

Town of Farmville
Index Listing of Applicable Ordinances Subject to Criminal Punishment

CHAPTER 10.99 General Penalty
CHAPTER 31.085 Fire Department
CHAPTER 70-75 Traffic Code
CHAPTER 90 Animals
CHAPTER 95.065 Temporary Street Closings
CHAPTER 96.20 Conduct in Parks
CHAPTER 114 Markets, Antique Stores, Yard Sales and the Like
CHAPTER 118 Junkyards and Junk Dealers
CHAPTER 130 General Offenses
CHAPTER 151 Housing Regulations
CHAPTER 152 Flood Damage Prevention
CHAPTER 155.016 Subdivision/Penalties.....
CHAPTER 156 Landscaping
CHAPTER 157 Zoning

§ 10.99 GENERAL PENALTY.

(A) When, in any part of this code of ordinances, as amended, or in any order, rule or regulation issued by any order or agency of the town, any act is prohibited or declared unlawful or an offense or whenever any act is required and the failure to do the act is declared to be unlawful and no specific penalty is provided therefore, then, and in that case, the violation of the provision shall be a misdemeanor as provided for in G.S. § 14-4, as amended from time to time and the violator shall be subject to the punishment provided therein.

(B) A violation of any provision of this code of ordinances of the town shall be punishable by imposition of a civil penalty payable to the town as authorized by G.S. § 160A-175(c). All penalties imposed shall be in the amount of \$50 per day unless otherwise provided in this code of ordinances, and each day's continuing violation of the ordinance after notice is received by the offending party shall be deemed a separate offense punishable by imposition of a separate civil penalty of the amount specified herein. All civil penalties imposed shall be collectible by the town by way of a civil action if the offender does not pay the penalty within ten days after being cited for violation of the ordinance. Notice of imposition of a civil penalty shall be delivered to the offending party by certified mail, return receipt requested or by personal service of written notice upon the offending party by the Town Police Department. Any appeal of a civil penalty imposed by any official of the town shall be made in writing to the Town Board of Commissioners.

(2006 Code, Ch. 1, § 4.0) (Added 12-6-2005)

Statutory reference:

Authority, see G.S. § 160A-175(c)

concurrence of the Town Board. The Planning Board is authorized to make expenditures as it may see fit, subject to the limitations of the funds provided for the Planning Board by the Town Board in the town's annual budget.

(2006 Code, Ch. 17, § 12) (Amended 2-4-1997)

§ 31.070 SPECIAL COMMITTEES.

The Chairperson of the Planning Board, with the consent of the Board, may appoint special committees to assist it in the study of specific questions and problems.

(2006 Code, Ch. 17, § 13) (Amended 2-4-1997)

FIRE DEPARTMENT

§ 31.085 ORGANIZATION.

The Fire Department shall consist of the Chief of the Fire Department and a sufficient number of firefighters (voluntary, part time or full time) to maintain and operate the Department. The Board of Commissioners shall appoint the Chief and may approve the appointment to the Department of all officers. The Department may, from time to time, adopt its own rules and regulations governing the Department subject to the approval of the Board of Commissioners. However, any rules and regulations shall include provisions for at least one training period each month and shall provide that any member who is absent for two consecutive meetings without a bona fide reason will be dropped from the Department.

(2006 Code, Ch. 10, § 1.1)

§ 31.086 DUTIES OF THE CHIEF.

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

(A) *General.* He or she shall have general control of the Department, personnel, apparatus and fire alarm systems.

(B) *Firefighting command.* He or she shall command the Department and supervise the firefighting and extinguishing of all fires and to have authority to keep away from the vicinity of all fires any and all idle, disorderly or suspicious persons.

(C) *Equipment inspection.* 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.

(D) *Reports.* He or she shall report annually to the Board of Commissioners the condition of all equipment, fire hydrants and fire alarms.

(E) *Fire inspections.*

(1) The Chief shall assume the functions of Fire Inspector and shall enforce regulations pertaining to fire hazards and fire districts. As such, he or she (or his or her designated agent) shall have authority to enter any and all premises, at reasonable times, for purposes of inspection.

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

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

(4) He or she shall investigate the causes of fires and keep records of his or her findings as to origin, location, owner, extent of damage or injury 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 a proper order to the owner or agent of the premises in question, the order to state a reasonable time limit. Failure to comply with the orders shall be considered a misdemeanor.

(2006 Code, Ch. 10, § 1.2)

§ 31.087 FIRE SUPPRESSION REGULATIONS.

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

(B) *Congregating near fires.* 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.

(C) *Fire trucks have right-of-way.* 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. 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 they are facing and shall not move their vehicles until the apparatus has passed.

(D) *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 town block, or to pass the apparatus, or to park within the same block in which fire is in progress.

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(C) *Equipment inspection.* 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.

TITLE VII: TRAFFIC CODE

Chapter

- 70. GENERAL PROVISIONS**
- 71. TRAFFIC REGULATIONS**
- 72. PARKING RULES**
- 73. RECREATIONAL VEHICLES**
- 74. TRAFFIC SCHEDULES**
- 75. PARKING SCHEDULES**

Editor's note:

This title has been amended by the Board of Commissioners on 8-1-2006, 1-2-2007, 9-4-2007, 10-2-2007, 11-6-2007, 12-4-2007 and 3-4-2008.

CHAPTER 70: GENERAL PROVISIONS

Section

General Provisions

70.01 Definitions

Obedience to Traffic Regulations and Police Officers

- 70.15 Ordinance violations
- 70.16 Obedience to police
- 70.17 Authority of police in special cases
- 70.18 Application
- 70.19 Exemptions of authorized emergency vehicles
- 70.20 Persons propelling push carts and riding animals

Traffic Control Devices

- 70.35 General requirements
- 70.36 Sign maintenance
- 70.37 No-turn signs and turning markers
- 70.38 Zone markers
- 70.39 Traffic control signal legend
- 70.40 Flashing signals

GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

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

AUTHORIZED EMERGENCY VEHICLE. Vehicles of fire departments, law enforcement agencies and state certified rescue squads.

Farmville - Traffic Code

BLOCK. A portion of any street located between two intersections.

BUSINESS DISTRICT. The territory contiguous to a highway when 50% or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

CROSSWALK. The portion of a roadway ordinarily included within the extended lateral lines of sidewalks at intersections. Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

DRIVER-OPERATOR. A person in actual physical control of a vehicle when it is in motion or which has the engine running.

INTERSECTION. The area embraced within the extended lateral curb lines or if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one highway crosses the other.

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

OFFICIAL TIME STANDARD. Whenever certain hours are named herein, they shall mean standard time or daylight savings time as may be in current use in the town.

OFFICIAL TRAFFIC CONTROL DEVICES. All signs, signals, markings and devices not inconsistent with this traffic code placed or erected by authority of the governing body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

OFFICIAL TRAFFIC SIGNALS. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

PARK. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

PEDESTRIAN. Any person afoot.

PERSON. Every natural person, firm, co-partnership, association or corporation.

POLICE OFFICER. Every officer of the Town Police Department or any officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.

PRIVATE ROAD OR DRIVEWAY. Every road or driveways not open to the use of the public for purposes of vehicular travel.

PUBLIC CONVEYANCE. Any vehicle other than a taxicab or railroad train for transporting for a fare.

PUBLIC VEHICULAR AREA. Any drive, driveway, road, roadway, street or alley upon the grounds and premises of any public or private hospital, college, university, school or orphanage, church or any of the institutions maintained and supported by the state, or any of its subdivisions or upon the grounds and premises of any service station, drive-in theater, supermarket, store, restaurant or office building, or any other building, or any other business, residential or municipal establishment providing parking space for customers, patrons or the public.

RESIDENTIAL DISTRICT. The territory contiguous to a highway, not comprising a business district when the frontage on the highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

RIGHT-OF-WAY. The privilege of the immediate use of the roadway.

SAFETY ZONE.

(1) The area or space officially set apart within the roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a **SAFETY ZONE**.

(2) The portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

STANDING. Any stopping of a vehicle, whether occupied or not.

STOP. When required, means complete cessation of movement.

STOP or STOPPING. When prohibited, means any stopping of a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

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

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, street cars and other conveyances either singly or together while using any street for purposes of travel.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided that, for the purposes of this traffic code, bicycles shall be deemed **VEHICLES** and every rider of a bicycle upon a highway shall be subject to the provisions of this traffic code applicable to the driver of a **VEHICLE**, except those which, by their nature, have no application.

(2006 Code, Ch. 24, § 1)

OBEDIENCE TO TRAFFIC REGULATIONS AND POLICE OFFICERS**§ 70.15 ORDINANCE VIOLATIONS.**

It is a misdemeanor for any person to do any act forbidden, or fail to perform any act required, by this traffic code.

(2006 Code, Ch. 24, § 2.1) Penalty, see § 10.99

§ 70.16 OBEDIENCE TO POLICE.

No person shall willfully fail or refuse or comply with any lawful order or direction of a police officer.

(2006 Code, Ch. 24, § 2.2) Penalty, see § 10.99

§ 70.17 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 traffic code.

(2006 Code, Ch. 24, § 2.3)

§ 70.18 APPLICATION.

(A) The provisions of this traffic code shall apply to any vehicle owned by or used in the service of the United States government, the state, county or town.

(B) It shall be unlawful for any driver to violate any of the provisions of this traffic code, except as otherwise permitted in this traffic code or by state statutes.

(2006 Code, Ch. 24, § 2.4) Penalty, see § 10.99

§ 70.19 EXEMPTIONS OF AUTHORIZED EMERGENCY VEHICLES.

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

- (1) Park or stand, notwithstanding the provisions of this traffic code;

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

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

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

(B) The foregoing exemptions shall not, however, protect the driver of any vehicle from the consequences of his or her reckless disregard for the safety of others.

(2006 Code, Ch. 24, § 2.5)

§ 70.20 PERSONS PROPELLING PUSH CARTS AND RIDING ANIMALS.

Every person propelling any push cart or riding an animal upon a roadway and every person driving any animal-drawn vehicle shall be subject to the provisions of this traffic code applicable to the driver of any vehicle, except those provisions of this traffic code which, by their very nature, can have no application.

(2006 Code, Ch. 24, § 2.6)

TRAFFIC CONTROL DEVICES

§ 70.35 GENERAL REQUIREMENTS.

The driver of any vehicle shall obey the directions of any official traffic control device applicable thereto and placed in accordance with the traffic ordinances of the town, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

(2006 Code, Ch. 24, § 3.1) Penalty, see § 10.99

§ 70.36 SIGN MAINTENANCE.

No provision of this traffic code for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to an ordinarily observant person. Whenever a particular section does not state that signs are required, the section shall be effective without signs being placed to give notice thereof.

(2006 Code, Ch. 24, § 3.2)

§ 70.37 NO-TURN SIGNS AND TURNING MARKERS.

Whenever authorized signs are placed, erected or installed indicating that no right or left or "U" turn is permitted, no driver of a vehicle shall disobey the directions of the sign. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles traversing or turning thereat, no driver of a vehicle shall disobey the directions of the indications.

(2006 Code, Ch. 24, § 3.3) Penalty, see § 10.99

§ 70.38 ZONE MARKERS.

Whenever authorized signs or markings are placed, erected or installed indicating no-parking zones or safety zones, zones of quiet, play street zones, school zones or others, no driver of a vehicle shall disobey the regulations in connection therewith.

(2006 Code, Ch. 24, § 3.4) Penalty, see § 10.99

§ 70.39 TRAFFIC CONTROL SIGNAL LEGEND.

Whenever traffic is controlled by traffic control signals, as described in Ch. 74, Sch. IV, exhibiting the words "GO", "CAUTION", "STOP" or exhibiting differently colored lights, successively, one at a time, the following colors only shall be used, and the terms and lights shall indicate as follows.

(A) *Green alone or "GO".*

(1) Vehicular traffic facing the signal may proceed straight through, or turn right or left, unless a sign at the place prohibits either turn, but vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians, lawfully within the intersection at the time the signal is exhibited.

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

(B) *Yellow alone or "CAUTION" when shown following the green or "GO" signal.*

(1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.

(2) Pedestrians facing the signal are hereby advised that there is insufficient time to cross a roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(C) *Red alone or "STOP".*

(1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection, or at other point as may be indicated by a clearly visible line, and shall remain standing until green or "GO" is shown alone; provided, unless prohibited by a sign, a right turn on red may be made if there is no on-coming traffic from the left.

(2) No pedestrian facing the signal shall enter the roadway unless he or she can do so safely and without interfering with any vehicular traffic.

(D) *Red with green arrow.*

(1) Vehicular traffic facing the signal may cautiously enter the intersection, only to continue the movement in the direction indicated by the arrow, but shall not interfere with other traffic.

(2) No pedestrian facing the signal shall enter the roadway unless he or she can do so safely and without interfering with any vehicular traffic.

(2006 Code, Ch. 24, § 3.5)

§ 70.40 FLASHING SIGNALS.

Whenever flashing red or yellow signals, as described in Ch. 74, Sch. VI, division (B), are used, they shall require obedience by vehicular traffic as follows.

(A) *Flashing red (stop signal).* When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(B) *Flashing yellow (caution signal).* When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.
(2006 Code, Ch. 24, § 3.6)

CHAPTER 71: TRAFFIC REGULATIONS

Section

- 71.01 Stop before entering certain street intersections
- 71.02 Yield before entering certain street intersections
- 71.03 One-way streets
- 71.04 Stop when traffic obstructed
- 71.05 Driving through funeral procession
- 71.06 Left turns at certain intersections as indicated
- 71.07 No right or left turns to be made
- 71.08 Limitation on turning around
- 71.09 Limitation on backing
- 71.10 Emerging from alley or private driveway
- 71.11 Vehicles shall not be driven on sidewalks
- 71.12 Clinging to motor vehicles
- 71.13 Use of coaster, roller skates and similar devices
- 71.14 Lights on parked vehicles
- 71.15 Moving cars from parked positions
- 71.16 Speed limits
- 71.17 Driving on roadways laned for traffic
- 71.18 Driving over fire hose
- 71.19 Heavy equipment traffic restricted
- 71.20 Mini-bikes in parks

§ 71.01 STOP BEFORE ENTERING CERTAIN STREET INTERSECTIONS.

When stop signs are placed, erected or installed at any intersection, as described in Ch. 74, Sch. IV, the driver of a vehicle approaching the intersection and facing the stop sign shall stop in obedience to the sign before entering the intersection and shall not proceed into, nor cross through, any street until he or she has first determined that no conflict with traffic will be involved.

(2006 Code, Ch. 24, § 5.1) Penalty, see § 10.99

§ 71.02 YIELD BEFORE ENTERING CERTAIN STREET INTERSECTIONS.

When yield signs are placed, erected or installed at any intersection, as described in Ch. 74, Sch. V, the driver of a vehicle approaching the intersection and facing the yield sign shall slow down in obedience to the sign before entering the intersection and shall not proceed into, nor cross, any through street until he or she has first determined that no conflict with traffic will be involved.
(2006 Code, Ch. 24, § 5.2) Penalty, see § 10.99

§ 71.03 ONE-WAY STREETS.

Upon those streets, or parts of streets, described in Ch. 74, Sch. VII, vehicular traffic shall move only in the indicated direction, when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.
(2006 Code, Ch. 24, § 5.3) Penalty, see § 10.99

§ 71.04 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.
(2006 Code, Ch. 24, § 5.4) Penalty, see § 10.99

§ 71.05 DRIVING THROUGH FUNERAL PROCESSION.

No vehicle shall be driven through a funeral procession, except Fire Department vehicles, police patrols and ambulances, when the same are responding to calls.
(2006 Code, Ch. 24, § 5.5) Penalty, see § 10.99

§ 71.06 LEFT TURNS AT CERTAIN INTERSECTIONS AS INDICATED.

In making left turns at the street intersections described by the town, all traffic shall travel to the left of the center of the intersections as may be indicated by buttons, markers or other directing signs.
(2006 Code, Ch. 24, § 5.6) Penalty, see § 10.99

§ 71.07 NO RIGHT OR LEFT TURNS TO BE MADE.

No vehicle shall make a left turn at any street intersection described by the town.
(2006 Code, Ch. 24, § 5.7) Penalty, see § 10.99

§ 71.08 LIMITATION 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 streets, or portions of streets, described by the town.
(2006 Code, Ch. 24, § 5.8) Penalty, see § 10.99

§ 71.09 LIMITATION ON BACKING.

The driver of a vehicle shall not back the same into any intersection, or over a crosswalk, and shall not 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, horn or other signal.
(2006 Code, Ch. 24, § 5.9) Penalty, see § 10.99

§ 71.10 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 a sidewalk area extending across an alleyway and, upon entering the roadway, he or she shall yield the right-of-way to all vehicles approaching on the roadway.
(2006 Code, Ch. 24, § 5.10) Penalty, see § 10.99

§ 71.11 VEHICLES SHALL NOT BE DRIVEN ON SIDEWALKS.

The driver of a vehicle shall not drive within any sidewalk area, except at a permanent or temporary driveway.
(2006 Code, Ch. 24, § 5.11) Penalty, see § 10.99

§ 71.12 CLINGING TO MOTOR VEHICLES.

No person riding upon a bicycle, motorcycle, coaster, sled, roller skates or any toy vehicle shall attach the same, or himself or herself, to any public conveyance or moving vehicle upon any roadway.
(2006 Code, Ch. 24, § 5.12) Penalty, see § 10.99

§ 71.13 USE OF COASTER, ROLLER SKATES AND SIMILAR DEVICES.

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.
(2006 Code, Ch. 24, § 5.13) Penalty, see § 10.99

§ 71.14 LIGHTS ON PARKED VEHICLES.

The displaying of lights upon a vehicle, when lawfully parked at night upon a street of the town in accordance with this traffic code, shall not be required when there is sufficient light to reveal any person within a distance of 200 feet (61 meters) upon the street.
(2006 Code, Ch. 24, § 5.14)

§ 71.15 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.
(2006 Code, Ch. 24, § 5.15) Penalty, see § 10.99

§ 71.16 SPEED LIMITS.

(A) A vehicle may be operated on any street in the town at a rate not to exceed 35 mph (56 kilometers) unless the street or part thereof is designated so that a lower rate prevails; provided that, under no circumstances shall any person operate a vehicle at a speed greater than is reasonable and prudent under existing circumstances.

(B) Specific speed limits for streets and parts of streets are designated in Ch. 74, Sch. III.
(2006 Code, Ch. 24, § 5.16) Penalty, see § 10.99

§ 71.17 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.
(2006 Code, Ch. 24, § 5.17) Penalty, see § 10.99

§ 71.18 DRIVING OVER FIRE HOSE.

No vehicle shall be driven over any hose of the Fire Department when laid down on any street or driveway to be used at any fire, without the consent of the Fire Department official in command.
(2006 Code, Ch. 24, § 5.18) Penalty, see § 10.99

§ 71.19 HEAVY EQUIPMENT TRAFFIC RESTRICTED.

The driving of bulldozers and other heavy equipment is prohibited on the streets of the town when the streets would be damaged.

(2006 Code, Ch. 24, § 5.19) Penalty, see § 10.99

§ 71.20 MINI-BIKES IN PARKS.

The riding of mini-bikes is prohibited in any of the town's public areas.

(2006 Code, Ch. 24, § 5.21) Penalty, see § 10.99

CHAPTER 72: PARKING RULES

Section

- 72.01 Applicability and enforcement; signs required
- 72.02 Vehicles not to stop in streets; exceptions
- 72.03 Vehicles not to obstruct passing of other vehicles
- 72.04 Parking prohibited at all times in designated places
- 72.05 Parking prohibited during certain hours in designated places
- 72.06 Parking time limited to two hours in designated places
- 72.07 Parking time limited to one hour in designated places
- 72.08 Parking time limited in designated places
- 72.09 Areas reserved for specific purposes
- 72.10 Parking parallel to curb
- 72.11 Vehicles backed up to curb
- 72.12 Left side to curb not permitted in business district
- 72.13 Parking within lines where provided
- 72.14 Angle parking
- 72.15 Parking at 90-degree angle
- 72.16 Unlawful parking
- 72.17 Standing or parking vehicles for purpose of advertising
- 72.18 Stopping, standing or parking prohibited in specified places
- 72.19 Moving of vehicles of other operations into restricted area

- 72.99 Penalty

§ 72.01 APPLICABILITY AND ENFORCEMENT; SIGNS REQUIRED.

(A) The provisions of this chapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times specified in this chapter or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(B) Whenever any parking limit is imposed or parking is prohibited on designated streets, there shall be appropriate signs giving notice thereof. No regulations shall be effective unless the signs are erected and in place at the time of any alleged offense. Except that, no signage is required due to application to all town paved streets as it relates to § 72.16. This prohibition is also referenced in Ch. 95 of this code of ordinances.

(C) For the purposes of enforcement within this section, parking restrictions and/or prohibitions established by the State Department of Transportation on state maintained roadways shall be deemed a part of this section for the purposes of enforcement and penalties. As required in division (B) above, appropriate signage is required giving notice thereof at the time of the violation. All restrictions and/or prohibitions with appropriate signage shall be deemed a part of the applicable schedule in Ch. 75 of this code of ordinances and no separate action by the town is required.

(2006 Code, Ch. 24, § 4.1)

Statutory reference:

Related provisions, see G.S. §§ 14-4(b), 20-37.6, 20-79.4 and 20-162.1

§ 72.02 VEHICLES NOT TO STOP IN STREETS; EXCEPTIONS.

(A) No vehicle shall stop in any street, except for the purpose of parking as prescribed in the chapter, unless the stop is made necessary by the approach of fire apparatus, by the approach of a funeral or other procession which is given the right-of-way, by the stopping of a public conveyance, by railway signals, by the giving of traffic signals, by the passing of some other vehicle or pedestrian or by some emergency.

(B) 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 it can be avoided.

(2006 Code, Ch. 24, § 4.3) Penalty, see § 72.99

§ 72.03 VEHICLES NOT TO OBSTRUCT PASSING OF OTHER VEHICLES.

(A) No vehicle shall so stand on any street as to interrupt or interfere with the passage of public conveyances or other vehicles.

(B) Owner/operators of vehicles left unattended in a manner that obstructs other vehicles or otherwise presents a hazard to other vehicles shall have deemed the Town Police Department as their agent for the removal and storage of the vehicle at the owner's expense.

(2006 Code, Ch. 24, § 4.4) Penalty, see § 72.99

§ 72.04 PARKING PROHIBITED AT ALL TIMES IN DESIGNATED PLACES.

(A) 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 described in Ch. 75, Sch. I, division (A).

(B) Notwithstanding division (A) above, on those streets that parking is specifically regulated by clear pavement markings, no vehicle shall be parked or left standing on any space other than those specifically marked indicating the vehicle placement within the parking lines provided.

(C) In those cases where parking spaces are clearly and specifically designated, no vehicle shall be left standing otherwise. Additional signage or marking shall not be a requirement for lawful enforcement. (2006 Code, Ch. 24, § 4.5) Penalty, see § 72.99

§ 72.05 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 described in Ch. 75, Sch. I, division (B), unless other hours are designated in the schedule; provided that, this section shall not apply to automobiles or other vehicles parked on the streets between the hours of 1:00 a.m. and 6:00 p.m. when the owners thereof are at work in the building or on the premises in front of or near which the automobiles or other vehicles are parked.

(2006 Code, Ch. 24, § 4.6) Penalty, see § 72.99

§ 72.06 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 8:00 a.m. and 6:00 p.m. on any day, except Sunday and public holidays, upon any of the streets described by the town, 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.

(2006 Code, Ch. 24, § 4.7) Penalty, see § 72.99

§ 72.07 PARKING TIME LIMITED TO ONE HOUR 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 described by the town, 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.

(2006 Code, Ch. 24, § 4.8) Penalty, see § 72.99

§ 72.08. PARKING TIME LIMITED 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 described in Ch. 75, Sch. I, division (C), and 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.

(2006 Code, Ch. 24, § 4.9) Penalty, see § 72.99

§ 72.09 AREAS RESERVED FOR SPECIFIC PURPOSES.

(A) Those streets, or parts of streets, described in Ch. 75, Sch. II, shall be reserved as stands for the purpose and at the exact location therein named and no automobile or other vehicle shall park therein, except those for which the space or stand has been designated:

(1) Disabled spaces on public roadways and disabled spaces so designated by proper signage located on public vehicular areas; and

(2) Loading zones within the public road right-of-way and so designated by appropriate signage and markings.

(B) No person shall park a vehicle or permit it to stand, whether attended or unattended, upon any public vehicular area, street, highway or roadway in an area designated as a fire lane. This prohibition includes designated fire lanes in shopping center or mall parking lots and all other public vehicular areas. Provided, however, persons actively loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended. Designated fire lanes in a shopping center or mall parking lot shall be so described in Ch. 75, Sch. II.

(C) No person shall park a vehicle or permit it to stand, whether attended or unattended, upon a street or highway within 15 feet in either direction of a fire hydrant.

(2006 Code, Ch. 24, § 4.10) (Amended 10-2-2007) Penalty, see § 72.99

Statutory reference:

Related provisions, see G.S. § 20-162(a) and (b)

§ 72.10 PARKING PARALLEL TO CURB.

Where not otherwise indicated by this section, 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.

(2006 Code, Ch. 24, § 4.11) 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.
(2006 Code, Ch. 24, § 4.12) Penalty, see § 72.99

§ 72.12 LEFT SIDE TO CURB NOT PERMITTED IN BUSINESS DISTRICT.

No vehicle shall stop with its left side to the curb in the business district; except that, on one-way streets vehicles shall stop headed in the direction of traffic.
(2006 Code, Ch. 24, § 4.13) 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.
(2006 Code, Ch. 24, § 4.14) Penalty, see § 72.99

§ 72.14 ANGLE PARKING.

Angle parking, at an angle of approximately 45 degrees, shall be allowed on streets as listed in Ch. 75, Sch. III.
(2006 Code, Ch. 24, § 4.15)

§ 72.15 PARKING AT 90-DEGREE ANGLE.

Automobiles and other vehicles shall be parked at an angle of approximately 90 degrees with the curb on those streets or parts of streets described by the town.
(2006 Code, Ch. 24, § 4.16) Penalty, see § 72.99

§ 72.16 UNLAWFUL PARKING.

- (A) Displaying the vehicle for sale;
- (B) Washing, greasing or repairing the vehicle, except when 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; and/or

(D) Parking of any detached trailer or van when the towing unit has been disconnected. The term **TRAILER** shall include, but not be limited to, utility trailers, box cargo trailers of all sizes, dump trailers, boat trailers either loaded or empty.

(Amended 10-2-2007)

(1) For the purpose of this section, where off-street parking space is unavailable, the temporary lawful parking of trailers on the roadway that are utilized by companies or business in construction, demolition or similar business function, shall be permitted during that construction or demolition during daylight hours only. However, under no circumstances shall any trailer remain unattached from the towing unit after sunset.

(Added 10-2-2007)

(2) Parking of any detached trailer or van when the towing unit has been disconnected for the purpose of transferring merchandise or freight from one vehicle to another.

(3) It shall be unlawful for any person, firm or corporation to park or cause to be parked any truck, trailer, truck tractor and/or trailer on any paved street in the town for overnight parking. The terms **TRUCK** and/or **TRUCK-TRACTOR** shall mean vehicles having two or more rear axles. Whether the vehicle or trailer is loaded or not shall not be a determining factor. Additionally, regardless of the number of axles, the truck, truck/tractor or tractor trailer shall not exceed a gross weight of more than 10,000 pounds.

(Amended 10-2-2007)

(2006 Code, Ch. 24, § 4.17) Penalty, see § 72.99

§ 72.17 STANDING OR PARKING VEHICLES FOR PURPOSE OF ADVERTISING.

No person shall stand or park on any street any vehicle for the primary purpose of advertising.
(2006 Code, Ch. 24, § 4.18) Penalty, see § 72.99

§ 72.18 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 a sidewalk;

(B) On a crosswalk;

(C) Within 30 feet (9.14 meters) of a flashing beacon, stop sign or traffic control signal located at the side of a street or roadway;

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

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

(F) Within 15 feet (4.5 meters) in either direction of the entrance to a hotel, theater, hospital, sanatorium or any public building;

(G) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street; and/or

(H) Within 15 feet in either direction of any private road or driveway.
(2006 Code, Ch. 24, § 4.19) Penalty, see § 72.99

§ 72.19 MOVING OF VEHICLES OF OTHER OPERATIONS INTO RESTRICTED AREA.

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.
(2006 Code, Ch. 24, § 4.20) Penalty, see § 72.99

§ 72.99 PENALTY.

(A) It shall be the duty of the police officers of the town to attach to any vehicle violating the provisions of this section a notice of civil penalty to the owner/operator thereof that the vehicle has been parked in violation of a provision of this section. The provision shall instruct the owner/operator to report to the Police Department of the town in regard to the violation. Each owner/operator shall, within seven calendar days of the time when the notice was attached to the vehicle, pay to the town, a fee for and full satisfaction of the violation, a sum as established by the Town Board from time to time.

(B) A violation of any provision of this chapter is punishable as an infraction as provided in G.S. § 14-4, unless a violation is charged as a violation of state law in which state law shall control. A violation shall also subject the offender to a civil penalty as set out in the schedule of civil penalties in division (C) below. If the offender fails to pay the civil penalty within the amount of time as set out in the schedule of civil penalties, the penalty shall be increased as set out in divisions (D) and (E) below.

(C) Schedule of civil penalties:

(1) Parking in violation of any part of this section other than as noted in division (C)(2) below: \$25 penalty; and

(2) Parking in a disabled space in violation of § 72.09(A): \$50 penalty.

(D) If the offender fails to pay the penalty for those offenses set out in division (C)(1) above within seven calendar days after he or she is cited for the violation, the penalty shall be increased to \$50. If the offender fails to pay the penalty within 30 calendar days after he or she is cited for the violation, the Chief of Police shall cause a notice of warning to be mailed, by certified mail, to the registered owner that if the penalty is not paid after 60 calendar days of the date of violation the Chief of Police will cause the issuance of an infraction citation or criminal summons against the owner/violator for failure to pay a duly authorized parking penalty under G.S. § 160A-301.

(E) If the offender fails to pay the penalty for parking in a disabled space as set out in division (C)(2) above within seven calendar days after he or she is cited for the violation, the penalty shall be increased to \$100. If the civil penalty is not paid within 30 calendar days after he or she is cited for the violation, the Chief of Police shall cause a notice of warning to be mailed, by certified mail, to the registered owner that if the penalty is not paid after 60 calendar days of the date of violation the Chief of Police will cause the issuance of an infraction citation or criminal summons against the owner/violator for failure to pay duly authorized parking penalty under G.S. § 20-4(b).

(F) Each day's continuing violation shall be a separate and distinct offense.

(G) Obedience to this chapter is chargeable to the person actually operating or in control of the vehicle at the time that it is parked; provided that, proof of ownership of any vehicle found parked in violation of this chapter shall be prima facie evidence that the owner parked the vehicle, in accordance with G.S. § 20-162.1.

(H) The owner/operator may appeal the issuance of a civil parking citation to the Chief of Police within seven calendar days of issuance. The Chief of Police will review for legality and reasonableness. The Chief of Police may suspend the civil penalty for "just cause" only. The findings of "just cause" must be specifically noted on the parking citation and maintained by the Police Department's Records Department.

(2006 Code, Ch. 24, § 4.2)

CHAPTER 73: RECREATIONAL VEHICLES

Section

Bicycles

- 73.01 Definition
- 73.02 Removal, mutilation, alteration of registration
- 73.03 Registration and transfer fees
- 73.04 Reports required of secondhand dealers
- 73.05 Prohibited on sidewalks and walkways
- 73.06 Operator to keep hands on handlebars
- 73.07 Passengers
- 73.08 Observance of traffic signals
- 73.09 Entering arterial highway or street
- 73.10 Lights and reflector required after dark

- 73.99 Penalty

BICYCLES

§ 73.01 DEFINITION.

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

BICYCLE. A nonmotorized vehicle with two or three wheels tandem, a steering handle, one or two saddle seats, and pedals by which the vehicle is propelled.
(2006 Code, Ch. 24, § 6.1)

§ 73.02 REMOVAL, MUTILATION, ALTERATION OF REGISTRATION.

It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number or registration plate issued for any bicycle or the registration card issued with each registration plate, without first re-registering the bicycle under the provisions of this subchapter.
(2006 Code, Ch. 24, § 6.3) Penalty, see § 73.99

§ 73.03 REGISTRATION AND TRANSFER FEES.

(A) Upon the registration of any bicycle under the provisions of this subchapter, the owner shall pay the Town Manager \$0.50.

(B) A fee of \$0.50 shall be paid for the transfer of ownership of any bicycle from one registered owner to another person.

(C) The fees shall be deemed license fees and shall cover all charges incidental to the registration and the issuance of registration plates and registration cards.
(2006 Code, Ch. 24, § 6.4)

§ 73.04 REPORTS REQUIRED OF SECONDHAND DEALERS.

(A) All persons who shall deal in secondhand bicycles, or parts for secondhand bicycles, shall report to the Chief of Police of the town within 48 hours after acquiring any secondhand bicycle, or parts thereof.

(B) (1) The reports shall include the registration number of the bicycle, a description of each bicycle acquired, together with the name and address of the person from whom the bicycle was acquired.

(2) In event of the purchase of any parts of bicycles, the report shall describe each part and give the name and address of the person from whom the parts were acquired.
(2006 Code, Ch. 24, § 6.6)

§ 73.05 PROHIBITED ON SIDEWALKS AND WALKWAYS.

It shall be unlawful for any person to operate any bicycle upon any sidewalk or pedestrian walkway in the business district of the town.
(2006 Code, Ch. 24, § 6.7) Penalty, see § 73.99

§ 73.06 OPERATOR TO KEEP HANDS ON HANDLEBARS.

It shall be unlawful for any person to operate any bicycle without having his or her hands upon the handlebars at all times.
(2006 Code, Ch. 24, § 6.8) Penalty, see § 73.99

§ 73.07 PASSENGERS.

It shall be unlawful for any person while riding any bicycle to carry any other person thereon unless the bicycle is designed and equipped to carry more than one person.

(2006 Code, Ch. 24, § 6.9) Penalty, see § 73.99

§ 73.08 OBSERVANCE OF TRAFFIC SIGNALS.

All persons operating bicycles shall observe all traffic signals as required of motor vehicles.

(2006 Code, Ch. 24, § 6.10) Penalty, see § 73.99

§ 73.09 ENTERING ARTERIAL HIGHWAY OR STREET.

All persons operating bicycles shall have the bicycles under complete control before entering any arterial highway or street within the town.

(2006 Code, Ch. 24, § 6.11) Penalty, see § 73.99

§ 73.10 LIGHTS AND REFLECTOR REQUIRED AFTER DARK.

It shall be unlawful for any person to operate any bicycle upon the public streets, alleys and ways of the town after dark unless the same shall carry a light attached to the front of the bicycle and a red reflector attached to the rear of the bicycle so that the same may be clearly visible both from the front and rear thereof.

(2006 Code, Ch. 24, § 6.12) Penalty, see § 73.99

§ 73.99 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 §§ 73.01 through 73.10 shall be guilty of a misdemeanor and, upon conviction by the court, shall be punished in the discretion of the court and the bicycle involved may be impounded by the court for a period not exceeding 30 days.

(2006 Code, Ch. 24, § 6.13)

CHAPTER 74: TRAFFIC SCHEDULES

Schedule

- I. Truck routes
- II. No-through truck traffic
- III. Speed limits
- IV. Stop signs
- V. Yield signs
- VI. Traffic control signals; flashing signals
- VII. One-way streets

SCHEDULE I. TRUCK ROUTES.

(A) It shall be unlawful for any person operating a truck going through the town from U.S. 258, north or south, and on U.S. 264, east or west, to use any route through the town other than one designated as a "truck route" with state highway signs.

(B) This schedule shall not apply to trucks required to deviate from the truck route in order to unload or load, to seek repairs or supplies, or to go to and from the home base of the truck or trucks. (2006 Code, Ch. 24, § 5.20) (Amended 4-1-1997) Penalty, see § 10.99

SCHEDULE II. NO-THROUGH TRUCK TRAFFIC.

<i>Street</i>	<i>Location/Specification</i>
Horne Avenue	From Main Street to Ryon Drive
Ryon Drive	Beginning 325 feet northeast of Horne Avenue
Ryon Drive	All trucks must stay a minimum of 9 feet from property line on the eastern side of Ryon Drive
Wallace Street	From S. Main Street to S. Fields Street

(2006 Code, Ch. 24, Sch. 19) (Amended 4-1-1997) Penalty, see § 10.99

SCHEDULE III. SPEED LIMITS.

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>
Anderson Avenue	From Main Street to Pitt Street to include all streets within the Town Housing Authority which are Anderson Avenue, Baker Boulevard, Taylor's Turn, the 1200 Block of Pitt Street, Godwin Drive and Nicks Nook (Amended 9-1-1998)	15 mph
Cameron Street	From Vines Street to Thorne Street	25 mph
Cameron Street	From Horton Street to Thorne Street (school opening/closing)	15 mph
Dale Drive	From N. Main Street to Jones Street (Added 1-6-2004)	25 mph
Daniel Drive	From Dale Drive to Dale Drive (Added 1-6-2004)	25 mph
E. Church Street	From S. Main Street to Moye Street (Added 1-2-2007)	25 mph
E. Horne Avenue	From N. Main Street to Davis Drive (Added 1-2-2007)	25 mph
E. Wilson Street	From Contentnea Street to Grimmersburg Street	35 mph
Fields Street (S.R. 1225)	From U.S. 264 Alternate northward to the corporate limit of the town, a point 0.21 mile north of U.S. 264 Alternate	45 mph
Grimmersburg Street	From E. Wilson street to N. Greene Street	35 mph
Grimmersburg Street	From E. Wilson Street to N. Main Street (Added 1-2-2007)	25 mph
Grimmersburg Street	From N. Green Street to N. Main Street	25 mph
Main Street	From Belcher Street to Southern Railway on S. Main Street	25 mph
Main Street (U.S. 258)	From Railroad Street to S.R. 1139 (Added 3-8-2006 by the Department of Transportation)	25 mph
Marlboro Road (U.S. 264)	From the eastern corporate limits of the town extending westward to S.R. 1143	45 mph
May Boulevard (U.S. 258)	From Park Avenue to the northern corporate limit approximately 0.78 mile south of U.S. 264 (Added 3-8-2006 by the Department of Transportation)	45 mph
N. Waverly Street	From E. Wilson Street to N. Contentnea Street (Added 1-2-2007)	25 mph
Pinecrest Drive	From N. Pitt Street to N. Waverly Street (Added 1-2-2007)	25 mph
Ryon Drive	From Horne Avenue to Jones Street (Added 6-6-2000)	25 mph
S. George Street	From Wallace Street to Perry Street, school opening/closing (Added 4-4-1995)	15 mph
S. George Street	From Hines to Perry, school opening/closing	15 mph
Stuart Circle (Pecan Grove)		25 mph

Farmville - Traffic Code

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>
Thorne Drive (Pecan Grove)		25 mph
Turnage St. (U.S. 258)	From Wilson Street (U.S. 258-264A to a point 0.10 mile south of the northern corporate limit (Added 11-2-2004)	35 mph
U.S. 258	From the southern corporate limit of the town a point 0.30 mile south of U.S. 264, northward to U.S. 264	45 mph
Walnut Street	From Belcher Street to Church Street	25 mph
W. Church Street	From S. George Street to N.C. 121	35 mph
W. Church Street	From S. George Street to S. Main Street	25 mph
W. Church Street	From S. Main Street to N.C. 121 (Added 1-2-2007)	25 mph
W. Horne Avenue	From Barrett Street to N.C. 258 N.	35 mph
W. Horne Avenue	From N. Main Street to Barrett Street	25 mph
W. Horne Avenue	From N. Main Street to May Boulevard (Added 1-2-2007)	25 mph
W. Wilson Street	From railroad at Park Avenue to W. Church Street	45 mph
Wilson Street	From Contentnea Street to railroad at Park Avenue	25 mph

(2006 Code, Ch. 24, Sch. 14) (Ord. passed - -)

SCHEDULE IV. STOP SIGNS.

<i>Street</i>	<i>Location</i>	<i>Intersection</i>	<i>Revision</i>
Acton Place	At George Street		
Acton Place	At Wright Drive		
Acton Place	At Main Street		
Alexandra Court	At W. Wilson Street		(Added 8-7-2001)
Alfred Drive	At Marlboro Road (U.S. 264)	(both intersections)	
Allen Street	At Contentnea Street		
Anderson Avenue	At Main Street		
Anderson Avenue	At Godwin Drive		
Arrowhead Drive	At Evans Street		(Added 6-3-2003)
Baker Boulevard	At Anderson Avenue		
Baldree Street	At Marlboro Road (U.S. 264)		
Barrett Street	At Pine Street		
Barrett Street	At Church Street		
Barrett Street	At Wilson Street		
Barrett Street	At Belcher Street		
Barrett Street	At Horne Avenue		
Barrett Street	At George Street		
Belcher Street	At May Boulevard		
Belcher Street	At Main Street		
Belcher Street	At Belcher Street	(4-way stop)	(Added 1-6-1998)
Bennett Street	At Williams Street		
Bennett Street	At Cameron Street		
Bennett Street	At Main Street		
Blalock Street	At Marlboro Road (U.S. 264)		
Brandon Street	At S. Pitt Street		(Added 6-3-2003)
Bynum Drive	At May Boulevard	(both intersections)	
"C" Street	At Wallace Street		
Cameron Street	At Acton Place		

Farmville - Traffic Code

<i>Street</i>	<i>Location</i>	<i>Intersection</i>	<i>Revision</i>
Cameron Street	At Marlboro Road		
Charter Oaks Drive	At W. Wilson Street		(Added 8-7-2001)
Church Street	At Wilson Street		
Circle Drive	At Pinecrest Drive		(Added 5-2-2000)
Clubview Drive	At Bynum Drive	(both intersections)	
Contentnea Street	At Pine Street		
Contentnea Street	At Church Street		
Contentnea Street	At Grimmersburg Street		
Contentnea Street	At Horne Avenue		
Contentnea Street	At Main Street		
Cooperative Way	At U.S. 258 North		(Added 12-6-2005)
Cotton Street	At Fields Street		
Cotton Street	At Barrett Street		
Cotton Street	At George Street		
Cotton Street	At Walnut Street		
Cotton Street	At Main Street		
Cotton Street	At Contentnea Street		
Dale Drive	At Sunset Avenue		
Dale Drive	At Main Street		
Darden Street	At Cameron Street		
Darden Street	At McKinney Alley		
Darden Street	At Williams Street		(Added 8-1-2006)
Davis Circle	At Davis Drive		
Davis Drive	At Church Street		
Davis Drive	At Wilson Street		
Davis Drive	At Grimmersburg Street		
Duke Drive	At Main Street		
Duke Drive	At Dale Drive		
Duke Drive	At Sunset Drive		

<i>Street</i>	<i>Location</i>	<i>Intersection</i>	<i>Revision</i>
Evans Street	At N. Pitt		(Added 5-2-2000)
Fields Street	At Marlboro Road (U.S. 264)		
Fields Street	At Church Street		
Fields Street	At Wilson Street		
Fields Street	At Belcher Street		
Fields Street	At Horne Avenue		
Forest Village Drive	At Green Pine Road	(both intersections)	
Garden Court	At Planters Way Drive		(Added 6-3-2003)
George Street	At Williams Street		
George Street	At Pine Street		
George Street	At Church Street		
George Street	At Wilson Street		
George Street	At Belcher Street		
George Street	At Horne Avenue		
Green Street	At Pine Street		
Green Street	At Church Street		
Green Street	At Wilson Street		
Green Street	At Grimmersburg Street		
Green Street	At Horne Avenue		
Green Street	At Waverly Street		
Green Pine Road (S.R. 1143)	At Marlboro Road (U.S. 264)	(both intersections)	
Gregg Street	At May Boulevard		
Grimmersburg Street	At Main Street		
Grimmersburg Street	At Wilson Street		
Harper Court	At W. Prince Road		(Added 3-4-2008)
Hillcrest Drive	At Church Street		
Hines Street	At George Street		
Hines Street	At Main Street		
Hines Street	At Crestwood Drive		

Farmville - Traffic Code

<i>Street</i>	<i>Location</i>	<i>Intersection</i>	<i>Revision</i>
Hollywood-10	At Pitt Street		
Horne Avenue	At May Boulevard		
Horne Avenue	At Walnut Street		
Horne Avenue	At Main Street		
Horne Avenue	At Davis Drive		
Horton Street	At Williams Street		
Horton Street	At Cameron Street		
Horton Street	At Main Street		
Howard Drive	At Evans Street		(Added 6-3-2003)
Industrial Drive	At Anderson Avenue	(both intersections)	
Jones Street	At Main Street		
Kenna Street	At Ellis Avenue		(Added 6-3-2003)
Kenna Street	At Brandon Street		(Added 6-3-2003)
Lang Street	At Walnut Street		
Lang Street	At Main Street		
Lang Street	At Contentnea Street		
Lang Street	At Green Street		
Lee Drive	At Wilson Street		
Lee Drive	At Grimmersburg Street		
Mandarin Drive	At Church Street		
Martha Loop	At Pitt Street		
Martha Loop	At Prince Road		
May Street	At Pine Street		
May Street	At Church Street		
May Street	At Wilson Street		
May Street	At Belcher Street		
May Street	At Horne Avenue		
McKinney Alley	At Darden Street		
Melissa Drive	At Pitt Street		

<i>Street</i>	<i>Location</i>	<i>Intersection</i>	<i>Revision</i>
Moore Street	At Fields Street		
Moore Street	At Barrett Street		
Moore Street	At George Street		
Moore Street	At Walnut Street		
Moore Street	At Main Street		
Moye Street	At Wilson Street		
Nick's Nook	At Godwin Drive		
N. Railroad Street	At Walnut Street		
N. Railroad Street	At George Street		
N. Walnut Street - south bound	At Horne Avenue		(Added 1-4-2005)
N. Walnut Street - north bound	At Horne Avenue		(Added 1-4-2005)
N. Walnut Street	At Belcher Street	(4-way stop)	(Added 1-6-1998)
Park Avenue	At Church Street		
Park Avenue	At Wilson Street		
Park Avenue	At May Boulevard		
Park Avenue	At Belcher Street		
Parker Court	At Charter Oaks Drive		(Added 8-7-2001)
Perry Street	At George Street		
Perry Street	At Main Street		
Perry Street	At Crestwood Drive		
Phillip Court	At Charter Oaks Drive		(Added 8-7-2001)
Pine Court	At Evans Street		(Added 8-7-2001)
Pine Street	At Mandarin Drive		
Pine Street	At Turnage Street		
Pine Street	At Fields Street		
Pine Street	At Pitt Street		
Pinecrest Drive	At Contentnea Street		
Pinecrest Drive	At Main Street		
Pinecrest Drive	At N. Pitt Street		(Added 5-2-2000)

Farmville - Traffic Code

<i>Street</i>	<i>Location</i>	<i>Intersection</i>	<i>Revision</i>
Pitt Street	At Church Street		
Pitt Street	At Wilson Street		
Pitt Street	At Grimmersburg Street		
Pitt Street	At Horne Avenue		
Pittman Alley	At Barrett Street		
Planters Way Drive (north entrance)	At U.S. 258 North		(Added 6-3-2003)
Planters Way Drive (south entrance)	At U.S. 258 North		(Added 6-3-2003)
Prince Road	At Pitt Street		
Ryon Drive	At Horne Avenue		
S. George Street	At W. Perry Street	(4-way stop)	(Added 7-7-1998)
S. George Street	At Wallace Street	(4-way stop)	(Added 1-6-1998)
S. Railroad Street	At George Street		
S. Railroad Street	At Main Street		
S. Railroad Street	At Walnut Street		
Sunset Avenue - east bound	At Duke Drive		(Added 10-1-2002)
Sunset Avenue - west bound	At Duke Drive		(Added 10-1-2002)
Sunset Avenue	At Walnut Street		
Susanna Court	At Charter Oaks Drive		(Added 8-7-2001)
Thorne Street	At Williams Street		
Thorne Street	At Cameron Street		
Thorne Street	At Main Street		
Tobacco Road Court	At N. Fields Street		(Added 6-3-2003)
Trey Court	At W. Prince Road		(Added 3-4-2008)
Turnage Street	At Pine Street		
Turnage Street	At Church Street		
Wallace Street	At Fields Street		
Wallace Street	At Main Street		
Wallace Street	At S. George Street	(4-way stop)	(Added 1-6-1998)

<i>Street</i>	<i>Location</i>	<i>Intersection</i>	<i>Revision</i>
Walnut Street	At Acton Place		
Walnut Street	At Wallace Street		
Walnut Street	At Pine Street		
Walnut Street	At Perry Street		
Walnut Street	At Church Street		
Walnut Street	At Dale Drive		
Walnut Street	At Hines Street		
Walnut Street	At Jones Street		
Waverly Street	At Pine Street		
Waverly Street	At Church Street		
Waverly Street	At Wilson Street		
Waverly Street	At Grimmersburg Street		
Waverly Street	At Horne Avenue		
Waverly Street	At Contentnea Street		
W. Perry Street - west bound	At Wright Drive		(Added 6-1-2004)
W. Perry Street	At S. George Street	(4-way stop)	(Added 7-7-1998)
Williams Street	At Acton Place		
Williams Street	At S. George Street		(Added 8-1-2006)
Williams Street	At Bennett Street		(Added 8-1-2006)
Woodsway Lane	At Green Pine Road		
Wright Drive	At Perry Street		
Zeno Street	At N. Railroad Street		
Zeno Street	At Moore Street		
Zeno Street	At Cotton Street		

(2006 Code, Ch. 24, Sch. 15) Penalty, see § 10.99

SCHEDULE V. YIELD SIGNS.

<i>Street</i>	<i>Location</i>
Hillcrest Drive (southwest corner)	At Hillcrest Drive
May Court	At Hillcrest Drive
Waverly Street	At Pinecrest
Waverly Street traffic island	On the south corner and on the northwest corner of Pitt Street at Circle Drive for southwest bound traffic

(2006 Code, Ch. 24, Sch. 16) Penalty, see § 10.99

SCHEDULE VI. TRAFFIC CONTROL SIGNALS; FLASHING SIGNALS.*(A) Traffic control signals.*

Church Street and Main Street
Contentnea Street and Wilson Street
Marlboro Road and Main Street
May Street and Wilson Street
Pine Street and Main Street
Wallace Street and George Street
Walnut Street and Wilson Street
Wilson Street and Main Street

(2006 Code, Ch. 24, Sch. 17)

(B) Flashing signals.

Barrett Street and Belcher Street
Church Street and Fields Street
Contentnea Street and Church Street
Contentnea Street and Horne Avenue
Horne Avenue and Main Street
Pine Street and Fields Street

(2006 Code, Ch. 24, Sch. 18)

SCHEDULE VII. ONE-WAY STREETS.

<i>Street</i>	<i>Location</i>	<i>Revision</i>
Belcher Street	From N. Main Street to N. Walnut Street	(Added 1-6-1998)
Park Avenue	From May Boulevard to Belcher Street	(Amended 8-5-1986)

(2006 Code, Ch. 24, Sch. 8) Penalty, see § 10.99

CHAPTER 75: PARKING SCHEDULES

Schedule

- I. Prohibited parking
- II. Areas reserved as stands for specific purposes
- III. Angle parking

SCHEDULE I. PROHIBITED PARKING.

(A) Parking prohibited at all times.

<i>Street</i>	<i>Side(s)</i>	<i>From</i>	<i>To</i>
Belcher Street	North	Rescue Building	May Boulevard
Belcher Street	South	May Boulevard	170 feet west
Bennett Street	South	Cameron Street	Main Street
Bonnie's Al. (Added 10-2-2007)	Both	W. Wilson Street	120 feet north
Davis Drive	East	Grimmersburg Street	85 feet south
E. Pine Street	North	S. Main Street	S. Contentnea Street (no sign)
E. Wilson Street	North	N. Contentnea Street	N. Davis Drive
Grimmersburg Street	North	Davis Drive	30 feet west
Grimmersburg Street (Added 10-7-2003)	North	East and west from Lee Street	40 feet
Joe Phillips Lane (Added 10-2-2007)	Both	E. Wilson Street	Grimmersburg Street
Jones Street	South	Ryon Drive	420 feet
N. Main Street	East	Grimmersburg Street	64 feet south
N. Walnut Street (Added 8-7-2001)	East	Belcher Street	W. Horne Street
Perry Street	North	Wright Drive	20 feet east

Farmville - Traffic Code

<i>Street</i>	<i>Side(s)</i>	<i>From</i>	<i>To</i>
Ryon Drive	East	Jones Street	Horne Avenue
S. Fields Street	Both	W. Church Street	W. Pine Street (more signs)
S. Fields Street	West	Beginning at Mestek, Inc. entrance extending 128 feet southwest along right-of-way	
S. George Street	Both	Wallace Street	30 feet each direction (sign HTC)
S. Main Street	East	Anderson Drive	Marlboro Road
S. Main Street	West	Bennett Street	Marlboro Road (more signs)
S. Main Street	West	Railway Crossing	Wallace Street
S. Main Street	East	Anderson Drive	20 feet north
S. Walnut Street	East	W. Wilson Street	W. Church Street
Turnage Street	Both	W. Wilson Street	W. Pine Street (no signs)
U.S. 258	Both	W. Wilson Street	North to corporate limit
U.S. 264 Alternate	Both	Corporate limit (east)	Corporate limit (west)
Wallace Street	North	S. Main Street	80 feet west (sign HTC)
Wallace Street	Both	George Street	30 feet both directions (sign HTC)
W. Church Street	North	S. Fields Street	45 feet west
W. Church Street	South	S. Fields Street	45 feet west
W. Church Street	North	S. Walnut Street	R.L. Davis Lane (no signs)
W. Horne Avenue (Added 11-6-2007)	South	N. Walnut Street	N. George Street
W. Lang Street	North	N. Main Street	N. Walnut Street
W. Pine Street	North	S. Main Street	S. Walnut Street (no signs)
W. Wilson Street	North	S. Fields Street	30 feet east
W. Wilson Street	South	S. Fields Street	50 feet west (sign HTC)
W. Wilson Street	North	N. Walnut Street	Turnage/May Boulevard
Wright Drive	East	Perry Street	30 feet south

(2006 Code, Ch. 24, Sch. 1) (Ord. 755, passed 5-1-2012)

(B) *Parking prohibited at all times in designated places.*

<i>Street/Specification</i>	<i>Side(s)</i>	<i>From</i>	<i>To</i>
Davis Drive During school opening/closing (7:00 a.m. - 9:00 a.m. and 2:00 p.m. - 4:00 p.m. school days)	Both	Grimmersburg Street	E. Horne Avenue - no signs
E. Church Street From 8:00 a.m. - 6:00 p.m. (Added 4-1-1997)	South	Main Street	Contentnea Street
Grimmersburg Street From 8:00 a.m. - 5:00 p.m.	South	N. Main Street	N. Contentnea Street
Grimmersburg Street During school opening/closing (7:00 a.m. - 9:00 a.m. and 2:00 p.m. - 4:00 p.m. school days)	South	Davis Street	Wilson Street
Lee Street During school opening/closing (7:00 a.m. - 9:00 a.m. and 2:00 p.m. - 4:00 p.m. school days)	Both	Grimmersburg Street	Wilson Street
S. Contentnea Street From 9:00 a.m. - 5:00 p.m. (Added 5-7-1996)	West	E. Church Street	104 feet south

(2006 Code, Ch. 24, Sch. 2)

(C) *Parking time limited in designated places.*

<i>Street</i>	<i>Side(s)</i>	<i>From</i>	<i>To</i>
W. Church Street	South	S. Main Street	Easter corner of First Christian Church lot - no parking, except Sundays

(2006 Code, Ch. 24, Sch. 5)

Penalty, see § 10.99

SCHEDULE II. AREAS RESERVED AS STANDS FOR SPECIFIC PURPOSES.

<i>Streets</i>	<i>Side(s)</i>	<i>From</i>	<i>To/Specifications</i>
Bonnie's Al.	Both	120 feet north from W. Wilson Street	Belcher Street 10 min. Max. loading zone only
Brightleaf Shopping Center	South	West end of building	East end of building (Added 10-2-2007)
E. Wilson Street	South	The second and third space from Green Street, disabled parking/Sunday only	
E. Wilson Street	South	N. Main Street	24 feet extending 19 feet disabled space
Eli Joyner Lane	Both	E. Wilson Street	E. Church Street No parking between 8:00 a.m. and 5:30 p.m., except for 10 min. Max. loading zone only and on Sundays and holidays
Farmville Town (Retail) Center	East	South end of building	North end of Food Lion (Added 10-2-2007)
Grimmersburg Street	North	N. Waverly Street	36 feet west, and extending 94 feet west along the curb line, two disabled spaces
Grimmersburg Street	North	N. Main Street	29 feet east, extending 20 along the curbline, loading zone (Added 7-7-1998)
Grimmersburg Street	North	N. Main Street	49 feet east, extending 22 feet along the curbline (Added 7-7-1998)
Grimmersburg Street	North	N. Main Street	57 feet east, extending 16 feet along the curbline, no parking (Amended - -)
Grimmersburg Street	North	N. Main Street	95 feet east, extending 22 feet along the curb-line, disabled parking (Amended - -)
N. Main Street	East	Grimmersburg Street	Beginning 291 feet south and continuing to 309 feet, 6 inches; disabled parking (Added 1-20-1993)

Farmville - Traffic Code

<i>Streets</i>	<i>Side(s)</i>	<i>From</i>	<i>To/Specifications</i>
N. Main Street	East	Grimmersburg Street	38 feet. north, extending 48 feet along the curbline, 10 min. Max. loading zone only
N. Main Street	East	Grimmersburg Street	87 feet south, extending 27 feet along the curbline, disabled parking (Added 5-1-2001)
Park Avenue	West	Belcher Street	95 feet north, extending 80 feet along the curbline loading zone Monday-Friday, from 8:30 a.m. until 12:30 p.m. (Added 9-1-1998)
Park Avenue	West	Belcher Street	287 feet north, extending 26 feet along the curbline, disabled parking (Added 5-7-2002)
R.L. Davis Lane	Both	W. Church Street	W. Wilson Street 10 min. Max. loading zone only
S. George Street (Added 12-4-2007)	West	W. Hines Street	184 feet south, continuing 71 feet along the curb. Load/unloading only between 7:00 and 9:30 a.m. and 3:30 and 5:30 p.m.
S. Green Street	East	Beginning at the Child Development Center's southwest driveway	Extending 35 feet to the northeast driveway at the Child Development Center, bus loading/unloading only
S. Walnut Street	West	S. Walnut Street	37 feet south, extending 20 feet along the curbline, disabled parking (Added 11-2-1999)
S. Walnut Street	West 20 feet	S. Walnut Street	61 feet south, extending along the curbline, disabled parking (Added 11-2-1999)
W. Wilson Street	South	S. Walnut Street	130 feet east extending 21 feet, disabled space (Added 10-2-2001)

(2006 Code, Ch. 24, Sch. 7) Penalty, see § 10.99

SCHEDULE III. ANGLE PARKING.

<i>Street</i>	<i>Side(s)</i>	<i>From</i>	<i>To</i>
Belcher Street	North	N. Main Street	N. Walnut Street

(2006 Code, Ch. 24, Sch. 10) Penalty, see § 10.99

CHAPTER 90: ANIMALS

Section

General Provisions

- 90.01 Livestock
- 90.02 Birds

Domesticated Animals

- 90.15 Definitions
- 90.16 Animals running at large
- 90.17 Nuisance animals
- 90.18 Vicious animals
- 90.19 Declaration of dangerous dog
- 90.20 Regulating number of dogs
- 90.21 Tags and collars
- 90.22 Notice of violation

- 90.99 Penalty

GENERAL PROVISIONS

§ 90.01 LIVESTOCK.

It shall be unlawful for any person, firm, corporation or group of persons to keep ponies, horses, mules, cows, swine, poultry or other livestock in the town or to maintain a stable, lot or other area for any pony, horse, mule or other livestock. If, at the time of annexation, a parcel of land is in active use for the purpose of grazing horses or cattle, this use may be continued. If active use of the parcel of land for this purpose is discontinued for a continuous period of two years, the use thereafter shall not be permitted. Subsequent to annexation, if the parcel of land is used for other purposes than grazing of cattle or horses then its use can not be reverted back to grazing. The use shall also be discontinued if the parcel of land adversely affects enjoyment and use of nearby properties by creating excessive noise or

odor, promoting unhealthful vectors or a haven for pests or otherwise endanger public health or safety. This is not intended to prevent the sale of baby chicks, ducklings, or other fowl provided all other provisions are met.

(2006 Code, Ch. 3, § 1.0) (Amended 10-4-1983; 1-6-1987; 1-2-1990; 2-6-1990) Penalty, see § 90.99

§ 90.02 BIRDS.

The entire area of the town is hereby created and established as a bird sanctuary, as to all birds protected by the State Wildlife Resources Commission or otherwise by state law. It shall be unlawful for any person to hunt, trap, kill or otherwise take any protected bird within the town limits, except pursuant to a permit issued under G.S. § 160A-188.

(2006 Code, Ch. 3, § 3.0) (Amended 10-4-1983; 1-6-1987; 1-2-1990; 2-6-1990) Penalty, see § 90.99

Statutory reference:

Related provisions, see G.S. § 160A-188

DOMESTICATED ANIMALS

§ 90.15 DEFINITIONS.

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

ANIMAL CONTROL OFFICER. Any employee designated by the Town Chief of Police to perform the duties as described by this chapter. The Animal Control Officer, in the performance of his or her duties, shall have all the powers, authorities and immunities granted under this subchapter, and by the general laws of the state to enforce the provisions of this chapter which relate to the care, treatment or impounding of animals, but shall not have the power of arrest.

DANGEROUS DOG.

(1) Any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of human beings or domestic animals;

(2) Any dog which, without provocation, has attacked or bitten a human being or domestic animal;

(3) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or

(4) Any dog which, without provocation, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack.

DOMESTICATED ANIMALS. Any canine, feline or other domesticated animal permitted under the laws of the state, both male and female.

NUISANCE ANIMALS. Any animal that:

(1) Damages the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers or vegetables;

(2) Prolonged and habitual barking, howling and whining;

(3) Habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicycles or vehicles;

(4) Is a vicious animal; and/or

(5) Causes unsanitary conditions of enclosures or surroundings.

VICIOUS ANIMAL. Any animal which constitutes a physical threat to human beings or other animals by virtue of attacks of a number and severity as to cause property damage or physical injury. (2006 Code, Ch. 3, § 2.1) (Amended 10-4-1983; 1-6-1987; 1-2-1990; 2-6-1990)

§ 90.16 ANIMALS RUNNING AT LARGE.

(A) It shall be unlawful for any person owning or having possession, charge, care, custody or control of any animal to fail to keep the animal exclusively upon his or her own premises; provided that, the animal may be off the premises if it be under the control of a competent person and restrained by chain or leash or other means of adequate physical or verbal supervision and control.

(B) The Police Department is hereby charged with the duty of impounding all animals running at large in violation of the provisions of this chapter.

(C) A fee of \$10 will be charged per day for the impoundment and keeping of any animal impounded by the Police Department. The owner or owners of any animals impounded hereunder may redeem the same by paying all the costs, charges and penalties assessed, if any, that have accrued up to the time of making the redemption and, when the same are paid to the Finance Department, it shall be the duty of the Police Department to release the animal from the pound and deliver him or her to the owner thereof.

(D) Impounded animals shall be kept for not less than five days unless reclaimed sooner by their owners. If an impounded animal has a registration tag or other identification which identifies the owner, it shall be the duty of the impounding officer to notify the owner of the animal within 48 hours of the fact of the animal's impoundment. Any animal not claimed by an owner within ten days may be sold to any member of the public for a fee of \$10, or transported to the Pitt County Animal Shelter.
(2006 Code, Ch. 3, § 2.2) (Amended 10-4-1983; 1-6-1987; 1-2-1990; 2-6-1990) Penalty, see § 90.99

§ 90.17 NUISANCE ANIMALS.

(A) Any person keeping within the corporate limits of the town one or more animals which, by prolonged and habitual barking, howling or whining cause serious annoyance to neighboring residents and interfere with the reasonable use and enjoyment of the premises occupied by the residents for other reasons as defined shall be guilty of maintaining a nuisance.

(B) Upon complaint being made by any resident or residents referred to hereof, the Animal Control Officer or police officer shall investigate the complaint, unless it has been made in writing and signed. Upon receiving a written and signed complaint, or verification of an oral complaint, a representative of the Police Department shall notify the person against whom the complaint is directed that a complaint has been received, and thereupon, the person shall abate the nuisance declared hereof, within 24 hours from the time of notification.

(C) (1) It shall be unlawful for any owner, possessor or harbinger of any animal to allow the animals(s) under his or her control, whether at large or under restraint, to defecate on the private property of another.
(Amended 6-5-2001)

(2) It shall be unlawful for any owner, possessor or harbinger of any animal(s) under his or her control, whether at large or under restraint, to defecate upon any public property or public right-of-way without immediately removing and properly disposing of the defecation of the animal(s) in an appropriate trash receptacle.
(Added 6-5-2001)
(2006 Code, Ch. 3, § 2.3) (Amended 10-4-1983; 1-6-1987; 1-2-1990; 2-6-1990) Penalty, see § 90.99

§ 90.18 VICIOUS ANIMALS.

(A) It shall be unlawful for any person to own, keep, possess or, in any way, maintain a vicious animal within the corporate limits of the town. After a determination by the designated agent or employee of the town that a particular animal is vicious, the owner or keeper of the animal shall have it humanely destroyed, or shall otherwise remove it from within the corporate limits of the town.

(B) Any person who owns or keeps an animal which has been declared wild or vicious shall have the right to appeal this decision to the Town Manager. The Town Manager, or his or her representative, shall conduct an informal hearing to determine whether the animal is wild or vicious.

(C) Each wild or vicious animal and each day's continuing violation shall constitute a separate and distinct violation, subject to further penalties.

(2006 Code, Ch. 3, § 2.4) (Amended 10-4-1983; 1-6-1987; 1-2-1990; 2-6-1990) Penalty, see § 90.99

§ 90.19 DECLARATION OF DANGEROUS DOG.

(A) *General.* If the Animal Control Officer has cause to believe that a dog is dangerous, the Animal Control Officer may find and declare that dog a dangerous dog.

(B) *Notice of dangerous dog declaration.* Within five days of declaring a dog dangerous, the Animal Control Officer shall notify the dog's owner in writing of the declaration. The notice shall identify the requirements and conditions for maintaining a dangerous dog as set forth in this chapter. If the owner cannot be located, the dog may be immediately impounded and notice shall be posted on the owner's property or sent by certified mail to the owner's last known address.

(C) *Hearing on dangerous dog declaration.*

(1) The owner of a dog declared dangerous shall have the right to file, within five days after receiving notice, a written request for a hearing to contest the dangerous dog declaration. The hearing shall be held by the Town Manager within ten days after the Town Clerk receives the owner's written request.

(2) The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.

(3) The Town Manager shall issue a decision within five days after the close of the hearing and shall notify the owner in writing of the decision.

(4) If the Town Manager upholds the dangerous dog declaration, the owner shall comply with all of the requirements and conditions for maintaining a dangerous dog as set forth in this chapter.

(5) The decision of the Town Manager is final.

Farmville - General Regulations

(D) *Requirements for keeping a dangerous dog.* The owner of a dangerous dog shall be subject to the following requirements.

(1) *Confinement.* All dangerous dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner. The pen or structure must have minimum dimensions of five feet by ten feet and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two feet. All pens or structures must be adequately lighted and kept clean and sanitary. The enclosure must also protect the dog from the elements.

(2) *Leash and muzzle.* The owner of a dangerous dog shall not allow the dog to go outside the kennel, pen, or structure unless the dog is muzzled, restrained by a chain or leash not more than four feet in length, and under the physical control of a person. The muzzle must not cause injury to the dog or interfere with its vision or respiration, but must prevent the dog from biting any human or animal.

(3) *Signs.* The owner of a dangerous dog shall display in prominent place on the owner's premises a clearly visible warning sign indicating that there is a dangerous dog on the premises. The sign must be readable from the public highway or thoroughfare. The owner shall also display a sign with a symbol warning children of the presence of a dangerous dog. Similar signs shall be posted on the dog's kennel, pen or enclosed structure.

(4) *Insurance.* The owner of a dangerous dog must provide proof to the Town Clerk that the owner has procured public liability insurance of at least \$100,000, insuring the owner for any damage or personal injury which may be caused by his or her dangerous dog.

(E) *Impoundment and destruction.* The Town Manager may order the impoundment and destruction of a dog where:

(1) The dog has attacked, bitten or injured a human being or domestic animal;

(2) The dog is a dangerous dog as defined herein and the owner has failed to comply with the requirements and conditions for keeping a dangerous dog as defined herein; and/or

(3) The dog poses a threat of serious harm to the public health or safety.

(F) *Notice of impoundment.* Within 48 hours of an impoundment, the Animal Control Officer shall notify the dog's owner in writing of the impoundment.

(G) *Hearing on impoundment/destruction.*

(1) The owner of the impounded dog shall have the right to file, within five days after receiving notice, a written request for a hearing to contest the impoundment.

(2) The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.

(3) The Town Manager shall issue a decision within five days after the close of the hearing and shall notify the owner in writing of the decision.

(4) After considering all of the relevant evidence, the Town Manager may order the destruction of the impounded dog, or may release the dog to its owner conditional on the owner complying with the requirements for keeping a dangerous dog as set forth herein, or complying with any other requirements necessary to protect the public health or safety.

(5) If the owner of an impounded dog fails to appear at a hearing or fails to request a hearing, the dog shall be destroyed.

(H) *Exemptions.*

(1) This chapter shall not apply to dogs used by a police department or law enforcement agency.

(2) No dog may be declared dangerous for injury or damage sustained by a person who was committing a willful trespass or other tort upon the premises of the dog's owner.

(3) No dog may be declared dangerous for injury or damage sustained by a person who was teasing, tormenting, abusing or assaulting the dog.

(I) *Change of status.* The owner of a dangerous dog shall notify the Town Manager within 24 hours if the dangerous dog is unconfined and on the loose, or has attacked a human being or domestic animal.

(J) *Change of ownership.* If the owner of a dangerous dog sells, gives away or otherwise transfers custody of the dangerous dog, the owner shall, within five days, provide the Animal Control Officer with the name, address and telephone number of the new owner. The previous owner shall notify the new owner of the dog's designation as a dangerous dog and of the requirements and conditions for keeping a dangerous dog.

(K) *Dog fighting.* No person shall possess, harbor or maintain care or custody of any dog for the purpose of dog fighting, nor shall any person train, torment, badger, bait or use any dog for the reason of causing or encouraging the dog to attack human beings or domestic animals.

(2006 Code, Ch. 3, § 2.4a) (Amended 10-4-1983; 1-6-1987; 1-2-1990; 2-6-1990) Penalty, see § 90.99

§ 90.20 REGULATING NUMBER OF DOGS.

(A) It shall be unlawful for any person to keep on any one lot or premises within the corporate limits more than three animals in excess of 15 pounds and not more than four animals total. Provided, however, this limitation shall not apply to animals which are less than six months of age.
(Amended 8-2-1994)

(B) Any person wishing to keep more than four animals on any lot or premises shall apply to the Town Manager for a license to operate a kennel and, prior to issuing a kennel license, the Town Manager shall determine if the location and construction of the kennel is in compliance with the Zoning Ordinance, rules and regulations of the County Board of Health and all other ordinances of the town applicable thereto.

(C) Upon complaint being made to the Police Department by a person specifying the location where more than four animals are being kept in other than a licensed kennel, the Police Department shall investigate and, if it is determined that this chapter is being violated, the Police Department shall notify the person or persons responsible for keeping the animals and upon the notice from the Police Department, the responsible person or persons shall remove from the premises the number of animals in excess of four which are prohibited by this chapter within 48 hours from the time of notification.
(2006 Code, Ch. 3, § 2.5) (Amended 10-4-1983; 1-6-1987; 1-2-1990; 2-6-1990) Penalty, see § 90.99

§ 90.21 TAGS AND COLLARS.

All dogs in the town shall be inoculated against rabies and shall wear a collar to which is attached a current rabies vaccination tag and a tag identifying owner adequate for notification.
(2006 Code, Ch. 3, § 2.6) (Amended 10-4-1983; 1-6-1987; 1-2-1990; 2-6-1990) Penalty, see § 90.99

§ 90.22 NOTICE OF VIOLATION.

(A) In administering their duties under this chapter, the Animal Control Officers are empowered to issue citations to any person, if there is reasonable cause to believe that he or she has violated any of the provisions of this chapter. Citations issued may be delivered in person to the violator by the Animal Control Officers, or they may be mailed to the person, if he or she cannot be readily found. Any notice or citation delivered or mailed shall direct the violator to appear at the office of the Revenue Collector of the town within five days.

(B) The Animal Control Officers shall cause all citations to be consecutively numbered in triplicate and records shall be kept in a way that all citations may be accounted for.

(C) If a violator of any section of this chapter does not appear in response to the citation issued by the day and hour named in the citation, the Chief of Police or his or her representative shall send a registered letter to the violator informing him or her of the violation and that he or she is responsible for paying the penalty. If the registered letter is disregarded for a period of five days from the date of the mailing, a complaint may be filed and a warrant of arrest issued.

(D) If a violator does not appear in response to the citation and registered letter, the Chief of Police may enter a complaint against the violator and secure a warrant for this arrest.
(2006 Code, Ch. 3, § 2.7) (Amended 10-4-1983; 1-6-1987; 1-2-1990; 2-6-1990)

§ 90.99 PENALTY.

(A) Any violation of this chapter shall subject the offender to a civil penalty in the amount stated in this section. Violators shall be issued a written citation which must be paid to the Town Tax Collector within five days.

(1) Animals running at large: \$50;

(2) Vicious animals: \$50;

(3) Nuisance animals: \$50; and

(4) Dangerous dog: \$50.

(B) Violation of this chapter shall also constitute a misdemeanor punishable, upon conviction, by a fine not to exceed \$50 or imprisonment for not more than 30 days as provided in G.S. § 14-4.

(C) Alternatively, the town may apply to the appropriate court for an injunction and order of abatement requiring a violator to correct any unlawful condition relating to this chapter existing on his or her property, pursuant to G.S. § 160A-175.

(2006 Code, Ch. 3, § 2.8) (Amended 10-4-1983; 1-6-1987; 1-2-1990; 2-6-1990)

TEMPORARY STREET CLOSINGS**§ 95.065 APPROVALS.**

When the town or any person or organization desires the temporary closing of any public street within the town to vehicular traffic (for purposes such as street dances, special programs and other reasons), the temporary street closings shall be approved or disapproved by the Town Manager in the following manner.

(2006 Code, Ch. 22, § 4) (Amended 12-2-1997; 8-1-2006; 11-7-2006; 1-2-2007; 12-2-2008; 7-7-2009)

§ 95.066 APPLICATIONS.

Application shall be made to the Town Manager, who may require that the request be in writing and that the applicant provide any relevant information.

(2006 Code, Ch. 22, § 4.1) (Amended 12-2-1997; 8-1-2006; 11-7-2006; 1-2-2007; 12-2-2008; 7-7-2009)

§ 95.067 NOTICE TO BOARD.

The Town Manager shall give immediate notice to the Mayor and Board of Commissioners that he or she has received the application for a temporary street closing. If the Mayor or any Commissioner notifies the Manager in a timely fashion that they object to the proposed closing, a majority vote of the Board in a duly called meeting shall be required to approve the temporary closing.

(2006 Code, Ch. 22, § 4.2) (Amended 12-2-1997; 8-1-2006; 11-7-2006; 1-2-2007; 12-2-2008; 7-7-2009)

§ 95.068 APPROVAL.

(A) The Town Manager shall approve temporary street closings if he or she finds:

- (1) The closing will not create a public safety hazard;
- (2) The closing will not significantly inconvenience the general public or the residents or businesses in the immediate vicinity; and
- (3) The street closing is essential to the purpose for which application has been made.

(B) If the Manager is unable to make these findings, the applicant may apply directly to the Board for approval at a regular or special meeting.

(C) In approving temporary closings, both the Manager and the Board may set conditions of approval designed to protect the public safety and welfare.

(2006 Code, Ch. 22, § 4.3) (Amended 12-2-1997; 8-1-2006; 11-7-2006; 1-2-2007; 12-2-2008; 7-7-2009)

§ 95.069 IMPLEMENTATION.

When temporary street closings are approved, the Town Manager shall notify the applicant, the Police Department and Streets Department in writing and shall direct the placement of barriers to block the street to vehicular traffic. If time allows, advance notice of temporary street closings shall be published in the media. Approval of temporary street closings shall have the effect of temporarily deleting the closed area from the rights-of-way open to vehicular traffic.

(2006 Code, Ch. 22, § 4.4) (Amended 12-2-1997; 8-1-2006; 11-7-2006; 1-2-2007; 12-2-2008; 7-7-2009)

§ 95.070 EXCEPTION.

This subchapter shall not apply to temporary barricading of streets for construction purposes; except that, a person, firm or corporation who erects barricades to protect construction activity must place barriers in locations and in sufficient numbers determined by Police Department to be adequate for the protection of public safety. Failure to comply with this provision shall constitute a misdemeanor.

(2006 Code, Ch. 22, § 4.5) (Amended 12-2-1997; 8-1-2006; 11-7-2006; 1-2-2007; 12-2-2008; 7-7-2009)

CONDUCT IN PARKS**§ 96.20 DEFINITIONS.**

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

DIRECTOR. A person immediately in charge of any park area and its activities, and to whom all park attendants of the area are responsible.

PARK. A park, reservation, playground, beach, recreation center or any other area in the town, owned or used by the town and devoted to active or passive recreation.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

TOWN. The Town of Farmville.

VEHICLE. Any wheeled conveyance, whether motor powered, animal drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the town parks.
(2006 Code, Ch. 19, § 5.1)

§ 96.21 PARKS PROPERTY.

It shall be unlawful for any person to:

(A) *Disfiguration and removal.* Willfully mark, deface, disfigure, injure, tamper with or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;

(B) *Restrooms and washrooms.* Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms and washrooms designated for the opposite sex;

(C) *Removal or damage of natural resources.* Dig, or remove any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency. Damage, cut, carve or transplant trees, shrubs or other plantings, dig or destroy grass areas; and/or

(D) *Erection of structures.* Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across the lands, except on permission issued by the Recreation and Parks Director.
(2006 Code, Ch. 19, § 5.2) Penalty, see § 10.99

§ 96.22 SANITATION.

No person in a park shall have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
(2006 Code, Ch. 19, § 5.3) Penalty, see § 10.99

§ 96.23 TRAFFIC.

No person in a park shall:

(A) *Motor vehicle laws.* Fail to comply with all applicable provisions of the state and municipal vehicles traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this and other ordinances;

(B) *Enforcement of traffic regulations.* Fail to obey all traffic officers and park employees, the persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and the supplementary regulations as may be issued subsequently by the Director;

(C) *Obey traffic signs.* Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property;

(D) *Vehicles confined to roads.* Drive any vehicle on any area except the paved park roads or parking areas, or other areas as may on occasion be specifically designated as temporary parking areas by Director. No mini-bikes, mopeds or motorcycles may be operated, except as permitted on public streets or paved park roads;

(E) *Parking.*

(1) *Designated areas.* Park a vehicle in other than an established or designated parking area, and the use shall be in accordance with the posted directions thereat and with the instructions of any attendant who may be present; or

(2) *Double-parking.* Double-park any vehicle on any road or parkway unless unloading children or directed by a park official.

(F) *Bicycles.*

(1) *Confined to roads.* Ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use;

(2) *Designated racks.* Leave a bicycle in a place other than a bicycle rack when it is provided and there is a space available; or

(3) *Hazards.* Leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.
(2006 Code, Ch. 19, § 5.4) Penalty, see § 10.99

§ 96.24 DUTY OF PICNICKER.

It shall be unlawful for any person to:

(A) *General.* Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere;

(B) *Games.* Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrow, javelins or model airplanes, except in areas set apart for the forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and soccer is prohibited, except on the fields and courts or areas provided therefor. Roller skating or skateboarding shall be confined to those areas specifically designated for the pastime; and

(C) *Horseback riding.* Ride a horse, except on designated bridle trails. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.
(2006 Code, Ch. 19, § 5.5) Penalty, see § 10.99

§ 96.25 BEHAVIOR.

No person in a park shall:

(A) *Intoxicating beverages.* Have not brought alcoholic beverages, nor shall any person drink alcoholic beverages at any time in the park;

(B) *Fireworks and explosives.* Bring, possess or set off or otherwise cause to explode or discharge or burn, any fireworks or explosives of inflammable material, or discharge them or throw them into any area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints;

(C) *Alms.* Solicit alms or contributions for any purpose, whether public or private;

(D) *Fires.* Build or attempt to build a fire, except in areas and under regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto;

(E) *Closed areas.* Enter an area posted as "closed to the public", nor shall any person use or abet the use of any area in violation of posted notices;

(F) *Games of chance.* Gamble or participate in or abet any game of chance, except lawfully conducted bingo games;

(G) *Loitering and boisterousness.* Sleep or lounge for protracted periods on the seats, or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace; and

(H) *Posted regulations.* Fail to observe and obey any posted regulations or instructions for the use of park grounds or facilities.

(2006 Code, Ch. 19, § 5.6)

§ 96.26 MERCHANDISING, ADVERTISING AND SIGNS.

No person in a park shall:

(A) *Vending and peddling.* Expose or offer for sale any article or thing, nor shall he or she station or place any stand, cart or vehicle for the transportation, sale or display of any article or thing. Exceptions are here made for concessionaires operating under the authority and regulation of the town, for fundraising, festivals, fairs and similar events conducted by non-profit organizations and approved by the town, and for town operated sales of refreshments or other items; and

(B) *Signs.* Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

(2006 Code, Ch. 19, § 5.7) Penalty, see § 10.99

§ 96.27 PARK OPERATING POLICY.

(A) *Open.* Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year.

(B) *Closed areas.* Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

(2006 Code, Ch. 19, § 5.8)

§ 96.28 ENFORCEMENT.

(A) *Officials.* The Director, park attendant and police officers shall diligently enforce the provisions of this subchapter.

(B) *Ejection.* The Director, any park attendant and police officers shall have the authority to eject from the park any person acting in violation of this subchapter.

(C) *Seizure of property.* The Director, any park attendant or any police officer shall have the authority to seize and confiscate any property, thing or device used in the park in violation of this subchapter.

(2006 Code, Ch. 19, § 5.9)

PARK DEDICATIONS**§ 96.40 WALTER B. JONES TOWN COMMON.**

(A) The land known as the "Walter B. Jones Town Common" in the town and bounded on the east by Main Street, on the north by Horne Avenue, on the west by Walnut Street and on the south by Belcher Street, is hereby dedicated as a public park on behalf of the people of the town and set aside and restricted to the uses hereinafter set forth:

(1) To be forever known as the Walter B. Jones Town Common, as stated by that resolution adopted by the Board of Commissioners on 10-6-1981, which is hereby ratified and confirmed;

(2) For the primary purpose of providing for the natural beauty provided by trees, shrubs, grasses, flowers, herbs and bushes and the placement or construction of monuments, fountains, pools, walkways, tables, walls and all structures ancillary to a public garden; and

(n) To act as professional adviser to the town and the Board of Commissioners on all matters concerning the museum and park and in keeping with this status, he or she shall keep abreast of contemporary standards and practices through conferences and workshops and membership in professional organizations; and

(o) To write and administer grants, with input from the Advisory Commission.

(B) *Other personnel.* Other museum and park personnel shall be appointed by the Town Manager upon recommendation by the Museum Director.

(C) *Personnel generally.* Museum and park employees shall be employees of the town, subject to personnel policies of the town and compensated in accordance with the town pay plan.
(2006 Code, Ch. 31, § 3) (Amended 2-4-1997)

§ 96.59 MUSEUM AND PARK FINANCES.

(A) *Annual budget.* All revenues and appropriations for the operation of the museum and park shall be included in the budget and accounts of the town. Moneys received in the course of museum and park operations shall be deposited under the supervision of the Finance Officer of the town, secured as required by law, and audited at least annually.

(B) *Trust funds.* The Advisory Commission may recommend the acceptance of moneys to be held in trust and may authorize the expenditures of the funds in accordance with the wishes of the grantors. Accounting of these funds will be made through the Finance Department of the town and this department shall make quarterly reports to the Advisory Commission funds.

(2006 Code, Ch. 31, § 4) (Amended 2-4-1997)

Statutory reference:

Related provisions, see G.S. §§ 159-25, 159-26, 159-28, 159-31, 159-32 and 159-34

§ 96.99 PENALTY.

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

(B) Violation of §§ 96.20 through 96.28 shall constitute a misdemeanor punishable by a fine up to the maximum allowed by state law, shall subject the offender to a civil penalty to be recovered in a civil action in the nature of debt, and may be remedied by an appropriate equitable remedy issuing from a court of jurisdiction.

(2006 Code, Ch. 19, § 5.9)

CHAPTER 114: MARKETS, ANTIQUE STORES, YARD SALES AND THE LIKE

Section

114.01 Prohibition

114.02 Conditions

114.99 Penalty

§ 114.01 PROHIBITION.

It shall be unlawful for any flea market, antique sale, yard sale or auction sale to display and/or store merchandise, material and display fixtures outside of a building between the hours of 6:00 p.m. and 6:00 a.m.

(2006 Code, Ch. 13, § 10.1) Penalty, see § 114.99

§ 114.02 CONDITIONS.

Persons or groups shall be allowed to hold four yard sales per year within the town at no charge.

(2006 Code, Ch. 13, § 10.2)

§ 114.99 PENALTY.

Any person violating the requirements of this chapter shall be guilty of a misdemeanor, punishable according to the limits set by the general statutes. Each violation of a separate provision and each day's continuing violation of a single provision shall constitute a separate offense. This provision shall not prevent the town from proceeding in other action as provided in G.S. § 14-4.

(2006 Code, Ch. 13, § 10.3)

CHAPTER 118: JUNKYARDS AND JUNK DEALERS

Section

- 118.01 Definitions
- 118.02 Licensing
- 118.03 Condition of premises
- 118.04 Operating procedures

- 118.99 Penalty

§ 118.01 DEFINITIONS.

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

JUNK. Damaged, worn out, scrapped or discarded materials including, but not limited to, old iron, steel, brass, copper, tin, lead or other base metals; wrecked or inoperable motor vehicles or vehicle parts; old cordage, ropes, rags, fibers, fabrics, cardboard or wastepaper; old bottles or other glass; old machinery, machinery parts or plumbing fixtures; and other scrapped or discarded materials commonly regarded as **JUNK** or defined as **JUNK** by G.S. § 136-143(3).

JUNK DEALER. A person who operates a junkyard.

JUNKYARD. Any lot, yard or place, outdoors or in a building, containing junk and used for buying, storing, keeping, dismantling, processing, salvaging, buying, selling or offering for sale any junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds are received for profit or charitable reasons. **JUNKYARDS** includes areas so defined by G.S. § 136-143(4). **JUNKYARDS** shall include areas within or adjacent to industrial operations where materials are being stored pending salvage or reprocessing.

PERSON. Any person, firm, partnership, association, corporation, company or organization.

SOLID FENCE. A fence constructed of standard and customary fencing materials and properly painted, treated and maintained so as to prevent as nearly as is practical, any contents of the junkyard from being visible from any public road or residence taking into consideration, the surrounding terrain. (2006 Code, Ch. 20, § 4.1)

§ 118.02 LICENSING.

All junk dealers operating within the town shall obtain a business privilege license as required by the town code. The license may be denied or revoked if the junk dealer fails to comply with the requirements of this chapter or if the junk dealer or junkyard is in violation of public health laws, the Building Code, fire hazard laws, zoning regulations or public nuisance laws. Any person aggrieved by the denial or revocation of a license may request a hearing before the Board of Commissioners to determine whether the license was properly denied or revoked by filing a written request with the Town Manager.

(2006 Code, Ch. 20, § 4.2)

§ 118.03 CONDITION OF PREMISES.

Junkyards shall be maintained and operated in accordance with the following procedures and standards.

(A) *Solid fence required.* Each junkyard shall be entirely enclosed, by a solid fence or wall having a minimum height of six feet from ground level and a greater height equal to the maximum height of any stored materials if junk is stored in levels above six feet high. Solid enclosures are required for the purposes of eliminating attraction of children, vagrants and animals; containing fire and other hazards; preventing urban blight; preventing scattering or windblown trash; and protecting the enjoyment and value of private property. This requirement shall be effective as follows: all existing junkyards must be entirely fenced and the fence must be solid by 4-1-1993.

(B) *Gates required.* Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of business, shall have solid gates or doors equal in height and material to the fence or wall, and shall be closed and locked at all times, except when materials are being transported out of the premises.

(C) *Sanitation.* The junkyard and all materials therein shall be maintained in a sanitary condition at all times. No water shall be allowed to stand in any container or placed in a manner which affords a breeding place for mosquitoes. Weeds and vegetables on the premises, other than shrubs outside the fence or wall or trees, shall be kept at a height of six inches or less. No garbage or other waste liable to give off a foul odor or attract vermin, nor any refuse which is not part of the junk business, shall be kept on the premises.

(D) *Fire control.* Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises, and combustible materials not necessary to the business shall be kept off the premises. Junk shall be stored in piles not exceeding ten feet in height and shall be arranged so as to permit ready access for firefighting purposes. No junk shall be burned on the premises.

(E) *Junk placement.* No junk shall be kept outside the solid fence or wall, allowed to rest upon or obstruct any public street, right-of-way, walkway or curb, or allowed to become scattered or blown off the premises.

(F) *Signs.* No signs, handbills, posters or notices shall be affixed or allowed to be affixed to the exterior of the fence or wall enclosing a licensed junkyard, except those giving the name of the business or stating "no trespassing" or "post no bills". All signs comply in size and other characteristics with the zoning regulations of the town.

(2006 Code, Ch. 20, § 4.3) Penalty, see § 118.99

§ 118.04 OPERATING PROCEDURES.

The following general operating requirements shall apply to all junkyards and junk dealers.

(A) *Noise.* Any vehicles or engines operating in a junkyard or in connection therewith shall be equipped at all times with a muffler in good working order to prevent excessive or unusual noise and annoying smoke. No noisy processing of junk shall be carried on on Sunday, Christmas, Easter or Thanksgiving.

(B) *Vehicle identification.* Vehicles used by a junk dealer in the conduct of his or her business shall bear thereon the name and address of the dealer.

(C) *Recordkeeping.* A junk dealer shall maintain a written record of receipts and sales of junk, including the name and address of the buyer or seller, a description of the junk, including serial numbers of vehicles or machinery, and the date of the transaction. A junk dealer shall not purchase or receive any junk from a person under the age of 18 years without the written consent of a parent or guardian of the person. These records shall be maintained for at least three years and shall be available for inspection by the Police Chief or authorized police officers at reasonable times.

(D) *Inspections.* A junk dealer shall permit inspection of the junkyard by the Police Chief, Building Inspector, Zoning Administrator, Fire Chief, Health Inspector and/or Town Manager at reasonable times to ensure compliance with the provisions of this chapter.

(2006 Code, Ch. 20, § 4.4) Penalty, see § 118.99

§ 118.99 PENALTY.

Any person violating the requirements of this chapter shall be guilty of a misdemeanor, punishable according to the limits set by the general statutes. Each violation of a separate provision and each day's continuing violation of a single provision shall constitute a separate offense. This provision shall not prevent the town from proceeding in other actions as provided in G.S. § 14-4.

(2006 Code, Ch. 20, § 4.5)

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

- 130.01 Profane or indecent language in public
- 130.02 Indecent exposure
- 130.03 Seeing events without paying for right
- 130.04 Defacing public or private property
- 130.05 Firearms
- 130.06 Posting bills, distributing circulars; advertising
- 130.07 Noises
- 130.08 Barbed wire fences and other dangerous fences
- 130.09 Drinking in public
- 130.10 Begging or panhandling prohibited on town streets, sidewalks or other public places

- 130.99 Penalty

§ 130.01 PROFANE OR INDECENT LANGUAGE IN PUBLIC.

If any person on any public street, road, sidewalk, public vehicular area, store, business or other establishment shall, within the hearing of another person, use indecent or profane language, that person shall be guilty as set out in § 130.99.

(2006 Code, Ch. 14, § 1.0) Penalty, see § 130.99

§ 130.02 INDECENT EXPOSURE.

(A) Any person who shall willfully expose his or her private parts in any public place or upon the property of another or upon his or her own property so as to be in public view, whether to a person of the same or the opposite sex, or aids or abets any such act, or who procures another to perform the act shall be guilty as set out in § 130.99.

(2006 Code, Ch. 14, § 2.0)

Farmville - General Offenses

(B) (1) *Definitions.* For the purpose of this division (B), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EXPOSURE OF THE FEMALE BREASTS. The revealing of the female breast or breasts with less than a full opaque covering on any portion or portions thereof below the top of any part of the areola or the exposure of any part of the areola.

PUBLIC PLACE. Those places devoted solely to the use of the public, including any place visited by many persons and to which the neighboring public may have resort.

(2) *Exposure of the female breasts prohibited.* It shall be unlawful for any female, over age 14, or any other physically developed female, to expose her breast or breasts in a manner that they may be seen from or in any street or highway, or any place of entertaining, including any restaurant, club or any other public place of any kind by a member or members of the opposite sex.

(3) *Proprietor responsibility.* It shall be unlawful for the owner, operator or person in charge of any place of entertainment, restaurant, club, dance hall or any other public establishment of any kind to allow or permit or to encourage or entice any person, whether a visitor or employee, full time or part time, to publicly expose her breast or breasts, as used herein, to members of the opposite sex, whether inside a building or outside, or any other public place.

(2006 Code, Ch. 14, § 8.0)

Penalty, see § 130.99

§ 130.03 SEEING EVENTS WITHOUT PAYING FOR RIGHT.

During any game or other event for which an admission fee is charged, no person shall peep through the fence or use any other means to see the game or event without paying the admission fee therefor.

(2006 Code, Ch. 14, § 3.0) Penalty, see § 130.99

§ 130.04 DEFACING PUBLIC OR PRIVATE PROPERTY.

Any person who shall paint, draw upon, scratch, mar or otherwise mark the buildings, automobiles or any other property belonging to any governmental authority or agency, federal, state, county or municipal, or any other person, without permission given of one authorized to give the permission, shall be guilty as set out in § 130.99. The town will offer a reward of \$50 to any person providing information leading to the apprehension and conviction of anyone guilty of vandalism.

(2006 Code, Ch. 14, § 4.0) Penalty, see § 130.99

§ 130.05 FIREARMS.

(A) *Discharge of firearms.* It shall be unlawful for any person to discharge any firearm of any type within the corporate limits, except a law enforcement officer or other person authorized under town, county, state or federal law.

(B) *Responsibility for minors.* No person shall permit his or her child or anyone under the age of 18 years under his or her control to fire a BB rifle or air gun within the town limits; any person in control of the child or anyone under the age of 18 years shall be responsible for destruction of any property by the minor; any rifle or air gun being carried by a child or person under age 18 years within the town limits and having been fired by the child or person under age 18 years shall be confiscated and turned over to the Sheriff of the county for sale and the funds from the sale shall be paid into the school funds of the county.

(C) *Carrying and display of firearms and other weapons.*

(1) *Firearms and deadly weapons generally.* A firearm or deadly weapon as defined in G.S. § 14-269(a). It shall be unlawful for any person willfully and intentionally to carry concealed about his or her person any Bowie knife, dirk, dagger, sling shot, loaded cane, metallic knuckles, razor, shurickin, stun gun, or other deadly weapon of like kind.

(2) *Possession.* No person shall carry, possess or have immediate access to any firearm or deadly weapon while in any town-owned buildings (except those leased to some other person or organization), on the grounds or parking areas of those buildings or in town parks or recreation areas, including those areas that the town has leased or has permission to use in order to hold town sponsored events or activities.

(3) *Posting required.* Visible signage will be posted on the exterior of each entrance by which the public has access, at appropriate locations on or within each park, and each building or portion of a building owned, leased, operated, occupied, managed or controlled by the town, as well as the appurtenant premises to such buildings, indicating that carrying a concealed handgun or possessing or displaying any firearm or any other deadly weapon, on the properties and locations described in this division is prohibited unless specifically permitted or authorized by state law or town ordinance.

(4) *Other public locations.* No person shall display any firearm or other deadly weapon while on any public street, sidewalk or other public property within the town unless specifically permitted or authorized by law.

(5) *Exceptions.* The following exceptions to the provisions of this division are authorized:

(a) The Town Manager or Police Chief, or designee, has authorized the public possession or display of a firearm, or other weapon, as part of an official program or event sponsored or sanctioned by the town;

(b) The possession or display of the firearm, or other weapon, was the result of an individual(s) exercising his or her legitimate right to self defense or the defense of others as allowed by law:

(c) The possession or display of the firearm, or other weapon, was conducted by a person(s) authorized by law to carry and display the items as part of their official or otherwise recognized lawful duties (e.g., law enforcement officers, military personnel, security guards, etc.); or

(d) The possession or display of the firearm, or other weapon, was necessary for the temporary transport and securing of the item (e.g., recent purchase and movement to vehicle for transport, securing of firearm by CCH permit holder in vehicle, found item to be turned to authorities, firearm secured in gun rack, etc.).

(2006 Code, Ch. 14, § 5.0) (Ord. passed 2-3-2009) Penalty, see § 130.99

§ 130.06 POSTING BILLS, DISTRIBUTING CIRCULARS; ADVERTISING.

(A) *Notices and signs.* It shall be unlawful for any person, firm or corporation to stick, paint, brand, stamp, write or put upon any house, fence, wall, pavement, post or other property owned by any person, firm or corporation or public property, any printed, written, painted or other advertisement, bill, notice, sign or poster, without having obtained the written permission of the owner of the property or having received a permit from the Town Manager.

(B) *Handbills on vehicles.* It shall be unlawful for any person, firm or corporation to distribute, or cause to be distributed, any circulars, handbills or any sort of material among, upon, in or around vehicles in the town.

(2006 Code, Ch. 14, § 6.0) Penalty, see § 130.99

§ 130.07 NOISES.

(A) *Noise disturbances.* It shall be unlawful for any person, firm or corporation to create or assist in creating or permit the continuance of any unreasonable loud, disturbing and unnecessary noise in the town. Noise of the character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

(B) *Noises expressly prohibited.* The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but the enumeration shall not be deemed to be exclusive, to wit:

(1) The sounding of any horn or signal device on any motor 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 after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of the signal device of any unreasonably loud or harsh sound; and the sounding of the device for any unnecessary and unreasonable period of time;

(2) The use of any gong or siren on any vehicle other than police, fire or other emergency vehicle;

(3) The use or operation of any piano, manual or automatic, phonograph, gramophone, radio, wireless, loud speaker, any other instrument or sound amplifying devices so loudly as to disturb persons in the vicinity thereof, or in a manner as renders the same a public nuisance; provided, however, that, upon application to the Manager, permits may be granted to responsible organizations to produce programs in music, speeches or general entertainment;

(4) The keeping of any animal or bird which, by noises, shall unduly disturb, by its volume or by long duration, the comfort, peace and repose of the citizens of the town;

(5) The use of any motor vehicle so out of repair, or so equipped or loaded, as to cause loud or unnecessary noises or unreasonable disturbing of the peace of the town;

(6) The blowing of any whistle, stationary or upon a mobile device, except to give notice of the time to begin or stop work, as a warning of danger, in connection with athletic events or training, or by law enforcement officers;

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

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

(9) The erection, excavation, demolition, alteration or repair of any building within the town, in business or residential districts, other than between the hours of 7:00 a.m. and 6:00 p.m. except in the case of urgent necessity and in the interest of public safety, and then only with a permit from the Manager, which permit may be renewed for a period of three days or less while the emergency continues;

Farmville - General Offenses

(10) The creation of excessive noise on any street adjacent to any school, institution of learning, or court, while the same are in session, or within 150 feet of any hospital, clinic or medical institution which unreasonably interferes with the working of the institution; provided, conspicuous signs are displayed in the streets indicating that the same is school, court or hospital street;

(11) The use of any mechanical loud speakers or amplifiers on trucks, planes or any vehicles for advertising purposes or other purposes, except where specific permission is received from the Manager;

(12) The use of any drum, loud speakers or other instrument or device for the purpose of attracting attention by the creation of noise, sounds, music or speech to any performance, show, sale or display of merchandise; and

(13) It shall be unlawful for any person or persons to play, use or permit to be played any loud sound amplification system in a motor vehicle on any public street, highway, public space or commercial space where the sound generated is plainly audible at a distance of 75 feet from the device producing sound, unless authorized or exempted by any other section of this chapter.

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

PLAINLY AUDIBLE. Any sound produced by a sound amplification system, which can be clearly heard at a distance of 75 feet or more. Measurement standards shall be the auditory senses, based upon the direct line of sight. Cords or phrases need not be discernible and bass reverberations are included.

SOUND AMPLIFICATION SYSTEM. Any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

(D) *Exceptions.*

(1) Noise resulting from any authorized emergency response vehicles;

(2) Noise resulting from any authorized utility service vehicles while in the process of repairing and/or restoring a utility service to the public; and/or

(3) Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law, or for which a local permit has been granted by the town; provided, the activity is of a temporary duration lasting no longer than specified by the permit.

(2006 Code, Ch. 14, § 7.0) (Amended 8-7-2001) Penalty, see § 130.99

§ 130.08 BARBED WIRE FENCES AND OTHER DANGEROUS FENCES.

(A) The term **BARBED WIRE OR OTHER DANGEROUS FENCE**, as used in this section, shall be construed to include all twisted wires armed with barbs or sharp points, when erected or strung from posts or otherwise to form an obstacle to passage, and other fences with sharp or dangerous extrusions designed to cause injury or repel persons or animals who come in contact. Six-foot or greater chain link fences constructed in the usual and customary manner are excluded from this definition.

(B) No person shall erect, string or maintain, or cause to be erected, strung or maintained, any barbed wire or other dangerous fence on any property located within the town.
(2006 Code, Ch. 14, § 9.0) (Added 4-3-1984) Penalty, see § 130.99

§ 130.09 DRINKING IN PUBLIC.

(A) It shall be unlawful for any person to possess any malt beverage, unfortified wine on public streets, alleys, public parks, town commons or public property.

(B) The Town Manager is hereby authorized to issue a special two day permit during the Farmville Dogwood Festival, which would allow the consumption of malt beverages. This permit would only be valid for the area known as the Farmville Municipal Park at the intersection of Horne Avenue and Ryon Drive. All consumption must be within the fenced areas of the park and shall be limited to the hours associated with the band concerts of the Dogwood Festival.

(2006 Code, Ch. 14, § 10.0) (Added 4-2-1986; 2-1-1994) Penalty, see § 130.99

§ 130.10 BEGGING OR PANHANDLING PROHIBITED ON TOWN STREETS, SIDEWALKS OR OTHER PUBLIC PLACES.

(A) The town's Board of Commissioners finds that begging or panhandling within the right-of-way of any street, sidewalk or other public place is disruptive to the safe and convenient use of the street, sidewalk or public place by the general public, discourages potential customers from patronizing nearby businesses, detracts from the character of residential neighborhoods and is generally inimical to the public safety and welfare.

(B) For the reasons set forth in division (A) above, no person may engage in begging or panhandling within the right-of-way of any public street, sidewalk or other public place.

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

BEGGING or **PANHANDLING**. Are used interchangeably and refer to an act, verbal or otherwise, by which a person solicits a monetary donation from another person for the principal benefit of the person making the solicitation. The fact that small items, such as pencils, chewing gum and the

like are exchanged in return for the donation shall not remove a solicitation from the definition of begging or panhandling. The terms **BEGGING** and **PANHANDLING** do not include solicitations made by authorized representatives of non-profit corporations, organizations or groups in order to obtain funds designed principally to further the purpose of the non-profit corporations, organizations or groups, and regulated under Ch. 111 of this code of ordinances.

PUBLIC PLACE. Includes streets, sidewalks, alleys and other public property, as well as town owned and town controlled property and private property open to the public unless permission to solicit has been obtained from the town or from the private property owner or other person in authority.
(2006 Code, Ch. 14, § 13.0) (Added 12-3-2002) Penalty, see § 130.99

Statutory reference:

Authority to regulate begging, see G.S. § 160A-179

§ 130.99 PENALTY.

(A) General violation of this chapter shall constitute a criminal misdemeanor, punishable upon conviction by a fine of not more than \$50, or imprisonment for 30 days, or both as provided by G.S. § 14-4.
(2006 Code, Ch. 14, § 12.0) (Amended 8-7-2001)

(B) Any person violating § 130.01 shall be guilty of a misdemeanor and, upon conviction, may be fined (not exceeding \$50) or imprisoned (not exceeding 30 days).
(2006 Code, Ch. 14, § 1.0)

(C) Any person violating § 130.02 shall be guilty of a misdemeanor and punishable by a fine not to exceed \$50 and imprisonment for not more than 30 days.
(2006 Code, Ch. 14, § 2.0)

(D) Any person violating § 130.04 shall be guilty of a misdemeanor and fined, upon conviction, not exceeding \$50 and imprisoned for not more than 30 days and, in addition, may be required to clean or otherwise restore or repair the defaced property.
(2006 Code, Ch. 14, § 4.0)

CHAPTER 151: HOUSING REGULATIONS

Section

General Provisions

- 151.01 Findings
- 151.02 Definitions
- 151.03 Scope
- 151.04 Conflicts

Conditions and Requirements

- 151.15 Substandard and unfit housing
- 151.16 Minimum dwelling space requirements
- 151.17 Light and ventilation standards
- 151.18 Exit standards
- 151.19 Plumbing standards
- 151.20 Heating standards
- 151.21 Electrical standards
- 151.22 Structural standards
- 151.23 Property maintenance

Administration and Enforcement

- 151.35 Town's right of entry for inspection; duty of owner and occupants
- 151.36 Non-liability of town personnel
- 151.37 Refusal to permit entry upon premises
- 151.38 Procedure for repairing, closing or demolishing certain abandoned structures
- 151.39 Procedure generally for correction of dwellings unfit for human habitation
- 151.40 Failure to comply with orders; dwellings declared nuisances; occupancy after issuance of order
- 151.41 Removal of complaint, notice or order
- 151.42 Renting of unfit dwelling after notice
- 151.43 Securing vacated property; approval before reoccupancy
- 151.44 Disposition of abandoned personal property, fixtures and appurtenances found in or attached to dwellings ordered demolished
- 151.99 Penalty

GENERAL PROVISIONS**§ 151.01 FINDINGS.**

The Board of Commissioners of the town hereby finds and declares that there now exists in the town and that there may reasonably be expected to exist in the future housing which is unfit for human habitation because of dilapidation; defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities; or because of conditions rendering the housing unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the town; and that a public necessity exists to exercise the police powers of the town pursuant to G.S. Ch. 160A, Art. 19, and other applicable law, as now or hereafter amended, to cause the repair and rehabilitation, closing or demolishing of the housing in the manner herein provided; and pursuant to the exercise of the police power, the Board of Commissioners finds as facts and so declares that the ensuing sections of this chapter are necessary to the implementation of its purposes hereinabove declared in this chapter and that, specifically, but without limitation, the minimum standards of fitness for dwelling and dwelling units, as enacted in this chapter herein below, are reasonable and necessary for this community and are, all and sundry of them, reasonable and necessary criteria for determining whether dwellings and dwelling units in the town are fit for human habitation. (2006 Code, Ch. 11, § 1.1)

§ 151.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit", "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof".

ACCESSORY BUILDING OR OUTHOUSE. A building or structure the use of which is incidental to that of the main building or structure and which is located on the same lot or on a contiguous lot.

BASEMENT. A portion of a dwelling which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

CELLAR. A portion of a dwelling which is located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

DETERIORATED. A dwelling is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of 50% of its value, as determined by finding of the Inspector.

DILAPIDATED. A dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this chapter, except at a cost in excess of 50% of its value, as determined by finding of the Inspector.

DWELLING. Any building, structure or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, and includes any outhouses, and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as hereinafter defined, shall not be regarded as a **DWELLING**. The term shall include, within its meaning, the terms rooming house and rooming unit, as hereinafter defined.

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

EXIT. A clear and unobstructed way of departure from the interior of a building or structure to the exterior at street or grade level.

EXTERMINATION. The control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods approved by the Inspector.

FAMILY. One or more persons living together and having common housekeeping facilities.

GARBAGE. Except for human excretes, the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE SPACE or HABITABLE ROOM. Any room or enclosed floor space in a building or structure used or intended for use in living, sleeping, cooking or eating, including kitchens, but excluding bathrooms, toilets, halls, corridors, pantries, storage space, closets, laundries and other spaces not used frequently or during extended periods.

HOUSING. Any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, including any accessory buildings and appurtenances belonging thereto or usually enjoyed herewith.

HOUSING UNIT. A habitable space or spaces in any structure occupied or intended for occupancy by not more than one family and forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating.

INFESTATION. The presence within or around housing of any insects, rodents or other pests in numbers as to constitute a threat or deterioration to the housing or a hazard to the health or physical well-being of the occupants.

INSPECTOR. The Codes Enforcement Officer of the town or any authorized agent of the Inspector.

MAY or SHOULD. The act referred to is permissible.

MULTI-FAMILY HOUSING. A building or structure occupied or intended for occupancy as the home or residence of more than two families, living independently of each other, and doing their own cooking within their respective housing units.

OCCUPANT. Any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of dwelling, dwelling unit or rooming unit.

OWNER. A holder of the legal title and every mortgagee of record, or every cestui que trust under a deed of trust.

PARTIES IN INTEREST. All individuals, associations and corporations who have interest or record in a dwelling, and any who are in possession thereof.

PARTY WALL. A wall which is used or adapted for joint service between two building units and in which the owner or occupant of each dwelling unit has a common interest.

PERSON. Any individual, corporation, firm, partnership, association, organization or other legal entity.

PLUMBING. All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

PREMISES. A lot, plot or parcel of land, including the building or structure thereon or any part thereof, except land occupied by streets, alleys or public thoroughfares.

PUBLIC AUTHORITY. The Town Housing Authority or any officer who is in charge of any department or branch of the government of the town or of the county or the state relating to health, fire, building regulations or other activities concerning dwellings in the town.

PUBLIC SPACE. The space within any multi-family housing, which is open to common use by occupants of and visitors to the premises.

REMOVAL. The demolition and removal of the entire building, leaving the premises free and clear of any debris; any excavation properly filled in and with no holes or pockets, which may retain water.

ROOMING HOUSE. Any dwelling, or that part of any dwelling, containing one or more rooming units in which space is let by the owner or operator to three or more persons none of whom is husband, wife, son, daughter, mother, father, sister or brother (or in a "step" or "in-law" kinship, with respect to the six last-named relationships) of the owner or operator.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but not for cooking or eating.

RUBBISH. Combustible or non-combustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust, and discarded appliances.

SHALL. The act referred to is mandatory.

STORY. The part of a building comprised between a floor and the floor or roof next above.

STRUCTURE. That which is built or constructed, an edifice or building of any kind; or any piece of work artificially built up or composed of parts joined together in some definite manner. The term structure shall be construed as if followed by the words "or part thereof".

SUBSTANDARD. Any condition existing in any housing or structure, which does not meet the standards of fitness in this code.

SUPPLIED. Paid for, furnished or provided by, or under the control of, the owner or operator.

TEMPORARY HOUSING. Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than 30 consecutive days.

UNFIT FOR HUMAN HABITATION. A residential building which contains any of the following conditions, which conditions the Board of Commissioners hereby finds renders any building dangerous or injurious to the health, safety or morals of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the town:

(1) Interior walls or vertical studs which seriously list, lean or buckle to an extent as to render the building unsafe;

(2) Supporting member or members which show 33% or more damage or deterioration, or non-supporting, enclosing or outside wall or covering which shows 50% or more of damage or deterioration;

(3) Floor or roofs which have improperly distributed loads, which are overloaded or which have insufficient strength to be reasonably safe for the purpose used;

(4) The damage by fire, wind or other causes as to render the building unsafe;

(5) Dilapidation, decay, unsanitary conditions or disrepair, which is dangerous to the health, safety or morals of the occupants or other people in the town;
(Amended 7-7-1992)

(6) Inadequate facilities for egress in case of fire, accident or other calamities;

(7) Defects significantly increasing hazards of fire, accident or other calamities;

(8) Lack of adequate ventilation, light, heating or sanitary facilities to such an extent as to endanger the health, safety, morals or general welfare of the occupants or other residents of the town;

(9) Lack of proper electrical heating or plumbing facilities required by this chapter, which constitute a health or definite safety hazard;

(10) Lack of adequate weatherization as required by this chapter; and

(11) Any combination of other substandard items under this chapter which in the judgment of the Codes Enforcement Officer renders any building dangerous or injurious to the health, safety or morals of the occupants of the dwelling, the occupants of neighboring dwellings or other residents of the town.

VENTILATION. The insufflations and the exsufflation of air by natural or mechanical means, to and from housing.

VENTILATION, MECHANICAL. Ventilation by power-driven devices.

VENTILATION, NATURAL. Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks with or without wind-driven devices.
(2006 Code, Ch. 11, § 1.2)

§ 151.03 SCOPE.

The provisions of this chapter shall apply to all existing housing and to all housing constructed within the town. Portable, mobile or demountable buildings or structures, including trailers, when used or intended for use as housing within the town shall be subject to the applicable provisions of this chapter.

(2006 Code, Ch. 11, § 1.3)

§ 151.04 CONFLICTS.

The provisions of this chapter shall not be construed to conflict with any other applicable laws, codes or ordinances pertaining to housing, but are supplemental thereto, and where the provisions of this chapter are similar to provisions of other applicable laws, codes or ordinances, the more stringent provisions shall apply.

(2006 Code, Ch. 11, § 1.22)

CONDITIONS AND REQUIREMENTS**§ 151.15 SUBSTANDARD AND UNFIT HOUSING.**

(A) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, which does not comply with all the requirements of this chapter shall be deemed substandard.

(B) Unless otherwise provided in this chapter, all requirements relating to housing shall be the responsibility of the owner.

(C) No person shall occupy as owner-occupant, or let to another or others for occupancy or use, or cause to be used as a human habitation, any dwelling or dwelling unit, which exhibits any of the conditions, described contained in § 151.02.

(D) The Inspector shall determine that a residential building is unfit for human habitation if he or she finds that any of the conditions contained in § 151.02, exist in the building.

(E) A vacant residential dwelling unit that has been inspected and found to be unfit for human habitation may not be occupied until its owner receives a certificate of occupancy from the town.
(2006 Code, Ch. 11, § 1.4) Penalty, see § 151.99

§ 151.16 MINIMUM DWELLING SPACE REQUIREMENTS.

No person shall occupy as owner-occupant any dwelling designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements.

(A) *Required space in dwelling unit.* Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor for the next three occupants and at least 75 square feet of additional habitable floor area for each additional occupant.

(B) *Required space in sleeping rooms.* In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each additional occupant thereof.

(C) *Floor area.* At least one-half of the floor area of every habitable room, foyer, hall or corridor shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height is less than seven feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(D) *Occupancy of dwelling unit below grade.* No basement or cellar space shall be used as a habitable room or dwelling unit unless:

(1) The floor and walls are impervious to leakage of underground and surface runoff water and insulated against dampness; or

(2) There is at least one window above grade.

(E) *Location of sanitary facilities.* All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user and the room shall have a minimum floor space of 30 square feet.

(F) *Holes, cracks in walls.* Bathroom walls, toilet room walls and bedroom walls shall have no holes or excessive cracks.

(G) *Access.* Access shall be provided to all rooms within a dwelling unit without passing through other dwelling units.

(H) *Doors.* Shall be provided at all doorways leading to bedrooms, toilet rooms and bathrooms and at all rooms adjoining a public space.

(I) *Kitchen facilities.* Each living unit shall have a specific kitchen space, which contains a sink with counter work space and having hot and cold running water, and adequate space for food preparation and storing food and cooking utensils.

(2006 Code, Ch. 11, § 1.5)

§ 151.17 LIGHT AND VENTILATION STANDARDS.

(A) No person shall occupy as owner-occupant any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements.

(B) Every habitable room shall have at least one window or skylight facing directly to the outdoors.

(C) Year around mechanically ventilating conditioned air systems may be substituted for windows, as required herein, in rooms other than rooms used for sleeping purposes. Window type air-conditioning units are not included in this exception.

(D) (1) Every habitable room shall have at least one window or skylight which can easily be opened, or other device as will adequately ventilate the room.

(2) The total of openable window area in every habitable room shall equal to at least 45 % of the minimum window area size or minimum skylight-type window size, as required, or shall have other approved, equivalent ventilation.

(E) Every bathroom shall comply with the light and ventilation requirement for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilation system.

(2006 Code, Ch. 11, § 1.6)

§ 151.18 EXIT STANDARDS.

(A) Every dwelling unit shall have safe, unobstructed means of egress with minimum ceiling height of seven feet leading to a safe and open space at ground level.

(B) Every inside and outside stair, step, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.

(C) Protective railings shall be required on any unenclosed structure over five feet from the ground level or on any steps containing four risers or more.

(D) Where protective handrails are required above five feet, they shall be constructed with intermediate rails or ornamental patterns, such that a six-inch diameter sphere cannot pass through any opening.

(E) Smoke detectors shall be installed as required in § 903.2 of the State Building Code.

(2006 Code, Ch. 11, § 1.7)

§ 151.19 PLUMBING STANDARDS.

(A) Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstruction.

(B) Every dwelling unit shall have connected to the kitchen sink, lavatory and tub or shower an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(C) (1) Every dwelling shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120°F.

(2) The water heating facilities shall be capable of meeting the requirements of this section when the dwelling or dwelling unit heating facilities required under the provisions of this chapter are not in operation. The minimum storage capacity of the water heater shall be 30 gallons.

(D) All water piping shall be protected from freezing by proper installation in protected space.

(E) Every water closet compartment floor surface and every bathroom floor surface shall be so constructed and maintained as to be reasonably impervious to water and as to permit the floor to be readily kept in a clean and sanitary condition.

(2006 Code, Ch. 11, § 1.8)

§ 151.20 HEATING STANDARDS.

(A) Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least 70°F at a distance three feet above floor level, under ordinary minimum winter condition.

(B) Where a gas or electric central heating system is not provided, each dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents whereby heating appliances may be connected so as to furnish a minimum temperature of 70°F measured at a point three feet above the floor during ordinary minimum winter conditions.

(C) All gas and oil burning equipment installed on the premises shall be of a type approved by Underwriters' Laboratories, Inc., or by American Gas Association and shall be installed in accordance with the provisions of the State Building Code.

(D) Liquid fuel stored on the premises shall be stored in accordance with the provisions of the Fire Prevention Code.

(E) There shall be no hanging masonry chimneys.

(F) If the fireplace opening is closed, the closure shall be of masonry.

(G) Fireplaces shall be used only for supplemental heat and not for basic heating.
(2006 Code, Ch. 11, § 1.9)

§ 151.21 ELECTRICAL STANDARDS.

(A) Every dwelling shall be wired for electric lights and convenience receptacles. Every habitable room of the dwelling shall contain at least separate floor or wall-type electric convenience outlets; and every kitchen, bathroom, bedroom, laundry room, furnace room, corridors or hallways, and porches shall contain at least one supplied ceiling or wall-type electric light fixture. Every outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in a safe manner.

(B) Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(C) No person shall occupy, as owner-occupy, any dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements. All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used and installed and connected to the source of electric power.

(1) Where the determination is made, upon examination of the existing electrical service supply, that the electrical service supply is obsolete or is being used in a manner as would constitute a hazard to the occupants or would otherwise constitute a hazard to life and property, the following shall be used for determining the adequacy of the service supply and main disconnect switch:

<i>Capacity of Main Service</i>	
<i>Total Number of Lighting</i>	<i>Supply and Main Disconnect</i>
<i>Electrical Outlets Only</i>	<i>Switch</i>
0 - 50	100 amp service

(2) The maximum capacity of the service supply and the main disconnect switch shall be sufficient to adequately carry the total load.
(2006 Code, Ch. 11, § 1.10) Penalty, see § 151.99

§ 151.22 STRUCTURAL STANDARDS.

(A) *Foundation.*

(1) The building foundation walls, piers or other structural elements shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.

(2) The foundation shall be on firm, reasonable dry ground and there shall be no water standing or running under the building.

(3) There shall be no isolated masonry piers exceeding in height ten times the least horizontal dimension of the pier.

(4) The space between the ground and the first floor of every dwelling shall be enclosed with masonry or other permanent material, except where underpinning is not consistent with the architecture of the dwelling, and where an enclosure would cause excessive related water damage as determined by the Inspector. Where wood is used as underpinning, the wood, in addition to the conditions set out above, shall be weather-treated and permanently affixed. Where no underpinning is required, the ground level floor shall be substantially weather tight and insulated to R-19 value.

(B) *Floors.* Every floor shall be maintained structurally rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(C) *Walls, exterior.*

(1) The exterior walls and materials shall be reasonably plumb, substantially weather-tight, water-tight and shall be made impervious to the adverse effects of weather and be maintained in sound condition and good repair.

(2) No deterioration due to the elements because of lack of preventive maintenance consisting of painting, waterproofing and repair shall be allowed.

(D) *Walls, interior.* Every interior wall shall be maintained structurally rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(E) *Ceilings*. Every ceiling shall be maintained structurally rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(F) *Roof*.

(1) Roofs shall be maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

(2) The roof covering shall be at least class C, as defined by the State Building Code.

(G) *Porches*. Every porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

(H) *Stairs and steps*. Every inside and outside stair, step and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

(I) *Accessory buildings*. All accessory buildings and structures, including detached garages, shall be maintained structurally sound and in good repair.

(J) *Fire-resistance rating*. Where applicable because of the number of dwelling units in a structure, the fire-resistance rating requirements of the State Building Code shall apply to party walls and ceilings. (2006 Code, Ch. 11, § 1.12)

§ 151.23 PROPERTY MAINTENANCE.

(A) *Buildings and structures*.

(1) Exterior wood surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative with sufficient frequency to prevent deterioration.

(2) Floors, walls, ceilings and fixtures shall be maintained in clean and sanitary condition.

(3) Every window, exterior door and basement or cellar door and hatchway shall be substantially weather-tight, water-tight and rodent proof; and shall be kept in sound working condition and good repair.

(4) Window panes or an approved substitute shall be maintained without cracks or holes.

(5) Window sashes shall be properly fitted and weather-tight within the window frame.

(6) Every window required for light and ventilation for habitable rooms shall be capable of being easily opened and secured in position by window hardware.

(7) Every exterior door shall fit reasonably well within its frame so as to substantially exclude rain and wind from entering the dwelling building and shall be provided with proper hardware and maintained in good condition.

(8) Every door opening directly from a dwelling unit to outdoor space shall have screens and every window or other device with opening to outdoor space, used or intended to be used for ventilation, shall likewise have screens. Dwelling buildings containing central heating furnaces and air-conditioning equipment for mechanically ventilating the building year around are not required to have screens on door or window openings. Window type air-conditioning units are not included in this exception.

(9) Floor covering, where provided, shall be maintained in a safe, sanitary and serviceable manner.

(B) *Public areas.* Every owner of a structure, containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the structure and premises thereof.

(C) *Rubbish and garbage.* Every person who occupies and controls a dwelling unit shall dispose of all rubbish and garbage in a clean and sanitary manner by placing it in proper storage facilities. In the case of single-family and two-family dwellings, the persons who occupy and control the dwellings shall be responsible for providing the receptacles for disposing of garbage and rubbish. In the case of multi-family housing, the owner shall be responsible for providing the receptacles for the storage of garbage and rubbish. In all cases, the receptacles shall meet the specifications set out in the town code of ordinances.

(D) *Interior cleanliness.* Every occupant of a dwelling unit shall be responsible for maintaining the dwelling in a safe and sanitary condition.

(E) *Premises.* The owner or occupants of a residential building, structure or property shall not utilize the premises of the residential property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every owner or occupant to keep the premises of the residential property clean and to remove from the premises all abandoned items as listed above, including, but not limited to, weeds, dead trees, trash, garbage and the like.

(F) *Infestation.*

(1) Premises, buildings and structures shall, by generally accepted methods of extermination, be maintained free of vermin and rodent harborage and infestation.

(2) Every basement or cellar which might provide an entry for rodents shall be supplied with screens installed or with other approved devices as will effectively prevent entrances by rodents.
(Amended 7-7-1992)

(G) *Insulation.* Ceiling insulation rated at least R-19, or a minimum thickness of four inches of insulation, when approved by the Inspector, and consisting of rock wool (glass) or fiber glass, or other materials exhibiting fire-resistant capabilities equal to or greater than rock wool or fiber glass, shall be required in the ceilings of all dwellings within 60 months of 7-1-1992.

(H) *Rooming houses, additional requirements.*

(1) No person shall operate or cause to be operated any rooming house, unless there is provided:

(a) Lavatory facilities consisting of one flush water closet, one washbasin and one bathtub or shower for every six persons residing in the rooming house;

(b) Access within the rooming house to lavatory facilities without entering another rooming unit;

(c) Walls, floors and ceilings maintained in a sanitary condition;

(d) Prompt and sanitary disposal of all garbage; and

(e) A furnace room enclosed with material having at least one-hour protection rating.

(2) No person shall operate or cause to be operated any rooming house that permits that heating or cooking of food within a rooming unit.

(2006 Code, Ch. 11, § 1.13) Penalty, see § 151.99

ADMINISTRATION AND ENFORCEMENT

§ 151.35 TOWN'S RIGHT OF ENTRY FOR INSPECTION; DUTY OF OWNER AND OCCUPANTS.

For the purpose of making inspection and otherwise performing their duties under this chapter, the Inspector and his or her duly appointed agents are hereby authorized, upon presentation of proper credentials, to enter, examine and survey at all reasonable times, all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit or rooming unit, or the person in charge thereof, shall, upon being presented with proper credentials, give the Inspector free

access to the dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of the inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his or her agent or employee, access to any part of the dwelling or dwelling unit and its premises at all reasonable times for the purpose of making the repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of the town code of ordinances. If the owner or occupant refuses admission for this purpose, admission may be obtained through the provisions of G.S. Ch. 15, Art. 4A.
(2006 Code, Ch. 11, § 1.13)

§ 151.36 NON-LIABILITY OF TOWN PERSONNEL.

No officer, agent or employee of the town shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this chapter. Any suit brought against any officer, agent or employee of the town as a result of any act required or permitted in the discharge of the duties under this chapter shall be defended by the Town Attorney until the final determination of the proceedings therein.
(2006 Code, Ch. 11, § 1.14)

§ 151.37 REFUSAL TO PERMIT ENTRY UPON PREMISES.

It shall be unlawful for any owner or persons in possession of premises on which housing is located in the town to refuse, after being presented with a warrant as issued under G.S. § 15-27.2, to permit the Inspector or his or her duly appointed agents to enter upon the premises for the purpose of making examinations as authorized by this chapter. Violations of this section shall constitute a misdemeanor.
(2006 Code, Ch. 11, § 1.15) Penalty, see § 151.99

§ 151.38 PROCEDURE FOR REPAIRING, CLOSING OR DEMOLISHING CERTAIN ABANDONED STRUCTURES.

In addition to the exercise of police power authorized herein with respect to dwellings, the town shall cause to be repaired, closed or demolished any abandoned structure which the Board of Commissioners finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary facilities. The repair, closing or demolition of the structures shall be pursuant to the same provisions as included in this chapter for dwellings found to be unfit for human habitation.
(2006 Code, Ch. 11, § 1.16)

§ 151.39 PROCEDURE GENERALLY FOR CORRECTION OF DWELLINGS UNFIT FOR HUMAN HABITATION.

(A) Whenever a petition is filed with the Inspector by a public authority, or by at least five residents of the town, charging that any housing is unfit for human habitation or whenever it appears to the Inspector (on his or her own motion) that any housing is unfit for human habitation, the Inspector shall, if his or her preliminary investigation discloses a basis for the charges, issue and cause to be served upon the owner of and parties in interest in the housing a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Inspector at a place within the town at a time fixed not less than ten days, nor more than 30 days, after serving of the complaint. The owner and parties in interest shall have the right to file an answer to the complaint, to appear in person or otherwise, and to give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearing before the Inspector. The owner and parties in interest shall also have the right to file with the Inspector a written statement agreeing that the housing referred to in the complaint is unfit for human habitation, that the same should be demolished, and agreeing that the town may have the housing demolished, and agreeing that the cost of demolition shall be a lien in the nature of a special assessment upon the property. In these cases, the Inspector may proceed with the demolition without complying with the additional provision of this section.

(B) (1) If, after the notice and hearing, the Inspector determines that the housing under consideration is unfit for human habitation, he or she shall state in writing his or her findings of fact in support of the determination and shall issue and cause to be served upon the owner thereof an order, requiring the owner, within the time specified in the order, to repair, alter or improve the housing to render it fit for human habitation or to vacate and close the housing as a human habitation:

(a) If the repair, alteration or improvement of the housing can be made at a reasonable cost in relation to the value of the housing, not to exceed 65% of the value; or

(b) If the repair, alteration or improvement of the housing cannot be made at a reasonable cost in relation to the value of the housing, not to exceed 65% of the value, requiring the owner, within the time specified in the order, to remove or demolish the housing.

(2) The Inspector's order shall also provide that the housing to which it applies shall not be occupied if it is vacant as of the date of the order or becomes vacant before the required repair, alteration or improvements have been made, unless the owner obtains from the Inspector a certificate of fitness for occupancy which shall be issued upon a finding by the Inspector that the housing subject to the order is not unfit for human habitation.

(C) The Inspector is hereby authorized to fix the reasonable value of any housing for the purpose of this section and the value shall be binding, unless the owner protests the value in writing to the Inspector within ten days after receipt of an order. Upon the protests, the Inspector shall nominate one competent and disinterested person; the protesting party shall nominate one competent and disinterested

person; and the two persons so nominated shall nominate a third competent and disinterested person; and the three persons so nominated shall serve as commissioners of appraisal. The commissioners shall make their appraisal of the value of the housing under consideration, shall return the appraisal to the Inspector and the protesting party within ten days after their appointment and the appraisal shall be binding and conclusive for the purpose of this section. The costs of any appraisal shall be paid by the protesting party to the Inspector at the time of filing written request.

(D) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the housing, the Inspector, subject to the provisions of division (E) below, may cause the housing to be repaired, altered or improved or to be vacated and closed, and may cause to be posted on the main entrance of any housing so closed a placard with the following words:

“This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful.”

(E) If the owner fails to comply with an order to remove or demolish the housing, the Inspector may cause the housing to be removed or demolished; provided, however, that, the powers of the Inspector set forth in divisions (D) and (E) above shall not be exercised until the Board of Commissioners shall have, by ordinance, ordered the Inspector to proceed to effectuate the purpose of this chapter with respect to the particular property or properties which the Inspector shall have found to be unfit for human habitation and which shall be described in the chapter. The ordinances shall be recorded in the office of the Register of Deeds in the county and shall be indexed in the name of the property owner in the grantor index.

(F) (1) Whenever the Board of Commissioners has adopted an ordinance ordering a dwelling to be repaired or vacated and closed pursuant to the provisions of this section, and the owner has vacated and closed the dwelling and kept the dwelling vacated and closed for a period of one year pursuant to the order, the Board of Commissioners shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the town in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state; then, in the circumstances, after the expiration of the one-year period, the Board of Commissioners may enact an ordinance and serve the ordinance upon the owner, requiring that the owner either:

(a) Repair or demolish and remove the dwelling within 90 days, if the repair necessary to render the dwelling fit for human habitation would cost less than 50% of the present value of the dwelling; or

(b) Demolish and remove the dwelling within 90 days, if the repair necessary to render the dwelling fit for human habitation would cost in excess of 50% of the present value of the dwelling.

(2) The order shall be recorded in the office of the Register of Deeds in the county and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this order within the time fixed by the order, then the Inspector shall cause the dwelling to be repaired or demolished and removed pursuant to the order.

(G) The cost of the repairs, alterations, improvements, vacating and closing, removal, demolition, grading, filling, seeding or securing and making safe by the Inspector shall be a lien in the nature of a special assessment against the real property upon which the cost was incurred. If the housing is removed or demolished by the Inspector, he or she shall sell the materials of the housing and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Superior Court by the Inspector, shall be secured in a manner as may be directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

(H) Complaints or orders issued by the Inspector pursuant to this code shall be served upon persons either personally or by registered or certified mail; but, if the whereabouts of the persons are unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, and the Inspector shall make an affidavit to that effect, then the serving of the complaint or order upon the persons may be made by publishing the same at least once, no less than ten days and no more than 30 days prior to the hearing, in a newspaper printed and published in the town. A copy of the complaint order shall be posted in a conspicuous place on the premises affected by the complaint or order.

(I) (1) The Board of Commissioners shall hear and determine appeals from any decision or order of the Inspector. An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby or by any officer, Board of Commissioner of the town. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the Board of Commissioners a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed. When any appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him or her, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his or her requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one-day's written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to division (I)(4) below.

(2) The Board of Commissioners shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make the decision or order appealed from, and may

make the decision or order as, in its opinion, ought to be made in the matter, and to that end it shall have all the powers of the Inspector, but the concurring vote of four-fifths of the members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall have the power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the code shall be observed, public safety and welfare secured and substantial justice done.

(3) Every decision of the Board of Commissioners shall be subject to review by the Superior Court by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

(4) Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board of Commissioners may petition the Superior Court for an injunction restraining the Inspector from carrying out the order or decision, and the Court may, upon the petition, issue a temporary injunction restraining the Inspector pending a final disposition of the cause; provided, however, that, the petition shall be filed within 30 days after issuance of the order or rendering of the decision. Hearings shall be had by the Court on any petition within 20 days and shall be given preference over other matters on the Court's calendars. The Court shall hear and determine the issues raised and shall enter the final order or decree as law and justice may require; provided, however, that, it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this division (I)(4).

(5) In case any housing is erected, constructed, altered, repaired, converted, maintained or used in violation of this chapter or of any ordinance adopted under authority of the code of ordinances or any valid order or decision of the Inspector or Board of Commissioners made pursuant to this chapter, the Inspector or Board may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration or use, to restrain, correct or abate the violation or to prevent any illegal act, conduct or use in or about the premises of the housing.

(J) The Inspector is hereby further authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the provisions of this chapter, including the following powers in addition to others herein granted:

(1) To diligently investigate and examine residential building and accessory structures located in the town especially in those portions of the town where the conditions described in this chapter exist for the purpose of locating and taking action with respect to the buildings and structures as appear to be unfit for human habitation. Whenever the owner of property has complied with the minimum standards in this chapter for each dwelling or dwelling unit in accordance with previous inspections and orders issued by the Inspector, then no further inspections for violations shall be required for a period of two years from the date of final inspection and approval, except where, in the opinion of the Inspector, it is necessary in the interest of public health or safety of the residents or the violations constitute a health and safety hazard which is inimical to the general welfare of the citizens in the community. In instances

where the owner or tenant who was residing in a dwelling or dwelling unit at the time that the final inspection and approval was made quits the premises, then this division (J)(1), which does not require further inspection for a period of two years, shall no longer be applicable with respect to the dwelling or dwelling unit;

(2) To administer oaths and affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examinations; provided that, the entries shall be made at reasonable times and in a manner as to cause the least possible inconvenience to the person in possession;

(4) To appoint and fix the duties of the officers, agents and employees as he or she deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his or her functions and powers under this code to the officers and agents as he or she may designate.

(2006 Code, Ch. 11, § 1.17)

§ 151.40 FAILURE TO COMPLY WITH ORDERS; DWELLINGS DECLARED NUISANCES; OCCUPANCY AFTER ISSUANCE OF ORDER.

(A) If any order issued and served in accordance with this chapter is not complied with, within the time specified therein, the housing with respect to which the order has been issued is hereby declared to be a public nuisance, and it shall be unlawful for any person who has knowledge of the issuance of the order to use or occupy or to permit anyone else to use or occupy the housing or any part thereof as a human habitation. Any person violating any provision of this section or failing to comply therewith shall be guilty of a misdemeanor.

(B) It shall be unlawful for any person to use or to occupy or to permit anyone else to use or occupy as a human habitation any housing on the main entrance of which the Inspector has caused a placard to be posted declaring the building to be unfit for human habitation and stating that the use or occupancy of the building for human habitation is prohibited and unlawful. Any person violating any provision of this section or failing to comply therewith shall be guilty of a misdemeanor.

(2006 Code, Ch. 11, § 1.18) Penalty, see § 151.99

§ 151.41 REMOVAL OF COMPLAINT, NOTICE OR ORDER.

No person, without written consent of the Inspector, shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of this chapter. Any person violating or failing to comply with the provisions of this section shall be guilty of a misdemeanor.

(2006 Code, Ch. 11, § 1.19) Penalty, see § 151.99

§ 151.42 RENTING OF UNFIT DWELLING AFTER NOTICE.

(A) Any person (landlord or tenant) violating any lawful order of the Board of Commissioners to vacate and close, or to demolish, any residence found to be unfit for human habitation shall, upon the expiration of the date for compliance with the order, be guilty of a misdemeanor and each day the offense continues shall be deemed a separate offense.

(B) Any person occupying, or permitting re-occupancy, of a vacant house found by the Inspector to be unfit for human habitation, without making the house fit for human habitation and receiving the approval of the Inspector, shall be guilty of a misdemeanor and each day any offense continues shall be deemed a separate offense.

(C) The provisions of this section shall be in addition to any other provisions of this chapter of the town code of ordinances, which make violations of the town code a misdemeanor.
(2006 Code, Ch. 11, § 1.20) Penalty, see § 151.99

§ 151.43 SECURING VACATED PROPERTY; APPROVAL BEFORE REOCCUPANCY.

A dwelling ordered vacated by the Inspector shall have all outer doors firmly locked and basement, cellar and first-story windows barred or boarded to prevent entry, and shall not again be used for human habitation until written approval is secured from the Inspector.
(2006 Code, Ch. 11, § 1.21) Penalty, see § 151.99

§ 151.44 DISPOSITION OF ABANDONED PERSONAL PROPERTY, FIXTURES AND APPURTENANCES FOUND IN OR ATTACHED TO DWELLINGS ORDERED DEMOLISHED.

(A) Any article of personal property, fixtures or appurtenances found or attached to a dwelling, which items have been determined by the Inspector to be abandoned in a house which the Board of Commissioners has ordered the Inspector to demolish, shall be disposed of in the following manner: the Inspector shall send a notice by certified or registered mail to the owner of the personal property, fixtures and other items, if the owner can be reasonably identified, and request that the owners remove the same from the premises within 15 days of receipt of the notice.

(B) If the owner of the personal property, fixtures or other items fails or refuses to remove the property after being requested to do so, the property shall be subject to sale by the town. The Inspector shall cause a notice of sale of property to be placed in the county courthouse ten days prior to the sale. A sale shall be conducted by a public officer and shall be open to the public. All items will be sold to the highest bidder for cash. If no bids are received, the Inspector shall proceed with the demolition of the property.
(2006 Code, Ch. 11, § 1.23)

§ 151.99 PENALTY.

(A) Each violation of any provision of this chapter shall constitute a misdemeanor, punishable by a fine of not more than \$50 or imprisonment of not more than 30 days, as provided by G.S. § 14-4, as amended.

(B) An owner who fails to comply with an order to repair or to improve, vacate or close any occupied dwelling determined unfit for human habitation pursuant to the provisions contained in this chapter, or who permits the re-occupancy of an unfit dwelling in violation of this chapter shall be subject to a civil penalty of \$100 for the first day following the expiration of an order to repair or improve, vacate or close any occupied dwelling or following a determination that an unfit dwelling has been reoccupied in violation of this chapter. In each instance, a penalty of \$10 per day shall be imposed for each subsequent day that the unfit unit remains occupied in violation of an order or in violation of this chapter. If a person fails to pay the civil penalty within ten days after being notified of the amount due, the town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

(C) The provisions of this chapter may also be enforced through any equitable or other remedy deemed appropriate by the town and permitted by law.
(2006 Code, Ch. 11, § 1.24)

(2) Preliminary FIRMs where more stringent than the effective FIRM; or

(3) Post-disaster flood recovery maps.

(D) In addition, upon annexation to the town or inclusion in the extra-territorial jurisdiction (ETJ), the special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) and/or produced under the cooperating technical state agreement between the state and FEMA as stated above for the unincorporated areas of the county, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.

(2006 Code, Ch. 29, Art. 3, § B)

§ 152.07 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within special flood hazard areas as determined in § 152.06.

(2006 Code, Ch. 29, Art. 3, § C)

§ 152.08 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered or developed in any way without full compliance with the terms of this chapter and other applicable regulations.

(2006 Code, Ch. 29, Art. 3, § D) Penalty, see § 152.99

§ 152.09 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(2006 Code, Ch. 29, Art. 3, § E)

§ 152.10 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be considered as minimum requirements; liberally construed in favor of the governing body; and, deemed neither to limit, nor repeal, any other powers granted under state statutes.

(2006 Code, Ch. 29, Art. 3, § F)

§ 152.11 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Actual flood heights may be increased by human-made or natural causes. This chapter does not imply that land outside the special flood hazard areas or uses permitted within those areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(2006 Code, Ch. 29, Art. 3, § G)

ADMINISTRATION AND ENFORCEMENT**§ 152.25 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.**

(A) The Code Enforcement Officer, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this chapter.

(2006 Code, Ch. 29, Art. 4, § A)

(B) Duties of the Floodplain Administrator shall include, but not be limited to:

(1) Review all floodplain development applications and issue permits for all proposed development within flood-prone areas to assure that the requirements of this chapter have been satisfied;

(2) Advise permittees that additional federal or state permits (i.e., wetlands, erosion and sedimentation control, riparian buffers, mining and the like) may be required, and if specific federal or state permits are known, require that copies of the permits be provided and maintained on file with the floodplain development permit;

(3) Notify adjacent communities and the State Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Emergency Management Agency;

(4) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;

(5) Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of § 152.44 are met;

(6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) of all attendant utilities of all new or substantially improved structures, in accordance with § 152.26(C);

(7) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been flood-proofed, in accordance with § 152.26(C);

(8) Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with § 152.26(C);

(9) When flood-proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with §§ 152.26(C) and 152.41(B);

(10) Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided herein;

(11) When base flood elevation (BFE) data has not been provided in accordance with § 152.06, obtain, review and reasonably utilize any base flood elevation (BFE) data, along with floodway data and/or non-encroachment area data available from a federal, state or other source, including data developed pursuant to § 152.42(D), in order to administer the provisions of this chapter;

(12) When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with § 152.06, obtain, review and reasonably utilize any floodway data, and/or non-encroachment area data available from a federal, state or other source in order to administer the provisions of this chapter;

(13) When the exact location of boundaries of the special flood hazard areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a letter of map amendment (LOMA) by FEMA. A copy of the letter of map amendment issued from FEMA will be maintained by the Floodplain Administrator in the floodplain development permit file;

(14) Permanently maintain all records that pertain to the administration of this chapter and make these records available for public inspection;

(15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action;

(16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this chapter, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor;

(17) Revocation of floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked;

(18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her Inspections Department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the Department at any reasonable hour for the purposes of inspection or other enforcement action; and

(19) Follow through with corrective procedures of § 152.27.

(2006 Code, Ch. 29, Art. 4, § C) Penalty, see 152.99

§ 152.26 FLOODPLAIN DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.

(A) *Plans and application requirements.* Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities proposed to be located within flood-prone areas. The following items/information shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

(a) The nature, location, dimensions and elevations of the area of development/disturbance; existing and proposed structures, the location of utility systems, proposed grading/pavement areas, fill materials, storage areas, drainage facilities and other proposed development;

(b) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in § 152.06 or a statement that the entire lot is within the special flood hazard area;

(c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in § 152.06;

(d) The boundary of the floodway(s) or non-encroachment area(s) as determined in § 152.06;

(e) The base flood elevation (BFE) where provided as set forth in §§ 152.06, 152.25(B)(11) and (12), 152.41(E), 152.42 or 152.43;

(f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

(g) Preparation of the plot plan by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(2) Proposed elevation, and method thereof, of all development within a special flood hazard area including, but not limited to:

(a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed; and

(c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or flood-proofed.

(3) If flood-proofing, a flood-proofing certificate and back-up plans from a registered professional engineer or architect certifying that the non-residential flood-proofed development will meet the flood-proofing criteria in §§ 152.41(B) and 152.42(B);

(4) A foundation plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this chapter are met. These details include, but are not limited to:

(a) Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);

(b) Should solid foundation perimeter walls be used in floodplains, details of sufficient openings to facilitate the unimpeded movements of flood waters in accordance with § 152.41(D);

(5) Usage details of any enclosed space below the regulatory flood protection elevation;

(6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical and water systems to be located and constructed to minimize flood damage;

(7) Copy of all other local, state and federal permits required prior to floodplain development permit issuance (i.e., wetlands, erosion and sedimentation control, riparian buffers, mining and the like);

(8) If floodplain development permit is issued for placement of recreational vehicles and/or temporary structures, documentation to ensure § 152.41(F) and (G) are met; and

(9) If a watercourse is proposed to be altered and/or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(B) *Floodplain development permit data requirements.* The following information shall be provided at a minimum on the floodplain development permit to ensure compliance with this code:

(1) A description of the development to be permitted under the floodplain development permit issuance;

(2) The special flood hazard area determination for the proposed development per available data specified in § 152.06;

(3) The regulatory flood protection elevation required for the reference level and all attendant utilities;

(4) The regulatory flood protection elevation required for the protection of all public utilities;

(5) All certification submittal requirements with timelines;

(6) State that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable;

(7) If in an AE zone, there shall be a minimum of two foundation openings to the exterior of the structure for each enclosed area. Each enclosure shall be a minimum of one square inch for each square foot of each enclosed area and shall not be less than three inches in diameter. The bottom of each required opening shall be not more than one foot above adjacent ground level; and

(8) BFE enclosure uses are limited to parking, building access and limited storage only.

(C) *Certification requirements.*

(1) An elevation certificate (FEMA Form 81-31) or flood-proofing certificate (FEMA Form 81-65) is required after the reference level is completed. Within 21 calendar days of establishment of the reference level elevation, or flood-proofing, by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, or flood-proofed elevation, whichever is applicable in relation to mean sea level. The certification shall be prepared by or under the direct supervision of a registered land

surveyor or professional engineer and certified by same. When flood-proofing is utilized, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the 21-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by the review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the certification or failure to make the corrections required shall be cause to issue a stop-work order for the project.

(2) A final as-built elevation certificate (FEMA Form 81-31) or flood-proofing certificate (FEMA Form 81-65) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation or flood-proofed elevation of the reference level and all attendant utilities. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by the review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make the corrections required shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(3) If a manufactured home is placed within an A, AO, AE or A1-30 zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required per § 152.41(C).

(4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(5) The following structures, if located within A, AO, AE or A1-30 zones, are exempt from the elevation/flood-proofing certification requirements specified in divisions (C)(1) and (C)(2) above:

- (a) Recreational vehicles meeting requirements of § 152.41(F)(1);
 - (b) Temporary structures meeting requirements of § 152.41(G); and
 - (c) Accessory structures less than 150 square feet meeting requirements of § 152.41(H).
- (2006 Code, Ch. 29, Art. 4, § C)

§ 152.27 CORRECTIVE PROCEDURES.

(A) *Violations to be corrected.* When the Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to his, her or their property.

(B) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(1) The building or property is in violation of this chapter;

(2) A hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

~~_____ (3) Following the hearing, the Floodplain Administrator may issue the order to alter, vacate or demolish the building; or to remove fill as appears appropriate.~~

(C) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of this chapter, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in a lesser period as may be feasible.

(D) *Appeal.* Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the Clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(E) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he or she shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(2006 Code, Ch. 29, Art. 4, § D) Penalty, see § 152.99

§ 152.28 VARIANCE PROCEDURES.

(A) The Town Planning Board/Board of Adjustments as established by the Town Board of Commissioners, hereinafter referred to as the "Appeal Board", shall hear and decide requests for variances from the requirements of this chapter.

(B) Any person aggrieved by the decision of the Appeal Board may appeal the decision to the court, as provided in G.S. Ch. 7A.

(C) Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(D) In passing upon variances, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(E) A written report addressing each of the above factors shall be submitted with the application for a variance.

(F) Upon consideration of the factors listed above and the purposes of this chapter, the Appeal Board may attach conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(G) Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.

(H) Conditions for variances.

(1) Variances may not be issued when the variance will make the structure in violation of other federal, state or local laws, regulations or ordinances.

(2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship;
and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. The notification shall be maintained with a record of all variance actions.

(5) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the state upon request.
(2006 Code, Ch. 29, Art. 4, § E)

*FLOOD HAZARD REDUCTION***§ 152.40 GENERAL STANDARDS.**

In all special flood hazard areas, the following provisions are required.

(A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(C) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.

(D) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator and the like), hot water heaters, electric outlets/switches.

(E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(H) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.

(I) Non-conforming structures or other development may not be enlarged, replaced or rebuilt unless the enlargement or reconstruction is accomplished in conformance with the provisions of this chapter. Provided, however, nothing in this chapter shall prevent the repair, reconstruction or replacement of a building or structure existing on the effective date of this chapter and located totally or partially within the floodway, non-encroachment area or stream setback; provided that, the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area or stream setback is not increased; and, provided that, the repair, reconstruction or replacement meets all of the other requirements of this chapter.

(J) New solid waste disposal facilities, hazardous waste management facilities, salvage yards and chemical storage facilities shall not be permitted in special flood hazard areas. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or flood-proofed to at least the regulatory flood protection elevation and certified according to § 152.26(C).

(2006 Code, Ch. 29, Art. 5, § A)

§ 152.41 SPECIFIC STANDARDS.

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in §§ 152.06 or 152.25(B)(11) and (12), the following provisions are required.

(A) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

(B) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. Structures located in A, AO, AE and A1-30 Zones may be flood-proofed to the regulatory flood protection elevation in lieu of elevation; provided that, all areas of the structure below the required flood protection elevation are water-tight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this section are satisfied. The certification shall be provided to the official as set forth in § 152.26(C).

(C) *Manufactured homes.*

(1) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation.

(2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse and lateral movement in accordance with the *State Regulations for Manufactured/Mobile Homes*, most recent edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to G.S. § 143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

(3) All foundation enclosures or skirting shall be in accordance with division (D) below.

(4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

(D) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas that are below the regulatory flood protection elevation shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises, be constructed entirely of flood resistant materials below the regulatory flood protection level in A, AO, AE and A1-30 zones and meet the following design criteria.

(1) Measures for complying with this requirement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum design criteria:

(a) Provide a minimum of two openings on different sides of each enclosed area subject to flooding;

(b) The total net area of all openings must be at least one square inch for each square foot of each enclosed area subject to flooding;

(c) If a building has more than one enclosed area, each area must have openings on exterior walls to allow flood water to directly enter;

(d) The bottom of all required openings shall be no higher than one foot above the adjacent grade;

(e) Openings may be equipped with screens, louvers or other opening coverings or devices provided they permit the automatic flow of flood waters in both directions; and

(f) Foundation enclosures.

1. Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore, the skirting does not require hydrostatic openings as outlined.

2. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this chapter.

(2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of the enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

(E) *Additions/improvements.*

(1) Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:

(a) Are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or

(b) Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(2) ~~Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.~~

(3) Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:

(a) Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or

(b) Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(4) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(F) *Recreational vehicles.* Recreation vehicles placed on sites within a special flood hazard area shall either:

(1) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions); or

(2) Meet all the requirements for new construction, including anchoring and elevation requirements of §§ 152.26 and 152.40 and division (C) above.

(G) *Temporary structures.* Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met.

(1) Applicants must submit to the Floodplain Administrator a plan for the removal of the structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:

- (a) A specified time period for which the temporary use will be permitted;
 - (b) The name, address and phone number of the individual responsible for the removal of the temporary structure;
 - (c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) A copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed; and
 - (e) Designation, accompanied by documentation, of a location outside the special flood hazard area to which the temporary structure will be moved.
- (2) The above information shall be submitted in writing to the Floodplain Administrator for review and written approval.

(H) *Accessory structures.* When accessory structures (sheds, detached garages and the like) are to be placed within a special flood hazard area, the following criteria shall be met.

- (1) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas).
- (2) Accessory structures shall be designed to have low flood damage potential.
- (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters.
- (4) Accessory structures shall be firmly anchored in accordance with § 152.40(A).
- (5) All service facilities such as electrical and heating equipment shall be installed in accordance with § 152.40(D).
- (6) Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with division (D)(1) above.

(7) An accessory structure with a footprint less than 150 square feet does not require an elevation or flood-proofing certificate. Elevation or flood-proofing certifications are required for all other accessory structures in accordance with § 152.26(C).
(2006 Code, Ch. 29, Art. 5, § B)

§ 152.42 SUBDIVISIONS, MANUFACTURED HOME PARKS AND MAJOR DEVELOPMENTS.

All subdivision, manufactured home park and major development proposals located within special flood hazard areas shall:

(A) Be consistent with the need to minimize flood damage;

(B) Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(C) Have adequate drainage provided to reduce exposure to flood hazards; and

(D) Have base flood elevation (BFE) data provided if development is greater than the lesser of five acres or 50 lots/manufactured home sites. The base flood elevation (BFE) data shall be adopted by reference per § 152.06 to be utilized in implementing this code.
(2006 Code, Ch. 29, Art. 5, § C)

§ 152.43 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the special flood hazard areas established in § 152.06 where no base flood elevation (BFE) data has been provided, the following provisions shall apply.

(A) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) If § 152.42(A) is satisfied and base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within the areas shall also comply with all applicable provisions of this chapter and shall be elevated or flood-proofed in accordance with elevations established in accordance with § 152.25(B)(11) and (12). When base flood elevation (BFE) data is not available from a federal, state or other source, the reference level, including basement, shall be elevated at least two feet above the highest adjacent grade.
(2006 Code, Ch. 29, Art. 5, § D)

§ 152.44 STANDARDS FOR FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where base flood elevation (BFE) data is provided but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS, no encroachments, including fill, new construction, substantial improvements or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(2006 Code, Ch. 29, Art. 5, § E)

§ 152.45 FLOODWAYS AND NON-ENCROACHMENT AREAS.

(A) (1) Located within the special flood hazard areas established in § 152.06 are areas designated as floodways or non-encroachment areas.

(2) The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of flood waters that have erosion potential and carry debris and potential projectiles.

(B) The following provisions shall apply to all development within the areas.

(1) (a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood.

(b) The certification and technical data shall be presented to the Floodplain Administrator prior to issuance of floodplain development permit.

(2) If division (B)(1) above is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this chapter.

(3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision; provided, the following provisions are met:

(a) The anchoring and the elevation standards of § 152.41(C); and

(b) The no encroachment standards of division (A) above are met.

(2006 Code, Ch. 29, Art. 5, § F)

LEGAL STATUS PROVISIONS**§ 152.60 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.**

This chapter in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted 3-23-1987 as amended, and it is not the intention to repeal, but rather to re-enact and continue to enforce without interruption of the existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the town enacted on 3-23-1987 as amended, which are not reenacted herein, are repealed.

(2006 Code, Ch. 29, Art. 6, § A)

§ 152.61 EFFECT UPON OUTSTANDING BUILDING PERMITS.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this chapter; provided, however, that, when construction is not begun under the outstanding permit within a period of six months subsequent to passage of this chapter or any revision thereto, construction or use shall be in conformity with the provisions of this chapter.

(2006 Code, Ch. 29, Art. 6, § B)

§ 152.62 EFFECTIVE DATE.

This chapter effective on adoption on 12-2-2003.

(2006 Code, Ch. 29, Art. 6, § C)

§ 152.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the town from taking other lawful action as is necessary to prevent or remedy any violation.

(2006 Code, Ch. 29, Art. 3, § H)

(3) The public acquisition by purchase of strips of land for the widening or opening of streets;
and

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations. (2006 Code, Ch. 23, Art. I, § 1.3)

PLAT PREPARATION AND APPROVAL

§ 155.015 REGISTER OF DEEDS.

From and after the time that this chapter is filed with the Register of Deeds of the county, no subdivision plat shall be filed or recorded until it shall have been submitted to and approved by the Board of Commissioners of the town according to the procedure provided for in this chapter, and the approval entered in writing on the plat by the Town Clerk. The Register of Deeds shall not file or record a plat of a subdivision of land located within the jurisdiction of this chapter which has not been approved in accordance with these provisions. The owner of land shown on a subdivision plat submitted for recording, or his or her authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is subject to the jurisdiction of this chapter. (2006 Code, Ch. 23, Art. III, § 3.1)

§ 155.016 PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS.

Any person who, being the owner or agent of the owner of any land located within the platting jurisdiction of this chapter who transfers or sells the land by reference to a plat showing a subdivision of the land before the plat has been approved by the legislative body and recorded in the office of the Register of Deeds, shall be guilty of a misdemeanor and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties. The municipality, through its Town Attorney or other official designated by the legislative body, may enjoin the transfer or sale by action for injunction. (2006 Code, Ch. 23, Art. III, § 3.2) Penalty, see § 10.99

CHAPTER 156: LANDSCAPING

Section

General Provisions

- 156.01 Purpose
- 156.02 Plan required
- 156.03 Definitions

Standards and Regulations

- 156.15 Streetscape landscaping
- 156.16 Vehicular use area (VUA) landscaping
- 156.17 Utility service area (USA) landscaping
- 156.18 Screening
- 156.19 Existing trees
- 156.20 Protection of planting areas
- 156.21 Planting standards
- 156.22 Information to be submitted
- 156.23 Tree placement
- 156.24 Schedule of trees and screening plants

Administration and Enforcement

- 156.35 Amortization of non-conforming properties
- 156.36 Modifications
- 156.37 Inspection of sites
- 156.38 Emergencies

- 156.99 Penalty

Cross-reference:

Subdivisions, see Ch. 155

Zoning, see Ch. 157

GENERAL PROVISIONS**§ 156.01 PURPOSE.**

The purpose of this chapter is to control and regulate the planting of trees and shrubs; to encourage the protection of existing trees; to provide attractive views from roads and adjacent properties; to screen from view visually undesirable uses; to moderate temperatures of impervious surfaces; to reduce glare from vehicular use area; to filter vehicle exhaust; and to establish procedures for fulfilling these purposes. This chapter is not intended to apply to single-family or duplex residential units. It does apply to multi-family and commercial occupancies.

(2006 Code, Ch. 33, § A) (Adopted 8-7-2002)

§ 156.02 PLAN REQUIRED.

Any site plan pursuant to this section shall include a landscape plan.

(2006 Code, Ch. 33, § B) (Adopted 8-7-2002)

§ 156.03 DEFINITIONS.

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

CALIPER. Diameter measurement of tree trunk taken at six inches above ground level for trees up to and including trees four inches in caliper. For larger trees, measurement of **CALIPER** shall be taken at 12 inches above ground level.

LARGE SHADE TREE. A tree whose height will exceed 35 feet at maturity.

LOADING AND SERVICE AREA. Area which is used for trash or garbage collection, vehicular loading and unloading, outdoor storage or repair, or for covered storage where the structure has no walls to screen views.

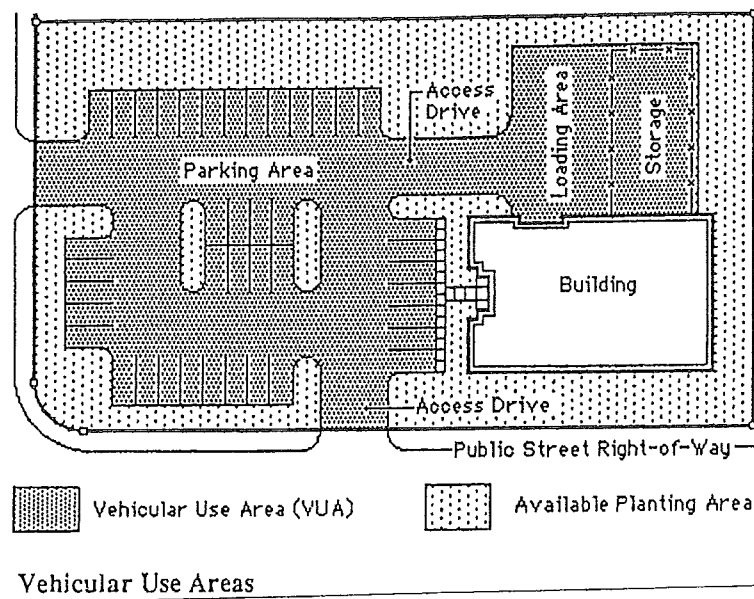
PLANTING AREAS. Landscape area reserved for the sole purpose of providing growth area for required plant material.

PLANTING STRIP. Planting area along public right-of-way which is reserved for landscaping purposes.

SMALL ORNAMENTAL TREE. A tree whose height will be below 35 feet at maturity.

UTILITY SERVICE AREA (USA). Area extending ten feet on either side of any overhead or underground utility service line, being either electric, water or sewer.

VEHICULAR USE AREA (VUA). Areas accessible to vehicular traffic on a regular established basis. These areas have an improved surface such as gravel, asphalt, brick or concrete pavement. Examples include, but are not limited to, driveway and parking lots.



(2006 Code, Ch. 33, § C) (Adopted 8-7-2002)

STANDARDS AND REGULATIONS**§ 156.15 STREETSCAPE LANDSCAPING.**

For property abutting a public right-of-way, the following shall be required.

(A) A perimeter planting strip, exclusive of access drives, adjacent to the public right-of-way with a minimum width of nine feet; provided, each streetscape tree shall have minimum four and one-half foot radius planting area. The strip's total length shall be equal to the total length of the property line adjacent to the public right-of-way. The streetscape landscaping shall not interfere with the sight distance triangle for intersections.

(1) When developing large tracts of land where large amounts of vacant space remain undeveloped, landscaping shall only be required in front of areas actually being developed. Undeveloped areas must still be maintained.

~~(2) When developing large tracts of land where large amounts of vacant space remain undeveloped, landscaping shall only be required in front of areas actually being developed. Undeveloped areas must still be maintained.~~

(B) Trees shall be planted within the planting strip according to one of the following requirements.

(1) One large shade tree for every 100 linear feet of planting strip or fraction thereof equal to or greater than 50 feet. Each tree shall be a minimum of two-inch caliper and have a minimum height of ten feet from the ground surface. Multi-stem trees shall be a minimum ten feet in height from the ground surface. See § 156.24 for a schedule of recommended large shade trees. When large trees are planted, the minimum spacing required shall not be less than 50 feet.

(2) One small size ornamental tree for every 50 linear feet of planting strip or fraction thereof equal to or greater than 25 feet. Each tree shall be a minimum of one-inch caliper and have a minimum height of six feet from the ground surface. Multi-stem trees shall be a minimum six feet in height from the ground surface. See § 156.24 for a schedule of recommended small ornamental trees. When planting small trees, the minimum required spacing shall not be less than 20 feet.

(3) A combination of both large shade and small ornamental trees, such that the total number of linear feet of planting strip credited for all trees according to the ratios described in divisions (B)(1) and (B)(2) above equals the total linear feet of planting strip required. (For example, a 200 foot frontage would be required to have one of the following: division (B)(1) above: two large shade trees; under division (B)(2) above: four small ornamental trees; or under this division: one large shade tree and two small ornamental trees.)

(2006 Code, Ch. 33, § D) (Adopted 8-7-2002)

§ 156.16 VEHICULAR USE AREA (VUA) LANDSCAPING.

(A) Trees shall be planted according to one of the following requirements:

(1) One large shade tree for every 5,000 square feet of VUA or fraction thereof greater than or equal to 2,500 square feet. Each tree shall be a minimum of two-inch caliper and have a minimum height of ten feet from the ground surface. Multi-stem trees shall be a minimum ten feet in height from the ground surface;

(2) One small shade tree for every 2,500 square feet of VUA or fraction thereof greater than or equal to 1,250 square feet. Each tree shall be a minimum of one-inch caliper and have a minimum height of six feet from the ground surface. Multi-stem trees shall be a minimum of or equal to six feet in height from the ground surface; and

(3) A combination of both large and small ornamental trees, such that the total number of square feet of VUA credited for all the trees as required in divisions (A)(1) and (A)(2) above equals the total square feet of VUA on the property.

(B) A minimum planting area for each required tree shall be provided as follows: large shade tree: 230 square feet; small ornamental tree: 150 square feet.

(C) Planting areas provided for VUA planting must meet the following requirements:

(1) Demonstrate that adequate soil preparation and mulching have been provided for all planting areas. Soil preparation must be verified by the town's Arborist or his or her representative; and

(2) Planting areas shall have a minimum dimension in accordance with § 156.15. Each tree must have a minimum of four and one-half foot radius planting area.

(D) No portion of the VUA shall be further than 120 feet from the trunk of a required VUA tree.

(E) No credit for streetscape trees. Trees required by § 156.15 shall not be used to meet the VUA requirement. However, VUA required trees may be planted in the planting strip if all other requirements of the landscape standards are met.

(2006 Code, Ch. 33, § E) (Adopted 8-7-2002)

§ 156.17 UTILITY SERVICE AREA (USA) LANDSCAPING.

Ten feet on either side of overhead or underground utility lines:

(A) No trees that will exceed 20 feet in height shall be planted within the utility service area serviced by an overhead primary electrical line; and

(B) No trees or shrubs shall be planted within the area USA that includes an under ground electric, water or sewer line.

(2006 Code, Ch. 33, § F) (Adopted 8-7-2002)

§ 156.18 SCREENING.

(A) Loading and service areas shall be screened from public view from both residentially zoned property and public rights-of-way.

(B) Screening shall be accomplished by one of the following methods:

(1) A continuous row of large evergreen shrubs. Shrubs shall have a minimum height of 30 inches at planting and shall attain a minimum height of six feet at maturity. Shrubs shall be planted a maximum of six feet apart. Minimum planting area width for the shrubs shall be five feet. The use of shrubs of different species is acceptable. The selection of shrubs species shall be subject to the approval of the Planning Director or his or her designee;

(2) An opaque fence or wall with a minimum height of six feet and a maximum height of eight feet. The design and materials of any fence or wall must be presented as part of the site plan approval. The Board of Commissioners reserves the right to deny any materials, which would create a maintenance problem to the detriment of adjacent property owners. The side of the fence or wall facing the affected property owner shall be the finished or better appearing side;

(3) An earth berm to the minimum of six feet. The berm shall be vegetated with grass, shrubs or trees. Other surfacing treatments shall be subject to the approval of the Board of Commissioners; and

(4) A combination of the above such that an effective screen to a minimum of a height of six feet is obtained. Small evergreen shrubs may be substituted for larger shrubs when planted on berms in excess of two feet in height. Smaller shrubs shall have a minimum height of 18 inches at initial planting and shall attain a minimum height of four feet at maturity. The use of shrubs of different species is acceptable. The selection of shrubs species shall be subject to the approval of the Planning Director or his or her designee.

[Illustration follows on next page]

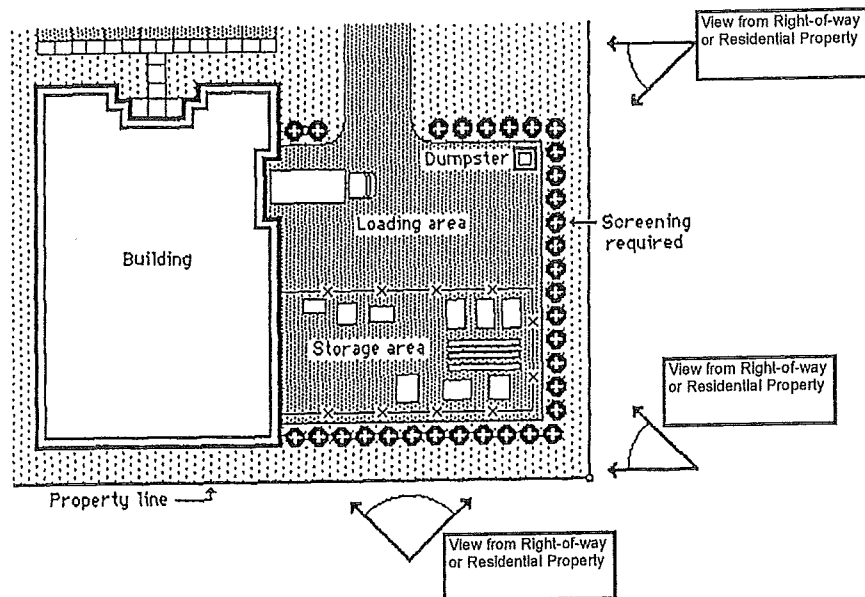


Illustration of Required Screening

(2006 Code, Ch. 33, § G) (Adopted 8-7-2002)

§ 156.19 EXISTING TREES.

(A) Existing trees may be used to satisfy all or part of the required tree plantings for §§ 156.15 and 156.16, if there are existing trees within the property or adjacent public rights-of-way which are to be saved as part of the development of the property. Provisions for ensuring the livability of the trees to be saved must be demonstrated by the owner.

(B) These provisions shall include, but are not limited to:

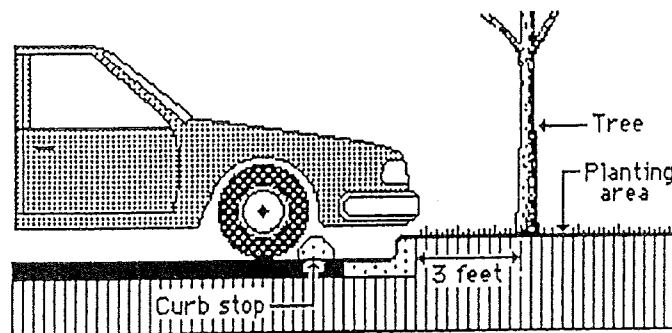
(1) Adequate planting area required for each existing tree to be saved to be an area on the property that is within a circle whose center is the trunk of the tree and whose radius in feet is equal to the trunk's diameter in inches. However, no radius shall be less than two and one-half feet; and

(2) Adequate protection of trees during and after construction as provided for in this section.

(2006 Code, Ch. 33, § H) (Adopted 8-7-2002)

§ 156.20 PROTECTION OF PLANTING AREAS.

(A) *Permanent protection.* Planting areas shall be protected from damage by vehicular traffic with barriers, including, but not limited to, curbs, wheel stops, walls or fences. These measures shall be maintained for protection of the planting areas for as long as the planting areas are required by this chapter.



--Provide curb stop to prevent vehicle overhang in parking and loading areas where trees are planted closer than 3 feet to curb or edge of pavement.

Permanent protection - curb stops

(B) *Temporary protection.* During construction adequate protection measures shall be provided for all planting areas of existing trees to be saved under the requirements of this chapter to ensure the exclusion of construction activity and storage of materials in them. This area includes the area up to the drip line. The entire area should be fenced in, and mulch applied to protect the tree and its root system. Trash and debris shall not be buried in planting areas of either existing or proposed trees required by this chapter.

(2006 Code, Ch. 33, § I) (Adopted 8-7-2002)

§ 156.21 PLANTING STANDARDS.

The minimum spacing between trees required by this chapter or between trees required by this chapter and others trees on the property shall be as follows:

(A) Large shade tree to large shade or small ornamental tree: 35 feet; and

(B) Small ornamental tree to small ornamental tree: 20 feet.

(2006 Code, Ch. 33, § J) (Adopted 8-7-2002)

§ 156.22 INFORMATION TO BE SUBMITTED.

(A) A plan of the property at a scale of one inch equals 50 feet or larger shall be submitted as a part of and in accordance with this section.

(B) The plan shall be labeled "landscape plan" and shall include the following:

(1) All proposed structures, drives, walks, parking areas and other features pertinent to the location and planting of trees;

(2) All existing structures and site features to remain which are pertinent to the location and planting of trees;

(3) All existing and proposed, above or below ground utility lines;

(4) All proposed trees required by this chapter, and all existing trees proposed to be saved under the requirements of this chapter. Proposed trees shall be identified by genus, species and installation size. Existing trees to be saved shall be identified by genus, species, size and general condition;

(5) The required planting areas for all trees including the planting strip along public right-of-ways. Critical dimensions for these areas shall be noted; and

(6) Permanent and temporary protection measures.
(2006 Code, Ch. 33, § K) (Adopted 8-7-2002)

§ 156.23 TREE REPLACEMENT.

Owner(s) and their agent(s), heirs or assigns shall be responsible for the installation, reservation and maintenance of all planting and physical features required to satisfy the conditions of this section. Any dead or missing vegetation shall be replaced (with like or similar plants) within one calendar year.
(2006 Code, Ch. 33, § L) (Adopted 8-7-2002)

§ 156.24 SCHEDULE OF TREES AND SCREENING PLANTS.

The following are trees to be utilized in fulfilling the requirements of this chapter. Use of trees not on this list to fulfill the requirements of this chapter shall be subject to the approval of the Planning Director or his or her designee.

(A) *Large shade trees.*

<i>Common Name</i>	<i>Botanical Name</i>
Ash, Green	Fraxinus pennsylvanica
Birch, River	Betula nigra
Blackgum	Nyssa sylvatica
Cedar, Deodar	Cedrus deodara
Cedar, Eastern Red	Juniperus virginiana
Cypress, Bald	Taxodium distichum
Elm, Chinese	Ulmus parvifolia
Ginkgo, male only	Ginkgo biloba
Holly, American	Ilex opaca
Honeylocust, Thornless	Gleditsia triacanthos
Linden, Littleleaf	Tilia cordata
Magnolia,, Southern	Magnolia grandiflora
Maple, Red	Acer rubrum
Maple, Sugar	Acer saccharum
Oak, Eastern Red	Quercus rubra maxima
Oak, Laurel	Quercus laurifolia
Oak, Pin	Quercus palustris
Oak, Sawtooth	Quercus acutissima
Oak, Scarlet	Quercus coccinea
Oak, Southern Red	Quercus falcata
Oak, Water	Quercus nigra
Oak, White	Quercus alba
Oak, Willow	Quercus phellos

<i>Common Name</i>	<i>Botanical Name</i>
Pine, Loblolly	<i>Pinus taeda</i>
Pine, Shortleaf	<i>Pinus echinata</i>
Poplar, Tulip	<i>Liriodendron tulipifera</i>
Fruitless Sweetgum	<i>Liquidambar styraciflua</i>
Sycamore	<i>Platanus occidentalis</i>
Zelkova, Japanese	<i>Zelkova serrata</i>

(B) *Small ornamental trees.*

<i>Common Name</i>	<i>Botanical Name</i>
Apricot, Flowering	<i>Prunus mume</i>
Buckeye, Ohio	<i>Aesculus glabra</i>
Carolina Silverbell	<i>Halesia carolina</i>
Cherry, Japanese	<i>Prunus serrulata</i>
Cherry, Yoshino	<i>Prunus yedoensis</i>
Crabapple	<i>Malus</i> spp.
Crapemyrtle	<i>Lagerstroemia indica</i>
Dogwood, Kousa	<i>Cornus kousa</i>
Fringe Tree	<i>Chionanthus virginicus</i>
Golden-Rain-Tree	<i>Koelreuteria paniculata</i>
Hawthorne	<i>Crataegus</i> spp.
Hornbeam, American	<i>Carpinus caroliniana</i>
Laurel, Carolina Cherry	<i>Prunus caroliniana</i>
Magnolia, Saucer	<i>Magnolia soulangeana</i>
Maple, Japanese	<i>Acer palmatum</i>
Myrtle, Wax	<i>Myrica cerifera</i>
Pistach	<i>Pistacia chinensis</i>
Redbud, Eastern	<i>Cercis canadensis</i>
Sourwood	<i>Oxydendrum arboreum</i>
Yellowwood	<i>Cladrastis lutea</i>

(C) *Screenings.*

<i>Common Name</i>	<i>Botanical Name</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Dwarf Borford Holly	<i>Ilex cornuta</i>
Wax Myrtle	<i>Myrica cerifora</i>
Japanese Privet	<i>Ligustrum japonicum</i>
Chinese Privet	<i>Ligustrum chinense</i>
Nellie R. Stevens Holly	<i>Ilex</i> x 'Nellie R. Stevens'
Foster Holly	<i>Ilex</i> x <i>atlantica</i> 'Foster #2'

(2006 Code, Ch. 33, § R) (Adopted 8-7-2002)

ADMINISTRATION AND ENFORCEMENT

§ 156.35 AMORTIZATION OF NON-CONFORMING PROPERTIES.

(A) *General.* When non-conforming properties make renovations equal to or exceeding 50% of the value of the structure, the site must be brought in to compliance with the provisions of this chapter as follows:

(1) Streetscapes: 100% compliance with § 156.15 is required;

(2) Vehicular use areas: 25% compliance with § 156.16 is required for all properties having more than 12 parking spaces. Properties having 12 or fewer parking spaces are exempt from VUA landscaping requirements; and

(3) Screening: 100% compliance with § 156.18 is required for all properties having trash receptacles or dumpsters, loading or service areas visible from a public right-of-way or from adjacent property which is zoned more restrictively than the subject property.

(B) *Exceptions.*

(1) No expenditures made for removing asphalt, constructing planting areas, adding topsoil or plant materials to comply with this section, shall be required in excess of 2% of the assessed real property tax value of the property on which improvements are made.

(2) Compliance with this section shall be required only to the extent that the compliance does not result in more than a 10% net loss in parking spaces or reduces the total number of spaces below the minimum required by Ch. 157 of this code of ordinances at time of compliance.
(2006 Code, Ch. 33, § M) (Adopted 8-7-2002)

§ 156.36 MODIFICATIONS.

Where unusual circumstances exist, the Appearance Commission may recommend the Planning Board authorize a modification from the requirements of this chapter provided that the overall objectives of the chapter are met.
(2006 Code, Ch. 33, § N) (Adopted 8-7-2002)

§ 156.37 INSPECTION OF SITES.

Agents and authorized representatives of the town may periodically inspect sites subject to the provision of this chapter.

(A) If, through inspection, it is determined that a person has failed to comply with the provisions of this chapter, a notice to comply shall be served upon the person by registered mail from the town. The notice shall set forth that which will be necessary to comply with the chapter.

(B) The town shall have the power to conduct investigations as it may reasonably deem necessary to carry out its duties as prescribed in this subchapter, and for this purpose may enter at reasonable times upon any property, public or private, for the purpose of inspecting the sites subject to the provisions of this chapter. Submission of a site plan shall allow for entry or access to any authorized representative or agent of the town who requests entry for the purpose of inspection. No person shall obstruct, hamper or interfere with the representative while in the process of carrying out his or her official duties.
(2006 Code, Ch. 33, § O) (Adopted 8-7-2002)

§ 156.38 EMERGENCIES.

In case of emergencies such as windstorms, ice storms, fire or other disasters, the requirements of this chapter may be waived by the Planning Director or his or her designee during the emergency period, so that the requirements of this chapter would in no way hamper private or public work to restore order in the town. This shall not be interpreted to be license to circumvent the intent of this chapter.
(2006 Code, Ch. 33, § Q) (Adopted 8-7-2002)

§ 156.99 PENALTY.

(A) Violations of this chapter shall constitute a misdemeanor, punishable as provided in G. S. § 14-4.

(B) Any act constituting a violation of this chapter shall also subject the offender to a civil penalty of \$25. If the offender fails to pay the penalty within ten days of receiving final written notice of a violation, the penalty may be recovered by the town in a civil action in the nature of a debt. A civil penalty may not be appealed to the Board of Adjustments, if the offender received a final written notice of violation and did not appeal to the Board of Adjustments within a reasonable time as provided by the rules of the Board.

(C) Each day that any violation continues after receipt of the final written notice of the violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.

(D) In addition to the penalties and remedies above, the Town Manager may institute any appropriate action of proceedings to prevent, restrain, correct or abate a violation of this chapter.

(2006 Code, Ch. 33, § P) (Adopted 8-7-2002)

Farmville, NC Code of Ordinances

§ 157.001 AUTHORITY.

This chapter is adopted pursuant to authority granted to North Carolina municipalities by G.S. Ch. 160A, Art. 19, part 3 (principal sections G.S. §§ 160A-381 through 160A-392).

(2006 Code, Ch. 27, § 1.1)

§ 157.002 PURPOSES.

(A) It is the intent of this chapter to encourage well-planned growth for the town, and its environs, to help ensure wise, productive and harmonious uses of land, to guide the use of land in a manner which gives appropriate consideration to the economic, social, cultural, aesthetic and environmental values of citizens of the community, to preserve and enhance the quality of life for community residents and to assist in implementing the elements of the town's comprehensive plan.

(B) To these ends, this chapter seeks to regulate land and structures in a manner that will secure safety from fire, flooding, panic and other dangers, provide adequate light, air and sanitation, prevent population and traffic congestion and the overcrowding of land, facilitate the adequate provision of public facilities and utilities, conserve the value of land, buildings and natural resources, and preserve and protect the community's natural resources and its sensitive natural areas.

(2006 Code, Ch. 27, § 1.2)

§ 157.003 ENACTMENT.

For the purposes cited above and for the general purposes of promoting the health, safety, and general welfare of the citizens of the town, all in accordance with a comprehensive plan, the Board of Commissioners of the town hereby ordain, adopt and enact this chapter in its entirety, including text, map and all regulations, all of which shall be known as the "Farmville Zoning Ordinance". This chapter shall apply to all land within the corporate and extra-territorial limits of the town, as shown on the official zoning map or described by ordinance.

(2006 Code, Ch. 27, § 1.3)

§ 157.004 CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict with this chapter or inconsistent with its provisions, specifically including previous zoning ordinances of the town or amendments thereto, are hereby repealed or superseded to the extent necessary to give this chapter full force and effect. The intent of this chapter is not to affect any bona fide farms in the extra-territorial area, but any use of the property for non-farm purposes shall be subject to the regulations.

(2006 Code, Ch. 27, § 1.4)

§ 157.999 PENALTY.**(A) General.**

(1) *Complaints.* Any person alleging a violation of this chapter may file a written complaint with the Zoning Administrator. Upon receipt of a written complaint, the Zoning Administrator shall investigate the matter within ten days, and take appropriate action to abate any verified violation. A complete record shall be kept of all written complaints received and the actions taken pursuant thereto.

(2) *Remedies.* When any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this chapter, the Zoning Administrator, or any other appropriate town authority, or any person who would be damaged may institute action for injunction, or mandamus, or other appropriate action or proceeding to prevent or halt the violation.

(2006 Code, Ch. 27, § 23.5)

(C) *Penalties.* Any person, firm or corporation who violates any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished for each offense by a fine not exceeding \$50 or by imprisonment to exceed 30 days. Each day the violation continues shall be considered a separate offense. Work carried on in violation of the cancellation of any permit issued under this chapter shall also be deemed a violation punishable in the same manner.

(2006 Code, Ch. 27, § 23.6)