

TITLE IX: GENERAL REGULATIONS

Chapter

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CHAPTER 90: ABANDONED VEHICLES

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Statutory reference:

Authority to regulate abandoned and junked vehicles, see G.S. 160A-303

§ 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 MOTOR VEHICLE. A motor vehicle shall be deemed to have been abandoned for the purposes of this chapter in the following circumstances:

- (1) It is left unattended upon a street or highway for longer than 12 hours in violation of a law or ordinance prohibiting parking;
- (2) It is left unaccompanied on property owned or operated by the city for a period longer than 24 hours;
- (3) It is left unaccompanied on any public street or highway for a period longer than seven days; or
- (4) It is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours.

JUNKED MOTOR VEHICLE. Whenever a motor vehicle is found to be an abandoned motor vehicle as defined in this section and, in addition, is found to be inoperable, or is partially dismantled or wrecked, or is more than five years old and worth less than \$100, or does not display a current license plate, it shall be deemed to be a junked motor vehicle.

('79 Code, §§ 8-3-1 and 8-3-2)

§ 90.02 DUTY OF OWNER TO REMOVE.

If a motor vehicle is abandoned or junked on a public street or highway, it shall be the duty and responsibility of the owner of the motor vehicle to cause the removal thereof immediately and to pay all costs incident to the removal. It shall be unlawful for any person to allow a motor vehicle owned by him to remain abandoned on a public street or highway after notice has been duly given to the person to have the vehicle removed.

('79 Code, § 8-3-3) Penalty, see § 10.99

§ 90.03 REMOVAL BY TOWN.

Whenever any motor vehicle is abandoned or junked on a public street or highway, or on property owned or operated by the town, or on private property, any vehicle may be removed by or under the direction of the Chief of Police to a storage garage or area; provided, no vehicle shall be removed from private property without the written request or permission of the owner, lessee, or occupant thereof unless the vehicle has been declared by the Board to be a health or safety hazard.

('79 Code, § 8-3-4)

§ 90.04 COST OF REMOVAL; NOTICE TO OWNER.

(A) When an abandoned or junked motor vehicle is removed from private property at the request of the owner, lessee or occupant thereof, the person at whose request the vehicle is removed shall be required to pay or otherwise indemnify the town for any expenses incurred by reason of the removal and storage of the vehicle.

(B) The owner of any vehicle removed hereunder from any public street or highway, or any property owned or operated by the town, or any private property, shall pay to the town all reasonable costs incident to the removal and storage of the vehicle and to locating the owner thereof.

(C) Written notice of each removal of an abandoned or junked vehicle and of the possible sale or disposition thereof shall be given as promptly as possible to the owner thereof at his last known address according to the latest registration certificate or certificate of title on file with the State Department of Motor Vehicles.

(D) Notice need not be given to the registered owner when the vehicle does not display a license plate and the vehicle identification numbers have been removed or defaced so as to be illegible.

('79 Code, § 8-3-5)

§ 90.05 SALE AND DISPOSITION OF ABANDONED VEHICLES.

(A) If an abandoned motor vehicle is worth \$100 or more and should the owner thereof refuse to pay the aforementioned costs, or should the identity or whereabouts of the owner be unknown and unascertainable after a diligent search, it shall, after being held by the town for 30 days and after 30

days' written notice to the registered owner at his last known address if his identity is known, and to the holders of all liens of record against the vehicle, and to the State Department of Motor Vehicles, be sold by the Chief of Police or his designee at public auction; provided, however, that any person having an interest in the vehicle may redeem it at any time before the sale by paying all costs accrued to date. ('79 Code, § 8-3-6)

(B) The proceeds of the sale of an abandoned motor vehicle shall be paid to the Town Clerk who shall pay from the proceeds the cost of removal, storage, investigation, sale, and liens, in that order. The remainder of the proceeds of sale, if any, shall be paid over to the registered owner, or held by the Clerk for 60 days if the registered owner cannot be located with reasonable diligence. If the owner does not claim the remainder of the proceeds within 60 days after the sale, the funds shall be deposited into the town general fund and the owner's rights therein shall be forever extinguished. ('79 Code, § 8-3-7)

§ 90.06 DISPOSITION OF JUNKED AND UNIDENTIFIED VEHICLES; PROCEEDS.

(A) *Junked motor vehicles.*

(1) With the consent of the owner, the Chief of Police or his designee may dispose of any vehicle as a junked motor vehicle without holding it for any prescribed period of time. If an unclaimed abandoned motor vehicle appears to be worth less than \$100, the Chief of Police or his designee may dispose of the vehicle as a junked vehicle.

(2) Any unclaimed junked motor vehicle as defined by this chapter shall be held for a period of at least 15 days. The owner of any vehicle may claim his vehicle during the 15 day retention period by exhibiting proof of ownership to the Chief of Police 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, the vehicle may be destroyed or sold at private sale as junk. Within 15 days after final disposition of a junked motor vehicle, written notice thereof 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.

('79 Code, § 8-3-8)

(B) *Unidentified vehicles.* Vehicles not displaying a license plate, and whose identification numbers have been removed or defaced so as to be illegible may be destroyed or sold at a private sale, without regard to value, after being held for 48 hours. ('79 Code, § 8-3-9)

(C) *Proceeds of sale.* The proceeds of the sale of a junked motor vehicle, after all costs of removal, storage, investigation and sale, and satisfaction of any liens of record on the vehicle have been deducted therefrom, shall be held by the Town Clerk for 30 days and paid to the registered owner upon demand. If the owner does not appear to claim the remainder of the proceeds with 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. ('79 Code, § 8-3-10)

§ 90.07 LIABILITY.

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 previous possession of any abandoned, lost or stolen vehicle for disposing of the vehicle as contemplated by this chapter.

('79 Code, § 8-3-11)

CHAPTER 91: ANIMALS

Section

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- 91.01 Cruelty to animals
- 91.02 Animals running at large or improperly controlled
- 91.03 Fowl running at large
- 91.04 Hogs prohibited
- 91.05 Upkeep of stables
- 91.06 Slaughter of livestock prohibited

Dogs

- 91.15 Definitions
- 91.16 Running at large
- 91.17 Impoundment by police

- 91.99 Penalty

GENERAL PROVISIONS

§ 91.01 CRUELTY TO ANIMALS.

It shall be unlawful for any person to mistreat any animals or to willfully frighten them, or to attend or stage any animal or fowl fight.

('79 Code, § 8-2-1) Penalty, see § 91.99

Statutory reference:

Cruelty to animals generally, see G.S. 14-360 et seq.;

Municipal authority to prevent the abuse of animals, see G.S. 160A-182.

§ 91.02 ANIMALS RUNNING AT LARGE OR IMPROPERLY CONTROLLED.

Any domestic animal which is found running at large or staked, hitched or fastened in violation of the provisions of this chapter shall be seized and impounded by the Chief of Police or any person finding same. The impounder may demand the payment of fees to cover any costs of seizure and impoundment.

('79 Code, § 8-2-2) Penalty, see § 91.99

§ 91.03 FOWL RUNNING AT LARGE.

It shall be unlawful for any person to permit ducks, geese or chickens to remain on or in any of the streets or public places at night, or to run at large in the daytime.

('79 Code, § 8-2-3) Penalty, see § 91.99

§ 91.04 HOGS PROHIBITED.

It shall be unlawful for any person to keep any pigs or hogs within the corporate limits. Each day's violation of this section shall constitute a separate offense.

('79 Code, § 8-2-4) Penalty, see § 91.99

§ 91.05 UPKEEP OF STABLES.

Every stable and place where cattle, horses or other animals may be kept, shall be maintained at all times in a clean and healthful condition.

('79 Code, § 8-2-5) Penalty, see § 91.99

§ 91.06 SLAUGHTER OF LIVESTOCK PROHIBITED.

It shall be unlawful for any person to slaughter livestock within the town at any time.
(Ord. passed 10-9-95) Penalty, see § 91.99

DOGS**§ 91.15 DEFINITIONS.**

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

AT LARGE. Off the premises of the owner, and not under control either by leash, cord, chain or otherwise.

DOG. Includes both male and female dogs.

OWNER. Any person keeping or harboring a dog, and, for the purpose hereof, the head of a household shall be deemed to be the owner in respect to any dog or dogs owned, kept or harbored by any person residing in the household and kept on the premises.
(’79 Code, § 8-2-11)

§ 91.16 RUNNING AT LARGE.

It shall be unlawful for any person, being an owner of a dog as defined in § 91.15, to permit the dog to run at large within the town at any time.
(’79 Code, § 8-2-12) (Ord. passed 3-12-73) Penalty, see § 91.99

§ 91.17 IMPOUNDMENT BY POLICE.

Any dog found running at large shall be impounded by the Chief of Police, or other police officer, and if not redeemed by the owner within five days, shall be destroyed in a humane manner. When a dog found running at large has a tag identifying its owner, it shall be the duty of the Police Department to notify the owner of the impoundment of the dog.
(’79 Code, § 8-2-13)

§ 91.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided, shall be subject to the penalty set forth in § 10.99.

(B) Any person violating the provisions of § 91.06 shall be guilty of a misdemeanor and shall be fined \$100 for the first offense; fined \$200 for the second offense; and fined \$300 for any subsequent offense. (Ord. passed 10-9-95)



CHAPTER 92: CEMETERIES

Section

- 92.01 Sale of lots; terms and conditions
- 92.02 Delivery of deed
- 92.03 Default on payment

§ 92.01 SALE OF LOTS; TERMS AND CONDITIONS.

(A) *Sale of lots.* The Mayor and the Town Clerk are hereby authorized and empowered to sell cemetery lots belonging to the town to prospective purchasers at the following prices:

(1) To prospective purchasers, who are residents of the town and who do reside within the corporate limits of the town, the sales price shall be \$200 per lot.

(2) To prospective purchasers, who are not residents of the town and do not reside within the corporate limits of the town, the sales price shall be \$400 per lot.

(B) *Installment terms.* The sales price, as set forth in division (A) of this section, may be paid in equal monthly installments of not less than \$10 per month. The monthly installment payments shall begin on the thirtieth day after the prospective purchaser has arranged with the town to purchase a lot and the monthly installment payments shall continue thereafter on the same day of each following month, until the purchase price has been paid in full.

(C) *Deferred payments.* The Mayor and the Town Clerk, may, upon request of prospective purchaser, for good cause shown, defer the monthly payment, one time, without penalty, for a period of not more than six months.

(D) *No interment.* No interment shall be permitted until the full purchase price has been paid.

(E) *No assignment or transfer.* Until the full purchase price has been paid, the prospective purchaser shall not transfer or assign his or her rights to the lot.

(Ord. passed 4-9-91)

§ 92.02 DELIVERY OF DEED.

The Mayor and the Town Clerk shall execute and deliver a deed to the purchaser in the name of the town by the Mayor and attested by the Clerk upon receipt of the full purchase price.
(Ord. passed 4-9-91)

§ 92.03 DEFAULT ON PAYMENT.

If any monthly installment is in arrears and no application for deferred payments has been requested and approved as provided in § 92.01(C), for more than 30 days, any amount paid by the prospective purchaser shall be forfeited and the prospective purchaser's rights are terminated.
(Ord. passed 4-9-91)

CHAPTER 93: FIRE PREVENTION

Section

93.01 Adoption of fire code

Statutory reference:

Establishment of fire limits, see G.S. 160A-435

Restrictions within fire limits, see G.S. 160A-436

§ 93.01 ADOPTION OF FIRE CODE.

The most current edition of the North Carolina Fire Code is hereby adopted by reference as fully as though set forth herein as the fire prevention code for the town. An official copy of the code shall be kept on file in the office of the Clerk.

('79 Code, § 3-2-21)

CHAPTER 94: NUISANCES

Section

General Provisions

94.01 Unnecessary noise

Weeds and Refuse

- 94.15 Uncontrolled growth of weeds and accumulation of refuse declared nuisance
- 94.16 Complaint and investigation
- 94.17 Notice to abate nuisance
- 94.18 Removal by town; cost incurred by owner
- 94.19 Charges become lien
- 94.20 Alternate procedure to other authorized procedures

GENERAL PROVISIONS

§ 94.01 UNNECESSARY NOISE.

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

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

(1) The sounding of any horn or signal device or any device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

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

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

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

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

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

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

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

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

(10) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session; or within 150 feet of any hospital, 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.

(11) 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.

(12) 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.

(13) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.

(14) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood; or anyone shouting within the corporate limits so as to disturb the peace and quiet of the neighborhood.

(15) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.

(16) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the Board of Commissioners.

(17) 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.

(18) The firing or discharging of a gun, squibs, crackers, gunpowder or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance, except by permit from the Board of Commissioners.

('79 Code, § 8-5-1) Penalty, see § 10.99

Statutory reference:

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

WEEDS AND REFUSE

§ 94.15 UNCONTROLLED GROWTH OF WEEDS AND ACCUMULATION OF REFUSE DECLARED NUISANCE.

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

(A) The uncontrolled growth of noxious weeds or grass to a height in excess of 12 inches causing or threatening to cause a hazard detrimental to the public health or safety.

(B) Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(C) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(D) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.

('79 Code, § 8-4-1) (Ord. passed - -) Penalty, see § 10.99

Statutory reference:

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

§ 94.16 COMPLAINT AND INVESTIGATION.

The Chief of Police, upon notice from any person of the existence of any of the conditions described in § 94.15 shall cause to be made by the appropriate county health department official, or town official, such investigation as may be necessary to determine whether, in fact, the conditions exist as to constitute a public nuisance as declared in § 94.15.

('79 Code, § 8-4-2)

§ 94.17 NOTICE TO ABATE NUISANCE.

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

('79 Code, § 8-4-3) (Ord. passed - -)

§ 94.18 REMOVAL BY TOWN; COST INCURRED BY OWNER.

(A) If the person having been ordered to abate the public nuisance fails, neglects or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of the order, then the Chief of Police shall cause the condition to be removed or otherwise remedied by having employees of the town go upon the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the Chief. Any person who has been ordered to abate a public nuisance may within the time allowed by the order request the town in writing to remove the condition, the cost of which shall be paid by the person making the request. ('79 Code, § 8-4-4) (Ord. passed - -)

(B) The actual cost incurred by the town in removing or otherwise remedying a public nuisance shall be charged to the owner of the lot or parcel of land, and it shall be the duty of the Tax Collector to mail a statement of the charges to the owner or other person in possession of the premises with instructions that the charges are due and payable within 30 days from the receipt thereof. ('79 Code, § 8-4-5) (Ord. passed - -)

§ 94.19 CHARGES BECOME LIEN.

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 the charges, the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

('79 Code, § 8-4-6) (Ord. passed - -)

§ 94.20 ALTERNATE PROCEDURE TO OTHER AUTHORIZED PROCEDURES.

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 violating the provisions of this chapter.

('79 Code, § 8-4-7)



CHAPTER 95: STREETS AND SIDEWALKS

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General Provisions

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GENERAL PROVISIONS**§ 95.01 BOARD TO APPROVE NEW STREETS.**

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

(79 Code, § 4-1-1)

PROPERTY NUMBERING SYSTEM**§ 95.10 NUMBERING MAP.**

The property numbering map entitled "Property Numbering Map, dated November, 1985, Town of Biscoe, N.C.," is hereby adopted as the official property numbering map of the town, and all property numbers assigned in accordance with the numbering map and no other property numbers shall be used or displayed in the town except numbers assigned in accordance with official numbering map. The property numbering map shall be kept on file in the office of the Town Clerk.

(Ord. passed 9-8-86)

§ 95.11 NUMBERING SYSTEMS.

(A) The town has four main streets - North, South, East and West Main Street. These streets are used to establish the grid pattern to number the houses and commercial buildings in place as of October, 1985. The North Main and South Main is the north-south base line and East Main and West

Main is the east-west base line. These four intersect almost in the center of the present corporate limits. All numbering assignments are made from the base lines, even numbers on the right and odd numbers on the left. The town has been divided into four quadrants and all units have been assigned a whole number.

(B) In order that all existing units could be assigned a number and become part of the grid pattern, it is necessary to add some street names that do not appear on the present Town Map. The following streets have been named.

- (1) Baldwin Street - connects Cagle Street with Bruton Street.
- (2) Thomas Drive - off Martin Street.
- (3) Jon Street - off Leach Street at the town limits.

(C) On lots that contain apartments, additional whole numbers can be assigned or A,B,C can be affixed to the whole number assigned.
(Ord. passed 9-8-86)

§ 95.12 TOWN COUNCIL TO PROVIDE NUMBERS.

The Town Council will provide one set (3 numbers) for each house and business that has been assigned a number. Property owner or occupant shall display numbers in a conspicuous place.
(Ord. passed 9-8-86)

§ 95.13 NUMBERS FOR FUTURE BUILDINGS.

All residence and business buildings erected after the adoption of this ordinance shall be assigned a number in accordance with the property numbering map and shall display such number as provided in § 95.03 of this chapter.
(Ord. passed 9-8-86)

§ 95.14 OFFICIAL STREET MAPS TO BE CORRECTED.

All official street maps of the town shall be corrected to show the designated street names as provided for in this ordinance, and a copy of this ordinance shall be filed with the Register of Deeds of the county.
(Ord. passed 9-8-86)

§ 95.15 UNLAWFUL TO DEFACE NUMBERS.

It shall be unlawful for any person to alter, deface or take down any number placed on any property in accordance with this ordinance, except for repair or replacements such number. (Ord. passed 9-8-86) Penalty, see § 10.99

EXCAVATIONS; CONSTRUCTION**§ 95.25 PERMIT REQUIRED; APPLICATION; FEES.**

(A) No person shall make any excavation or opening or dig any ditch, trench, tunnel or hole in, along, across or under any street, sidewalk or other public place for the purpose of laying or placing therein any pipe, wires or poles or for any other purposes unless a written permit has been issued by some officer of the town vested with proper authority; provided, that a permit shall not be required where the work is performed under a contract with the town, but in the event the work requires a sidewalk or street to be wholly or partially obstructed, the party performing the work shall notify the town at least two hours before obstructing the sidewalk or street, unless prevented by sudden emergency. ('79 Code, § 4-1-11)

(B) All persons desiring a permit to make an opening in any street or sidewalk, as set forth in division (A), shall make written application therefor, which application shall show the location of the proposed opening, the purpose therefor and the approximate number of square yards of surface to be cut. A fee may be required by the Board for the permit. ('79 Code, § 4-1-12)

Penalty, see § 10.99

Statutory reference:

Establishment and control over street, see G.S. 160A-296

§ 95.26 STREETS AND SIDEWALKS TO BE RESTORED.

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

('79 Code, § 4-1-13) Penalty, see § 10.99

§ 95.27 EXCAVATIONS TO BE SECURED.

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

('79 Code, § 4-1-14) Penalty, see § 10.99

§ 95.28 TRACTORS OR HARROWS.

It shall be unlawful for any person, firm or corporation to drag, run, or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt or other type of permanently paved street of the town which shall be likely in any way to injure or cut the surface of the street.

('79 Code, § 4-1-15) Penalty, see § 10.99

§ 95.29 SIDEWALK CONSTRUCTION.

No sidewalk of any description shall be built by any individual, firm or corporation without a written permit from the town.

('79 Code, § 4-1-16) Penalty, see § 10.99

§ 95.30 HOUSE MOVING; BOND REQUIRED.

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

('79 Code, § 4-1-17) Penalty, see § 10.99

§ 95.31 DAMAGE TO MUNICIPAL PROPERTY.

No person shall injure, tamper with, remove, paint upon or deface any bridge, culvert, ditch and drain, sign, signpost, street light, traffic signal, bulletin board or other municipal property upon the streets and sidewalks or elsewhere, except employees of the town in the performance of their duties.

('79 Code, § 4-1-18) Penalty, see § 10.99

§ 95.32 DRIVEWAYS; PERMIT REQUIRED.

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

('79 Code, § 4-1-19) Penalty, see § 10.99

OBSTRUCTIONS**§ 95.40 ASSEMBLY ON STREETS AND SIDEWALKS.**

Except as provided in §§ 95.55 through 95.62, it shall be unlawful for crowds or assemblages of persons to congregate on the streets or sidewalks of the town in such a way as to unnecessarily interfere with pedestrian or vehicular traffic. Any person refusing to disperse upon being so ordered by a police officer shall be guilty of a misdemeanor.

('79 Code, § 6-2-1) Penalty, see § 10.99

§ 95.41 DISPLAY OF GOODS PROHIBITED.

It shall be unlawful for any person, firm or corporation to place or set out for exhibition any goods, wares, or merchandise directly connected with the business transacted by him, on the sidewalk in front of a place of business, store or building owned, controlled or occupied by him.

('79 Code, § 6-2-2) Penalty, see § 10.99

§ 95.42 CONSTRUCTION NEAR SIDEWALK.

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

('79 Code, § 6-2-3) Penalty, see § 10.99

§ 95.43 SHEDS AND AWNINGS.

It shall be unlawful for any person, firm or corporation to construct or erect, or cause to be constructed or erected, any structure, and particularly any awning or similar structure, over any sidewalk or any part of arc sidewalk of the town unless the structure is at least seven feet above the surface of the sidewalk.

('79 Code, § 6-2-4) Penalty, see § 10.99

§ 95.44 REPAIR OF MOTOR VEHICLES.

It shall be unlawful for any person, firm or corporation to repair a motor vehicle on a paved street of the town except in case of emergency.
(’79 Code, § 6-2-5) Penalty, see § 95.99

§ 95.45 GATES OPENING ON STREETS OR SIDEWALKS PROHIBITED.

It shall be unlawful to allow or permit any gate to open upon or otherwise encroach upon any street or sidewalk.
(’79 Code, § 6-2-6) Penalty, see § 10.99

PARADES AND DEMONSTRATIONS**§ 95.55 DEFINITIONS.**

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

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

GROUP DEMONSTRATION. Any assembly together or concert of action between or among two or more persons for the purpose of protesting any matter or of making known any position or promotion of the persons, or of or on behalf of any organization or class of persons, or for the purpose of attracting attention of the assembly.

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

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

PICKET LINE. Any two or more persons formed together for the purpose of making known any position or promotion of the persons, or on behalf of any organization or class of persons.
(’79 Code, § 6-2-31)

§ 95.56 PERMIT REQUIRED; EXCEPTIONS.

(A) It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk, alley, or other public place within the city unless a permit therefor has been issued in accordance with the provisions of this subchapter. ('79 Code, § 6-2-32)

(B) Sections 95.55 through 95.62 shall not apply to:

(1) Funeral processions; or

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

('79 Code, § 6-2-39)

Penalty, see § 10.99

§ 95.57 GROUNDS FOR DENIAL OF PERMIT.

The Chief of Police shall not issue a permit if he finds that:

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

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

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

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

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

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

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

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

(I) The conduct of the parade will interfere with the movement of fire-fighting equipment to such an extent that adequate fire protection cannot be provided to the town.
(‘79 Code, § 6-2-33)

§ 95.58 REQUIREMENTS AND ISSUANCE OF PERMITS.

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

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

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

(C) Require that the application for a permit specify, and the permit shall designate, the person or persons in charge of the activity. The person shall be required to accompany the parade, picket line, or group demonstration and shall carry the permit with him at that time. The permit shall not be valid in the possession of any other person.
(‘79 Code, § 6-2-34)

§ 95.59 PROHIBITED ACTIVITY.

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 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.
(‘79 Code, § 6-2-35) Penalty, see § 10.99

§ 95.60 REVOCATION OF PERMITS.

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

(A) The violation by any participant of § 95.59 of this chapter;

(B) The failure to comply with the terms and conditions of the permit.
(’79 Code, § 6-2-36)

§ 95.61 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.
(’79 Code, § 6-2-37) Penalty, see § 10.99

§ 95.62 PICKETING.

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

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

(B) Not more than three pickets promoting the same objective shall be permitted to use either of the two sidewalks within a single block at any time; provided, if pickets promoting different objectives desire to use sidewalks in the same block for picketing and such use would result in the presence of more than three pickets thereon, the Chief of Police shall allot time to each group of pickets for the use of sidewalks on an equitable basis, but each group shall be permitted to picket subject to the provisions of this subchapter at least once every two hours;

(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 defamatory in nature, or would not tend to produce violence;

(D) Pickets must march in single file and not abreast and must not march closer together than 15 feet, except in passing one another.
(’79 Code, § 6-2-38) Penalty, see § 10.99

CHAPTER 96: LITTERING

Section

- 96.01 Littering Prohibited
- 96.02 Littering From Vehicles Prohibited
- 96.03 Maintenance of Public Areas
- 96.04 Maintenance of Receptacles

§ 96.01 LITTERING PROHIBITED.

It shall be unlawful for any person to throw or deposit upon any street or sidewalk, or upon any private property, except with written permission of the owner or occupant of the private property, any trash, refuse, garbage, building material, cans, bottles, broken glass, paper, or any type of litter.
('79 Code, § 6-2-21)

§ 96.02 LITTERING FROM VEHICLES PROHIBITED.

It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place within the town, or upon private property.
('79 Code, § 6-2-22)

§ 96.03 MAINTENANCE OF PUBLIC AREAS.

Every owner, lessee, tenant, occupant or other person in charge of any commercial establishment or premises which maintains any paved or unpaved areas for the use of the public, either for parking or as access areas and incident to the carrying on of the principal business of any commercial establishment or premises and which parking or access areas abut or lie within 10 feet of any public street or other public way, shall keep and maintain the areas clean and free from trash, litter, rubbish, and any materials liable to be blown, deposited or cast upon the street or other public way.
('79 Code, § 6-2-23)

§ 96.04 MAINTENANCE OF RECEPTACLES.

Suitable receptacles may be provided in parking or access areas within the meaning of § 96.03 of this chapter. The receptacles shall be plainly marked and constructed to prevent scattering of any trash, litter, rubbish or other materials deposited therein.
('79 Code, § 6-2-24)

