

CHAPTER 2: ADMINISTRATION

Planning Organization

§ 2-142-145

It is unlawful top any tree on public property or remove any tree from municipal property without prior approval of the Tree Board or permit from city.

§ 2-146 INTERFERENCE WITH THE TREE BOARD.

It shall be unlawful for any person, to prevent, delay or interfere with the Tree Board, or any of its agents

CHAPTER 3 ANIMALS

Article I: In General – Prohibits:

- (1) allowing any animal or fowl to run at large in the city.
- (2) any person to incite or cause any animal to fight.
- (3) roosters to be kept on any property situated within the corporate limits of the City.
- (4) any person to keep more than twenty female chickens within the corporate limits of the City. Female chickens must be kept a minimum of one hundred feet from the dwelling house of another person. Chicken houses and lots must be and sanitary condition.
- (5) raising female chickens for commercial purposes.
- (6) any person to confine, tie, stake out, keep or allow any cow, horse, goat, sheep or any other animal or fowl not aforementioned his premises closer than 100 feet from the dwelling house of another person. (does not apply to a dog or cat confined within the fenced yard of its owner).
- (7) any person to maintain, keep or raise any hog or pig. Enclosures where animals or fowl are fed or kept shall be maintained at all times in a clean and sanitary manner. Waste shall not be permitted to accumulate.
- (8) non removal of dead animals. Dead dogs, cats and smaller animals will be removed from any public way or public property by the city upon notice to the Police Department. Large animals such as horses, ponies, cows, etc., shall be immediately and properly disposed of by the owner. Any dead animal or fowl on private property shall be immediately and properly disposed of by the property owner.
- (9) an owner to fail to have each dog or cat owned by him vaccinated against rabies.
- (10) any owner to fail to provide each dog or cat owned by him a collar or harness to which a currently valid metal rabies tag is securely attached or anyone to place on any dog or cat a metal rabies tag other than such tag issued with respect to such dog or cat.
- (11) any person to needlessly and without justifiable excuse molest, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal or to cause or procure such action.
- (12) any person to keep animals under unsanitary or inhumane conditions; to fail to provide proper food and water daily, shelter from the weather, clean quarters and proper medical

attention.

- (13) any person to tether a dog in a manner as to cause injury, strangulation or entanglement of the animal on fences, trees, or other manmade or natural obstacles; or to a fixed-point; or that is under four (4) months of age; or that is sick or injured. Tethering must be as proscribed by ordinance.
- (14) any person owning or responsible for any animal to fail to provide the animal with proper shelter, protection from the weather or humanely clean conditions, adequate food, adequate water, and properly fitted collar for a dog or cat.

Article II: Dogs and Cats Division 1 Generally – Prohibits:

- (1) from being a public nuisance.
- (2) owner of a dog to permit or allow his dog to leave the owner's premises, unless control of the owner.
- (3) knowingly and intentionally to harbor, feed or keep in possession by confinement or otherwise any stray dog or cat unless he has, within 24 hours of the same, notified an animal control officer, or to refuse to surrender, when duly requested to do so, any stray dog or cat to an animal control officer.
- (4) owner of a vicious dog to keep it within the city unless it is confined within a secure building or enclosure, or unless it is securely muzzled and under restraint.
- (5) any person injuring a dog by running over or into it to fail to notify immediately the owner of such dog, the Animal Control Officer or the Police Department.
- (6) any person to interfere with, hinder or molest an animal control officer or veterinarian in the performance of any duty authorized by this article, or to seek the release of any dog in the custody of an animal control officer.
- (7) unlawful for the owner or custodian of any dog to take said dog off the owner's own property without the means to properly remove and dispose of the dog's feces from any public or private property and is responsible for cleaning up the dog's feces from such property.
- (8) depositing the feces in any river, body of water or directly into the city's sanitary or storm sewer systems.

Article II: Dogs and Cats Division 2 Licenses – Prohibits:

- (1) owner of each dog from failing to pay annually a license tax in the amount of \$4 for each dog for the privilege of keeping such dog within the city and obtaining for each such dog a license.

Article II: Dogs and Cats Division 3 Impoundment – Prohibits:

N/A – Division 3 deals with city impoundment fees, disposition, adoption, and redemption of impounded dogs and cats.

Article III: Horses and Ponies – Prohibits:

- (1) any person to walk or ride any horse or pony upon the public sidewalks of the city.
- (2) any person to walk or ride any horse or pony within any public park except on designated roads or where specifically permitted.
- (3) any person to ride any horse or pony upon the property of another without consent of the owner.
- (4) person to ride or drive a horse, pony, mule or other such animal in a reckless manner or to disobey vehicle traffic laws.
- (5) the riding of any horse, pony, mule or other such animal more than 30 minutes after sunset without the wearing of reflective devices or lights so that the animals are visible to other members of the public and vehicles.
- (6) each and every person, rider, keeper or custodian of any horse, pony, mule or other such animal in any public place, street, sidewalk, parking lot or on the private property of any person other than the animal's owner shall immediately remove all feces deposited by the animal.

CHAPTER 4: BUILDING REGULATION AND CODES ENFORCEMENT

The provisions of this chapter are to provide the necessary inspections and enforcement of the following: (A) North Carolina State Building Code, inclusive of all volumes and to comply with the provisions of G.S. Chapter 160A, Article 19, Part 5, Building Inspections; (B) The construction of buildings and other structures; (C) The installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems, and air conditioning systems; (D) The maintenance of buildings and other structures in a safe, sanitary, and healthful condition; (E) Other regulatory codes that may be specified by the City Council.

Violations may be enforced by several means including criminal charges.

Human Habitation Standards

The City Council has determined that there exist in the jurisdiction dwellings, which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the jurisdiction.

The provisions of this section of the City Code apply to all existing housing and to all housing constructed within the ordinance making jurisdiction of the city.

Portable, mobile or demountable buildings or structures, including trailers, manufactured homes and mobile homes when used or intended for use for housing within the ordinance making jurisdiction of the city, shall be subject to the applicable provisions of this ordinance. This section of the Code, establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided in this article.

Enforcement of violations of this section of the code can include criminal charges.

Non-Residential Maintenance Standards

In order to protect the health, safety and welfare of the city and its citizens, as authorized by part 6, Article 19, Chapter 160A of the North Carolina General Statutes, it is the purpose of this section of the City Code to establish minimum standards of maintenance, sanitation, and safety relating to nonresidential buildings or structures, as expressly authorized by North Carolina General Statute §160A-439. This section provides for the repair, closing or demolition of non-residential buildings or structures as a result of a public necessity caused by conditions that are dangerous to the public health, safety and welfare. The International Building Code, Current Edition, shall serve as the standard for all alterations, repairs, additions, removals, demolitions and other acts of construction, remodeling or repairs made or required pursuant to this section. Violations of this section of the City Code can be enforced through criminal charges.

CHAPTER 5: FIRE PROTECTION AND PREVENTION

§ 5-1—3 In General

It is unlawful to interfere with a firefighter in his/her duties, to congregate on the street near a fire, or for any person who is not a firefighter to loiter at the fire station or to use any equipment with permission.

§ 5-51-61 Fire Codes

The North Carolina State Building Codes Fire Prevention are adopted and any violation is unlawful. No open burning is allowed except for fires set for instruction, agricultural land for disease and pest control, campfires, land clearing under certain conditions.

CHAPTER 6: HEALTH, SANITATION AND NUISANCES

§ 6-1 Disposal Of Human Waste In Approved Sanitary Facility.

It shall be unlawful for any person to urinate or deposit any human waste on any street, lot or premises except in an approved sanitary facility.

§ 6-2 Burials To Be Permitted Within Cemeteries Only.

It shall be unlawful for any person to bury any deceased human being or animal on any lot or premises within the city except within a cemetery and in accordance with all applicable state and local laws and regulations.

§ 6-37 Conditions Constituting Public Nuisances.

It shall be unlawful to fail to abate any of the following enumerated conditions which are deemed to be public nuisances:

(A) The uncontrolled growth of noxious weeds, noxious weeds and grass or noxious weeds and other vegetation to a height in excess of 12 inches on the entire parcel of any property that is or has been developed except any portion of the property that has been proven to be in use for any current, permitted agricultural operation.

(B) The accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind.

(C) The collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind in an open space.

(D) The accumulation of rubbish, trash, junk or combustible items, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation therein of mosquitos, harmful insects, rats, mice, snakes or vermin of any kind.

(E) The open storage of any ice box, refrigerator, stove, water heater, freezer, other similar large appliances, glass, scrap building materials, building rubbish, debris or similar items.

(F) The obstruction of public streets, highways or alleys.

(G) The accumulation of dead trees, fallen sections of tree trunks, tree limbs or tree stumps not removed within thirty (30) days after it has acquired a situs on the property. This shall not apply to accumulations of less than two cubic yards or to natural accumulations on never developed parcels of land when such parcels are larger than two (2) acres and such natural accumulation is not within fifty (50) feet of adjoining developed property.

(H) Conditions which block, hinder, or obstruct in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains. Conditions that cause obstructions in stream channels or the floodways of streams that may impede the passage of water during rain events whether such obstructions are natural or man-made. The actions of the city to abate these obstructions shall not create nor increase the responsibility of the city for the cleaning or maintenance of the stream, or for flooding of the stream. In addition, actions by the city to clear obstructions from a stream shall not create in the city any ownership in the stream, obligation to control the stream, or affect any otherwise existing private property right, or entitlement regarding the stream.

(I) Swimming pools that cause or threaten to cause the accumulation of stagnant water or cause or threaten to cause the inhabitation therein of mosquitoes, harmful insects, rates, mice, snakes or vermin. (J) Conditions that injure or cause discomfort to the community at large, endanger life, generate disease, have a detrimental effect on the public health, safety and welfare.

(J) Junked and abandoned vehicles after notice has been given that they need to be removed.

CHAPTER 7: LICENSES, PERMITS AND BUSINESS REGULATIONS

Article IV. Insulation Contractors

§ 7-121 REQUIRED.

It is unlawful for a person for consideration to install any insulation or other energy utilization equipment designed or intended to meet state building code requirements who is not either licensed by the state, working under the supervision of an architect or engineer, an owner working upon his own building or licensed by the City.

Licensure by the City requires application with background check and fees, a bond submitted, review by Police Department and approved by the building inspector.

Article VI. Pawnbrokers

§ 7-214 LICENSE REQUIRED.

It is unlawful for any person to conduct the business of a pawnbroker unless he has a city license.

§ 7-216 RECORD KEEPING REQUIREMENTS.

A pawnbroker must retain details recordkeeping of each pawn transaction and must enter upon the pawn ticket a record of detailed information.

§ 7-217 PAWNBROKER FEES; INTEREST RATES.

It is unlawful for a pawnbroker to receive an interest rate greater than 2% per month.

§ 7-218 PAWNBROKER TRANSACTIONS.

In every pawn transaction: (A) The original pawn contract shall have a maturity date of not less than 30 days, provided that nothing herein shall prevent the pledgor from redeeming the property before the maturity date; (B) Any personal property pledged to a pawnbroker in this state is subject to sale or disposal when there has been no payment made on the account for a period of 60 days past maturity date of the original contract; provided that the contract between the pledgor and the pawnbroker is renewable if renewal is agreed upon by both the parties; (C) Every pawn ticket or receipt for such pawn shall have printed thereon the provisions of division (A) of this section which shall constitute notice of such sale or disposal; notice of intention to sell or dispose of the property without further notice; and consent to such sale or disposal. The pledgor thereby forfeits all right, title and interest of, in, and to such pawned property to the pawnbroker who thereby acquires absolute title to the same, whereupon the debt is satisfied and the pawnbroker may sell or dispose of the unredeemed pledges as his own property. Any sale or disposal of property under this section terminates all liability of the pawnbroker and vests in the purchaser the right, title, and interest of the borrower and the pawnbroker; (D) If the borrower loses his pawn ticket he shall not thereby forfeit his right to redeem, but may, before the lapse of the redemption period, make an affidavit

with indemnification for such loss. The affidavit shall describe the property pawned and shall take the place of the lost pawn ticket unless the pawned property has already been redeemed with the original pawn ticket; and (E) A pledgor is not obligated to redeem pledged goods or make any payment on a pawn transaction.

§ 7-219 PROHIBITIONS

It is unlawful for a pawnbroker to

- (A) Accept a pledge from a person under the age of 18 years;
- (B) Make any agreement requiring the personal liability of a pledgor in connection with a pawn transaction;
- (C) Accept any waiver, in writing or otherwise, of any right or protection accorded a pledgor under this article;
- (D) Fail to exercise reasonable care to protect pledged goods from loss or damage;
- (E) Fail to return pledged goods to a pledgor upon payment of the full amount due the pawnbroker on the pawn transaction.
- (F) Take any article in pawn, pledge, or as security from any person, which is known to such pawnbroker to be stolen, unless there is a written agreement with local or state police;
- (G) Sell, exchange, barter, or remove from the pawnshop any goods pledged, pawned, or purchased earlier than 48 hours after the transaction, except in case of redemption by pledgor or items purchased for resale from wholesalers;
- (H) Operate more than one pawnshop under one license, and such shop must be at a permanent place of business; or
- (I) Take as pledged goods any manufactured mobile home, recreational vehicle, or motor vehicle other than a motorcycle.

Article VII. Peddlers, Itinerant Merchants and Charitable Solicitations

§ 7-247 ITINERANT MERCHANT'S LICENSE REQUIRED.

It is unlawful for any person to engage in transient business in one locality without having a valid itinerant merchant's license, exemptions are listed.

§ 7-248 PEDDLER'S LICENSE REQUIRED.

It shall be unlawful for any person meeting the definition of a peddler to engage in such business in the City without having a valid City peddler's license; hours of use established.

§ 7-249 CHARITABLE SOLICITOR'S LICENSE REQUIRED.

It shall be unlawful for any person to go or cause another person to go from house to house to carry on the activities of a charitable solicitor, without having a valid charitable solicitor's license.

Article III. Poolrooms

§ 7-282 PROHIBITED CONDUCT.

It shall be unlawful for a poolroom licensee or for an employee of the licensee to:

(A) Permit any gambling or game of chance in the place designated by the license or other place connected with the business;

(B) Allow the licensed premises to become disorderly;

(C) Permit any person under 16 years of age to remain in the poolroom, except that persons under 16 years of age may be permitted to enter the licensed premises and play the game of pool or billiards under the following conditions: (1) Each such person shall be accompanied by his parent or legal guardian or shall have in his possession, and exhibit to the proprietor or to any police officer on request, the notarized written consent of his parent or legal guardian specifying the hours of curfew and the licensed premises upon which such minor is permitted to enter; (2) No beer, wine or other alcoholic beverage shall be sold, served or permitted in the room where the game of pool or billiards is played; (3) Each licensed premises shall be provided with clean, sanitary washrooms with separate toilet facilities for each sex; (4) The licensee shall be responsible for providing competent supervision at all times and shall be required to ensure that the provisions of this section are strictly complied with; (5) Each licensee shall post a copy of this section at a conspicuous location within the licensed premises.

(D) Knowingly employ in the operation of the poolroom any person who has been convicted of a felony unless such person has received a pardon for such conviction.

§ 7-283-285

Owner's name must be displayed in the business at all times, Condition poolroom must be kept in: keep clean, well-lighted, and may be inspected by city; Room specifications for the poolroom business: street level, front opens on street, viewable.

§ 7-301 REQUIRED; APPLICATION.

Application must be made to City Council to operate a poolroom

Article IX Taxicabs and Other Vehicles for Hire

§ 7-327 -328

It is unlawful to operator taxi or vehicle for hire without a certificate of public convenience granted by the City. Taxi or vehicle for hire must comply with state and city requirements and be kept in clean, neat, safe condition and appearance.

§ 7-329 -335

Taxi or vehicle for hire must have liability insurance as required by state law; Depot or terminal on private property required, stopping on street to solicit prohibited; Driver's obligation to transport passengers, passengers must pay fare; a taxi cannot be solicited for hire on a public street; Taxi or vehicles for hire cannot drive around looking for work; receipts must be given upon request and not more than one passenger shall be transported at one time without the consent of

the person first engaging the vehicle; upon request of the police department, drivers that furnish them with any information required.

§ 7-346 REQUIRED; DISPLAY. §7-346

Required to obtain a driver's permit and display it

§ 7-366 REQUIRED

Must have license issued by City Council to operate

Article X Fireworks Display

§ 7-383 COMPLIANCE WITH ARTICLE REQUIRED.

It shall be unlawful for any person or organization to exhibit, use, or discharge pyrotechnics within the corporate limits of the city unless a permit has been issued.

§ 7-389 BEGGING OR SOLICITING ALMS

It shall be unlawful for any person to ask, beg, or solicit alms or contributions of money, food, or clothes, or exhibit oneself for the purpose of begging or soliciting alms or such contributions, by aggressively accosting another, or forcing oneself upon the company of another.

CHAPTER 8: MISCELLANEOUS OFFENSES

§ 8-1 DISCHARGING OF WEAPONS.

It shall be unlawful to discharge an air rifle, air a pistol air gun, slingshot or any like instrument used to eject a pellet or projectile or to discharge a pistol, rifle, shotgun or other gun within the city limits. There are numerous exceptions to this including a police officer in the performance of his duty, members and instructors of the High school Reserve officers, in a firing range, members of the Eden Gun Club in the firing range, any firing range owned by the City, employees assigned to protecting city's infrastructure, anyone in possession of a valid City depredation permit or pursuant to a valid City of Eden permit for deer hunting by bow and arrow.

§ 8-2 POSTING SIGNS PROHIBITING THE CARRYING OF CONCEALED WEAPONS ON CERTAIN MUNICIPAL PROPERTY.

It shall be unlawful to carry concealed weapons on city property.

CHAPTER 9: MOTOR VEHICLES AND TRAFFIC

Parades and Special Events

§ 9-215 – Parades and special events must have a permit obtained by the City Manager

§ 9-217 – Application contents specified

§ 9-227 – Permittee must comply with permit directions and conditions, laws and ordinances

§ 9-228 – List of conduct prohibited during the parade or special event

CHAPTER 12: SOLID WASTE

§ 12-2 RESPONSIBILITY OF OWNERS AND OCCUPANTS FOR MAINTENANCE OF PROPERTY

Property shall be kept clean and free of physical hazards, garbage, refuse, building material scrap, industrial waste, yard waste, human and animal waste, scrap metal, junk, old furniture and appliances, and any other objects that would adversely affect the safety, health, sanitation, welfare and morals of other occupants, neighbors or the general public.

§ 12-3-4 MATERIALS DROPPED FROM VEHICLES; CLEANUP; COST COLLECTED BY CITY.

If any garbage trash, etc. is dropped while being transported, such person shall clean up and remove what was dropped to satisfaction of City. Building material scrap and industrial waste shall be removed by contractors or property owners.

Article III. Garbage and Refuse

§ 12-26-34

It is unlawful to bury and garbage except at an approved landfill. Requirements for collection preparation for garbage consist of draining liquid, using waterproof bags, ashes in separate container. Only approved containers are allowed.

Containers for single family residents and commercial uses not required to have a commercial dumpster must be provided by the City. Solid Waste Superintendent shall deem what containers are appropriate. Apartment buildings and commercial establishments are required to provide containers on their premises at their expense, 4, 6, or 8 cubic yard size to be serviced privately or through a city contractor. Commercial waste containers or other large containers for solid waste are permitted in all commercial and industrial districts, and in multi-family residential developments.

There are requirements for placement of roll-out refuse containers, collection schedule and removal from street right of way after emptying.

It is unlawful to place garbage in another person's container or to damage or interfere with other containers or their contents.

Fees and collection of those fees are established and required.

Article IV. Yard Rubbish and Trash

§ 12-56-58

Material not collected by City shall be removed by property owner. Material collected by City shall be placed at the curb according to City requirements for collection. Contractors shall also remove material from properties that are not collected by City.

CHAPTER 13: STREETS SIDEWALKS AND OTHER PUBLIC PLACES

§ 13-1-3.

No obstruction of the sidewalk or street by object or persons.

No person shall play ball or bat or catch balls on any of the streets or sidewalks of the city.

§ 13-4 OBSTRUCTING OR DAMAGING DRAINAGEWAYS PROHIBITED.

It shall be unlawful for any person to obstruct the free flow of water in any drainage ditch, street gutter, culvert or other drainageway in any public street or other public way or other natural drainage course within the city limits by depositing any trash, refuse, tree or shrubbery trimmings, building material scraps or other matter therein.

It shall be unlawful for any person to dump any gasoline, fuel oil, naphtha or other flammable liquid, any liquid wastes containing a toxic or poisonous substance or any lubricating oil, grease or detergent to drain into any drainage ditch, street gutter, culvert or other drainageway in any public street or other public way or other natural drainage course within the city limits.

§ 13-5 DEPOSITING TRASH, REFUSE PROHIBITED.

It shall be unlawful for any person to dump trash on any street or sidewalk

§ 13-6 DISTRIBUTING AND POSTING HANDBILLS AND POSTERS PROHIBITED.

It shall be unlawful for any person to: (A) Place any posters, circulars, notices or other advertising matter in cars standing or parked on the streets; or (B) Tack, paste or otherwise attach such material to telephone poles, electric light poles or any building situated in the city.

§ 13-7 DAMAGING BRIDGES, CULVERTS PROHIBITED.

No person shall injure or move any part of any bridge, culvert, ditch, drain or other property belonging to or used by the city.

§ 13-8 DAMAGING CITY PROPERTY.

No person shall injure, tamper with, remove or paint upon or deface any sign, signpost, streetlight, traffic signal or other municipal property upon the streets and sidewalks except employees of the city in performance of their duties.

§ 13-9 CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY.

It shall be unlawful for any person to consume alcoholic beverages on property owned or occupied by the city except by

1. permit of the City Manager for a special event under the following circumstances: the applicant shall be the organizer and shall be a non-profit or a small business, the location must be in a municipal parking lot or right of way, date, location and time of the event submitted and the area cordoned off, shall have proof of insurance and all other permits obtained.
2. permit of the City Manager for a restaurant selling alcohol pursuant to a ABC license under the following circumstances: selling to customers seated at tables on sidewalks adjacent to the business, the duration of the permit shall not exceed one year, proof of insurance is required and the City of Eden will be names as additional insured.

Article II. Sidewalks

§ 13-26 SALE OR DISPLAY OF GOODS.

No person shall place for display or sale any goods, wares or merchandise of any kind upon any of the sidewalks of the city unless permission is given by City Manager.

§ 13-27

Occupant responsible for snow removal.

§ 13-28-30

It shall be unlawful for any person to skate or ride a bicycle on sidewalks..

No sidewalk of any description shall be built by any person of any brick, cement or other material without a written permit from the City Engineer.

§ 13-31 CONSTRUCTION OF PASSAGEWAY WHEN BUILDING NEAR SIDEWALK.

Before building or remodeling near a sidewalk, unobstructed and safe passage for pedestrians and vehicles shall be ensured.

Article III. Streets

§ 13-51 INJURY FROM HARROWS AND OTHER IMPLEMENTS, MACHINES PROHIBITED.

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

§ 13-68 SPECIFICATIONS; GRATES.

Any curb and gutter shall be a standard 24 inches or shall be curb with a sidewalk with a maximum width of 36 inches and shall be designed and placed according to standard engineering practice. The standard precast iron grate shall be used with catch basin construction.

VISIBILITY AT INTERSECTIONS

§ 13-128 OBSTRUCTIONS PROHIBITED; EXCEPTIONS.

It shall be unlawful to install or to allow the setting out or maintenance of any sign, hedge, shrubbery, tree, natural growth or other obstruction of any kind, at the intersection of streets, which obstructs cross visibility at a level between 30 inches and ten feet above the level of the center of the adjacent intersection. Exceptions include permanent buildings, existing grades, trees that are trimmed, fire hydrants, utility poles, street markers and traffic control devices.

Article IV Excavations

§ 13-147-150 INSTALLATION OF DRAIN PIPES

IT shall be unlawful for any person to install a drain pipe in the public right of way without obtaining a permit from the City. Any one who digs in any street must restore the city street. Any person excavating in the City must securely cover the excavations according to City standards for protection and warning.

Article V. Vegetation on Public Property

§ 13-166 TRIMMING OR REMOVAL OF OBSTRUCTING SHRUBBERY REQUIRED.

Any premises adjoining any public way shall be kept free of all shrubbery, bushes or any other vegetation that would cause an obstruction to the public way.

Article VI Parks and Recreational Areas

§ 13-191 POSSESSION OF ALCOHOLIC BEVERAGES PROHIBITED

It shall be unlawful for any person to have in his or her possession any alcoholic beverages at a city park, recreational area, or firing or shooting range.

§ 13-192 OPERATION OF MOTOR VEHICLES

It shall be unlawful for any person to operate any motorize vehicle, mini-bike, motorcycle, golf cart, or vehicle in, over, through any public park, except along and on [ark drives, designated parking areas, parkways, or areas designated by the Parks and Recreation Director.

§ 13-193 ENTERING CLOSED PARK OR RECREATION AREA PROHIBITED

It shall be unlawful for any person to enter or be in a city park or any city recreation area when the park is closed.

§ 13-194 HAZARDOUS RECREATION PARKS

An person engaging in skateboarding, inline skating, or freestyle bicycling in a public park or recreation area designated for such activities must wear a helmet, elbow pads, kneepads and shoes.

§ 13-195 REGISTERED SEX OFFENDERS PROHIBITED

No Registered Sex Offender shall knowingly enter into or upon any City of Eden Parks and Recreation Areas operated by the City of Eden.

Article VII. Numbering of Property

§ 13-213 -215

Every property owner shall display the street number assigned by the City.

It shall be unlawful for any person to alter, deface or take down any number placed on any property in accordance with this article, except for repair or replacement of such number.

CHAPTER 14: SUBDIVISION REGULATIONS

This ordinance is designed and enacted to provide for the orderly development of the City of Eden, North Carolina, and its environs through the regulation of the subdivision of land. The regulations contained herein are intended to coordinate proposed development with existing development and with officially adopted plans for the future development of the City; to insure the provision of adequate facilities for transportation, water, sewerage, and other public facilities to subdivisions; to insure proper legal description, monumentation, and recording of subdivided land; and to create conditions essential to public health, safety, and general welfare.

As per the City of Eden Ordinance a “Subdivision” shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets. The North Carolina General Statutes provide for exceptions to this definition and the ordinance complies with the State regulations.

Enforcement of a violation of this ordinance can include criminal prosecution

CHAPTER 16: UTILITIES

ARTICLE II WATER USE

§ 16-40-45

Separate Water meters are required for each business, residence mobile home or other structure and all meters shall be approved for measurement by the City. All private fire protection installation shall be pursuant to a permit and there should be no cross-connection between the city waterlines and any other lines.

A corporation cock for control of water by owner is required and fixtures within the premises shall be kept in repair by owner and lines from property line to the city system installed by plumber and kept in repair.

It is unlawful to use a stream of water larger than two inches or fill any reservoir or supply or sell water or take from a fire hydrant without the permission of City.

Damaging or tampering with any city apparatus or appurtenance to the water system is not allowed.

§ 16-47-55

The City has a cross connection control program which prohibits the following connections:

- (1) No water service connection to any private water system unless the water supply is protected as required by this article and in accordance with the North Carolina Administrative Code.
- (2) No water service customer shall allow an unprotected cross connection to be made or to remain that involves the water service customer's private water system.
- (3) No connection shall be made to an unapproved auxiliary water supply unless the public water supply is protected against backflow by an approved backflow prevention assembly, appropriate to the degree of hazard.
- (4) No interconnection to any other water purveyor's water system shall be made unless it is protected against backflow by an approved backflow prevention assembly.

(5) No water service customer shall fail to maintain in good operating condition any backflow prevention assembly, which is part of the water service customer's private water system and is required by this article.

(6) No water service customer shall fail to submit to the City of Eden any records, which are required by this article

§ 16-61-63

All connections and systems for private fire hydrants or sprinkler system shall be made pursuant to City approval.

§ 16—81-93

The City has a water shortage response plan when the ordinary demands and requirements of water consumers served by the city cannot be satisfied without depleting the water supply to or below a critical level, the level at which the continued availability of water for human consumption, sanitation, and fire protection is jeopardized. This Water Shortage Response Plan has been developed to allow the City of Eden to adapt to these situations and continue to supply water to our customer. This plan will set forth protocol for how the City of Eden Water System will respond to these situations. Implementation of the Water Shortage Response Plan will be triggered and administered by the city. Whenever the City Manager finds a water shortage exists, he shall proclaim one or more water conservation stages. IT shall be unlawful to violate mandatory restrictions of the plan. If the City Manager declares one or more stages of water conservation, it shall be unlawful for any person to use or permit the use of water supplied by the city in violation of any mandatory restriction instituted pursuant to that declaration.

Article III. Wastewater System

§ 16-150 WASTEWATER PERMITS.

All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the POTW Director to be significant industrial users shall obtain a significant industrial user permit within 180 days of receiving notification of the POTW Director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the POTW Director be required to obtain a wastewater discharge permit for nonsignificant industrial users.

(I) Permit conditions. (1) The POTW Director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this division and G.S. § 143-215.1.

(h) A statement of applicable civil and/or criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

Each permit informs the owners of the possibility of civil and/or criminal penalties in the event that they violate their permit requirements.

§ 16-161 REPORTS OF POTENTIAL PROBLEMS.

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non routine, episodic nature, a noncustomary batch discharge, or a slug load as defined in section 16- 122, that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. 2012 S27 70 Wastewater System (B) Within five days following such discharge, the user shall, unless waived by the POTW Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this division.

(B) Within five days following such discharge, the user shall, unless waived by the POTW Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this division.

Any violations reported from an industry or other entity discharging wastewater are still subject to fines, penalties, and liability, including criminal charges if deemed necessary.

§ 16-175 INSPECTION AND SAMPLING.

The City will inspect the facilities of any user to ascertain whether the purpose of this division is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City, approval authority and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of 2012 S27 74 Wastewater System inspection, sampling, records examination and copying or in the performance of any of their duties. The City, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the POTW's, approval authority's, or EPA's access to the user's premises shall be a violation of this division. Unreasonable delays may constitute denial of access.

§ 16-176 SEARCH WARRANTS.

If the City, approval authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a

violation of this division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this division or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City, approval authority, or EPA may seek issuance of a search warrant from the District Court of the county.

Denial of access to properties under this rule are subject to penalties and possibly criminal charges, if deemed appropriate. Search warrants will be obtained first before determination is made.

§ 16-185 ADMINISTRATIVE REMEDIES.

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

(C) Show cause hearing. (1) The POTW Director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this division or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the POTW Director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation. (2) The POTW Director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate. (3) A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under § 16-186 nor is any action or inaction taken by the POTW Director under this section subject to an administrative appeal under § 16-150(H). (D) Administrative orders When the POTW Director finds that an industrial user has violated or continues to violate this division, permits or orders issued hereunder, or any other pretreatment requirement the POTW Director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

Notice of violations that are deemed significant may be subject to a show cause hearing to determine if any civil penalties should apply. No criminal charges are expected at this time.

§ 16-186 CIVIL PENALTIES.

(A) Any user who is found to have failed to comply with any provision of this division, or the orders, rules, regulations and permits issued hereunder, may be assessed a civil penalty of up to twenty-five thousand dollars (\$25,000) per day per violation. (1) Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if: (a) For any class of violation, only if a civil penalty has been imposed against the violator within the five years

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

Civil penalties can be assessed against a wastewater user depending on the type of violation, the severity, and/or the number of instances. Criminal charges are not expected at this time, but could occur if deemed appropriate.

16-187 OTHER AVAILABLE REMEDIES.

Remedies, in addition to those previously mentioned in this division, are available to the POTW Director who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to: (A) Criminal violations. The District Attorney for the Judicial District 17A may, at the request of the City, prosecute noncompliant users who violate the provisions of G.S. § 143-215.6B. [Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (G.S. § 143-215.6B(f)), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (G.S. § 143-215.6B(g)), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. § 143-215.6B(h)), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (G.S. § 143-215.6B(I)).]

Criminal charges could be issued if conditions express willful violations, negligent behavior, pose imminent danger of death or serious bodily injury, or are falsely presented.

(C) (1) Bypass is prohibited, and the POTW Director may take an enforcement action against a user for a bypass, unless: (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and (c) The user submitted notices as required under division (B) of this section.

If bypasses occur that are not allowed or do not meet the exceptions, civil penalties and/or criminal charges could occur as deemed appropriate.

ARTICLE IV. Extension of Service Lines

§ 16-215 UNAUTHORIZED CONNECTION PROHIBITED; PENALTY.

It shall be unlawful for any person to make any unauthorized connection of a waterline or a sewer line to the city system unless the following procedures are followed in 211-214:

§ 16-211-214

Extension of water and sewer utility services outside the city limits is only allowed when the owner petitions for voluntary annexation. City Council could approve an exception subject to all plumbing fixtures and facilities in compliance with building codes, all owners commit to submit to voluntary annexation upon request by the City. Any property authorized as an exception to this section must have all owners execute an agreement with the City recorded with the Register of Deeds that states that as long as the property remains outside the corporate limits the property shall be subject to the City's outside rate schedule, the property shall not be further divided, upon request by City the owners will petition for annexation.

Permission for extension may be granted if the property owner agrees that he will obtain all necessary rights of way the city may require, he shall bear all the expense, the work is done under the supervision and control of the City, the City is saved harmless from all damage and provide insurance and the mains when complete shall be property of the City and subject to its control.

All plans and specifications shall be provided to the City.

CHAPTER 17: WATERSHED PROTECTION

Water supply watershed management and protection is administered by the City. Subdivision regulations and requirements for application and review are handled by the Watershed Administrator.

In addition, applications are reviewed by the Planning Board for final action. Subdivision standards and requirement improvements are set forth. Construction Procedures are listed. Watershed areas are described and established: Critical Area and Protected Area. Prohibited uses in each area is listed, as well as allowed uses and density and built-upon limits.

Buffer areas are required and discussed. Existing development may be continued and maintained subject to provisions listed in the chapter.

Watershed Protection Permits are required in specific circumstances and no building permits shall be issued until the watershed protection permits have been issued first.

Watershed Protection occupancy permits shall be issued by the Watershed Administrator pursuant to this chapter prior to the occupancy or use of a building erected, altered or moved and prior to the change of use of any building or land.

No activity or land use is allowed within the watershed which poses a threat to water quality and the public health, safety and welfare. The Watershed Administrator shall monitor land uses within the watershed to identify situations that pose a threat.

CHAPTER 18 – ZONING ORDINANCE

The City of Eden Zoning Ordinance is an ordinance establishing zoning regulations for the City Of Eden and its extraterritorial zoning jurisdiction. It provides for the administration, enforcement and amendments as deemed necessary by the Eden City Council.

The zoning regulations and districts have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. Such regulations have been made with reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, and with a view to conserving the value of building and encouraging the most appropriate use of land throughout the City of Eden and its extraterritorial zoning area.

Included in the Zoning Ordinance are Flood Damage Prevention regulations as authorized by the State and Federal Government. This section has been deemed in compliance by FEMA and State of North Carolina regulators.

The provisions of the zoning ordinance are adopted under authority granted by the General Assembly of the State of North Carolina.

The range of enforcement activities permitted by this ordinance include the potential for criminal action.