

Town of Ramseur, NC
Zoning Ordinance

rules, regulations or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

15.9 Separability

Should any article, section, subsection, paragraph, sentence, clause, phrase, or district boundary of this ordinance and/or the Zoning Map which is a part of this ordinance herein or hereafter adopted be decided by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of these regulations and the Zoning Map as a whole or any part thereof other than the part so decided to be unconstitutional or invalid. The Board of Town Commissioners hereby declares that it would have adopted this ordinance and Zoning Map, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses, phrases, or district boundaries be declared unconstitutional or invalid.

15.10 Penalty

A violation of this ordinance shall be turned over to the town attorney for prosecution.

- (A) If any person shall violate any provision of this Ordinance he shall be guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00) or imprisoned for not more than thirty (30) days, as provided by N.C.G.S. 14-4. Each calendar day during which a violation continues shall constitute a separate offense.
- (B) Pursuant to the provisions of N.C.G.S. 160A-175(c), any person violating any provision of this section of the Zoning Ordinance may be subject to a civil penalty. Each day's violation shall be treated as a separate offense.
- (C) Pursuant to the provisions of N.C.G.S. 160A-175(c), the Town may file a civil action to recover said penalty if the offender does not pay said penalty.
- (D) Pursuant to the provisions of N.C.G.S. 160A-175(d), the Town may also seek any appropriate equitable relief that it deems necessary to ensure the health, safety and welfare of the citizens or the natural resources of the Town, including but not limited to civil damages resulting from a violation of this section of the Zoning Ordinance.
- (E) Pursuant to the provisions of N.C.G.S. 160A-175(e), the Town may seek an injunction when, in the judgment of Town, the facility is creating an imminent hazard to the health, safety, and welfare of the public.

15.11 Moratoria

As provided in this subsection, the Town of Ramseur may adopt temporary moratoria on any Town development approval required by law. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions. Except in cases of an imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the Town Board

JAKE BRAKE ORDINANCE
Town of Ramseur, North Carolina

The purpose of this section is to prohibit the excessive, loud, unusual or explosive use of engine and compressed air-braking devices within the town limits.

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

ENGINE RETARDING BRAKE/JAKE BRAKE. Any engine retarding brake system, transmission brake, or any other retarding brake system that alters normal compression, including but not limited to **DYNAMIC BRAKE, JAKE BRAKE, JACOBS BRAKE, C-BRAKE, PACCAR BRAKE**, or any other make or model of engine braking system, or other braking system that alters the normal compression of the engine and subsequently releases that compression.

(B) *Prohibitions.* It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the town, any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle unless such use is necessary to avoid imminent danger.

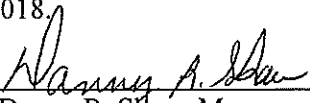
(C) *Areas of prohibition.* The prohibition set forth herein shall apply to all public streets and highways in the town.

(D) *Signage.* Signs stating "NO JAKE BRAKING" may be installed at locations deemed appropriate by the Town Commissioners to advise motorists of the prohibitions contained in this section. Except that, no sign stating "NO JAKE BRAKING" shall be installed on a state highway without the approval from the North Carolina Department of Transportation. The provisions of this section shall be in full force and effect upon passage by the Town Commissioners.

(E) *Penalties.* Any person, firm or corporation violating the provisions of this section, shall be in violation of N.C.G.S. § 14-4. A violation of this section is a Class 3 misdemeanor and shall be punishable by a \$50 fine.

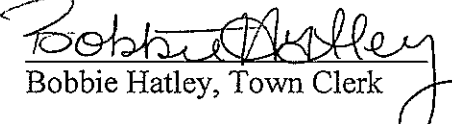
(F) *Exceptions.* Emergency vehicles shall be exempt from the application of this section.

ADOPTED this the 7 day of May, 2018.

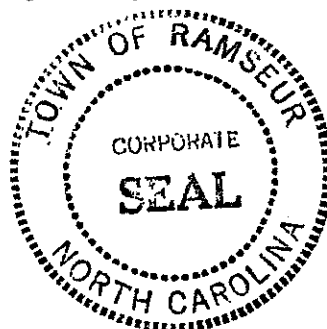


Danny R. Shaw, Mayor

ATTEST:



Bobbie Hatley, Town Clerk



AN ORDINANCE PROVIDING FOR THE PREVENTION AND ABATEMENT OF PUBLIC
NUISANCES CAUSED BY THE UNCONTROLLED GROWTH OF NOXIOUS WEEDS
AND GRASS AND THE ACCUMULATION OF REFUSE

WHEREAS, the uncontrolled growth of noxious weeds and grass, the accumulation of offensive animal and vegetable matter, and the accumulation of refuse causes or threatens to cause a nuisance dangerous and prejudicial to the public health or safety, and

WHEREAS, the Board of Commissioners are authorized by Section 160A-174, and 160A-193 of the General Statutes of North Carolina to abate nuisances,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Ramseur, North Carolina:

Section 1. The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (a) The uncontrolled growth of noxious weeds or grass to a height in excess of eighteen (18) inches causing or threatening to cause a hazard detrimental to the public health or safety.
- (b) Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (c) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (d) The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building rubbish or similar items.
- (e) Any condition detrimental to the public health which violates the rules and regulations of the Randolph County Health Department.
- (f) The outside or outdoors use of household or office furniture, any household fixtures, white goods or other appliances, and similar items not designed to withstand the elements or for outdoor use. This subsection shall not prevent:
 - (1) The use of household furniture on a totally enclosed porch having a roof, walls, screens, or glass windows; or
 - (2) The use of furniture in good condition which is designed for outdoor use such as patio or lawn furniture, on porches or landings or in yard areas or other open places.

Section 2. The Town Administrator or designee, upon notice from any person of the possible existence of any of the conditions described in Section 1, shall cause to be made by the appropriate County Health Department official, or Town official, such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as

declared in Section 1.

Section 3. Reserved.

Section 4. If a determination is made that such conditions constituting a public nuisance exist, the Town Administrator or designee shall notify, in writing, the owner of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within fifteen (15) days from the receipt of such written notice.

Section 5. If the owner, having been ordered to abate such a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days from receipt of said order, the Town Administrator or designee shall cause said condition to be removed or otherwise remedied by having employees of the Town and/or a private contractor to go upon said premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the Town Administrator. Any person who has been ordered to abate a public nuisance may within the time allowed by this ordinance request the Town in writing to remove such condition, the cost of which shall be paid by the person making such request.

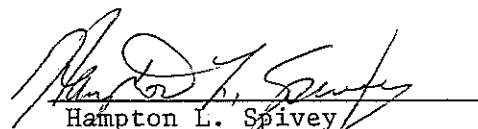
Section 6. The actual cost incurred by the Town in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the Town Clerk to mail a statement of such cost with instructions that such costs are due and payable within thirty (30) days from the receipt thereof.

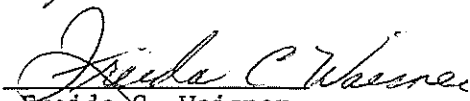
Section 7. In the event charges for the removal or abatement of a public nuisance are not paid within thirty (30) days after the receipt of a statement or charges as provided for in Section 4 of this ordinance, such charges shall be a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G. S. 160A-193.

Section 8. The procedure set forth in this ordinance shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this ordinance shall not prevent the Town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this ordinance as provided in G.S. 14-4.

Section 9. This ordinance shall be in full force and effect from and after the date of its adoption.
(6/3/90)

First Adoption June 3, 1990
Revised March 3, 2008


Hampton L. Spivey
Mayor

ATTEST: 
Freida C. Waisner
Town Clerk

CHAPTER D STREETS AND SIDEWALKS

ARTICLE I

DAMAGING STREETS AND SIDEWALKS

Section 1. PERMIT TO DIG IN STREETS. It shall be unlawful for any person, firm or corporation to dig any hole, ditch or excavation of any kind whatsoever, on any street in the Town of Ramseur without first securing a permit therefore in writing from the Town Clerk.

Section 2. SIDEWALK CONSTRUCTION. No sidewalk of any description shall be built by any individual, firm or corporation, of any brick, wood, or other material without a written permit from the Town.

Section 3. STREET REPAIR. It shall be the duty of every person, firm or corporation, who shall open or dig a ditch, trench or hole in any street, public alley or sidewalk of the Town, to put the said street, public alley or sidewalk in as good a condition in all respects as it was before, and every person, firm or corporation violating or failing to observe the provisions of this Section shall be guilty of a misdemeanor.

Section 4. EXCAVATIONS LEAVING UNPROTECTED. It shall be unlawful for any person, firm or corporation making any excavation for any purpose whatsoever in any of the streets or sidewalks to fail to securely cover such excavation, with plank or place ropes around the same three feet from the ground or shall fail to place a sufficient number of red lights around such excavation before dark and to keep such light burning all night every night such excavation shall be open.

Section 5. STREETS NOT TO BE DAMAGED. It shall be unlawful for any person, firm or corporation to drag, or run, or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt, batholithic, warrenite, or other permanently paved street of the Town which shall be liable, in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

Section 6. HOUSE MOVING. No person shall move any house or building upon or across the public streets or sidewalks without the written consent of the Board of Commissioners and the deposit of a good and sufficient bond in the sum of five hundred dollars (\$500. 00) to cover damage done to such street or sidewalk or to any property of any person.

Section 7. DAMAGE TO BRIDGES AND CULVERTS. No person shall injure or misplace any part of any bridge, culvert, ditch and drain or other property belonging to or used by the Town, or shall place any obstruction in any culvert, ditch or drain, to prevent the free flow of water on or over the streets of the Town.

Section 8. DAMAGE TO LIGHTS, SIGNS. No person shall injure, tamper with, remove or paint upon or deface any sign, sign post, street light, traffic signal or bulletin board or other municipal property upon the streets and side walks except employees of the Town in performance of their duties.

ARTICLE II

OBSTRUCTING STREETS AND SIDEWALKS

Section 1. ASSEMBLY ON SIDEWALK. All persons are forbidden from assembling or collecting and standing so as to obstruct any sidewalk or street and all persons so collecting and standing shall disperse and move upon the demand of any police officer.

Chapter D Streets & Sidewalks

Article II. Obstructing Streets and Sidewalks

Section 1. Assembly on Sidewalk. All persons are forbidden from assembling or collecting and standing so as to obstruct any sidewalk or street and all persons so collecting and standing shall disperse and move upon the demand of any police officer.

Section 2. Display of Goods Prohibited. No person shall place for display or sale any goods, wares or merchandise of any kind upon any of the sidewalks of said Town, which shall extend out on the sidewalks. **In no case shall displayed goods impede pedestrian traffic.**

Section 3. Placing objects on Streets and Sidewalks

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

Article VII Prohibition of Obstruction of Streets, Sidewalks and Doorways

It shall be unlawful to obstruct or block the streets, sidewalks or entrances to commercial establishments in the Town of Ramseur by any exhibition, demonstration or picket line so as to prevent the normal flow of pedestrian or vehicular traffic except that special permit may be granted by the Town of Ramseur for parades.

That participation in any such exhibition, demonstration or picket line by any individual leadership, organization or participation therein is unlawful.

This ordinance shall be in full force and effect from and after its adoption (4/17/68)

*Adapted w/Revisions
on 9/12/05
Freida C. Wain
Clerk*

Section 2. DISPLAY OF GOODS PROHIBITED. No person shall place for display or sale any goods, wares or merchandise of any kind upon any of the sidewalks of said Town, which shall extend out on the sidewalks.

Section 3. PLACING OBJECTS ON STREET AND SIDEWALKS.

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

Section 4. CONSTRUCTION NEAR SIDEWALK. Before building or remodeling at any place where the same is in close proximity to the sidewalk an overhead covered passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

Section 5. SHEDS AND AWNINGS. No person shall erect or repair over any sidewalk or street any wooden shed or awning or any wooden shed for the support of an awning or erect upon any street or sidewalk any post for the support of any awning. If any person shall violate this Section then each day that the above forbidden structure shall remain after notice shall constitute a separate violation. Provided that this shall not be construed to prevent the erection over the sidewalk of cloth awnings supported upon metallic frames firmly suspended from the building, and at least seven feet above the level of the sidewalk.

ARTICLE III

USE AND CLEANLINESS

Section 1. THROWING OR BURNING TRASH ON STREET PROHIBITED. No paper, straw, excessive grass clippings, lemon peel, banana peel, watermelon rind or any trash of any kind shall be thrown or swept upon any sidewalk or street of the Town, nor shall any trash, refuse, or rubbish be burned thereon.

Section 2. TREE TRIMMINGS. It shall be lawful for any person to place or allow to be placed any tree trimmings or shrubbery trimmings on any street or sidewalk.

Section 3. SNOW AND ICE REMOVAL. Every occupant of a store building, residence or other structure, in front of which the sidewalk is paved with stone, brick, asphalt or cement, shall remove snow, ice or other obstruction from such sidewalk at the earliest possible time and as soon as the weather permits.

Section 4. BICYCLE ON SIDEWALKS PROHIBITED. It shall be unlawful for any person to ride a bicycle on any sidewalk In the Town.

Section 5. PLAYING BALL ON SIDEWALKS PROHIBITED. No person shall play ball or bat or catch ball on any of the streets of the Town.

ARTICLE IV

STREET CONSTRUCTION

Section 1. PROPERTY OWNERS PARTICIPATION. The Town of Ramseur will not accept or adopt any new street, nor will it pave or assist in the construction or pavement of any new street, other than streets shown on the map of the streets of the Town of Ramseur known as the Powell Bill Map except upon the payment of the full cost and expense of construction or of construction

and pavement, as the case may be, and such cost and expense must be actually paid or amply secured before the Town will take any action with respect thereto.

Section 2. APPLICATION TO NEW STREETS. The provisions of Section 1 hereof shall apply with full force and effect to any and all territory that may hereafter be taken into the Town by any extension or extensions of its corporate limits.

Section 3. FROM AND AFTER THE DATE OF MARCH 18, 1968, ALL STREETS TO BE ACCEPTED INTO THE CITY STREET SYSTEM MUST CONFORM TO THE FOLLOWING MINIMUM SPECIFICATIONS.

- a.) Streets to be surveyed and platted by city engineers with plat of same presented to town.
- b.) 36 ft. right-of-way easements signed by all adjoining property holders.
- c.) 24 ft. roadbed constructed within the 36 ft. right-of-way with gravel placed thereon to a depth of at least 4 to 6 inches.
- d.) proper drainage and culvert be installed at points where city engineers may require.
- e.) Dead end streets will not be accepted into city street system unless approved unanimously by existing Board.

All above specifications must be met at the expense of property holders.

ARTICLE V

PROHIBITION OF DISTURBANCE OF PUBLIC MEETINGS It shall be unlawful for any person to interfere with, impair the progress of, or in any way disturb a public meeting. The term "public meeting" shall include:

- (a) all meetings of the governing board or its agencies
- (b) dedication ceremonies or events held in connection with public buildings or projects within the Town or upon any properties owned by the Town.

This ordinance will be in full force and effect from and after its adoption. (9/21/78)

(1) ARTICLE VI

PROHIBITING OF PUBLIC DISTURBANCES OR OBSTRUCTIONS The gathering of any group or the presence of any person, upon the sidewalks or streets or property of the Town of Ramseur for the purpose of creating, or which creates, mechanical or vocal sound or physical obstruction which is of such intensity or nature as to interfere with the rights of any other person or persons upon such streets or sidewalks, municipally owned property or elsewhere is unlawful and any individual who participates in, leads, directs or encourages such actions shall be guilty of violating this section; provided, however, that nothing herein shall prevent the orderly expression of spectators at any regularly organized sport event or the peaceful assembly of any group for orderly expression or communication between its assembled guests. (9/21/78)

(2) (a) (b) (c) - See attached - Curfew for Minors - 6/2005 (Attached)

ARTICLE VII

PROHIBITION OF OBSTRUCTION OF STREETS, SIDEWALKS AND DOORWAYS

It shall be unlawful to obstruct or block the streets, sidewalks or entrances to commercial establishments in the Town of Ramseur by any exhibition, demonstration or picket line so as to prevent the normal flow of pedestrian or vehicular traffic except that special permit may be granted by the Mayor of the Town of Ramseur for parades.

That participation in any such exhibition, demonstration or picket line by any individual leadership, organization or participation therein is unlawful.

This ordinance shall be in full force and effect from and after its adoption. (4/17/68)

Heck's
Copy

II

(2) CURFEW FOR MINORS:

(a) No minor under the age of sixteen may loiter, wander, stroll, loaf or play upon the Streets, roads, alleys, or other public places within the town, or in any vehicle placed or parked thereon, between the hours of 11:00 P.M. and sunrise of the following day, unless accompanied by the parent, guardian, or other adult person having the care, custody, or control of the minor.

(b) No parent, guardian, or other person having the care, custody, or control of any minor under the age of sixteen may knowingly permit such minor to violate the provisions of subsection (a).

(c) Penalties and Remedies shall constitute a misdemeanor, Punishable as provided in G.S. 14-4. (Class 3 misdemeanor-\$125.00)

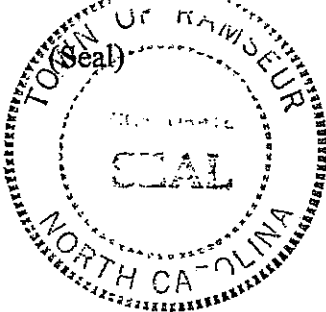
This being adopted on June 6, 2005 .

WITNESS

Freida C. Waisner
CLERK, Freida C. Waisner

TOWN OF RAMSEUR

Hampton L. Spivey
Hampton L. Spivey, Mayor



ARTICLE VIII

REGULATION OF PRIVATE DRIVEWAY OPENINGS

Section 1. Construction permit - Required.

It shall be unlawful for any person to construct a driveway across any public sidewalk, walkway or parkway or into any street, or to cut any curb for such purpose, without first having obtained a permit therefore as required by this article.

Section 2. Construction permit - Application; issuance.

Application for a driveway permit shall be made to the director of public works and shall state, among other things the location, grade and dimensions of the proposed driveway and the purpose for which it is desired. If the proposed driveway complies with the provisions of this article, the director of public works shall issue a permit therefore.

Section 3. Construction requirements.

No permit for a driveway shall be issued under this ordinance except in compliance with the provisions of this section.

a) Driveways for business or commercial installations shall meet the following requirements:

- 1) No driveway shall exceed thirty feet in width at the outer or street edge of the driveway.
- 2) All driveway locations, the number of driveways for any business and the radii of all curves of driveways shall be diagramed and approved by the director of public works.
- 3) No driveway apron shall extend out into the street further than the face of the curb and under no circumstances shall such driveway apron extend into the gutter area.
- 4) At all business or commercial driveway entrances a site line, not less than two and one-half inches in width, shall be maintained along the entire width of the driveway or ramp to clearly define the sidewalk area on the property side of the sidewalk and a curb shall be constructed along the balance of the property line, such curb to have a minimum thickness of four inches and a minimum height of five inches.

b) Driveways for residences shall meet the following requirements:

- 1) No driveway for a residence shall exceed sixteen feet at the outer or street edge of the driveway.
- 2) Residences shall not have more than two driveways except under circumstances approved by the director of public works.
- 3) The director of public works shall prior to the approval of driveway permits required herein, examine the proposed driveway locations and determine that the driveway location does not constitute a traffic hazard.

(9/11/89)

ARTICLE IX

AUTHORIZATION FOR THE MAYOR TO PROCLAIM EXISTENCE OF A STATE OF EMERGENCY AND TO IMPOSE CERTAIN RESTRICTIONS DURING THE SAME

Section 1. State of emergency; curfew authorized.

(a) A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.

(b) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the Town of Ramseur, or threatening damage to or destruction of property, the Mayor of the Town of Ramseur is hereby authorized and empowered

to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the Town, to place in effect any or all of the restrictions hereinafter authorized.

(c) The Mayor is hereby authorized and empowered to limit by the proclamation the application of all or any part of such restrictions to any area specifically designated or described within the corporate limits of the Town and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the Town.

(d) The Mayor shall proclaim the end of such state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the Governing Body.

(e) During the existence of a proclaimed state of emergency, the Mayor may impose by proclamation any or all of the following restrictions:

(1) Prohibit or regulate the possession off one's own premises of explosives, firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or their disposition thereof;

(2) Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind, and their possession or consumption off one's own premises;

(3) Prohibit or regulate any demonstration, parade, march, vigil, or participation therein from taking place on any of the public ways or upon any public property;

(4) Prohibit or regulate the sale of gasoline, kerosene, naptha, or any other explosive or inflammable fluids or substances;

(5) Prohibit or regulate travel upon any public street, alley, or roadway or upon any other public property, except by those in search of medical assistance, food, or their commodity or service necessary to sustain the well-being of themselves or their families or some member thereof;

(6) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly.

(f) Any proclamation may be extended, altered, or repealed in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.

(g) During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this ordinance.

Section 2. Severability.

The sections, paragraphs, sentences, clauses, words and phrases of this ordinance are severable, and, if any word, phrase, section, paragraph, sentence, clause shall be declared unconstitutional or invalid by any valid judgment or decree or any court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining phrases, words, clauses, sentences, paragraphs, or sections of this ordinance.

Section 3. Penalty.

The violation of any provision of this ordinance, or of any provision of any restriction imposed by any proclamation authorized by this ordinance, shall constitute a misdemeanor, punishable upon conviction by a fine not exceeding fifty dollars (\$50) or imprisonment not exceeding thirty (30) days, as provided by C. S. 14-4. (May 6, 1968 - page 194 Minute Book)

ARTICLE X

REGULATION OF PARADES AND OTHER SIMILAR USES OF PUBLIC PLACES

Section 1. Short Title. This Ordinance shall be known and may be cited as The Parade Ordinance of the Town of Ramseur:

Section 2. Definitions. As used in this Ordinance the words parade, parade permit, and persons, shall be defined as follows:

- (1) "Parade" is any parade, march, ceremony, show or procession of any kind, exhibition or any similar display, in or upon any street, sidewalk or other public place in the Town.
- (2) "Parade Permit" is a written authorization as required by this section.
- (3) "Person" is any person, firm partnership, association, corporation, company or organization of any kind.

Section 3. Permits Required and General Regulations

(1) Permit Required. No person shall engage in, participate in, aid, form or start any parade unless a permit shall have been obtained from the Mayor. Provided, no person may conduct or otherwise participate in any parade except between the hours of 9:00a.m. and 5:00 P. M., Monday through Sunday.

(2) All parades shall assemble at such location in the vicinity of the South end of Main Street as shall be designated by the Chief of Police and shall proceed from such assembly point along the following routes: Proceed north to Brady St. and disband at US #64.

(3) Exceptions: This Ordinance shall not apply to:

- (a) Funeral Processions.
- (b) Students going to and from school classes or participating in educational activities where such activity is under the immediate supervision and direction of proper school authorities.
- (c) A governmental agency acting within the scope of its functions.

(4) Application for permit.

(a) Filing period. An application for a parade permit shall be filed with the Town Clerk not less and 7 days before the time when it is proposed to conduct the parade. Provided, however, that a permit may be issued if filed less than 7 days before the time for commencement of the parade when the Mayor finds that adequate provisions can be made to handle such parade within the period between the filing of the application and time for commencement of the parade.

(b) Contents. The application for a parade permit shall set forth the following information:

- (1.) The name, address and telephone number of the person seeking to conduct such parade.
- (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;
- (3) The name, address and telephone number of the persons who will be the parade chairman and who will be responsible for its conduct;

**ARTICLE III
LICENSING & REGULATION OF MASSAGE ESTABLISHMENTS,
MASSEURS & MASSEUSES**

To protect public health, safety, welfare and morals, the following privilege license provisions and regulations are ordained for the privilege of carrying on business, trade or profession of masseur or masseuse and for the operation or carrying on of businesses, trades, or professions commonly known as massage parlors, health salons, physical culture studios, or similar establishments wherein massage or physical manipulation of the human body is carried on or practiced. The provisions of this article shall not apply to a regularly established and licensed hospital, sanitarium, nursing home, nor to an office of clinic operated and regularly used by a duly qualified and licensed medical practitioner, osteopath, or chiropractor in connection with the practice of medicine, chiropractic, or osteopathy.

(A) DEFINITIONS

Unless the context clearly indicates otherwise, the following words and phrases shall have the following meaning:

- (1) "Massage" means the manipulation of body muscle or tissue below the neck by rubbing, stroking, kneading, or tapping, by hand or mechanical device.
- (2) "Massage Business" means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, and massage studios.
- (3) "Business or profession of massage" includes the massage or treatment of any person for a fee or in expectation of a gratuity from the person massaged.
- (4) "Masseuse" or "Masseur" means any person engaged in the business or profession of massage.

(B) LICENSING OF MASSAGE BUSINESS OPERATORS

- (1) No person, partnership, corporation, or association shall operate a massage business as herein defined unless such person, partnership, corporation or association shall have first applied for and received the privilege license provided by this section.
- (2) Every application for the privilege license prescribed herein shall be upon a form approved by the Board of Commissioners and shall be filed with the Town Clerk. Every such application shall be made under oath and shall contain the following information:
 - (a) If the applicant is a person, the name and residence address of such person. If the applicant is a partnership, corporation or association, the name and residence address of all persons having any legal or beneficial interest in such applicant; and
 - (b) The address of the premises where the massage business shall be located; and
 - (c) A complete statement of all convictions of any persons whose name is required to be given in paragraph (2) (a), above for any felony, or prostitution or any violation of any law relative to prostitution; and
 - (d) A complete statement of any revocation, by any governmental unit, of any license to operate a massage business or to engage in the business or profession of massage held by any person whose name is required to be given in paragraph (2) (a) above; and
 - (e) A complete statement of any conviction of any person whose name is required to be given in paragraph (2) (a) above, for violation of any statute, law, ordinance or regulation of any government concerning the operation of a massage business or the business or profession of massage; and

(f) The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in paragraph (2) (a) above, wherein the business or profession of massage is carried on; and premises or on adjoining premises owned or controlled by the applicant.

(3) The Town Clerk shall transmit a copy of the application to the Police Department for an investigative report; to the Building Inspector to determine compliance with all zoning and building regulations and ordinances; and to the Fire Department to determine compliance with any law relating to fire protection. The Police and Fire Departments and the Building Inspector shall, within a reasonable time, not to exceed forty-five (45) days, report the results of their examinations to the Town Clerk.

(4) An application in proper form, accompanied by all reports required by this section, shall be submitted to the Board of Commissioners, which shall approve such application if the Board of Commissioners determines that:

(a) The application contains no misstatement of fact; and

(b) The applicant, or any person having any legal or beneficial ownership interest in the applicant, has not been convicted of any crime involving sexual misconduct, including but not limited to N. C. G. S. 14—177 through N. C. G. S. 14—202.1, Article 26, (Offenses against public morality and decency,) and N. C. G. S. 14—203 through 14—208, Article 27 (Prostitution,) or of any Federal Statute relative to prostitution, or of any violation of any law or ordinance of any governmental unit concerning or related to the business or profession of massage; and

(c) The applicant conforms to all requirements of applicable zoning, building, and fire prevention codes.

(d) The applicant or any person having a legal or beneficial ownership interest in the applicant has not, for the three year period preceding the application, had a previously issued license for engaging in the business or profession of massage, revoked.

(5) Upon approval of the application by the Board of Commissioners, and upon receipt of a Five Hundred Dollar (\$500.00) license fee, the Town Clerk shall issue a privilege license to applicant.

(6) A license issued pursuant to this Article shall be revoked by action of the Board of Commissioners if the Board of Commissioners determines that:

(a) The licensee has violated any provisions of this article; or

(b) The licensee, or any agent of the licensee, employs or permits to be on the premises of the applicant's massage business, any person practicing the business or profession of massage who has not been issued the privilege license required by the section entitled "Licensing of Masseuse" or Licensing of Masseur", hereof, or whose license under the same section has been revoked; or

(c) The licensee, or the legal or beneficial owner of any interest in the licensee is convicted of any crime involving sexual misconduct, including but not limited to N. C. G. S. 14—177 through N. C. G. S. 14—202.1, Article 26 (Offenses against public morality and decency,) and N. C. C. S. 14—203 through N.C. G. S. 14—208, Article 27, (Prostitution,) or

(d) Any employee of the licensee is convicted of any felony in connection with his or her employment, or is convicted of any crime involving sexual misconduct, including, but not limited to N. C. G. S. 14—177 through N. C. G. S. 14—202.1, Article 26 (Offenses against public morality and decency,) and N. C. G. S. 14—203 through N. C. G. S. 14—208, Article 27 (Prostitution,) or

e) The licensee violates any zoning, building, or fire prevention ordinance.

(7) A license issued pursuant to this article is void if the licensee moves or ceases operating a massage parlor at the location required to be stated in the application for license pursuant to the section entitled, "Licensing of Massage Business Operators," (B) (2) (b).

(C) LICENSING OF MASSEUR OR MASSEUSE

- (1) No person shall engage in the business or progression of massage unless such person shall have first applied for and received the privilege license provided by this section.
- (2) The application for the license required by this section shall be upon a form approved by the Board of Commissioners and shall be filed with the Town Clerk. Such application shall be given under oath and shall contain the following information:
 - (a) The name, age and residence address of the applicant; and
 - (b) A complete statement of the previous business or occupation of the applicant for the two years immediately preceding the date of application, including any massage establishment experience; and
 - (c) A complete statement of all convictions of the applicant for any felony or misdemeanor or violation of a local ordinance.
 - (d) A complete statement of any revocation of any license granted by any governmental unit to the applicant to engage in the business or profession of massage.
 - (e) The date and place of applicant's birth, the name of applicant's parents, and the residence address or addresses of the applicant for the five years immediately preceding the date of application.
- (3) The applicant shall submit, as part of the application required in subsection (2) hereof, the following:
 - (a) Two recent photographs of the applicant's head and shoulders, of a size and quality prescribed by the Town Clerk; and
 - (b) A medical certificate signed by a physician, licensed to practice in North Carolina; within seven days of the date of the application. The certificate shall state that the applicant was examined by the certifying physician and that the applicant is free of communicable disease. The additional information required by this subsection shall be provided at the applicant's expense.
- (4) The Town Clerk shall transmit a copy of the application to the Police Department for an investigative report. The Police Department shall, within a reasonable time, not to exceed forty—five (45) days, report the results of its investigation to the Town Clerk.
- (5) An application in Commissioners together with all reports required by this section. The Board of Commissioners shall approve such application if the Board determines:
 - (a) That the applicant is at least eighteen (18) years of age.
 - (b) The application contains no misstatement of fact; and
 - (c) The applicant has not been convicted of any crime involving sexual misconduct, including, but not limited to N. C. G. S. 14—177 through N. C. G. S. 14—202.1, Article 26 (Offenses against public morality and decency,) and N. C. G. S. 14—203 through 14—208, Article 27 (Prostitution,) or of any Federal Statute relating to prostitution, or for violation of any law or ordinance of any governmental unit concerning or related to the business or profession of massage; and
 - (d) The applicant has not, for the three year period preceding the application, had a previously issued license for engaging in the business or profession of massage, revoked; and
 - (e) The applicant is free from communicable disease as evidenced by the medical certificate required herein; and
 - (f) The applicant has not been previously convicted of any violation of any provision of this article.
- (6) Upon approval of the application by the Board of Commissioners and upon receipt of a Fifty Dollar (\$50.00) license fee, the Town Clerk shall issue a privilege license to the applicant.
- (7) The Board of Commissioners shall have authority to direct that any person licensed under this section submit to a medical examination by a licensed physician approved by the Board of Commissioners. This authority shall be exercised only when the Council has reason to believe that any such person has contracted a communicable disease. Refusal to submit to such examination shall be grounds for revocation of such license as provided in subsection (8) of this section, notwithstanding the

provisions of this subsection, every person licensed under this section shall file and continue to file with the Town Clerk a new medical certificate with each application of renewal of the license prescribed by this section. Failure to file such updated certificates shall be grounds for revocation of such license as provided in subsection (8) of this section.

(8) A license issued pursuant to this section shall be revoked by action of the Board of Commissioners if the Board determines:

- (a) The licensee has violated any provision of this article; or
- (b) The licensee is afflicted with a communicable disease; or
- (c) The licensee has failed to be examined by a licensed physician when required by the Board of Commissioners pursuant to subsection (7) of this section, or has failed to file any medical certificate required by said subsection (7); or
- (d) The licensee has been convicted of a felony, or any crime involving sexual misconduct, including, but not limited to N.C.G.S. 14—177 through N. C. G. S. 14—202.1, Article 26 (Offenses against public morality and decency,) and N. C. G. S. 14—203 through 14—208, Article 27 (Prostitution,) or under any Federal Statute relating to prostitution, or for violation of any law or ordinance of any governmental unit related to the business or profession of massage.

(D) EMPLOYER TO USE ONLY LICENSED EMPLOYEES

(1) No person, corporation, partnership, or association licensed under Section (B) hereof, shall allow or permit any person to massage or treat any person upon the premises operated by the licensee unless the person giving such massage or treatment has complied with all requirements of licensing under Section (C), including periodic medical examinations by a licensed physician. Violation of this section shall be grounds for revocation of the license issued to such violator pursuant to this article.

(E) POSTING OF LICENSE

- (1) Every masseur or masseuse shall post the license required by the article in his work area.
- (2) Every person, corporation, partnership, or association licensed under Section (B) hereof, shall display such license in a prominent place.

(F) NOTICE AND HEARING Before the Board of Commissioners revokes a license issued pursuant to this article, or if the Board of Commissioners determines reasonable grounds exist to deny an application for a license pursuant to this article, the Board of Commissioners shall cause a written notice to be sent by certified mail to the licensee affected or applicant affected, at the address stated in the license or application. The notice shall advise the affected party of a right to appear before the Board of Commissioners, with or without legal counsel, at a stated time and place, for the purpose of presenting any evidence relevant to such revocation or denial, and for the purpose of hearing all evidence submitted and examining or cross examining any person providing such evidence.

(G) HOURS OF OPERATION

- (1) No person licensed as a masseuse or masseur under Section (C) hereof, shall massage or treat any person, or engage in the business or profession of massage, before 8:00 a.m. or after 12:00 p.m., prevailing time.
- (2) No person, corporation, partnership, or association licensed under Section (B) hereof, shall admit customers or prospective customers or remain open for business, or allow, permit or condone any massage or treatment of any person upon the premises before 8:00 a.m. or after 12:00 p.m., prevailing time.
- (3) *No person in charge of managing a massage business upon the premises* shall allow, permit, or condone any massage or treatment of any person before 8:00 a.m. or after 12:00 p.m., prevailing time.

(H) PATRONAGE OF MASSAGE BUSINESSES BY MINORS AND EMPLOYMENT OF MINORS

(1) No person licensed as a masseur or masseuse under Section (C) hereof, shall massage or treat any person under the age of eighteen (18) upon the licensed premises, except upon written order by a licensed masseuse giving the massage or treatment. A violation of this subsection shall be grounds for revocation of any license issued to such violator pursuant to this article.

(2) No person, corporation, partnership or association licensed under Section (B) hereof, shall allow, permit or condone the massage or treatment of any person under the age of eighteen (18) upon the licensed premises, except upon written order by a licensed physician, osteopath, chiropractor, or registered physical therapist, such order being dated, and a true copy of such order being in the possession of the licensee before administration of any massage or treatment. A violation of this subsection shall be grounds for revocation of any license issued to such violator pursuant to this article.

(3) No person, corporation, partnership or association licensed pursuant to Section (B) of this article shall employ any person under the age of eighteen (18) years in the operation of a massage business.

(I) PRIVILEGE LICENSE ANNUAL The licenses required under this article are Annual Privilege Licenses. Such licenses shall be due and payable in the same manner as prescribed for other privilege licenses issued by the Town of Ramseur pursuant to the License and Privilege Tax Ordinance of the Town.

(J) PENALTIES (1) Any person convicted of violating any provisions of this article shall be punished by fine or imprisoned as provided by N. C. G. S. 14—4.

(K) SEPARABILITY If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That this ordinance shall be in full force and effect from and its passage as by law provided.

**ARTICLE IV
ADULT USES**

Section 1. It is recognized that there are some uses which, because of their very nature, are considered as having serious objectionable operational characteristics and which have a deleterious effect upon areas near or within such uses are located. Special regulations of such uses are necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. For that reason, the enactment of amendments to the Town of Ramseur Zoning Ordinance, as hereinafter set out is deemed necessary and appropriate.

Section 2. Definitions of the Town of Ramseur Zoning Ordinance amended by adding thereto the following:

Adult Book Store. An establishment having as a substantial significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characteristics by their emphasis on matter depicting, describing or re to “Specified Sexual Activities” or “Specified Anatomic Area,” or an establishment with a segment or section de to display of such material.

Adult Motion Picture Theater. An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, for observation by patrons therein.

*Approved
H
Article 1 - H-1*

Yard Sale Ordinance

Title

This chapter shall be known and may be cited as the Town of Ramseur Yard Sale Ordinance.

Purpose

The purpose of this chapter is to provide regulations on yard sale activities so that such activities will be conducted in a manner that is not detrimental to the health, safety and welfare of citizens of the town.

Definitions

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

Person includes individuals, partnerships, voluntary associations, corporations and non-profits.

Yard sale A sale from a residence or residential property of personal property which has been owned or used previously by a person residing on the premises where the sale is conducted. The term **yard sale** shall include all sales entitled "garage sale," "lawn sale," "attic sale," or "rummage sale."

Number and time limitations

A yard sale shall not be conducted on any premises more than four (4) times in a 12 month period.

Each of the four (4) yard sales may be consecutive weekends starting no earlier than 6 a.m.

A permit shall be required from the town clerk for each yard sale at no charge.

There will be no yard sale on Sunday.

A sale by the same person at the same location on Friday and

Saturday will be considered one (1) yard sale.

Signs

Except as provided below, signs used in conjunction with a yard sale shall be displayed only on the premises upon which the yard sale is conducted.

Two off-site directional signs may be permitted provided that the premises upon which the yard sale is conducted is not located on a major thoroughfare, and written permission to erect said signs is received from the property owners on whose property such signs are to be placed.

Signs may be displayed only during the duration of the sale actively being conducted and must be removed at the close of the yard sale activities.

No signs may be placed in the public right-of-way or on utilities poles.

Exceptions to chapter

The provisions of this chapter shall not apply to or affect the following persons or sales:

Persons selling goods pursuant to an order of a court of competent jurisdiction.

Persons acting in accordance with their powers and duties as a public officials.

Any person conducting an incidental sale of one or two separate items when such sale is not part of general sale of a number of items of personal property.

Penalty

Any person conducting any yard sale who shall violate any of the terms and regulations of this chapter, upon conviction, shall be guilty of a misdemeanor and shall be fine not more than \$50 or imprisoned

for not more than 30 days as provided by G.S. 14-4.