

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

General Provisions

130.01 Damage to public property

130.02 Begging

130.03 Loitering for the purpose of engaging in drug-related activity

130.04 Public Urination, Defecation

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130.31 Concealed weapons; posting of signs

130.99 Penalty

GENERAL PROVISIONS

§ 130.01 DAMAGE TO PUBLIC PROPERTY.

It shall be unlawful to deface, vandalized or otherwise damage any public property in the town.
(’77 Code, § 8-1005) Penalty, see § 130.99

CHAPTER 130: GENERAL OFFENSES

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- 130.01 Damage to public property
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- Sale, Use, or Possession of Alcoholic Beverages*
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GENERAL PROVISIONS

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ADOPTED 4/6/98

TITLE 13: GENERAL OFFENSES

CHAPTER 130. GENERAL OFFENSES

**SECTION 130.04 AN ORDINANCE TO MAKE UNLAWFUL - PUBLIC
URINATION AND DEFECATION**

**AN ORDINANCE TO MAKE UNLAWFUL PUBLIC URINATION AND
DEFECATION**

BE IT ORDAINED by the Board of Commissioners of the Town of Troy that:

Sec. 130.04 Public Urination, Defecation.

It shall be unlawful for any person to deposit, by means of urination or defecation, any human waste material upon any public street, sidewalk, right-of-way, alley or parking lot. For purposes of this section, "human waste material" shall be defined as human urine or human fecal material discharged from the body.

This ordinance shall be in full force and effect upon its adoption this 6th day of April, 1998.

Roy Maness, Mayor

ATTEST: Cathy M. Maness, Town Clerk

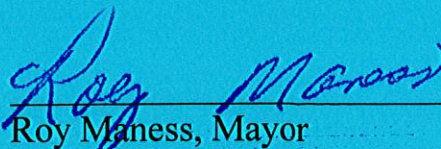
AMENDED 04/18/2011

**TITLE 13 GENERAL OFFENSES
CHAPTER 130 GENERAL OFFENSES
SECTION 130.15 SALE OF BEER AND WINE**

~~It shall be unlawful for any person, firm, or corporation to sell or offer for sale any beer, wine or malt beverages within the boundaries of the town from 12:00 Noon on Sunday to 7:00 a.m. the following Monday.~~


Businesses may sell or offer for sale beer, wine or malt beverages within the boundaries of the town in accordance with state law.

Amended this the 18th day of April, 2011 on motion by Comm. Watkins and second by Comm. Jones. Vote carried with Hurley, Watkins, Elkin and Jones voting in favor of motion and Hamilton voting against motion.



Roy Maness, Mayor

Attest:



Cathy M. Maness, Clerk

(AMENDED 08/18/08)

TITLE 13: GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

SECTION 130.16: CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES

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

ALCOHOLIC BEVERAGE. Any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages as defined in North Carolina General Statute § 18B-101.

OPEN CONTAINER. A container whose seal has been broken or a container other than the manufacturer's unopened original container. (G.S. § 18B-300(c))

PUBLIC STREET. Any highway, road, street, avenue, boulevard, alley, bridge, or other way within and/or under the control of the town and open to public use including the sidewalks of any such street.

(B) CONSUMPTION ON THE PUBLIC STREETS AND ON MUNICIPAL PROPERTY

PROHIBITED. It shall be unlawful for any person who is not an occupant of a motor vehicle to consume alcoholic beverages on the public streets. Furthermore, it shall be unlawful for any person to consume alcoholic beverages on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town including, but not limited to, public buildings and the ground appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, and other athletic fields. Provided however these prohibitions are not applicable to any property owned and operated by the Town of Troy for which the Town has determined to be used for economic development. Applicable ABC permits to be obtained from the appropriate regulatory agency are the responsibility of the business/person/non-profit groups approved by the Town to use the property.

(C) POSSESSION OF OPEN CONTAINERS ON THE PUBLIC STREETS AND ON MUNICIPAL PROPERTY PROHIBITED.

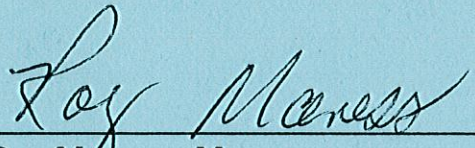
It shall be unlawful for any person who is not an occupant of a motor vehicle to possess any open container of alcoholic beverages on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of alcoholic beverage on any property, where located inside or outside the corporate limits, owned, occupied, or controlled by the town including, but not limited to, public buildings and the

grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, and other athletic fields. Provided however these prohibitions are not applicable to any property owned and operated by the Town of Troy for which the Town has determined to be used for economic development. Applicable ABC permits to be obtained from the appropriate regulatory agency are the responsibility of the business/person/non-profit groups approved by the Town to use the property.

(D) POSSESSION DURING SPECIAL EVENTS PROHIBITED. It shall be unlawful for any person to possess alcoholic beverages on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, unless the governing body adopts a resolution making other provisions for the possession of alcoholic beverages at the special event.

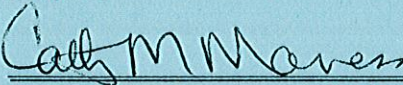
(Ord. Passed 11-6-95; (AMENDED 08/18/08)) Penalty, see § 130.99

Amended this the 18th day of August, 2008 on motion by Mayor Protem Hurley and second by Comm. Watkins. All voted approval.



Roy Maness, Mayor

Attest:



Cathy M. Maness, Clerk

SALE, USE, OR POSSESSION OF ALCOHOLIC BEVERAGES**§ 130.15 SALE OF BEER AND WINE.**

It shall be unlawful for any person, firm, or corporation to sell or offer for sale any beer, wine, or malt beverages within the boundaries of the town from 1:00 p.m. Sunday to 7:00 a.m. the following Monday.

(Ord. passed 12-6-82) Penalty, see § 130.99

§ 130.16 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES.

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

MALT BEVERAGE. Beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least 0.5% and not more than 6% alcohol by volume. (G.S. § 18B-101(9))

OPEN CONTAINER. A container whose seal has been broken or a container other than the manufacturer's unopened original container. (G.S. § 18B-300(c))

PUBLIC STREET. Any highway, road, street, avenue, boulevard, alley, bridge, or other way within and/or under the control of the town and open to public use including the sidewalks of any such street.

UNFORTIFIED WINE. Wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar. (G.S. § 18B-101(15))

(B) *Consumption on the public streets and on municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to consume malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town including, but not limited to, public buildings and the ground appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, and other athletic fields.

(C) *Possession of open containers on the public streets and on municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess any open container of malt beverage and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the

town including, but not limited to, public buildings and the ground appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, and other athletic fields.

(D) *Possession during special events prohibited.* It shall be unlawful for any person to possess malt beverages and/or unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, unless the governing body adopts a resolution making other provisions for the possession of malt beverages and/or unfortified wine at the special event. (Ord. passed 11-6-95) Penalty, see § 130.99

FIREARMS

§ 130.30 DISCHARGE OF FIREARMS AND OTHER WEAPONS.

It shall be unlawful for any person to fire or discharge any rifle, gun, pistol, pellet gun, air gun, air pistol or air rifle within the town, on or off his premises, in sport or amusement. ('77 Code, § 8-1002) Penalty, see § 130.99

Statutory reference:

Authority to regulate firearms, G.S. § 160A-189.

§ 130.31 CONCEALED WEAPONS; POSTING OF SIGNS.

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

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

(Ord. passed 11-6-95) Penalty, see § 130.99

§ 130.99 PENALTY.

Unless otherwise specifically provided, any person who shall violate any provision of this chapter, shall be punished as set forth in § 10.99.

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ABANDONED AND JUNKED VEHICLES**
- 91. ANIMALS**
- 92. TOWN CEMETERY**
- 93. FIRE PREVENTION**
- 94. NUISANCE CONTROL**
- 95. STREETS AND SIDEWALKS**
- 96. FALSE Alarms

CHAPTER 90: ABANDONED AND JUNKED VEHICLES

Section

General Provisions

- 90.01 Authority; purpose
- 90.02 Definitions
- 90.03 Application of chapter
- 90.04 Police Department and Town Manager to enforce
- 90.05 Protection against liability

Removal and Disposition of Vehicles

- 90.20 Abandoned vehicle unlawful; removal authorized
- 90.21 Nuisance vehicle unlawful; removal authorized
- 90.22 Junked vehicle regulated; removal authorized
- 90.23 Permitted concealment or enclosure of junked motor vehicle
- 90.24 Conditions for removal of vehicles from private property
- 90.25 Pre-towing notice requirements
- 90.26 Exceptions to prior notice requirements
- 90.27 Post-towing notice requirements
- 90.28 Hearing
- 90.29 Redemption of vehicle; procedures
- 90.30 Sale and disposition of unclaimed vehicle
- 90.31 Unlawful removal of impounded vehicle
- 90.32 Alternative procedure when collecting towing fees

GENERAL PROVISIONS**§ 90.01 AUTHORITY; PURPOSE.**

(A) The Town Board of the town is authorized by G.S. §§ 160A-193, 160A-303, 160A-303.2 to regulate, restrain, or prohibit abandoned, nuisance, and junked motor vehicles on public and private property within the town's ordinance-making jurisdiction.

(B) The Town Board of the town finds it necessary and desirable to promote or enhance:

(1) The quality of urban attractiveness and aesthetic appearance of the town.

(2) The protection of property values throughout the town.

(3) The preservation of the liveability and attractiveness of neighborhoods,

(4) The promotion of tourism, conventions, and other opportunities for economic development for the town.

(5) The attractiveness of the town's thoroughfares and commercial roads which present the primary, public visibility to visitors and to passersby of the town.

(6) The promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of junked motor vehicles.

(Ord. passed 8-19-91)

§ 90.02 DEFINITIONS.

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

ABANDONED VEHICLE. As authorized and defined in G.S. § 160A-303, an abandoned motor vehicle is one that:

(1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking.

(2) Is left on a public street or highway for longer than seven days.

(3) Is left on property owned or operated by the town for longer than 24 hours.

(4) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours.

AUTHORIZING OFFICIAL. The supervisory employee of the Police Department or the town respectively, designated to authorize the removal of vehicles under the provisions of this chapter.

JUNKED MOTOR VEHICLE. As authorized and defined in G.S. § 160A-303.2 the term, **JUNKED MOTOR VEHICLE** means a vehicle that does not display a current license plate lawfully upon that vehicle and that:

(1) Is partially dismantled or wrecked.

(2) Cannot be self-propelled or moved in the manner in which it originally was intended to move.

(3) Is more than five years old and appears to be worth less than \$100.

MOTOR VEHICLE or VEHICLE. All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

NUISANCE VEHICLE. A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful. A motor vehicle shall be deemed to be a nuisance or to have been abandoned for the purposes of this chapter in the following circumstances:

(1) It is left unattended upon a street or highway for longer than 12 hours in violation of a law or ordinance prohibiting parking.

(2) It is left unaccompanied on property owned or operated by the town for a period longer than 24 hours.

(3) It is left unaccompanied on any public street or highway for a period longer than seven days.

(4) It is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours.

(5) It is a breeding ground or harbor for mosquitoes, other insects, rats, or other pests.

(6) It is a point of heavy growth of weeds or other noxious vegetation over eight inches in height.

(7) It is a point of collection of pools or ponds of water.

(8) It is a point of concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor.

(9) It is one which has areas of confinement which cannot be operated from the inside, such as trucks, hoods, and the like.

(10) It is so situated or located that there is a danger of it falling or turning over.

(11) It is one which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind.

(12) It is any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Board.

(13) It is so offensive to the sight as to damage the community, neighborhood, or area appearance upon a finding by the enforcement officer/Building Inspector that such aesthetic regulation is necessary and desirable for the protection of property values, promotion of tourism, indirect protection of health and safety, preservation of the character and integrity of the community, or promotion of the comfort, happiness, and emotional stability of area residents.

(Ord. passed 8-19-91; Am. Ord. passed - -)

§ 90.03 APPLICATION OF CHAPTER.

Nothing in this chapter shall apply to any vehicle:

(1) Which is located in a bona fide ***AUTOMOBILE GRAVEYARD*** or ***JUNKYARD*** as defined in G.S. § 136-143, in accordance with the Junkyard Control Act, G.S. §§ 136-141 et seq.

(2) Which is in an enclosed building.

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

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

(Ord. passed 8-19-91)

§ 90.04 POLICE DEPARTMENT AND TOWN MANAGER TO ENFORCE.

The Police Department and the Town Manager of the town shall be responsible for the administration and enforcement of this chapter. The Police Department shall be responsible for

administering the removal and disposition of vehicles determined to be *ABANDONED* on the public streets and highways within the town, and on property owned by the town. The Town Manager shall be responsible for administering the removal and disposition of *ABANDONED*, *NUISANCE*, or *JUNKED MOTOR VEHICLES* located on private property. The town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this chapter and applicable state laws. Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the Town Police Department and Fire Department in enforcing other laws or in otherwise carrying out their duties.

(Ord. passed 8-19-91)

§ 90.05 PROTECTION AGAINST LIABILITY.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle, for disposing of such vehicle as provided in this chapter.

(Ord. passed 8-19-91)

REMOVAL AND DISPOSITION OF VEHICLES

§ 90.20 ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

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

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

(Ord. passed 8-19-91) Penalty, see § 10.99

§ 90.21 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

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

(B) Upon investigation, the Town Manager may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as detained above, and order the vehicle removed.

(Ord. passed 8-19-91) Penalty, see § 10.99

§ 90.22 JUNKED VEHICLE REGULATED; REMOVAL AUTHORIZED.

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

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

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

(D) Subject to the provisions of § 90.23, upon investigation, the Town Manager may order the removal of a **JUNKED MOTOR VEHICLE** as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:

(1) Protection of property values.

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

(3) Indirect protection of public health and safety.

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

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

(Ord. passed 8-19-91) Penalty, see § 10.99

§ 90.23 PERMITTED CONCEALMENT OR ENCLOSURE OF JUNKED MOTOR VEHICLE.

(A) *One junked motor vehicle.*

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

(2) The Town Manager has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in § 90.01.

(B) *More than one junked motor vehicle.* Any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.

(Ord. passed 8-19-91) Penalty, see § 10.99

§ 90.24 CONDITIONS FOR REMOVAL OF VEHICLES FROM PRIVATE PROPERTY.

As a general policy, the town will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the town from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the Town Manager. The town may require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the town against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

(Ord. passed 8-19-91)

§ 90.25 PRE-TOWING NOTICE REQUIREMENTS.

(A) Except as set forth in § 90.26 below, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the city on a specified date (no sooner than seven days after the notice is affixed). The notice shall state that the vehicle will be removed by the town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

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

(Ord. passed 8-19-91)

§ 90.26 EXCEPTIONS TO PRIOR NOTICE REQUIREMENTS.

The requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such finds shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice includes:

(A) *Vehicles abandoned on the streets.* For vehicles left on the public streets and highways, the Town Manager hereby determines that immediate removal of such vehicles may be warranted when they are:

- (1) Obstructing traffic.
- (2) Parked in violation of a regulation prohibiting or restricting parking.
- (3) Parked in a no-stopping or standing zone.
- (4) Parked in loading zones.
- (5) Parked in bus zones.
- (6) Parked in violation of temporary parking restrictions imposed under code sections.

(B) *Other abandoned or nuisance vehicles.* With respect to abandoned or nuisance vehicles left on city-owned property other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

(Ord. passed 8-19-91)

§ 90.27 POST-TOWING NOTICE REQUIREMENTS.

(A) Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the town. Whenever such a vehicle is removed, the authorizing town official shall immediately notify the last known registered owner of the vehicle, such notice to include the following;

- (1) The description of the removed vehicle.
- (2) The location where the vehicle is stored.
- (3) The violation with which the owner is charged, if any.
- (4) The procedure the owner must follow to redeem the vehicle.
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

(B) The town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in divisions (A)(1) through (5), shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

(C) If the vehicle is registered in the state, notice shall be given within 24 hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within 72 hours from the removal of the vehicle.

(D) Whenever an abandoned, nuisance or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing city official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information set forth in divisions (A)(1) through (5).
(Ord. passed 8-19-91)

§ 90.28 HEARING.

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the County Magistrate designated by the Chief District Court Judge to receive such hearing requests, the magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. § 20-219.11, as amended. (See § 90.32.)
(Ord. passed 8-19-91)

§ 90.29 REDEMPTION OF VEHICLE; PROCEDURES.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this chapter.

(Ord. passed 8-19-91)

§ 90.30 SALE AND DISPOSITION OF UNCLAIMED VEHICLE.

Any abandoned, nuisance, or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the city and in accordance with G.S. Chapter 44A, Article 1. (See § 90.32.)

(Ord. passed 8-19-91)

§ 90.31 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE.

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

(Ord. passed 8-19-91) Penalty, see § 10.99

§ 90.32 ALTERNATIVE PROCEDURE WHEN COLLECTING TOWING FEES.

This chapter has been designed for those cities and towns which operate in such a way that the person who tows the vehicle is responsible for collecting towing fees. If the city or town operates in such a way that it is responsible for collecting towing fees then pursuant to G.S. §§ 160A-303 and 160A-303.2, it shall:

(A) Provide by contract or ordinance for a schedule of reasonable towing fees.

(B) Provide a procedure for a prompt fair hearing to contest the towing.

(C) Provide for an appeal to district court from that hearing.

(D) Authorize release of the vehicle at any time after towing by posting of a bond or paying the towing fees due.

(E) Provide a sale procedure similar to that provided in G.S. §§ 44A-4, 44A-5, and 44A-6, except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien the city may destroy it. (Ord. passed 8-19-91)

CHAPTER 91: ANIMALS

Section

General Provisions

- 91.01 Unlawful to keep or maintain livestock within town limits
- 91.02 Cruelty to animals in general

Dogs

- 91.20 Definitions
- 91.21 Dogs as nuisances
- 91.22 Notice; abatement; impoundment
- 91.23 Rabies control

- 91.99 Penalty

GENERAL PROVISIONS

§ 91.01 UNLAWFUL TO KEEP OR MAINTAIN LIVESTOCK WITHIN TOWN LIMITS.

It shall be unlawful for any person, firm or corporation to keep, quarter, stable, or maintain within the corporate limits of the town any livestock including horses, mules, burros, ponies, goats, swine, cows, and poultry.

('77 Code, § 8-2001) Penalty, see § 91.99

Statutory reference:

Authority to regulate domestic animals, G.S. § 160A-186.

§ 91.02 CRUELTY TO ANIMALS IN GENERAL.

It shall be unlawful to mistreat any animal by causing or permitting that animal unjustifiable physical pain, suffering or death, either by act of omission or neglect. Lawful taking of game animals,

or activities lawfully conducted for biomedical research or training, is excepted from the provisions of this section.

('77 Code, § 8-2002) Penalty, see § 91.99

Statutory reference:

Cruelty to animals generally, G.S. Chapter 14, Article 47; Protection of animals, G.S. §§ 19A-1 et seq.

DOGS

§ 91.20 DEFINITIONS.

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

ANIMAL CONTROL OFFICER. The County Animal Control Officer, the Town Animal Control Officer and the Chief of Police for the town.

DOG HAVING DANGEROUS or DESTRUCTIVE PROPENSITIES. A dog which has been trained or taught to attack humans or other animals, or a dog which habitually turns over garbage receptacles, habitually destroys shrubs, flowers, grass and other plant growth, habitually kills other animals, habitually attacks or attempts to attack persons, or habitually performs other similar acts.

HABITUAL. The said dog or dogs have performed such acts on two or more occasions.

PROPER ENCLOSURE. A building or other structure from which a dog cannot escape, or an outside area enclosed by a fence at least six feet in height secured to the ground in a manner so that a dog cannot escape.

PROPER RESTRAINTS. Confined on the owner's property by leash, cord or chain from which a dog cannot escape or if off the owner's property, on a leash, cord or chain and under the immediate and effective control of the owner or other responsible person.

STRAY DOG. Any dog off the owners premises and not under proper restraints, without a collar or harness to which is attached a name plate bearing the owners name, address and phone number, if he has a phone. In addition, any female dog in heat not confined in a proper enclosure shall be considered a stray dog.

('77 Code, § 8-2012) (Am. Ord. passed 10-2-89)

§ 91.21 DOGS AS NUISANCES.

Be it ordained by the Town Board:

(A) Stray dogs within the corporate limits of the town are declared to be a public nuisance and shall be abated as provided in this subchapter.

(B) The keeping or maintenance of any dog or dogs without a collar or harness to which is attached a name plate bearing the owners name, address and phone number, if he has a phone, is declared to be a public nuisance and shall be abated as provided in this subchapter.

(C) The keeping or maintenance outside a proper enclosure or under proper restraints of any dog or dogs having dangerous or destructive propensities is declared to be a public nuisance and shall be abated as provided in this subchapter.

(D) The keeping or maintenance outside a proper enclosure of any female dog or dogs in heat is declared to be a public nuisance and shall be abated as provided in this subchapter.

(E) The keeping or maintenance of any dog or dogs which by prolonged and habitual barking, howling, or whining cause serious annoyance to neighboring residents and interfere with the reasonable use and enjoyment of the premises occupied by the residents or with the reasonable use and enjoyment of the public street, sidewalks or other public areas, is declared to be a public nuisance, and shall be abated as provided in this subchapter.

('77 Code, § 8-2011) (Am. Ord. passed 10-2-89) Penalty, see § 91.99

Cross-reference:

Nuisance control, see Ch. 94

§ 91.22 NOTICE; ABATEMENT; IMPOUNDMENT.

(A) *Discovery, complaint and notice.* Upon discovery of any public nuisance as defined in this subchapter by the Town Police or Animal Control Officer or upon receipt of a written detailed and signed complaint being made to the Animal Control Officer by any resident or residents that a public nuisance as described in § 91.21 exists, the Animal Control Officer shall cause the owner or keeper of the dog or dogs in question to be notified that a complaint has been received and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing by the investigating officer.

(B) *Abatement.* If the written findings of the investigating officer indicate that a nuisance exists and the complaint is justified, the Animal Control Officer shall cause the owner or keeper of the dog or dogs in question to be so notified in writing and ordered to abate such nuisance within 48 hours by destruction or removal of the dog or dogs, or by construction of a proper enclosure or proper restraint, as the case may necessitate. In the case of stray dogs or in event the owner or keeper of the dog or dogs is unknown and cannot be ascertained, the dog shall be immediately impounded and the notice and order, along with a general description of the dog or dogs shall be posted for three days at the Town Hall.

(C) *Impoundment upon failure to abate, destruction.* If any person being the owner or keeper of a dog or dogs hereinabove described, shall fail or refuse to abate the nuisance upon order of the Animal Control Officer within the specified time, the Animal Control Officer shall cause the dog or dogs in question to be apprehended and impounded by the Town Police or the Animal Control Officer and the owner or keeper shall be notified in writing of the impoundment. If the owner or keeper shall so request, the dog or dogs shall be released to him upon his execution of a written agreement to comply with the abatement order. If no request and execution of an agreement to comply with the abatement order is made by the owner or keeper within three days after written notice, the Animal Control Officer shall cause the dog or dogs to be destroyed. In the case of stray dogs or a dog or dogs, the owner or keeper of which is unknown, the Animal Control Officer shall cause apprehension and impoundment to be carried out immediately and shall cause a notice of impoundment, along with a general description of the dog or dogs, to be posted for three days at the Town Hall. If no request for release of the dog or dogs and execution of agreement to comply with the order of abatement respecting the dog or dogs is made with the three-day period the Animal Control Officer shall cause the dog or dogs to be destroyed.

('77 Code, § 8-2013(a)-(c)) (Am. Ord. passed 10-2-89) Penalty, see § 91.99

§ 91.23 RABIES CONTROL.

Every dog that bites a human being shall be delivered within eight hours by the owner to the County Animal Shelter or to a licensed veterinary hospital, where it shall be confined for observation for not less than ten days at the owner's expense. Wounds inflicted by dogs on human beings shall be reported immediately to the health department by the person who has been bitten by the dog or, in the case of a child, by his or her parent or guardian, as specified in G.S. § 130A-198.

('77 Code, § 8-2013(d)) (Am. Ord. passed 10-2-89) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) *General penalty.* Unless otherwise specifically provided, any person who shall violate any provision of this chapter shall be punished as set forth in § 10.99.

(B) Dogs.

(1) If any person, being the owner or keeper of a dog or dogs respecting which an order of abatement has been issued, shall fail or refuse to abate the nuisance or comply with §§ 91.20 through 91.23 as ordered, he shall be guilty of a Class 3 misdemeanor, punishable upon conviction by a fine not exceeding \$50 or by imprisonment of not more than 30 days.

(2) In addition, enforcement of §§ 91.20 through 91.23 may be by injunction, restraining order, or order of abatement in a court of competent jurisdiction, as provided by G.S. § 160A-175. ('77 Code, § 8-2014) (Am. Ord. passed 10-2-89)

**TOWN OF TROY - AN ORDINANCE REGULATING THE POSSESSION OR HARBORING OF
INHERENTLY DANGEROUS EXOTIC ANIMALS**

TITLE 9: GENERAL REGULATIONS

CHAPTER 91: ANIMALS

SECTION 91.3x: EXOTIC ANIMALS

SECTION 91.30 DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Exotic animal means any animal which:

- 1) Is not native or a non-indigenous species to this state [other than servids (deer)];
- 2) Does not have an established wild population in this state; or
- 3) Is not regulated by the state wildlife commission.
- 4) All mammals designated by the Centers for Disease Control and Prevention, Department of Agriculture or other National or State public health protection agencies as embargoed or prohibited under legal protection orders.

Harborer of inherently dangerous exotic mammal or inherently dangerous reptile means any person, regardless of ownership, who allows an inherently dangerous exotic mammal or inherently dangerous reptile to remain, lodge, or be fed or to be given shelter or refuge within the person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

Inherently dangerous exotic mammal means any live member of the Canidae, Felidae, or Ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and which include:

- 1) *Canidae* means any member of the dog (Canid) family not customarily domesticated by man or any hybrids of such Canidae, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*).
- 2) *Felidae* means any member of the cat family weighing over 15 pounds not customarily domesticated by man, or any hybrids of such Felidae, but not including domestic cats (*Felis catus*).
- 3) *Ursidae* means any member of the bear family, or hybrids of such Ursidae.
- 4) *Primates* – any member of the order primates.
- 5) *Elephants*.

Inherently dangerous reptile means any member of the Reptilia class which:

- 1) Is venomous. A venomous reptile shall include all members of the families Helodermidae (gila monsters and Mexican beaded lizards), Viperidae vipers, Crotalidae (pit vipers),

Hydrophilidae (sea snakes), and Elapidae (cobras, coral snakes, and their allies), as well as any rear fanged snakes of the family Colubridae that are known to be dangerous to humans, including but not limited to Dispholidus typus (boomslang), Thebtonia kirtlandii (twig snake), Rhabdophis (keelbacks).

- 2) Is a member of the order Crocodilia (crocodiles, alligators, and caiman).

Wild and Dangerous Animals means any animals of the cat, bear and wolf species and non-human primates, which are normally born and live in a wild habitat, even though such species may be raised and kept in captivity.

SECTION 91.31. UNLAWFUL POSSESSION.

At no time may any person possess, sell or harbor an inherently dangerous exotic mammal or inherently dangerous reptile within the Town of Troy. Any exotic animal that is in the possession of, or harbored, at the time that this ordinance is adopted will be “grandfathered”, and excluded from the regulations/requirements of this ordinance; however, to be properly “grandfathered”, any person who possesses or harbors an inherently dangerous exotic mammal or reptile shall immediately register these animals with the town upon adoption of this ordinance (registration shall be within 12 days of the day the ordinance is adopted). All animals “grandfathered” by this ordinance shall be permanently identified with an imbedded microchip; owners of “grandfathered” animals shall have six months to imbed a microchip in the animal. “Grandfathering” only covers the existing registered animals until their death.

SECTION 91.32. EXCEPTIONS.

This article does not apply to the following:

- 1) Veterinary clinics in possession of such animals or reptiles for treatment or rehabilitation purposes.
- 2) Nonresident circuses for no longer than one seven-day period, per each separate location where such circus is held within the county per calendar year.
- 3) Nonresident carnivals or traveling fairs for no longer than one seven-day period, per each separate location where such carnival or traveling fair is held within the county, per calendar year.
- 4) Persons temporarily transporting such mammals or reptile through the town, provided that such transport time shall not be more than 24 hours.
- 5) No reference or regulations in this ordinance applies to exotic mammals under the control of the North Carolina Zoological Park.

SECTION 91.33. IMPOUNDMENT; DISPOSITION OF IMPOUNDED ANIMALS.

- a) An inherently dangerous exotic mammal or inherently dangerous reptile which is kept by any person in contravention of section 2 pertaining to possession of inherently dangerous exotic animals may be taken up and impounded by the animal control officer or Police Chief's representative for the protection of the animals and/or the public. Whenever possible, the animal control officer or Police Chief's representative shall take up and impound the animal in the

presence of its owner or harbored; however, if it is such is not practicable, the animal control officer or Police Chief's representative may impound such animal consistent with this section.

- b) If an animal is impounded pursuant to this section, the owner or harbored of the animal shall be notified by the animal control officer in person or by certified mail.
- c) Any animal impounded pursuant to this section will be held ten days for the owner to claim pursuant to subsection (d) of this section; however, if the animal cannot be taken up safely by the animal control officer or Police Chief's representative or if proper and safe housing cannot be found for the animal, the animal control officer or Police Chief's representative may authorize the Montgomery County Animal Control Facility to immediately destroy the animal.
- d) The owner or harbored of the animal can reclaim the animal if the person can satisfy the chief animal control officer or Police Chief of the Town of Troy that a safe transfer of the animal to an appropriate location outside of the town has been arranged.
- e) If no owner or harbored can be located or will claim the animal within ten days after impoundment, the Town Manager may place the animal with an accredited zoological park or accredited sanctuary (accredited by the American Zoo and Aquarium Association).
- f) All cost of impoundment, care, damages to property, and/or euthanasia of the animal will be charged to its owner or harbored regardless of whether the animal is claimed by or returned to the owner or harbored. If the animal is reclaimed, such costs shall be paid in full prior to the owner or harbored reclaiming the animal pursuant to subsection (d) of this section.
- g) An animal escape/recapture plan must be filed with the town, which shall include a recovery plan (these plans must be filed with the town within six months of the day this ordinance is adopted). The owner of the animal shall be liable for all costs associated with the recapture of the animal.
- h) Any animal "grandfathered" by this ordinance must be kept in a secured enclosure to be approved by the Chief of Police within thirty (30) days of adoption of this ordinance.

SECTION 91.34. BREEDING/REPRODUCTION.

Breeding or allowing the reproduction of wild and dangerous animals as defined in this ordinance is prohibited.

SECTION 91.99 (C) VIOLATIONS AND PENALTY.

Any person who is found guilty of a violation of this Article shall be deemed guilty of a Class 3 misdemeanor and punished as provided in N.C.G.S. 14-4. Every day that the animal remains housed or harbored shall constitute a new offense.

ADOPTED THIS 6TH DAY OF FEBRUARY, 2006.

Attest:

Roy Maness, Mayor

Cathy M. Maness, Clerk

CHAPTER 92: TOWN CEMETERY

Section

92.01 Burial restrictions

§ 92.01 BURIAL RESTRICTIONS.

No person shall bury or cause to be buried any dead human body at any place within the town other than the town cemetery, a church cemetery, or in a cemetery licensed by the state Burial Association Commissioner.

('77 Code, § 6-1071) Penalty, see § 10.99

CHAPTER 93: FIRE PREVENTION

Section

- 93.01 Adoption of Fire Prevention Code
- 93.02 Fire limits
- 93.03 Obstructing firefighters or equipment prohibited
- 93.04 Permission to be obtained to ride on fire trucks
- 93.05 Interference with fire alarm prohibited
- 93.06 Tampering with fire hydrants unlawful

Cross-reference:

Fire Department, §§ 33.50 through 33.57

Fire bombs prohibited; enforcement, see § 94.02

Statutory reference:

Municipal fire protection generally, G.S. §§ 160A-291 et seq.

Approach of emergency vehicles; driving over fire hose; obstructing fire apparatus, G.S. § 20-157.

§ 93.01 ADOPTION OF FIRE PREVENTION CODE.

The most current edition of the state Fire Prevention Code, as established pursuant to G.S. § 143-138 and as amended from time to time, is adopted by reference into this code of ordinances as fully as though set forth herein as the fire prevention code for the town. An official copy of the code shall be kept on file in the office of the Town Manager.

('77 Code, § 3-2021)

§ 93.02 FIRE LIMITS.

The following described territory shall be known as the fire district for the town: the business district of the town.

('77 Code, § 3-2031)

Statutory reference:

Establishment of fire limits, G.S. § 160A-435; restrictions within fire limits, G.S. § 160A-436.

§ 93.03 OBSTRUCTING FIREFIGHTERS OR EQUIPMENT PROHIBITED.

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

('77 Code, § 3-2005) Penalty, see § 10.99

§ 93.04 PERMISSION TO BE OBTAINED TO RIDE ON FIRE TRUCKS.

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

('77 Code, § 3-2006) Penalty, see § 10.99

§ 93.05 INTERFERENCE WITH FIRE ALARM PROHIBITED.

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

('77 Code, § 3-2007) Penalty, see § 10.99

§ 93.06 TAMPERING WITH FIRE HYDRANTS UNLAWFUL.

It shall be unlawful for any person, firm, establishment or corporation to injure, deface, open the valves of, tamper with, or otherwise use the fire hydrants of the town, except Fire Department personnel while engaged in the official performance of their firefighting duties or authorized Public Works personnel while engaged in their duties.

('77 Code, § 3-2012) Penalty, see § 10.99

CHAPTER 94: NUISANCE CONTROL

Section

General Provisions

- 94.01 Unnecessary noise prohibited
- 94.02 Fire bombs prohibited; enforcement
- 94.03 Posting of printed matter; posting on private property
- 94.04 Littering

Weeds and Refuse

- 94.20 Accumulation of weeds and refuse declared nuisance
- 94.21 Complaint and investigation
- 94.22 Notice to abate
- 94.23 Hearing
- 94.24 Abatement; removal of nuisance by town
- 94.25 Liability for cost of removal
- 94.26 Lien for nonpayment of charges
- 94.27 Additional remedies available

- 94.99 Penalty

Cross-reference:

Nuisance vehicles, see § 90.21

Statutory reference:

Authority to regulate noises, G.S. § 160A-184

GENERAL PROVISIONS**§ 94.01 UNNECESSARY NOISE PROHIBITED.****(A) Prohibition.**

(1) *Generally.* It shall be unlawful for any person, firm, or corporation to create or assist in creating any unreasonably loud, disturbing, and unnecessary noise in the town. Noise of such character, intensity, and duration as to be detrimental to the public health, welfare, and peace is prohibited.

(2) *Amplifiers.* The use of mechanical loud speakers or amplifiers on trucks, airplanes, or other vehicles, or by any other means for advertising or other commercial purposes is prohibited.

(B) Definitions.

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

DISTURBING. Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.

UNNECESSARY. Any excessive or unusually loud sound or any sound which is of such character, intensity, and duration as to disturb the peace and quiet of any neighborhood or which disturbs, injures, or endangers the comfort, repose, health, peace, or safety of any person, and being a type of sound which could be lessened or otherwise controlled by the maker without unduly restricting his or her conduct.

UNREASONABLY LOUD. Noise which is substantially incompatible with the time and location where created to the extent that it creates an interference to the peace and good order of the area.

(2) In determining whether a noise is unreasonably loud, disturbing, and unnecessary, the following factors incident to such noise are to be considered:

- (a) Time of day;
- (b) Proximity to residential structures;
- (c) Whether the noise is or has been enhanced in volume and intensity;
- (d) The nature and zoning of the area;

(e) Whether the noise is related to the normal operation of a business or other activity or is the result of some use for individual purposes;

(f) Whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

(C) *Enumerated acts.* The following acts, in addition to the prohibitions set forth in division (A) of this section, and among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this list shall not be deemed to be exclusive:

(1) The sounding of any horn, whistle, or signal device on any motorized or other vehicle, except as a danger signal or as required by law, so as to create any unreasonable, loud, or harsh sound, or the sounding of such device for an unnecessary and unreasonable period of time.

(2) The playing of any radios, record players, television sets, or sound-producing equipment in such a manner or with such volume that it may be heard from a distance of 50 feet, particularly but not limited to the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of any person on a street or in a public area, business, dwelling, motel, hotel, or other type of residence.

(3) The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(4) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or so operated in such a manner as to create loud or unnecessary grating, grinding, rattling, screeching of tires, or other noise.

(5) The blowing of any steam whistle attached to any stationary boiler, except to warn of danger.

(6) The discharge into the open of any exhaust by an engine, except through a muffler or other device which will effectively prevent loud or explosive noise therefrom.

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

(8) The creation of any excessive noise on any street adjacent to any school, institute of learning, court, or church while the institutions are in session, or within 150 feet of any hospital, which unnecessarily interferes with the work of the institutions, provided that conspicuous signs are displayed in the streets indicating that the area is a school, court, church, or hospital area.

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

(10) The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m., on weekdays, except in the interest of public safety and then only with a permit from the Building Inspector, which permit may be renewed for a period of three days or less while the emergency continues.

(11) Yelling, shouting, or loud talking by persons after the hour of 10:00 p.m. and before 7:00 a.m. in close proximity to dwellings, in a manner likely to disturb the rest and repose of the residents thereof.

(12) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood.

(13) The use of mechanical loud speakers or amplifiers on trucks, airplanes, or other vehicles or by any other means for advertising or other commercial purposes is prohibited.
(’77 Code, § 8-5001) (Am. Ord. passed 12-2-96) Penalty, see § 94.99

§ 94.02 FIRE BOMBS PROHIBITED; ENFORCEMENT.

(A) Fire bombs prohibited.

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

FIREBOMB. Any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

MOLOTOV COCKTAIL. Any breakable container, or any container which is designed in a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(3) It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises. The provisions of this section shall be cumulative and in addition to any other ordinance or general statute on this subject.

(’77 Code, § 8-5002)

(B) Enforcement. The Chief of Police, shall be authorized to enforce the preceding section for the periods of time as they shall deem necessary.

(’77 Code, § 8-5003) Penalty, see § 94.99

Cross-reference:

Fire prevention, see Ch. 93

§ 94.03 POSTING OF PRINTED MATTER; POSTING ON PRIVATE PROPERTY.

(A) *Posting of printed matter.* It shall be unlawful for any person firm, or corporation to post, nail, stick, or otherwise affix bills, posters, advertisements, notices or any other printed or graphic matter upon public property in the town. This section shall not apply to notices, signs, or advertisements required to be posted by law, signs or plates on residential premises giving the name or address of the occupant, mail boxes or newspaper tubes, municipal, county, state and federal traffic signs, historical markers, monuments or signs erected by public authority, temporary displays as a part of customary holiday decorations, and signs denoting the location of underground utilities.
(’77 Code, § 8-5004)

(B) *Posting on private property.* It shall be unlawful for any person, firm, or corporation to nail, stick, or otherwise affix bills, posters, advertisements, notices or other printed or graphic matter upon private property within the town without the consent of the owner.
(’77 Code, § 8-5005) Penalty, see § 94.99

§ 94.04 LITTERING.

(A) It shall be unlawful for any person, firm, organization or private corporation, or the servants, agents or employees thereof, to place or leave or cause to be placed or left temporarily or permanently any trash, refuse, garbage, scrapped automobile, scrapped truck or parts thereof, on the streets or other public areas in the town.

(B) This section shall not prohibit the use of garbage cans or refuse containers placed for the purpose of pick-up by city garbage or trash trucks, nor the placing of trash or refuse in designated places for the purpose of being picked up by garbage trucks or refuse trucks on the days designated for such pick-up.

(’77 Code, § 8-5006) (Ord. passed 5-6-68) Penalty, see § 94.99

Cross-reference:

Littering prohibited, see § 95.07

Statutory reference:

Authority to regulate littering, G.S. § 160A-303.1

WEEDS AND REFUSE**§ 94.20 ACCUMULATION OF WEEDS AND REFUSE DECLARED NUISANCE.**

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is 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 24 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) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.

('77 Code, § 8-4001) Penalty, see § 94.99

Cross-reference:

Maintenance of public areas, see § 95.03

Statutory reference:

Abatement of public health nuisances, G.S. § 160A-193.

§ 94.21 COMPLAINT AND INVESTIGATION.

The Town Manager, upon notice from any person of the existence of any of the conditions described in § 94.20, shall cause to be made by the appropriate County Health Department official, or town official, such investigation as may be necessary to determine whether, in fact, the conditions exist as to constitute a public nuisance as declared in § 94.20.

('77 Code, § 8-4002)

§ 94.22 NOTICE TO ABATE.

Upon a determination that the conditions constituting a public nuisance exist, the Town Manager shall notify, by certified mail the owner occupant or person in possession of the premises in question of the conditions constituting the public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of the written notice.

('77 Code, § 8-4003)

§ 94.23 HEARING.

Within seven days from receipt of the notice provided for in § 94.22, the owner, occupant or person in possession of the premises may request a hearing before the Town Manager and the County

Health Department official, or town official whose investigation and findings resulted in the initial abatement order. The Town Manager shall fix a time for the hearing and the initial abatement order shall be temporarily suspended pending the hearing. At the hearing, the individual affected by the order shall be given the opportunity to present evidence to refute the findings which supported the abatement order. Upon completion of the hearing, the Town Manager shall consider the evidence before him and shall either revoke the initial order, issue a final order which differs from the initial order, or reinstate the initial order as a final abatement order.
(’77 Code, § 8-4004)

§ 94.24 ABATEMENT; REMOVAL OF NUISANCE BY TOWN.

Upon the occurrence of either of the following conditions:

(A) A hearing is requested and held under § 94.23 resulting in either a final order with modifications or the reinstatement of the initial order as a final order, and the order is not complied with.

(B) No hearing is requested or held, and the person having been ordered to abate the public nuisance fails, neglects or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of the order; then, the Town Manager shall cause the condition to be removed or otherwise remedied by having employees of the town to go upon the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the Town Manager. Any person who has been finally ordered to abate a public nuisance may within the time allowed by this chapter request the town in writing to remove the condition, the cost of which shall be paid by the person making the request.
(’77 Code, § 8-4005)

§ 94.25 LIABILITY FOR COST OF REMOVAL.

The actual cost incurred by the town in removing or otherwise remedying a public nuisance shall be charged to the owner of the lot or parcel of land, and it shall be the duty of the Tax Collector to mail a statement of the charges to the owner or other person in possession of the premises with instructions that the charges are due and payable within 30 days from the receipt thereof.
(’77 Code, § 8-4006)

§ 94.26 LIEN FOR NONPAYMENT OF CHARGES.

In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in § 94.24 of this chapter the charges shall

become 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.
('77 Code, § 8-4007)

§ 94.27 ADDITIONAL REMEDIES AVAILABLE.

The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this chapter shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in G.S. § 14-4.
('77 Code, § 8-4008)

§ 94.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no other specific penalty applies shall be punished as set forth in § 10.99

(B) Any person who violates the provisions of § 94.04 shall be punished by a fine not exceeding \$50 or imprisoned not exceeding 50 days, or both, for each offense. The placing, discarding, disposing, or leaving of the articles forbidden by § 94.04 shall, for each day or portion thereof the articles or matter are left, constitute a separate offense. (G.S. § 160A-303.1)

CHAPTER 95: STREETS AND SIDEWALKS

Section

General Provisions

- 95.01 Board approval of new streets
- 95.02 Damage to municipal property
- 95.03 Assembly on streets and sidewalks
- 95.04 Sidewalk displays prohibited
- 95.05 Repair of motor vehicles
- 95.06 Ballgames in streets prohibited
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- 95.08 Maintenance of public areas; receptacles

Excavations and Repairs; Construction Requirements

- 95.20 Excavation permit required
- 95.21 Application; fees
- 95.22 Duty to refill excavation opening
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- 95.25 Sidewalk construction; permit required
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Parades and Demonstrations

- 95.40 Definitions
- 95.41 Permit required
- 95.42 Standards for issuance of permit
- 95.43 Application; requirements
- 95.44 Weapons and dogs prohibited
- 95.45 Revocation of permit

- 95.46 Interference with parades prohibited
- 95.47 Picketing
- 95.48 Exceptions to parade regulations

- 95.99 Penalty

GENERAL PROVISIONS

§ 95.01 BOARD APPROVAL OF NEW STREETS.

Before any new street offered for dedication to the town is accepted as such, and officially recognized as a town-maintained street, the Board must give its approval, finding that the street complies with engineering standards set by the Board, and that the best interests of the town would be served by accepting the street as a town street.
(’77 Code, § 4-1001)

§ 95.02 DAMAGE TO MUNICIPAL PROPERTY.

No person shall injure, tamper with, remove, paint upon or deface any bridge, culvert, ditch and drain, sign, sign post, street light, traffic signal, bulletin board or other municipal property upon the streets and sidewalks or elsewhere except employees of the town in the performance of their duties.
(’77 Code, § 4-1028) Penalty, see § 95.99

§ 95.03 ASSEMBLY ON STREETS AND SIDEWALKS.

Except as provided in §§ 95.40 through 95.48 of this code, it shall be unlawful for crowds or assemblages of persons to congregate on the streets or sidewalks of the town in such a way as to unnecessarily interfere with pedestrian or vehicular traffic. Any person refusing to disperse upon being so ordered by a police officer shall be guilty of a misdemeanor.
(’77 Code, § 6-2001) Penalty, see § 95.99

§ 95.04 SIDEWALK DISPLAYS PROHIBITED.

It shall be unlawful for any person, firm or corporation to place or set out for exhibition any goods, wares, or merchandise directly connected with the business transacted by him, on the sidewalk in front of a place of business, store or building owned, controlled or occupied by him.
(’77 Code, § 6-2002) Penalty, see § 95.99

§ 95.05 REPAIR OF MOTOR VEHICLES.

It shall be unlawful for any person, firm, or corporation to repair a motor vehicle on a paved street of the town except in case of emergency.

('77 Code, § 6-2005) Penalty, see § 95.99

§ 95.06 BALLGAMES IN STREETS PROHIBITED.

No person shall play baseball, football or any other game of ball, or shall pitch or catch a ball, on any street or sidewalk within the corporate limits of the town.

('77 Code, § 6-2006) Penalty, see § 95.99

§ 95.07 LITTERING PROHIBITED.

(A) *Littering prohibited.* It shall be unlawful for any person, firm, organization or private corporation to throw or deposit upon any street or sidewalk, or upon any private property, except with written permission of the owner or occupant of the private property any trash, refuse, garbage, building material, cans, bottles, broken glass, paper, or any type of litter.

('77 Code, § 6-2011)

(B) *Littering from vehicles prohibited.* It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place within the town, or upon private property.

('77 Code, § 6-2012) Penalty, see § 95.99

Cross-reference:

Littering, see § 94.04

§ 95.08 MAINTENANCE OF PUBLIC AREAS; RECEPTACLES.

(A) *Maintenance of public areas.* Every owner, lessee, tenant, occupant or other person in charge of any commercial establishment or premises which maintains any paved or unpaved areas for the use of the public, either for parking or as access areas and incident to the carrying on of the principal business of any commercial establishment or premises and which parking or access areas abut or lie within ten feet of any public street or other public way, shall keep and maintain the areas clean and free from trash, litter, rubbish and any materials liable to be blown, deposited or cast upon the street or other public way. ('77 Code, § 6-2013)

(B) *Receptacles.* Suitable receptacles may be provided in parking or access areas within the meaning of division (A) hereof. The receptacles shall be plainly marked and constructed to prevent

scattering of any trash, litter, rubbish or other materials deposited therein. ('77 Code, § 6-2014)
Penalty, see § 95.99

Cross-reference:

Accumulation of weeds and refuse, see § 94.20

EXCAVATIONS AND REPAIRS; CONSTRUCTION REQUIREMENTS

§ 95.20 EXCAVATION PERMIT REQUIRED.

No person shall make any excavation or opening or dig any ditch, trench, tunnel or hole in, along, across or under any street, sidewalk or other public place for the purpose of laying or placing therein any pipe, wires or poles or for any other purposes unless a written permit therefor has been issued by some officer of the town vested with proper authority, provided that a permit shall not be required where the work is performed under a contract with the town, but in the event that the work requires a sidewalk or street to be wholly or partially obstructed, the party performing the work shall notify the town at least two hours before obstructing the sidewalk or street, unless prevented by sudden emergency.

('77 Code, § 4-1021) Penalty, see § 95.99

Statutory reference:

Establishment and control over municipal streets, G.S. § 160A-296.

§ 95.21 APPLICATION; FEES.

All persons desiring a permit to make an opening in any street or sidewalk, as set forth in § 95.20, shall make written application therefor, which application shall show the location of the proposed opening, the purpose therefor and the approximate number of square yards of surface to be cut. A fee may be required by the Board for such permit.

('77 Code, § 4-1022) Penalty, see § 95.99

§ 95.22 DUTY TO REFILL EXCAVATION OPENING.

When any part of any street, sidewalk, alley or other public place of the town shall be torn or dug up for any purpose, the person making the excavation or opening shall have the duty of refilling the excavation or opening, and the refilling shall be done in accordance with the standards and specifications of the town.

('77 Code, § 4-1023) Penalty, see § 95.99

§ 95.23 RESPONSIBILITY FOR PROTECTING EXCAVATION SITE.

It shall be unlawful for any person, firm or corporation who obtains a permit under this subchapter to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk or public place of the town without placing and maintaining proper guard rails three feet from the ground and signal lights or other warnings at, in or around the same, sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care from injuries on account of the excavation or work.

('77 Code, § 4-1024) Penalty, see § 95.99

§ 95.24 DAMAGE BY TRACTORS OR OTHER EQUIPMENT.

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 or other type of permanently paved street of the town which shall be likely in any way to injure or cut the surface thereof.

('77 Code, § 4-1025) Penalty, see § 95.99

§ 95.25 SIDEWALK CONSTRUCTION; PERMIT REQUIRED.

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.

('77 Code, § 4-1026) Penalty, see § 95.99

§ 95.26 PASSAGEWAY PROVIDED DURING CONSTRUCTION.

Before building or remodeling at any place where the same is in close proximity to the sidewalk, a passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

('77 Code, § 6-2003) Penalty, see § 95.99

§ 95.27 SHEDS AND AWNINGS.

It shall be unlawful for any person, firm or corporation to construct or erect, or cause to be constructed or erected, any structure, and particularly any awning or similar structure, over any sidewalk or any part of any sidewalk of the town unless such structure be at least seven feet above the surface of such sidewalk, this restriction is in addition to other restrictions which now, or may in the future, apply to such structures.

('77 Code, § 6-2004) Penalty, see § 95.99

§ 95.28 HOUSEMOVING; BOND REQUIRED.

No person shall move any house or building upon or across the public streets or sidewalks without the written consent of the board and the deposit of a good and sufficient bond to cover damage done to any street or sidewalk or to any property of any person.

('77 Code, § 4-1027) Penalty, see § 95.99

§ 95.29 DRIVEWAY CONSTRUCTION; PERMIT REQUIRED.

No person shall begin to construct, reconstruct, repair, alter, or grade any driveway on the public streets, unless a written permit therefor has been issued by the manager or some other officer of the town vested with such authority.

('77 Code, § 4-1029) Penalty, see § 95.99

§ 95.30 GATE OPENING REQUIREMENTS.

All gates shall be so constructed as not to open upon or otherwise encroach upon any street or sidewalk.

('77 Code, § 6-2007) Penalty, see § 95.99

PARADES AND DEMONSTRATIONS**§ 95.40 DEFINITIONS.**

For the purpose of §§ 95.40 through 95.48, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLOCK. Portion of any street lying between its intersections with other streets.

PARADE. Any assemblage of two or more persons participating in or operating any vehicle in any march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, alleys, parks, or other public grounds or places.

PERSON. Any person, firm, corporation, partnership, association, or other organization, whether formal or informal.

PICKET LINE. Any two or more persons formed together for the purpose of making known any position or promotion of the persons, or on behalf of any organization or class of persons.

GROUP DEMONSTRATION. Any assembly together or concert of action between or among two or more persons for the purpose of protesting any matter or of making known any position or promotion of the persons, or of or on behalf of any organization or class of persons, or for the purpose of attracting attention of the assembly.
(’77 Code, § 6-2021)

§ 95.41 PERMIT REQUIRED.

It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk, alley, or other public place within the town unless a permit there for has been issued by the town in accordance with the provisions of this subchapter.
(’77 Code, § 6-2022) Penalty, see § 95.99

§ 95.42 STANDARDS FOR ISSUANCE OF PERMIT.

The Chief of Police shall not issue a permit for the proposed parade if he finds that:

(A) The parades, picket lines, or group demonstrations are to commence before 6:00 a.m. or terminate after 5:00 p.m.

(B) The parades or group demonstrations are to be held at the same time and place as those designated in a permit issued pursuant to a written application previously received by the Chief of Police or his designee.

(C) The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

(D) The conduct of the parade will require the diversion of so great a number of police officers of the town to properly police the line of movement of the parade and of contiguous areas so that adequate police protection cannot be provided the remainder of the town.

(E) The conduct of the parade will require the diversion of so great a number of ambulances so that adequate ambulance service to portions of the town not occupied by the parade and contiguous areas will be prevented.

(F) The concentration of persons, animals and vehicles at assembly points of the parade will substantially interfere with adequate fire and police protection of, or ambulance service to, areas contiguous to the assembly areas.

(G) The conduct of the parade is reasonably likely to result in violence to persons or property causing serious harm to the public.

(H) The parade is to be held for the primary purposes of advertising a product, good, or event, and is designed to be held primarily for private profit.

(I) The conduct of the parade will interfere with the movement of firefighting equipment to such an extent that adequate fire protection cannot be provided to the town.
(’77 Code, § 6-2023)

§ 95.43 APPLICATION; REQUIREMENTS.

The Chief of Police or his designee shall issue permits as required in the preceding section, and in the issuance thereof he shall:

(A) Require a written application for permit to be filed not less than 24 hours in advance of the parade, picket line, or group demonstration which application shall specify the time and place for the commencement of any picket line and the time, place, route, and duration of any parade or group demonstration.

(B) Require that the application for a permit specify whether or not minors below the age of 18 years will be permitted to participate.

(C) Require that the application for a permit shall specify and the permit shall designate the person or persons in charge of the activity. The person shall be required to accompany the parade, picket line, or group demonstration and shall carry the permit with him at that time. The permit shall not be valid in the possession of any other person.
(’77 Code, § 6-2024)

§ 95.44 WEAPONS AND DOGS PROHIBITED.

The following acts or activities, when performed or undertaken in conjunction with or as a part of, any parade, picket line, or group demonstration, are prohibited and declared unlawful.

(A) The carrying on or about the person any firearm, or any weapon or article, including but not limited to blackjacks, nightsticks, or flashlights which by their use might constitute a deadly weapon.

(B) The taking or keeping of any dog or other vicious animal, whether leashed or unleashed.
(’77 Code, § 6-2025) Penalty, see § 95.99

§ 95.45 REVOCATION OF PERMIT.

The Chief of Police shall revoke any permit granted for a parade, picket line, or group demonstration for any of the following causes.

(A) The violation by any participant of § 95.44.

(B) The failure to comply with the terms and conditions of the permit.
(’77 Code, § 6-2026)

§ 95.46 INTERFERENCE WITH PARADES PROHIBITED.

No person shall hamper, obstruct, impede, or interfere with any parade, picket line, or group demonstration being conducted under authority of a permit duly issued by the Chief of Police.
(’77 Code, § 6-2027) Penalty, see § 95.99

§ 95.47 PICKETING.

Picket lines and picketing shall be subject to the following additional regulations:

(A) Picketing may be conducted only on the sidewalks reserved for pedestrian movement and may not be conducted on the portion of a street used primarily for vehicular traffic.

(B) Not more than ten pickets promoting the same objective shall be permitted to use either of the two sidewalks within a single block at any one time.

(C) Pickets may carry written or printed placard or signs not exceeding two feet in width and two feet in length promoting the objective for which the picketing is done, provided that the words used are not derogatory or defamatory in nature.

(D) Pickets must march in single file and not abreast and must not march closer together than 15 feet, except in passing one another.
(’77 Code, § 6-2028) Penalty, see § 95.99

§ 95.48 EXCEPTIONS TO PARADE REGULATIONS.

Sections 95.40 through 95.47 shall not apply to:

(A) Funeral processions.

(B) Any governmental agency acting within the scope of its functions.
(’77 Code, § 6-2029)

§ 95.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no other specific penalty applies shall be punished as set forth in § 10.99

(B) Any person who violates the provisions of § 95.07 shall be punished by a fine not exceeding \$50 or imprisoned not exceeding 50 days, or both, for each offense. The placing, discarding, disposing, or leaving of the articles forbidden by § 94.04 shall, for each day or portion thereof the articles or matter are left, constitute a separate offense. (G.S. § 160A-303.1)

TITLE V: PUBLIC WORKS

Chapter

- 50. GARBAGE AND REFUSE**
- 51. WATER**
- 52. SEWERS**
- 53. SEWER USE AND PRETREATMENT**

CHAPTER 50: GARBAGE AND REFUSE

Section

- 50.01 Definitions
- 50.02 Refuse required to be deposited in approved containers
- 50.03 Burning or burying garbage and refuse regulated
- 50.04 Accumulation of garbage and refuse prohibited
- 50.05 Containers required; specifications
- 50.06 Pre-collection practices
- 50.07 Location of containers
- 50.08 Unlawful to displace containers
- 50.09 Special or bulk collections regulated
- 50.10 Removal of dead animals

§ 50.01 DEFINITIONS.

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

BUILDING MATERIAL SCRAPS. Scrap building material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign and other structure, including but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber or any other similar material used in construction or the containers or wrappings therefor.

GARBAGE. All putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial byproducts but excluding sewage and human wastes.

REFUSE. All nonputrescible wastes.

SOLID WASTE. Garbage, refuse, rubbish, trash, and other discarded solid materials, including ***SOLID WASTE*** materials resulting from homes, businesses, industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

TREE TRIMMINGS. Tree limbs, leaves, shrubbery, weeds, plants or grass.
(’77 Code, § 4-2001)

§ 50.02 REFUSE REQUIRED TO BE DEPOSITED IN APPROVED CONTAINERS.

It shall be unlawful for any person to throw, place or deposit any garbage or refuse of any kind on any public or private property except in approved containers or as otherwise provided in this chapter.

(’77 Code, § 4-2002) Penalty, see § 10.99

Cross-reference:

Littering, see §§ 94.04 and 95.07

§ 50.03 BURNING OR BURYING GARBAGE AND REFUSE REGULATED.

It shall be unlawful to burn or set fire to or bury any garbage for the purpose of disposal. In addition, it shall be unlawful to bury any refuse for the purpose of disposal unless a permit therefor has been granted by the Fire Chief.

(’77 Code, § 4-2003) Penalty, see § 10.99

Cross-reference:

Fire prevention, see Ch. 93

§ 50.04 ACCUMULATION OF GARBAGE AND REFUSE PROHIBITED.

All garbage and refuse shall be collected and placed in containers as required by this chapter and it shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit same in approved containers as required herein.

(’77 Code, § 4-2004) Penalty, see § 10.99

Cross-reference:

Maintenance of public areas, see § 95.08

§ 50.05 CONTAINERS REQUIRED; SPECIFICATIONS.

The occupant of every building or premises where garbage and refuse does or may exist shall provide containers made of substantial galvanized iron, plastic, rubber or other nonrusting material in which shall be deposited all garbage and refuse existing at such building or premises. Each container shall be provided with handles or bails and with a tight-fitting cover made of the same material as the container. All containers shall be watertight and they shall be of a size that can be conveniently

handled by the collectors, and no container shall be more than 30 gallons in capacity and measure not over 22 inches in diameter nor 30 inches in height. All containers shall be kept in a reasonably clean condition.

('77 Code, § 4-2005) Penalty, see § 10.99

§ 50.06 PRE-COLLECTION PRACTICES.

All garbage and refuse shall have the liquid drained therefrom and shall be wrapped in paper or other like material before it is placed in the container for collection. Ashes and cinders shall be placed in a separate container provided for that purpose and no ashes shall be deposited in any container until they are cold. Containers which fail to have a cover as required in § 50.05 or which become rusted or broken and therefore are unable to contain garbage and refuse in a satisfactory manner shall not be used.

('77 Code, § 4-2006) Penalty, see § 10.99

§ 50.07 LOCATION OF CONTAINERS.

(A) Containers shall not be placed adjacent to the street or sidewalk except on the days when garbage is to be collected. A schedule of collection shall be kept on file at the Manager's office. When collection schedules are altered from time to time, notice of such change shall be given by publishing the new schedule in a newspaper having general circulation in the town. Garbage containers shall be removed from their positions adjacent to the street or sidewalk after the contents have been emptied on that same day.

(B) It is declared unlawful for any person, firm or corporation operating a business in the town to place garbage or any kind of waste matter into the area at the rear of such business establishment, except that the owner or proprietor of each business shall place or cause to be placed a suitable container at the rear of said business establishment. Such waste or garbage shall be placed therein for the purpose of being removed by the town garbage collector, and the containers shall be approved by the officer or employee of the town charged with supervision over garbage and refuse collection.

('77 Code, § 4-2007) Penalty, see § 10.99

§ 50.08 UNLAWFUL TO DISPLACE CONTAINERS.

It shall be unlawful for any person to damage, displace, or to otherwise interfere with garbage containers or their contents except the owner or upon permission or at the request of the owner.

('77 Code, § 4-2008) Penalty, see § 10.99

§ 50.09 SPECIAL OR BULK COLLECTIONS REGULATED.

(A) No bulk trash, tree limbs, shrubbery cuttings, leaves and other refuse will be collected without special charge unless such refuse can be placed in regulation type garbage cans.

(B) Any property owner desiring special bulk collections of loose matter not in closed containers or tied in bundles may request a special collection for which a special charge will be made. If sufficient manpower and equipment are available, town personnel are authorized to make such special collections, provided the person making the request agrees to pay for the labor and equipment used at the rate specified by the Town Manager.

(C) No collection shall be made from vacant lots nor shall any large rocks, tree trunks, tree stumps, tree limbs of more than six feet in length or other heavy objects be collected by the town. No waste building materials or lot clearings shall be collected from houses or other structures under construction, or recently completed.

(D) Material to be collected by special collections shall be placed in neat piles and so located that such refuse can be easily loaded on trucks for disposal.
(’77 Code, § 4-2009) Penalty, see § 10.99

§ 50.10 REMOVAL OF DEAD ANIMALS.

Dead animals will be removed from any premises by the town upon notice to the Manager of the existence of such dead animal.
(’77 Code, § 4-2010) Penalty, see § 10.99

CHAPTER 51: WATER

Section

General Provisions

- 51.01 Water for consumers outside of town
- 51.02 Work on water system
- 51.03 Use of town water
- 51.04 Tampering with or obstructing water lines prohibited

Connections

- 51.15 Connection to water system required
- 51.16 Permit for connection required
- 51.17 Separate connections required
- 51.18 Use of wells for other than domestic purposes; cross-connections prohibited

Rates; Billing Procedures

- 51.30 Utility rates; disconnection for delinquency
- 51.31 Reconnection; fee; removal of meter
- 51.32 Adjustment of bills for meter error
- 51.33 Discontinuance of service; refund of deposit

Administration and Enforcement

- 51.45 Board to regulate water system
- 51.46 Director of the Public Works Department
- 51.47 Access to property
- 51.48 Enforcement by additional remedies

Statutory reference:

Authority to require connections, G.S. § 160A-317.

Discontinuance of service for delinquency, G.S. § 160A-314.

GENERAL PROVISIONS**§ 51.01 WATER FOR CONSUMERS OUTSIDE OF TOWN.**

Water shall not be furnished to consumers outside of the town except at such terms and conditions as may be approved in each case by the Board.

('77 Code, § 5-1007)

§ 51.02 WORK ON WATER SYSTEM.

All work on the water system and all connections or disconnections thereto shall be performed by the authorized employees of the town or their representatives or plumbers approved by the town.

('77 Code, § 5-1012) Penalty, see § 10.99

§ 51.03 USE OF TOWN WATER.

No person shall take or carry away water from any watering trough, public fountain, or other public place. No water from the town water supply or water system shall be used for the purpose of resale to any person or firm.

('77 Code, § 5-1014) Penalty, see § 10.99

§ 51.04 TAMPERING WITH OR OBSTRUCTING WATER LINES PROHIBITED.

No person shall touch, tamper with, or in any manner manipulate or turn the cut-offs on the water mains forming a part of the water system of the town, nor shall any person tamper with or harm in any manner whatsoever any water line, main or any appurtenance thereto. No person shall throw or deposit any material or substance into any water line that will in any manner obstruct such line.

('77 Code, § 5-1015) Penalty, see § 10.99

CONNECTIONS**§ 51.15 CONNECTION TO WATER SYSTEM REQUIRED.**

All owners of improved property located within the corporate limits and upon or within a reasonable distance of any water line owned and operated by the town shall connect their premises with the town water system.

('77 Code, § 5-1003) Penalty, see § 10.99

§ 51.16 PERMIT FOR CONNECTION REQUIRED.

No person, firm, or corporation shall connect with the water system of the town until they shall have made application for permission to so connect in writing to the town.

('77 Code, § 5-1004) Penalty, see § 10.99

§ 51.17 SEPARATE CONNECTIONS REQUIRED.

Each individual business or residential building or structure shall install a separate water connection. However, apartments and other multi-unit dwellings may be allowed a single connection and meter, at the discretion of the Manager.

('77 Code, § 5-1005) Penalty, see § 10.99

**§ 51.18 USE OF WELLS FOR OTHER THAN DOMESTIC PURPOSES;
CROSS-CONNECTIONS PROHIBITED.**

Any person who connects his premises to the town water system for domestic household water service may continue the use of a private well for any purpose other than domestic, household water supply. There shall be no cross-connection of the town's water system with any private well or any other source of water supply.

('77 Code, § 5-1006) Penalty, see § 10.99

RATES; BILLING PROCEDURES**§ 51.30 UTILITY RATES; DISCONNECTION FOR DELINQUENCY.**

(A) Water rates, deposits, connection, and reconnection charges shall be determined from time to time by the Board and shall be kept on file in the office of the Clerk.

(B) All bills for water used during the previous month are due and payable on the first day of the month following the current month of service.

(C) The town specifically reserves, and shall exercise, the right to disconnect water service to delinquent customers, upon such terms as the Board shall direct.

(D) Payment terms and turn-off dates are determined by the Board and are on file in the office of the Town Clerk.

('77 Code, § 5-1008) Penalty, see § 10.99

§ 51.31 RECONNECTION; FEE; REMOVAL OF METER.

(A) When the water that is being used by any person, firm or corporation has been cut off because of the nonpayment of the water account, such person, firm or corporation shall pay a fee fixed by the Manager and kept on file in the office of the Clerk before such water shall be turned back on.

(B) In cases where water is turned off for nonpayment or other causes, or when, in the opinion of the Manager, the turning off of water at the meter is not sufficient protection against the future use of water, the Manager may cause the meter to be withdrawn.

('77 Code, § 5-1009) Penalty, see § 10.99

§ 51.32 ADJUSTMENT OF BILLS FOR METER ERROR.

The Town Manager may adjust and settle inequitable and abnormal water bills due to meter error.
('77 Code, § 5-1010)

§ 51.33 DISCONTINUANCE OF SERVICE; REFUND OF DEPOSIT.

When service is desired discontinued by a customer, the service will be cut off and any deposit refunded, less the amount due for unpaid bills. Any customer moving and failing to notify the town officials shall forfeit his deposit.

('77 Code, § 5-1011)

ADMINISTRATION AND ENFORCEMENT**§ 51.45 BOARD TO REGULATE WATER SYSTEM.**

The water system of the town shall be under the control of, and the duty of prescribing and enforcing full compliance with all rules and regulations governing the water system shall be vested in, the Board or its authorized agent.

('77 Code, § 5-1001)

§ 51.46 DIRECTOR OF THE PUBLIC WORKS DEPARTMENT.

The Manager may select some competent person to supervise, under its general control, the entire water system of the town. The Manager may from time to time prescribe the duties and responsibilities of this Director of the Public Works Department.

('77 Code, § 5-1002)

§ 51.47 ACCESS TO PROPERTY.

The Director or his or her assistant shall at all reasonable hours have free access to all premises for the purpose of examining hydrants, fixtures or connections to the town water system.
(’77 Code, § 5-1013)

§ 51.48 ENFORCEMENT BY ADDITIONAL REMEDIES.

In addition to charging violators of the provisions of this chapter with a misdemeanor offense under G.S. § 14-4, this chapter may also be enforced by appropriate equitable remedies, including mandatory injunction issued by a court of competent jurisdiction, as provided in G.S. § 160A-175(d)(e).
(’77 Code, § 5-1016)

CHAPTER 52: SEWERS

Section

General Provisions

- 52.01 Connection to sewer required
- 52.02 Permit for connection required
- 52.03 Separate connections required
- 52.04 Work on connections
- 52.05 Charges for service
- 52.06 Discharge of certain substances prohibited
- 52.07 Damaging or obstructing system
- 52.08 Sewer pressure system on Highways 24 and 27 East

Administration and Enforcement

- 52.20 Control and supervision
- 52.21 Access to property
- 52.22 Enforcement by additional remedies

GENERAL PROVISIONS

§ 52.01 CONNECTION TO SEWER REQUIRED.

(A) Every person, group of persons, firm or corporation, owning a dwelling, building or other structure which is used for human habitation or occupancy within the town situated on a lot or parcel of land which abuts or adjoins a street or other public way, along which is located a sanitary sewer line may be required to connect such dwelling, building or structure to the sewer system of the town. Where connections are required, all toilets, sinks and other plumbing fixtures shall be installed so as to drain into the sanitary sewer.

(B) When in the future new and additional sewer lines are installed by the town, the persons, firms or corporations owning dwellings, buildings and other structures for human habitation or occupancy situated on lots abutting or adjoining the streets in which the sewer lines are constructed may be required to connect such dwellings, buildings or structures to the new sewer lines within an established time from the completion of same.

('77 Code, § 5-2002) Penalty, see § 10.99

§ 52.02 PERMIT FOR CONNECTION REQUIRED.

No person, firm or corporation shall make any connection to the sanitary sewer system unless and until a permit there for has been issued by the town.

('77 Code, § 5-2003) Penalty, see § 10.99

§ 52.03 SEPARATE CONNECTIONS REQUIRED.

Each separate dwelling structure or other building shall have a separate connection to the system; provided that apartment or other multi-use or occupancy buildings may have one combined connection.

('77 Code, § 5-2004) Penalty, see § 10.99

§ 52.04 WORK ON CONNECTIONS.

All connections to, and any other work upon, the sanitary system shall be made by authorized employees of the town or by licensed plumbers who have been specifically employed or granted permission by the Director of the Public Works Department to make such connection.

('77 Code, § 5-2005) Penalty, see § 10.99

§ 52.05 CHARGES FOR SERVICE.

Charges by the town for sanitary sewer service shall be made and collected as part of the charges for town water service. Rates, deposits, connection charges and other policies shall be determined and maintained on file in the office of the Clerk.

('77 Code, § 5-2007)

Cross-reference:

Water rates; billing procedures, see §§ 51.30 through 51.33

§ 52.06 DISCHARGE OF CERTAIN SUBSTANCES PROHIBITED.

It shall be unlawful for any person, firm or corporation to deposit, or cause to be deposited, or discharge, or permit to be discharged, into any part of the sanitary system the following substances:

(A) Any corrosive, volatile, inflammable or explosive liquid gas, vapor or material of any kind.

(B) Any acid trade waste or effluent from the manufacture of chemicals or other products in which acid or chemicals are used as part of the process of treatment or manufacture.

(C) Any trade waste containing oily and greasy substances, likely to cause accretion on the sides of the sewers.

(D) Any used motor oils or greases, or similar substances.

(E) Any trade waste containing large quantities of hair or fibre, or any other substances which may obstruct the sewers or cause any undue cleaning of the sewer system.

(F) Any fish, offal, garbage, dead animals, or similar types of waste.
(’77 Code, § 5-2008) Penalty, see § 10.99

§ 52.07 DAMAGING OR OBSTRUCTING SYSTEM.

It shall be unlawful for any person to damage, tamper with or otherwise do harm to the mains, pipes, apparatus or other part of the sanitary sewer system, or to place or cause to be placed any object of any nature whatsoever into the system that will block or obstruct or impede the normal flow in the sewer system.

(’77 Code, § 5-2009) Penalty, see § 10.99

§ 52.08 SEWER PRESSURE SYSTEM ON HIGHWAYS 24 and 27 EAST.

The town will own, operate, and maintain all the lines, pumps, and so forth on the public right-of-ways. The property owner will pay for any pumps, lines and tanks necessary to properly connect to our force main. Upon the legal granting of reasonable right of access to the town, the town will assume the maintenance responsibility of the pump and lines from the connection to the town’s force main up to and through the grinder pump. All equipment, materials and installation must meet the town’s specifications.

(Ord. passed 9-30-92)

ADMINISTRATION AND ENFORCEMENT**§ 52.20 CONTROL AND SUPERVISION.**

The sanitary sewer system of the town shall be under the general control and supervision of the Town Manager. The Town Manager shall appoint a qualified person to supervise the operation and regulation of the system, with the water and sewer systems, and such person appointed shall be known as the Director of the Public Works Department.

('77 Code, § 5-2001)

§ 52.21 ACCESS TO PROPERTY.

The Director or his or her assistants shall at reasonable hours have free access to all premises for the purpose of examining lines, fixtures or connections to the sanitary sewer system.

('77 Code, § 5-2006)

§ 52.22 ENFORCEMENT BY ADDITIONAL REMEDIES.

In addition to charging violators of the provisions of this chapter with a misdemeanor offense under G.S. § 14-4, this chapter may also be enforced by appropriate equitable remedies, including mandatory injunction issued by a court of competent jurisdiction as provided in G.S. § 160A-175(d)(e).

('77 Code, § 5-2010)

CHAPTER 53: SEWER USE AND PRETREATMENT

Section

53.01 Adoption by reference

§ 53.01 ADOPTION BY REFERENCE.

The town sewer use and pretreatment ordinance, which sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system of the town and enables the town to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.) and general pretreatment regulations (40 CFR 403), and which was duly enacted by ordinance passed 3-17-97, is hereby adopted by reference into this code of ordinances as if fully set forth herein. Copies of the ordinance are available for public inspection in the office of the Town Manager.

(Ord. passed 3-17-97)

CHAPTER 111: GAMES AND AMUSEMENTS

Section

- 111.01 Definition
- 111.02 License required
- 111.03 Application for license; investigation
- 111.04 Denial of license
- 111.05 Form and content of license
- 111.06 Prohibitions
- 111.07 Rules of operation
- 111.08 Licensee responsible for employee acts
- 111.09 Revocation of license

Statutory reference:

Regulation of places of amusement G.S. § 160A-181.

§ 111.01 DEFINITION.

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

GAME ROOM. Any place of business that principally operates games, mechanical elections or other pay devices or tables for which charge made either directly or indirectly. Examples of ***GAME ROOMS***, by way of illustration and not limitation, are ***POOL ROOMS, BOWLING ALLEYS, BILLIARD HALLS, CENTERS FOR THE OPERATION OF ELECTRONIC GAMES, AMUSEMENT CENTERS*** and the like.

('77 Code, § 6-1041(a) and (b)) (Am. Ord. passed 3-1-82)

§ 111.02 LICENSE REQUIRED.

Pursuant to the authority granted to town in G.S. § 160A-181 to regulate places of amusement and entertainment, it shall be unlawful for any person to maintain or operate any such game room unless the person shall have secured a license from the Town Board to operate the amusement. The license shall expire on June 30 of each year and shall not be transferable.

('77 Code, § 6-1041(c)) (Am. Ord. passed 3-1-82) Penalty, see § 10.99

§ 111.03 APPLICATION FOR LICENSE; INVESTIGATION.

(A) Applications for a license to maintain or operate amusements shall be made upon forms provided by the Town Clerk and shall contain all information necessary for the Board to act intelligently upon the applications.

(B) The Town Clerk shall refer the information furnished by the applicant to the Chief of Police who shall investigate such applicant and place sought to be licensed to determine whether said applicant and place is desirable. The Chief of Police shall furnish the Town Board with all information pertaining to convictions of any crimes and any other pertinent information pertaining to the location of the game room. After the applicant has appeared before the Town Board and the investigation made by the Chief of Police has been furnished to the Town Board, the Town Board may in any case by majority vote of its members refuse the issuance, or order the issuance of such license.
(’77 Code, § 6-1042) (Am. Ord. passed 3-1-82)

§ 111.04 DENIAL OF LICENSE.

The Board shall not issue a license to any person:

(A) Who has been convicted within the past two years of a felony, or who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs.

(B) Who is not a citizen and resident of the state.

(C) Who is an habitual user of intoxicating liquor or narcotic drugs.

(D) Who is of immoral character.

(E) Who has within three years of application had a previously issued license for operation of a game room revoked.

(’77 Code, § 6-1043) (Am. Ord. passed 3-1-82)

§ 111.05 FORM AND CONTENT OF LICENSE.

Every license issued pursuant to this chapter shall specify the premises for which it is issued, the number of tables, alleys, or machines to be operated thereunder, the name of the owner or operator, and the dates upon which the license shall begin and expire. The license shall be posted in a permanent place on the premises at all times and is not transferable to any other premises. A license issued pursuant to this section is void if the business moves or ceases operating a game room at the location required to be stated in the application.

(’77 Code, § 6-1044) (Am. Ord. passed 3-1-82)

**AN ORDINANCE AMENDING THE
PRIVILEGE LICENSE TAXATION
SCHEDULE OF
THE TOWN OF TROY**

THAT WHEREAS, as codified in the Code of Ordinances of the Town of Troy, the Town Council of the Town of Troy heretofore adopted a Privilege License Taxation Schedule; and

WHEREAS, the aforesaid Privilege License Taxation Schedule sets forth privilege license taxes for various businesses operating within the corporate boundaries of the Town; and

WHEREAS, the Town Council now desires to amend said Privilege License Taxation Schedule to provide privilege license taxes for one (1) new category of business operating within the corporate boundaries of the Town;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Troy:

1. The Privilege License Taxation Schedule set forth in Section 8-34 of the Code of Ordinances of the Town of Troy is hereby amended to include the following additional privilege license taxes for "*Computer Gaming Establishments*" operating within the corporate boundaries of the Town:

Computer Gaming Establishments: For the purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Computer" - Any electronic machine, including a computer, used as a game promotion or for amusement subject to the provisions of this ordinance.

"Computer gaming establishment" - Any business or enterprise utilizing one or more computers as game promotions or for amusement. In a game promotion, a person may conduct a game of chance in connection with the sale of consumer products or services and/or for which the elements of chance and prize are present. This term includes, but is not limited to, Internet sweepstakes, Internet cafés, and cybercafés. This definition only applies where a machine emits, issues, displays, prints out or otherwise records any receipt, paper, coupon, token or other form of record which is capable of being redeemed, exchanged, or repurchased for cash, cash equivalent, prizes, services or any other item of value, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This includes a system, which invites patrons to purchase prepaid Internet access cards that also allow them to use computer terminals with gaming software as an ancillary benefit. This term does not include any lottery approved by the State of North Carolina.

The operator of each Computer Gaming Establishment shall provide to the Town Clerk of the Town the serial number of each and every computer in the establishment and shall pay the applicable privilege license tax thereon prior to any use of the same. Computers that are removed from the establishment shall be reported (with applicable serial number) to the Town Clerk. Any replacement computer (with applicable serial number) shall likewise be reported to the Town Clerk and the applicable privilege license tax thereon paid prior to any use of the same.

Town tax rate: \$2,000.00 per Computer Gaming Establishment together with \$2,500.00 for each and every computer, regardless if hooked to one/main server, at the Computer Gaming Establishment whether or not the same may be connected to or connectable to the internet either by landline or wireless connection for each fiscal year or any part thereof.

This tax does not apply to any game or process prohibited by N.C.G.S. §§ 14-304 through 14-309; provided, however, once the tax is paid, determination that the game or process for which the tax was paid was or is prohibited by N.C.G.S. §§ 14-304 through 14-309 shall not entitle the establishment to a refund of the tax paid, and the tax paid shall be forfeited.

Establishments legally operating with appropriate privilege license at the time of the adoption of this ordinance shall not be required to pay the applicable privilege license tax for Computer Gaming Establishments for the fiscal year July 1, 2009, through June 30, 2010, but shall be required to pay the tax in full for the fiscal year July 1, 2010, through June 30, 2011, and thereafter. Any new establishment wishing to operate a business as previously described must pay a prorated amount for the fiscal year July 1, 2009 through June 30, 2010 in addition to being required to pay the tax in full for the fiscal year July 1, 2010 through June 30, 2011.


The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing municipal code violations.

Enforcement:

If any business/enterprise is found to be in non-compliance, staff will immediately notify the establishment and the business/enterprise of the required privilege license and inform them that they have 10 days to comply or be subject to ten percent (10%) fine on top of the established privilege license fee as assessed to the business/enterprise. If after the 10 days the business/enterprise fails to adhere to this ordinance the town will then shut off water/sewer utilities and will not reconnect until the license fee and fine (collectively) have been paid to the Town of Troy Tax Collector.

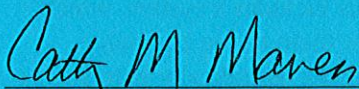
This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 19th day of April 2010.

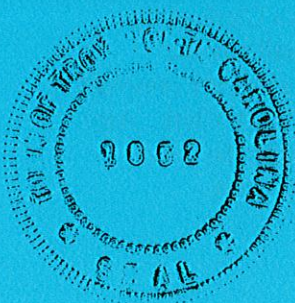


Roy Maness, Mayor

Attest:



Cathy M. Maness, Town Clerk



AMENDED 05/19/03

**TITLE 11 BUSINESS REGULATIONS
CHAPTER 111 GAMES AND AMUSEMENTS
SECTION 111.07 RULES OF OPERATION**

The following rules shall be observed by all operators of game rooms, pool rooms, bowling alleys, billiard halls, centers for the operation of electronic games, amusement centers and the like required to be licensed by § 111.02 within the town.

(A) All establishments shall close at 12:00 a.m., midnight, ~~Monday~~ **Sunday** through Saturday, and no person other than the owner, operator, or employees shall be permitted on the premises from that hour until 7:00 a.m. the following morning, provided that when Daylight Savings Time is in effect all establishments covered herein shall close at 1:00 a.m.

(B) No play on any table, alley or machine shall be allowed during the time when the premises are required by this chapter to remain closed.

~~(C) These establishments shall remain closed on Sunday.~~

(C) All establishments shall be operated only on the ground floor of a building and an unobstructed transparent plate glass window or windows shall be located in those parts of the building facing any street so that a clear view inside may be had from the street.

(D) No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where amusements or games are played and the rear wall of the room. A clear view from the interior premises from the entrance to the rear of the premises must be maintained at all times.

(E) No loud noises shall be allowed to emanate beyond the licensed premises.

(F) There must be an adult (18 years of age or older) managing the business on the premises during hours of operation at all times.

('77 Code, § 6-1046) (Am. Ord. Passed 3-1-82) (Amended 5-19-03) Penalty, see § 10.99

Amended this the 19th day May, 2003 on motion by Mayor Protem Massengill and second by Comm. Hurley. All voted approval.

Roy Maness, Mayor

Attest: Cathy M. Maness, Clerk

§ 111.06 PROHIBITIONS.

Licensees under this chapter shall not, and neither shall their employees:

(A) Suffer or permit any gambling on the licensed premises at any time, nor permit the sale of any card or other gambling device.

(B) Suffer or permit the licensed premises to become disorderly, or permit any profane, obscene, or indecent language thereon.

(C) Suffer or permit any alcoholic beverage, as defined in G.S. § 18B-101, or narcotic drugs to be sold or kept or consumed on the licensed premises.

(D) Suffer or permit any person under age of 16 years to enter or remain on the licensed premises, unless the person is accompanied by a parent or guardian.

(E) Employ in the establishment any person who has been convicted within the past two years of a felony offense; or any person who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs.

(F) Suffer or permit any keeley board, keno board, or any other gambling board or device to be attached to or placed upon any tables.

('77 Code, § 6-1045) (Am. Ord. passed 3-1-82) Penalty, see § 10.99

§ 111.07 RULES OF OPERATION.

The following rules shall be observed by all operators of game rooms, pool rooms, bowling alleys, billiard halls, centers for the operation of electronic games, amusement centers and the like required to be licensed by § 111.02 within the town.

(A) All establishments shall close at 12:00 a.m., midnight, Monday through Saturday, and no person other than the owner, operator, or employees shall be permitted on the premises from that hour until 7:00 a.m. the following morning, provided that when Daylight Savings Time is in effect all establishments covered herein shall close at 1:00 a.m..

(B) No play on any table, alley, or machine shall be allowed during the timed when the premises are required by this chapter to remain closed.

(C) These establishments shall remain closed on Sunday.

(D) All establishments shall be operated only on the ground floor of a building and an unobstructed transparent plate glass window or windows shall be located in those parts of the building facing any street so that a clear view inside may be had from the street.

(E) No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where amusements or games are played and the rear wall of the room. A clear view from the interior premises from the entrance to the rear of the premises must be maintained at all times.

(F) No loud noises shall be allowed to emanate beyond the licensed premises.

(G) There must be an adult (18 years of age or older) managing the business on the premises during hours of operation at all times.

('77 Code, § 6-1046) (Am. Ord. passed 3-1-82) Penalty, see § 10.99

§ 111.08 LICENSEE RESPONSIBLE FOR EMPLOYEE ACTS.

The acts and conduct of the agents and employees of the licensee in the conduct of business covered hereunder shall be deemed to be the acts and conduct of the licensee.

('77 Code, § 6-1047) (Am. Ord. passed 3-1-82)

§ 111.09 REVOCATION OF LICENSE.

A second conviction of a licensee, or his agent or employee, for any violation of any provision of this chapter shall by operation of law constitute an automatic revocation of the license of the licensee. In addition, the Town Board may at any time, for cause, and after a hearing for which licensee shall be given reasonable notice as the Town Board may direct, revoke the license of any person who violates any of the provisions of this ordinance.

('77 Code, § 6-1048) (Am. Ord. passed 3-1-82)

CHAPTER 112: MASSAGE PARLORS

Section

General Provisions

- 112.01 Purpose
- 112.02 Definition
- 112.03 Enforcement and revocation of license
- 112.04 Treatment of persons of opposite sex restricted
- 112.05 Posting of license
- 112.06 Hours of operation
- 112.07 Patronage of massage business by minors; employment of minors
- 112.08 Privilege license annual

Massage Business Operators; Licensing Procedures

- 112.20 License required
- 112.21 Application; form and contents
- 112.22 Qualifications of applicants
- 112.23 Investigative report; approval procedures
- 112.24 Furnish health certificate; file employee information
- 112.25 Issuance of license

Masseurs and Masseuses; Licensing Procedures

- 112.35 License required
- 112.36 Application
- 112.37 Investigative report; approval procedures
- 112.38 Issuance of license
- 112.39 Medical examination
- 112.40 Conditions for revocation by Board

GENERAL PROVISIONS**§ 112.01 PURPOSE.**

To protect the general health, safety, welfare and morals, the following licensing provisions hereinafter specified are ordained for the privilege of carrying on the business, trade or profession of masseur or masseuse and for the operation or carrying on of the business, trade or professions commonly known as massage parlors, health salons, physical culture studios, clubs or establishments, or similar establishments by whatever name designated, wherein physical culture, massage, hydrotherapy or other physical treatment of the human body is carried on or practiced. The provisions of this action shall not apply to a regularly established and licensed hospital, sanitarium, nursing home or medical clinic, nor to the office or clinic operated by a duly qualified and licensed medical practitioners osteopath or chiropractor in connection with his practice or medicine, chiropractic or osteopathy, provided, however, that such office or clinic is regularly used by such medical practitioner, chiropractor or osteopath as his principal location for his practice of medicine, chiropractic or osteopathy.

('77 Code, § 6-1081(a)) (Ord. passed 3-1-82)

§ 112.02 DEFINITION.

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

MASSEUR or MASSEUSE. A male person who applies manual or mechanical massage or similar treatment to the human body trunk or limbs shall be deemed, within the terms of this section, a **MASSEUR**; and a female person so engaged, a **MASSEUSE**.

('77 Code, § 6-1081(b)) (Ord. passed 3-1-82)

§ 112.03 ENFORCEMENT AND REVOCATION OF LICENSE.

(A) It shall be the duty of the Chief of Police of the town to inspect periodically the premises licensed under this chapter, to determine any violation of its provisions, and to otherwise enforce said chapter.

(B) Whenever the Chief of Police shall have good cause to believe there exists grounds for revocation of any license acquired hereunder, he shall submit a written recommendation of revocation to the Town Board and by certified mail shall forward, at least ten days prior to hearing, a copy of his recommendation to the licensee. The recommendation shall state the specific grounds for the revocation of the license.

(C) The Town Board, whenever it has good cause to believe there exists grounds for revocation of any license acquired hereunder, may, upon its own motion, set a hearing, as hereinabove provided, to show good cause why such license should not be revoked. Written notice stating the specific alleged grounds for revocation shall be forwarded by certified mail to the licensee, at least ten days prior to such hearing, which shall be held in exactly the same manner as if initiated by the Chief of Police.

(D) Prior to revocation of any license by the Town Board, the licensee shall be given an opportunity to appear and be heard, either personally or through his attorney, to rebut any evidence against him, and to present evidence and witnesses in his defense. If the licensee fails to show good cause why his license should not be revoked, the Town Board may revoke said license, upon a finding by the Board of a cause for revocation.

(E) A license issued pursuant to this chapter shall be revoked by action of the Town Board if the Town Board determines that:

(1) The licensee has violated any provisions of this chapter.

(2) 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 this article, or whose license has been revoked.

(3) The licensee, or the legal or beneficial owner of any interest in the licensee is convicted of a felony or any crime involving moral turpitude or sexual misconduct, including but not limited to G.S. §§ 14-177 through 14-202.1, Article 26 (offenses against public morality and decency) and G.S. §§ 14-203 through 14-208, Article 27 (prostitution).

(4) Any employee of the licensee is convicted of any felony in connection with his or her employment, or is convicted of any crime involving moral turpitude or sexual misconduct, including, but not limited to, G.S. §§ 14-177 through 14-202.1, Article 26 (offenses against public morality and decency) and G.S. §§ 14-203 through 14-208, Article 27 (prostitution) or of any section of this chapter.

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

(F) A license issued pursuant to this chapter is void if the licensee moves or ceases operating a massage parlor at the location required to be stated on the application or license pursuant to this chapter.

('77 Code, § 6-1083) (Ord. passed 3-1-82) Penalty, see § 10.99

§ 112.04 TREATMENT OF PERSONS OF OPPOSITE SEX RESTRICTED.

It shall be unlawful for any person holding a license under this chapter to treat a person of the opposite sex, except upon the signed order of a licensed physician, osteopath, chiropractor, or

registered physical therapist, which order shall be dated and shall specifically state the number of treatments, not to exceed ten. The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by the police at any reasonable time. The requirements of this subsection shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath or registered physical therapist, chiropractor, or in a regularly established and licensed hospital or sanatorium.

('77 Code, § 6-1085) (Ord. passed 3-1-82) Penalty, see § 10.99

§ 112.05 POSTING OF LICENSE.

(A) Every masseur and masseuse shall post the license required by this chapter in his or her work area.

(B) Every person, corporation, partnership, or association licensed under this article shall display such license in a prominent place.

('77 Code, § 6-1086) (Ord. passed 3-1-82) Penalty, see § 10.99

§ 112.06 HOURS OF OPERATION.

(A) No person licensed as a masseur or masseuse under this chapter shall massage or treat any person or engage in the business or profession of massage, before 8:00 a.m. or after 12:00 a.m., midnight, prevailing time.

(B) No person, corporation, partnership, or association licensed under this chapter shall admit customers or prospective customers, or remain open for business, or allow, or permit or condone any massage or treatment of any person upon the premises before 8:00 a.m. or after 12:00 a.m., midnight, prevailing time.

(C) 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 a.m., midnight, prevailing time.

('77 Code, § 6-1087) (Ord. passed 3-1-82) Penalty, see § 10.99

§ 112.07 PATRONAGE OF MASSAGE BUSINESS BY MINORS; EMPLOYMENT OF MINORS.

(A) No person licensed as a masseur or masseuse under this chapter shall massage or treat any person under the age of 18 upon the licensed premises, except upon written order by a licensed

AMENDED 6/21/1999

**TITLE 11 BUSINESS REGULATIONS
CHAPTER 112 MESSAGE PARLORS
SECTION 112.04 TREATMENT OF PERSONS OF
OPPOSITE SEX RESTRICTED**

112.04 TREATMENT OF PERSONS OF OPPOSITE SEX RESTRICTED

It shall be unlawful for any person holding a license under this chapter to treat a person of the opposite sex, except upon a signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically state the number of treatments, not to exceed ten. The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by the police at any reasonable time. The requirements of this subsection shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath or registered physical therapist, chiropractor, in a regularly established and licensed hospital or sanitarium. *The requirements of this subsection also shall not apply to treatments given by health massage/bodywork therapists wherever they may be engaged in the business or profession of health massage/bodywork therapy as it is defined in North Carolina General Statutes Chapter 90, Article 36. Provided, any person providing such treatment must have met all the requirements and qualifications set forth in North Carolina General Statutes Chapter 90, Article 36, specifically N.C.G.S. 90-620 through N.C.G.S. 90-636 and must have all certifications and licenses required thereunder. Any persons providing such treatment are subject to all regulations and enforcement provisions under North Carolina General Statutes Chapter 90, Article 36 sections 90-620 through 90-636 as well as to all other provisions of Chapter 112 of the Town of Troy, N.C. CODE OF ORDINANCES.* ('77 Code, 6-1085) (Ord. passed 3-1-82) Penalty, see 10.99

Amended this the 21st day of June, 1999.

Roy Maness, Mayor

ATTEST: Cathy M. Maness, Town Clerk

physician, osteopath, chiropractor, or registered physical therapist, such order being dated and in the possession of the masseur or 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 chapter.

(B) No person, corporation, partnership or association licensed under this chapter shall allow, permit or condone the massage or treatment of any person under the age of 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 division shall be grounds for revocation of any license issued to such violator pursuant to this chapter.

(C) No person, corporation, partnership or association licensed pursuant to this chapter shall employ any person under the age of 18 years in the operation of a massage business.
(’77 Code, § 6-1088) (Ord. passed 3-1-82) Penalty, see § 10.99

§ 112.08 PRIVILEGE LICENSE ANNUAL.

The licenses required under this chapter are annual privilege licenses. Such license fees shall be due and payable in the same manner as prescribed for other privilege licenses issued by the town pursuant to the license and privilege tax ordinance of the town.

(’77 Code, § 6-1089) (Ord. passed 3-1-82) Penalty, see § 10.99

Cross-reference:

Privilege license taxes, see Ch. 110

MASSAGE BUSINESS OPERATORS; LICENSING PROCEDURES

§ 112.20 LICENSE REQUIRED.

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.

(’77 Code, § 6-1082(a)) (Ord. passed 3-1-82) Penalty, see § 10.99

§ 112.21 APPLICATION; FORM AND CONTENTS.

Every application for the privilege license prescribed herein shall be upon a form approved by the Town Manager and shall be filed with the Town Clerk. Every such application shall be made under oath and shall contain the following information:

(A) *Name.* 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.

(B) *Address.* The address of the premises where the massage business shall be located.

(C) *Prior convictions.* A complete statement of all convictions of any person whose name is required to be given in division (A) for any felony, or any violation of the law relative to prostitution, or involving moral turpitude.

(D) *Prior license revocations.* 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 division (A).

(E) *Statement of conviction.* A complete statement of any conviction of any person whose name is required to be given in division (A); 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.

(F) *Other businesses.* 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 division (A) wherein the business or profession of massage is carried on.

(G) *Description of adjoining business.* A description of any other business to be operated on the premises of on adjoining premises owned or controlled by the applicant.

(H) *The qualifications of the applicant.* These must be plainly stated and must be submitted together with required exhibits annexed to said application providing such qualifications.
('77 Code, § 6-1082(b)) (Ord. passed 3-1-82)

§ 112.22 QUALIFICATIONS OF APPLICANTS.

An applicant hereunder, prior to making application for a license, must have the following qualifications:

(A) The applicant may be male or female and shall be required to provide written recommendations showing proof of good moral character; and, in case the applicant is a corporation, such corporation must be created in or domesticated by the laws of this state and the officers thereof shall provide written recommendations showing proof of good moral character.

(B) Each applicant must furnish a health certificate from a medical doctor which shall accompany such application as an exhibit. Should the applicant be a corporation, it shall furnish such certificate to cover its officers, agents or employees who will be actually engaged in and working under said

license. Each employee who begins work following the original issuance of license under this chapter shall likewise obtain a health certificate. A copy of the application and all certificate shall be furnished to the Town Police Department.

('77 Code, § 6-1082(c)) (Ord. passed 3-1-82)

§ 112.23 INVESTIGATIVE REPORT; APPROVAL PROCEDURES.

(A) The Town Clerk shall transmit a copy of the application of qualification of applicant for license to the Police Department for an investigative report to determine compliance with all applicable town codes and building regulations and ordinances. The Police Department shall, within a reasonable time, not to exceed 45 days, report the results of their examination to the Town Clerk.

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

(1) The application contains no misstatement of fact.

(2) The applicant, or any person having any legal or beneficial ownership interest in the applicant, has not been convicted of a felony or any crime involving moral turpitude or sexual misconduct, including but not limited to G.S. §§ 14-177 through 14-202.1, Article 26 (offenses against public morality and decency) and G.S. §§ 14-203 through 14-208, Article 27 (prostitution), or of any section of this chapter or of any federal statute relating 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.

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

(4) 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.

('77 Code, § 6-1082(d) and (e)) (Ord. passed 3-1-82)

§ 112.24 FURNISH HEALTH CERTIFICATE; FILE EMPLOYEE INFORMATION.

(A) Any applicant granted a license hereunder shall have the authority to train masseurs and masseuses under his supervision in his studio or establishment, provided that the licensee shall furnish to the Police Department, there to be kept by such department, a health certificate of such employee from a medical doctor.

(B) It shall be the duty of all persons holding a license hereunder to file with the Chief of Police of the town the names of all employees, their home addresses, home telephone numbers and places

of employment. Changes in the list of employees with the names of new employees must be filed with the Chief of Police within seven days from the date of any change.

('77 Code, § 6-1082(f) and (g)) (Ord. passed 3-1-82) Penalty, see § 10.99

§ 112.25 ISSUANCE OF LICENSE.

Upon approval of the application by the Town Board, and upon receipt of the required license fee, a privilege license shall be issued to applicant.

('77 Code, § 6-1082(h)) (Ord. passed 3-1-82)

MASSEURS AND MASSEUSES; LICENSING PROCEDURES

§ 112.35 LICENSE REQUIRED.

No person shall engage in the business or profession of massage unless such person shall have first applied for and received the privilege license provided by this section.

('77 Code, § 6-1084(a)) (Ord. passed 3-1-82) Penalty, see § 10.99

§ 112.36 APPLICATION.

(A) The application for the license required by this section shall be upon a form approved by the Town Manager and shall be filed with the Town Clerk. Such application shall be given under oath and shall contain the following information:

(1) The name, age, and residence address of the applicant.

(2) 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.

(3) A complete statement of all convictions of the applicant for any felony or any violation of the law relative to prostitution or involving moral turpitude or sexual misconduct.

(4) 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.

(5) 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.

(B) The applicant shall submit, as part of the application required in division (A), the following. The additional information required by this division shall be provided at the applicant's expense.

(1) Fingerprints of the applicant taken by the Police Department.

(2) Two recent photographs of the applicant's head and shoulders, of a size and quality prescribed by the Town Manager.

(3) A medical certificate signed by a physician, licensed to practice in the state, 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 from communicable disease.
('77 Code, § 6-1084(b) and (c)) (Ord. passed 3-1-82) Penalty, see § 10.99

§ 112.37 INVESTIGATIVE REPORT; APPROVAL PROCEDURES.

(A) 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 45 days report the results of its investigation to the Town Clerk.

(B) An application in proper form shall be submitted to the Town Board together with all reports required by this section. The Town Board shall approve such application if the Board determines:

(1) That the applicant is at least 18 years of age.

(2) The application contains no misstatement of fact.

(3) The applicant has not been convicted of a felony or any crime involving moral turpitude or sexual misconduct, including but not limited to G.S. §§ 14-177 through 14-202.1, Article 26, (offenses against public morality and decency) and G.S. §§ 14-203 through 14-208, Article 27, (prostitution), or of any section of this chapter 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.

(4) 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) The applicant is free from communicable disease as evidenced by the medical certificate required herein.

(6) The applicant has not been previously convicted of any violation of any provision of this chapter.

('77 Code, § 6-1084(d) and (e)) (Ord. passed 3-1-82) Penalty, see § 10.99

§ 112.38 ISSUANCE OF LICENSE.

Upon approval of the application by the Town Board, and upon receipt of the required license fee, a privilege license shall be issued to the applicant.

('77 Code, § 6-1084(f)) (Ord. passed 3-1-82) Penalty, see § 10.99

§ 112.39 MEDICAL EXAMINATION.

The Town Board shall have authority to direct that any person licensed under this section submit to a medical examination by a licensed physician approved by the Town Board. This authority shall be exercised only when the Board 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 § 112.40. Notwithstanding the provisions of this division, every person licensed under this chapter shall file and continue to file with the Town Clerk a new medical certificate with each application for renewal of the license prescribed by this subchapter. Failure to file such updated certificates shall be grounds for revocation of such license as provided in § 112.40.

('77 Code, § 6-1084(g)) (Ord. passed 3-1-82) Penalty, see § 10.99

§ 112.40 CONDITIONS FOR REVOCATION BY BOARD.

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

(1) The licensee has violated any provision of this chapter.

(2) The licensee is afflicted with a communicable disease.

(3) The licensee has failed to be examined by a licensed physician when required by the Town Board pursuant to § 112.39, or has failed to file any medical certificate required by said § 112.39.

(4) The licensee has been convicted of a felony or any crime involving moral turpitude or sexual misconduct, including, but not limited to G.S. §§ 14-177 through G.S. 14-202.1, Article 26, (offenses against public morality and decency) and G.S. §§ 14-203 through 14-208, Article 27, (prostitution), or of violating any section of this chapter, or under any federal statute relating to prostitution, or for violation of any laws or ordinances of any governmental unit related to the business or profession of massage.

(B) Prior to revocation of any license under this section the procedures set forth in § 112.03 shall be followed.

('77 Code, § 6-1084(h) and (i)) (Ord. passed 3-1-82) Penalty, see § 10.99

CHAPTER 113: PEDDLERS AND SOLICITORS

Section

- 113.01 Definitions
- 113.02 Registration
- 113.03 Door-to-door activities prohibited

§ 113.01 DEFINITIONS.

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

PEDDLER. Any person who transports goods from place to place and sells or offers for sale the goods, or who, without travelling from place to place, sells or offers for sale any goods from any vehicle or device; provided, that any person who separates the acts of sale and delivery for the purpose of evading the provisions of this chapter shall be deemed a **PEDDLER**.

SOLICITOR. Any person who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance, and any person who uses or occupies any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance.

TRANSIENT VENDOR. Any person who engages in a temporary business of selling and delivering goods and who, for this purpose, uses or occupies any building or premises; provided, that no person shall be relieved from complying with the provisions of this chapter merely by conducting a transient business in association with any permanently established merchant.
(’77 Code, § 6-1061)

§ 113.02 REGISTRATION.

Each and every person doing business in the town as a peddler, solicitor or transient vendor shall file with the Clerk, on a form to be provided for the purpose, a statement setting forth the following information:

(A) Name and address of individual filing statement.

(B) Name and address of principal or employer if individual is an agent or employee.

(C) Credentials showing relationship of agent or employee.

(D) Description of individual filing statement including height, weight, sex, age, color and distinguishing characteristics, if any.

(E) The goods to be sold or offered for sale, or the type of services to be rendered.

(F) The period of time during which the business will be carried on in the town.

(G) Description of automobile or other vehicle to be used in the business, including the make, model, body style, color and license number.

(H) Evidence of payment of all applicable privilege license taxes for the privilege of engaging in business within the corporate limits during the current year. Failure to pay such license taxes automatically disqualifies the applicant from being registered.

('77 Code, § 6-1062) Penalty, see § 10.99

Cross-reference:

Privilege license taxes, see Ch. 110

§ 113.03 DOOR-TO-DOOR ACTIVITIES PROHIBITED.

It shall be unlawful for any peddler, solicitor, or transient vendor or other seller of merchandise to go in, or upon, private residences or the premises hereof, unless they have been requested or invited so to do by the owner or occupant of private residences in the town, for the purpose of advertising, peddling, or selling merchandise.

('77 Code, § 6-1063) Penalty, see § 10.99

Statutory reference:

Registration of solicitations and itinerant merchants authorized, G.S. § 160A-178.