

Office copy

Ordinance Number:	3-95-11
Effective Date:	
Date Adopted:	

DISCHARGE OF FIREARMS

BE IT ORDAINED by the Board of Aldermen (sometimes called the Town Council) of the Town of Glen Alpine:

Section 1. Discharge of Firearms.

It shall be unlawful for any person to fire any pistol, gun, or other firearms within the Town except on archery ranges, firing ranges, or in legally established shooting galleries or ranges, or in the discharge of duty by law enforcement officers. It is provided that the use of firearms in the destruction of rodents or similar animals or reptiles that are considered a menace to public health or property may be permitted by special permission of the Chief of Police.

Section 2. Civil Penalties.

- (a) Any person, firm, or corporation violating any of the provisions of this Ordinance shall be subject to the imposition by citation of a Civil Penalty for each such violation in the amount of Fifty Dollars (\$50.00) which shall be paid in full within seventy-two (72) hours of the service of the citation in accordance with North Carolina General Statutes §160A-175.
- (b) Any person, firm, or corporation violating any of the provisions of this Ordinance shall further be subject to Glen Alpine enforcing the provisions of this Ordinance by applying to a court of competent jurisdiction in the General Court of Justice for equitable relief including, but not limited to mandatory or prohibitory injunctions and/or orders of abatement in accordance with North Carolina General Statutes §160A-175.
- (c) Each day of violation shall be considered a separate and distinct offense for the purpose of the enforcement of this Ordinance.
- (d) Failure to make payment and to correct the violation within the seventy-two (72) hour period will result in an additional fine of Ten Dollars (\$10.00) per day for a total of fifteen (15) days. The penalty and delinquent charge may be recovered by the Town in a civil action.
- (e) The violator may be charged as provided in General Statutes §14-4.

Section 3. Other Laws.

This Ordinance is not intended to, nor shall it be construed to, supersede, replace, or interfere with any other Federal, State, or local laws, rules, or regulations concerning Discharging Firearms, and the enforcement thereof.

Section 4. Invalidation of Any Section.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason declared invalid or unconstitutional, as determined by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Previous Ordinance, Effective Date.

This Ordinance shall replace that Ordinance of the Town of Glen Alpine concerning Discharging Firearms, as adopted on August 7, 1984, and shall take effect immediately upon the date of the adoption of this Ordinance.

Ordinance # 3-95-11 Discharge of Firearms

Section 6. Authority and Enactment.

The Board of Aldermen of the Town of Glen Alpine, in pursuance of the authority granted by the General Statutes of North Carolina, §160-14, hereby ordain and enact into law the above articles and sections, this the _____ day of _____, 1995.

Wayne Pollard, Mayor

ATTEST:

Lois Dale, Town Clerk

Replaces Ordinance Number(s)	84-8-6 (August 7, 1984)
Motion by	
	2nd:
Date of Adoption	
Effective Date	

North Carolina State Bureau of Investigation
Crime Reporting Program
Raleigh, NC 27626-0500
(919) 582-8680; FAX (919) 431-1638



ANNUAL RETURN OF LAW ENFORCEMENT EMPLOYEE DATA
ON OCTOBER 31, 2018

ORI No: 0120400

Department Name: Glen Alpine Police

County: Burke

FULL-TIME: All Employees Counted Should Be Paid From Law Enforcement Funds	MALE	FEMALE	TOTAL
1. Full-time law enforcement officers - Include all full-time sworn law enforcement officers who were on your department's payroll as of October 31 and who work your normal full-time workweek. Include the Chief or Sheriff or other sworn department head. Jailers who have no police or arrests power outside the jail should be counted as civilians. Police cadets should be counted as civilians unless they have full police powers.	4		
2. Full-time civilian employees - Include clerical and communications personnel who do not have police powers. Do not count school crossing guards.	1		
3. Total of line 1 and line 2.	5		

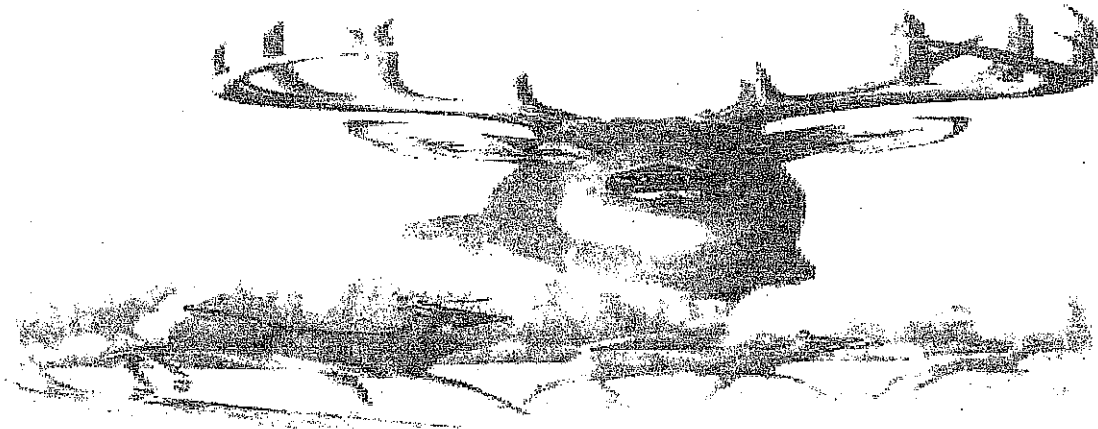
PART-TIME: All Employees Counted Should Be Paid From Law Enforcement Funds	MALE	FEMALE	TOTAL
1. Part-time law enforcement officers - Include reserve or auxiliary personnel who are on your department's payroll.	10		
2. Part-time civilian employees - Include clerical and communications personnel who do not have police powers. Do not count school crossing guards.			
3. Total of line 1 and line 2.	10		

11/26/18 828-584-2622
Date of Report Telephone Number
Rodney Cox Chief Police
Prepared By Title
Rodney Cox
Head of Department

Do Not Write Here

Recorded _____
Edited _____
Entered _____
Verified _____
Adjusted _____

Maintain a copy for your agency and return a copy by fax to:
State Bureau of Investigation
Attention: Crime Reporting Program
Fax: 919-431-1638



GLEN ALPINE FISH AND GAME ORDINANCE

Due to the increasing number of wildlife living within the Town limits of Glen Alpine, and that population causing increasing numbers of motor vehicle accidents, and increasing complaints of damages and encounters with wild life, this ordinance shall be put into effect this the 1st day of April 2014. Its purpose is intended to protect, control, and manage the number of wildlife living within the Town limits of Glen Alpine and to protect the safety and welfare of the citizens of Glen Alpine.

1. Definitions:

Wildlife- means any species of animal which exist and lives in the wild.

Town limits- any portion of properties that are incorporated into the Town limits of Glen Alpine.

Rules and Regulations- laws set forth to control and manage or to guide for conduct, procedure or usage.

Creel limit- The number of fish that one can possess at any particular time.

Bag Limit- number of wildlife that one can possess at a particular time.

Baiting- The placing of any, water, garbage, human or animal food, refuge, or edibles for the purpose of attracting animals.

Permit- A temporary Town issued license authorizing a single Person to legally hunt within the Town limits of Glen Alpine.

Revocation or Revoke- is to withdraw, cancel or take away a granted privilege.

Spotlighting- The use of artificial lights to illuminate something.

Game Animal- The same as wildlife.

Vehicle- Any device used for carrying or conveying persons or objects.

Vessel- Any type of boat used to float and carry or convey persons.

Possess- To have in a persons immediate control.

Carcass- The dead body of a animal.

Civil Violation- A fine or fee made payable to the Town of Glen Alpine for a violation of a law or ordinance.

Criminal Violation- A offence that one can be arrested and charged with a misdemeanor or fined.

Bow Arrow- A primitive weapon.

Cross Bow- A primitive weapon with a stock used to deliver arrows.

Take- To kill, or attempt to kill.

Rules and Regulations:

1. The Town of Glen Alpine will adhere to the rules and regulations set forth by the North Carolina Wildlife Resource Commission and those said rules shall at all times apply and be consistent with this Ordinance with the exception of the use of firearms for hunting wildlife are prohibited. Hunting wildlife will be with bow arrow / cross bow only.

2. Application for permit:

- a. name and address of applicant
- b. legal description of area to be hunted
- c. written permission "notarized" by land owner of property to be hunted, unless ones own property.

3. Granting of permit:

The Police Chief shall have the authority to issue permits based on a persons skill, knowledge and the location in which the request is being requested for.

4. Revocation of permit:

The police Chief shall have the authority to revoke any permit for any reason at any time as seems fit.

5. Land use requirements for hunting:

The area requested to hunt must consist of a minimum of three acres and not be within 100 yards of a residence and no closer to than 75 yards of the nearest property owner.

1. Violations:

- A. Spotlighting Deer- It is unlawful for any person to take deer or any other wild game with the aid of an artificial light, while possessing a firearm, bow arrow, or cross bow. Punishment: class 3 misdemeanor \$250 fine or imprisonment up to 30 days and or \$250 civil fine and or both criminal and civil violation.
- B. Shining light on deer after darkness- It is unlawful for any persons to intentionally sweep an area with lights in search of deer, or to intentionally shine lights on deer. Punishment: class 3 misdemeanor or \$100 fine or imprisonment up to 30 days and or \$100.00 civil fine and or both criminal and civil violation.
- C. Taking game animals or birds at night- It is unlawful to take a game animal or bird before half hour before sunrise or a half hour after sunset. Punishment: class 3 misdemeanor \$100.00 fine or up to 30 days imprisonment and or a \$100.00 civil fine and or both criminal and civil violation.
- D. Taking game animals or birds during closed season- It shall be unlawful for any person to take or have in there possession any wild animal or bird, except during open season. Punishment: class 3 misdemeanor \$100.00 fine or up to 30 days imprisonment or \$100.00 civil fine and or both criminal and civil violation.
- E. Failing to report big game kill- It shall be unlawful for any person to fail to report such kill of any big game animal before it is skinned or dismembered for consumption if killed within the Town limits of Glen Alpine. Punishment: class 3 misdemeanor \$100.00 fine or up to 30 days imprisonment or \$100.00 civil fine and or both criminal and civil violation.

F. Tagging carcass of big game- It shall be unlawful to fail to affix onto any carcass of each bear, wild turkey, deer an appropriate big game tag indicating date of said kill and readily visible for inspection and be in possession of such animal and not being tagged within the Town limits of Glen Alpine. Punishment: class 3 misdemeanor \$100.00 fine or up to 30 days imprisonment or a \$100.00 civil fine and or both a criminal and civil violation.

G. Taking wildlife from vehicle or vessel- It shall be unlawful to take or attempt to take any wild animal or birds from or with the use of any vehicle, vessel or any other motorized conveyance. Punishment: class 2 misdemeanor \$100.00 fine or up to 30 days imprisonment or \$100.00 civil fine and or both a criminal and civil violation.

H. Hunting License- It shall be unlawful for any person to take any wild animal or birds without having first procured a current and valid hunting license issued by the state of North Carolina. Punishment: class 3 misdemeanor \$100.00 fine or up to 30 days imprisonment or \$100.00 civil fine and or both a criminal and civil violation.

I. Disposition of Dead Animals or Birds- It shall be unlawful for any person to discard any wild game or birds onto any property or within 500 feet of any flowing stream. Punishment: class 2 misdemeanor or up to 6 months imprisonment or \$500.00 fine or \$500.00 civil fine and or both criminal and civil violation.

J. Unlawful Harassment of persons taking wildlife- It shall be unlawful for any person to interfere intentionally with the lawful taking of wildlife or to drive, harass, or intentionally disturb any wildlife for the purpose of disrupting the lawful taking of wildlife. This does not apply to a person who incidentally interferes with the taking of wildlife while using the land for other lawful activity such as agriculture, mowing or recreation. Does not apply to a person who owns or leases the land which is being hunted. Punishment: Class 2 misdemeanor \$100.00 fine or up to 30 days imprisonment or \$100.00 civil fine and or both criminal and civil

violation.

- K. Baiting predatory animals- It shall be unlawful for any person to intentionally feed, bait, or attempt to attract coyotes, wolves, lions, bob cats or any other predator species by placing intentionally, negligently, or recklessly by placing water, garbage, refuse, human or animal food or edibles in a place that is physically accessible to such wildlife. Punishment: class 1 misdemeanor \$250 fine or up to 6 months imprisonment or \$250.00 civil fine and or both criminal and civil violation.
- L. Leaving any vehicle/boat/trailer or other object at canoe access to impede the use of the area- It is unlawful for any person to leave any vehicle/boat/trailer or other object to which to impede others from using the boat launch. Punishment: \$50.00 civil fine.
- M. Fishing without a license- It is unlawful to take any inland fish with out having first procured a current and valid North Carolina fishing license. Punishment: \$50.00 civil fine.
- N. Using canoe access for any reasons other than launching boats, fishing and parking vehicles- It shall be unlawful for any person to use the canoe access area for any purposes other than launching / retrieving boats, fishing, or parking vehicles while utilizing the rivers resources. Punishment: \$50.00 civil fine
- O. Consuming alcoholic beverages and open alcoholic containers at the canoe access area- It shall be unlawful for any person to consume, be under the influence of alcohol / drugs or possess open containers of alcohol while utilizing the canoe access area for either a lawful or unlawful act. Punishment: \$50.00 civil fine.
- P. Intentionally or Recklessly Littering at canoe access- It shall be Unlawful for any person to intentionally litter or recklessly allow Litter to be discarded at the canoe access area. Punishment: \$50.00 civil fine.

For the purpose of this ordinance all game animals or wildlife are considered to be species of: bear, deer, raccoon, opossum, squirrels, rabbits, quail, wild turkey, grouse, pheasants, foxes, coyotes, wolves, ground hogs, wild cats, doves, and crows.

Law Enforcement Authority

The enforcement of this ordinance shall be enforced by the Chief of Police, his officers, or any other sworn law enforcement officer with the powers of arrest. Each and every violation shall be considered a separate offence. After 72 hours the Town of Glen Alpine may assess an additional \$15.00 a day penalty up to 15 days. This ordinance shall not prevent or prohibit any officer with the Town of Glen Alpine for violating any part or portion of this ordinance while in the scope of his duties for the purpose of controlling, managing, and the depopulating of any specific species for what would be considered in the best interest of the citizens of Glen Alpine for there health, safety, and welfare.

Authority and Enactment

The Board of Alderman of the Town of Glen Alpine, in pursuance of the authority granted by the general statutes of North Carolina 160A-174 and 160A-175, hereby ordain and enact into law the above articles and provisions, adopted this 1st day of April 2014 and shall be effective immediately.

Attest:

Eva Moses
Town Clerk

Christine Abernathy
Mayor

14-399
All Law Enforcement Shall Enforce the provisions of this law

GLEN ALPINE LITTER ORDINANCE

SECTION ONE. TITLE

This ordinance may be known and may be cited as "Glen Alpine Litter Ordinance".

SECTION TWO. PURPOSES AND OBJECTIVES

The purposes and objectives for which this ordinance is passed are as follows:

- A. To promote the health, safety, and welfare of the residents of Glen Alpine.
- B. To preserve the dignity and aesthetic quality of the environment of Glen Alpine.
- C. To protect the economic interests of the citizens and residents of Glen Alpine.

SECTION THREE. DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural the singular; and the word "shall" is mandatory and not directory.

Cover - Means anything, including tarpaulins, plastic, or similar material, which is laid, set or spread securely over all rubbish, garbage, solid waste, or miscellaneous refuse, which would otherwise be subject to fall or spill onto roadways, thoroughfares or adjoining property.

Garbage - Means all putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial by-products, exclusive of sewage and human wastes.

Miscellaneous Refuse - Means all rubbish and refuse (other than garbage, ashes or dead animals) incident to the ordinary conduct of the household.

Rubbish - Means combustible and non-combustible waste materials except garbage; and the term shall include paper, rags, cartons, boxes, wood, excelsior, tires, rubber, leather, tree branches, yard

trimmings, tin cans, metals, mineral matter, glass, crockery, dust, the residue from the burning of wood, coal, coke, and other combustible materials or similar materials.

Solid Waste - Means ashes, building materials, dead animals, garbage, miscellaneous refuse, putrescible waste, furniture, refuse, rubbish, sawdust, spoiled food, tires, trash, waste, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, agricultural, residential and community operations and activities, including but not limited to bicycles, motorcycles, mopeds, tractors, lawn mowers, automobiles, trailers, trucks, farm machinery, mobile homes, boats, campers, and motor homes.

SECTION FOUR. LITTERING PROHIBITIONS

It shall be unlawful for any person to litter the ground by placing, throwing, dumping, or allowing to blow from vehicle or trailer or dropping thereon any solid waste as defined herein. Furthermore, it shall be forbidden to drive, propel or mobilize any vehicle or trailer containing solid waste without the utilization of a cover as defined herein.

The owner, operator, or other person responsible for the operation of business establishments shall maintain, or cause to be maintained, at all times on the premises sufficient receptacles or other devices for the disposal of solid waste as will permit adequate depositories for use by the customers and patrons of such establishments. The owner, or other person responsible for keeping the grounds surrounding the business free of solid waste (including, but not limited to papers and debris) shall be responsible for picking up the solid waste that has been allowed to transfer onto surrounding properties.

SECTION FIVE. ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of this ordinance shall be vested with the Chief of Police of Glen Alpine. The Director of the County Health Department, and his representatives, are hereby designated and authorized to assist the Chief of Police, as directed by him, in the enforcement of this ordinance.

SECTION SIX. CIVIL PENALTIES

Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to the imposition by citation of a Civil Penalty for each such violation in the amount of Fifty Dollars (\$50.00) which shall be paid in full within seventy-two (72) hours of the service of the citation in accordance with N.C. G.S. 153A-123.

Any person, firm or corporation violating any of the provisions of this ordinance shall further be subject to Glen Alpine enforcing the provisions of this ordinance by applying to a court of competent jurisdiction in the General Court of Justice for equitable relief including, but not limited to mandatory or prohibitory injunctions and/or orders of abatement in accordance with N.C. G.S. 153A-123(d)(e).

Each day of violation shall be considered a separate and distinct offense for the purpose of the enforcement of this ordinance.

Failure to make payment and correct the violation within the seventy-two (72) hour period will result in an additional fine of Ten Dollars (\$10.00) per day for a total of fifteen (15) days.

SECTION SEVEN. ENFORCEMENT OF COUNTY ORDINANCE

Any similar ordinance adopted by the County of Burke may be enforced by its enforcement personnel within the Town limits of Glen Alpine, until such time as this permission is revoked by Glen Alpine.

SECTION EIGHT. EFFECTIVE DATE

This ordinance shall be effective from the date of its adoption on the 1st day of August, 1989.

Motion to adopt by Alderman Wright, second by Gaylord. Vote unanimous

AN ORDINANCE CONCERNING LOUD NOISES

BE IT ORDAINED by the Board of Aldermen (sometimes called the Town Council) of the Town of Glen Alpine:

Purpose and Intent.

It is hereby found that the peace, serenity and welfare of residents of the Town of Glen Alpine has been or may be disturbed by the presence of unreasonably loud, disturbing or unnecessary noises within the Town. Therefore, pursuant to North Carolina General Statutes §160A-175 and §160A-184, the Board of Aldermen of the Town of Glen Alpine hereby enacts the following Ordinance for the purpose of promoting, safeguarding and maintaining the health, safety, and welfare of the citizens, and the peace and dignity of the Town.

Section 1. Unlawful to Make Unreasonably Loud Noises.

It shall be unlawful for any person to make, continue, or cause to be made or continue, or to create or knowingly assist in creating, any unreasonably loud, excessive, or unnecessary noise or sound in the Town of Glen Alpine, taking into consideration the volume, duration, frequency, time and other characteristics of the noise and sound.

Section 2. Specific Loud Noises in Violation of Ordinance.

The following activities, among others, are hereby declared to be unreasonably loud, excessive or unnecessary noises or sounds in violation of this Ordinance, but nothing herein shall be construed as preventing other activities, noises and sounds from also violating this Ordinance.

- (a) The sounding of any horn or similar signaling device on any motor vehicle within the Town, except as a warning of danger or as otherwise required or permitted by the laws of the State of North Carolina; the creation by means of any such horn or signaling device of any unreasonably loud or harsh sound; the sounding of any such horn or signaling device for any unnecessarily or unreasonably long period of time; or the use of any horn or signaling device, or whistle or other device operated by engine exhaust, or any other such signaling device when traffic is for any reason held up.
- (b) The use of any motor vehicle so out of repair, or so modified or loaded, or operated in such a manner, as to create unreasonably loud or disturbing sounds.
- (c) The operation of any motor vehicle in such a manner as to cause a tire or tires to spin, skid, slide, or slip and thereby make loud or excessive noise, including, but not limited to, the operation of a motor vehicle in such a manner that the friction between the tires and pavement creates a loud, disturbing or unnecessary noise,

Ordinance Number#3-95-18-- Loud Noises

- commonly known as “burning rubber” or “scratching off”; the racing of the engine of any motor vehicle, while such vehicle is not in motion, except when necessary to do so in the course of repairing, adjusting, or testing the same.
- (d) The playing of any musical instrument, television, radio, stereo, vehicle boom boxes, phonograph, electric sound amplification equipment, or any other means of reproducing music or sounds, in such a manner or with such a volume that a reasonably prudent would recognize as likely to unreasonably disturb the quiet, comfort, or repose of any person in the vicinity.
 - (e) The creation of unreasonably loud, disturbing noises, or sound levels caused by instruments, and/or any means or method of sound amplification equipment, during any outdoor concert, musical performance show or other similar event which a reasonably prudent person would recognize as likely to unreasonably disturb the quiet, comfort, or repose of any person in the vicinity, unless an appropriate permit issued hereunder has first been obtained.
 - (f) The operation of any garage or service station in any residential area so as to create unreasonably loud, disturbing sounds to be emitted, between the hours of 7:00 p.m. and 7:00 a.m.
 - (g) The creation of any unreasonably loud, disturbing sound levels adjacent to any school, educational facility, church, court, hospital, nursing home, or any other health care facility, during normal operating hours, or within one hundred fifty (150) feet of any hospital, nursing home or health care facility, which a reasonably prudent person would recognize as likely to unreasonably interfere with the working of such institution, provided that conspicuous signs are displayed indicating that such area is a school, educational facility, church, court, hospital, nursing home, health care facility area.
 - (h) The creation of unreasonably loud, disturbing noises or sound levels caused by or repair of any building, other than between the hours of 7:00 a.m. and 7:00 p.m., except in the case of urgent necessity in the public safety, and then only after the issuance of a special permit issued hereunder.
 - (i) The use of any loud speaker, percussion instrument, or electronic sound amplification equipment for the purpose of creating noise to attract attention to any performance, show or sale or display of merchandise, or for advertising and solicitation purposes, except pursuant to an appropriate permit issued hereunder.
 - (j) The keeping of any bird, dog, or other animal which causes frequent or long-continued noise, which a reasonably prudent person would recognize as likely to unreasonably disturb the quiet, comfort and repose of any person in the vicinity.
 - (k) The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.

Ordinance #3-95-18—Loud Noises

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

- (l) The discharge into the air of the exhaust of any steam engine, stationary combustion engine, motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises there from, except for maintenance repair.

Section 3. Athletic Events.

Athletic events and contests such as football games, baseball games, and other outdoor sporting events shall be exempt from regulation hereunder so long as such events are sponsored under the authority of the Town of Glen Alpine, the Glen Alpine Recreation Foundation, the County of Burke, the Burke County Public Schools, the Burke County Recreation Department, or any other governmental authority. Provided, however, the use of any loud speaker or electronic sound amplification equipment in connection with any athletic event which results in the creation of unreasonably loud and disturbing noises and sound levels which a reasonably prudent person would recognize as likely to unreasonably disturb the quiet, comfort, and repose of persons in the vicinity, shall be allowed only after the appropriate permit is issued hereunder.

Section 4. Permits.

Application for permission to engage in activities regulated and allowed by this Ordinance only with the issuance of a permit shall be made to the Police Chief of the Town of Glen Alpine, or any designee thereof, on forms supplied by the Town. The permit shall not be unreasonably withheld, and may contain appropriate conditions, including specific limitations on the time, place, and types of activities permitted, as well as maximum decibel levels. Activities which significantly involve religious or political purposes shall be granted permits subject only to "reasonable time, place and manner" restrictions. Permits issued under this section shall specify the expiration date and shall provide that such permits may be revoked after actual notice. Persons shall not be held in violation of this Ordinance from acting in compliance with permit conditions, but any permit may be revoked if it is determined that the authorized activity has resulted in the generation of or creation of unreasonably loud and disturbing noises or sound levels. In case on application for permit is denied, or a permit is approved with conditions unacceptable to the applicant, or permit is revoked, the applicant or permit holder shall be entitled to an informal hearing with the Police Chief, upon submission of a written request. Any person aggrieved by a matter regulated by this section may submit such grievance for review by the Board of Aldermen of the Tow of Glen Alpine, by requesting the Town Clerk to place him or her on the agenda for the next regularly scheduled meeting of the Board of Aldermen. Any person still aggrieved after appearance before the Board of Aldermen may then appeal to a court of competent jurisdiction.

Ordinance #~~3-95-18~~—Loud Noises

Section 5. Civil Penalties.

- (a) any person, firm, or corporation violating any of the provisions of this Ordinance shall be subject to the imposition by citation of a Civil Penalty for each such violation in the amount of Fifty Dollars (\$50.00) which shall be paid in full within seventy-two (72) hours of the service of the citation in accordance with North Carolina General Statutes §160A-175.
- (b) Any person, firm, or corporation violating any of the provisions of this Ordinance shall further be subject to Glen Alpine enforcing the provisions of this Ordinance by applying to a court of competent jurisdiction in the General Court of Justice for equitable relief including, but not limited to mandatory or prohibitory injunctions and/ or orders of abatement in accordance with North Carolina Statutes §160A-175.
- (c) Each day of violation shall be considered a separate and distinct offense for the purpose of the enforcement of this Ordinance.
- (d) Failure to make payment and to correct the violation within the seventy-two (72) hour period will result in an additional fine of Ten Dollars (\$10.00) per day for a total of fifteen (15) days. The penalty and delinquent charge may be recovered by the Town in a civil action.
- (e) The violator may be charged as provided in General Statutes §14-4.

Section 6. Other Laws.

This Ordinance is not intended to, nor shall it be construed to, supersede, replace, or interfere with any other Federal, State, or local laws, rules, or regulations concerning noise, and the enforcement thereof.

Section 7. Invalidation of any Section.

Invalidation of any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason declared invalid or unconstitutional, as determined by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 8. Previous Ordinance, Effective Date.

This Ordinance shall replace that Ordinance of the Town of Glen Alpine concerning loud noises, as adopted on October 30, 1975 and superseded on April 6, 1993, and shall take effect immediately upon the date of the adoption of this Ordinance.

Section 9. Authority and Enactment.

The Board of Aldermen of the Town of Glen Alpine, in pursuance of the authority granted by the General Statutes of North Carolina, §160-14, hereby ordain and

Ordinance #3-95-18—Loud Noises

enact into law the above articles and sections, this the _____ day of _____, 1995.

Wayne Pollard, Mayor

ATTEST:

Lois Dale, Town Clerk

Replaces Ordinance Number(s)	93-4-2 (April 6, 1993) and 75-10-1 (October 30, 1975)
Motion by	2 nd :
Date of Adoption	
Effective Date	

**AN ORDINANCE ESTABLISHING A CUREFEW WITHIN THE TOWN OF
GLEN ALPINE FOR CERTAIN MINORS**

The following Ordinance was adopted by the Board of Aldermen of the Town of Glen Alpine, at its regularly scheduled meeting on January 6, 2009, upon motion duly made and seconded:

Section I. Purpose and Intent.

Unsupervised or unattended minors out in public late at night create safety risks for themselves and for others, are particularly vulnerable to being induced to participate in substance abuse and other criminal activity, and cause the expenditure of police time in dealing with issues raised by the presence of such minors out in public at night. Further, there is a need to protect businesses, homes, and public property from vandalism and other criminal activity frequently committed by such minors at night. The Board of Aldermen has determined that a night time curfew for younger children is in the best interest of the citizens of Glen Alpine, and hereby enacts this Ordinance under the general police powers of the Town.

Section II. Children on Streets at Night.

It shall be unlawful for any person under sixteen (16) years of age to be or remain upon any street, alley, sidewalk, or other public place in the Town between the hours of 10:00 p.m. and 5:00 a.m. on any night which immediately precedes a day when the public schools of Burke County are in session, or between the hours of 11:00 p.m. and 5:00 a.m. on any other night, unless such person: 1) is accompanied by a parent or guardian, or

other person over age 18 having custody of such minor child; or 2) is in the performance of duty directed by a parent or guardian or other person having lawful custody; or 3) is in lawful employment or on a lawful errand making it necessary to be in such places after such times; or 4) is in a medical emergency, or seeking emergency medical attention for self or others. Provided, that a child may be on the public sidewalk in front of the child's own residence, with the permission of the child's parent, guardian, or legal custodian.

Section III. Permitting Children to Violate Curfew.

It shall be unlawful for anyone having the legal care and custody of any minor child, as described above, to allow such child to go or be upon any street, alley, sidewalk or other public place in the Town of Glen Alpine during the hours as restricted in the preceding Section, subject to the exceptions stated in that Section.

Section IV. Detaining Child.

Every police officer of the Town of Glen Alpine while on duty is hereby authorized to detain minor child under age 16 found violating the provisions of this Ordinance, until the parent, guardian or custodian of the child shall take him or her into custody; but such officer shall immediately upon taking custody of the child communicate with the parent, guardian or custodian of such child. In holding in custody any such child violating this Ordinance, the law enforcement officer shall assure that the child is in a place of safety and security until such child is taken by the parent, guardian or custodian.


Section V. Penalty.

Willful violation of this Ordinance by any parent, guardian or legal custodian of a child shall constitute a Class 3 misdemeanor, punishable by a fine of \$50.00 for the first offense, \$200.00 for a second offense, and \$400.00 for a third or subsequent offense, all as provided in N.C. General Statutes §14-4(a).

Section VI.

Nothing herein shall prevent or exclude the application for any other ordinance or law of the State of North Carolina against any person violating this Ordinance.

DULY ADOPTED this the 6th day of January, 2009.


CHRISTINE ABERNATHY,
Mayor of the Town of Glen Alpine

ATTEST:


Eva Moses, Town Clerk

acc. tel 2-2-10
Effective 3-1-10

Town of Glen Alpine

Motor vehicles, Traffic Control, Pedestrian, Bicyclist, and Parking Ordinance (ORD # 81-7-3 Revised)

Section 1 Definitions

1.1 Authorized Emergency Vehicles

Vehicles of fire departments, law enforcement agencies, medical and rescue squads.

1.2 Block

A portion of a street located between two intersections.

1.3 Business Districts

The territory contiguous to a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for a business; also any territory zoned by the Town's governing authority as a "business", "industrial", or "institutional" zone.

1.4 Crosswalk

That 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.

1.5 Driver - Operator

A person in actual physical control of a vehicle when it's in motion or which has the engine running.

1.6 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 such highway crosses the other.

1.7 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.

1.8 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.

1.9 Official Traffic Control Devices

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

1.10 Official Traffic Signals

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

1.11 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.

1.12 Pedestrian

Any person afoot.

1.13 Person

Every natural person, firm, co-partnership, association, or cooperation.

1.14 Police Officer

Every officer of the municipal police department or any other officer authorized to direct or regulate traffic or to make arrest for violations of traffic regulations.

1.15 Private Road or Driveway

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

1.16 Public Conveyance

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

1.17 Public Vehicular Area

Any drive, driveway, road, roadway, street, or alley, 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 of North Carolina, or any of it's subdivisions or upon grounds and premises of any service station , drive-in, supermarket, store, restaurant, or office building, or any other building, or any other business, residential, or municipal establishment providing parking spaces for customers, patrons, or the public.

1.18 Residential District

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

1.19 Right-a-Way

The privilege of the immediate use of the highway.

1.20 Safety Zone

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.

1.21 Sidewalks

That 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.

1.22 Standing

Any stopping of a vehicle, whether occupied or not.

1.23 Stop

When required, means complete cessation of movement.

1.24 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.

1.25 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 the purpose of vehicular traffic. The term "highway" and "street" or a combination of the two terms shall be used synonymously.

1.26 Traffic

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

1.27 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 purpose of this ordinance, bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of the ordinance applicable to the driver of a vehicle except those which by their nature have no application. Shall also include any artificial device or animal used upon the public streets for the conveyance or transport of persons or objects.

1.28 Bicycle

Every device propelled by human power upon which any person may ride, having two (2) tandem wheels.

1.29 Laned Roadway

A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

1.30 Motorcycle

Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Section 2 Obedience To Traffic Regulations And Police Officer

2.1 Ordinance Violations

It is a misdemeanor, and subject to a civil penalty according to each section of this ordinance, for any person to do any act forbidden or fail to perform any act required by this ordinance.

2.2 Obedience To Police

No person shall willfully fail or refuse or comply with any lawful order or direction of a police officer.
(Class 2 misdemeanor)

2.3 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 ordinance.

2.4 Applicability to Government Vehicles

The provisions of this ordinances shall apply to any vehicle owned by or used in the service of the United States Government, State of North Carolina, Burke County, or the Town of Glen Alpine, or any other Government entity, and it shall be unlawful for any said driver to violate any of the provisions of this ordinance, except as otherwise permitted in this ordinance or by state statutes.

2.5 Exemptions of Authorized Emergency Vehicles

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

2.5.1.1 Park or stand, notwithstanding the provisions of this ordinance.

2.5.1.2 Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

2.5.1.3 Exceed the prima facie speed limits so long as he/she does not endanger life or property.

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

2.5.2 The forgoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his/her reckless disregard for the safety of others.

2.6 Persons Propelling Push Carts and Riding Animals

Every person propelling any push cart or riding an animal upon a highway and every person driving any animal drawn vehicle shall be subject to the provisions of this ordinance applicable to the driver of any vehicle.

Section 3 OBEDIENCE TO OFFICIAL CONTROL DEVICES

3.1 General Requirement

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

3.2 Sign Maintenance

No provision of this ordinance 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, such section shall be effective without signs being placed to give notice thereof.

3.3 No-Turn Signs and Turning Markers

Whenever authorized signs are placed, erected, or installed indicating that no right or left "u" turn is permitted, no driver of a vehicle shall disobey the directions of such 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 such indications.

3.4 Zone Markers

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

3.5 Traffic Control Signal Legend

Whenever traffic is controlled by traffic control signals, as described in Schedule 6, exhibiting the differently colored lights, successively one at a time, the following colors only shall be used, and said terms and lights shall indicate as follows:

3.5.1 Green Alone or "GO"

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

3.5.1.2 Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

3.5.2 Yellow Alone or "Caution"

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

3.5.2.2 Pedestrians facing such 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.

3.5.3 Red alone or "stop"

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

3.5.3.2 No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

3.6 Speed Limit Signs

All state maintained roads within the city limits are marked with the required speed limits authorized by the N.C. Department of Transportation and all other Town streets are set at 35 m.h.p.; unless such streets are specifically marked for a different limit, and signs are erected at all entrances coming into the Town of Glen Alpine noticing such speed limits except for those streets or portions of streets specifically marked by signs setting a different speed limit. A current list of the streets within the Town and the speed limits assigned for them is attached hereto and incorporated herein as Schedule 2.

Section 4 STOPPING, STANDING AND PARKING

4.1 Applicability and Enforcement of Section

4.1.1 The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times, with no signs being required on any sidewalk, public street, roadway or shoulder of any street or roadway where the maintained section of the shoulder or side ditches are or could cause damages or erosion. Signs shall be required in no parking zones, handicap zones, unless such parking or standing is done for the purpose of unloading supplies or goods at general businesses, mail carriers, emergency vehicles, law enforcement vehicles, or vehicles complying with traffic control signals, devices, or at the direction of a police officer or emergency personnel; and or you possess a valid handicap sticker for a handicap parking zone. In no case will any vehicle remain backed up to the curb, except for when unloading or loading goods or supplies. Where parking is marked with lines for parking, indicating each individual parking space the vehicles parked must be between the two lines designated for that particular parking space. No vehicle shall be parked along side any roadway which by standing, stopping or parking would obstruct traffic or cause an obstruction in observations of moving traffic to which vehicles can pull out into on coming traffic in a safe manner. No vehicle shall park within thirty feet (30) of any traffic control signal or device. Shall park within thirty feet (30) of any intersection. Shall not park within fifteen (15) of any private drive; nor park within fifteen feet of any fire hydrant.

4.1.2 Enforcement on state maintained roadways. For the purpose of enforcement within this section, parking restrictions and/or prohibitions established by the NC 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 4.1.1 of this section.

Applicable North Carolina General Statutes G.S. 14-4(b), 20-162.1, 20-37.6, 20-79.4

4.2 Removal of vehicles left Standing or Park on Public Streets

4.2.1. Any vehicle left illegally parked or standing in, or on any sidewalk, street or roadway may be removed by towing or other reasonable method which may be deemed appropriate under the circumstances by any authorized law enforcement officer, and such removal will be at the vehicle owners expense.

4.2.2 Any vehicle left parked or standing on any area of off street parking deemed as a "no-parking" zone shall also be removed by towing or other methods deemed appropriate under the circumstances by any authorized law enforcement officer; and such expense removal will be at the vehicle owners expense.

4.3 Violations ; Penalties

4.3.1 It shall be the duty of any law enforcement officer for the Town to attach to any vehicle violating the provisions of this section a parking citation and notice of a civil penalty to the owner/operator thereof; where such vehicle has been parked or left standing in violation of this section. Each owner/operator shall, within ten (10) calendar working days, pay the fine thereby assessed to the Town of Glen Alpine as a fee for and full satisfaction of the violation. Such fine be in the amounts as may be established by the Town of Glen Alpine Board of Aldermen from time to time.

4.3.2 Any violation of any provisions of section 4 is also punishable as a infraction as provided in G.S. 14-4, unless there is charged a violation is charged of state law, in which state law shall have control. A violation of the Town Ordinance is a civil infraction as set in section 4.

If the violator fails to pay such fee for violating this section, the fee may be raised or increased after the (10) day period to a sum of fifty dollars (\$50.00). If such fee is not paid within an additional (10) days the Chief of police or his agents will cause the issuance of a citation or criminal summons against the owner/operator for failure to pay duly authorized parking penalties under NCGS 20-4-(b).

4.4 Penalty Cost/Fines-Civil Penalties

4.4.1 Parking in violation of any part of this section other than as noted in section 4.1.2 \$25.00 first (10) days \$75.00 after (10) days but less than (20) days.

4.4.2 Parking in handicap parking space in violation of section 4.1.1.....
\$50.00 first (10) days—\$100.00 after (10) days but less than (20) days.

4.4.3 Each day's continuing violation shall be a separate and distinct offence.

4.4.4 Obedience to this article is chargeable to the person actually operating the vehicle or in control of the vehicle at the time of the violation, providing that proof of ownership of any vehicle found parked or unattended in violation of this section shall be prima facie evidence that such owner parked such vehicle. In accordance with G.S. 20-162.1, 20-163,

Section 5 OPERATION OF VEHICLES

5.1 Stop Before Entering Certain Street Intersections

When stop signs are erected, placed, or installed at any intersection , as described in Schedule 1, the driver of a vehicle approaching such intersection and facing such stop sign shall stop in obedience to such sign before entering such intersection and shall not proceed into nor cross any through street until he has first determined that no conflict with traffic will be involved. G.S. 20-158 (b) (1), 20-158 (b) (2)

5.2 Yield Before Entering Certain Street Intersections

When yield signs are erected, placed or installed at any intersection, as described in Section 3, no driver shall proceed until such movement can be done in safety and not have any conflict with other traffic. G.S. 20-158.1

5.3 One Way Streets

Upon those street , or parts of streets described in Schedule 4, 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. G.S. 20-165.1

5.4 Stop When Traffic Obstructed

No driver shall enter a intersection unless there are sufficient space within or on the other side of the intersection to accommodate the vehicle the driver is operating so that the passage of other vehicles will not be obstructed.

5.5 Driving Through Funeral Procession

No vehicle shall be driven through a funeral procession except for fire department vehicles, law enforcement vehicles and ambulances or other emergency vehicles while responding to emergency calls, as may be authorized by law.

5.6 Driving on Sidewalks

The driver of a vehicle shall not drive within any sidewalk area, except at a permanent or temporary driveway.. G.S. 20-160(b)

5.7 Driving Over Fire Hoses

No vehicle shall at any time drive over a fire hose, unless being told to do so by a fire department official or other emergency management official or representative.

5.8 Heavy Equipment Restricted

Bulldozers and other heavy equipment is prohibited on the streets of the Town of Glen Alpine when such streets would be damaged by such use, unless specifically directed by law enforcement or fire department authorities.

5.9 Truck Routes

It shall be unlawful for any person to operate a truck with three axles or more on certain streets listed in Schedule 5 of this ordinance.

5.10 Mini Bikes/ATV/Go Carts in Parks Public Areas.

The riding of off road vehicles such as mini bikes, all terrain vehicles and go carts is prohibited in and on any Town property, and is further prohibited on any public streets of the Town of Glen Alpine.

5.11 Speed Limits

A vehicle may not be operated on any street in the Town at a rate not to exceed 35 m.p.h., unless such street or part hereof is duly posted so that a different rate prevails, in which case such vehicle may not be operated in excess of the duly posted lower rate. Provided that under no circumstances shall any person operate a vehicle at a speed that is greater than is reasonable and prudent under existing circumstances. Streets and parts of streets with speed limits set at less than 35 m.p.h. are designated in Schedule 2 attached hereto and incorporated herein.

5.12 Improper equipment

All motor vehicles being operated on the public streets or public highways within the Town limits must have all operative safety equipment; headlights, tail lights, brake lights and safe tires with no cuts, cracks or worn as to expose tire cord and not less than two thirty-seconds inch tread depth.

5.13 Penalties for section 5

5.13.1 Speeding.....\$50.00 (ORD# 4-95-29)

5.13.2 All other violations of this section 5 (\$25.00 civil penalty)

All fines established under section 5 shall be paid within three (3) working days after assessment. If not paid within three (3) days, then an additional fine of \$10.00 per day shall be added to the penalty provided herein, up to a maximum additional fine of \$150.00, so that the maximum fine for speeding shall be \$200.00 and the maximum fine for all other violations of this section shall be \$175.00.

Section 6 Bicycles

6.1 Definition

A bicycle is a "vehicle" and its operator is a driver within the meaning of this Ordinance..

6.2 Prohibited on Sidewalks

It shall be unlawful to operate a bicycle on any sidewalk in the business district of the Town.

6.3 Careless operation of bicycle

It shall be unlawful to operate a bicycle:

- a. without having hands on handlebars.
- b. carrying passengers on a bicycle not designed and equipped to carry more than one passenger.
- c. performing stunts or tricks that would likely cause the loss of control of said bicycle causing injury to person or property.

6.4 Observance to Traffic Signals

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

6.5 Entering Arterial Highways or Streets

All persons operating a bicycle shall have such bicycles under complete control before entering any arterial highway or street.

6.6 Lights and Reflectors Required After Dark

It shall be unlawful to operate a bicycle on any street, road, or sidewalk after dark without having attached to and in working order a red reflector on the rear and a light on the front of said bicycle that can be seen in both directions.

6.7 Violation/civil penalties

All persons violating any provisions of this section is a infraction and or a civil penalty of \$25.00 and shall be paid to the Glen Alpine Town Hall within ten (10) calendar days, if not paid an additional twenty five \$25.00 fee will be incurred and must be paid within an additional ten (10) days, and if not paid a citation, warrant, or criminal summons will be issued against the violator.

Section 7 Miscellaneous Driving Rules

7.1 Riding on vehicles not Intended for Passengers

No person shall ride on any portion of a vehicle that is not designed to carry passengers.
(\$25.00 civil penalty)

7.2 Number of Passengers in Front Seat

It shall be unlawful for any driver to allow more than (3) persons including himself to ride in the front seat of a vehicle. (\$25.00 civil penalty)

7.3 Passengers to Remain Inside Vehicle

No person shall allow any part of their body to protrude beyond the limits of the vehicle, which would be considered abnormal in which he is riding in, except to give such signal for turning or stopping. A persons arm alone is not a violation of this section. (\$25.00 civil penalty)

7.4 Clinging to Moving Vehicles

It shall be unlawful for any person operating a bicycle, coaster, sled, roller skates, or any other toy to attach him/herself to a moving vehicle. (\$25.00 civil penalty)

7.5 Driving Overloaded or Overcrowded Vehicle

No person shall operate any vehicle upon a street or roadway so crowded with either people or property that the driver's view is obstructed from, streets, intersections, pedestrians, or restrict otherwise the proper operation of a vehicle. (\$25.00 civil penalty)

7.6 Violation ; Penalties

Any violation of this section is a civil violation and a \$25.00 civil penalty. The payment must be paid within ten (10) calendar days or an additional \$25.00 will be added to the original \$25.00 up to twenty (20) days.

Section 8 Pedestrians

8.1 When Pedestrians Shall Yield

Every pedestrian crossing a roadway at any place other than within a marked crosswalk or within a unmarked crosswalk at an intersection shall yield the right a way to all vehicles upon the roadway.

8.2 Pedestrians Walking Along Roadways

Where sidewalks are provided it shall be unlawful for any person to walk along and upon an adjacent roadway.

8.3 Pedestrians Soliciting Rides or Business

No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

8.4 Violation; penalty

Any violation of the section 8 shall be an infraction and or a civil penalty of \$15.00 will be imposed and required to be paid within ten (10) calendar days; and if not so paid, then an additional civil penalty of \$15.00 will be added to the fine, and if such additional penalty is not paid within an additional period of ten (10) calendar days, then a citation, warrant or criminal summons shall be issued against the violator.

10. Separate Offences; Punishment for Misdemeanors

Each days continuing violation of any portion or provision of this ordinance shall be separate and a distinct offence and charged separately. **All misdemeanor violations of this ordinance's fines, cost or imprisoned will be at the discretion of the courts.**

NCGS 14-4, 14-4 (B), 20-163, 20-4.01.(18), 160A-300, 160A-301, 160A-175, 20-141, 20-162.1, 20-37.6, 20-79.4, 20-158(B)(2), 20-158(B)(1), 20-158.1, 20-165.1, 20-174.1, 20-160(B), 20-161, 20-169, 20-121, 20-138, 160A-174

SCHEDULE 1

STOP SIGNS

CANNONBALL	AT LAIL ROAD	T- INTERSECTION
JAMISON DRIVE	AT LAIL ROAD	T- INTERSECTION
JAMISON DRIVE	AT HELTON DRIVE	4-WAY STOP
NORTH LAIL ROAD	AT LAIL ROAD	T-INTERSECTION
SOUTH LAIL ROAD	AT LAIL ROAD	T-INTERSECTION
ORDERS DRIVE	AT POLLARD AVE.	Y- INTERSECTION
POLLARD AVENUE	AT LAIL ROAD	T-INTERSECTION
MALONEY AVENUE	AT POWERHOUSE RD	T-INTERSECTION
LAIL ROAD	AT LINVILLE STREET	T-INTERSECTION
GREER AVENUE	AT LINVILLE STREET	T-INTERSECTION
DALE STREET	AT LINVILLE STREET	T-INTERSECTION
CEMETERY STREET	AT GREER AVENUE	T-INTERSECTION
CEMETERY STREET	AT LINVILLE STREET	T-INTERSECTION
ED MULL STREET	AT BRIGHT STREET	T-INTERSECTION
REEP STREET	AT BRIGHT STREET	T-INTERSECTION
PARKER STREET	AT REEP STREET	T-INTERSECTION
PARKER STREET	AT PEA RIDGE ST.	T-INTERSECTION
BRIGHT STREET	AT PEA RIDGE ST.	T-INTERSECTION
PEA RIDGE STREET	AT LINVILLE ST.	T-INTERSECTION
ED BOWMAN ST.	AT WEST MAIN ST.	T-INTERSECTION

SCHEDULE 1 (CONTINUED)

LINVILLE STREET	AT BRIDGE STREET	4-WAY
TURKEYTAIL LN.	AT LINVILLE ST.	4-WAY
BRIDGE STREET	AT LINVILLE ST.	4-WAY
PAYNE STREET	AT LINVILLE ST.	T-INTERSECTION
BUTLER STREET	AT LINVILLE ST.	T-INTERSECTION
BRIDGE STREET	AT CHURCH ST.	T-INTERSECTION
CUTHERBERSON ST.	AT CHURCH ST.	T-INTERSECTION
CUTHERBERSON ST.	AT WEST MAIN ST.	T-INTERSECTION
GILES STREET	AT CHURCH STREET	T-INTERSECTION
GILES STREET	AT WEST MAIN ST.	T-INTERSECTION
LONDON STREET	AT EAST MAIN ST.	T-INTERSECTION
CATAWBA STREET	AT EAST MAIN ST.	T-INTERSECTION
LINVILLE ST.	AT CATAWBA ST.	4-WAY
NORTH PARK DR.	AT CATAWBA ST.	T-INTERSECTION
GREEN COURT	AT NORTH PARK	T-INTERSECTION
CATAWBA STREET	AT WATERMILL	T-INTERSECTION
OLD RIVER DRIVE	AT WATERMILL	T-INTERSECTION
S. RIVER GLEN	AT OLD RIVER DR.	T-INTERSECTION
N. RIVER GLEN	AT OLD RIVER DR.	T-INTERSECTION
DOE RUN	AT S. RIVER GLEN	T-INTERSECTION

SCHEDULE 1 (CONTINUED)

SOUTH RIVER GLEN	AT DOE RUN	T-INTERSECTION
FOREST GLEN WAY	AT DOE RUN	T-INTERSECTION
RAPIDS RUN	AT FOREST GLEN WA	T-INTERSECTION
OLD LUMBER YARD	AT RIVER BREEZE	T-INTERSECTION
OLD LUMBER YARD	AT PITTS STREET	T-INTERSECTION
DAVIS STREET	AT CATAWBA ST.	T-INTERSECTION
DAVIS STREET	AT PITTS STREET	T-INTERSECTION
CHURCH STREET	AT LONDON ST.	T-INTERSECTION
SCOTT STREET	AT LONDON ST.	4-WAY
JUG WILSON ST.	AT LONDON ST.	4-WAY
CAUSBY ROAD	AT LONDON ST.	Y-INTERSECTION
MESSER AVENUE	AT CAUSBY RD.	T-INTERSECTION
GIBBS STREET	AT JUG WILSON	T-INTERSECTION
GIBBS STREET	AT ALLEN STREET	T-INTERSECTION
ALLEN STREET	AT JUG WILSON	4-WAY (BOTH SIDES)
ALLEN STREET	AT EAST MAIN	T-INTERSECTION
JUG WILSON	AT EAST MAIN ST.	T-INTERSECTION
TATE STREET	AT JUG WILSON	T-INTERSECTION
TATE STREET	AT EAST MAIN ST.	T-INTERSECTION
NORTH MEADOWS	AT EAST MAIN ST.	T-INTERSECTION

SCHEDULE 1 (CONTINUED)

[illegible]

SCHEDULE 2

SPEED LIMITS

TURKEYTAIL LN.	35 M.P.H. ZONE	
LINVILLE STREET	35 M.P.H. ZONE	BRIDGE TO LAIL RD
POWERHOUSE ROAD	35 M.P.H. ZONE	
LAIL ROAD	35 M.P.H. ZONE	
EAST MAIN STREET	35 M.P.H. ZONE	
WEST MAIN STREET	35 M.P.H. ZONE	
BRIDGE STREET	35 M.P.H. ZONE	
LONDON STREET	35 M.P.H. ZONE	
CAUSBY ROAD	35 M.P.H. ZONE	
PITTS STREET	35 M.P.H. ZONE	
CANNONBALL ST.	25 M.P.H. ZONE	
HELTON DRIVE	25 M.P.H. ZONE	
JAMISON DRIVE	25 M.P.H. ZONE	
N. LAIL ROAD	25 M.P.H. ZONE	
S. LAIL ROAD	25 M.P.H. ZONE	
POLLARD AVENUE	25 M.P.H. ZONE	
ORDERS DRIVE	25 M.P.H. ZONE	
CEMETERY STREET	25 M.P.H. ZONE	
GREER AVENUE	25 M.P.H. ZONE	
MALONEY AVENUE	25 M.P.H. ZONE	

SCHEDULE 2 (CONTINUED)

ABERNATHY ST.	25 M.P.H. ZONE	
ED MULL STREET	25 M.P.H. ZONE	
LEONARD STREET	25 M.P.H. ZONE	
BRIGHT STREET	25 M.P.H. ZONE	
PARKER STREET	25 M.P.H. ZONE	
MESSER AVENUE	25 M.P.H. ZONE	
ALLEN STREET	25 M.P.H. ZONE	
N. PARK DRIVE	25 M.P.H. ZONE	
GREEN COURT	25 M.P.H. ZONE	
DAVIS STREET	25 M.P.H. ZONE	
TATE STREET	25 M.P.H. ZONE	
GIBBS STREET	25 M.P.H. ZONE	
SCOTT STREET	25 M.P.H. ZONE	
DALE STREET	25 M.P.H. ZONE	
GILES STREET	25 M.P.H. ZONE	
CUTHBERSON ST.	25 M.P.H. ZONE	
BUTLER STREET	25 M.P.H. ZONE	
PAYNE STREET	25 M.P.H. ZONE	
JOHNSON STREET	25 M.P.H. ZONE	
PEA RIDGE STREET	25 M.P.H. ZONE	

SCHEDULE 2 (CONTINUED)

ED BOWMAN ST.	25 M.P.H. ZONE	
HENNESSEE ST.	25 M.P.H. ZONE	
CHURCH STREET	25 M.P.H. ZONE	
JUG WILSON ST.	25 M.P.H. ZONE	
N. MEADOWS DR.	25 M.P.H. ZONE	
MILL STREET	25 M.P.H. ZONE	
OLD LUMBERYARD	25 M.P.H. ZONE	
RIVER BREEZE DR.	25 M.P.H. ZONE	
CATAWBA STREET	20 M.P.H. ZONE	
OLD RIVER DR.	15 M.P.H. ZONE	
S. RIVER GLEN DR.	15 M.P.H. ZONE	
N. RIVER GLEN DR.	15 M.P.H. ZONE	
DOE RUN	15 M.P.H. ZONE	
FOREST GLEN WAY	15 M.P.H. ZONE	
RAPIDS RUN	15 M.P.H. ZONE	
WATERMILL ROAD	55 M.P.H. ZONE	TURKEYTAIL TO COBB HOLLOW LN.
LINVILLE STREET	20 M.P.H. ZONE	BRIDGE ST. TO CATAWBA ST.

SCHEDULE 3

YIELD SIGNS

PARK PL.	AT HENNESSEE ST	

SCHEDULE 4

ONE-WAY- STREETS

MILL STREET		
DAVIS STREET	CATAWBA STREET	TO (AT&T BUILD.)
HENNESSEE STREET	BALLFIELD AROUND	LOOP TO HENNESSEE

SCHEDULE 5

TRUCK ROUTES

[illegible]

SCHEDULE 6

TRAFFIC LIGHTS

[illegible]

AN ORDINANCE OF THE TOWN OF GLEN ALPINE ADDING A NEW CHAPTER (TO BE ENTITLED "PUBLIC NUISANCES") TO "THE CODE OF THE TOWN OF GLEN ALPINE, NORTH CAROLINA"

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF GLEN ALPINE, as follows:

SECTION 1: That a new ordinance (to be entitled "Public Nuisances") is added to "The Code of The Town of Glen Alpine, North Carolina, to read as follows:

PUBLIC NUISANCES

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Sec.1. Findings and purpose

(a) The Town Council of the Town of Glen Alpine does hereby find that it is necessary to provide for the abatement of conditions which are offensive or annoying to the senses, detrimental to property values and community appearance, and obstruction to or interference with the comfortable enjoyment of adjacent property or premises, or hazardous or injurious to the health, safety or welfare of the general public in such ways to constitute a public nuisance; and, to provide standards to safeguard life, health and public welfare in keeping with the character of the Town by allowing for the maintenance of property or premises for each of the following purposes:

- (1) To safeguard the health, safety and welfare of the people by maintaining property or premises in good and appropriate condition;
- (2) To promote a sound and attractive community appearance; and,
- (3) To enhance the economic value of the community, and each are in it, through the regulation of the maintenance of property or premises.

(b) Accordingly, the Town Council finds and declares that the purpose of this ordinance is to:

- (1) Reduce the threat to health, safety, welfare, appearance and economic value due to the decline in property condition(s) by lawfully delineating the circumstances under which such condition(s) may be considered illegal and/or abated; and, further finds that,
- (2) Abatement of such condition(s) is in the best interest of the health, safety and welfare of the residents of the Town because maximum use and enjoyment of property or premises I proximity to one another depends upon maintenance of those properties or premises at or above the minimum standard.

Sec. 2. Definitions.

For the purpose of this ordinance, the following words and phrases are defined as follows:

- (a) **Abandoned**, in addition to those definitions provided by state codes, local ordinances and case law, the term "abandoned" means and refers to any item which has ceased to be used for its designed and intended purpose. The following factors, among others, will be considered in determining whether or not an item has been abandoned:
- (1) Present operability and functional utility;
 - (2) The date of last effective use;
 - (3) The condition of disrepair or damage;
 - (4) The last time an effort was made to repair or rehabilitate the item;
 - (5) The status of registration or licensing of the item;
 - (6) The age and degree of obsolescence;
 - (7) The cost of rehabilitation or repair of the item versus its market value; and,
 - (8) The nature of the area and location of the item.
- (b) **Abate** means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the Enforcement Officer in his/her judgment shall determine is necessary in the interest of the general health, safety and welfare of the community.
- (c) **Attractive Nuisance** means any condition, instrument or machine which is unsafe, unprotected and may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavation; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or, any lumber, trash, fences, debris or vegetation which may prove hazardous or dangerous to inquisitive minors.
- (d) **Dismantled** means that from which essential equipment, parts or contents have been removed or stripped and the outward appearance verifies the removal.
- (e) **Enforcement Officer** means that Town officer or employee as may be designated in writing by the Town Manager to enforce property or premises maintenance, zoning and other Town Code violations, as authorized by general statutes of North Carolina.
- (f) **Inoperative** means incapable of functioning or producing activity for mechanical or other reasons.

- (g) **Lienholder** means any person, as defined in this ordinance who has a recorded interest in real property, including mortgagee, beneficiary under a deed of trust, or holder of other recorded liens or claims of interest in real property.
- (h) **Nuisance** means any public nuisance known at common law or in equity jurisprudence.
- (i) **Owner** means the registered owner of a vehicle, the person(s) to whom property tax is assessed on real or personal property, as shown on the last equalized assessment roll of the County, renter(s), lessor(s) and other occupants residing permanently or temporarily on property.
- (j) **Person** means individual, partnership, joint venture, corporation, association, social club, fraternal organization, trust, estate, receiver, or any other entity.
- (k) **Premises** means any building, lot, parcel, real estate, or land or portion of land whether improved or unimproved, occupied, or unoccupied, including adjacent streets, sidewalks, parkways and parking strips.
- (l) **Property** means any real property including but not limited to land, lot, or parcel of land, or any hereditament held by any owner, and shall include any alley, sidewalk, parkway or unimproved public easement abutting such real property, lot or parcel of land.
- (m) **Structure** means anything constructed, built or planted upon, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which structure requires location on the ground or is attached to something having a location on the ground, including fences, gates, garages, carports, swimming and wading pools, patios, outdoor areas, paved areas, walks, tennis courts and similar recreation areas.
- (n) **Wrecked** means that which has outward manifestation or appearance of damage to parts and contents which are essential to operation.

Sec. 3. Property maintenance – public nuisances

It is hereby declared to be a public nuisance for any owner or other person in control of said property or premises to keep or maintain property, premises or rights-of-way in such a manner that any of the following conditions are found to exist:

- (a) Abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, equipment or appliances such as, but not limited to vehicles, boats, water heaters, refrigerators, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, cans or containers standing or stored on property or on sidewalks or streets which can be viewed from a public street or walkway, alley or

other public property which items are readily accessible from such places, or which are stored on private property in violation of any other law or ordinance;

- (b) Discarded putrescibles, garbage, rubbish, refuse, or recyclable items which have not been recycled within thirty (30) days of being deposited on the property which are determined by an Enforcement Officer to constitute a fire hazard or to be detrimental to human life, health or safety;
- (c) Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides or waste (solid, liquid, or gaseous) which is determined by an Enforcement Officer to constitute a fire or environmental hazard, or to be detrimental to human life, health or safety;
- (d) Lumber (excluding lumber for a construction project on the property with a valid permit), salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of seventy-two (72) hours and visible from a public street, walkway, alley or other public property;
- (e) Receptacles for discarded materials and recyclables which are left in the front yard following the day of the regularly scheduled refuse pick-up for the property;
- (f) Swimming pool, pond, spa, other body of water, or excavation which is abandoned, unattended, unsanitary, empty, which is not securely fenced, or which is determined by the Enforcement Officer to be detrimental to life, health or safety;
- (g) Any premises which detrimentally impacts the surrounding neighborhood because of dilapidation, deterioration or decay or is unsafe for the purpose for which it is being used or is not secured or is improperly secured; and,
- (h) Any condition on a property which meets the requirements of subparagraph (1) and (2), below:
 - (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; and,
 - (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Sec.4. Responsibility for property maintenance

The owner, occupant, lessee or tenant of any property within the Town shall be responsible for the maintenance of property and premises in a manner consistent with the provisions of this Chapter and the Code of the Town of Glen Alpine.

Sec.5. Authority of enforcement officer.

Enforcement of this Chapter may be accomplished by the Enforcement Officer in any manner authorized by the Chapter or by any other law, including but not limited to issuance of criminal citations, civil actions and abatement.

Sec.6. Abatement of public nuisances.

- (a) Non-exclusive authority to abate. The Town may choose to abate any public nuisance or violation of the Town Code through any of the abatement methods set forth in the Town Code or in other local, state or federal law, and nothing contained in this Chapter shall be construed as limiting, prejudicing or adversely affecting the Town's ability to concurrently or consecutively use any of those proceedings as the Town may deem are applicable. Proceeding under this Section will not preclude the Town from proceeding under Sections of this Chapter. Whenever as Enforcement Officer determines that any condition exists in violation of the provisions of this Chapter, he/she may take enforcement action pursuant to this Section.
- (b) Right of entry. The Enforcement Officer may enter any property or premises at all times to perform any duty imposed upon him/her by this Chapter whenever the Enforcement Officer has cause to believe a violation of provisions of this Chapter is occurring, provided that:
 - (1) The Enforcement Officer shall present credentials, state the reason for entry and request from the owner or occupant.
 - (i) If entry is denied, he/she may seek a court ordered inspection warrant if cause exists pursuant to the General Statutes of North Carolina.
 - (ii) If entry is denied, the Enforcement Officer shall have recourse to every remedy provided by law to secure entry.
 - (2) The Enforcement Officer shall make a reasonable effort to locate the owner of unoccupied property or premises, inform the owner of the reasons for entry and request entry.
 - (3) The Enforcement Officer shall not enter any property or premises in the absence of permission to enter, unless an inspection warrant has been issued by a court of competent jurisdiction.

Sec. 7. No duty to enforce

Nothing in this Chapter shall be construed as requiring the Town to enforce the prohibition in this Chapter against all or any properties which may violate the Ordinance. In the Town's prosecutorial discretion, and as the Town's resources permit, this Ordinance may be enforced only as to a limited number of problem properties per year. Nothing in this Section or the absence of any similar provisions from any other Town law

shall be construed to impose a duty upon the Town to enforce such other provision of law.

Sec. 8. Criminal or civil penalty for violation

Pursuant to the Town's prosecutorial discretion, the Town may enforce violations of the provisions of the Chapter as criminal, civil or abatement actions.

- (a) Infraction/misdemeanor. Any person who violates any of the provisions of this Chapter shall be guilty of an infraction an/or misdemeanor. Each and every day, and any part thereof, during which any such violation is committed, continued, or allowed shall be separate offense.
- (b) Prosecution. Every violation of this Chapter shall be a misdemeanor; provided, however, that where the Town Attorney has determined that such action would be in the best interest of justice, the Town Attorney may specify in the accusatory pleading or citation, that the violation shall be prosecuted as an infraction.
- (c) Penalty for infraction. Each and every violation of this Chapter which is deemed an infraction is punishable by:
 - (1) A fine not exceeding \$25.00 for the first violation;
 - (2) A fine not exceeding \$100.00 for the second violation of the same or similar provision within one year period; or,
 - (3) A fine not exceeding \$100.00 for each additional violation, after the second of the same or similar provision.
- (d) Civil penalties. Any person who intentionally, accidentally, or negligently violates any provision of this Chapter may be liable to the Town in the sum of not less than \$25.00 but not to exceed \$100.00 per day for each day in which such violation occurs or continues. The Town may petition the municipal or superior court to impose, assess and recover such sums. The civil penalty provided in this Section excludes inspection costs and cleanup or abatement costs; is cumulative and not exclusive; and, shall be in addition to all other remedies available to the Town under state law and local ordinances.

Sec.9. Emergency cleanup or abatement.

In order to enforce the provisions of this Chapter, when the Town council or his/her duly authorized agents and representatives find and determine that the severity of the violation warrants immediate action, he/she may clean up or abate violation thereof. The cost of such cleanup or abatement may be recovered by the Town in a civil action. Such emergency cleanup or abatement will not relieve the person of further action which may be taken by the Town council or his/her duly authorized agents and representatives, including but not limited to, liability for any violation of this Chapter or any other applicable provisions of state law and local ordinances.

Sec.10 Costs of enforcement

In any civil, criminal or administrative appeal, hearing or action commenced by the Town under this Chapter, the Town shall be entitled to recover from the defendant of such action reasonable attorney's fees, costs of suit, any other costs of enforcement, including but not limited to, inspection costs and cleanup or abatement costs.

Sec. 11 Non-emergency abatement by the Town

Following determination by the Town council that a nuisance shall be abated by the Town, the notices required by the North Carolina General Statutes, shall be given and a hearing shall be conducted as provided therein. Following abatement, the costs of abatement include those authorized by this Chapter shall be confirmed by the Town Council as provided in the General statutes of North Carolina and thereafter placed as a lien on the subject property. The proceeding provided by the General Statutes of North Carolina not exclusive. The Town may abate by all other legal means available to it.

Sec. 12 Conclusive notice

Mailing of notice of any hearing or order under this Chapter to the owners of the real property concerned as the owners' names and addresses are shown on the last equalized roll upon which Town taxes are collected shall be conclusively deemed to be the proper persons and addresses for mailing the resolution, and the failure of any or all of the addresses to receive the notice shall not invalidate any of the proceedings. Further, the posting of notice of a hearing or order pursuant to this Chapter shall be conclusively deemed to be adequate notice to any and all occupants, users or possessor to see, read understand or otherwise receive the notice shall not invalidate any of the proceedings.

SECTION 2: Severability.

If any person, clause, sentence, paragraph, or phase of this Ordinance or the application thereof to any person or circumstances is held, for any reason by a court of competent jurisdiction, to be invalid or unconstitutional, such decision shall not affect the validity of other provisions or applications of the provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable. The Town Council of the Town of Glen Alpine declares that it would have passed this Ordinance, and every section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases were to be held invalid or unconstitutional by such court.

SECTION 3: Savings clause.

The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before

the effective date of this Ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this Ordinance.

SECTION 4: Effective date.

This Ordinance shall be in effect thirty (30) days after its final adoption and before its final adoption it shall be published in accordance with the requirements of the Charter of the Town of Glen Alpine.

THIS ORDINANCE WAS DULY ADOPTED BY ACTION OF THE BOARD OF ALDERMEN OF THE TOWN COUNCIL OF THE TOWN OF GLEN ALPINE, THIS THE 4th DAY OF JUNE, 2002.

K. Wayne Pollard, Mayor

ATTEST:

Eva Moses, Town Clerk

Town of Glen Alpine

Maintaining Disorderly Houses with Conditions Detrimental to the Health, Safety and Welfare of the Citizens of the Town of Glen Alpine

Ordinance # 10-02-02

Definition:

A disorderly house is a place where individuals reside or which they frequent for purposes that pose a threat to public health, morals, convenience, or safety and that may create a public nuisance. A disorderly house is an all-inclusive term that may be used to describe such places, where unlawful practices are habitually carried on by the resident or their guests.

Articles:

1. It shall be unlawful to keep, maintain or allow a structure to be used in such a manner as to cause a nuisance to the neighborhood where the structure is located, or to those who may be passing by. Specifically, it shall be unlawful:
 - a. For any structure to be kept in such a way as to disturb or scandalize the general public, the inhabitants of the particular neighborhood where located, or a passerby.
 - b. To present, exhibit, allow or permit any conduct which amounts to a disturbance of public order or tranquility.
 - c. To intentionally cause a public disturbance by engaging in fighting or other violent conduct, or conduct creating the threat of immediate fighting or other violence.

- d. To make or use any utterance, gesture, display or abusive language which is intended and likely to provoke violent retaliation, thereby causing a breach of the peace, and which can be heard within the neighborhood or the passerby.
 - e. To use profane or indecent language, causing a disturbance of public order and tranquility, or to engage in acts or conduct which creates tumult and incites others to breach the peace.
2. Conditions deemed to be detrimental to the health, safety and welfare to the citizens of the Town of Glen Alpine.
- a. It shall be unlawful to allow a dwelling, house, shed or other structure to be overgrown with noxious weeds, grasses or other non-edible vegetative matter (except cultivated flowers) that is excess of 8 inches in height or length. It is hereby determined and declared that such vegetation which could be dangerous or prejudicial to the public health, safety and welfare.
 - b. It shall be unlawful to have rubbish, garbage, junk, scrap metal or any other items piled up or stacked on ones property not in compliance with Ordinance # 68-2-3 of the Town of Glen Alpine, relating to the regulations of junk dealers and maintenance of junk yards. It is hereby determined and declared that such accumulation of rubbish, garbage, junk, scrap metal or other items would cause and permit the habitation of rodents, snakes or vermin of any kind and which could thereby be dangerous or prejudicial to the public Health, safety and welfare of the citizens of the Town of Glen Alpine.
 - c. It shall be unlawful for any property owner, lessee, manager, landlord or any other person with ownership of any property, to allow the property to be used in violation of any of the aforementioned provisions of this ordinance. Such person(s) shall be charged and treated as the direct offender , if such person knows or should have known that such property was being used or maintained, in any condition or in violation of any of the provisions of this ordinance.

3. Each and every day or days of continuing violation shall be a separate and distinct offence under this ordinance.

4. Penalties

- a. Any violation of any provision of this ordinance shall be a class 2 misdemeanor, as defined in the North Carolina General Statutes. Any violation of this ordinance shall also be subject to a civil penalty of \$100.00 for the first violation, \$250.00 for the second violation and \$500.00 for the third and any other violation thereafter, in accordance to the provisions of this ordinance. The Town of Glen Alpine will also have the authority to request from the General Court of Justice enforcement of this Ordinance by issuance of mandatory or prohibitory injunctions and orders of abatement, commanding any violator of this Ordinance to correct the unlawful condition or to cease the unlawful use of the property. Failure o make payment and to correct the violation within the 72 hours period will result in an additional fine of ten (10) dollar per day for a total of fifteen (15) days. The penalty and delinquent charges may be recovered by the Town in a civil action as provided by statute.

5. Authority and Enactment

The Board of Alderman of the Town of Glen Alpine, in pursuance of the authority granted by the General Statutes of North Carolina 160A-174 and 160A-175, hereby ordain and enact into law the above articles and provisions, adopted this _____ day of _____ 20_____ and shall be effective on the _____ day of _____, 2010.

Attest:

Town Clerk

Mayor

**AN ORDINANCE REGULATING THE ESTABLISHMENT AND OPERATION
OF POOL ROOMS AND BILLIARD PARLORS**

BE IT ORDAINED by the Board of Aldermen (sometimes called the Town Council) of the Town of Glen Alpine:

Section 1. Pool Rooms or Billiard Parlors Regulated.

It shall be unlawful for any person, association, firm, or corporation to establish and operation any pool room or billiard parlor in the Town of Glen Alpine, within a distance of One Hundred (100) yards of any church or other place or public worship.

Section 2. Unlawful for anyone under the Age of 18

It shall be unlawful for any person under the age of 18 years to enter into or loiter around any pool room or billiard parlor within the Town of Glen Alpine.

It shall be unlawful for any person, owning, or operating a pool room or billiard parlor to permit any person under the age of 18 years to loiter in or around said pool room or billiard parlor or to participate in any game of pool or billiards that might be in operation in said pool room or billiard parlor.

Section 3. Intoxicating Beverage Unlawful.

It shall be unlawful for any person, firm, corporation, or association to possess, to drink, or to have in any building housing a pool room or billiard parlor any intoxicating beverage of any sort, kind, or description.

Section 4. Civil Penalties.

- (a) Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to the imposition by citation of a Civil Penalty for each such violation in the amount of Fifty Dollars (\$50.00) which shall be paid in full within seventy-two (72) hours of the service of the citation in accordance with North Carolina General Statutes §160A-175.
- (b) Any person, firm, or corporation violating any of the provisions of this Ordinance shall further be subject to Glen Alpine enforcing the provisions of this Ordinance by applying to the court of competent jurisdiction in the General Court of Justice for equitable relief including, but not limited to mandatory or prohibitory injunctions and/or orders of abatement in accordance with North Carolina General Statutes §160A-175.
- (c) Each day of violation shall be considered a separate and distinct offense for the purpose of the enforcement of this Ordinance.

Ordinance #1-95-25—Pool Rooms and Billiard Parlors

- (d) Failure to make payment and to correct the violation within the seventy-two (72) hour period will result in an additional fine of Ten Dollars (\$10.00) per day for a total of fifteen (15) days. The penalty and delinquent charge may be recovered by the Town in a civil action.
- (e) The violator may be charged as provided in General Statutes §14-4.

Section 5. Other Laws.

This Ordinance is not intended to, nor shall it be construed to, supersede, replace, or interfere with any other Federal, State, or local laws, rules, or regulations concerning Pool Rooms and Billiard Parlors, and the enforcement thereof.

Section 6. Invalidation of Any Section.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason declared invalid or unconstitutional, as determined by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 7. Previous Ordinance, Effective Date.

This Ordinance shall replace that Ordinance of the Town of Glen Alpine concerning Pool Rooms and Billiard Parlors, as adopted on June 6, 1966, and shall take effect immediately upon the date of the adoption of this Ordinance.

Section 8. Authority and Enactment.

The Board of Aldermen of the Town of Glen Alpine, in pursuance of the authority granted by the General Statutes of North Carolina, §160-14, hereby ordain and enact into law the following articles and sections, this the _____ day of _____, 1995.

Wayne Pollard, Mayor

ATTEST:

Lois Dale, Town Clerk

Replaces Ordinance Number (s)	66-5-1 (June 6, 1966)
Motion by	2 nd .
Date of Adoption	

PUBLIC DISPLAY ORDINANCE

Purpose and Intent.

It is hereby found that the peace, security and welfare of residents of the Town of Glen Alpine has been or may be disturbed by the presence of an individual(s) acting in a disorderly, riotous, or turbulent manner within the Town. Therefore, pursuant to North Carolina General Statutes §160A-175 and §160A-184, the Board of Aldermen of the Town of Glen Alpine hereby enacts the following Ordinance for the purpose of promoting, safeguarding and maintaining the health, safety, and welfare of the citizens, and the peace and dignity of the Town.

BE IT ORDAINED by the Board of Aldermen (sometimes called the Town Council) of the Town of Glen Alpine:

Section 1. Drinking or Display of Beer and Wine in Public.

- (a) It shall be unlawful for any person to drink, consume, or possess beer or unfortified wine, as defined by North Carolina General Statutes §18A-2, or other alcoholic beverages, on any public street, public recreational areas, public parking lots, or other public places within the Town limits.
- (b) It shall be unlawful for any person to sell or give to any minor under the age of twenty-one (21) years, or to allow, aid or abet any such minor to purchase any beer, wine, or other alcoholic beverages as defined by State law in the Town.

Section 2. Disturbing the Peace.

No person shall disturb the public peace by acting in a disorderly, riotous, or turbulent manner.

Section 3. Loitering and Disorderly Conduct on Public Property.

It shall be unlawful for any person or persons to congregate with others, loiter, stand around, lounge, sit upon parked vehicles, or gather on any Town owned or operated parking lot, upon any public street, sidewalk, recreation facility, or other public area for the purpose of or which results in the engaging in a loud or boisterous conduct, abusive, lewd, or obscene language or conduct, interfering with or impeding the flow of vehicular or pedestrian traffic, littering, consuming or using alcoholic beverages, harassing motorists or pedestrians, or otherwise disturbing the public peace or engaging in disorderly conduct.

Section 4. Civil Penalties.

- (a) Any person, firm, or corporation violating any of the provisions of this Ordinance shall be subject to the imposition by citation of a Civil Penalty for each such

Ordinance #3095-27—Public Display Ordinance

violation in the amount of Fifty Dollars (\$50.00) which shall be paid in full within seventy-two (72) hours of the service of the citation in accordance with North Carolina General Statutes §160A-175.

- (b) Any person, firm, or corporation violating any of the provisions of this Ordinance shall further be subject to Glen Alpine enforcing the provisions of this Ordinance by applying to a court of competent jurisdiction in the General Court of Justice for equitable relief including, but not limited to mandatory or prohibitory injunctions and/or orders of abatement in accordance with North Carolina General Statutes §160-175.
- (c) Each day of violation shall be considered a separate and distinct offense for the purpose of the enforcement of this Ordinance.
- (d) Failure to make payment and to correct the violation within the seventy-two (72) hour period will result in an additional fine of Ten Dollars (\$10.00) per day for a total of fifteen (15) days. The penalty and delinquent charge may be recovered by the Town in a civil action.
- (e) The violator may be charged s provided in General Statutes §14-4.

Section 7. Other Laws.

This Ordinance is not intended to, nor shall it be construed to, supersede, replace, or interfere with any other Federal, State, or local laws, rules, or regulations concerning Public Display, and the enforcement thereof.

Section 8. Invalidation of Any Section.

If any section, subsection, sentence, clause, or phrase, or portion of this Ordinance is for any reason declared invalid or unconstitutional, as determined by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 9. Previous Ordinance, Effective Date.

This Ordinance shall replace that Ordinance of the Town of Glen Alpine concerning Public Display, as adopted on April 5, 1984, and shall take effect immediately upon the date of the adoption of this Ordinance.

Section 10. Authority and Enactment.

The Board of Aldermen of the Town of Glen Alpine, in pursuance of the authority granted by the General Statutes of North Carolina, §160A-14, hereby ordain and enact into law the above articles and sections, this the _____ day of _____, 1995.

Ordinance #3-95-27—Public Display Ordinance

Wayne Pollard, Mayor

ATTEST:

Lois Dale, Town Clerk

Replaces Ordinance Number(s)	84-4-2 (April 5, 1984)
Motion by	
	2 nd :
Date of Adoption	
Effective	

**ORDINANCE OF THE TOWN OF
GLEN ALPINE, NORTH CAROLINA
REGULATING THE USE
OF
VIDEO POKER MACHINES AND SIMILAR DEVICES**

BE IT duly enacted, this 1 day of October, 2002, by the Board of Alderman of the Town of Glen Alpine, meeting in regular session, as follows:

SCOPE OF ORDINANCE

Section 1. This paragraph serves the purpose is for the purpose and intent of regulating the placement of video gaming machines, also known as video poker machines, and related gaming machines so that they may not be involved in illegal activities or contribute to the corruption of minors. This ordinance is in compliance with the General Statutes of North Carolina.

DEFINITIONS

Section 2.

- A. A "video gaming" machine is a video machine which requires any coin, token, or use of any credit card, debit card or any other method that requires payment to activate play of any of the games listed in paragraph B below. The inclusion of games listed in Paragraph B below does not authorize possession or operation of the game if it is otherwise prohibited by law. Types of video gaming machines include:
1. Slot Machines as defined in NCGS §14.306(a);
 2. Video Poker Game or any other video playing card game;
 3. Video Bingo Game;
 4. Video Craps Game;
 5. Video Keno Game;
 6. Video Lotto Game;
 7. Eight Liner;
 8. Pot-of- Gold; and
 9. Any video Game based on or involving the random or chance matching of different pictures, words, numbers or symbols, not dependent on the skill or dexterity of the player.
- B. "Legal Video Gaming Machine" is one which meets the following three requirements:
1. It must be a coin operated machine, video game, pinball machine or any other computer, electronic or mechanical device played for amusement, and one that involves the skill or dexterity to solve problems or tasks or to make varying scores or tallies;

2. It must limit to no more than eight of accumulated credits or replays that may be played at one time; and
 3. Machine may reward free replays or paper coupons that may be exchanged for prizes or merchandise as long as the value of the prizes does not exceed \$10.00 and as long as the free replays, paper coupons and prizes or merchandise may not be exchange or converted to money.
- C. Excluded from the "video gaming machines" and therefore not regulated by this ordinance, are those machines which meet the following two requirements:
1. Coin operated machines, video games, pinball machines and any other computer, electronic or mechanical devices which are operated and played for amusement, and involve the use of skill or dexterity to solve problems or tasks or to make varying scores or tallying; and
 2. That do not commit, issue or display print out, or otherwise record any receipt, paper, coupon, token or other form of record which are capable of being redeemed, exchanged or repurchased for cash, cash equivalent or prizes, or to award free replays.
- D. A "location" is defined as a permanent building having, or being within, a single exterior structure.
- E. To "warehouse" video gaming machines means to deposit, store or stock such machines in or as if in a warehouse.

RULES AND REGULATIONS

- A. It shall be unlawful to possess more than three video gaming machines at any one location. If there are more than three such machines at any one locations then all of the machines and not just those machines in excess of the first three, are unlawful, and the appropriate law enforcement officials shall seize all of the machines in that location as evidence of a crime.
- B. No location with video gaming machines can be located within 300 feet of any other location with video gaming machines, unless such video gaming machines were lawfully in operation at such two places within 300 feet of each other and under separate ownership prior to June 30, 2000.
- C. No video gaming machine may be located within 1000 feet of any church, place of worship, public or private school, daycare or childcare facility, or any park that is frequently used by children under the age of 18 years.

- D. No location with video gaming machines may be located within 300 feet of an residence.
- E. Video gaming machines may be operated only in permanent buildings. That is, no video gaming machines may be operated under any circumstances in any tents, trailer, motor vehicle, temporary structure, or other place that is not a permanent building, nor may such machines be operated outdoors.
- F. It shall be unlawful to warehouse any video gaming machines within the Town of Glen Alpine.
- G. Under no circumstances may more than 3 video gaming machines be kept in any one location while under or therefore the purpose of repair to such machines.
- H. Persons under the age of 18 years are not allowed to play any video gaming machines. If any operator, or owner of a location where video gaming machines are maintained knowingly allows any person under the age of 18 to play any video gaming machines then such person shall be liable for the penalties herein described.
- I. No video gaming machines may be operated between the hours of 12:01 a.m. Sunday morning and 7:00 a.m. Monday morning local time, and no gaming machines may be operated on any day between the hours of 12:01 a.m. and 7:00 a.m. local time.
- J. All video gaming machines available for operation shall be located in plain view of any person visiting the premises where such video gaming machines are located.
- K. It shall be unlawful to advertise the operation of any video gaming machine by using signs either on premises or off premises, and no signs shall be allowed inside the location which tells customers that video game machines are located on said premises or in a certain part of said premises.
- L. No video gaming machines may be located in any location which also contains pool or billiard tables, or any other video machines or which is regularly frequented by minors.
- M. No video gaming machines may be located in any location which is owned or operated by person or persons who have a record of prior convictions or violations of this ordinance or for any gaming or gambling activities forbidden by law or who have been convicted or pleaded built to any felony within the previous 10 years.
- N. All owners or operators of video gaming machines within the Town of Glen Alpine shall comply fully with all requirements of the North Carolina Video Gaming Machine Laws, and specifically General Statute §14-306 et.seq.

LICENCING

- A. FEES. There shall be an original application fee of \$300.00 for investigation and background check of any person wishing to obtain a license to operate or maintain a video gaming machine within the Town of Glen Alpine. In addition, there shall be a fee of \$200.00 per video gaming machine for which a license is sought up to the maximum permitted of 3 video gaming machines per location.

There shall be an annual fee of \$200.00 per year per machine payable to the Town for a license to operate video gaming machines. This will be in addition to any and all federal, state and county licenses and fees required.

- B. FAILURE TO OBTAIN LICENSE. Any person seeking to operate or maintain video gaming machines within the Town of Glen Alpine shall file an application with the Zoning Enforcement Officer and submit the non-refundable \$300.00 application fee as described above by cash or certified check. Within 60 days of such application being filed, the Zoning Enforcement Officer must either issue or deny the license requested.

If the license is denied, the Zoning Enforcement Officer will state the grounds for denial, which grounds may include, but are not limited to, that the proposed location of the machines does not conform with existing zoning regulations; that the location of the machines for which license is sought is in violation of the laws of the State of North Carolina; that the applicant has a prior criminal record or record of violation for this ordinance, and is thus forbidden by this ordinance to operate such machine.

- C. Any person wishing to obtain a license to operate a video gaming machine must be over the age of 21 years. The application for license must list all the employees of the applicant who will work at the location for which the application for license is submitted.
- D. At the time of issuance of any license hereunder, the applicant must pay the \$200.00 per machine annual license fee as described, above, either by cash or certified check.
- E. The form of application for video gaming machines shall be substantially in the form as set out herein and attached hereto.

PENALTIES

Any violation of this ordinance shall be a Class 1 Misdemeanor as defined in the North Carolina General Statutes. Any violation of this ordinance shall also be subject to the following penalties:

- A. For a first violation, a fine of \$200.00 for each video gaming machine operated and maintained in violation of this ordinance;

- B. For a second violation of this ordinance, a fine of \$400.00 for each video gaming machine being operated or maintained in violation of this ordinance; and
- C. For a third or subsequent violation, a fine of \$800.00 for each video gaming machine being operated or maintained in violation of this ordinance.
- D. Any video gaming machine which is operated or maintained in violation of this ordinance may be seized by the appropriate law enforcement officers and if appropriate may be destroyed pursuant to NCGS §14-298.
- E. Before any such machine is seized, the law enforcement officer shall serve a search warrant unless such warrant is not required to recognized exceptions of law. Before any video gaming machine which has been seized is destroyed pursuant to statute, then prior notice shall be given of a judicial hearing with the right to hear and be heard at such hearing.
- F. In pursuing the remedies of seizure and destruction of machines described herein, the town shall follow and comply with all the requirements of the laws of North Carolina in particular NCGS §14-298.

REGISTRATION OF VIDEO GAMING MACHINES

- A. The owner and operator of each video gaming machine shall register such machine with the Sheriff of Burke County, and provide certain information thereon all as required by statute.
- B. At the time of registration with the Sheriff as required by law, the owner and operator of each video gaming machine within the Town of Glen Alpine shall provide a copy of the registration form to the Zoning Enforcement Officer of the Town of Glen Alpine.

EFFECT AND ADOPTION

This ordinance shall take effect immediately upon adoption.

This ordinance is duly adopted by the Alderman of the Town of Glen Alpine, this 1 day of October 2002.

K Wayne Pollard, Mayor

Town Clerk