

**TITLE IX: GENERAL REGULATIONS**

Chapter

**90. ABANDONED, NUISANCE AND JUNKED VEHICLES**

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**CHAPTER 90: ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES**

Section		(4) Is left on any public street or highway for longer than seven days.
90.01	Definitions	
90.02	Abandoned, nuisance or junked vehicles unlawful; removal authorized	<b>JUNKED VEHICLE.</b> A junked motor vehicle is an abandoned motor vehicle that also:
90.03	Removal of nuisance vehicle; pre-towing notice requirements	(1) Is partially dismantled or wrecked; or
90.04	Post-towing notice requirements for nuisance vehicles	(2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
90.05	Right to probable cause hearing before sale or final disposition of vehicle	(3) Is more than five years old and worth less than \$100; or
90.06	Sale and disposition of unclaimed vehicle	(4) Does not display a current license plate.
90.07	Disposition of proceeds of sale	
90.08	Immunity	
90.09	Exceptions	

**§ 90.01 DEFINITIONS.**

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

**ABANDONED VEHICLE.** A motor vehicle is defined to include all machines designated or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle. An abandoned motor vehicle is one that:

- (1) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on property owned or operated by the town for longer than 24 hours; or
- (3) Is left on private property without the consent of the owner, occupant or lessee thereof for longer than two hours; or

**NUISANCE VEHICLE.** A junked motor vehicle is one on public or private property that is determined and declared to be a health or safety hazard, a public nuisance or unlawful, including a vehicle found to be:

- (1) A breeding ground for mosquitoes, other insects, rats or pests.
- (2) A point of heavy growth for weeds or other noxious vegetation over eight inches in height.
- (3) A point of collection of pools or ponds of water.
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor.
- (5) One that has areas of confinement, which cannot be operated from the inside, such as trucks, hoods, and the like.
- (6) So situated or located that there is a danger of it falling or turning over.

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(7) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Council.

(8) So offensive to the sight as to damage the community, neighborhood or area appearance, upon a finding by the Town Manager that such aesthetic regulation is necessary and desirable for the protection of property values, the promotion of tourism, and the indirect protection of the comfort, happiness and emotional stability of area residents. ('82 Code, Ch. 9, Art. II, § 40) (Ord. passed 9-11-89; Am. Ord. 01-5, passed 5-7-01)

### **§ 90.02 ABANDONED, NUISANCE OR JUNKED VEHICLES UNLAWFUL; REMOVAL AUTHORIZED.**

(A) It shall be unlawful for the owner 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 or otherwise in violation of this chapter.

(B) Upon investigation, the Code Enforcement Officer, after consultation with the Town Manager, may determine and declare that a vehicle is a health or safety hazard or a public nuisance, as defined above, and order the vehicle removed. ('82 Code, Ch. 9, Art. II, § 41) (Ord. passed 9-11-89) Penalty, see § 10.99

### **§ 90.03 REMOVAL OF NUISANCE VEHICLE; PRE-TOWING NOTICE REQUIREMENTS.**

(A) A vehicle to be towed or otherwise removed because it has been declared to be a nuisance vehicle shall be towed only after notice to the owner or person entitled to possession of the vehicle. If the names and mailing addresses of the owners of the vehicle or the real property upon which it is located can be ascertained in the exercise of reasonable diligence, the notice shall be given to both 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, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle. 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 of legal possessor prior to that time.

(B) If the owner or person entitled to possession does not remove the vehicle, but chooses to appeal the determination that the vehicle is a nuisance vehicle, such appeal shall be made to the Town Council in writing, heard at the next regularly scheduled meeting of the Council, and further proceedings to remove the vehicle shall be stayed until the appeal.

(C) A nuisance vehicle may be removed without giving the minimum seven days' prior notice only in those circumstances where the authorizing official finds, and enters such findings in appropriate records, a special need for prompt action to maintain the public health, safety and welfare. ('82 Code, Ch. 9, Art. II, § 42) (Ord. passed 9-11-89)

### **§ 90.04 POST-TOWING NOTICE REQUIREMENTS FOR NUISANCE VEHICLES.**

(A) Any vehicle which has been determined to be a nuisance vehicle may be removed to a storage garage or area by a towing business contracting to perform such services for the town. Whenever such vehicle is removed, the Town Manager shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

- (1) A 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.

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(5) The procedure the owner must follow to request a probate cause hearing on the removal.

(B) The notice shall be mailed to the owner's last known address, unless waived in writing.

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

(D) Whenever a nuisance vehicle is removed and such vehicle has no valid registration or registration plate, the authorizing town official shall make reasonable efforts, including the checking of the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information as set forth in division (A) above. ('82 Code, Ch. 9, Art. II, § 43) (Ord. passed 9-11-89)

**§ 90.05 RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE.**

After removal of a vehicle declared to be a nuisance vehicle, the owner or other person entitled to possession may request in writing a hearing to determine if probable cause existed for removing the vehicle. The request must be filed with the magistrate in the county where the vehicle was towed. 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 § 20-219.11 ('82 Code, Ch. 9, Art. II, § 44) (Ord. passed 9-11-89)

**§ 90.06 SALE AND DISPOSITION OF UNCLAIMED VEHICLE.**

(A) Within the consent of the owner, the Town may dispose of any vehicle as a junked motor vehicle without holding it for any prescribed period of time.

(B) Any unclaimed junked motor vehicle, as defined by this division, shall be held for a period of

at least 15 days. The owner of any such vehicle may claim his vehicle during the 15-day retention period by exhibiting proof of ownership to the Town Manager and after paying all reasonable costs incident to the removal and storage of the vehicle plus administrative expenses. If, after the vehicle is held 15 days it remains unclaimed, said vehicle may be destroyed or sold at private sales as junk.

(C) Within 15 days after such final disposition of a junked motor vehicle, written notice hereof shall be given to the Department of Motor Vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined. ('82 Code, Ch. 9, Art. II, § 45) (Ord. passed 9-11-89)

**§ 90.07 DISPOSITION OF PROCEEDS OF SALE.**

The proceeds of the sale of a junked motor vehicle declared to be a nuisance, after all costs of removal, storage, investigation and sale, and satisfaction of any lien of record on the vehicle have been deducted therefrom, shall be held by the Town Finance Officer for 30 days and paid to the owner upon demand. If the owner does not appear to claim the remainder of the proceeds within 30 days after disposal of the vehicle, the funds shall be deposited into the town general fund and the owner's rights therein shall be forever extinguished. ('82 Code, Ch. 9, Art. II, § 46) (Ord. passed 9-11-89)

**§ 90.08 IMMUNITY.**

Neither the town, nor any person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any junked, lost or stolen vehicle for disposing of such vehicle as contemplated by this chapter. ('82 Code, Ch. 9, Art. II, § 47) (Ord. passed 9-11-89)

**§ 90.09 EXCEPTIONS.**

Nothing in this chapter shall apply to any motor vehicle in an enclosed building, any motor vehicle kept or stored at a bona fide "automobile graveyard" or "junkyard," as defined in G.S. § 136-143, or to any motor vehicle that is used on a regular basis for business or personal use.

('82 Code, Ch. 9, Art. II, § 48) (Ord. passed 9-11-89)

**CHAPTER 91: ANIMALS**

Section

91.01 Bladen County Animal Control,  
Animal Welfare and the Control of  
Rabies Ordinance adopted by  
reference

**§ 91.01 BLADEN COUNTY ANIMAL  
CONTROL, ANIMAL WELFARE AND THE  
CONTROL OF RABIES ORDINANCE  
ADOPTED BY REFERENCE.**

(A) The Bladen County Animal Control,  
Animal Welfare and the Control of Rabies Ordinance  
is hereby adopted by reference as if fully set out

herein. A copy of the Ordinance is attached to Res. R-11-03, passed January 3, 2011, and is available for public inspection in the office of the Town Clerk during normal business hours.

(B) Bladen County is hereby authorized to apply and enforce the provisions of the Ordinance throughout the corporate limits of the town, effective January 3, 2011.

(C) Bladen County is hereby granted full, ample, and exclusive authority to apply and enforce the provisions of the Ordinance throughout the corporate boundaries of the town.  
(Res. R-11-03, passed 1-3-11)

[Next chapter begins on page 11.]







**CHAPTER 92: CEMETERIES**

Section

- 92.01 Burial and disinterment
- 92.02 Sale of lots; restrictions
- 92.03 Transfer by private owner of lot
- 92.04 Use, maintenance, care and specifications
- 92.05 Speed limit
- 92.06 Sale of merchandise in cemetery prohibited
- 92.07 Deposit of refuse
- 92.08 Removal of building materials
- 92.09 Discharging firearms; riding or leading animals
- 92.10 Use as a playground; offensive acts
- 92.11 Damaging property
- 92.12 Removing markers and the like
- 92.13 Grave marking in the cemetery

**§ 92.01 BURIAL AND DISINTERMENT.**

(A) No person shall bury or cause to be buried any human body in any place within the town other than in a properly established cemetery.

(B) No person shall disinter the remains of any human body buried within the town without first having obtained written permission from the Health Director, and from the town if in a town cemetery.

(C) All graves shall be opened and closed by employees of the town cemeteries or under the supervision of licensed funeral directors.

(D) All graves shall be a minimum of six feet in depth.  
(’82 Code, Ch. 5, § 1) Penalty, see § 10.99

**§ 92.02 SALE OF LOTS; RESTRICTIONS.**

(A) The town shall have the power to make contracts for the sale of lots in the public cemeteries of the town, at prices prescribed from time to time by the Town Council. The price for grave plots shall be \$425 for town residents and \$475 for non-residents. The burden of proof of residency is the responsibility of the party desiring to purchase a cemetery lot, and the final determination of residency qualification will be made by the Town Manager.

(B) The size of the lots sold shall be in accordance with the cemetery plots. Deeds for cemetery lots shall be executed by the Mayor and attested by the Town Clerk, and no deed shall be delivered until the town has received in full the purchase price of the lot conveyed.  
(’82 Code, Ch. 5, § 2) (Motion of 4-6-87) (Am. Ord. 00-7, passed 8-7-00; Am. Ord. 03-06, passed 12-1-03)

**§ 92.03 TRANSFER BY PRIVATE OWNER OF LOT.**

(A) No deed for burial space or section in any cemetery maintained by the town may be transferred or assigned to any third person except by the written consent of the town.

(B) Such transfer shall not be sold for profit to exceed the original purchase price on any burial space or section.  
(’82 Code, Ch. 5, § 3) Penalty, see § 10.99

**§ 92.04 USE, MAINTENANCE, CARE AND SPECIFICATIONS.**

(A) No person shall plant trees, shrubs or any plant of any kind in any town cemetery without the permission of the Town Council.

(B) Specifications for the foundations of monuments, tombstones and markers must meet the approval of the Town Council.

(C) More than one adult burial per grave space shall be prohibited.

(D) Existing planting in the town cemeteries which may be deemed detrimental to other property or operation of the cemeteries may be removed at the discretion of the Town Council.

(E) Flowers shall be removed after the season represented has passed.  
(‘82 Code, Ch. 5, § 4) (Motion of 4-6-87)

**§ 92.05 SPEED LIMIT.**

No person shall drive any vehicle in any cemetery in the town at a speed of more than ten miles per hour. (‘82 Code, Ch. 5, § 5) Penalty, see § 10.99

***Cross-reference:***

*Town speed limit, see § 71.03*

**§ 92.06 SALE OF MERCHANDISE IN CEMETERY PROHIBITED.**

No person shall sell or offer for sale any article of merchandise or any fruit drink or beverage or any other thing of value within the limits of cemeteries.  
(‘82 Code, Ch. 5, § 6) Penalty, see § 10.99

**§ 92.07 DEPOSIT OF REFUSE.**

No person shall deposit, or cause to be deposited, any filth, trash, garbage or unclean or offensive substances in a cemetery.  
(‘82 Code, Ch. 5, § 7) Penalty, see § 10.99

**§ 92.08 REMOVAL OF BUILDING MATERIALS.**

In the cemeteries that permit markers above the ground, all monument, tombstone and curb builders shall remove from the cemetery grounds any trash and unused materials.

(‘82 Code, Ch. 5, § 8) Penalty, see § 10.99

**§ 92.09 DISCHARGING FIREARMS; RIDING OR LEADING ANIMALS.**

No person, other than a peace officer in the discharge of his duties, shall:

(A) Discharge firearms in the cemetery, except in authorized military ceremonies; or

(B) Ride or lead any horse or other animal in a cemetery.  
(‘82 Code, Ch. 5, § 9) Penalty, see § 10.99

**§ 92.10 USE AS A PLAYGROUND; OFFENSIVE ACTS.**

It shall be unlawful for any person to use a cemetery, or any graveyard, as a playground, or to make loud noises of any kind therein, or to use profane or indecent language, or to commit any indecent act therein.

(‘82 Code, Ch. 5, § 10) Penalty, see § 10.99

**§ 92.11 DAMAGING PROPERTY.**

It shall be unlawful for any person to damage or deface in any way whatsoever the grounds or any well, pump, building, tombstone, monument, seat, bench, chair, railing, enclosure, tree, shrub, vine, bulb, flower or other thing placed or put or growing in any cemetery, except that the owner thereof, or other person with his authority, may make changes to his own lot.

(‘82 Code, Ch. 5, § 11) Penalty, see § 10.99

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**§ 92.12 REMOVING MARKERS AND THE LIKE.**

No person shall remove the stakes from a burial plot, or any marker, gravestone or other monument which may have been erected at any grave, except the owner thereof, or by the authority of the owner.  
(’82 Code, Ch. 5, § 12) Penalty, see § 10.99

**§ 92.13 GRAVE MARKING IN THE CEMETERY.**

A customer charge of \$25 shall be paid for the marking of graves in the cemetery. Said fee is payable at the Finance Office within 30 days of the request to mark a grave.  
(’82 Code, Ch. 5, § 13) (Motion of 46-87) (Am. Ord. 03-06, passed 12-1-03)







## CHAPTER 93: CIVIL EMERGENCIES

### Section

- 93.01 State of emergency; proclamation by Mayor
- 93.02 Curfew
- 93.03 Restrictions on possession, consumption or transfer of intoxicating liquors
- 93.04 Restrictions on possession, transportation and transfer or dangerous weapons and substances
- 93.05 Restrictions on access to certain areas
- 93.99 Penalty

### **§ 93.01 STATE OF EMERGENCY; PROCLAMATION BY MAYOR.**

(A) The Mayor by proclamation may impose the prohibitions and restrictions specified in §§ 93.02 through 93.05 in the manner described in those sections. The Mayor may impose as many of those specified prohibitions and restrictions as he finds are necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety and property. The Mayor shall recite his findings in the proclamation.

(B) The proclamation shall be in writing. The Mayor shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of it in the town hall. The Mayor shall retain a text of the proclamation and furnish upon request certified copies of it for use as evidence.

(C) The Mayor may amend the proclamation from time to time, making such modifications as he would have been authorized to include in the original proclamation.

(D) The Mayor shall by proclamation remove the prohibitions and restrictions as the emergency no longer requires them, or when directed to do so by the Board of Commissioners.

(E) The Mayor in his discretion may invoke the restrictions authorized herein in separate proclamations, and may amend any proclamation by means of a superseding proclamation. ('82 Code, Ch. 12, § 12-1) (Ord. passed 5-1-71)

### **§ 93.02 CURFEW.**

(A) The proclamation may impose a curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not a member of an exempted class. The proclamation shall specify the geographical area or areas and the periods during each 24-hour day to which the curfew applies. The Mayor may exempt from some or all of the curfew restrictions classes of people whose exemption the Mayor finds necessary for the preservation of the public health, safety and welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(B) Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the Mayor by proclamation removes the curfew. ('82 Code, Ch. 12, § 12-2) (Ord. passed 5-1-71)  
Penalty, see § 93.99

### **§ 93.03 RESTRICTIONS ON POSSESSION, CONSUMPTION OR TRANSFER OF INTOXICATING LIQUOR.**

(A) The proclamation may prohibit the possession or consumption of any intoxicating liquor, including beer and wine, other than one's own premises, and may prohibit the transfer of any





intoxicating liquor. The prohibition, if imposed, shall apply to transfers of intoxicating liquor by employees of alcoholic beverage control stores as well as by anyone else within the town.

(B) If imposed, the restrictions shall apply throughout the town.  
(‘82 Code, Ch. 12, § 12-3) (Ord. passed 5-1-71)  
Penalty, see § 93.99

**§ 93.04 RESTRICTIONS ON POSSESSION, TRANSPORTATION AND TRANSFER OF DANGEROUS WEAPONS AND SUBSTANCES.**

(A) The proclamation may prohibit the possession of any dangerous weapon or substance unless it remains in a place of storage within the possessor's premises, or if the weapon or substance cannot be readily stored in the possessor's premises, unless it remains in a customary place of storage not readily available to the possessor. The proclamation may also prohibit the sale or other transfer of the transportation of any dangerous weapon or substance. The Mayor may exempt from some or all of the restrictions classes of people whose possession, transfer or transportation of certain dangerous weapons or substances is necessary to the preservation of the public health, safety or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(B) **DANGEROUS WEAPON** or **SUBSTANCE** means:

(1) Any deadly weapon, ammunition, incendiary device, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property.

(2) Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property, when the circumstances indicate that there is some probability that such instrument or substance will be so destructively used.

(3) Any part or ingredient in an instrument or substance included above.

(C) If imposed, the restrictions shall apply throughout the jurisdiction of the town.  
(‘82 Code, Ch. 12, § 12-4) Penalty, see § 93.99

**§ 93.05 RESTRICTIONS ON ACCESS TO CERTAIN AREAS.**

(A) The proclamation may prohibit obtaining access or attempting to obtain access to any area designated in the manner described in this section, in violation of any order, clearly posted notice or barricade, indicating that access is denied or restricted.

(B) Areas to which access is denied or restricted shall be designated by the Chief of Police and his subordinates when directed in the proclamation to do so by the Mayor. When acting under this authority, the Chief of Police and his subordinates may restrict or deny access to any area, street or location within the town if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency.  
(‘82 Code, Ch. 12, § 12-5) (Ord. passed 5-1-71)  
Penalty, see § 93.99

**§ 93.99 PENALTY.**

Any person violating any prohibition or restriction imposed by a proclamation authorized in this chapter shall be guilty of a misdemeanor, punishable upon conviction as provided in § 10.99 of this code of ordinances.  
(‘82 Code, Ch. 12, § 12-6)

**CHAPTER 94: FIRE PREVENTION**

**GENERAL PROVISIONS**

Section

***General Provisions***

- 94.01 Fire protection outside of town
- 94.02 Outdoor fires; prohibited in fire limits
- 94.03 Outdoor fires; precautions outside fire limits
- 94.04 Permit required for bonfire
- 94.05 Deposit of ashes and matter liable to spontaneous combustion
- 94.06 Accumulation of rubbish
- 94.07 Chimneys
- 94.08 Exit signs in theaters and motion picture houses
- 94.09 Obstruction in tenement and apartment houses
- 94.10 Fire extinguishers
- 94.11 Dead wires to be removed

***Fire Prevention Code***

- 94.25 Adoption
- 94.26 Enforcement
- 94.27 Modifications
- 94.28 Appeals
- 94.29 Hazardous material discharge

***Fireworks***

- 94.40 Sale of fireworks
- 94.41 Discharging of fireworks
  
- 94.99 Penalty

***Cross-reference:***

*For provisions concerning the Fire Department, see Ch. 32*

*For offenses relating to firefighters and fire equipment, see Ch. 130*

*For provisions defining the fire limits of the town, see Ch. 150*

**§ 94.01 FIRE PROTECTION OUTSIDE OF TOWN.**

The governing body may provide, install and maintain water mains, pipes, hydrants, buildings and equipment, either inside or outside the town limits, for protection against fire of property outside the town limits; and within such area, may provide fire protection as the governing body may determine and under such terms and conditions the governing body may prescribe.

('82 Code, Ch. 7, § 23) Penalty, see § 94.99

**§ 94.02 OUTDOOR FIRES; PROHIBITED IN FIRE LIMITS.**

No person shall burn or cause to be burned any trash, refuse, shavings, paper, leaves, litter or other materials of any kind outside any house, on or in any street, sidewalk, alley, lot or yard within the fire limits.

('82 Code, Ch. 7, § 26) Penalty, see § 94.99

**§ 94.03 OUTDOOR FIRES; PRECAUTION OUTSIDE FIRE LIMITS.**

Trash or rubbish shall not be burned on any private lot outside the fire limits except within a safely constructed enclosure made of wire mesh or in a similar safety device, and after having first obtained all required permits.

('82 Code, Ch. 7, § 27) Penalty, see § 94.99

**§ 94.04 PERMIT REQUIRED FOR BONFIRE.**

No person shall kindle or maintain any bonfire, or shall knowingly furnish the material for any such fire, or authorize any such fire to be kindled or maintained on or in any street, avenue, road, land or public ground, or upon any private lot within the limits of the town unless a written permit to do so shall have first been secured from the Town Clerk, and other appropriate authorities.

('82 Code, Ch. 7, § 28) (Am. Ord. 00-7, passed 8-7-00) Penalty, see § 94.99

**§ 94.05 DEPOSIT OF ASHES AND MATTER LIABLE TO SPONTANEOUS COMBUSTION.**

No person shall deposit ashes, smoldering coals or embers, grease or oily substances or other matter liable to spontaneous ignition, within 15 feet of any wooden or plastered wall, partition, fence, floor, sidewalk, lumber, hay, shavings, rubbish or other combustible material, except in metallic or other noncombustible receptacles. Such receptacles, unless resting on the ground outside the building, shall be placed on noncombustible stands, and in every case shall be kept at least two feet from any wall or partition. Nothing in this section shall prevent the deposit of cold or wet ashes or cinders for the improvement of any unpaved alley or walkway.

('82 Code, Ch. 7, § 29) Penalty, see § 94.99

**§ 94.06 ACCUMULATION OF RUBBISH.**

No person shall permit any accumulation of waste paper, weeds, litter or combustible or inflammable waste or rubbish of any kind to remain upon any roof or in any courtyard, vacant lot or other open space. Every owner or occupant of property shall cut down and remove therefrom all weeds, grass, vines, and other growth which endangers the same or any other property which is likely to catch fire.

('82 Code, Ch. 7, § 30) Penalty, see § 94.99

**§ 94.07 CHIMNEYS.**

All chimneys, smokestacks or similar devices for conveying smoke or gases to the outer air, and the stoves, furnaces, fire boxes or boilers to which they are connected shall be constructed in accordance with the building regulations in Chapter 150 and any applicable ordinances of the town, and shall be maintained in such manner as not to endanger adjacent property.

('82 Code, Ch. 7, § 31) Penalty, see § 94.99

**§ 94.08 EXIT SIGNS IN THEATERS AND MOTION PICTURE HOUSES.**

Every exit in any theater or motion picture house shall plainly indicate by a sign bearing the word "Exit," which sign shall be kept lighted throughout each performance or show.

('82 Code, Ch. 7, § 32) Penalty, see § 94.99

**§ 94.09 OBSTRUCTION IN TENEMENT AND APARTMENT HOUSES.**

No dangerous obstruction shall be permitted in hallways of tenement or apartment houses.

('82 Code, Ch. 7, § 33) Penalty, see § 94.99

**§ 94.10 FIRE EXTINGUISHERS.**

Hand or portable fire extinguishers shall be installed in every store, factory, garage or other commercial building where readily inflammable material is stored, handled, kept or sold.

('82 Code, Ch. 7, § 34) Penalty, see § 94.99

**§ 94.11 DEAD WIRES TO BE REMOVED.**

It shall be unlawful for any electric light, telegraph or telephone company to permit any of their disconnected, dead or unused wires to land or remain on any pole, tree or house where the same has been formerly connected and in use, but all such wires shall



be taken down and removed immediately upon notice by the Chief of Police. It shall be duty of the Chief of the Fire Department to notify the Chief of Police whenever he has knowledge of such existing condition.  
(’82 Code, Ch. 7, § 35) Penalty, see § 94.99

***FIRE PREVENTION CODE***

**§ 94.25 ADOPTION.**

The town will enforce the International Fire Code and all concurrent changes and amendments that may be proposed by the NC Code Enforcement Council from time to time. The same is hereby adopted and incorporated as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the corporate limits, subject to all deletions, amendments and conflicting provisions contained in this code of ordinances. Copies of the International Fire Code are on file at the Fire Department.  
(’82 Code, Ch. 7, § 18) (Am. Ord. 00-2, passed 4-3-00; Am. Ord. 02-2, passed 1-7-02) Penalty, see § 94.99

**§ 94.26 ENFORCEMENT.**

The fire prevention code adopted herein shall be enforced by the Chief of the Fire Department and the Building Inspector, jointly and severally.  
(’82 Code, Ch. 7, § 19)

**§ 94.27 MODIFICATIONS.**

The Chief of the Fire Department shall have power to modify any of the provisions of the fire prevention code adopted herein upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided that the spirit of the code shall be observed, public

safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Building Inspector thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant.  
(’82 Code, Ch. 7, § 20)

**§ 94.28 APPEALS.**

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision to the Town Council within thirty days from the date of the decision appeals.  
(’82 Code, Ch. 7, § 21)

**§ 94.29 HAZARDOUS MATERIAL DISCHARGE.**

When the Fire Official deems it necessary that mitigation means must be initiated to contain hazardous material spills, all costs shall be borne by the owner, operator or other person responsible for the release. In the event of the hazardous material spills, the fire official will take responsibility to bill the owner, operator or other person responsible for the release.  
(Ord. 00-4, passed 6-5-00)

***FIREWORKS***

**§ 94.40 SALE OF FIREWORKS.**

Any sale of fireworks in the town shall comply with G.S. §§ 14-410 et seq., the North Carolina Fire Prevention Code and any other applicable North Carolina General Statute.  
(’82 Code, Ch. 7, § 24) (Am. Ord. CO-2006-05, passed 7-10-06) Penalty, see § 94.99



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**§ 94.41 DISCHARGING OF FIREWORKS.**

Dischargers of fireworks (other than those which are legal to be sold or offered for sale as detailed in § 94.40 above) shall comply with the North Carolina General Statutes and the North Carolina Fire Prevention Code, which also requires a fireworks permit from the Fire Chief. Additionally, the permit holder shall furnish a bond or certificate of insurance in an amount of \$1,000,000 for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors. ('82 Code, Ch. 7, § 25) (Am. Ord. CO-2006-05, passed 7-10-06) Penalty, see § 94.99

**§ 94.99 PENALTY.**

(A) (1) Whoever violates any provision of this chapter shall subject the violator to punishment as provided in § 10.99 of this code of ordinances.

(2) A citation for said criminal penalty shall be issued by the Elizabethtown Police Department. (Am. Ord. 94-6, passed 11-7-94)

(B) This chapter may also be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

## CHAPTER 95: GENERAL HEALTH REGULATIONS

### Section

- 95.01 County Health Director
- 95.02 Privies prohibited
- 95.03 Buildings to include toilet facilities
- 95.04 Sewer connection required
- 95.05 Permit required to install septic tank
- 95.06 Sanitary facilities for gatherings
- 95.07 Illegal deposit of slops into streets and watercourses
- 95.08 Camping prohibited
- 95.09 Expecterating on sidewalks
- 95.10 Animal slaughter
- 95.11 Standing water
- 95.12 Depositing foreign matter in reservoir

#### ***Cross-reference:***

*For provisions concerning the water and sewer system of the town, see Ch. 51*  
*For general nuisance provisions, see Ch. 98*

### **§ 95.01 COUNTY HEALTH DIRECTOR.**

The County Health Director and his assistants are authorized to act as agents for the town and to assist in the enforcement of any provisions of this chapter. When so authorized, their acts shall be of the same force and effect as regularly appointed and employed officials of the town. Reference to the **HEALTH DIRECTOR** or **HEALTH OFFICER** shall mean such officer.  
(’82 Code, Ch. 10, § 1)

### **§ 95.02 PRIVIES PROHIBITED.**

It shall be unlawful for any person to build, erect, construct, keep or maintain any privy or surface closet on any lot or premises within the town limits.  
(’82 Code, Ch. 10, § 4) Penalty, see § 10.99

### **§ 95.03 BUILDINGS TO INCLUDE TOILET FACILITIES.**

It shall be unlawful to build, erect or maintain any building to be occupied by one or more persons without providing and maintaining for the use of such occupants water closets connected with the town sewer, so as to empty the contents thereof into said sewer, or if the public sewer is not accessible, without providing a septic tank as required by state law.  
(’82 Code, Ch. 10, § 5) Penalty, see § 10.99

### **§ 95.04 SEWER CONNECTION REQUIRED.**

Connection to the public sanitary sewer shall be as required in § 51.23.  
(’82 Code, Ch. 10, § 6) Penalty, see § 10.99

### **§ 95.05 PERMIT REQUIRED TO INSTALL SEPTIC TANK.**

It shall be unlawful to build any septic tank or cause the same to be built or constructed on any lot or premises with out having first obtained a permit from the Health Officer. No permit shall be granted to build, erect or construct, or keep or maintain any surface privy or dry closet on any lot or premises, and no septic tanks may be installed or utilized where the sanitary sewer is available and connection is feasible.  
(’82 Code, Ch. 10, § 7) Penalty, see § 10.99

#### ***Cross-reference:***

*Connections to water and sewer system, see §§ 51.20 through 51.32*

### **§ 95.06 SANITARY FACILITIES FOR GATHERINGS.**

Any group or organization holding a tent



meeting, or meeting of any sort, outdoors or indoors, whether business, fraternal, social or religious, where crowds are permitted to gather, shall be required to furnish sanitary facilities to the groups assembled. Such sanitary facilities shall consist, at a minimum, of one toilet for each 100 men and one toilet for each 100 women, which toilet must be connected to the town sewer system if trunk lines are located within the block, or to an approved septic tank installation if a sewer line is not available, or other facilities approved by the Health Director.  
(’82 Code, Ch. 10, § 8) Penalty, see § 10.99

#### **§ 95.07 ILLEGAL DEPOSIT OF SLOPS INTO STREETS AND WATERCOURSES.**

No person shall convey out of his kitchen any dishwater or other slops onto any of the streets or alleys of the town; and no person shall throw filth of any kind or conduct any such slops by drains into the streets, ditches, gutters or natural watercourses in or of the town.  
(’82 Code, Ch. 10, § 9) Penalty, see § 10.99

#### **§ 95.08 CAMPING PROHIBITED.**

It shall be unlawful for any person to camp or dwell in tents, automobiles, carts or wagons on any vacant lot or plot of land within the corporate limits of the town.  
(’82 Code, Ch. 10, § 10) Penalty, see § 10.99

#### **§ 95.09 EXPECTORATING ON SIDEWALKS.**

It shall be unlawful for any person to expectorate upon any paved sidewalk or public walkway, or on the floor or steps of, in, or around any public building or building of public assembly in the town.  
(’82 Code, Ch. 10, § 11) Penalty, see § 10.99

#### **§ 95.10 ANIMAL SLAUGHTER.**

No livestock of any nature shall be slaughtered within the corporate limits, except at a licensed slaughterhouse.

(’82 Code, Ch. 10, § 12) Penalty, see § 10.99

#### ***Cross-reference:***

*For additional provisions concerning animals, see Ch. 91*

#### **§ 95.11 STANDING WATER.**

It shall be unlawful for any owner, lessee, tenant or occupant of any building or premises to keep or permit any standing water to be or remain thereon in any pool, pond or open vessel.

(’82 Code, Ch. 10, § 13) Penalty, see § 10.99

#### **§ 95.12 DEPOSITING FOREIGN MATTER IN RESERVOIR.**

It shall be unlawful for any person to spit, or pour any liquid or other substance into, or to throw any matter into a town reservoir.

(’82 Code, Ch. 10, § 14) Penalty, see § 10.99

**CHAPTER 96: LITTER**

Section

- 96.01 Definitions
- 96.02 Littering prohibited
- 96.03 Placing of injurious materials on streets
- 96.04 Duty of business owners and occupants
- 96.05 Duty of customer

**§ 96.01 DEFINITIONS.**

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

**ASHES.** Refuse resulting from the burning of wood, coal, coke and other combustible material.

**BUILDING RUBBISH.** Rubbish from construction, remodeling and repair operations on houses, commercial buildings and other structures, including but not limited to excavated earth, stones, brick, plaster, lumber, concrete and waste parts occasioned by installations and replacements.

**BUSINESS BUILDING.** Any structure, whether public or private, that is adapted for transaction of business, for rendering of professional services, for amusement, for the display or sale or storage of goods, wares, merchandise, articles or equipment, including hotels, apartment houses, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, abattoirs, warehouses, sheds, barns, and other structures on premises used for or adapted to business purposes.

**GARBAGE.** Animal and vegetable refuse resulting from the handling, preparations, cooking and consumption of food, including a minimum amount of liquid necessarily incident thereto.

**INDUSTRIAL WASTES.** Saw dust, shavings, feathers, excelsior, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, plastic or other waste materials from processing plants, factories or manufacturing operations.

**REFUSE.** Solid waste, including but not limited to garbage, rubbish and ashes.

**RUBBISH.** Refuse (exclusive of garbage and ashes), including but not limited to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, trees, bush and hedge branches, cuttings and trimmings, yard trimmings, grass, leaves, tin, cans, metals, small mineral matter, glass, crockery, dirt, earth and dust.

**WASTE.** Useless, unused, unwanted or discarded materials resulting from natural community activities, including solids, liquids and gases, except sewage.  
(’82 Code, Ch. 9, Art. I, § 1)

**§ 96.02 LITTERING PROHIBITED.**

It shall be unlawful for any person to willfully throw, drop, cast or deposit upon any street, alley, sidewalk or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, rubbish, bottles, glass or any other form of litter or waste matter.  
(’82 Code, Ch. 9, Art. I, § 9) (Ord. passed 12-4-72; Am. Ord. passed 8-2-76) Penalty, see § 10.99

**§ 96.03 PLACING INJURIOUS MATERIALS ON STREETS.**

No person shall willfully throw, place or deposit any can, any glass or other sharp or cutting substance, or any injurious obstruction in or upon any



of the public streets, parks or alleys of this town.  
(’82 Code, Ch. 9, Art. I, § 8) (Ord. of 8-2-76) Penalty,  
see § 10.99

#### **§ 96.04 DUTY OF BUSINESS OWNERS AND OCCUPANTS.**

(A) The owner or occupant of any store or other place of business situated within the town shall exercise reasonable diligence at all times to keep his premises clean of waste paper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials thrown or left on said premises by the customers thereof, and to take reasonable measures to prevent the same drifting or blowing to adjoining premises.

(B) Receptacles of sufficient size and number shall be placed by the owners thereof on the premises, accessible to the customers of such business, where the articles of waste referred to in division (A) may be disposed of.

(C) Each business establishment shall have placed upon its premises in conspicuous places in close proximity to such receptacles signs which shall, in essence, convey to customers thereof a request that they use such receptacles for the disposal of waste material.  
(’82 Code, Ch. 9, Art. I, § 10) Penalty, see § 10.99

#### **§ 96.05 DUTY OF CUSTOMER.**

It shall be unlawful for any customer going upon the premises of another to in any manner dispose of waste paper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials except in receptacles provided for such purposes.  
(’82 Code, Ch. 9, Art. I, § 11) Penalty, see § 10.99



## CHAPTER 97: NOISE

### Section

- 97.01 Loud and raucous noise prohibited
- 97.02 Prohibited noise activities
- 97.03 Exemptions
- 97.04 Permit for mechanical sound producing device
  
- 97.99 Penalty

### **§ 97.01 LOUD AND RAUCOUS NOISE PROHIBITED.**

The generation or maintenance of any loud and raucous noise within the town limits is hereby declared to be a public nuisance. It shall be unlawful for any person to willfully make, continue, or cause to be made or continued any loud and raucous noise, which term shall mean any sound which, because of its volume level, duration, and character, annoys, disturbs, injures or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within the town limits. The term "loud and raucous noise" shall include, but shall not be limited to, the kinds of noise generated by the activities enumerated in § 97.02, except as provided in § 97.03. The term shall be limited to loud and raucous noise heard upon the public streets, in any public park, in any school or public building, or upon the grounds thereof while in use, in any church, synagogue, or other place of worship, or hospital, or upon the grounds thereof while in use, in any parking lot open to members of the public as invitees or licensees, or in any occupied residential dwelling unit or upon the grounds thereof. The term is further limited to noise which is clearly audible at a distance of more than 50 feet from the source of the noise, measured in a straight line from the noise source. (Ord. passed 10-4-93) Penalty, see § 97.99

### **§ 97.02 PROHIBITED NOISE ACTIVITIES.**

The following acts, as limited by § 97.01 and subject to the exemptions of § 97.03, are hereby declared to be public nuisances in violation of § 97.01, but the acts enumerated in this section shall not be deemed to be exclusive:

(A) The use or operation of any mechanical or electrical device, apparatus, or instrument to amplify, intensify, or reproduce the human voice, or to produce, reproduce, intensify, or amplify any other sound when the sound from such activity is clearly audible more than 50 feet from the device, apparatus, or instrument.

(B) The playing or operation of any radio, cassette tape player, compact disk player, or any sound producing instrument, device or apparatus installed or located in a motor vehicle when the speaker volume is elevated to such an extent that the sound is clearly audible more than 50 feet from the vehicle. The provisions of this subsection shall apply regardless of whether the vehicle is public or private property, or stopped in traffic.

(C) The sounding of any horn or signal device on any automobile, motorcycle, bicycle, bus, or other vehicle, except as a danger signal, so as to create an unreasonably loud or harsh sound, or the sounding of such device for an unreasonable period of time, or the use of siren horns on bicycles, automobiles, or other vehicles except upon automobiles and other apparatus of the police and fire departments or upon authorized emergency service vehicles.

(D) The playing of any radio, cassette tape player, compact disk player, phonograph, or mechanical or nonmechanical musical or sound producing instrument in such a manner or with such volume that the sound therefrom creates a loud and raucous noise.





(E) The owning, keeping, or harboring of any animal or bird which frequently or for continued duration howls, barks, meows, squawks or makes other sounds which disturb the reasonable comfort and peace of any person in the vicinity by creating a loud and raucous noise.

(F) The use of any automobile, motorcycle or vehicle so out of repair or so loaded, or in such manner or combination with other vehicles as to create by virtue of its grating, grinding, or rattling sound, a loud and raucous noise.

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

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

(I) The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street.

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

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

(L) The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

(M) The firing or discharging of a gun, squib, firecracker, gunpowder or other combustible substance in the streets or elsewhere for the purpose

of making noise or disturbances, except by permit

from the Police Department.  
(Ord. passed 10-4-93) Penalty, see § 97.99

### **§ 97.03 EXEMPTIONS.**

The following acts or activities are exempt from the provisions of this division:

(A) The use of a permanently installed loud speaker or public address system at bus stations to announce the arrival and departure of buses.

(B) The use of a permanently installed loud speaker or public address system at athletic stadiums to announce athletic contests.

(C) Musical chimes or the sounding of bells emanating from a public or religious institution or facility, provided the sound is less than 30 minutes in duration and occurs not more than three times within any 24 hour period.

(D) Sounds emanating from any authorized emergency vehicle responding to an emergency or acting in the time of emergency.

(E) Noise sources associated with or created by construction, repair, remodeling, demolition, or grading of any real property, provided such activities do not take place between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sunday.

(F) Noise sources associated with the maintenance of real property, provided such activities take place between the hours of 7:00 a.m. and 10:00 p.m. on any day.

(G) Noise emanating from any burglar alarm or security device on any building, dwelling, or vehicle, provided such noise terminates within 30 minutes of being activated.

(H) Any activity to the extent regulation thereof has been preempted by state or federal law.

(I) The use of a sound producing or sound amplifying device, instrument, or apparatus for nonadvertising purposes when a permit has been

issued for such use pursuant to § 97.04, provided such activity is conducted in conformity with the permit.  
(Ord. passed 10-4-93)

and protect the public safety. The person signing the application shall be required to be present at the time

#### **§ 97.04 PERMIT FOR MECHANICAL SOUND PRODUCING DEVICE.**

(A) *Application.* Each applicant for a permit to use or operate a sound producing device, instrument or apparatus within the city limits shall complete and sign an application on a form supplied by the city and file the same with the Chief of Police at least seven days prior to the date upon which the sound producing equipment is to be used or operated. Where good cause is shown, or in the judgment of the Chief of Police the activity would involve significant political or religious features and therefore be entitled to enhanced deference or protection under the state or federal constitutions, the Chief of Police shall consider applications filed after the deadline. The application shall describe the sound producing equipment, state the specific location at which such sound producing equipment is to be used or operated, the day and the hour or hours during which it is proposed to be used or operated, and such other pertinent information as is necessary for the Chief of Police to carry out his duties under this section. If the sound producing equipment is to be used or operated on private property the owner of such property must consent in writing.

(B) *Issuance of permit.* The Chief of Police shall issue a permit for the use of the requested sound producing instrument, device, or apparatus to any applicant who complies with the provisions of this section unless he finds in writing that one or more of the restrictions specified in division (C) hereof apply, or unless the issuance of a permit for the time and location requested would overlap a previously applied for permit. Each permit issued pursuant to this section shall describe the specific location or locations at which such sound producing equipment may be used or operated thereunder, the period of time for which the sound producing equipment may be operated in such location, and shall specify such other terms and conditions as are essential to secure

and place the sound producing equipment is operated or used and the permit shall be invalid unless in his possession.

(C) *Special restrictions.* The Chief of Police shall not issue any permit for the use of a sound producing instrument, device, or apparatus:

(1) At any location within 500 feet of a school, courthouse, synagogue, or other place of worship, during the hours of school, court, or worship, respectively, or within 500 feet of any hospital, nursing home, or other institution caring for the sick, aged, or infirmed;

(2) At any location where the Chief of Police, upon investigation, shall determine that the conditions of vehicular or pedestrian traffic or both are such that the use of a sound producing instrument, device or apparatus will constitute a threat to the safety of pedestrians or vehicle operators;

(3) At any location where the Chief of Police, upon investigation, shall determine that the conditions of overcrowding or of street repair or other physical conditions are such that the use of a sound producing instrument, device or apparatus will deprive the public of the reasonable right to safe and peaceful enjoyment of any public street, park, or other public place, or will constitute a threat to the safety of pedestrians or vehicle operators;

(4) For a period of continued use exceeding two hours without a 30 minute break, unless the Chief of Police, upon investigation, determines that a longer period of time will not annoy or disturb reasonable persons of ordinary sensibilities residing in the area;

(5) In or on any vehicle or other device while it is in motion; or

(6) Between the hours of 10:00 p.m. and 9:00 a.m.

(D) *Alternate permit.* The Chief of Police, in denying any application as submitted under this section, may grant a permit for a date, time, or place different from that requested by applicant, or subject to different requirements or conditions than requested

by an applicant. An applicant desiring to accept an alternate permit shall, within 24 hours after notice of the action of the Chief of Police, file a written note of acceptance with the Chief of Police on a form supplied by the city.

(E) *Processing time; notice, right of appeal.*

Applications for permits to use a sound producing instrument, device or apparatus shall be processed and decisions made as expeditiously as possible, and in any event before 5:00 p.m. on the fifth business day following the day of receipt. If the application was submitted more than ten days in advance of the event, the permit, alternate permit, or written notice of denial shall be mailed to the applicant. If the application was submitted less than ten days in advance of the event, the Police Department shall exercise reasonable diligence in attempting to notify the applicant of the action taken as soon as possible by telephone or other means. Any person aggrieved by action taken on a permit application may file a written notice of appeal, first with the City Manager and then with the Town Council. The notice of appeal must be filed within seven days from date notice of the action, regardless of the means used to convey such notice, is received by the applicant. The Town Manager shall act on the appeal as expeditiously as possible. The Town Council shall hear any appeal taken from the decision of the Town Manager at its next regularly scheduled meeting. In hearing any appeal the Town Manager or the Town Council may reverse or affirm, wholly or in part, the action of the Chief of Police, or may grant an alternate permit for a date, time, or place different from that requested by the applicant or subject to different requirements or conditions than requested by an applicant. An alternate permit must be accepted in writing within 24 hours after notice that it is available.

(F) The Chief of Police may revoke any permit issued hereunder for the following reasons or causes:

(1) The substantial violation of this Division or the terms and conditions of a permit; or

(2) A material misstatement of any fact on the application for a permit.

(Ord. passed 10-4-93)

**§ 97.99 PENALTY.**

Any person, firm or corporation violating the provisions of this chapter shall upon conviction be guilty of a misdemeanor and shall be punished in accordance with the provision of G.S. § 14-4. (Ord. passed 10-4-93)



## CHAPTER 98: NUISANCES

### Section

- 98.01 Definitions
- 98.02 Prohibition
- 98.03 Conditions constituting nuisance
- 98.04 Weeds and noxious growth; general restrictions
- 98.05 Duty of owner or occupant of property
- 98.06 Investigations
- 98.07 Notice; hearing; order to abate
- 98.08 Abatement by town
- 98.09 Collection of cost
- 98.10 Violation

### **Cross-reference:**

*For provisions concerning garbage and refuse,*

*see Ch. 50*

*For general health regulations, see Ch. 95*

### **§ 98.01 DEFINITIONS.**

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

**ASHES.** Refuse resulting from the burning of wood, coal, coke and other combustible material.

**BUILDING RUBBISH.** Rubbish from construction, remodeling and repair operations on houses, commercial buildings and other structures, including but not limited to excavated earth, stones, brick, plaster, lumber, concrete and waste parts occasioned by installations and replacements.

**BUSINESS BUILDING.** Any structure, whether public or private, that is adapted for transaction of business, for rendering of professional services, for amusement, for the display or sale or storage of goods, wares, merchandise, articles or

equipment, including hotels, apartment houses, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, abattoirs, warehouses, sheds, barns, and other structures on premises used for or adapted to business purposes.

**GARBAGE.** Animal and vegetable refuse resulting from the handling, preparations, cooking and consumption of food, including a minimum amount of liquid necessarily incident thereto.

**INDUSTRIAL WASTES.** Saw dust, shavings, feathers, excelsior, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, plastic or other waste materials from processing plants, factories or manufacturing operations.

**REFUSE.** Solid waste, including but not limited to garbage, rubbish and ashes.

**RUBBISH.** Refuse (exclusive of garbage and ashes), including but not limited to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, trees, bush and hedge branches, cuttings and trimmings, yard trimmings, grass, leaves, tin, cans, metals, small mineral matter, glass, crockery, dirt, earth and dust.

**WASTE.** Useless, unused, unwanted or discarded materials resulting from natural community activities, including solids, liquids and gases, except sewage.  
(’82 Code, Ch. 9, Art. I, § 1) (Am. Ord. 2005-03, passed 11-7-05)

### **§ 98.02 PROHIBITION.**

(A) Every owner and every occupant or other person in control of any building or land in the town, including vacant property, shall keep the same in a

clean and orderly condition and shall deposit refuse for collection in accordance with the provisions of this chapter and the regulations of the Town Council. Combustible and noncombustible refuse shall be stored in containers complying with this code.

(B) No person shall throw, drop or deposit, or cause to be thrown, dropped or deposited, or allow to remain on any land in the town, vacant or occupied, including streets, alleys, sidewalks, gutters, drains, catch basins, manholes and other public and semipublic areas, including waters, water storage tanks and reservoirs, any waste, including but not limited to refuse, garbage, ashes, rubbish, dead animals, fish, paper, drinking cups, broken glass, tacks, compost, manure, brush, grass, weeds and anything injurious to health. If any person, while transporting or hauling or causing to be transported or hauled such rubbish or material or earth excavation, coal or other material shall throw, drop or deposit or cause to be thrown, dropped or deposited such rubbish or materials from the body of any vehicle in violation of the provisions of this section, such person must immediately clean up and remove such rubbish or material in a manner satisfactory to the town, and failing to do so, the town may clean up and remove such rubbish and material and collect the cost of such cleaning up and removal from such person, and the person shall further be subject to punishment as for any other violation of this code. ('82 Code, Ch. 9, Art. II, § 20) (Ord. passed 12-4-72; Am. Ord. 2005-03, passed 11-7-05) Penalty, see § 10.99

### **§ 98.03 CONDITIONS CONSTITUTING NUISANCE.**

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

(A) The uncontrolled growth of noxious weeds or grass to a height of eight inches or more causing or threatening to cause a hazard detrimental to the public

health or safety or within 100 feet of any principal structure or public right-of-way.

(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 nature of odors or vapors, or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(D) The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building rubbish or similar items.

(E) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department. ('82 Code, Ch. 9, Art. II, § 21) (Ord. passed 9-11-89; Am. Ord. 2005-03, passed 11-7-05)

### **§ 98.04 WEEDS AND NOXIOUS GROWTH; GENERAL RESTRICTIONS.**

It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any lot or land or any part thereof in the town to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb, or middle of the alley, or for ten feet outside the property line if there is no curb, any growth of weeds, grass or other rank vegetation to a greater height than eight inches on the average, or any accumulation of dead weeds, grass or brush. It shall also be unlawful for any such person to cause, suffer or allow poison ivy, ragweed or other poisonous plants or plants detrimental to health to grow on any such lot or land in such manner that any part of such poison ivy,

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ragweed or other poisonous or harmful weed shall extend upon, cover, overhang or border any public place, or allow the seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place.

('82 Code, Ch. 9, Art. II, § 22) (Am. Ord. 2005-03, passed 11-7-05) Penalty, see § 10.99

#### **§ 98.05 DUTY OF OWNER OR OCCUPANT OF PROPERTY.**

It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all weeds, grass or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of § 98.04.

('82 Code, Ch. 9, Art. II, § 23) (Am. Ord. 2005-03, passed 11-7-05) Penalty, see § 10.99

#### **§ 98.06 INVESTIGATIONS.**

The Town Manager, upon notice from any person of the possible existence of any of the conditions described in § 98.03, shall cause to be made by the appropriate County Health Department Official or town official such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in § 98.03.

('82 Code, Ch. 9, Art. II, § 24) (Ord. passed 9-11-89; Am. Ord. 2005-03, passed 11-7-05)

#### **§ 98.07 NOTICE; HEARING; ORDER TO ABATE.**

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

('82 Code, Ch. 9, Art. II, § 25) (Ord. passed 9-11-89; Am. Ord. 2005-03, passed 11-7-05)

#### **§ 98.08 ABATEMENT BY TOWN.**

(A) If the owner, having been ordered to abate such a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of said order, the Town Manager shall cause said condition to be removed or otherwise remedied by having employees of the town to go upon said premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the Town Manager.

(B) Any person who has been ordered to abate a public nuisance may, within the time allowed herein, request the town in writing to remove such condition, the cost of which shall be paid by the person making such request.

('82 Code, Ch. 9, Art. II, § 26) (Ord. passed 9-11-89; Am. Ord. 2005-03, passed 11-7-05)

#### **§ 98.09 COLLECTION OF COST.**

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

(B) 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 division (A) above, such 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-194.

('82 Code, Ch. 9, Art. II, § 27) (Ord. passed 9-11-89; Am. Ord. 2005-03, passed 11-7-05)

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**§ 98.10 VIOLATION.**

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. ('82 Code, Ch. 9, Art. II, § 28) (Ord. passed 9-11-89; Am. Ord. 2005-03, passed 11-7-05) Penalty, see § 10.99



**CHAPTER 99: PARKS AND RECREATION**

Section

- 99.01 Town not liable for injury or damages in use of recreational facilities
- 99.02 Certain use to constitute trespassing
- 99.03 Scheduling use of facilities
- 99.04 Closing facilities
- 99.05 Use of alcohol or drugs at facilities
- 99.06 Vehicular traffic
- 99.07 Suspension from facilities; appeal

**Cross-reference:**

*For provisions concerning the Recreation Commission and the Tory Hole Park Department, see Ch. 33*  
*Damage to flowers, see § 130.04*  
*Prohibiting sexual offenders from public parks, see Ch. 132*

**§ 99.01 TOWN NOT LIABLE FOR INJURY OR DAMAGES IN USE OF RECREATIONAL FACILITIES.**

The usage of recreational facilities by any person shall be at the person's own risk, assuming any and all liability for personal injuries or damages or property injuries or damage.  
(’82 Code, Ch. 13, Art. I, § 1) (Ord. passed 11-7-83)

**§ 99.02 CERTAIN USE TO CONSTITUTE TRESPASSING.**

Unauthorized use of facilities or conduct that violates safety, property rights, or proper sanitation or is an infringement of rights will constitute a trespass.  
(’82 Code, Ch. 13, Art. I, § 2) (Ord. passed 11-7-83)

**§ 99.03 SCHEDULING USE OF FACILITIES.**

The town's sponsored or co-sponsored activities will have priority in scheduling the use of all facilities. No person shall use or abet the use of any area in violation of posted notices.  
(’82 Code, Ch. 13, Art. I, § 3) (Ord. passed 11-7-83)  
Penalty, see § 10.99

**§ 99.04 CLOSING FACILITIES.**

The town reserves the right to close any facility at any time for special events, inclement weather or specific maintenance reasons.  
(’82 Code, Ch. 13, Art. I, § 4) (Ord. passed 11-7-83)

**§ 99.05 USE OF ALCOHOL OR DRUGS AT FACILITIES.**

No person on public recreation facilities shall at any time display or be under the influence of any alcoholic beverages or illegal drug.  
(’82 Code, Ch. 13, Art. I, § 5) (Ord. passed 11-7-83)  
Penalty, see § 10.99

**§ 99.06 VEHICULAR TRAFFIC.**

Unauthorized vehicular traffic, including bikes, is prohibited except on public streets and parking lots on all facilities.  
(’82 Code, Ch. 13, Art. I, § 6) (Ord. passed 11-7-83)  
Penalty, see § 10.99





**§ 99.07 SUSPENSION FROM FACILITIES;  
APPEAL.**

Flagrant disobedience or total disregard of these regulations can result in a suspension from the recreation facilities. Appeals shall be made to the town's governing body.

('82 Code, Ch. 13, Art. I, § 7) (Ord. passed 11-7-83)



**CHAPTER 100: STREETS AND SIDEWALKS**

Section

- 100.54 Revocation of permit
- 100.55 Interference prohibited
- 100.56 Additional regulations applicable to

***Obstructions***

- 100.01 Obstructing streets and sidewalks
- 100.02 Obstructions expressly prohibited
- 100.03 Awnings and signs over sidewalks

***Street Acceptance and Improvement***

- 100.15 Acceptance and improvement policy of public streets
- 100.16 Requirements for the acceptance of new streets
- 100.17 Petition to pave streets required
- 100.18 Street widths
- 100.19 Scope of street improvements
- 100.20 Sidewalk assessment policy
- 100.21 Project procedure
- 100.22 Installation of utilities
- 100.23 Responsibility of property owners
- 100.24 Compliance with specifications; supervision
- 100.25 Opening and improving streets without petition
- 100.26 Streets and sidewalks
- 100.57 Exemptions
- 100.58 Permit and escort fees
- 100.59 Application
- 100.60 Grounds for denial of permit
- 100.61 Notice of rejection
- 100.62 Appeal procedure
- 100.63 Alternate permit
- 100.64 Conduct of participants
- 100.99 Penalty

***OBSTRUCTIONS***

***Property Numbering***

- 100.35 Official property numbering map
- 100.36 Assignment of property numbers
- 100.37 Display of property and building numbers

***Parades and Demonstrations***

- 100.50 Definitions
- 100.51 Permit required
- 100.52 Issuance of permit; requirements
- 100.53 Certain activities prohibited

**§ 100.01 OBSTRUCTING STREETS AND SIDEWALKS.**

It shall be unlawful for any person to obstruct any public street, alley or sidewalk in the town by any means whatsoever; provided, however, nothing contained herein shall be construed to prohibit the Mayor from giving permission for temporary obstruction of any such street, alley or sidewalk in such cases as are reasonably necessary. ('82 Code, Ch. 16, Art. I, § 2) (Am. Ord. 11-01, passed 5-2-11) Penalty, see § 100.99

**§ 100.02 OBSTRUCTIONS EXPRESSLY PROHIBITED.**

The following conditions are declared to be nuisances affecting public peace and safety and are

prohibited:

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**Elizabethtown - General Regulations**

(A) All trees, hedges, billboards or other obstructions which prevent any person from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.

(B) All limbs of trees which are less than eight feet above the surface of any public sidewalk or nine feet above the surface of any street.

(C) All wires which are strung less than 15 feet above the surface of the ground.

(D) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets and sidewalks.

(E) Allowing rainwater, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.

(F) All barbed-wire fences which are located within three feet of any public sidewalk.

(G) All dangerous, unguarded machinery in any place or so situated or operated on private property as to constitute a danger to the public using the public thoroughfares.

(H) All other conditions or things which are liable to cause injury to the person or property of anyone using the public thoroughfares.

(I) It shall be unlawful for any person to place or exhibit any rubbish, boxes, shipping cases, barrels, building materials, goods, wares, merchandise, signs, monuments, or other obstructions of any kind on any public sidewalk.

(J) It shall be unlawful for any vending machine, including soft drink machines and boxes or racks selling or distributing newspapers, magazines, periodicals, or brochures, to be placed on any public sidewalk.

(K) It shall be unlawful to install any encroachments which reduce the sidewalk width available for normal pedestrian movement.

(L) It shall be unlawful for encroachments to block access to parked cars or to block the ingress/egress of any business.

(M) It shall be unlawful for the owner of property abutting upon a sidewalk or sidewalk area to permit the sidewalk or sidewalk area adjacent to their property to become a hazard to persons using the sidewalk or sidewalk area.

(N) The abutting property owner and the occupant of the abutting property shall maintain sidewalks and sidewalk areas free and clear of all encroachments and obstructions which interfere with the free and safe use or and passage over the sidewalks or sidewalk areas.

('82 Code, Ch. 16, Art. I, § 1) (Am. Ord. 11-01, passed 5-2-11) Penalty, see § 100.99

**§ 100.03 AWNINGS AND SIGNS OVER SIDEWALKS.**

No person shall erect, project or suspend over the sidewalks of the town, or any portion thereof any sign, shed, awning or other structure, unless the same shall be erected under the supervision of the Code Enforcement Officer, shall be securely fastened to the building wall, shall be not less than eight feet above the sidewalk, and shall not protrude more than six feet from a building's wall into the town's right-of-way.

('82 Code, Ch. 16, Art. I, § 3) (Am. Ord. 11-01, passed 5-2-11) Penalty, see § 100.99



**STREET ACCEPTANCE AND IMPROVEMENT**

**§ 100.15 ACCEPTANCE AND IMPROVEMENT POLICY OF PUBLIC STREETS.**

It shall be the policy of the Town Council to regulate the acceptance and improvement of public streets by exercising the powers and duties conferred by G.S. § 160A-296 in the best interest of the citizens of the town.  
(’82 Code, Ch. 16, Art. I, § 4)

**§ 100.16 REQUIREMENTS FOR THE ACCEPTANCE OF NEW STREETS.**

Private streets offered for dedication to the town will not be accepted by the Town Council as public, town streets unless the following conditions are met:

- (A) Approval by the Planning Board.
- (B) Consistent with all standards and specifications for town streets.
- (C) Found to be in the best interest of the town.
- (D) Formally accepted by resolution of the Town Council.  
(’82 Code, Ch. 16, Art. I, § 5)

**§ 100.17 PETITION TO PAVE STREETS REQUIRED.**

Except as provided in § 100.25, the Town Council will consider the paving of any street or sidewalk only when a petition is submitted to it on forms provided by the town, signed by a majority of the property owners who represent a majority of the lineal footage on the street proposed to be improved; provided that some or all of the cost of such improvement may be assessed against the abutting property owners as hereinafter stipulated.  
(’82 Code, Ch. 16, Art. II, § 20)

**§ 100.18 STREET WIDTHS.**

The Town Council shall not accept a petition or consider the paving of any street which does not meet the minimum width requirements prescribed by the Council.  
(’82 Code, Ch. 16, Art. II, § 21)

**§ 100.19 SCOPE OF STREET IMPROVEMENTS.**

Street improvements for all streets which shall be included in the property owners' petition, the cost of which shall be assessed against the abutting property owners in accordance with § 100.17, shall include the following:

- (A) Curbs and gutters as required by town specifications.
- (B) Storm water drainage facilities, inlets and other necessary incidentals as may be required under streets.
- (C) Engineering cost.
- (D) Grading of those streets which need to be graded prior to improvements.
- (E) Base course material for the full width of the street to be constructed in accordance with town specifications.
- (F) Street surfacing according to town specifications for the width of the street to be constructed.  
(’82 Code, Ch. 16, Art. II, § 22)

**§ 100.20 SIDEWALK ASSESSMENT POLICY.**

Petitions for street improvements may include requests for new sidewalk improvements in accordance with town specifications, which sidewalk improvements may be constructed as part of the street improvement project, and in the same manner in conformity with the current town policies.  
(’82 Code, Ch. 16, Art. II, § 23)





**§ 100.21 PROJECT PROCEDURE.**

(A) Upon receipt of a petition for street improvements, the Public Works Director shall examine the petition and certify as to its sufficiency to the Town Council.

(B) No street or street and sidewalk involved in any petition shall be constructed unless and until the persons who have signed the petition shall have complied with the procedures of G.S. Chapter 160A, Article 10.

(C) When the required amount has been deposited with the town, the street improvement assessment procedure, as authorized in G.S. §§ 160A-223 through 160A-229, shall be followed and assessments shall be made against the properties abutting upon such improvement according to an equal rate per front foot. Property owners who have made a cash deposit in advance as required herein shall be credited for such payments on the assessment rolls. In accordance with the requirements of the General Statutes, property owners not paying any assessments in cash in advance or those with partial advance payments shall pay their assessments in ten equal annual installments which shall bear interest at the rate of 6% per annum.

(D) In the event the actual cost of improvements is less than the estimated cost, such excess shall be refunded to the property owners. In the event the actual cost exceeds the estimated cost, the property owners will be assessed for this amount or may pay such amount in cash in the manner provided by law. ('82 Code, Ch. 16, Art. II, § 24)

**§ 100.22 INSTALLATION OF UTILITIES.**

The Town Council, prior to approving any project or authorizing any street improvements, shall determine if water and sanitary sewer facilities have been installed within that portion of the street located between curbs. If such facilities have not been installed or if facilities are inadequate and will have to be replaced, the Town Council shall postpone the

street improvement project pending the installation of such facilities.

('82 Code, Ch. 16, Art. II, § 25)

**Cross-reference:**

*For water and sewer connection provisions, see Ch. 51*

**§ 100.23 RESPONSIBILITY OF PROPERTY OWNERS.**

(A) Property owners along streets which are surfaced and have curbs and gutters shall be responsible for replacing any driveway or walkway within the street right-of-way as a result of new street construction improvements. Driveway entrances and aprons at the curb line shall be constructed by the town at the location designated by the property owner, and the total cost thereof shall be included in the cost assessed for street improvements.

(B) Property owners shall be responsible for seeding, landscaping or otherwise improving the area between curbs and the property line as they may desire, provided no walls or other permanent structures are located within the street right-of-way. Drainage pipes and other material on the right-of-way at the time construction which were purchased by the property shall be removed and placed on the lot of the owner for his disposition. The town shall haul away such items if requested by the owner and with the owner's permission.

(C) Catch basins, manholes and storm sewer pipes shall be designed and installed in a way best to drain the project and not change the natural flow of water. As nearly as possible, streets shall be designed to pick up storm water at the point where it leaves private property, carry the water in the gutters or pipes through the project, and discharge it on private property at the same point it was discharged before the project began. Where street drainage is discharged on private property, the town will pipe the water, provided the property owners buy the necessary materials. Under this policy, the town shall perform the work necessary to design and install the pipe and thus pay approximately half the total cost.

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(D) During the construction it may be necessary to remove all trees and shrubs that fall in the area of construction, and any such trees or shrubs that the property owner wishes to transplant should be removed from the area before construction starts. At the owner's request, large trees or shrubs will be dug up with power grading equipment and placed on the front of the property for the owner's disposal. Small shrubs or flowers must be moved by the owner if they are to be saved.

('82 Code, Ch. 16, Art. II, § 26)

**§ 100.24 COMPLIANCE WITH SPECIFICATIONS; SUPERVISION.**

All street grading, base course preparation, storm drainage, surfacing, curbs and gutters and other improvements shall be constructed in accordance with the written specifications of the town which have been approved by the Town Council. All work shall be done under the supervision of the Town Council or its designated officer.

('82 Code, Ch. 16, Art. II, § 27) Penalty, see § 100.99

**§ 100.25 OPENING AND IMPROVING STREETS WITHOUT PETITION.**

When, in the opinion of the Town Council, a new street should be opened and improved, and no petition is filed asking for the assessment of the cost thereof and when the Town Council is of the opinion that the public benefit will be greater than the benefit to abutting property owners, it may direct that such improvement be made and the entire cost thereof paid by the town.

('82 Code, Ch. 16, Art. II, § 28)

**§ 100.26 STREETS AND SIDEWALKS.**

(A) Any person or corporation desiring to construct a driveway, approach or other connection within the right-of-way of any public street, road or alley of the town, must first before beginning

construction apply for and be granted a written driveway permit authorizing construction on the town right-of-way. Failure to secure a permit prior to construction may result in the removal of the driveway and/or denial of access at that location. Also, failure to maintain the driveway, including the portions within the town's right-of-way, whereas they fall into disrepair to where the town and/or state's road systems may be compromised, may result in the removal of the driveway and/or denial of access at that location.

(B) Whereby driveway connections are made for the exclusive use by the property owner, all property owners (commercial and residential) are responsible for the maintenance of the driveway connections made into the town's system, inclusive of the portion in the town's right-of-way.

(C) Existing driveways shall not be altered without first securing a permit.

(D) Whenever a driveway connects into the state system streets and roads, the more restrictive ordinance, municipal or state, shall apply.

(E) Driveways will not generally be allowed along acceleration or deceleration lanes and associated tapers. No driveway will be allowed within the intersection of radii of intersecting roadways. Driveways serving shopping centers or other high volume generators shall be at least 150 feet from the intersection of public roads unless otherwise approved.

(F) For commercial parcels, when more than two driveways are proposed along the same frontage, the centerlines of said driveways must be at least 100 feet apart.

(G) For residential parcels, if the driveway is serving one vehicle or singular car garage/driveway, the driveway shall measure 12 feet wide from the curb cut to the right-of-way; for two vehicle driveways, the minimum width shall be 16 feet wide; and for triple width parking areas, the driveway will require a site plan review.

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(H) The driveway must provide access which is sufficiently large to store any vehicles using the driveway completely off the right-of-way.

(I) Driveway entrances within the street right-of-way of gravel streets shall be paved with six inches of ABC aggregate and driveway entrances within the street right-of-way of asphalt paved streets shall be paved with two inches of I-2 asphalt.

(J) The grades of entrances and exits shall be constructed to conform to the existing should grades and the drainage in the street side ditches shall not be impeded.

(K) If the driveway is to be located over an existing open ditch, the applicant shall furnish all required pipe of size, type and quantity and specified by the Public Works Director. The pipe will be laid and backfilled by town employees or contractors approved by the town, if requested. The applicant shall bear the full cost of any stabilization and pavement placed on the driveway(s) within the right-of-way.

(L) If the driveway is to be located along a paved street, the applicant will bear all costs of driveway construction and maintenance including the cost of placing asphalt pavement on the driveway within the right-of-way and maintaining the portion of the driveway within the right-of-way from degrading.

(M) The town reserves the right of inspection of driveway construction within the right-of-way and correcting inadequate compliance with all costs being billed to the homeowner or permit applicant.

(N) For all existing driveway connections to the town's street system, the property owner is responsible for the maintenance and repair of the connections, including the portion within the town's right-of-way.

(O) In the above mentioned divisions of this section, concrete may be replaced by asphalt as long as it meets standards set for the by the town.  
(Ord. 12-04, passed 4-10-12)

## ***PROPERTY NUMBERING***

### **§ 100.35 OFFICIAL PROPERTY NUMBERING MAP.**

There is hereby adopted the official property number map, attached herewith and by reference adopted as a part of this chapter. A copy of the official property number map shall be kept and maintained for public inspection in the office of the Town Clerk, and a copy of the same shall be kept and maintained for public inspection in the office of the Chief Code Official.

('82 Code, Ch. 4, Art. II, § 31) (Ord. passed 10-22-82; Am. Ord. 00-7, passed 8-7-00)

### **§ 100.36 ASSIGNMENT OF PROPERTY NUMBERS.**

The Chief Code Official shall assign property numbers in keeping with the official property number map to all newly improved and divided property in order that buildings and lots may be consecutively numbered along streets ranging outward from the intersection of a north-south axis and east-west axis and follow a consistent grid system insofar as is practical. It shall be the duty of the Chief Code Official to present newly assigned property numbers from time to time to the Town Council in order that the official property number map may be amended to include newly assigned property numbers.

('82 Code, Ch. 4, Art. II, § 32) (Ord. passed 10-22-82)

### **§ 100.37 DISPLAY OF PROPERTY AND BUILDING NUMBERS.**

(A) *Property with public street frontage.* Every owner of improved property shall furnish and at all times display in a place conspicuous from the public street abutting such property the number assigned according to the official property number map. The numerals used to display such number shall be at least three inches high, shall be readily visible and legible

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from the street, and shall be of a color contrasting with their background, except that numerals assigned to and designating property containing multifamily dwellings or more than one primary building shall be at least six inches high.

(B) *Improved property not fronting on a public street.* Every owner of any primary building on property not having frontage on a public street shall furnish and at all times display the number, or combination of number and letter, as assigned according to the official property number map in a conspicuous place identifying such building. The numerals and, if any, letters used for such identification shall be at least three inches high, shall be readily visible from the street, driveway or parking lot which provides vehicular access to said building, and shall be of a color contrasting with the background.  
(’82 Code, Ch. 4, Art. II, § 33) (Ord. passed 10-22-82)

**Cross-reference:**

*Building regulations, see Ch. 150*

**PARADES AND DEMONSTRATIONS**

**§ 100.50 DEFINITIONS.**

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

**CHIEF OF POLICE.** The police chief of the Town of Elizabethtown or his or her designee.

**PARADE.**

(1) Any march, demonstration, ceremony or procession of any kind which moves from place to place completely or partially in or upon any street, sidewalk or other public grounds or places owned or under the control of the town along a specified route.

(2) Any assemblage of two or more persons participating in or operating any vehicle in any march, demonstration, ceremony, show, exhibition, or procession of any kind in or upon the public streets, sidewalks, alleys, parks, or other public grounds or places under the control of the town.

**PARADE PERMIT.** Prior written authorization to utilize the street, sidewalk or other town-owned areas for a parade.

**PICKET LINE.** Any two or more persons formed together for the purpose of picketing as defined in this section.

**PICKETING.** The stationing of any person by standing, lying, walking, sitting, kneeling, and bending or in any other similar manner at a particular place so as to persuade, or otherwise influence another person’s actions or conduct, or to apprise the public of an opinion or message for the purpose of making known any position or promotion of such persons, or on behalf of any organization or class of persons.

**TOWN.** The Town of Elizabethtown, North Carolina.

**TOWN MANAGER.** The Town Manager of the Town of Elizabethtown or his or her designee.  
(Ord. passed - - ; Am. Ord. 2017-01, passed 5-1-17)

**§ 100.51 PERMIT REQUIRED.**

It shall be unlawful for any person to participate in, organize, conduct, obstruct or block the sidewalks or streets of the town by any exhibition, group demonstration, organized demonstration, picket line, or commercial venture so as to prevent the normal flow of pedestrian or vehicular traffic, except that a special permit may be granted pursuant to this subchapter by the Chief of Police, by authority of the Town Council or, in his or her absence, the Town Manager, for temporary and peaceful occupancy of a limited portion thereof for purposes other than hostile demonstrations or commercial gain. Participation in any illegal exhibition, demonstration, organized



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demonstration, or picket line by any individual through leadership, organization, or physical participation therein shall be unlawful.  
(Ord. passed - - ; Am. Ord. 2017-01, passed 5-1-17)  
Penalty, see § 100.99

### **§ 100.52 ISSUANCE OF PERMIT; REQUIREMENTS.**

The Chief of Police, or in his or her absence, the Town Manager shall issue a parade permit as provided for hereunder when, from a consideration of the application and from any other information that may otherwise be obtained, he or she finds that:

(A) Require a written application for a permit to be filed not less than ten days in advance of such parade, picket line, or group demonstration. Such application shall be on a form prescribed by the Chief shall require that the application to be signed by the applicant or applicants, shall require that the applicant show the proposed time, place, purpose and size of such parade, picket line or group demonstration and whether or not any minors below the age of 18 years shall participate.

(B) Refuse to issue such permit when the activity or purpose stated in the application would violate any ordinance of the town or statute of the state, or when the activity or purpose would constitute clear and present danger to the public health or safety or would hinder or prevent the orderly movement of pedestrian or vehicular traffic on the streets, alleys, or sidewalks.

(C) Specify in the permit whether or not minors below the age of 18 years will be permitted to participate. The Chief shall pass upon whether or not such minors may participate, and shall base his determination upon whether or not the purpose or time or place of the particular activity will be detrimental to or endanger the health, safety or welfare of such minors, or will interfere with their education.

(D) Require that the application for a permit shall specify and the permit shall designate the person or persons in charge of the activity. Such person shall

be required to accompany the parade, picket line, or group demonstration and shall carry such permit with him or her at that time. Such permit shall not be valid in the possession of any other person. The person designated in the application is responsible for the conduct of the parade and shall be responsible for monitoring the conduct of the participants in the parade. Upon actual notice of any violation given to the responsible person by a law enforcement officer on the scene of said parade, such responsible person shall make immediate attempts to correct the violation. It shall be unlawful for such responsible person to refuse to make attempts to correct the violation.

(E) The permit may set the starting time, duration, speed of travel and space between persons or vehicles in the parade, picket line, or group demonstration, may prescribe the portions or areas of streets, alleys, sidewalks, or other public places to be used; and may impose such other reasonable requirements as the Chief may prescribe for the control and free movement of pedestrian or vehicular traffic, or for the health, safety and property rights of the participants and the general public.

(F) Among other considerations, consider and find as a requisite to issuance the following:

(1) The conduct of the parade will not 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 to the remainder of the town;

(2) The activity will not interfere with the right of property owners in the area to enjoy peaceful and lawful occupancy and use of their property;

(3) The conduct of the parade will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route;

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

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(5) The parades or group demonstrations are not 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 or her designee;

(6) The conduct of the parade will not require the diversion of so great a number of ambulances and or firefighting/emergency personnel and equipment so that adequate services to portions of the town not occupied by the parade and contiguous areas will be prevented;

(7) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(8) The parade is not to be held for the primary purposes of advertising a produce, good, or event, and is not designed to be held primarily for private profit; or

(9) The conduct of the parade will not interfere with the movement of firefighting equipment en route to a fire to such an extent that proper fire protection cannot be provided to the town.

(10) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct, or to create a disturbance

(11) No parade, picket line or group demonstration shall be permitted within any public building or structure.

(12) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without reasonable delays en route.

(G) Require that the applicant complete and sign a waiver releasing and saving the town and its employees harmless from any claims, actions and lawsuits, arising out of the conduct of the parade. The permit shall also expressly contain this hold harmless provision.

(H) Each application shall be considered upon its own merits and shall not be granted or denied based on political, religious, ethnic, race, disability, sexual orientation or gender related grounds. (Ord. passed - - ; Am. Ord. 2017-01, passed 5-1-17)

**§ 100.53 CERTAIN ACTIVITIES PROHIBITED.**

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

(A) The carrying on or about the person of 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.

(C) It shall be unlawful for any person to conduct or otherwise participate in any parade that convenes before 6:00 a.m. or terminates after 5:00 p.m.

(D) It shall be unlawful for any person to engage in picketing focused on and taking place in front of a particular residence.

(E) It shall be unlawful for any person to unreasonably obstruct, impede or interfere with any parade or demonstration or with any person, vehicle, or animal participating therein being conducted under authority of a permit duly issued by the Chief of Police.

(Ord. passed - - ; Am. Ord. 2017-01, passed 5-1-17) Penalty, see § 100.99

**§ 100.54 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 § 100.53 of this subchapter;

(B) The failure to comply with the terms and conditions of the permit.  
(Ord. passed - -)

#### **§ 100.55 INTERFERENCE 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.  
(Ord. passed - -)

#### **§ 100.56 ADDITIONAL REGULATIONS APPLICABLE TO PICKETING.**

Picket lines and picketing shall be subject to additional regulations as follows:

(A) Picketing may be conducted only on the sidewalks reserved for pedestrian movement, and may not be conducted on a 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 placards or signs not exceeding two feet in width and two feet in length promoting the objective for which the picketing is done; provided the words used are not derogatory in nature;

(D) Pickets must march in single file and not abreast and not march closer together than 15 feet, except in passing one another. Pickets shall not be allowed to walk more than five feet from curb line and shall be in continuous motion.

(E) If pickets promoting different objectives desire to use the same sidewalk for picketing and such use would result in the presence of more than ten

pickets thereon, the Chief of Police shall allot time to each group of pickets for the use of such sidewalk on an equitable basis.

(Ord. passed - -) Penalty, see § 100.99

#### **§ 100.57 EXEMPTIONS.**

The provisions of this subchapter shall not apply to:

(A) Funeral processions;

(B) Students going to or from school classes or participating in educational or recreational activity where such activity is under the supervision and direction of proper school authorities;

(C) Any governmental agency acting within the scope of its functions.

(Ord. passed - -)

#### **§ 100.58 PERMIT AND ESCORT FEES.**

The town shall charge an administrative fee of \$100 to cover expenses incidental to processing the application and to cover expenses for logistical support, including barricades, police escorts, and parking restrictions, when said support is requested, or in the judgment of the town, needed for the safety of the parade, whether or not such request or determination is made in advance of the event. The fees shall be waived in whole or in part as necessary to ensure that constitutional rights of the applicants are not infringed, as follows:

(A) The town shall waive a permit fee, in whole or in part, for indigent individuals or groups as necessary to ensure that the constitutional rights of indigent applicants are not infringed. In cases where an indigence waiver is requested, the Chief of Police shall consider, but not be limited to, the following: whether the applicant is employed; the financial resources available to the applicant; whether the applicant receives federal, state, or local financial assistance; whether the applicant owns real property,

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and whether alternative arrangements are available. The Chief of Police may base his or her determination of indigence on the identity of the real party in interest.

(B) Even if the applicant is not determined to be indigent, the town shall waive a permit fee, in whole or in part, if the applicant demonstrates that a waiver of fees is necessary to avoid an infringement of constitutional rights. The applicant shall provide a statement supporting this assertion and shall identify the issue for which the parade is being organized.

(C) Furthermore, if it is later determined that there has been an intentional, material misrepresentation of the applicant’s financial status or other information provided on the application, the town reserves the right to charge the organizers an appropriate fee based on actual events. (Ord. 2017-01, passed 5-1-17)

**§ 100.59 APPLICATION.**

The applicant for a parade permit shall set forth the following information:

(A) The name, address and telephone number of the person seeking to conduct such parade;

(B) If the parade is proposed to be conducted for, or on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized heads of the organization;

(C) The name, address and telephone number of the person who will be the parade chairperson, who will be responsible for its conduct;

(D) The date when the parade is to be conducted and the hours when such parade will start and terminate;

(E) The proposed route to be traveled, the starting point and termination point;

(F) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and description of the vehicles;

(G) The location by streets and designation by time of an assembly area of such parade;

(H) If the parade is designed to be held by, and on behalf of, or for any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit in his or her behalf;

(I) The interval of space to be maintained between units of the parade;

(J) The person or person to be in charge of the parade for all purposes and who will accompany it and carry the permit at all times;

(K) The maximum lengths of the parade in miles or fractions thereof;

(L) Any additional information which the Chief of Police may need to clarify any of the specific information set forth above. (Ord. 2017-01, passed 5-1-17) Penalty, see § 100.99

**§ 100.60 GROUNDS FOR DENIAL OF PERMIT.**

The Chief of Police, or in his or her absence, the Town Manager, shall refuse to issue a permit under this subchapter:

(A) When the activity or purpose stated in the application would violate the provisions of the code, any other ordinance of the city, or any statute of the state, or when the activity or purpose would endanger the public health or safety, or hinder or prevent the orderly movement of pedestrian or vehicular traffic on the public streets, sidewalks, alleys, parks, or other public grounds or places.



(B) When without regard to any other provision of this subchapter, the Chief of Police, only from his or her consideration of available, appropriate, and necessary information, shall deny the application for a license provided for by this subchapter when, from this information, he or she has reason to believe that any contemplated advocacy at the proposed event will be directed to inciting or producing imminent lawless action and will likely incite or produce such action.

(Ord. 2017-01, passed 5-1-17)

#### **§ 100.61 NOTICE OF REJECTION.**

The Chief of Police shall act upon the application for a parade permit within two days after the filing thereof. If the Chief of Police disapproves the application, he or she shall notify the applicant within two days after the date upon which the application was filed of his action, stating the reason for his or her denial of the permit.

(Ord. 2017-01, passed 5-1-17)

#### **§ 100.62 APPEAL PROCEDURE.**

Any person aggrieved shall have the right to appeal the denial of a parade permit to the Town Manager. Notice of the appeal must be given within five business days after denial. The appeal upon such notice shall be heard by the Town Manager within five business days after its receipt.

(Ord. 2017-01, passed 5-1-17)

#### **§ 100.63 ALTERNATE PERMIT.**

The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall

conform to the requirements of, and shall have the effect of a parade permit under the provisions of this subchapter.

(Ord. 2017-01, passed 5-1-17)

#### **§ 100.64 CONDUCT OF PARTICIPANTS.**

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 hereby prohibited and declared unlawful:

(A) The carrying on or about the person of 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 sale, lending, renting, giving, publication, exhibition, sound recording or other dissemination of materials, with general knowledge of their obscene character and content. The parade reflects the town values to the audience. Inappropriate music (profanity/swearing/degrading, etc.) or attire unsuitable for viewing by a family audience is not acceptable.

(C) Alcoholic beverages and prohibited drugs are forbidden. Participants will not be allowed to take part in the event if they are found to be under the influence of alcohol or drugs.

(D) Participants are required to clean up after their animals prior to departure.

(E) For safety reasons, all entries are prohibited from throwing materials along the parade route. With prior approval, entrants may be allowed to distribute items by hand along the route.

(F) No person shall operate a motorcycle, moped, mini-car, go kart or all-terrain vehicle (ATV); upon a highway or public vehicular area:

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(1) When the number of persons upon or within such means of transportation, including the operator, shall exceed the number of persons which it was designed to carry.

(2) Unless the operator and all passengers thereon wear on their heads, with a retention strap properly secured, safety helmets of a type that complies with Federal Motor Vehicle Safety Standard (FMVSS) 218.

(3) Unless the operator of the motorcycle has a motorcycle endorsement shown on their driver's license.

(4) "Under the influence" of alcohol or drugs.

(5) In a reckless manner, G.S. § 20-140:  
Reckless Driving:

(a) Any person who drives any vehicle upon a highway or any public vehicular area carelessly and heedlessly in willful or wanton disregard of the rights or safety of others shall be

guilty of reckless driving.

(b) Any person who drives any vehicle upon a highway or any public vehicular area without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving.

(G) Parade participants must be willing and sufficiently physically fit to maintain both the parade pace (210 ft./min.) and spacing (25 ft. between entries).  
(Ord. 2017-01, passed 5-1-17) Penalty, see § 100.99

**§ 100.99 PENALTY.**

Whoever violates any provision of this chapter shall subject the violator to punishment as provided in § 10.99 of this code of ordinances.  
(Ord. 94-6, passed 11-7-94)



## CHAPTER 101: FALSE FIRE AND BURGLAR ALARMS

### Section

101.01 False alarms; fines

#### § 101.01 FALSE ALARMS; FINES.

(A) Each establishment in the town will be allowed a total of three free false alarms per calendar year. In the event there is a fourth false fire alarm for an establishment within a calendar year, a civil citation will be issued in the amount of \$100; for the fifth, a citation in the amount of \$150 will be issued and for the sixth, an amount of \$200 will be issued. For each false fire alarm thereafter within a calendar year, the civil citation will apply in \$50 increments.

(B) For those residences that are equipped with burglar alarm systems, three free burglar alarms will be allowed in the town per calendar year. For the fourth false burglar alarm within a calendar year, a civil citation in the amount of \$25 will be issued and for each false burglar alarm thereafter within a calendar year, the civil citation will apply in \$25 increments.

(C) For commercial businesses that are equipped with burglar alarm systems, five free burglar alarms will be allowed in the town within a calendar year. For the sixth false burglar alarm, a civil citation in the amount of \$25 will be issued and for each false burglar alarm thereafter within a calendar year, the civil citation will apply in \$25 increments.

(Ord. 02-1, passed 1-7-02)

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## **Elizabethtown - General Regulations**