parade, demonstration or march which would tend to provoke the persons or any others to a breach of peace.

(B) No driver of any vehicle shall drive between the vehicles or person comprising a parade, demonstration or march unless so directed by a police officer.

(C) The Chief of Police shall have the authority when reasonably necessary to prohibit or restrict the parking of vehicles along any street or part thereof constituting a part of the route of the parade, demonstration or march.

(D) A police officer of the town may, in the event of the assemblage of persons who, or any of whom, are intimidating persons lawfully engaged in any parade, demonstration or march through abusive acts or the use of profane, indecent, abusive or threatening language, directed shall disperse and absent himself or herself from the place of the assemblage, and it shall be unlawful for any person not to so disperse and absent himself or herself from the place of the assemblage when so directed by the police officer.

(Prior Code, § H-VI-6) Penalty, see § 10.99

§ 73.07 UNREASONABLE OBSTRUCTION OF STREET OR SIDEWALK.

Whenever the free passage of any street or sidewalk in the town shall be unreasonably obstructed by any person or crowd, or by any persons engaged in

the lawful parades demonstration or march shall disperse, stop or move over, or on as and when directed to do so by a police officer of the town, and it shall be unlawful for any person not to so disperse, stop or move over, or on when so directed by the police officer.

(Prior Code, § H-VI-7) Penalty, see § 10.99

§ 73.08 SOLICITATION ON STREETS OR HIGHWAYS.

It shall be unlawful for any person to stand in any public street or roadway in the town while distributing any fliers, pamphlets or any other material or collecting any donations for any individual, group or organization without first obtaining a permit from the Chief of Police. Applicant for a permit must make written application to the Chief of Police stating date, time, place, purpose of event and number of persons involved. The application must be submitted at least 72 hours in advance of the scheduled event.

(Prior Code, § H-VI-8) (Ord. passed 2-12-2002)
Penalty, see § 10.99

CHAPTER 90: ANIMALS

Section

- 90.01 Certain animals prohibited
- 90.02 Urban beekeeping
- 90.03 Integration with ordinance regulating dogs and other animals in the county
- 90.04 Responsibilities of owners
- 90.05 Determination of stray animal
- 90.06 Authority and responsibility of Animal Control Officers
- 90.07 Cruelty to animals
- 90.08 Town declared bird sanctuary; killing, hunting or trapping prohibited; exceptions
- 90.09 Sanitary requirements of pens, coops, stables and enclosures
- 90.10 Dogs in parks and public places
- 90.99 Penalty

(2) No area to be used for storage, care or exercise/grazing of the equine may lie within 100 feet of the nearest dwelling of another property owner. Adjacent property developed after placement of an equine shall be exempt from this clause.

(3) No property owner can exceed a ratio of two equine per two acres of land.

(4) Equine must be provided an enclosure to protect the equine from the elements.

(5) All areas for use by the equine shall be securely fenced so as to maintain control of the equine.

(6) The areas of use by the equine shall be in the rear yard only as defined by the zoning regulations (Chapter 153).

(7) The equine shall not cause obnoxious odors on other properties.
(Prior Code, § K-III-1) (Ord. passed 11-12-1996; Ord. passed 12-10-1996; Ord. passed 12-9-2003) Penalty, see § 10.99

§ 90.01 CERTAIN ANIMALS PROHIBITED.

(A) It shall be unlawful for any person, firm or corporation to keep within the corporate limits of the town, any livestock, animals or poultry other than house pets. This prohibition shall be interpreted to include cows, swine, goats, sheep, chickens and turkeys, but this list is not to be deemed all inclusive.

(B) The provisions of this section shall not apply to those persons, firms or corporations that were keeping livestock, animals or poultry within the corporate limits of the town prior to November 12, 1996.

(C) Equine shall be permitted within the town limits under the following conditions.

(1) The property upon which the equine will be maintained must be greater than two acres.

§ 90.02 URBAN BEEKEEPING.

(A) *Purpose.* The purpose of this section is to encourage persons who keep bees to properly maintain hives, comply with state regulatory requirements and be considerate of neighbors.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the

context clearly indicates or requires a different meaning.

APIARY. An area where bees, comb, hives or colonies are kept, located or found.

APIARY DENSITY. The density of an apiary which is determined by the colony's foraging range and the coverage area it encompasses (it is the amount of foraging that determines the success of the colony, not the size of the lot on which the apiary is located).

APIARY INSPECTOR. The person designated by the State Department of Agriculture to inspect all bees and hives within the state.

BEES. Eggs, larvae, developing bees and adult bees.

BEEKEEPER. A person who keeps and raises bees and harvests honey.

CERTIFICATE OF INSPECTION. A document from State Department of Agriculture Apiary Inspector certifying the health of the bees and approval of any equipment to keep bees.

FORAGING. A normal honeybee behavior which consists of bees actively flying to collect nectar, pollen, water, or propolis (a compound created by the bees to use as a coating to build their hives).

FORAGING BEHAVIOR FOR HONEYBEES. An average forage area is between a 2.5 to five mile radius from their hive.

FRONT YARD.

(a) The area extending across the full length of a lot from side lot line to side lot line and lying between the abutting street right-of-way or easement line and the building line; or

(b) In the case of a lot abutting more than one street, the **FRONT YARD** shall include all areas extending across the full length of a lot from

property line to property line and lying between the abutting street right-of-way or easement and building line.

HEALTH CERTIFICATE. The periodic health inspection conducted by the State Department of Agriculture.

HIVES. The wooden frame boxes used to house bees.

PERMIT. A one-time permit fee of \$50 for the keeping of more than five hives.

(C) Urban beekeeping requirements.

(1) No more than 50 hives may be permitted/allowed on any parcel unless the parcel is larger than one acre in size. No more than 100 hives may be placed on any single parcel regardless of size.

(2) The area wherein the hive(s) are located shall be screened from view by either an opaque ("non see-through") fence of at least four feet in height, and/or an equivalent screening of vegetation. If a vegetative screen is used, such vegetation shall be installed at a minimal height of four feet upon planting. In no case shall a hive be visible from a public street or sidewalk.

(3) No hive shall be located in the front yard (between the front of the house and the street). All hives shall be located a minimum of five feet from side and rear yard property lines. In the event a side or rear yard abuts vacant and undeveloped property, the setback may be reduced to zero feet, as long as there is written consent expressly given from the adjacent property owner. Should any complaint arise from the adjacent property owner. Should any complaint arise from the adjacent property owner who originally gave written consent, the setback will revert to the five foot minimum setback requirement.

(4) All beekeeping equipment and hives must be maintained in good condition.

(5) All hives shall be placed at ground level or securely attached to an anchor or stand. If the hive is securely attached to an anchor or stand, the town may permit the anchor or stand to be permanently attached to a roof surface.

(D) Permitting and inspection requirements for urban beekeeping.

(1) It shall be unlawful for any person within the town limits of Dallas to keep bees (more than five hives) without first obtaining a permit from the town.

(2) *Permit.* A one-time permit fee of \$50 for the keeping of more than five hives on a single property.

(E) Sale of honey and beeswax-related products on site. The sale of honey and related products on site shall be considered to be in the same category and definition as "sales of agricultural products grown on-site" and shall follow the following regulations:

(1) Sales may occur on any lot upon which hives are kept, regardless of the underlying zoning district.

(2) Such sales shall be allowed during daylight hours only.

(3) Sales at an one site are allowed a maximum of 180 consecutive days during any calendar year.

(4) One yard sign shall be allowed, up to a maximum size of 24 inches by 24 inches. Sign needs to be placed on private property, outside of the right-of-way.

(Prior Code, § K-III-2) (Ord. passed 7-9-2013; Am. Ord. passed 9-27-2016; Am. Ord. passed 1-10-2017) Penalty, see § 90.99

§ 90.03 INTEGRATION WITH ORDINANCE REGULATING DOGS AND OTHER ANIMALS IN THE COUNTY.

All definitions and provisions of the "Ordinance Regulation Dogs and Other Animals in Gaston County", as adopted by the Board of County Commissioners on June 25, 1981, or as may be amended, shall apply in the town; except where provisions of this chapter are inconsistent with the provisions of the "Ordinance Regulation Dogs and Other Animals in Gaston County", and the provisions of this chapter are more specific.
(Prior Code, § K-III-3)

§ 90.04 RESPONSIBILITIES OF OWNERS.

(A) (1) It shall be unlawful for any person to allow any canine (dog) to run at large in the town. All canines shall be kept under direct control by use of a leash or contained within a fence or within an operable invisible fence. All canine must wear a current rabies vaccination tag. This chapter shall be enforceable by the Development Services Director, Chief of Police or their designee(s). This section shall not apply to canines associated with sworn law enforcement activities or service animals.

(2) A canine shall leave the owner's property only under the following conditions.

(a) The canine is under restraint by virtue of being in custody of a competent person and held by a leash, chain or other device of sufficient strength to maintain control by the person.

(b) The canine is under direct control by virtue of being in custody of a competent person and sufficiently near the person to hear the person's voice commands and is obedient to those commands.

(c) The canine is under direct control by virtue of being held within a secure enclosure as defined in the "Ordinance Regulating Dogs and Other Animals in Gaston County".

(d) The canine is engaged in organized hunting or recreational activities on private property with the consent of the owner of that property; providing that the canine is obedient to commands of its owner.

(B) It shall be unlawful for any owner to keep, maintain or harbor more than four dogs 12 weeks old or more upon the premises of any property or lot within the town. Claimed or divided ownership of any dogs by two or more owners contained within the same lot or premises shall still be prohibited by this section. It is the intent of this provision to prohibit the keeping, maintaining or harboring of more than four dogs on any premises or lot within the town.

(C) This section shall not apply to veterinary or animal hospitals, professional kennels, groomers or breeders when same are lawfully zoned and permitted.

(D) Any violation of this section shall subject the offender to such penalties and remedies as those set forth in § 10.99. Continued violation or continuing violations shall subject the violator to separate, distinct and successive civil penalties.

(E) In the event a person owns more than the permitted number of dogs allowed under this section upon the effective date of adoption of this section, those dogs over the permitted number shall be allowed to be kept by the owner until such time as the dog shall die or be given away by its owner. However, upon the dog's death, or upon giving the dog away, that dog shall not be replaced with another dog. (Prior Code, § K-III-4) (Ord. passed 11-10-2003; Ord. passed 12-11-2012) Penalty, see § 90.99

§ 90.05 DETERMINATION OF STRAY ANIMAL.

A dog belonging to an identifiable owner or other person shall be deemed to be at large and a stray animal. A dog that roams at large with no apparent ownership shall also be deemed to be at large and a stray animal.

(Prior Code, § K-III-5) Penalty, see § 90.99

§ 90.06 AUTHORITY AND RESPONSIBILITY OF ANIMAL CONTROL OFFICERS.

The County Animal Shelter and its Superintendent and Animal Control Officers are hereby authorized to capture and impound and, in certain cases, tranquilize or humanely destroy stray animals in accordance with §§ V, VI and VII, and any other applicable sections of the "Gaston County Ordinance Regulating Dogs and Other Animals in Gaston County".

(Prior Code, § K-III-6)

§ 90.07 CRUELTY TO ANIMALS.

It shall be unlawful for any person to mistreat, drive or work or allow to be worked any beast of burden that is physically disabled for labor or work. (Prior Code, § K-III-7) Penalty, see § 90.99

§ 90.08 TOWN DECLARED BIRD SANCTUARY; KILLING, HUNTING OR TRAPPING PROHIBITED; EXCEPTIONS.

All territory within the town is hereby declared to be a bird sanctuary, and it shall be unlawful for any person to hunt, kill or trap any birds within the corporate limits of the town; provided, however, the

provisions of this section shall not apply to any birds classed as predatory by the Wild Life Resources Commission of the state, and by state statutes, nor to pigeons, crows, starlings or English sparrows. (Prior Code, § K-III-8) Penalty, see § 90.99

§ 90.09 SANITARY REQUIREMENTS OF PENS, COOPS, STABLES AND ENCLOSURES.

It shall be unlawful for any person to maintain any pen, coop, stable or enclosure, including fenced-in-yards in which animals are kept in a manner so as to produce obnoxious odors or which may become a breeding place for flies or mosquitoes. The owner or occupant of any premises on which animal(s) are kept in an enclosure(s) shall be required to maintain the enclosure(s) in a clean and healthful manner at all times, and all manure or other waste matter removed from the pen, coop, stable or enclosure shall be immediately hauled from the town or stored in suitable fly-proof bins or buried under at least six inches of earth.

(Prior Code, § K-III-9) (Ord. passed 8-12-1997; Am. Ord. passed 6-14-2016) Penalty, see § 90.99

§ 90.10 DOGS IN PARKS AND PUBLIC PLACES.

It shall be unlawful for any person to carry, take or bring a dog into a public park within the town except under the following regulations:

(A) All dogs must be on a leash or lead. The maximum length of the leash or lead shall be six feet.

(B) It shall be unlawful for any owner to fail to provide current rabies inoculation for any dog four months or older. The metal tag shall be securely fastened to the dog's collar.

(C) It shall be unlawful for any person in charge of a dog to fail to pick up and properly dispose of feces deposited by the dog on publicly owned property.

(D) Puppies brought to the parks must be a minimum of four months old.

(E) Acts of aggression by a dog against other dogs or people are prohibited.

(F) No more than three dogs are allowed per handler.

(G) Close adult supervision is required for all children under the age of 12 handling a dog.

(H) Females dogs in heat are prohibited within parks while in such condition.

(I) Handlers must stop dogs from digging and must fill any hole created by their dogs.

(J) No littering. All trash must be placed in proper receptacles.

(Ord. passed 12-10-2013) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) Failure to comply with the provisions of § 90.02 may result in the revocation of a beekeeping permit in addition to the imposition of prescribed civil penalties.

(2) Violations of any of the provisions of § 90.02 shall subject the offender to a civil penalty in the amount of \$50. In the event there is more than one violation in any 30-day period, then the civil penalties shall be increased for each additional violation over one during the period as follows: \$100 for a second offense; \$150 for a third and subsequent offenses during a 30-day period. The date of the initial violation shall serve as the beginning for the initial 30-day period. The Town Attorney or designee may

CHAPTER 91: GENERAL NUISANCES

Section

- 91.01 Generally
- 91.02 Noises expressly prohibited
- 91.03 Firearms regulated
- 91.04 Posting bills; other advertising
- 91.05 Permit required for circuses, shows or exhibitions under tent
- 91.06 Defacing or injuring town property prohibited
- 91.07 Slingshots prohibited; exception
- 91.08 Discarding or abandoning iceboxes and the like; precautions required
- 91.09 Swimming pool to be enclosed by a fence
- 91.10 Use of indoor furniture, appliances and other items on porches and other outdoor areas a nuisance

- 91.99 Penalty

Cross-reference:

Business regulations, see Title XI

§ 91.01 GENERALLY.

(A) It shall be unlawful for any person, firm or corporation to create or assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the town.

(B) Noise of a character intensity and duration as to be detrimental to the life or health of any individual is prohibited.

(Prior Code, § K-II-1) Penalty, see § 91.99

§ 91.02 NOISES EXPRESSLY PROHIBITED.

(A) *Unnecessary noise.* In order to maintain peace and quiet at all times, and to keep the residents of the town free from disturbance by loud noises, it shall be unlawful for any person to create or assist in creating, permit, continue or continue to permit any unreasonably loud, disturbing and unnecessary noise, sound or utterance of a character, intensity or duration as to be detrimental to the peace, repose or health of any individual in the town.

(B) *Noises expressly prohibited.*

(1) The sounding of any horn, gong, siren or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal, the creation, by means of any such signal device, of any unreasonably loud and harsh sound, and the sounding of the device for an unnecessary and unreasonable period except upon any police, fire or other emergency vehicle.

(2) The keeping of any animal, including but not limited to dogs, cats and/or birds, which habitually and regularly barks, howls, whines, cries, or mews in an excessive manner (*EXCESSIVE* to be defined as one or more times per minute, each minute, during any one or more continuous ten-minute period) so as to result in the documented annoyance to neighboring residents and which interferes with the reasonable use and enjoyment of the premises occupied by such residents.

(3) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in a

manner so as to create loud or unnecessary grating, grinding, rattling or other noise.

(4) The blowing of any steam whistle attached to any stationary boiler, except to give notice of time to begin work or stop work or as a warning of danger.

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

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

(7) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, 8:00 a.m. and 6:00 p.m. on Saturdays and 1:00 p.m. and 5:00 p.m. on Sundays for which building permits have been issued or operations not requiring permits, provided all equipment is operated according to manufacturer's specifications and with all standard equipment manufacturers's mufflers and noise reducing equipment in use and in proper operating condition.

(8) The creation of any excessive noise on any street adjacent to any school, institution of learning, library, church, sanitarium or court while same is in session, or adjacent to any hospital, which unreasonably interferes with the working of the institution.

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

(10) The sounding of any bell or gong attached to any building or premises which disturbs

the quiet or repose of any persons in the vicinity thereof, excluding churches using bells and/or for the purpose of calling to service and the local government using chimes and carillon for its clock.

(11) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet or repose of persons in the vicinity thereof.

(12) The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, lecture or public speaking or to any sale, display or advertisement of merchandise, except by specific permit granted by the Town Manager or his or her designee.

(13) The use of any mechanical loud speakers or amplifiers affixed to any vehicle, buildings or other structure or property for advertising or for other purposes except by specific permit granted by the Town Manager or his or her designee.

(14) The firing of any squibs, fire crackers, gun powder or other combustible material in the streets or elsewhere for the purpose of making noise or disturbance except by specific permit granted by the Town Manager or his or her designee.

(15) The conducting, operating or maintaining of any garage or filling station in any residential district or business district so as to cause loud or offensive noises to be emitted therefrom between the hours of 9:00 p.m. and 7:00 a.m.

(C) *General entertainment.*

(1) The use or operation of any musical instrument, phonograph, radio, loudspeaker or any other instrument or sound amplifying device so loudly as to disturb persons in the vicinity thereof shall be unlawful; however, upon application to the Chief of Police or his or her designee, permits may be granted to responsible entities to produce programs in music, speeches or general entertainment. The following guidelines shall be used when a permit is issued.

control ordinance. Failure of the permit holder to be present or to assist the police in complying with this section will be cause for revocation of the permit.

(d) Measurements will be made at a minimum distance of ten feet from the property line of the property from which the noise is emanating, measurement will be made using an A-weighted decibel meter at peak level over a 30-second period of time.

(e) If upon receipt of a complaint the Chief of Police or his or her designee determines that the manner of use or operation of the sound amplifying device is in violation, a written warning shall be issued. Following issuance of the permit, the permit holder is allowed to receive two written warnings. After these two such warnings, state uniform citation shall be issued to the permit holder and the permit shall be revoked.

(2) Upon the issuance of a state uniform citation, the Chief of Police or his or her designee will revoke the permit issued to the offending party. The revocation of the permit shall be for a period of 12 months, subject to the following appeals process.

(D) Revocation of permit and appeal.

(1) All appeals must be filed in writing within ten days of revocation of a permit and submitted to the Chief of Police. The decision of the Chief of Police shall be returned in writing no later than ten days after receiving the appeal.

(2) A final appeal may be filed with the Town Clerk to be heard by the Board of Aldermen at the next regularly scheduled Board meeting.

(3) The decision of the Board of Aldermen shall be final.

(4) Upon its decision, the Board of Aldermen may either ratify the decision of the Chief of Police or issue a probationary permit for a period of six months.

(5) After successful completion of the probation period, the permit holder may reapply for a new permit.

(6) Any violation occurring during the probationary period shall result in the issuance of a state uniform citation and the revocation of the permit for a period of 12 months.

(7) No appeals may be filed for a second offense revocation.

(E) *Exemptions.* The following are exempted from the regulations set forth in divisions (B) and (C) above:

(1) Noises or sounds emanating from scheduled outdoor athletic events;

(2) Noises or sounds of safety signals, warning devices, church or school bells. For purposes of this division, the term **SCHOOL AND CHURCH BELLS** shall include electronic devices or artificial sound reproduction systems intended to sound like bells;

(3) Noises or sounds emanating from any authorized emergency or public safety vehicle; and

(4) Noises or sounds emanating from parades, street fairs, festivals or similar events which are conducted or sponsored by the town. (Prior Code, § K-II-2) (Ord. passed 6-11-1985; Ord. passed 3-14-2000; Ord. passed 10-8-2013; Ord. passed 6-10-2014) Penalty, see § 91.99

§ 91.03 FIREARMS REGULATED.

(A) *Discharge of firearms.* It shall be unlawful for any person to discharge any gun or pistol, except an air rifle/BB, within the town limits, except by a peace officer in the performance of his or her duty. An air rifle/BB gun may be fired by any adult or minor, under the direct supervision of an adult, for the purpose of target practice.

(B) *Concealed weapons.*

(1) G.S. § 14-415.23 authorizes municipalities to adopt ordinances to permit the posting of a prohibition against carrying a concealed handgun, in accordance with G.S. § 14-415.11(c), on local government buildings, their appurtenant premises, and parks, and the carrying of concealed handguns on the posted premises will constitute a violation of G.S. Chapter 14, Article 54B.

(a) *Posting of signs required.* The Police Chief is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each park and each building or portion of a building owned, leased as lessee, operated, occupied, managed or controlled by the town, as well as the appurtenant premises to the buildings, indicating that carrying a concealed handgun is prohibited therein.

(b) *Location of signs.* Signs on building shall be visibly posted on the exterior of each entrance by which the general public can access the building. The Police Chief shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.

(2) It shall be unlawful for anyone to engage in the act of hunting in the town.

(C) *Exception.* Upon presentation of a depredation permit issued by a lawfully appointed officer of the State Wildlife Department, a nuisance permit for the elimination of squirrels may be issued. The permit shall be of limited duration, and will apply only to the capture or extermination of squirrels. (Prior Code, § K-II-3) (Ord. passed 11-14-1995; Ord. passed 8-14-2001; Ord. passed 8-12-2003) Penalty, see § 91.99

§ 91.04 POSTING BILLS; OTHER ADVERTISING.

No person shall stick, paint, brand, stamp, write or put upon any fence, wall, pavement post building or other property owned by the town, any printed, written, painted or other advertisement, bill, notice,

sign or poster, without first having obtained a written permit therefor from the Town Clerk.

(Prior Code, § K-II-4) (Ord. passed 6-6-1972) Penalty, see § 91.99

§ 91.05 PERMIT REQUIRED FOR CIRCUSES, SHOWS OR EXHIBITIONS UNDER TENT.

It shall be unlawful for any person to exhibit any circus, show, vaudeville or other exhibition under a tent, anywhere within the town, unless the person shall have first obtained a special permit from the Town Clerk. Each and every day the show is carried on or exhibited in violation of this section shall constitute a separate offense.

(Prior Code, § K-II-6) Penalty, see § 91.99

§ 91.06 DEFACING OR INJURING TOWN PROPERTY PROHIBITED.

It shall be unlawful for any person to paint, write or draw upon, or carve or in any way deface or intentionally injure any property belonging to the town.

(Prior Code, § K-II-8) Penalty, see § 91.99

§ 91.07 SLINGSHOTS PROHIBITED; EXCEPTION.

It shall be lawful for any adult and any minor, under the direct supervision of an adult, to shoot a slingshot in the town for the purpose of target practice. It shall be unlawful to shoot a bow and arrow or crossbow within the town.

(Prior Code, § K-II-9) (Ord. passed 8-14-2001) Penalty, see § 91.99

§ 91.08 DISCARDING OR ABANDONING ICEBOXES AND THE LIKE; PRECAUTIONS REQUIRED.

(A) It shall be unlawful for any person, firm or corporation to discard, abandon, leave or allow to remain in any place any icebox, refrigerator or other container, device or equipment of any kind with an

interior storage area of more than one and one-half cubic feet of clear space which is air-tight without first removing the door or doors or hinges from the icebox, refrigerator, container, device or equipment.

(B) This section shall not apply to any icebox, refrigerator, container device or equipment which is being used for the purpose for which it was originally designed or is being used for display purposes by any retail or wholesale merchant, or is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any air-tight compartment thereof.

(Prior Code, § K-II-10) Penalty, see § 91.99

§ 91.09 SWIMMING POOL TO BE ENCLOSED BY A FENCE.

(A) For the purpose of this section, the term *SWIMMING POOL* is hereby defined as any structure, basin, chamber or tank containing an artificial body of water having a depth at any point of more than two feet and intended for swimming, diving or recreational bathing.

(B) All outdoor swimming pools located within the town shall be completely enclosed by a fence.

(1) All fence openings or points of entry into the pool area enclosure shall be equipped with gates.

(2) The fence and gates shall be at least four feet in height above the grade level and shall be constructed of a minimum number nine gauge woven wire mesh corrosion-resistant and shall be set in concrete base.

(Prior Code, § K-II-11) Penalty, see § 91.99

§ 91.10 USE OF INDOOR FURNITURE, APPLIANCES AND OTHER ITEMS ON PORCHES AND OTHER OUTDOOR AREAS A NUISANCE.

(A) The use of carports, open porches, decks, open garages and other outdoor areas that are visible to streets or other public areas as a storage or

collection place for boxes, appliances, furniture (but not including typical outdoor or yard furniture), tools, equipment, junk, garbage, old, worn out, broken or discarded machinery and equipment, cans, containers, cardboard containers, household goods or any similar condition that increases the likelihood of a fire; may conceal dangerous conditions, may be a breeding place or habitat for mice, rats or other pests; or create an unattractive condition or visually blighted property;

(B) The placement, storage or use of upholstered sofas, couches, chairs or other indoor type furniture, appliances, seats removed from motor vehicles or other furniture not intended for outdoor use by the manufacture use on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks shall be prohibited.

(C) If the renter or owner of the property is found in violation of divisions (A) or (B) above and the violation is not remedied within 15 days, then the renter or owner of the property shall be subject to a civil citation and fine.

(Prior Code, § K-II-12) (Ord. passed 6-11-2002) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating any of the provisions of § 91.09 shall, upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed \$50, or imprisonment not to exceed 30 days, and each day that any of the provisions of § 91.09 are violated shall constitute a separate offense.

(Prior Code, § K-II-11)

CHAPTER 92: HEALTH PROTECTION AND DISEASE PREVENTION

Section

- 92.01 Property maintenance, removal of trash, weeds; lien
- 92.02 Human waste
- 92.03 Sale of food; eating establishments
- 92.04 Debris from new construction
- 92.05 Removal of tree trimmings

§ 92.01 PROPERTY MAINTENANCE, REMOVAL OF TRASH, WEEDS; LIEN.

(A) The existence of any of the following conditions on any lot or other parcel of land, whether vacant or occupied, within the corporate limits of the town is hereby declared to be dangerous and prejudicial to the public health or safety, and constitutes a public nuisance:

(1) Noxious weeds and other rank vegetation; any growth of weeds or grass or other vegetation to a height greater than 12 inches; or any accumulation of dead weeds, grass or brush;

(2) Uncontrolled growth of vegetation-undeveloped property: any uncut, uncontrolled growth of noxious weeds, vegetation, grasses, brush or bushes to a height of 12 inches on an undeveloped property shall constitute a nuisance. Notwithstanding the other sections of this chapter, this division (A)(2) applies only to the outer perimeter of the property to a depth of 50 feet and bordering a public right-of-way and/or developed properties;

(3) Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause accumulation of stagnant water or the inhabitation thereof by rats, mice, snakes or noxious insects;

(4) Any accessory building or structure that has become so dilapidated or deteriorated so as to constitute a public nuisance;

(5) All fences, retaining walls or similar structures that are not firmly anchored to the ground, maintained in good structural condition and free of deterioration. Deteriorated features shall be repaired, replaced or completely removed. Grass, weeds and other vegetation around the fences shall be maintained in compliance with division (A)(1). All fencing must be constructed of customary or normal fencing material used consistently throughout; the material used in the construction of the fence must be manufactured and marketed for construction of permanent fencing. Materials typically used for temporary fencing may not be used for permanent fences. For commercial and industrial uses only, barbed, razor or concertina wire may be used for security purposes on portions of fencing above six feet in height, and only in areas not visible from a street or public right-of-way. Electric fencing, with the exception of fencing designed to control and contain dogs and horses, is prohibited.

(6) Chronic violators: the town shall notify any chronic violator of this section to whom a current violation notice has been provided that, pursuant to G.S. § 160A-200.1, the town shall take action to remedy the violation without further notice and the expense of the action shall become a lien on the property and shall be collected as unpaid taxes. For the purposes of this division (A)(6), a **CHRONIC VIOLATOR** is a person who owns property whereupon, in the course of the then current year, the town has provided the property owner notice of violation of any provision of this section at least two previous times.

(B) (1) Where conditions as described in § 92.01(A)(1), (2), and (3) above exist so as to constitute a nuisance or danger to public health or safety, the Code Enforcement Administrator shall notify the property owner by first class mail of the conditions and shall order abatement thereof within five days following the date of the notice of violation.

(2) Where conditions as described in § 92.01(A)(4) and (5) above exist so as to constitute a nuisance or danger to public health or safety, the Code Enforcement Administrator shall notify the property owner by first class mail of the conditions and shall order abatement thereof within ten days following the date of the notice of violation.

(3) When the property owner has failed to comply with a notice of violation as described above, the Code Enforcement Administrator shall not be required to provide further notice of violation to that person with regard to the same property before taking any enforcement action.

(4) In addition, a town agent or employee may enter upon the premises and perform any work that may be necessary to bring the property into compliance with this section and the town shall charge the cost thereof against the premises upon which the work was performed.

(C) In addition to the civil penalties provided for in § 10.99, the costs of any work performed under this section shall constitute a lien against the premises upon which the work was performed and may be collected in the same manner as taxes upon real property. The term **COST** as used in this section shall include interest at the rate of 8% per annum until the lien is paid. Interest does not accrue until a bill for the cost becomes overdue (Senate Bill 181, 1999). (Prior Code, § I-I-1) (Ord. passed 12-11-2012; Am. Ord. passed 6-14-2016) Penalty, see § 10.99

§ 92.02 HUMAN WASTE.

(A) No person shall urinate or deposit any human waste of any kind on any street, lot or premises, except in approved sanitary facilities.

(B) Any structure that has sewer service and develops a sewage leak on private property, the owner or renter has 72 hours to make the necessary repairs after date of notification.

(C) If repairs are not made after the above mention time, the town will disconnect the water service.

(Prior Code, § I-I-2) (Ord. passed 9-14-1999; Ord. passed 10-12-2003) Penalty, see § 10.99

§ 92.03 SALE OF FOOD; EATING ESTABLISHMENTS.

All persons, firms or corporations selling food of any kind or serving prepared meals shall comply with all requirements pertaining thereto of the State Board of Health.

(Prior Code, § I-I-3) (Ord. passed 9-14-1999) Penalty, see § 10.99

§ 92.04 DEBRIS FROM NEW CONSTRUCTION.

All refuse, lumber and debris, remaining both as a result of the repair of any old buildings or of the erection and completion of any new buildings, shall be removed by the property owner within ten days from the completion of the aforesaid work.

(Prior Code, § I-I-4) (Ord. passed 9-14-1999) Penalty, see § 10.99

§ 92.05 REMOVAL OF TREE TRIMMINGS.

(A) Tree trimmings will be collected by the town once each week, provided that the collections shall be limited to no more than one truck load per week per residence; if additional service is required or requested by the owner or occupant of the premises and if approved by the Town Clerk, the collections will be made on the basis of \$25 per truck load or portion thereof to be paid in advance to the town before the matter is loaded on the truck; tree trimmings shall be placed at a place that can be

conveniently reached by the trash collector; tree trimmings shall not, however, be placed in the street right-of-way normally used by vehicles, pedestrians or for surface drainage; tree trimming shall not be longer than six feet in length nor weigh more than 50 pounds.

(B) The provisions of division (A) above shall not apply to persons who cut or trim trees for hire.

(C) Persons who cut or trim trees for hire shall, within ten days after the completion of a particular job, remove all tree trimmings and other remaining refuse from the premises upon which the job was performed, and disposed of the same at a landfill or other similar place of disposal.

(Prior Code, § I-I-5) Penalty, see § 10.99

(7) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or

(8) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Aldermen.

(Prior Code, § L-I-2) (Am. Ord. passed 6-14-2016)

§ 93.04 ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow the vehicle to be abandoned, as the term is defined herein.

(B) Upon investigation, proper authorized officials of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

(Prior Code, § L-I-3) Penalty, see § 10.99

§ 93.05 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(B) Upon investigation, the Housing Inspector, or his or her designated representative, may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

(Prior Code, § L-I-4) Penalty, see § 10.99

§ 93.06 JUNK MOTOR VEHICLES REGULATED; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee or occupant of the

real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(B) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements by this section.

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

(D) Subject to the revisions of § 93.07, upon investigation, the Housing Inspector, or his or her designated representative, may order the removal of a junked motor vehicle, as defined in this chapter, after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. The finding shall be based on a balancing of the monetary loss by the apparent owner against that corresponding to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:

(1) Protection of property values;

(2) Promotion of tourism and other economic development opportunities;

(3) Indirect protection of public health and safety;

(4) Preservation of the character and integrity of the community; and

(5) Promotion of the comfort, happiness and emotional stability of area residents.

(E) Permitted concealment or enclosure of junked motor vehicle:

(1) One junked motor vehicle, in its entirety, can be located in the rear yard as defined by the town's zoning regulations (Chapter 153) if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.

(a) The Housing Inspector, or his or her designated representative, has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision.

(b) The covering must remain in good repair and must not be allowed to deteriorate the covering or enclosure must be compatible with the objectives stated in the preamble of this chapter.

(2) More than one junked motor vehicle: any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junk motor vehicle(s) cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use of a garage or building structures erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.
(Prior Code, § L-I-5) Penalty, see § 10.99

§ 93.07 REMOVAL OF ABANDONED, NUISANCE OR JUNKED MOTOR VEHICLES; PRE-TOWING NOTICE REQUIREMENTS.

(A) Except as set forth in § 93.08, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle.

(B) In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicles or the owner, lessee or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail.

(C) The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which it was mailed and the date mailed. If the names and addresses cannot be ascertained, or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the town on a specified date (no sooner than seven days after the notice is affixed).

(D) The notice shall state that the vehicle will be removed by the town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

(E) With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, the appeal shall be made to the Board of Aldermen, in writing, heard at the next regularly scheduled meeting of the Board of Aldermen, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(Prior Code, § L-I-6)

§ 93.08 EXCEPTIONS TO PRIOR NOTICE REQUIREMENT.

(A) The requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or otherwise maintain and protect the public safety and welfare.

(B) The findings shall, in all cases, be entered the authorizing, official in the appropriate daily records.

**§ 93.10 RIGHT TO PROBABLE CAUSE
HEARING BEFORE SALE OR FINAL
DISPOSITION OF VEHICLE.**

(A) After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle.

(B) A request for hearing must be filed in writing with the County Magistrate designated by the Chief District Court Judge to receive the hearing request.

(C) The Magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provision of G.S. § 20-219.11, as amended.
(Prior Code, § L-I-9)

**§ 93.11 REDEMPTION OF VEHICLE DURING
PROCEEDINGS.**

(A) At any stage in the proceedings including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of the fees and charges to the tow truck operator or towing business having custody of the removed vehicle.

(B) Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violation of this chapter.
(Prior Code, § L-I-10)

**§ 93.12 SALE OR DISPOSITION OF
UNCLAIMED VEHICLE.**

(A) Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle.

(B) Disposition of the vehicle shall be carried out in coordination with the town and in accordance with G.S. § 44A-1.
(Prior Code, § L-I-11)

**§ 93.13 CONDITIONS OR REMOVAL OF
VEHICLES FROM PRIVATE PROPERTY.**

(A) As a general policy, the town will not remove a vehicle from private property if the owner, occupant or lessee of the property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the town from private property without a written request of the owner, occupant or lessees, except in those cases where a vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the Town Housing Inspector.

(B) The town may require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the town against any loss, expenses or liability incurred because of the removal, storage or sale thereof.
(Prior Code, § L-I-12)

**§ 93.14 PROTECTION AGAINST CRIMINAL
OR CIVIL LIABILITY.**

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned nuisance or junked motor vehicle for disposing of the vehicle as provided in this chapter.
(Prior Code, § L-I-13) Penalty, see § 10.99

§ 93.15 EXCEPTIONS.

Nothing in this chapter shall apply to any vehicle:

(A) Which is located in a bona fide "automobile graveyard" as defined by G.S. § 136-143, in accordance with the Junkyard Control Act, G.S. §§ 136-141 et seq.;

(B) Which is in an enclosed building;

(C) Which is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or

(D) Which is in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Prior Code, § L-I-14)

**§ 93.16 UNLAWFUL REMOVAL OF
IMPOUNDED VEHICLE.**

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the town any vehicle which has been impounded pursuant to the provisions of this code unless and until all towing and impoundment fees which are due, or bond in lieu of the fees, have been paid.

(Prior Code, § L-I-15) Penalty, see § 10.99

CHAPTER 94: STREETS AND SIDEWALKS

Section

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DAMAGING STREETS AND SIDEWALKS

§ 94.001 PERMIT TO DIG IN STREETS.

It shall be unlawful for any person, firm or corporation to dig any hole, ditch or excavation of any kind whatsoever, on any street in the town without first securing a permit therefor in writing from the Town Clerk.
(Prior Code, § D-I-1) Penalty, see § 94.999

§ 94.002 SIDEWALK CONSTRUCTION.

No sidewalk of any description shall be built by any individual, firm or corporation, of any brick, wood or other material without a written permit from the town.

(Prior Code, § D-I-2) Penalty, see § 94.999

§ 94.003 STREETS AND SIDEWALK REPAIR.

(A) *Paved streets.* It shall be the duty of every person, firm or corporation who shall open or dig a ditch, trench or hole in any paved street of the town to immediately repair the same by patching the street in accordance with the specifications of the State Highway Commission for patching secondary roads and to maintain the patching for a period of at least two years. In no event, however, shall any patching be of less area than three square feet.

(B) *Dirt streets and sidewalks.* It shall be the duty of every person, firm or corporation who shall open or dig a ditch, trench or hole in any dirt street or sidewalk in as good condition in all respects as it was before.

(C) *Violation.* Any person, firm or corporation violating or failing to observe the provisions of this section shall be guilty of a misdemeanor.
(Prior Code, § D-I-3) (Ord. passed 9-21-1972) Penalty, see § 94.999

§ 94.004 EXCAVATIONS; LEAVING UNPROTECTED.

It shall be unlawful for any person, firm or corporation making any excavation for any purpose whatsoever in any of the streets or sidewalks to fail to securely cover the excavations with planks or place ropes around the same three feet from the ground or shall fail to place a sufficient number of red lights around the excavation before dark and to keep the lights burning all night every night while the excavation shall be open.

(Prior Code, § D-I-4) Penalty, see § 94.999

§ 94.005 STREETS NOT TO BE DAMAGED.

It shall be unlawful for any person, firm or corporation to drag, or run, or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt, bithulitic, warrenite or other permanently paved street of the town which shall be liable, in any way, to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

(Prior Code, § D-I-5) Penalty, see § 94.999

§ 94.006 DAMAGE TO BRIDGES AND CULVERTS.

No person shall injure or misplace any part of any bridge, culvert, ditch and drain or other property belonging to or used by the town, or shall place any obstruction in any culvert, ditch or drain, to prevent the free flow of water on or over the streets of the town.

(Prior Code, § D-I-7) Penalty, see § 94.999

§ 94.007 DAMAGE TO LIGHTS, SIGNS.

No person shall injure, tamper with, remove or paint upon or deface any sign, sign post, street light, traffic signal or bulletin board or other municipal property upon the streets and sidewalks except employees of the town in performance of their duties.
(Prior Code, § D-I-8) Penalty, see § 94.999

OBSTRUCTING STREETS AND SIDEWALKS**§ 94.020 ASSEMBLY ON SIDEWALKS.**

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.

(Prior Code, § D-II-1) Penalty, see § 94.999

§ 94.021 DISPLAY OF GOODS PROHIBITED.

No person shall place for display or sale any goods, wares or merchandise of any kind upon any of the sidewalks of the town, which shall extend out on the sidewalks.

(Prior Code, § D-II-2) Penalty, see § 94.999

§ 94.022 PLACING OBJECTS ON STREET AND SIDEWALKS.

No brick, stone or wood or other substance obstructing the free passage of persons and vehicles shall be placed or suffered to lie in any of the alley ways, streets or other routes of the town, nor shall any person place on or in any of the streets, sidewalks or alleyways of the town any boxes, crates, sacks or barrels of any description, or any other obstruction of any kind; provided that any person erecting a building may with permission from the Town Clerk, place building material for immediate use on the streets in a way so as to not interfere with the usual traffic.

(Prior Code, § D-II-3) Penalty, see § 94.999

§ 94.023 CONSTRUCTION NEAR SIDEWALK.

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 leave the sidewalk unobstructed and provide safe and easy passage.

(Prior Code, § D-II-4) Penalty, see § 94.999

§ 94.024 SHEDS AND AWNINGS.

(A) No person shall erect or repair over any sidewalk or street any wooden shed or awning or any wooden shed for the support of an awning or erect upon any street or sidewalk any post for the support of any awning.

(B) If any person shall violate this section, then each day that the above forbidden structure shall remain after notice shall constitute a separate

violation; provided that this shall not be construed to prevent the erection over the sidewalk of cloth or metal awnings supported upon metallic frames firmly suspended from the building and at least seven feet above the level of the sidewalk.

(Prior Code, § D-II-5) Penalty, see § 94.999

USE AND CLEANLINESS**§ 94.035 THROWING OR BURNING TRASH ON STREET PROHIBITED.**

(A) It shall be unlawful for any person to throw, sweep, blow, dispose of or otherwise deposit including burning any household, yard or other garbage, rubbish, dirt, refuse, leaves, grass clippings or similar matter into any storm drain, manhole, gutter, ditch, culvert, street or sidewalk within the town.

(B) This shall not prohibit the proper placement at street edge of leaves, brush or yard clippings for town pickup when compliant with then in-effect town policy; nor the incidental and unintentional placement, by wind action or lawn care activity, of insignificant quantities of grass clippings into the street or onto a sidewalk. It shall, however, render unlawful the intentional blowing or raking of grass clippings into or onto any of the public areas listed.

(Prior Code, § D-III-1) (Ord. passed 11-13-2012) Penalty, see § 94.999

§ 94.036 TREE TRIMMINGS.

It shall be unlawful for any person to place or allow to be placed any tree trimmings or shrubbery on any street or sidewalk.

(Prior Code, § D-III-2) Penalty, see § 94.999

§ 94.037 SNOW AND ICE REMOVAL.

Every occupancy 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 the sidewalk at the earliest possible time and as soon as the weather permits.

(Prior Code, § D-III-3) Penalty, see § 94.999

§ 94.038 BICYCLE ON SIDEWALKS PROHIBITED.

It shall be unlawful for any person to ride a bicycle on any sidewalk in the town.

(Prior Code, § D-III-4) Penalty, see § 94.999

§ 94.039 PLAYING BALL ON STREETS PROHIBITED.

No person shall play ball or bat or catch ball on any of the streets of the town.

(Prior Code, § D-III-5) Penalty, see § 94.999

§ 94.040 FLOW OF DIRT, GREASE OR WATER FROM WASHING VEHICLES ONTO STREETS OR SIDEWALKS PROHIBITED.

It shall be unlawful for any person to wash or clean any vehicle and permit any dirt, grease, water or other materials to flow or wash therefrom onto any street or sidewalk of the town.

(Prior Code, § D-III-6) (Ord. passed 6-8-1976) Penalty, see § 94.999

STREET CONSTRUCTION

§ 94.055 MINIMUM RIGHT-OF-WAY WIDTH.

No street right-of-way in the town shall be less than 40 feet in width.

(Prior Code, § D-IV-1) (Ord. passed 11-9-1971) Penalty, see § 94.999

§ 94.056 MUNICIPAL CURB CUT.

(A) *Purpose.* It is recognized that driveway connections onto a road serve to increase traffic flow

and volume on that road. Increased traffic flow, if left unchecked, can lead to traffic congestion, increased travel times, and to an increase in the number of accidents involving motorists, cyclists and/or pedestrians. The purpose of this chapter, per G.S. § 160A-307, is therefore to promote the orderly flow of traffic on streets through the town and to provide for increased safety for pedestrians, cyclists and motorists alike, by providing street curb cuts and other associated road improvements through the issuance of driveway permits.

(B) *Administration.* This chapter shall be administered by the Town Clerk or designee appointed by the Town Board (hereafter referred to as the "Administrator").

(C) Applicability.

(1) This chapter shall be applicable within the corporate limits of the town.

(2) This chapter shall be applicable when a building or parcel of land is proposed to be used or occupied without any associated building construction or alteration; or whenever a zoning permit, as stipulated in the town zoning regulations (Chapter 153), is required. Adherence to this chapter, however, shall not be required for any of the following:

(a) The initial development of a single-family or two-family dwelling structure, along with related accessory structures, on a recorded lot;

(b) Initial construction or expansion of residential accessory structures;

(c) Initial construction of nonresidential accessory structures which are less than 500 square feet in area; or an expansion of a nonresidential accessory structure by less than 500 square feet;

(d) An enlargement of an existing principal nonresidential structure by less than 20% of its existing gross floor area, provided the enlargement does not necessitate the creation of additional off-street parking or loading spaces as may be

required by the town's zoning regulations (Chapter 153); or

(e) A change in principal use which would not necessitate the creation of additional off-street parking and/or loading spaces.

(D) *Driveway permits.*

(1) A driveway permit shall be required in all instances where this chapter is applicable.

(2) Fair and reasonable conditions may be placed on the driveway permit by the town in a manner as prescribed by this chapter. The conditions may require the applicant to construct (or reimburse the town for associated construction costs) the improvements.

(E) *Driveway permit application process.*

(1) An application for a driveway permit may be made (and approved by the Administrator) simultaneously with a zoning permit application.

(2) Having received and reviewed a complete application, the Administrator shall have the authority to:

(a) Approve the driveway permit without conditions;

(b) Where applicable, approve the permit in conformity with any other conditions previously placed on the property in question by the town;

(c) Recommend to the Town Board that the permit be approved subject to certain fair and reasonable conditions be attached; or

(d) Deny the application. Any such determination shall be made and the application transferred to the Town Board for action within 45 days of receipt of the application. The application will be deemed approved as submitted if the application is not transferred to the Town Board within the 45-day period.

(3) (a) The Administrator or the Town Board may only approve the driveway permit application having first determined that the proposed development, land improvement or use of property meets each of the following findings:

1. The proposed use or development will not serve to impede the flow of traffic through the town; and

2. The proposed use or development will not be a safety deterrent for pedestrians, cyclists and motorists.

(b) The Administrator or Town Board may deny an application if each of the above findings are not found in the affirmative. Any conditions placed on the driveway permit by the Town Board shall be in support of and in harmony with each of the above referenced findings of fact.

(4) Any decision of the Administrator regarding the driveway permit may be appealed to the Town Board provided the appeal is made in writing no greater than 30 days of the date of the decision. (Prior Code, § D-IV-2)

HOUSE MOVING

§ 94.070 MOVING OF BUILDING; PERMIT REQUIRED.

(A) No person shall move or assist in moving any building on, through or across any street, public alley or over any bridge or paved sidewalk with the town unless and until a permit therefor has been issued by the Town Clerk or his or her designee.

(B) If it is determined by the Public Utilities Director that the moving of any building may cause serious injury to the streets or other public improvements, the permit shall not be issued and the building shall not be moved over the streets. (Prior Code, § D-V-1) Penalty, see § 94.999

§ 94.071 APPLICATION FOR PERMIT; FEE.

(A) Any person desiring a permit under the preceding section shall file a complete application with the Clerk's office no later than ten working days prior to the scheduled date of the move.

(B) At the time the application is filed, the applicant shall pay a non-refundable fee of \$25 to process the application.

(Prior Code, § D-V-2) Penalty, see § 94.999

§ 94.072 ADDITIONAL REQUIREMENTS FOR ISSUANCE OF PERMIT.

In addition to the information supplied on the application form, the following shall be required before a permit may be issued:

(A) A copy of the applicant's house moving license issued by the State Department of Transportation (G.S. § 20-356);

(B) A copy of the applicant's house moving permit issued by the State Department of Transportation if the proposed move is to be on state streets (G.S. § 20-360);

(C) If the building is to be moved to a place within the town limits or within the limits of the town's extraterritorial jurisdiction, a plat drawn to scale showing accurate dimensions of the lot upon which the building is to be placed, the location of the lot, and any other information necessary to determine compliance with the zoning regulations of the town (Chapter 153);

(D) Current, valid certificates of insurance coverage as follows.

(1) Workers' compensation: applicant shall present a current certificate of workers' compensation insurance bearing applicant's name. For house moving operators employing fewer than three persons, a voluntary compensation endorsement shall be required. Coverage must include employers' liability with a limit of \$100,000 for each accident, \$100,000

bodily injury by disease for each employee and \$500,000 bodily injury by disease policy limit.

(2) Comprehensive general liability: coverage shall have minimum limits of \$350,000 per occurrence, combined single limit for bodily injury and property damage liability. This shall include contractual liability. The town shall be included as an additional insured.

(3) Business auto liability: coverage shall have minimum limits of \$300,000 per occurrence, combined single limit for bodily injury liability and property damage liability. Coverage shall include owned vehicles, hired and non-owned vehicles and employee non-ownership. The town shall be included as an additional insured.

(E) Any other information determined by the Town Clerk or Public Utilities Director to be necessary to ensure that the move will be conducted safely and in compliance with applicable law.

(Prior Code, § D-V-3) Penalty, see § 94.999

§ 94.073 ISSUANCE OF PERMIT; REQUIRED NOTICE.

(A) Once the Public Utilities Director has confirmed that the application is complete, the requirements of the above sections and those of the zoning regulations have been met and that the move can be made safely, a permit shall be issued. A copy of the permit shall be kept with the permittee during the entire move.

(B) The permittee shall notify the Town Police Department of the date and time of the proposed move no earlier than 48 hours and no later than 24 hours prior to the move. The permittee shall also contact all local utility companies and make provision to assure non-interference with overhead utility lines. Failure to make these notifications may result in invalidation of the permit.

(Prior Code, § D-V-4) Penalty, see § 94.999

§ 94.074 SEALING PIPELINES.

Before any work is started on the moving of a building or structure, the appropriate utility departments shall be notified in order that all gas, water and oil pipelines that are to be disconnected from the building shall be securely capped and sealed. (Prior Code, § D-V-5) Penalty, see § 94.999

§ 94.075 FLAGMEN AND ESCORTS.

(A) When more than 50% of the paved area of the street is occupied at night by a building or when, in the opinion of the Public Utilities Director, flagger are necessary to direct or caution traffic, the owner or person moving the building shall employ at his or her expenses two flaggers, one at each street intersection beyond the building. The flaggers shall remain at these intersections directing or cautioning traffic from sunset to sunrise.

(B) The permittee shall furnish front and rear escort vehicles equipped with flashing amber lights. Each vehicle shall burn its headlights and be equipped with red flags on each side at the front and a sign across the front or rear bumper bearing the legend "WIDE LOAD" or "OVERSIZED LOAD". (Prior Code, § D-V-6) Penalty, see § 94.999

§ 94.076 LIGHTING.

(A) Every building which occupies any portion of public property after sundown shall have sufficient light continuously burning between sunset and sunrise for the protection of the public.

(B) There shall be a minimum of five red lights placed on each side of the building; the lights shall be attached to the building in a fashion so as to indicate extreme width, height and size. (Prior Code, § D-V-7) Penalty, see § 94.999

§ 94.077 SANITARY PIPING; PRIVATE SEWAGE DISPOSAL.

Within ten days after the moving of any building or structure, the permittee or his or her authorized agent shall complete the following work:

(A) Securely close and seal any sanitary piping located on the property; and

(B) Fill with dirt or sand any septic tank or cesspools located on the property. (Prior Code, § D-V-8) Penalty, see § 94.999

§ 94.078 BUILDING PERMITS; HOUSING STANDARDS.

A building permit and all related permits shall be required for the restoration of a building under this subchapter. These permits shall expire and not be renewable after the noted expiration date on the permit(s). The building must be in compliance with the minimum housing standards of the town's Housing Code within six months of the date of relocation of the building.

(Prior Code, § D-V-9) Penalty, see § 94.999

§ 94.079 CONFLICT.

All ordinances or portions of ordinances in conflict herewith are hereby repealed. (Prior Code, § D-V-12)

STREET NUMBERING**§ 94.090 STREET NUMBERS FOR BUILDINGS, HOUSES, MANUFACTURED HOMES, MOBILE HOMES AND MOBILE UNITS.**

(A) All buildings, houses, manufactured homes, mobile homes and mobile units fronting on any street

or alley in the town shall be numbered in some conspicuous place on the principal structure by the owner thereof, according to numbers assigned by the U.S. postal service: all odd numbers being on one side of the street and all even numbers on the other. The numbers are to be approximately three and three-fourth inches in height, a color different from surrounding colors, and placed so that they can be easily seen from the street by police, fire and rescue personnel. Reflective numbers are preferred but are not mandatory.

(B) Any person not knowing his or her street number shall apply to the Postmaster for a number. Any person failing or refusing to put the proper number on his or her building, house, manufactured home, mobile home or mobile unit or putting the wrong number thereon, or failing or refusing to comply with any other requirement of this section shall be guilty of a misdemeanor.

(Prior Code, § D-VI-1) (Ord. passed 3-13-1996)
Penalty, see § 94.999

ROADWAY NAMING AND ADDRESSING

§ 94.105 PURPOSE.

The purpose of the regulations expressed herein is to provide for the uniform naming and marking of all roadways used for public conveyance in the town, to provide a uniform house numbering system along these roadways in order to preserve and promote public health, safety, and welfare. Specifically, this subchapter is designed to eliminate duplicate or phonetically similar roadway names; provide for uniform marking of roadways, both public and private roadways open to public use; establish an official map and listing of all roadways in the town; establish the procedures by which a roadway or roadways may be named or have the existing name changed; and establish the procedures by which structures and dwellings are assigned addresses.

(Ord. passed 6-13-2017)

§ 94.106 DEFINITION OF TERMS.

For the purposes of the subchapter, certain terms and words used herein shall be defined as follows:

BLOCK. A portion of a street from one intersection to the next intersection or dead end.

E911. Enhanced 911 Emergency Telephone System by which users may be directly connected to the Town of Dallas dispatchers for emergency assistance.

DEVELOPMENT SERVICES. Provides direction to citizens of the town and to those whose actions may directly impact citizens, in maintaining orderly and responsible growth by developing and enforcing ordinances, policies, and procedures relating to the use of land. The Department provides direction, administration, and support services in special projects and programs undertaken by the town. It also provides direction and recommendation to the Town of Dallas Board of Aldermen and the Town of Dallas Planning Board.

GEOGRAPHIC INFORMATION SYSTEM (GIS). A system of computer hardware and procedures designed to support the capture, management, manipulation, analysis, and display of spatially referenced data designed to solve complex planning and management problems.

MAILING ADDRESS. The address assigned or adopted by the United States Postal Service for the purpose of delivering mail. A mailing address may or may not be identical to the property address. However, the current standard is for property addresses to be used as a mailing address unless other arrangements have been made (i.e. post office box).

OFFICIAL NAME. The name of any roadway in the unincorporated areas of the town as approved by Planning and Development Services, the Planning Board, and/or the Board of Aldermen.

CHAPTER 95: TOWN CEMETERY

Section

- 95.01 Cemetery Superintendent
- 95.02 Lots
- 95.03 Cemetery use
- 95.04 Trees, shrubbery, plantings,
landscaping and maintenance
- 95.05 Monuments, markers and memorial
ornamentation
- 95.06 Structures
- 95.07 Conduct
- 95.08 General regulations

§ 95.01 CEMETERY SUPERINTENDENT.

(A) The Town Manager shall appoint a town employee to serve as Cemetery Superintendent. The Cemetery Superintendent shall be charged with and perform all those duties specifically prescribed herein as well as such other duties as may be assigned to him or her by the Town Manager.

(B) The Town Manager, through the Superintendent, shall have charge of the town cemetery with authority to enforce all ordinances, policies and regulations relating to the cemetery, and shall be responsible to identify, verify or confirm lot locations and/or ownership boundaries.

(C) The Superintendent shall further be responsible to supervise the digging of all graves; the carrying out of all interments, disinterments or placing of cremains; and the installation of all monuments and markers.

(Ord. passed 2-12-2013)

§ 95.02 LOTS.

(A) To the extent that the town shall own undeveloped cemetery lots and make same available for sale to the general public for use as grave-sites, such lots shall, in keeping with then-current fee schedules, be sold and transferred to purchasers on a first-come, first-served basis, with preference given to town residents or family members of town residents or former residents; and a deed shall be provided the purchaser and recorded by the Superintendent within the office of the County Register of Deeds.

(B) It shall be a violation of this chapter for any person to sell or transfer any lot in the town cemetery without first obtaining the consent and approval from the town, which shall be evidenced by action of the Board of Aldermen and recorded with the County Register of Deeds. A copy of the new deed shall be provided to the Superintendent and maintained in the town's permanent cemetery records.

(Ord. passed 2-12-2013) Penalty, see § 10.99

§ 95.03 CEMETERY USE.

(A) The town cemetery shall be used exclusively for the interment of human remains within identified lots designated for same. No interments or disinterments shall occur without authorization of the Superintendent.

(B) All graves shall be dug under the supervision of the Superintendent and to a minimum depth of 58 inches.

(C) All burials shall occur in accordance with the state statutes governing the minimum requirements for the interment of human remains, including cremains. In addition, all casket burials shall be within a grave liner or burial vault. All cremains interments shall be contained within a waterproof, tightly-sealed container designed for such purpose and disposition.

(D) Each individual burial lot shall contain not more than one casket/vault interment of human remains, or more than four properly-contained cremains interments of related human remains. Cremains shall not be allowed to be interred with or above existing casket burials, nor shall they share an individual burial lot with casket interments.

(Ord. passed 2-12-2013) Penalty, see § 10.99

§ 95.04 TREES, SHRUBBERY, PLANTINGS, LANDSCAPING AND MAINTENANCE.

(A) No person shall plant or set any tree, shrub, flower, grass or plant of any kind in the cemetery except with the express approval of the Superintendent.

(B) The trimming, cutting, pruning or removal of any tree, shrub or planting within the cemetery is expressly prohibited except as conducted by town personnel and/or authorized by the Superintendent or his or her designee.

(C) All grading, landscaping and general maintenance, including raking, mowing and trimming shall be performed exclusively by town personnel or contractors to the town, under the supervision of the Superintendent or his or her designee.

(Ord. passed 2-12-2013) Penalty, see § 10.99

§ 95.05 MONUMENTS, MARKERS AND MEMORIAL ORNAMENTATION.

(A) Above-ground, vertical-face-etched headstones shall be referred to as "monuments". Flush-to-ground, horizontal-top-face-etched headstones shall be referred to as "markers". Monuments are only allowed on "family plots", which shall comprise or more contiguous, family-related and

owned individual lots. Then, only one central monument is allowed on the family plot.

(B) Monuments shall be a minimum 24 inches in height, not including the base; 24 inches in width; and six inches thick. Monuments shall not exceed 24 square feet in face area, nor exceed a width greater than 72 inches.

(C) Markers are allowed on any individual lot but are to be laid flush with the ground and shall not exceed two feet in length and one foot in width. If part of a family plot, markers shall be placed at the end of the lot farthest from the central monument.

(D) All monuments and markers shall be constructed of first-quality granite or marble only.

(E) No coping, curbs, fencing or borders of any kind shall hereafter be erected on or around any individual lot or family plot.

(F) Memorial ornamentation displayed or left at grave sites shall be limited to synthetic flowers/plants and small flags, and same shall be removed and/or replaced upon visible wear or degradation.

(Ord. passed 2-12-2013) Penalty, see § 10.99

§ 95.06 STRUCTURES.

No mausoleum, tomb, building, columbarium or other structure of any type shall be erected within the cemetery unless or except if owned and controlled by the town.

(Ord. passed 2-12-2013) Penalty, see § 10.99

§ 95.07 CONDUCT.

(A) No person shall exhibit or engage in willfully boisterous, unruly or disorderly behavior within the cemetery such as to disturb or disrupt the quiet reflection of others.

(B) No person shall willfully and without authority defile, deface, desecrate or place any mark upon or otherwise injure, any monument or marker contained within the cemetery.

(C) No person shall deposit any trash, rubbish, garbage or waste product in the cemetery except in receptacles designated for such. All materials carried or brought into the cemetery and not otherwise used in the erection of monuments or markers, or in the authorized interment of human remains, shall be promptly removed by the owner(s) of the lot(s) upon which such material(s) is/are located.

(D) Vehicles shall be driven only upon the roadways within the cemetery, and at a rate of speed not to exceed 15 miles per hour. No vehicles shall enter the cemetery except for the purpose of attending funerals, preparing grave sites, visiting and/or maintaining grave sites, or other lawful purpose and mission.

(Ord. passed 2-12-2013) Penalty, see § 10.99

§ 95.08 GENERAL REGULATIONS.

All lots within the town cemetery shall be subject to, and regulated and controlled by, the provisions of this chapter and/or by order of the Superintendent as same shall be authorized hereby.

(Ord. passed 2-12-2013)

§ 110.09 REGISTRATION CERTIFICATE YEAR.

(A) Each business subject to and receiving a business registration certificate in the town shall be issued such certificate effective with July 1 of the year issued and terminating on midnight of June 30, the following year. As June 30 of any given year approaches, the town will forward applications for renewal certificates to any and all current certificate holders, but no renewal business registration certificates will be issued until all required fees are paid and any requested inspections are completed.

(B) Registration fees for periods of less than one year shall be the same as a full registration year and the effective date of such registration certificate shall commence with the date of issuance thereof.
(Ord. passed 10-10-2015)

§ 110.10 REGISTRATION TRANSFERRAL.

No business registration certificate may be transferred from one business to another. A change in business ownership or location within the town may allow the registration certificate to be transferred only after the owner has submitted a new application providing all new contact and/or building information; paid a new application fee; and arranged for and completed any inspection if required.
(Ord. passed 10-10-2015)

MISCELLANEOUS BUSINESS REGULATIONS

§ 110.20 ADULT ESTABLISHMENTS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT CABARET. Any place featuring topless dancers, go-go dancers, strippers, male or female impersonators, or entertainers displaying "specified anatomical areas" as defined by G.S. § 14-202-10, as the statute may be amended from time to time, or other similar entertainers.

ADULT ESTABLISHMENTS. Any place as defined by G.S. § 14-202.10 as the statute may be amended from time to time, including **ADULT CABARETS**, except that the definition of "massage business" shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. **ADULT ESTABLISHMENT** specifically includes, however, any massage business where massages are rendered by any person exhibiting "specified anatomical areas". **SPECIFIED ANATOMICAL AREAS** are those defined by G.S. § 14-202-10, as the statute may be amended from time to time.
(Prior Code, § J-VI-1)

(B) *Location regulator.* The following regulations shall apply to the location of any business defined as an adult establishment or adult cabaret.

(1) No adult establishment shall be located within 1,000 feet of any other adult establishment as measured in a straight line from property line to property line, with no consideration as intervening structures, roads or land forms.

(2) No adult establishment shall be located within 1,000 feet of a church, public or private elementary or secondary schools, child daycare or nursery school, public park or playground or residentially-zoned property. The 1,000-foot distance shall be measured in a straight line from property line to property line, with no consideration as to intervening structures, roads or land forms.

(3) There shall not be more than one adult establishment on the same property or in the same building, structure or portion thereof.

(4) No other principal or accessory use may occupy the same building structure property or portion thereof, with any adult establishment.

(5) Maximum gross floor area of the principal building shall be 2,000 square feet.

(6) No printed material, live shows, graphic depiction, including, but not limited to, photographs, drawings, slides, moving pictures videos and the like or other visual presentation shall be visible from, nor shall any live or recorded voices, music or sounds be made audible from outside the walls of the establishment.

(7) Wall signs as defined and permitted in the town ordinance are permitted as a means for advertising adult establishments, subject further to the following restrictions.

(a) No freestanding signs shall be permitted. No other advertisement, displays or signs or other promotional materials shall be visible to the public from pedestrian sidewalks, walkways or vehicular traffic areas.

(b) One sign only shall be permitted per establishment.

(c) The surface area, measured in square feet, of any sign shall be limited in size to an amount not to exceed 50% of the measure in linear feet of the face of the building in which it is located, as measured along the principle street on which the building is located

(d) Any mounted sign must conform to the contours of the building in which the establishment is located, must be firmly attached and mounted flush to the walls of the building and shall not project above, and beyond, or be mounted perpendicular to the building.

(e) No other advertisement, displays, signs or other promotional materials shall be visible to the public from pedestrian sidewalks, walkways or vehicular traffic areas.

(f) No sign advertising any establishment covered under this section shall be permitted to use flashing, moving, varying lighting, arrows or other moving objects or depiction.

(g) No sign shall be permitted to include the use of the words "adult" or "mature" in connection with any products service, or group of products or services of a sexually explicit nature being offered by the establishment for sale, rent, lease or hire.

(h) 1. On the exterior of any establishment which offers for sale, rent, lease or hire, any books, films, videos, drawings or sexually oriented devices as herein defined, a notice shall be posted not less than three feet by four feet in dimension which states, in permanent, three-inch, black, upper-case letters, on a totally white background, the following:

NOTICE!
THIS ESTABLISHMENT DEALS IN
SEXUALLY EXPLICIT PRODUCTS AND/OR
SERVICES.

2. The notice shall be located not less than six feet from any and all entrances to the establishment and must be clearly visible at all times and shall be lighted in the same manner and to the same degree as any other sign used to advertise the establishment.

(Prior Code, § J-VI-2)

(C) *Unconstitutionality*. Should any portion of this section be found to be unconstitutional or illegal by a court of competent jurisdiction the remaining portions shall remain in full force and effect.

(Prior Code, § J-VI-3)

(Ord. passed 1-10-1989; Ord. passed 4-11-1995)
Penalty, see § 110.99

§ 110.21 YARD SALES; GARAGE SALES.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

YARD SALE or **GARAGE SALE.** Refers to a display and sale from a residence or residential property of personal property which has been owned or previously used. The term **YARD SALE** or **GARAGE SALE** does not include the mere incidental sale of one or two items of personal property when the sale is not part of a general sale of a number of items of personal property.
(Prior Code, § J-VII-1)

(B) *Regulations.* All sales shall be subject to the following rules and regulations.

(1) *Consignment sales prohibited.* No one shall accept or take in for sale any goods from any commercial business or enterprise on a consignment basis for sale in a yard sale.

(2) *Signs.* No signs advertising the sales shall be placed on any property other than that of the residence of the person conducting the sale.

(3) *Number limited.* Not more than one sale every three months shall be held at the premises if occupied by the same family or any member of the family. No single sale shall be conducted for longer than two consecutive days.

(4) *Hours.* Yard sales or garage sales may be conducted during daylight hours only.

(5) *Unknown premises.* No yard sale or garage sale shall be permitted on premises not owned or controlled by the person(s) holding the sale. Any violation of this division (B)(5) shall be referred to the Zoning Officer for investigation of possible violation of the zoning ordinance (Chapter 153).
(Prior Code, § J-VII-2)

(C) *Traffic flow.* Any person or persons conducting any yard sale or garage sale shall be responsible for the proper flow of traffic along the front or side street on which his or her or their property is located and shall allow no yard sale or garage sale customers to park along the street so as to impede the normal flow of vehicular traffic, nor shall they allow their customers to park on any adjacent property(ies) without prior consent of the owners.
(Prior Code, § J-VII-3)

(D) *Coverage.* The provisions of this section shall not apply to or affect persons selling goods pursuant to an order of a court of competent jurisdiction or persons acting in accordance with their powers and duties as public officials.
(Prior Code, § J-VII-4)
(Ord. passed 6-13-1995) Penalty, see § 110.99

§ 110.22 HORSE AND BUGGY RIDES.

(A) Horse and buggy rides are a commercial operation where rides on a buggy consisting of two to four wheels that is attached to a horse are offered to the public.

(B) Horse and buggy rides are a permitted use within the town subject to the following conditions being met and approval by the Board of Aldermen.

(C) Approval will be based on the following conditions:

(1) The Board of Aldermen may restrict dates and time of operations;

(2) The waste created by a horse and buggy operation must be removed by the operator and not be allowed to remain on the street for extended periods of time;

(3) Any associated horse trailers must be removed from the public right-of-way and stored. The only acceptable time for a horse trailer to be present on the street is for loading and unloading purposes only;

(4) Grazing on public land is not permitted. It is the responsibility of the owner to provide food and water for the animal. Horses may graze on private land if approved by the owner of the land;

(5) The buggy must have reflective markings on the front, rear and side to ensure safety at night. The buggy must be equipped with lights and turn signals to ensure safety for traffic;

(6) The operator must obtain a privilege license;

(7) The operator must present a letter from County Animal Control showing that they have never been in violation of any statutes governing animals;

(8) All other local, state and federal ordinances must be complied with; and

(9) A horse and buggy operation is only for the transportation of persons.

(D) A responsible town employee (i.e., zoning inspector, or police officer) may issue a warning citation. Additional violation will result in revocation of the permit.

(E) Any person who has had his or her permit revoked may appeal the decision to the town's Board of Aldermen.

(F) Appeals must be filed within 30 days of the revocation or the person has forfeited his or her right of appeal, and may not ask for another permit for a period of one year.

(G) The application shall be required to produce a certificate of insurance to the town listing the town as co-defendant.

(Prior Code, § J-VIII-1) (Ord. passed 6-11-2002) Penalty, see § 110.99

JUNK DEALERS

§ 110.35 JUNK DEALERS DEFINED.

All persons dealing in or purchasing old castings, irons or metals shall be deemed to be **JUNK DEALERS** and subject to the requirements of this subchapter and other ordinances applicable to junk dealers.

(Prior Code, § M-I-1)

§ 110.36 LICENSE REQUIRED.

It shall be unlawful for any person to operate a junkyard within the corporate limits of the town without first obtaining a license from the Board of Aldermen.

(Prior Code, § M-I-2) Penalty, see § 110.99

§ 110.37 APPLICATION REQUIRED.

No license shall be granted to any person to engage in the business of a junk dealer under the provisions of this subchapter until the person, at least 30 days before the granting of the licenses, shall have first filed a written application with the Board of Aldermen to do the business at a designated location. The written application shall give the location and legal description of the proposed location of the junkyard and shall give at least three character and/or credit references and their mailing addresses to at least one of which references shall be a bank.

(Prior Code, § M-I-3)

CHAPTER 111: TAXICABS; VEHICLES FOR HIRE

Section

- 111.01 Definitions
- 111.02 To operate without certificate
- 111.03 Application required
- 111.04 Board of Aldermen issues certificates
- 111.05 Duration of certificate
- 111.06 Determination of convenience and necessity
- 111.07 Hearing; notice
- 111.08 Burden of proof
- 111.09 Failure to begin operations
- 111.10 Transfer
- 111.11 Revocation of certificate
- 111.12 Substitution of vehicles
- 111.13 No person to hold more than one certificate

Appendix A: Application for Certificate of Issuance

§ 111.01 DEFINITIONS.

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

PERSONS. Includes both singular and plural, and shall also mean and include persons, individuals, firms, corporations partnerships and associations.

TAXICAB. Any motor vehicle seating nine or fewer passengers, operated upon any street or highway on call or on demand, accepting or soliciting passengers indiscriminately for hire between the points along streets or highways as may be directed by the passenger or passengers so being transported and shall not include motor carriers of passengers as defined in G.S. Chapter 62.

(Prior Code, § J-II-1)

§ 111.02 TO OPERATE WITHOUT CERTIFICATE.

It shall be unlawful for any person to operate a taxicab upon and over the streets of the town without first having applied for and secured from the Board of Aldermen a certificate of convenience and necessity as hereinafter set forth.

(Prior Code, § J-II-2) Penalty, see § 10.99

§ 111.03 APPLICATION REQUIRED.

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

(Prior Code, § J-II-3)

§ 111.04 BOARD OF ALDERMEN ISSUES CERTIFICATES.

The Board of Aldermen shall have power and it will be its duty to order certain certificates issued or to refuse to issue certain certificates or to issue certificates for partial exercise of the rights granted upon the terms and conditions, as in its judgment, the public convenience and necessity may require.

(Prior Code, § J-II-4)

§ 111.05 DURATION OF CERTIFICATE.

(A) A certificate shall constitute a franchise from the town for the operation of taxicabs within the town subject to the provisions of this chapter for one year, unless a shorter period of time is specified in the certificate.

CHAPTER 112: SECONDHAND PRECIOUS METAL BUSINESS

Section

- 112.01 License required
- 112.02 Secondhand precious metal business defined
- 112.03 Investigation of license applicant
- 112.04 License denial or revocation
- 112.05 Records of transactions
- 112.06 Goods to be kept for five days
- 112.07 Purchasing from juvenile
- 112.08 Use of unlicensed premises prohibited; exception
- 112.99 Penalty
- Appendix A: Application for Secondhand Precious Metal Business License
- Appendix B: Certificate of Compliance

§ 112.01 LICENSE REQUIRED.

(A) No person, partnership, corporation or association shall operate a secondhand precious metal business as hereby defined unless the person, partnership, corporation or association shall have first applied for and received a privilege license from the Town Tax Collector. A separate license shall be required for each location place or premises used for the conduct of a secondhand precious metal business, and each license shall designate the location, place or premises to which it applies. In addition, the businesses shall not be carried on or conducted in any other place than that designated in or by the license.

(B) Every employee of a secondhand precious metal business shall, within five days of being employed, register his or her name and address with the Town Police Department and have his or her thumb prints, fingerprints and photograph taken by the Town Police Department. The employee shall then be

issued by the Town Police Department a certificate of compliance with this section.

(Prior Code, § J-III-1) Penalty, see § 112.99

§ 112.02 SECONDHAND PRECIOUS METAL BUSINESS DEFINED.

A *SECONDHAND PRECIOUS METAL BUSINESS* is hereby defined to mean any person, firm, corporation or association engaged in the business of purchasing trading for or otherwise acquiring ownership of any secondhand article made, in whole or in parts of gold or silver or platinum. For purposes of this chapter, the term *SECONDHAND ARTICLE* shall mean an article which has been used or which has been previously traded or sold by a retailer. For purposes of this chapter, the term *SECONDHAND ARTICLE* shall not include any coin or any gold or silver ingot or bar.

(Prior Code, § J-III-2)

§ 112.03 INVESTIGATION OF LICENSE APPLICANT.

(A) Any person applying to the Town Tax Collector for a license to conduct the business of a secondhand precious metal dealer shall also report to the Town Police Department and furnish his or her full names address, physical description, age, North Carolina driver's license number (if applicable), and Social Security number to assist in an investigation of his or her criminal record and character. In addition, the applicant will be photographed and fingerprinted in order to facilitate the investigation.

(B) In the event the applicant is a partnership or association, all persons owning or having an interest

§ 112.06 GOODS TO BE KEPT FOR FIVE DAYS.

(A) Every secondhand precious metal business must keep all secondhand articles made, in whole or in part, of gold or silver or platinum, open to inspection by any law enforcement officer at reasonable times for a period of five days after the purchase or acquisition thereof in any transaction subject to the provisions of § 112.05.

(B) During this period, the appearance of the articles shall not be altered in any way.

(C) A secondhand precious metal business is not prohibited from selling or arranging to sell or trade the articles during the five-day period as long as the articles remain in its possession as required by this section.

(Prior Code, § J-III-6) Penalty, see § 112.99

§ 112.07 PURCHASING FROM JUVENILE.

No secondhand precious metal business or employee or agent thereof shall purchase from any juvenile under 18 years of age any secondhand article made, in whole or in part, of gold or silver or platinum without the written consent of the juvenile's parent or guardian or presentation of proof of ownership.

(Prior Code, § J-III-7) Penalty, see § 112.99

§ 112.08 USE OF UNLICENSED PREMISES PROHIBITED; EXCEPTION.

No secondhand precious metal business shall make use of any property or premises, not included within the premises designated in or by the license required by this chapter, for the display of any secondhand article, made in whole or in part of gold or silver or platinum or for the conduct of a secondhand precious metal business. This chapter does not prohibit the storage or safekeeping of any like secondhand article off of the licensed premises.

(Prior Code, § J-III-8) Penalty, see § 112.99

§ 112.99 PENALTY.

Violation of any of the provisions of this chapter by any person shall constitute a misdemeanor and, upon conviction a violator shall be punished by a fine not to exceed \$50, or imprisoned for not more than 30 days. Each and every violation shall constitute a separate and distinct offense.

(Prior Code, § J-III-9)

CHAPTER 113: GAME ROOMS

Section

- 113.01 Definition
- 113.02 Licenses required
- 113.03 Application for licenses
- 113.04 Restrictions
- 113.05 Form and content of license
- 113.06 Prohibited conduct
- 113.07 Rules for operation of game rooms
- 113.08 Licensee responsible
- 113.09 Revocation of license

§ 113.01 DEFINITION.

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

GAME ROOM. Any place of business that principally operates mechanical or electronic games, or pay devices, or tables or alleys for any game or play for which a charge is made either directly or indirectly. Examples of **GAME ROOMS**, by way of illustration and not limitation, are pool rooms, bowling alleys, billiard halls, electronic video game rooms, amusement centers and the like.
(Prior Code, § J-IV-1)

§ 113.02 LICENSES REQUIRED.

(A) Every operator of a game room shall be required to pay a privilege license tax in accordance with the privilege license ordinance of the town.

(B) In addition, every operator of a game room shall apply for and obtain a license from the Board of Aldermen to operate a game room, which the license shall not be transferable.

(C) It shall be unlawful to operate a game room within the town without a license as required by division (B) above.

(Prior Code, § J-IV-2) Penalty, see § 10.99

§ 113.03 APPLICATION FOR LICENSES.

(A) Applications for a license to operate a game room shall be made upon forms provided by the Town Clerk and shall contain all information necessary for the Board of Aldermen to act intelligently upon the application.

(B) An application fee of \$25 plus \$5 per machine shall be paid to and collected by the Town Clerk when the application is submitted to cover the cost of administration of this chapter.

(C) The Town Clerk shall refer the information furnished by the applicant to the Chief of Police, who shall investigate the applicant and place sought to be licensed to determine whether the applicant and place are desirable.

(D) The Chief of Police shall furnish the Board of Aldermen with all information pertaining to convictions of any crimes and any other pertinent information pertaining to the location of the game room.

(E) After the applicant has appeared before the Board of Aldermen and the investigation made by the Chief of Police has been furnished to the Board of Aldermen, the Board of Aldermen may in any case by majority vote of its members refuse the issuance or grant the issuance of the license.
(Prior Code, § J-IV-3)

§ 113.04 RESTRICTIONS.

The Board of Aldermen shall not issue a license to any applicant who:

(A) Has been convicted of unlawfully selling intoxicating liquors or narcotic drugs;

(B) Is not a resident of the state;

(C) Is of immoral character; or

(D) Is an habitual user of intoxicating liquor or narcotic drugs.

(Prior Code, § J-IV-4)

§ 113.05 FORM AND CONTENT OF LICENSE.

Every license issued pursuant to this chapter shall specify the premises for which it is issued, the number of machines, tables or alleys to be operated thereunder, the name of the owner or operator, and the date the license was issued. The license shall be posted in a prominent place on the premises at all times.

(Prior Code, § J-IV-5)

§ 113.06 PROHIBITED CONDUCT.

Licensees under this chapter shall not, and neither shall their employees:

(A) Suffer or permit any gambling on the licensed premises at any time; nor the sale or use of any racing, football or other parlay cards or gambling boards or devices;

(B) Suffer or permit any intoxicating liquors or narcotic drugs to be sold or kept or consumed on the licensed premises;

(C) Suffer or permit any person under 16 years of age to enter or remain upon the licensed premises between the hours of 8:00 a.m. and 3:00 p.m. on days when the public schools are in session; or

(D) Employ in carrying on the business any

person who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs.

(Prior Code, § J-IV-6) Penalty, see § 10.99

§ 113.07 RULES FOR OPERATION OF GAME ROOMS.

The following rules shall be observed by all operators of game rooms within the town.

(A) All game rooms shall be kept clean, neat, safe and sanitary at all times and shall be well lighted. The place or premises shall at all times be subject to entry by any official of the town for the purpose of inspecting the conditions thereof or the conduct thereon.

(B) All game rooms shall be closed from 11:00 p.m. until 7:00 a.m. Monday through Thursday and shall close at 12:00 midnight on Fridays and Saturdays.

(C) No play on any game shall be allowed during the times when game rooms are required by this chapter to remain closed.

(D) Game rooms may be open on Sunday only between the hours of 1:00 p.m. and 11:00 p.m.

(E) All game rooms shall be operated only on the ground floor of a building, and plate glass windows shall be in those parts of the building facing any street, so that a clear view inside may be had from the street.

(F) No screens, curtains, blinds, partitions or other obstructions shall be placed between the entrance to the room where games are played and the rear wall of the room so that a clear view of the interior may be had from the street.

(G) No loud noises shall be allowed to emanate beyond the licensed premises.

(H) There must be an adult (18 years of age or older) managing the business on the premises during hours of operation at all times.

(Prior Code, § J-IV-7) Penalty, see § 10.99

CHAPTER 114: SOLICITORS AND CANVASSERS

Section

- 114.01 Permit and license required
- 114.02 Definition
- 114.03 Application
- 114.04 Investigation and issuance
- 114.05 Fee
- 114.06 Exhibition of license
- 114.07 Duty of police to enforce
- 114.08 Records
- 114.09 Revocation of license
- 114.10 Appeal
- 114.11 Expiration of licenses

- 114.99 Penalty
- Appendix A: Privilege Licenses for Solicitors
and Canvassing

to take orders for the sale of goods, wares, merchandise or other personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not the individual has, carries or exposes for sale a sample of the subject of the sale, or whether he or she is collecting advance payments on the sales or not, provided that the definition shall include any person who, for himself or herself or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, lodging house, apartment, shop or any other place within the town for the sole purpose of exhibiting samples and taking orders for future delivery.

(Prior Code, § J-V-2)

§ 114.01 PERMIT AND LICENSE REQUIRED.

It shall be unlawful for any solicitor or canvasser as defined in § 114.02 to engage in the business within the corporate limits of the town without first obtaining a permit and license therefor in compliance with the provisions of this chapter.

(Prior Code, § J-V-1) Penalty, see § 114.99

§ 114.02 DEFINITION.

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

CANVASSER or **SOLICITOR**. Any individual, whether a resident of the town or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to streets taking or attempting

§ 114.03 APPLICATION.

Applicants for permit and license under this chapter must file with the Town Clerk a sworn application in writing (in duplicate) on a form to be furnished by the Town Clerk, which shall give the following information:

(A) Name and description of the applicant;

(B) Permanent home address and full local address of the applicant;

(C) A brief description of the nature of the business and the goods to be sold;

(D) If employed, the name and address of the employers together with credentials establishing the exact relationship;

(E) The length of time for which the right to do business is desired;

information as required, as a part of CATV service to all subscribers without charge.

FCC. The Federal Communication Commission.

FRANCHISE. Includes any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, or have constructed, operate and maintain a CATV system in the town for the purpose of providing a CATV service to the citizens of the town.

GRANTEE. The person, firm or corporation to whom or which a franchise, as hereinabove defined, is granted by the Board under this chapter; and the lawful successor, transferee or assignee of the person, firm or corporation.

GROSS SUBSCRIBER REVENUES. Any and all revenues received by grantee from subscribers located inside the corporate limits at the town. It shall include basic monthly cable fees, installation fees, disconnect and reconnect fees, pay TV revenues, leased-channel revenues, advertising revenues and any other revenues derived from the operation of the community antenna television system within the town,

PERSON. Any person, firm, partnership, association, corporation or organization of any kind.

PROPERTY OF GRANTEE. All property owned and installed or used by a grantee in the operation at a CATV system or service in the laws under the authority of a franchise granted pursuant to this chapter.

STREET. The surface of and the space above and below any publicly owned or maintained property or right of way, street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway or drive; now or hereafter existing as such within the town.

SUBSCRIBER. Any person or entity receiving for any purpose the CATV service of a grantee.

TOWN. The Town of Dallas, North Carolina.
(Prior Code, § O-I-2)

§ 115.03 FRANCHISE REQUIRED; APPLICATION.

(A) It shall be unlawful for any person to engage in or otherwise participate in the construction, operation or maintenance of a CATV system in the town unless the person or the person for whom the work is being done shall have first obtained and shall hold a currently valid franchise granted pursuant to the provisions of this chapter. It shall also be unlawful for any person to engage in the business of providing a CATV service in the town unless the person shall have first obtained, and shall hold a currently valid franchise granted pursuant to the provisions of this chapter; provided, however, this chapter shall not apply to any person who only provides master antenna service to property owned or leased by the person.

(B) A person seeking issuance of a franchise hereunder shall file a written application, in duplicate, with the Town Clerk. The application shall contain the following information:

(1) The name and address of the applicant. If the applicant is a partnership, the name and address of each partner. If the applicant is a corporation, the application shall also state the names and addresses of its directors and officers, and shall include a certified copy of the articles of incorporation;

(2) A statement showing the applicant's experience, if any, in establishing a CATV system and in providing a CATV service;

(3) A statement showing applicant's financial ability to complete the construction and installation of the proposed CATV system and to provide a CATV service. All financial data submitted in compliance with the requirements of this division (B) shall be confidential and shall not be regarded as public information;

(4) A statement and description of the CATV system proposed to be constructed, installed, maintained or operated by the applicant; the manner in which applicant proposed to construct, install, maintain and operate the same; and particularly the

extent and manner in which existing or future poles or other facilities of other public utilities will be used for the system;

(5) A copy of any arrangement, agreement or contract, if existing, between the applicant and any public utility providing for the use of facilities of the public utility, such as poles, lines, cables or conduits;

(6) A statement setting forth all agreements and understandings, whether written, oral or implied, existing between the applicant and any person, firm or corporation with respect to the ownership, control or transfer of the proposed franchise or the proposed CATV system and service. If a franchise is granted to a person posing as a front or as the representative of another person and the information is not disclosed in the original application, the franchise shall be deemed void and of no force and effect whatsoever; and

(7) A statement or schedule of proposed rates and charges to subscribers for installation and services.

(C) Upon consideration of any application, the town shall determine the applicant's qualifications to construct, operate and maintain a CATV system and to provide a CATV service in accordance with the provisions of this chapter. If the town determines that the applicant is so qualified, it may, by ordinance, grant a non-exclusive franchise to the applicant.
(Prior Code, § O-I-3) Penalty, see § 115.99

§ 115.04 ACCEPTANCE; INDEMNIFICATION; EFFECTIVE DATE.

(A) Within 60 days after the town has taken final action to approve the granting of a franchise, the grantee shall file a written acceptance of the franchise, acknowledged before a Notary Public, with the Town Clerk. The acceptance shall acknowledge that the grantee agrees to be bound by and to comply with the provisions of this chapter and the franchise and shall be in a form and content as to be satisfactory to and approved by the Town Attorney.

(B) Concurrently with the filing of the written acceptance, the grantee shall file with the Town Clerk the bond and insurance policies required by § 115.10.

(C) The effective date of the franchise shall be the date on which the grantee files the acceptance, bond and insurance policies as required herein.
(Prior Code, § O-I-4)

§ 115.05 DURATION OF FRANCHISE; TERMINATION, TRANSFER.

(A) The franchise shall be non-exclusive and shall be for a term not to exceed 15 years from the effective date thereof, as specified in § 115.04.

(B) Except for a mortgage or assignment to secure a loan or loans to construct and operate the system, grantee shall not sell or transfer its system and the franchise granted herein without first securing approval of the town for the sale or transfer.

(C) In the event that the use of any part of the CATV system is discontinued for any reason, or the franchise has been terminated, cancelled or has expired, the grantee shall promptly remove from the streets or public places all the property and poles of the systems, other than those which the Town Clerk may permit to be abandoned in place, and as directed by the Town Clerk; shall either restore the street or pay the town for restoring the street or other area from which the property has been removed to a condition for public use acceptable to the Town Clerk. Any property remaining in place six months after the discontinuance, termination or expiration of the franchise shall be considered permanently abandoned, and may be appropriated by the town or removed by the town at the expense of the grantee.
(Prior Code, § O-I-5)

§ 115.06 AUTHORITY GRANTED BY FRANCHISE.

(A) The grantee of any franchise issued pursuant to the provisions of this chapter shall, subject to conditions and restrictions set out in this chapter, be

§ 115.13 VIOLATIONS.

(A) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of franchised CATV system within this town for the purpose of taking or receiving television signals, radio signals, pictures, programs or sound.

(B) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within this town for purpose of enabling himself or herself or others to receive any television signal, radio signal, picture, programs or sound, without payment to the owner of the system.

(C) It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound.

(Prior Code, § O-I-14) Penalty, see § 115.99

§ 115.14 TERMINATION FOR INSOLVENCY.

(A) In the event the grantee shall be adjudicated bankrupt or placed in receivership or make an assignment for the benefit of its creditors, or any foreclosure of any mortgage or deed of trust upon its properties shall be commenced, or any other insolvency proceedings either voluntarily or involuntarily on the part of the grantee shall be commenced, the town may declare the franchise granted herein immediately terminated and in that event all of the rights, privileges and authority of the grantee shall immediately cease and terminate.

(B) In no event shall the franchise be considered an asset of the bankrupt estate or receivership.
(Prior Code, § O-I-15)

§ 115.15 OPERATIONAL GUIDELINES.

The grantee shall abide by all federal laws and regulations relative to the operation of a CATV system.

(Prior Code, § O-I-16)

§ 115.16 DEFAULT AND NONCOMPLIANCE; FORFEITURE.

If the grantee shall fail to comply with any of the provisions of this chapter, or default in any of its obligations; except for cause beyond the reasonable control of the grantee, and shall fail within 60 days after written notice from the town to correct the default noncompliance, the Board of Aldermen shall have the right to revoke the franchise granted herein and all rights of the grantee thereunder.

(Prior Code, § O-I-17)

§ 115.99 PENALTY.

The violation of any provision of this chapter shall be a misdemeanor punishable by a fine of \$50 and imprisonment of up to 30 days. The existence of this penalty is exclusive of civil remedies for enforcement as otherwise provided by law.

(Prior Code, § O-I-14(D))

CHAPTER 116: FOOD TRUCKS

Section

- 116.01 Definition
- 116.02 Permitting and regulation
- 116.99 Penalty

§ 116.01 DEFINITION.

The following definition shall be listed as written:

FOOD TRUCK. A readily-movable (motorized and self-propelled, or towable) wheeled vehicle, licensed to operate on or travers the public streets of the State of North Carolina designed and equipped to serve and sell, to the general public, ready-to-eat food prepared using the equipment and facilities fully contained therein.

(Ord. passed 4-14-2015)

§ 116.02 PERMITTING AND REGULATION.

Food trucks, as defined herein, shall be allowed to operate within the Town Center Area of the Town of Dallas, but only pursuant to a permit to operate issued by the town, and only in such location(s) and at such time(s) as is/are consistent with the following:

(A) *Permits, fees, and approvals.*

(1) The food truck shall be subject to any and all permit and/or inspection requirements imposed by the Gaston County Health Department, the State of North Carolina and its Division of Health Services, and/or the County Health Department, if other than Gaston County, in which the food truck's associated commissary restaurant is located.

(2) Food truck operators must apply for and receive either a yearly-renewable, or single-event, permit to operate from the Town of Dallas' Development Services Department. The town shall limit the issuance of such yearly permits outstanding to no greater than six, at any one time; single-event permits, when issued to food trucks not holding yearly permits, shall be limited to no greater than four for any single event. Permits will be issued on a first-come/first-served basis.

(3) The town shall require applicants for food truck permits to submit a standardized application form, signed by the food truck owner and evidencing unexpired possession of required health department permit(s) and liability insurance coverage, along with the following permit fees:

Yearly Permit	\$400
Single-Event Permit	\$25

(B) *Location.* When issued by the town, food truck leases shall designate the specific area that the food truck is allowed to occupy within the parking spaces described herein. Spaces are available on a first-come/first-served basis. During special events sponsored and sanctioned by the town, food truck permit-holders may be asked to occupy alternate public locations as determined and directed by the Chief of Police or his designee.

(C) *Days and hours of operation.*

(1) Food trucks who hold a single-event permit may operate only on the day of the event

, (parade, festival, etc.) and only during the actual hours of the event, as well as one hour preceding the event, and one hour following the event. Single-event permit holders may operate between the hours of 7:00 a.m. and 10:00 p.m. the day of the event.

(2) For yearly permit holders, days and hours of operation shall be limited to Mondays through Saturdays, between the hours of 7:00 a.m. and 10:00 p.m.; as well as on the days of town-sponsored and sanctioned special events, between the hours of 7:00 a.m. and 10:00 p.m.

(D) Operational standards and clean-up.

(1) The noise level produced from the food truck, motor, generator, or any other on-site activity must comply with the town's noise ordinance.

(2) A trash receptacle shall be provided for customers. The food truck operator shall be responsible for daily clean-up and proper off-site disposal of all trash and litter produced. Grease and liquid waste shall not be disposed of in any lawn areas, tree pits, storm drains, sanitary sewers, or on public streets or parking areas.

(3) No signage shall be allowed other than that which is either painted on or permanently affixed to the food truck, and a single sandwich-board-style portable menu no more than six square feet in display area which is to be placed on the ground in the customer waiting area.

(4) Customers shall not be allowed to line-up, park, or act in any manner which causes a traffic hazard or a threat to safety of the motoring public or to other customers or non-customer pedestrians. The food truck may not be operated as a drive-up window, and all food vending must be to the curb-side of the parking space(s) designated, not to the street-side.

(5) If the food truck is to be operated after dark, the operator shall propose, and the development services director shall approve, an appropriate lighting

plan which shall become a condition of the permit. Any such lighting plan shall not allow any source of illumination to be directly visible from any residential district and shall be properly shielded so as to minimize light spill-over to adjacent properties.

(6) All utilities utilized by the food truck are to be provided by the permit-holder. Temporary connections to either potable water or sanitary sewer are prohibited.

(E) *Taxation.* Food truck permit-holders shall comply with all local, county, and state retail sales tax regulations, including prepared food and beverage tax regulations.

(F) *Insurance and liability.* Food truck yearly permit-holders shall, at all times during the effective date(s) of their permit, maintain general liability insurance coverage on their operations and facilities and name the Town of Dallas as additionally insured, in a minimum coverage amount of \$500,000. (Ord. passed 4-14-2015; Am. Ord. passed 6-14-2016)

§ 116.99 PENALTY.

The violation of any provision of this chapter shall be a misdemeanor punishable by a fine of \$50 and imprisonment of up to 30 days. The existence of this penalty is in addition to any and all provisions for permit revocation as detailed herein. (Ord. passed 4-14-2015)

CHAPTER 130: DISORDERLY CONDUCT; GENERAL OFFENSES

Section

- 130.01 Generally
- 130.02 House of ill fame
- 130.03 Boisterous conduct; indecent exposure; abusive, insulting or obscene language or gestures
- 130.04 Use or possession of beer and wine unlawful under certain circumstances
- 130.04 Regulating the consumption and possession of malt beverages and unfortified wine
- 130.06 Presence of registered sex offender on or about public parks

Cross-reference:

Loitering; drug activity, see Chapter 131

§ 130.01 GENERALLY.

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

(Prior Code, § K-I-1) Penalty, see § 10.99

§ 130.02 HOUSE OF ILL FAME.

(A) No person shall keep a house or other place of ill fame in the town and no person shall knowingly rent any house to be used as a house of ill fame.

(B) All adult persons living in the house shall be considered as keepers thereof, and be subject to the penalties of this code.

(Prior Code, § K-I-2) Penalty, see § 10.99

§ 130.03 BOISTEROUS CONDUCT; INDECENT EXPOSURE; ABUSIVE, INSULTING OR OBSCENE LANGUAGE OR GESTURES.

It shall be unlawful for any person to use loud and boisterous language so as to become a nuisance. It shall be unlawful for any person to indecently expose themselves within the corporate limits. It shall be unlawful for any person to apply within the town to any other person any grossly abusive, insulting or obscene language or gestures whether on privately owned property or in a public place, within the hearing or sight of the person for whom the language or gesture is intended or other person or persons present where the language or gesture is intended or likely to induce or provoke any unlawful violence, affray, riots or other breach of the peace.

(Prior Code, § K-I-3) (Ord. passed 3-4-1975)
Penalty, see § 10.99

§ 130.04 USE OR POSSESSION OF BEER AND WINE UNLAWFUL UNDER CERTAIN CIRCUMSTANCES.

It shall be unlawful:

(A) For any person to drink, possess or make any public display of any beer or wine at any athletic contest in the town;

(B) For any person to drink any beer or wine, or to make any public display of any beer or wine if the cap or seal on the container of the container for the same has been or is opened or broken, on any public road, highway, street or parking area in the town;

(C) For any person to transport or possess in the passenger area of any motor vehicle within the town any beer or wine if the cap or seal on the container or the container for the same has been or is opened or broken; and

(D) For any person to possess or consume any beer or wine upon any premises in the town where the consumption of alcoholic beverages are not authorized by law, or where the person or any member of the general public has been forbidden to possess or consume beer or wine or any other types of alcoholic beverages by the owners operator or person in charge of the premises.

(Prior Code, § K-I-5) Penalty, see § 10.99

§ 130.05 REGULATING THE CONSUMPTION AND POSSESSION OF MALT BEVERAGES AND UNFORTIFIED WINE.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MALT BEVERAGE. Beer, lager, liquor, ale, porter and any other brewer or fermented beverage containing at least 0.5%, and not more than 6% alcohol by volume.

(G.S. § 18B-101(9))

OPEN CONTAINER. A container whose seal has been broken or a container other than the manufacturer's unopened original container.

(G.S. § 18B-300(c))

PUBLIC STREET. Any highway, road, street, avenue, boulevard, alley, bridge or other way within and/or under the control of the town and open to public use, including the sidewalks of any like street.

UNFORTIFIED WINE. Wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet or dextrose sugar, and that has an alcoholic content of not more than 17% alcohol by volume.

(G.S. § 18B-101(15))

(B) *Consumption on the public streets and on municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to consume malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied or controlled by the town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts and other athletic fields.

(C) *Possession of open containers on the public streets and on municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess any open container of malt beverage and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied or controlled by the town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts and other athletic fields.

(D) *Possession during special events prohibited.* It shall be unlawful for any person to possess malt beverages and/or unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.

(E) *Violations.* Violation of this section shall constitute a misdemeanor punishable in accordance with G.S. § 14-4.

(Prior Code, § K-I-6) (Ord. passed 11-14-1995) Penalty, see § 10.99

§ 130.06 PRESENCE OF REGISTERED SEX OFFENDER ON OR ABOUT PUBLIC PARKS.

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

PUBLIC PARK. Any publicly owned or maintained land which is designated by the town as a park or recreational facility.

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. § 14-208.5 et seq.

(B) It shall constitute a general offense against the regulations of the town for any person or persons registered as a sex offender with the state, and or any other state or federal agency to knowingly enter into or on any public park owned, operated or maintained by the town.

(C) Violation of this section shall be punishable as a Class 3 misdemeanor under G.S. § 14-4. Each and every entry into the park, regardless of the time period involved shall constitute a separate offense under this section.

(D) The Town Administrator shall be charged with posting this regulation at the main entrance of each park within 30 days of the passage of this section;

(Prior Code, § K-I-7) Penalty, see § 10.99

CHAPTER 131: LOITERING FOR PURPOSE OF DRUG ACTIVITY

Section

- 131.01 Definitions
- 131.02 Prohibited activity
- 131.99 Penalty

purpose to engage in a violation of any subdivision of the North Carolina Controlled Substances Act, G.S. § 90-5.

(B) These circumstances shall include, but not be limited to, any one or more or all of the following:

§ 131.01 DEFINITIONS.

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

KNOWN UNLAWFUL DRUG USER, POSSESSOR OR SELLER. A person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any of the substances referred to in the North Carolina Controlled Substances Act, G.S. § 90-5, or has been convicted of any violation of any substantially similar laws of any political subdivision of this state or of any other state or of federal law.

PUBLIC PLACE. Any street, sidewalk, parking lot or transportation, or the doorways and entrance ways to any building which fronts on any of those places, or a motor vehicle in or on any of those places, or any property owned by the town.
(Prior Code, § K-IV-1)

§ 131.02 PROHIBITED ACTIVITY.

(A) It shall be unlawful for a person to remain or wander about in a public place in a manner as to raise a reasonable suspicion that the person is about to engage in or is engaged in any unlawful drug-related activity and under circumstances manifesting the

(1) Repeatedly beckoning to, stopping or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation;

(2) Repeatedly stopping or attempting to stop motor vehicles;

(3) Repeatedly interfering with the free passage of other persons;

(4) The person is a known unlawful drug user, possessor or seller;

(5) The person engages in an unlawful drug related activity;

(6) The person repeatedly passes to or receives from passers-by, whether on foot or in vehicles money or objects;

(7) The person takes flight upon the approach or appearance of a police officer;

(8) The person is at a location frequented by persons who use, possess or sell drugs; and/or

(9) Any vehicle involved is registered to a known unlawful drug user, possessor or sellers or is known to be or have been involved in drug-related activities.

(Prior Code, § K-IV-2) Penalty, see § 131.99

amusement, playground, parks similar areas that are open to the public, and other common areas open to or accessible to the public.

REMAIN. To linger or stay in a public place, or to fail to leave the premises when requested to do so by a police officer, or to fail to leave the premises of an establishment when requested to do so by the owner/operator or employee of the premises.

RESTRICTED HOURS.

(1) The time of night referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed at that hour by the public in the town.

(2) ***RESTRICTED HOURS*** shall mean:

(a) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and

(b) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.
(Prior Code, § K-V-2)

§ 132.03 OFFENSES.

Except as provided by § 132.04, the following offenses constitute a violation of this chapter.

(A) A juvenile commits an offense by being present in or remaining in any public place or on the premises of any establishment with the town during the restricted hours.

(B) A parent or guardian of a juvenile commits an offense if he or she knowingly permits, or by insufficient control allows the juvenile to remain in any public place or on the premises of any establishment with the town during the restricted hours. The term ***KNOWINGLY*** includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in the parent's legal custody. This requirement is intended to

hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of the juvenile.

(C) The owner, operator or any employee of an establishment commits an offense if he or she knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours.

(1) The term ***KNOWINGLY*** includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment.

(2) The standard for ***KNOWINGLY*** shall be applied through an objective test: whether a reasonable person in the operator's or employee's position should have known that the patron was a juvenile in violation of this chapter.

(D) It shall be a violation of this chapter for any person 16 years of age or older to aid or abet a juvenile in the violation of division (A) above.

(E) It shall be a violation of this chapter for a parent or guardian to refuse to take custody during the restricted hours of a juvenile for whom the parent or guardian is responsible.

(Prior Code, § K-V-3) Penalty, see § 132.99

§ 132.04 EXCEPTIONS.

A juvenile who is in a public place or establishment during the restricted hours shall not be in violation of this chapter if juvenile is:

(A) Accompanied by his or her parent or guardian;

(B) Accompanied by an adult 18 years of age or older authorized by the parent or guardian of the juvenile to take the parent or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area;

