

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: STREETS AND SIDEWALKS

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GENERAL PROVISIONS**§ 90.01 DAMAGING IMPLEMENTS PROHIBITED ON STREETS.**

It shall be unlawful for any person, firm, or corporation to drag or run, or cause to be dragged or run any harrow or other implement, engine, machine, or tool upon any asphalt, bithulitic, warrenite, or other permanently paved street of the town which shall be liable in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

(`59 Code, Chapter D, Article I, § 5) Penalty, see § 10.99

§ 90.02 HOUSE MOVING.

No person shall move any house or building upon or across the public streets or sidewalks without the written consent of the Board of Commissioners and the deposit of a good and sufficient bond in the sum of \$500 to cover damage done to a street or sidewalk or to any property of any person.

(`59 Code, Chapter D, Article I, § 6) Penalty, see § 10.99

§ 90.03 DAMAGE TO BRIDGES AND CULVERTS.

No person shall injure or misplace any part of any bridge, culvert, ditch, and drain, or other property belonging to or used by the town, or shall place any obstruction in any culvert, ditch, or drain, to prevent the free flow of water on or over the streets of the town.

(`59 Code, Chapter D, Article I, § 7) Penalty, see § 10.99

§ 90.04 DAMAGE TO LIGHTS, SIGNS, AND THE LIKE.

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

(`59 Code, Chapter D, Article I, § 8) Penalty, see § 10.99

§ 90.05 BICYCLES ON SIDEWALKS PROHIBITED.

It shall be unlawful for any person to ride a bicycle on any sidewalk in the business district of the town.

(`59 Code, Chapter D, Article III, § 4) Penalty, see § 10.99

§ 90.06 PLAYING BALL IN STREET PROHIBITED.

No person shall play ball or bat or catch a ball on any of the streets of the town.
(`59 Code, Chapter D, Article III, § 5) Penalty, see § 10.99

EXCAVATIONS AND CONSTRUCTION

§ 90.20 EXCAVATION; PERMIT REQUIRED.

It shall be unlawful for any person, firm, or corporation to dig any hole, ditch, or excavation of any kind whatsoever, on any street in the town, without first securing a permit therefor in writing from the Water and Sewer Commissioner or Street Commissioner.
(`59 Code, Chapter D, Article I, § 1) Penalty, see § 10.99

§ 90.21 SIDEWALK CONSTRUCTION; PERMIT REQUIRED.

No sidewalk of any description shall be built by any individual, firm, or corporation, of any brick, wood, or other material, without a written permit from the town.
(`59 Code, Chapter D, Article I, § 2) Penalty, see § 10.99

§ 90.22 EXCAVATION; RESTORATION.

It shall be the duty of every person, firm, or corporation, who shall open or dig a ditch, trench, or hole in any street, public alley, or sidewalk of the town, to put that street, public alley, or sidewalk in as good condition in all respects as it was before, and every person, firm, or corporation violating or failing to observe the provisions of this section shall be guilty of a misdemeanor.
(`59 Code, Chapter D, Article I, § 3) Penalty, see § 10.99

§ 90.23 EXCAVATION; BARRICADES AND LIGHTS.

It shall be unlawful for any person, firm, or corporation making any excavation for any purpose whatsoever in any of the streets or sidewalks to fail to securely cover those excavations with plank or place ropes around the same three feet from the ground, or to fail to place a sufficient number of red lights around the excavation before dark and to keep that light burning all night every night the excavation shall be open.
(`59 Code, Chapter D, Article I, § 4) Penalty, see § 10.99

OBSTRUCTIONS**§ 90.35 ASSEMBLING ON SIDEWALK.**

(A) No person or group of persons shall assemble, gather, or stand, or cause, direct, invite, or in any way induce any person or group of persons to assemble, gather, or stand so as to obstruct any public sidewalk to pedestrian traffic or any public street or alley to vehicular traffic, or pedestrian traffic at designated crosswalks.

(B) At any place of business where it is necessary for patrons awaiting entry or service to wait on the sidewalks at the place of business or for entry to service, it shall be the responsibility of the owner or proprietor, or his or her agents or employees, to see that the patrons are lined in a way so that pedestrian traffic is not blocked because of the line of patrons. In no event may any patrons awaiting service line up, gather, assemble, stand, or wait in the public streets or alleys of the town. Violation shall be a misdemeanor as provided by G.S. § 14-4.

(Ord. O-98-001, passed 3-2-98) Penalty, see § 10.99

Cross-reference:

Loitering, see §§ 130.07, 132.03

§ 90.36 DISPLAY OF GOODS.

No person shall place for display or sale any goods, wares, or merchandise of any kind upon any of the sidewalks of the town in a manner which shall obstruct the free and safe passage of persons.

(` 59 Code, Chapter D, Article II, § 2) (Am. Ord. O-83-002, passed 3-7-83) Penalty, see § 10.99

§ 90.37 PLACING OBJECTS ON STREETS AND SIDEWALKS.

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

(` 59 Code, Chapter D, Article II, § 3) Penalty, see § 10.99

§ 90.38 CONSTRUCTION NEAR SIDEWALK; PASSAGEWAY.

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

(` 59 Code, Chapter D, Article II, § 4) Penalty, see § 10.99

§ 90.39 SHEDS AND AWNINGS; RESTRICTIONS.

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

(`59 Code, Chapter D, Article II, § 5) Penalty, see § 10.99

MAINTENANCE**§ 90.50 DEPOSITING OR BURNING TRASH PROHIBITED.**

No paper, straw, lemon peel, banana peel, watermelon rind, or any trash of any kind shall be thrown or swept upon any sidewalk or street of the town, nor shall any trash, refuse, or rubbish be burned thereon.

(`59 Code, Chapter D, Article III, § 1) Penalty, see § 10.99

§ 90.51 TREE TRIMMINGS.

It shall be unlawful for any person to place or allow to be placed any tree trimmings or shrubbery on any street or sidewalk.

(`59 Code, Chapter D, Article III, § 2) Penalty, see § 10.99

§ 90.52 SNOW AND ICE REMOVAL.

Every occupant of a store building in front of which the sidewalk is paved with stone, brick, asphalt, or cement, shall remove snow, ice, or other obstruction from that sidewalk at the earliest possible time and as soon as the weather permits.

(`59 Code, Chapter D, Article III, § 3) Penalty, see § 10.99

CHAPTER 91: HEALTH AND SANITATION; NUISANCES

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Nuisances

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- 91.17 Weeds and noxious growth
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Cross-reference:

Firearms; discharge restrictions, see § 132.01

Garbage and Refuse, see Chapter 52

NUISANCES

§ 91.01 POSTING BILLS; PERMISSION REQUIRED.

No person shall stick, paint, brand, stamp, write, or put upon any house, fence, wall, pavement, post, or upon any property, owned by any person, firm, or corporation, or owned by the town, any printed, written, painted, or other advertisement, bill, notice, sign, or poster, without first having obtained the written permission of the owner of that property and having received a permit from the Town Clerk.

(`59 Code, Chapter I, Article II, § 4) Penalty, see § 10.99

§ 91.02 NOISE RESTRICTIONS.

(A) *Excessive noise prohibited.* It shall be unlawful for any person, firm, or corporation 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 a character, intensity, and duration so as to be detrimental to the life or health of any individual is prohibited.

(B) *Noises expressly prohibited.* The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this 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 a 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;

(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 a manner which 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 a manner so 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 Town Clerk, 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 that institution, provided, conspicuous signs are displayed in those 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 the 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;

(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.; and

(18) The firing or discharging of 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.

(' 59 Code, Chapter I, Article 11, §§ 1, 2) Penalty, see § 10.99

HEALTH AND SANITATION**§ 91.15 ENFORCEMENT; HINDRANCE UNLAWFUL; RIGHT OF ENTRY.**

(A) The enforcement of this subchapter shall be under the supervision of the County Health Officer.

(B) It shall be unlawful for any person to hinder, obstruct, or delay the Health Officer or any of his or her assistants in the lawful discharge of their duties.

(C) The Health Officer or any of his or her assistants shall have the right to enter at any reasonable time any premises for the purpose of making inspections or investigations as required by this subchapter. ('59 Code, Chapter G, Article I, §§ 1 - 3) Penalty, see § 10.99

§ 91.16 PROPERTY TO BE KEPT CLEAN; NOTICE AND ABATEMENT.

(A) *Owners or occupants required to keep premises clean.* Every person owning or occupying any premises in the corporate limits shall keep the premises free from noxious weeds, trash, and all other forms of animal or vegetable refuse which may be dangerous or prejudicial to the public health, or which may constitute a public nuisance. No owner or occupant of any premises shall bury therein any animal or vegetable matter which, upon decaying, may become dangerous or prejudicial to the public health, or may constitute a nuisance.

(B) *Notice of violation; abatement.* If any person shall violate the provisions of the preceding division it shall be the duty of the Chief of Police or the Sanitary Inspector or his or her associates to give notice to the owner or person in possession of the premises that within 15 days or sooner from the date of that notice, all weeds, trash, and other offensive animal or vegetable matter, be removed from that lot. Should any owner or occupant fail to comply with this notice, the Chief of Police or Sanitary Inspector shall proceed to have the matter removed, and the owner or occupant shall be responsible to the town for the cost thereof.

('59 Code, Chapter G, Article I, § 4) Penalty, see § 10.99

§ 91.17 WEEDS AND NOXIOUS GROWTH.

Every owner or person in possession of a vacant lot within the corporate limits shall shrub down, within four inches of the ground, all weeds, grass, or other noxious growth from that lot at least twice each year; the first not later than June 15, and the second, not later than August 15 of each and every year. If the weeds or other noxious growth are not cut in compliance with this section, the Chief of Police or Sanitary Inspector shall proceed to have the weeds or other noxious growth cut, and the owner or person in possession of the lot shall be responsible to the town for the cost thereof.

('59 Code, Chapter G, Article I, § 4) Penalty, see § 10.99

§ 91.18 HUMAN WASTE.

No person shall urinate or deposit any human waste of any kind on any street, lot, or premises except in approved sanitary facilities.

(`59 Code, Chapter G, Article I, § 5) Penalty, see § 10.99

§ 91.19 STAGNANT WATER.

No person or occupant of any property shall allow stagnant water to accumulate or remain in cellars or anywhere on the property.

(`59 Code, Chapter G, Article I, § 6) Penalty, see § 10.99

§ 91.20 SALE OF FOOD; EATING ESTABLISHMENTS.

All persons, firms, or corporations selling food of any kind or serving prepared meals shall comply with all requirements pertaining thereto of the state Board of Health.

(`59 Code, Chapter G, Article I, § 7) Penalty, see § 10.99

§ 91.21 CONSTRUCTION DEBRIS.

All refuse, lumber, and debris, remaining both as a result of the repair of any new buildings, or of the erection and completion of any new buildings, shall be removed by the property owner within ten days from the completion of the aforementioned work.

(`59 Code, Chapter G, Article I, § 8) Penalty, see § 10.99

§ 91.22 SEPTIC TANKS RESTRICTED.

Septic tanks may be installed where a sewer is not reasonably accessible; provided, the tank is constructed in accordance with the specifications of the state Board of Health, and a permit therefor is issued by the Halifax County Building Inspector.

(`59 Code, Chapter G, Article III, §§ 1, 2) Penalty, see § 10.99

Cross-reference:

Private Sewage Disposal, see §§ 50.035 - 50.040

Use of available public sewers required, § 50.015

§ 91.23 REMOVAL AND DEPOSIT OF TREES, LOGS AND THE LIKE.

The town will not remove any trees, logs, lap, limbs, stumps or roots from any vacant lot, and it shall be unlawful for any person to deposit upon any street, alley or sidewalk any trees, logs, laps, limbs, stumps or roots.

CHAPTER 92: FIRE PREVENTION

Section

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BURNING REGULATIONS

§ 92.01 FIRE LIMITS.

No construction or alterations of any kind or description shall be made within the fire limits without a building permit and full compliance with ordinances governing construction in the town.

(`59 Code, Chapter C, Article III, § 2) Penalty, see § 92.99

§ 92.02 BURNING TRASH.

(A) *Burning trash within fire limits prohibited.* No person shall burn or cause to be burned any trash, refuse, shavings, paper, leaves, litter, or other material of any kind outside any house, or on or in any street, sidewalk, alley, lot, or yard within the fire limits of the town.

(B) *Burning trash 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.

(`59 Code, Chapter C, Article II, §§ 1, 2) Penalty, see § 92.99

§ 92.03 BONFIRE; PERMIT REQUIRED.

(A) No person shall kindle or maintain any bonfire, or shall knowingly furnish the material for any bonfire, or authorize any bonfire to be kindled or maintained, on or in any street, avenue, road, or lane, or public ground, or upon any private lot, within the limits of the town, unless a written permit so to do shall have first been secured from the Board of Commissioners.

(B) Nothing in this section shall be construed to prohibit the burning of trash and rubbish on private lots of residences without a permit when that burning is done in conformity with the provisions of § 92.02(B) of this code.

(`59 Code, Chapter C, Article II, § 3) Penalty, see § 92.99

§ 92.04 CERTAIN FIRES TO BE GUARDED.

All persons, firms, or corporations who shall burn any tar kiln or pit of charcoal, or set fire to or burn any brush, grass, or other material, whereby any property may be endangered or destroyed, shall keep and maintain a careful and competent watchperson in charge of that kiln, pit, brush, or other material while burning. Fire escaping from the kiln, pit, brush, or other material while burning shall be prima facie evidence of neglect of these provisions.

(`59 Code, Chapter C, Article II, § 8) Penalty, see § 92.99

BUILDING FIRE HAZARDS; EXIT REQUIREMENTS**§ 92.15 FIRE EXITS; ENCUMBRANCES PROHIBITED.**

No person shall at any time place any encumbrances of any kind whatsoever before or upon any fire escape, balcony, or ladder intended as a means of escape from fire. It shall be the duty of every member

of the Police and Fire Departments who shall discover any fire escape encumbered in any manner to forthwith report the same through Department channels to the Chief of the Fire Department, who shall immediately notify the owner or owners, their agent or agents, tenant or tenants, to remove the encumbrance, and the encumbrance shall thereupon be immediately removed.

(` 59 Code, Chapter C, Article II, § 4) Penalty, see § 92.99

§ 92.16 EXIT SIGNS.

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

(` 59 Code, Chapter C, Article II, § 5) Penalty, see § 92.99

§ 92.17 PASSAGEWAYS AND EXIT DOORS.

(A) All doors, aisles, and passageways within and leading into or out of theaters, churches, and all other places of public assemblage, shall, during the entire time which any show, performance, service, exhibition, lecture, concert, ball, or other assemblage may be held therein, be kept adequately lighted and free from easels, signs, standards, campstools, chairs, sofas, benches, and any other article or articles that might obstruct or delay the exit of the audience, congregation, or assemblage; and doors of this type of buildings while occupied shall not be fastened so that they cannot easily be opened by anyone from within.

(B) No person shall sit or stand or remain seated or standing, nor shall the owner or operator of such a place allow any person to remain, in any place of public assemblage, in any aisle under any circumstances, or in any exit or passage required for the safe exit of the assemblage.

(C) Clear passage from all exits and on outside sidewalks of all theaters and other places of public assemblage shall be maintained at all times.

(D) No aisle, passageway, or stairway in any store shall be obstructed with tables, showcases, or other obstructions during the hours the store is open to the public.

(` 59 Code, Chapter C, Article II, § 6) Penalty, see § 92.99

§ 92.18 FIRE HAZARD ACCUMULATION.

It shall be unlawful for any person to permit or suffer rubbish, refuse, or articles of combustible or inflammable nature to accumulate or remain on any lot or premises.

(` 59 Code, Chapter C, Article II, § 7) Penalty, see § 92.99

FIREWORKS**§ 92.30 PYROTECHNICS DEFINED.**

(A) *Definition.* For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PYROTECHNICS. Is and includes any and all kinds of fireworks and explosives, which are used for exhibitions or amusement purposes.

(B) *Exception.* Nothing herein contained shall prevent the manufacture, purchase, sale, transportation, and use of explosive and signaling flares used in the course of ordinary business or industry, or shells or cartridges used as ammunition in firearms, or explosive caps designed to be fired in toy pistols, provided that the explosive mixture of the explosive caps shall not exceed 0.25 gram for each cap.

(Ord. O-94-006, passed 8-1-94) Penalty, see § 92.99

Statutory reference:

*Deregulation of certain pyrotechnics at the state level by exclusion from the definition,
see G.S. § 14-414*

Regulation of explosive substances, see G.S. § 153A-128

§ 92.31 POSSESSION BY MINORS RESTRICTED.

It shall be unlawful for any person in the town who is less than 16 years of age to manufacture, sell, possess, store, or use the following pyrotechnic devices:

(A) Snakes and glow worms composed of pressed pellets of a pyrotechnic mixture that produce a large, snake-like ash when burning;

(B) Smoke devices consisting of a tube or sphere containing a pyrotechnic mixture that produces white or colored smoke;

(C) Trick noisemakers which produce a small report designed to surprise the user and which include:

(1) A party popper, which is a small plastic or paper item containing not in excess of 16 mg of explosive mixture. A string protruding from the device is pulled to ignite the device, expelling paper streamers and producing a small report; and

(2) A snapper or drop pop, which is a small, paper-wrapped item containing no more than 16 mg of explosive mixture coated on small bits of sand. When dropped, the device produces a small report.

(D) Wire sparklers consisting of wire or stick coated with nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition. These items must not exceed 100 grams of mixture per item; and

(E) Other sparkling devices which emit showers of sparks and sometimes a whistling or crackling effect when burning, do not detonate or explode, do not spin, are hand-held or ground-based, cannot propel themselves through the air, and contain not more than 75 grams of chemical compound per tube, or not more than a total of 200 grams if multiple tubes are used.

(Ord. O-94-006, passed 8-1-94) Penalty, see § 92.99

§ 92.32 SALE RESTRICTED.

It shall be unlawful for any merchant in the town to sell any pyrotechnic device, as defined herein, to anyone under 16 years of age. Determination of age for this purpose shall be made in like manner to that for the purchase of alcoholic beverages by those 21 years of age and older.

(Ord. O-94-006, passed 8-1-94) Penalty, see § 92.99

§ 92.33 DISTRIBUTION RESTRICTED.

It shall be unlawful to distribute any pyrotechnic device, as set out herein, to anyone under 16 years of age without parental permission and adult supervision of their use.

(Ord. O-94-006, passed 8-1-94) Penalty, see § 92.99

§ 92.34 PLACES OF PUBLIC ASSEMBLY; POSSESSION PROHIBITED.

It shall be unlawful for anyone to possess or use any of the pyrotechnic devices as set out herein, in any school, theater, shopping mall, church, public building, or other place of public assembly.

(Ord. O-94-006, passed 8-1-94) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no other specific penalty has been provided shall be subject to the penalties described in § 10.99 of this code.

(B) Any person violating any provision of §§ 92.30 - 92.34 of this code shall be guilty of a misdemeanor and shall be punishable by a fine and/or imprisonment, as set out in G.S. § 14-4.

(Ord. O-94-006, passed 8-1-94)

CHAPTER 93: CEMETERIES

Section

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GENERAL REGULATIONS

§ 93.01 APPLICATION.

(A) All lots within the Town Cemetery, and within any extension of the cemetery at any time hereafter made, whether owned by the town or by any other person or persons, shall be subject to and regulated and controlled by the provisions of this chapter.

(B) In all deeds of conveyance by the town to any person or persons for any lot, the following provisions shall be included therein as a covenant running with the land: "This conveyance is made

subject to an ordinance adopting rules and regulations for the control of Littleton Cemetery and providing penalties in relation thereto duly of record up to the minute of the proceedings of the Board of Commissioners of the Town of Littleton, and the grantee herein, his or her heirs and assigns, agree that upon the breach of any of its provisions, the title to this property shall revert to the Town of Littleton."

(` 59 Code, Chapter E, Article II, § 13)

§ 93.02 SUPERINTENDENT; POWERS AND DUTIES.

(A) It shall be the duty of the Board of Commissioners to appoint some suitable person as the superintendent of the Town Cemetery, who shall serve at the will of the Board.

(B) The superintendent shall have those powers and duties as shall be conferred upon him or her by this section, and any ordinance, resolution, or order of the Board at any time hereafter adopted or made.

(C) The superintendent shall have charge of the upkeep, protection, and preservation of the cemetery; he or she shall supervise the digging of all graves, the interment and disinterment of bodies, the erection of monuments and markers, supervise the planting of any and all shrubbery, trees, and flowers, and make provision for the entrance and exit of persons and vehicles to and from the cemetery; provided, however, the superintendent shall not contract any debt or expend any money without first having obtained the consent and approval of the Board of Commissioners.

(` 59 Code, Chapter E, Article II, § 2) Penalty, see § 10.99

§ 93.03 DEED FOR LOT.

All persons desiring to purchase a lot in the town shall apply to the Town Clerk, who, upon payment of the fixed price for each lot, shall cause a deed or other instrument of receipt therefor to be given the purchaser.

(` 59 Code, Chapter E, Article II, § 1)

§ 93.04 TRANSFER OR SALE OF LOTS.

In the event any purchaser or owner shall desire to dispose of said lot, only the town shall have the right to purchase such lot and shall pay the full price which was originally paid for the lot. No person shall transfer ownership of any lot except upon written permission of the Board of Commissioners.

(` 59 Code, Chapter E, Article II, § 9) Penalty, see § 10.99

§ 93.05 LOT CHARGES.

The cost of lots in the Town Cemetery for residents and non-residents of the town are available at the Town Clerk's Office.

(` 59 Code, Chapter E, Article II, § 15)

§ 93.06 USE; GRAVES.

(A) The Town Cemetery shall be used exclusively for the burial of human beings, and no person shall be interred or disinterred therein without lawful authority and permission first had and obtained.

(B) All graves shall be at least four feet in depth, and all graves shall be dug under the supervision of the superintendent.

(` 59 Code, Chapter E, Article II, § 3) Penalty, see § 10.99

STRUCTURES; MAINTENANCE**§ 93.20 MONUMENTS AND MARKERS.**

(A) Only one central or family monument shall be allowed on a family lot.

(B) Markers shall be laid flush with the ground and shall not exceed two feet in length and one foot in width, and shall be placed at the end of the grave farthest from the monument.

(C) No coping, curb, fencing, hedging, grave mounds, boarders, or curb of any kind shall be allowed on any burial lot.

(` 59 Code, Chapter E, Article II, § 5) Penalty, see § 10.99

§ 93.21 PLANTINGS.

No person shall plant or set any tree, shrub, flower, grass, or other plant of any kind in the cemetery except with the approval of and under the supervision of a representative of the town.

(` 59 Code, Chapter E, Article II, § 4) Penalty, see § 10.99

§ 93.22 LANDSCAPING AND IMPROVEMENTS.

All grading, landscaping, pruning or cutting of all trees and shrubbery, and improvements of every kind shall be made or done by the town only.

(` 59 Code, Chapter E, Article II, § 7) Penalty, see § 10.99

§ 93.23 STRUCTURES.

(A) No mausoleum, tomb, building, or other structure of any kind shall be erected on any lot within the cemetery, or within any extension of the cemetery; provided, however, mausoleums and tombs may be constructed on lots which may be designated on the plat and plan of the cemetery from time to time by the Board of Commissioners as lots to be used exclusively for mausoleums and tombs.

(B) Should any mausoleum, monument, or tomb at any time become unsafe, unsightly, or in need of repair or re-setting, the superintendent shall so notify the owner of that lot, or any person having an interest in that lot, and shall request the person to make the needed repairs under his or her supervision, and if the person shall fail to make the repairs within 30 days thereafter, the Board of Commissioners may order the repairs to be made, or remove the same from that lot, as the Board may elect.

(`59 Code, Chapter E, Article II, § 8) Penalty, see § 10.99

RULES OF CONDUCT**§ 93.35 PERSONAL CONDUCT.**

(A) No person shall disturb the quiet, repose, and good order of the cemetery, nor shall any person deface, remove, disturb, injure, or destroy any tree, plant, or shrub therein except in the manner herein provided.

(B) Trespassing within the cemetery is hereby prohibited.

(C) No person shall commit any immoral act therein under penalty of the law herein prescribed.

(`59 Code, Chapter E, Article II, § 10) Penalty, see § 10.99

§ 93.36 VEHICLES.

Vehicles shall be driven only upon the roadways within the cemetery and at a rate of speed not in excess of 15 miles per hour. No vehicles shall enter the cemetery except for the purpose of attending funerals, visiting graves, or other lawful mission.

(`59 Code, Chapter E, Article II, § 11) Penalty, see § 10.99

§ 93.37 RUBBISH AND WASTE PROHIBITED.

No person shall deposit any rubbish, filth, waste, or other unclean or unsightly substance in the cemetery, and all materials carried within the cemetery and not used in the erection of monuments, markers, or other lawful structures authorized herein, shall be promptly removed therefrom by the owner of the lot upon which that monument, marker, or structure shall be located.

('59 Code, Chapter E, Article II, § 12) Penalty, see § 10.99

AN ORDINANCE AMENDING/REPLACING AND RENAMING, FROM ABANDONED VEHICLES AND PROPERTY TO ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES, CHAPTER 94, OF THE CODE OF ORDINANCES OF THE TOWN OF LITTLETON

(O-07-003)

WHEREAS, Chapter 94, Abandoned Vehicles and Property, needs to be replaced with an updated Abandoned, Nuisance and Junked Motor Vehicles Ordinance.

SECTION I. NOW, THEREFORE BE IT RESOLVED By the Board of Commissioners of the Town of Littleton that Chapter 94 is amended by deleting all existing language and inserting the following in its place:

CHAPTER 94: ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES

Section

- 94.01 Administration
- 94.02 Definitions
- 94.03 Abandoned vehicle unlawful
- 94.04 Nuisance vehicle unlawful
- 94.05 Junked motor vehicle unlawful
- 94.06 Pre-towing notice requirements
- 94.07 Exceptions to pre-towing notice requirements
- 94.08 Removal of vehicles; post-towing requirements
- 94.09 Hearing
- 94.10 Redemption of vehicle during proceedings
- 94.11 Sale and disposition of unclaimed vehicle
- 94.12 Conditions on removal of vehicles from private property
- 94.13 Protection against criminal or civil liability
- 94.14 Exceptions.
- 94.15 Unlawful removal of impounded vehicle
- 94.16 Towing rotation list
- 94.17 Towing business – qualifications
- 94.18 Towing business – contracts
- 94.19 Towing business - fees
- 94.99 Penalties

94.01 ADMINISTRATION.

The Police Department and the Building Inspector shall be responsible for the administration and enforcement of this chapter. The Town may contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this chapter and applicable state laws. Nothing in this chapter shall be construed to limit the legal authority or powers of

officers of the town police department and fire department in enforcing other laws or in otherwise carrying out their duties.

94.02 DEFINITIONS.

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

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

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on a public street or highway for longer than seven days; or
- (3) Is left on property owned or operated by the Town for longer than twenty-four (24) hours; or
- (4) Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.

AUTHORIZING OFFICIAL: The Police Officer Building Inspector, respectively, designated to authorize the removal of vehicles under the provisions of this chapter.

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

- (1) Is partially dismantled or wrecked;
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move.
- (3) Is more than five years old and appears to be worth less than \$100.

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

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

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
- (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
- (3) A point of collection of pools or ponds of water; or
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or

(5) One which has areas of confinement, such as trunks, hoods, etc., which cannot be operated from inside the area of confinement; or

(6) One so situated or located that there is a danger of it falling or turning over; or

(7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or

(8) One which has sharp parts thereof which are jagged or contain sharp edges of metal, glass; or

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

94.03 ABANDONED VEHICLE UNLAWFUL.

(A) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, to cause or allow such vehicle to be an abandoned vehicle.

(B) Upon investigation, the authorizing official may determine that a vehicle is an abandoned vehicle as defined in this chapter and order the vehicle removed.

94.04 NUISANCE VEHICLE UNLAWFUL.

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

(B) Upon investigation, the authorizing official may determine and declare that a vehicle is a health and safety hazard and a nuisance vehicle as defined in this chapter, and order the vehicle removed.

94.05 JUNKED MOTOR VEHICLE UNLAWFUL.

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

(B) Upon investigation, the authorizing official may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following, among other relevant factors, may be considered:

(1) Protection of property values;

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

- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; or
- (5) Promotion of the comfort, happiness and emotional stability of area residents.

94.06 PRE-TOWING NOTICE REQUIREMENTS.

(A) Except as set forth in section 94.07 below, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail.. The person who mails the notice shall retain a written record to show the name and address to which mailed and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the Town on a specific date no sooner than seven days after the notice is affixed. The notice shall state that the vehicle will be removed by the Town on specified date, no sooner than seven days after the notice is affixed or mailed unless the vehicle is moved by the owner or legal possessor prior to that time.

(B) With respect to an abandoned vehicle on private property, nuisance vehicle and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the Town Manager in writing within 72 hours upon receipt of notice and heard as soon as possible: further proceedings to remove the vehicle shall be stated until the appeal is heard and decided.

94.07 EXCEPTIONS TO PRETOWING NOTICE REQUIREMENT.

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

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

1. Obstructing traffic;
2. Parking in violation of an ordinance prohibiting or restricting parking;

3. Parked in a no-stopping or standing zone;
4. Parked in loading zones;
5. Parked in bus zones; or
6. Parked in violation of temporary parking restrictions.

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

94.08 REMOVAL OF VEHICLES; POSTTOWING NOTICE REQUIREMENTS.

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

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and

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

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

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

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

94.09 HEARING.

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

94.10 REDEMPTION OF VEHICLE DURING PROCEEDINGS.

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

94.11 SALE AND DISPOSITION OF UNCLAIMED VEHICLE.

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such vehicle shall be carried out in accordance with G.S Ch. 44A.

94.12 CONDITIONS ON REMOVAL OF VEHICLES FROM PRIVATE PROPERTY.

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

94.13 PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.

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

94.14 EXCEPTIONS.

Nothing in this article shall apply to any vehicle which is:

(A) Located in a bone fide automobile graveyard or junkyard as defined in section G.S. § 136-143, in accordance with the *Junkyard Control Act*, being G.S. § 136-141 et seq;

(B) In an enclosed building;

(C) On the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or

(D) In an appropriate storage place or depository maintained in a lawful place and manner by the town.

94.15 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE.

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

94.16 TOWING ROTATION LIST.

A. The Police Department shall annually prepare and maintain an eligible list of those persons, firms and corporations who apply and qualify to tow and store vehicles at the request of the authorizing official pursuant to this chapter. The owner or principal must either reside, own property, or maintain a business within the corporate limits of the city, to qualify for the eligible list. The Chief of Police shall prepare rules in accordance with the provisions of this chapter for the qualifications of private tow truck operators or businesses for the eligible list.

B. Any private tow truck operator or business on the eligible list that violates any provision of this chapter or the rules established in accordance herewith shall be subject to removal from the eligible list after written notice. Any private tow truck operator or business removed from the eligible list may, within five working days of the date of the notice of removal, request a hearing before the Chief of Police to show cause why he should not be removed from the list.

90.17 TOWING BUSINESS – QUALIFICATIONS.

(A) To qualify for the eligible list, a private tow truck operator or business must:

(1) Keep the towing operation either open or available by a telephone number between the hours of 9:00 AM to 4:00 PM;

(2) Have available at all times a factory built wrecker consisting of a one-ton chassis with dual rear wheels and having the necessary equipment to tow vehicles from the streets and other public or private places in the town when called upon to do so;

(3) Have, at or in the immediate vicinity of the location of his towing operation, sufficient fenced storage space and facilities to protect both damaged and undamaged vehicles and have a facility to store a vehicle out of exposure to the elements overnight;

(B) The private tow truck operator or business must also agree to assume the obligation to;

(1) Promptly tow and store all vehicles to be removed from the public streets or other public places or private property upon the request of the authorizing official.

(2) Issue a receipt to the authorizing official for each vehicle towed and stored and keeps the vehicle until its release is authorized by the authorizing official;

(3) Store vehicles in a secured, fenced storage space;

(4) Collect towing and storage fees from the owner or the vehicle by the sale of the vehicle without recourse to the town unless it is found that no probable cause existed for the towing pursuant to G.S. § 20-219.11;

(5) Pay all damage to vehicles entrusted to his custody as the result of his negligence and to maintain for the protection of the vehicle owner the garage keeper's legal liability insurance while performing any of the services provided for in this chapter;

(6) Indemnify and save the city harmless from all liability for damages sustained by vehicles being towed or stored and all personal injuries occurring as a result of the towing or storage;

(7) Remove from the scene of a vehicle accident in which the vehicle to be towed was involved all glass, metal or debris caused by the accident;

(8) Maintain a liability insurance policy covering the operation of the business, equipment, tow truck and other vehicles for any bodily injury or property damage with minimum liability of \$100,000 for any one person injured or killed and a minimum of \$300,000 for more than one person killed or injured in any accident and an additional \$50,000 for property damage. The policy must contain an endorsement by carriers providing ten days notice to the city in the event of any change in coverage under the policy.

(9) Cooperate with the investigation of the criminal record and character of the owner of the business and each tow truck operator. No such person shall have been convicted of any felony or of a crime involving fraud, theft or receiving or possession of stolen property with ten years.

94.17 TOWING BUSINESS – CONTRACTS.

A private tow truck operator or business on the eligible list shall contract with the town to remove the vehicles described in this chapter from the public streets or other public places or private property upon the request of the authorizing official. The contract shall be in writing, shall specify the charges to be made for towing and shall require the person entering into the contract for the towing of such vehicles to perform the service in a manner consistent with the provisions of this chapter and the rules prepared thereunder and shall provide for the forfeiture of the contract in the event of a violation of any of the provisions of the contract or of the provisions of this chapter. The contract shall further provide that the town shall not be obligated to the person undertaking the towing and storage of such vehicles for any damages which may be incurred in the performance of the obligation assumed by him that probable cause existed for the towing of any vehicle involved unless it is found that no probable cause existed for the towing of any vehicle pursuant to G.S. §20-219-11.

94.19 TOWING BUSINESS – FEES.

Unless written authorization is received as provided in this section, the amount which a private towing operator or business may charge for the towing of a motor vehicle at the

request of an authorizing official pursuant to the provisions of this chapter shall not exceed \$65.00. For the purposes of this section, towing occurs at the time the city contracts the private towing operator or business. In the event that the towing requires extraordinary measures in order to be completed, the Chief of Police may authorize in writing a greater charge in order to compensate the private towing operator or business for the expense of such extraordinary measures.

94.99 PENALTIES

(A) Any person who violates any provision of this chapter for which no other specific penalty has been provided shall be subject to the penalties described in § 10.99 of this code.

SECTION 2. That this Ordinance shall be in full force and effect from and after the date of its adoption.

SECTION 3. This Ordinance adopted this 7th day of January, 2008.

(Municipal Seal)

TOWN OF LITTLETON

BY: B. Mason Hawfield
B. Mason Hawfield, Mayor

Attest:
Sheila R. Taylor
Sheila R. Taylor, Clerk

CHAPTER 95: ANIMALS

Section

General Regulations

- 95.01 Cruelty to animals prohibited
- 95.02 Impoundment of at large or improperly hitched animals

Care and Keeping

- 95.15 Chickens and other fowl; restrictions
- 95.16 Fowl at large
- 95.17 Pigeons; confinement required
- 95.18 Grazing prohibited
- 95.19 Hitching restricted
- 95.20 Hogs prohibited
- 95.21 Stables

Dogs

- 95.35 Unvaccinated or untagged dogs a nuisance; impoundment
- 95.36 Prowling bitches and vicious dogs at large prohibited
- 95.37 Habitual barking, chasing, yard damage
- 95.38 Running at large prohibited; impoundment

Bird Sanctuary

- 95.50 Town declared a bird sanctuary
- 95.51 Hunting certain birds unlawful

- 95.99 Penalty

GENERAL REGULATIONS**§ 95.01 CRUELTY TO ANIMALS PROHIBITED.**

(A) It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, poison, abandon or subject to conditions detrimental to its health or general welfare of any animal or to cause or procure such action.

(B) The words **TORTURE**, **TORMENT** or **CRUELTY** shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; however, nothing in this chapter shall be construed to prohibit the Chief of Police or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner.

(Ord. O-86-003, passed 10-6-86) Penalty, see § 95.99

§ 95.02 IMPOUNDMENT OF AT LARGE OR IMPROPERLY HITCHED ANIMALS.

Any 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 same fee as is allowed by state law.

(Ord. O-86-003, passed 10-6-86) Penalty, see § 95.99

CARE AND KEEPING**§ 95.15 CHICKENS AND OTHER FOWL; RESTRICTIONS.**

(A) The raising or keeping of chickens and other fowl within the corporate limits of the town shall be unlawful except in the following instances.

(1) Any household (persons residing in one dwelling) may have for domestic purposes not more than 25 chickens or other fowl on a lot, provided they are:

- (a) Not located within 25 feet of the property line of another residence lot;
- (b) Kept confined or penned at all times in a manner so as to prevent escape and running at large; and
- (c) Kept in a clean, sanitary, and properly maintained pen or enclosure at all times.

(2) The keeping of not more than 25 chickens or other fowl shall not be deemed the keeping of the same for commercial purposes.

(B) The violation of this section shall constitute a misdemeanor.
(Ord. 1974-10, passed - -74) Penalty, see § 95.99

§ 95.16 FOWL AT LARGE.

No person shall 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.
(Ord. O-86-003, passed 10-6-86) Penalty, see § 95.99

§ 95.17 PIGEONS; CONFINEMENT REQUIRED.

It shall be unlawful to keep pigeons, except when those pigeons are properly kept in a cage or enclosure at all times.
(Ord. O-86-003, passed 10-6-86) Penalty, see § 95.99

§ 95.18 GRAZING PROHIBITED.

No person shall graze or tie up on any vacant lot, within 50 feet of any dwelling or street, any cattle, sheep, or other animal.
(Ord. O-86-003, passed 10-6-86) Penalty, see § 95.99

§ 95.19 HITCHING RESTRICTED.

No person shall hitch any horse or other animal to any of the trees; lampposts; electric light, power, telephone, or telegraph poles; mailboxes; or hydrants owned by the town or permitted by the town to be erected on or in any of the streets, sidewalks, squares, or parks.
(Ord. O-86-003, passed 10-6-86) Penalty, see § 95.99

§ 95.20 HOGS PROHIBITED.

No person shall keep any pigs or hogs within the corporate limits.
(Ord. O-86-003, passed 10-6-86) Penalty, see § 95.99

§ 95.21 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.

(Ord. O-86-003, passed 10-6-86) Penalty, see § 95.99

DOGS**§ 95.35 UNVACCINATED OR UNTAGGED DOGS A NUISANCE; IMPOUNDMENT.**

(A) *Dogs not inoculated, registered, or tagged declared a nuisance.* The keeping of dogs that have not been inoculated, registered, and tagged, as herein set forth, within the corporate limits of the town, is hereby declared a nuisance and a menace to the public and the same is hereby prohibited, and any person permitting any dog that has not been so inoculated, registered, and tagged and equipped with a collar to be or to remain in the town shall be subject to a penalty for each offense.

(B) *Provision for impoundment.* Any dog found in the town that has not been inoculated, registered, and tagged as hereinbefore set forth shall be impounded by the police for three days, at the expiration of which time, unless claimed by its owner, inoculated, registered, and tagged, it shall be destroyed by the police or a person acting under the direction of the Police Department. Any person interfering with the catching, impounding, or destruction of any dog as herein authorized or attempting to release any such dog from the pound shall be subject to the penalties provided by this chapter.

(Ord. O-86-003, passed 10-6-86) Penalty, see § 95.99

§ 95.36 PROWLING BITCHES AND VICIOUS DOGS AT LARGE PROHIBITED.

It shall be unlawful for any owner or keeper of a prowling bitch or vicious dog to permit that animal to run at large within the town, and any such animal found running at large within the town may be destroyed by the police or a person acting under the direction of the Police Department.

(Ord. O-86-003, passed 10-6-86) Penalty, see § 95.99

§ 95.37 HABITUAL BARKING, CHASING, YARD DAMAGE.

It shall be unlawful for any owner or keeper of any dog to have within the town a dog that habitually or repeatedly barks in a manner so as to disturb the neighborhood, or a dog that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles, or turns over garbage pails, or damages gardens, flowers, or vegetables.

(Ord. O-86-003, passed 10-6-86) Penalty, see § 95.99

§ 95.38 RUNNING AT LARGE PROHIBITED; IMPOUNDMENT.

(A) It shall be unlawful for any owner or keeper of any dog to permit that animal to run at large in the town. Proof of finding a dog off the premises of the owner or keeper, unless under the control of its owner, shall constitute a prima facie case. Any dog found running at large within the town except upon the premises of the owner or his or her agent shall be impounded by the police and a charge of \$15 made, plus \$5 each day so impounded for feed and care. At the expiration of three days, unless claimed by its owner and the impounding and care charges paid, it shall be destroyed. The owner of any dog found in violation of this section shall be served with a summons for the violation thereof by any town police officer or dog warden duly appointed by the Board of Commissioners.

(B) The Chief of Police or the Dog Catcher shall have the authority under this section to notify owners of dogs that are running loose and not in control of the owner, that the dog cannot be caught, and after a second notification by the Chief of Police or Dog Catcher the owner of the dog shall be subject to criminal prosecution.

(C) If the Dog Catcher or other duly appointed officer shall duly impound any dog on a second or subsequent occasion under the provisions of this section, there shall be imposed a charge of \$25 for the recovery of the dog from the dog pound, plus \$5 per day for each day so impounded for feeding and care.

(Ord. O-86-003, passed 10-6-86) Penalty, see § 95.99

BIRD SANCTUARY

§ 95.50 TOWN DECLARED A BIRD SANCTUARY.

All the territory embraced within the corporate limits of the town shall be a bird sanctuary.
(Ord. O-86-003, passed 10-6-86)

§ 95.51 HUNTING CERTAIN BIRDS UNLAWFUL.

It shall be unlawful for any person to hunt, kill, or trap any bird within the corporate limits of the town except pigeons, crows, starlings, English sparrows, domesticated fowl, and birds classed as predatory by the Wildlife Resources Commission or by the General Statutes of the state.

(Ord. O-86-003, passed 10-6-86) Penalty, see § 95.99

§ 95.99 PENALTY.

(A) Except as otherwise provided, any person violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$50 or imprisoned for not more than 30 days, or both.

(B) Any person violating § 95.35(A) of this code shall be subject to a penalty of \$50 for each offense.

(Ord. O-86-003, passed 10-6-86)