

**THE CODE OF THE TOWN
OF
EAST SPENCER, NORTH CAROLINA**

**The Charter
and
The General Ordinances**

**PUBLISHED BY ORDER OF THE BOARD OF ALDERMEN
PURSUANT TO G.S., § 160A-77**

**Michie City Publications Company
Charlottesville, Virginia
1974**

CC

CC

C

PREFACE

This volume constitutes the first revision and codification of the general ordinances of the Town of East Spencer, North Carolina. It contains the Charter and such of the ordinances of a general and permanent nature passed on or before December 3, 1973, as were found desirable for retention, except those expressly saved from repeal by the Adopting Ordinance.

The ordinances were codified, edited and indexed by the Editorial Staff of Michie City Publications Company under the supervision of Chas. W. Sublett and Stephen C. Willard.

The publishers wish to express their appreciation for the cooperation of all the town officials and employees during the preparation of this publication. Particular acknowledgment is due the firm of Davis and Ford, Town Attorneys, and Mr. Paul G. Wilson, Chief of Police, for their assistance during the progress of the work.

A feature to which the attention of the user is directed is the arrangement of the chapters in alphabetical order. Attention is also directed to the analysis preceding each chapter which, in many instances, will serve as an index within itself. The general index, carried at the end of the Code, has been carefully prepared, and should serve as an accurate medium for locating the individual sections of law within the Code. In the footnotes appearing throughout the Code will be found references to the Charter and applicable and related provisions of state law. These notes also contain cross references to other and related provisions in the town Code itself. By reference to the historical citations, appearing at the end of each section, the user will be able to ascertain the ordinance from which the present section has been derived.

It is a recognized fact that if any Code is to accomplish its intended purpose it must be kept up to date by means of an adequate supplemental service. Accordingly, the publishers point out the advisability and necessity of keeping this Code current.

The new town Code is presented to the officials and citizens of East Spencer, North Carolina, in the belief that it will merit their approval.

Michie City Publications Company
Charlottesville, Virginia

CC

CC

CC

TABLE OF CONTENTS

PART I.

	Page
The Charter Act	1

PART II.
THE CODE.

Chapter		
1.	General Provisions	15
2.	Administration	21
3.	Animals and Fowl	29
4.	Buildings.....	35
5.	Civil Emergencies	39
6.	Fire Protection	43
7.	Garbage, Refuse and Weeds	47
8.	Licenses.....	55
9.	Mobile Homes and Mobile Home Parks	59
10	Motor Vehicles and Traffic	63
11.	Offenses--Miscellaneous	71
12.	Police Department	73
13.	<u>Streets, Sidewalks and Public Places</u>	75
14.	Subdivisions.....	79
15.	Water, Sewers and Sewage.....	81
16.	Zoning	87
Index		89

PART I.
THE CHARTER ACT.

Division 1. The Charter.

Article I. Incorporation and Corporate Powers.

- § 1.1. Incorporation and general powers.
- § 1.2. Exercise of powers.
- § 1.3. Enumerated powers not exclusive.

Article II. Corporate Boundaries.

- § 2.1. Existing corporate boundaries; boundary changes; Official Map and description of boundaries.
- § 2.2. Extension of corporate boundaries.

Article III. Mayor and Board of Aldermen.

- § 3.1. Composition of board of aldermen.
- § 3.2. Mayor and mayor pro tempore.
- § 3.3. Terms; qualifications; vacancies.
- § 3.4. Organization of board of aldermen; oaths of office.
- § 3.5. Meetings of board.
- § 3.6. Quorum; votes.
- § 3.7. Ordinances and resolutions; recording of ayes and noes.

Article IV. Elections.

- § 4.1. Regular municipal elections.
- § 4.2. Regulation of elections.

Article V. Town Attorney.

- § 5.1. Appointment; qualifications; term; compensation.
- § 5.2. Duties of town attorney.

Article VI. Administrative Officers and Employees.

- § 6.1. Town clerk.
- § 6.2. Town tax collector.
- § 6.3. Town finance officer.
- § 6.4. Town budget officer.
- § 6.5. Consolidation of functions.

Article VII. Finance.

- § 7.1. Custody of town money; town depositories; applicability of Local Government Finance Act.

East Spencer Town Code

§ 7.2. Independent audit.

Article VIII. Police.

§ 8.1. Jurisdiction.

Article IX. Street and Sidewalk Improvements.

- § 9.1. Street improvements; assessment of costs.
- § 9.2. When petition unnecessary.
- § 9.3. Street improvement defined.
- § 9.4. Sidewalk improvements; assessment of costs.
- § 9.5. Assessment procedure.
- § 9.6. Effect of assessments.
- § 9.7. Acceptance of conveyance in satisfaction of assessments.

Article X. Claims Against the Town.

§ 10.1. Presentation of claims; suit upon claims.

Division 2. Charter--Related Provisions.

- § 2. Purpose of act.
- § 3. Certain acts not repealed, modified or otherwise affected by this act.
- § 4. Acts repealed by this act.
- § 5. Certain rights and interests not affected by this act.
- § 6. Repealed and exhausted laws not revived by this act.
- § 7. Ordinances and resolutions of town continued in effect; pending proceedings not abated by this act.
- § 8. Severability.
- § 9. Conflicting laws repealed.
- § 10. Effective date.

Editor's note.--The Charter Act herein set out is chapter 374 of the Session Laws, 1973, less the title and enacting clause. The editors have divided this act into two divisions, division 1 being section 1 of the act, which contains the town Charter itself. The section numbers of division 1 are the section numbers of the town Charter. Division 2 is the remainder (§§ 2 to 10) of the act, the provisions of which do not constitute a part of the Charter but relate directly to the Charter. All of the catchlines of division 2 have been supplied by the editors, and are unofficial. A uniform system of capitalization has been adopted throughout the act,

and some of the catchlines of the Charter sections have been enlarged to more fully indicate the subjects covered in those sections, but no changes whatever have been made in the text. The frontal section analysis has been added by the editors for convenience of the users. For state law as to procedure, etc., for amending municipal charters, see G.S., §§ 160A-101 through 160A-110.

Division 1. The Charter.

The Charter of the Town of East Spencer is hereby revised and consolidated to read as follows:

THE CHARTER OF THE TOWN OF EAST SPENCER.

ARTICLE I. INCORPORATION AND CORPORATE POWERS.

Sec. 1.1. Incorporation and general powers.

The Town of East Spencer shall continue to be a body politic and corporate under the name of the "Town of East Spencer", and shall continue to be vested with all property and rights which now belong to the town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

Sec. 1.2. Exercise of powers.

All powers, functions, rights, privileges, and immunities of the town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the board of aldermen and as provided by the general laws of North Carolina pertaining to municipal corporations.

Sec. 1.3. Enumerated powers not exclusive.

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of East Spencer shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

ARTICLE II. CORPORATE BOUNDARIES.Sec. 2.1. Existing corporate boundaries; boundary changes; Official Map and description of boundaries.

(a) The corporate limits of the town shall be those existing at the time of the ratification of this Charter and as the same may be altered from time to time in accordance with law. There shall be prepared a map to be designated "Map of the Town of East Spencer Corporate Limits" showing the corporate limits as the same may exist as of the effective date of this Charter. There shall be also prepared a written description of the corporate limits as shown on said map to be designated "Description of East Spencer Corporate Limits". Said map and description shall be retained permanently in the office of the town clerk as the Official Map and a description of the corporate limits of the town. Immediately upon alteration of the corporate limits made pursuant to law from time to time the town clerk shall indicate such alteration by having made appropriate changes and/or additions to said Official Map and description. Photographic types or other copies of said Official Map or description certified as by law provided for the certification of ordinances shall be admitted in evidence in all courts and shall have the same force and effect as would the Official Map or description.

(b) The town clerk shall require the redrawing of the Official Map and the rewriting of the official description as may from time to time be required. A redrawn map and a rewritten description shall supersede for all purposes the earlier maps and descriptions which are respectively replaced.

Sec. 2.2. Extension of corporate boundaries.

All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

ARTICLE III. MAYOR AND BOARD OF ALDERMEN.Sec. 3.1. Composition of board of aldermen.

The board of aldermen shall consist of six members to be elected by the qualified voters of the town, voting at large in the manner provided in Article IV of this Charter.

Sec. 3.2. Mayor and mayor pro tempore.

The mayor shall be elected by and from the qualified voters of the town voting at large in the manner provided in Article IV of this Charter. The mayor shall be the official head of the town government and shall preside at all meetings of the board of aldermen. When there is an equal division on a question, the mayor shall resolve the deadlock by his vote, but he shall vote in no other case.

ARTICLE V. TOWN ATTORNEY.Sec. 5.1. Appointment; qualifications; term; compensation.

The board of aldermen may appoint a town attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the town during his tenure. The town attorney shall serve at the pleasure of the board and shall receive such compensation as the board shall determine.

Sec. 5.2. Duties of town attorney.

It shall be the duty of the town attorney to prosecute and defend suits for and against the town; to advise the mayor, board of aldermen and other town officials with respect to the affairs of the town; to draft all legal documents relating to the affairs of the town; to draft proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the town may be concerned; to attend all meetings of the board of aldermen when required by the board; and to perform such other duties as may be required of him by virtue of his position as town attorney.

ARTICLE VI. ADMINISTRATIVE OFFICERS AND EMPLOYEES.Sec. 6.1. Town clerk.

The board of aldermen shall appoint a town clerk to keep a journal of the proceedings of the board of aldermen and to maintain in a safe place all records and documents pertaining to the affairs of the town, and to perform such other duties as may be required by law or as the board of aldermen may direct.

Sec. 6.2. Town tax collector.

The board of aldermen shall appoint a tax collector to collect all taxes, licenses, fees and other moneys belonging to the town, subject to the provisions of this Charter and the ordinances of the town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

Sec. 6.3. Town finance officer.

The board of aldermen shall appoint a town finance officer to perform the duties of the finance officer as required by the Local Government Budget and Fiscal Control Act.

The Local Government Finance Act is set out in G.S., ch. 159. As to municipal finance officers, see G.S., § 159-24 et seq.

Sec. 6.4. Town budget officer.

The board of aldermen shall appoint a town budget officer to perform the duties of the budget officer as required by the Local Government Budget and Fiscal Control Act.

The Local Government Finance Act is set out in G.S., ch. 159. As to municipal budget officers, see G.S., § 159-9.

Sec. 6.5. Consolidation of functions.

The board of aldermen may consolidate any two or more of the positions of town clerk, town tax collector and town finance officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions.

ARTICLE VII. FINANCE.Sec. 7.1. Custody of town money; town depositories; applicability of Local Government Finance Act.

All moneys received by the town for or in connection with the business of the town government shall be paid promptly into the town depository or depositories. Such institutions shall be designated by the town board in accordance with the regulations and subject to the requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the town shall accrue to the benefit of the town. All moneys belonging to the town shall be disbursed in accordance with the provisions of the Local Government Budget and Fiscal Control Act.

The Local Government Finance Act is set out in G.S., ch. 159.

Sec. 7.2. Independent audit.

As soon as possible after the close of each fiscal year, an independent audit shall be made of all books and accounts of the town government by a certified public accountant or an accountant certified by the local government commission. The audit shall be secured in accordance with the provisions of the Local Government Budget and Fiscal Control Act.

The Local Government Finance Act is set out in G.S., ch. 159.

The mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the town. The board of aldermen shall choose one of its number to act as mayor pro tempore, and he shall perform the duties of the mayor in the mayor's absence or disability. The mayor pro tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the board.

Sec. 3.3. Terms; qualifications; vacancies.

(a) The members of the board of aldermen shall serve for terms of four years, except as provided by Article IV of this Charter, and the mayor shall serve for a term of two years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

(b) No person shall be eligible to be a candidate or be elected as mayor or as a member of the board of aldermen or to serve in such capacity, unless he is a resident and a qualified voter of the town.

(c) In the event a vacancy occurs in the office of mayor or alderman, the board shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term.

Sec. 3.4. Organization of board of aldermen; oaths of office.

The board of aldermen shall meet and organize for the transaction of business at the first regularly scheduled meeting of the board following each biennial election. Before entering upon their offices, the mayor and each alderman shall take, subscribe to and have entered upon the minutes of the Board the following oath of office:

"I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as _____, so help me, God."

Sec. 3.5. Meetings of board.

The board of aldermen shall fix a suitable time and place for its regular meetings, which shall be held at least as often as once monthly. Special meetings may be held according to the procedures and requirements designated by the general laws of North Carolina pertaining to special meetings of city councils.

Sec. 3.6. Quorum; votes.

(a) A majority of the members elected to the board of aldermen shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

(b) The affirmative vote of a majority of the members elected to the board of aldermen not excused from voting on the question in issue shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance or authorize the expenditure of public funds, or make, ratify, or authorize any contract. All other matters to be voted upon shall be decided by a majority vote of those present and voting.

Sec. 3.7. Ordinances and resolutions; recording of ayes and noes.

The adoption, amendment, repeal, pleading or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the board. The enacting clause of all ordinances shall be: "Be it ordained by the Board of Aldermen of the Town of East Spencer". All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

ARTICLE IV. ELECTIONS.Sec. 4.1. Regular municipal elections.

Regular municipal elections shall be held biennially in odd-numbered years on the day set by general law for municipal elections. The elections shall be nonpartisan and decided by simple plurality. In the 1973 regular municipal election, there shall be elected three aldermen for terms of four years and three aldermen for terms of two years. In such election the three candidates for alderman who receive the largest number of votes shall be declared elected for terms of four years and the three candidates for alderman who receive the next largest number of votes shall be declared elected for terms of two years. Thereafter, as the terms of members expire, their successors shall be elected for terms of four years. In the 1973 regular municipal election and biennially thereafter, there shall be elected a mayor for a term of two years. The candidate for mayor receiving the highest number of votes shall be declared elected.

Sec. 4.2. Regulation of elections.

All town elections shall be conducted by the county board of elections in accordance with the general laws of North Carolina relating to municipal elections.

ARTICLE VIII. POLICE.Sec. 8.1. Jurisdiction.

The jurisdiction of the police force is hereby extended to include all town-owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

ARTICLE IX. STREET AND SIDEWALK IMPROVEMENTS.Sec. 9.1. Street improvements; assessment of costs.

In addition to any authority which is now or may hereafter be granted by general law to the town for making street improvements the board of aldermen is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this article.

Sec. 9.2. When petition unnecessary.

The board of aldermen may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections, against the abutting property owners, according to one or more of the assessment bases set forth in article 10 of chapter 160A of the North Carolina General Statutes, without the necessity of a petition, upon the finding by the board as a fact:

(a) That the street improvement project does not exceed one thousand two hundred linear feet, and

(b) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or

(c) That it is in the public interest to connect two streets, or portions of a street already improved, or

(d) That it is in the public interest to widen a street, or part thereof, which is already improved; provided, that assessments for widening any street or portion of street without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the town's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this article.

Sec. 9.3. Street improvement defined.

For the purposes of this article, the term "street improvement" shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

Sec. 9.4. Sidewalk improvements; assessment of costs.

In addition to any authority which is now or may hereafter be granted by general law to the town for making sidewalk improvements, the board of aldermen is hereby authorized, without the necessity of a petition, to make or to order to be made sidewalk improvements or repairs according to standards and specifications of the town, and to assess the total cost thereof against abutting property owners, according to one or more of the assessment bases set forth in article 10 of chapter 160A of the North Carolina General Statutes; provided, however, that regardless of the assessment basis or bases employed, the board of aldermen may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of such street.

Sec. 9.5. Assessment procedure.

In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this article, the board of aldermen shall comply with the procedure provided by article 10, chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

Sec. 9.6. Effect of assessments.

The effect of the act of levying assessments under the authority of this article shall for all purposes be the same as if the assessments were levied under authority of article 10 of chapter 160A of the General Statutes.

Sec. 9.7. Acceptance of conveyance in satisfaction of assessments.

The town tax collector or other official or employee of the town having charge of the collection of special assessments shall have the right, power and authority, by and with the approval of the board of aldermen first obtained and had, to receive and accept a fee simple conveyance to the town of any lot or parcel of land in the town, free and clear of other encumbrances, in full settlement and satisfaction of all street and sidewalk assessments outstanding and unpaid against such property. Such right, power and authority, however, shall be limited to a conveyance of the whole of the lot or parcel of land against which the particular assessment or assessments involved were levied. No lot or tract of land may be divided and no such right, power and authority exercised as to a part, only, of the property originally embraced in and covered by said

assessment or assessments. In the case of such conveyance, it shall not be necessary that the street or sidewalk assessment or assessments against the property be foreclosed; but the town, upon the receipt of any such conveyance, shall become and be the absolute fee simple owner of the property, as fully to all intents and purposes as if purchased in and through foreclosure proceedings for the enforcement of such street and sidewalk assessment or assessments.

ARTICLE X. CLAIMS AGAINST THE TOWN.

Sec. 10.1. Presentation of claims; suit upon claims.

(a) All claims or demands against the Town of East Spencer arising in tort or in contract shall be presented to the board of aldermen in writing, signed by the claimant, his attorney or agent, within ninety days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within thirty days or after the expiration of twelve months from the time said claim or demand is so presented. Unless the claim or demand is so presented within ninety days after the cause of action accrues, and unless suit is brought within twelve months thereafter, any action is barred.

(b) No action shall be instituted against the town for damages to or compensation for real property taken or used by the town for any public purpose, or for the ejection of the town therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the board of aldermen of the claim, stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the occurrence or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the occurrence or the infliction of the injury complained of, whichever is the longer period. The town may at any time request the appointment of a next friend to represent any person having a potential claim against the town and known to be suffering from physical or mental incapacity.

Division 2. Charter-Related Provisions.

Sec. 2. Purpose of act.

The purpose of this act is to revise the Charter of the Town of East Spencer and to consolidate herein certain acts concerning the property, affairs, and government of the town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. Certain acts not repealed, modified or otherwise affected by this act.

This act shall not be deemed to repeal, modify, or in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(a) Any acts concerning the property, affairs, or government of public schools in the town of East Spencer.

(b) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. Acts repealed by this act.

The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act are hereby repealed:

<u>Chapter</u>	<u>Laws</u>
45	Session Laws 1943
513	Session Laws 1949
1088	Session Laws 1949
852	Session Laws 1955
18	Session Laws 1959
891	Session Laws 1971

Sec. 5. Certain rights and interests not affected by this act.

No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this act.

Sec. 6. Repealed and exhausted laws not revived by this act.

No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any act repealing such law, or

(b) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. Ordinances and resolutions of town continued in effect; pending proceedings not abated by this act.

(a) All existing ordinances and resolutions of the Town of East Spencer, and all existing rules or regulations of departments or agencies of the Town of East Spencer, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of East Spencer or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 8. Severability.

If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 9. Conflicting laws repealed.

All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 10. Effective date.

This act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1973.

PART II.

THE CODE.

CHAPTER 1.

GENERAL PROVISIONS.

- § 1-1. How Code designated and cited.
- § 1-2. Definitions and rules of construction.
- § 1-3. Provisions considered as continuations of existing ordinances.
- § 1-4. Catchlines of sections.
- § 1-5. Severability of parts of Code.
- § 1-6. General penalty; enforcement of ordinances; continuing violations.

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the Town of East Spencer, North Carolina," and may be so cited. Such Code may also be cited as "East Spencer Town Code."

For Charter provision that pleading and proving of town ordinances shall be in accordance with applicable provisions of the general laws of the state, see Char., § 3.7. For state law as to municipal codes of ordinances generally, see G.S., § 160A-77. As to pleading and proof of municipal ordinances, see G.S., § 160A-79.

Sec. 1-2. Definitions and rules of construction.

For state law containing a number of similar definitions and rules for construction of statutes, see G.S., § 12-3. As to definitions of certain terms used in the General Statutes Chapter relating to cities and towns, see G.S. § 160A-1.

In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the board of aldermen or the context clearly requires otherwise:

Board of aldermen. The board of aldermen, or governing body, of the Town of East Spencer, North Carolina.

Computation of time. The time within which an act is to be done shall be

computed by excluding the first and including the last day; and if the last day is Saturday, Sunday or a legal holiday, that shall be excluded.

*For state law as to computation of time,
see G.S., § 1-593.*

County. The word "county" shall mean the County of Rowan, in the State of North Carolina, except as otherwise provided.

Gender. Words importing the masculine gender shall include the feminine and neuter.

Governor. The words "governor" or "the governor" shall mean the Governor of North Carolina.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

May; shall. The word "may" is permissive; the word "shall" is mandatory.

Month. The word "month" shall mean a calendar month.

Number. Words used in the singular include the plural and the plural includes the singular number.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Official time standard. "Official time standard" means that whenever certain hours are named in this Code, they shall mean standard time or daylight saving time as may be in current use in this town.

Owner. The word "owner," applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such property.

Person. The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

Personal property includes every species of property except real property, as herein defined.

Preceding, following. The words "preceding" and "following" shall mean next before and next after, respectively.

Property. The word "property" shall include real and personal property.

Real property shall include lands, tenements and hereditaments.

Sidewalk. The word "sidewalk" shall mean any portion of a street, between the curb line and the adjacent property line intended for the use of pedestrians.

Signature or subscription includes a mark when the person cannot write.

State. The words "state" or "this state" shall be construed to mean the State of North Carolina, except as otherwise provided.

Street. The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge, and the approaches thereto within the town and shall mean the entire width of the right of way between abutting property lines.

Tenant. The words "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

Time. Words used in the past or present tense include the future as well as the past and present.

Town. The words "the town" or "this town" shall mean the Town of East Spencer, in the County of Rowan in the State of North Carolina, except as otherwise provided.

Writing. The words "writing" and "written" shall include printing and any other mode of representing words and letters.

Year. The word "year" shall mean a calendar year, unless otherwise specified.

Sec. 1-3. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, insofar as they are the same or substantially the same as those of ordinances in effect immediately preceding the effective date of this Code, shall be considered as continuations of such ordinance provisions and not as new enactments.

Sec. 1-4. Catchlines of sections.

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or

taken to be titles of such sections nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

Sec. 1-5. Severability of parts of Code.

It is hereby declared to be the intention of the board of aldermen that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since they would have been enacted by the board of aldermen without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

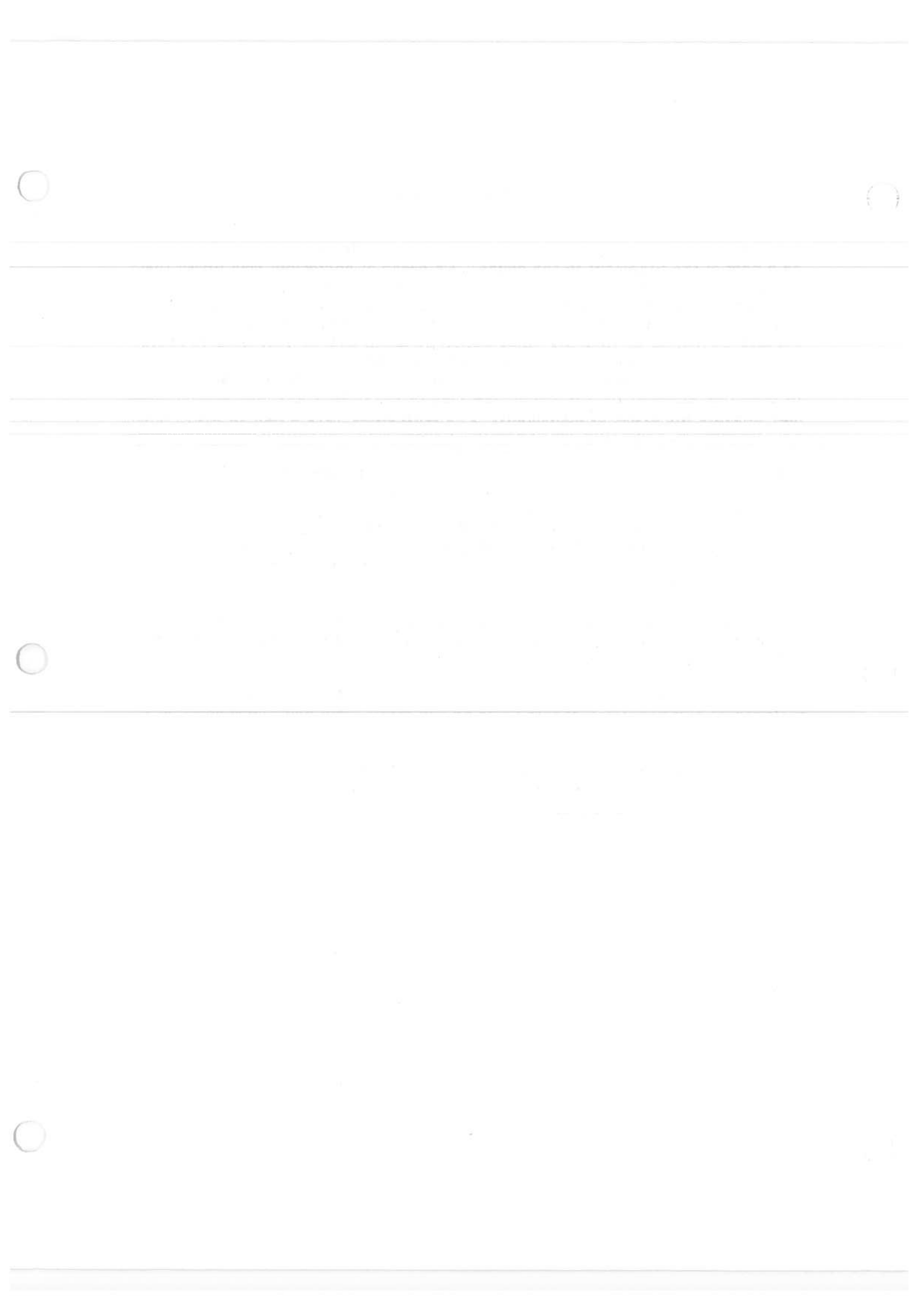
Sec. 1-6. General penalty; enforcement of ordinances; continuing violations.

(a) Unless otherwise specifically provided, violation of any provision of this Code or any other town ordinance shall be a misdemeanor, as provided by section 14-4 of the General Statutes of North Carolina.

(b) Violation of any provision of this Code or any other town ordinance shall subject the offender to a civil penalty to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within a period of time prescribed by the court after he has been cited for such violation.

(c) Any provision of this Code or any other town ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law.

(d) Any provision of this Code or any other town ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the general court of justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the town may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.



In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Code or such ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the town may execute the order of abatement. The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(e) The provisions of this Code and any other town ordinance may be enforced by any one, all or a combination of the remedies authorized and prescribed by this section.

(f) Except as otherwise specifically provided, each day's continuing violation of any provision of this Code or any other town ordinance shall be a separate and distinct offense.

For similar state law, see G.S., § 160A-175.

*As to penalty for violation of town ordinances,
see G.S., § 14-4.*

Sec. 2-3. Access to public records and property.

No person shall remove any record, document, book or other paper belonging to the town, or any other town property, from the office or place where it properly belongs, without authority from the custodian thereof, who may require a receipt therefor, except on written order from the board of aldermen or the mayor or pursuant to a valid subpoena duces tecum. All public records and accounts shall be available to the public for inspection and use during all regular business hours in the offices where maintained.

Article II. Board of Aldermen.

For Charter provisions as to general powers of the town and exercise thereof by board of aldermen, see Char., §§ 1.1 to 1.3. As to composition of the board of aldermen, see Char., § 3.1. As to presiding officer of the board, and mayor's vote in case of tie, see Char., § 3.2. As to duty of board to elect a mayor pro tempore, see Char., § 3.2. As to terms and qualifications of members of the board, and filling vacancies, see Char., § 3.3. As to organization of board, and oaths of office, see Char., § 3.4. As to meetings of the board, see Char., § 3.5. As to quorum of board, and votes required for passage of ordinances and certain resolutions and motions, see Char., § 3.6. As to adoption, amendment, repeal, pleading and proof of ordinances, and entry of ayes and noes in the minutes, see Char., § 3.7. As to election of mayor and aldermen, see Char., § 4.1. As to duty of town clerk to keep journal of proceedings of the board, see Char., § 6.1. As to town officers to be appointed by board of aldermen, see Char., §§ 5.1, 6.1 to 6.5.

For state law as to exercise of corporate powers of town by board of aldermen, see G.S., § 160A-12. As to filling vacancies in elective offices, see G.S., § 160A-62. As to compensation of mayor and aldermen, see G.S., § 160A-64. As to composition of governing body, see G.S., § 160A-66. As to general powers of governing body, see G.S., § 160A-67. As to organization and procedures of board of aldermen, see G.S., § 160A-68 et seq. As to power of board of aldermen to organize town government, see G.S., §

160A-146. As to administration of towns having mayor-council form of government, see G.S., §§ 160A-155 to 160A-159. As to general ordinance making power of board of aldermen, see G.S., § 160A-174. As to requirements and procedures relating to the budget and other fiscal matters, see the Local Government Finance Act, G.S., ch. 159. As to failure of aldermen to raise sufficient revenue for operating expenses, see G.S., § 159-36. As to allowance of claims against the town, see G.S., § 159-25. As to investigative and subpoena powers, see G.S., § 160A-80. As to the conduct of public hearings, see G.S., § 160A-81.

Sec. 2-4. Time and place of regular meetings.

A regular meeting of the board of aldermen shall be held on the first Monday of each month, in the board room of the town hall, to be called to order at 7:30 P.M.; provided, that when the first Monday of any month falls upon a holiday the regular meeting for such month shall be held on the second Monday; and provided further, that if the board room be not available for any meeting the board of aldermen may fix another place within the town for such meeting.

For charter provision as to duty of board of aldermen to fix a suitable time and place for its regular meetings, which shall be held at least once each month, and procedure and requirements governing special meetings, see Char., § 3.5.

For state law as to duty of board of aldermen to fix the time and place for its regular meetings, see G.S., § 160A-71, subsec. (a). As to how special meetings may be called, and what business may be transacted at special meetings, see G.S., § 160A-71, subsec. (b).

Sec. 2-5. Conduct of meetings; preservation of order; appeals from decisions of the chair.

At the hour appointed for the meeting of the board of aldermen, the presiding officer shall take the chair and direct a call of the members by the clerk, who shall take note of the absentees, and, upon the appearance of a quorum the presiding officer shall call the board to order and proceed with the order of business; but if a quorum shall fail to attend, the meeting shall stand adjourned to a time agreed upon by a majority of the members present; pro-

vided, that the members present may direct any police officer of the town to apprehend absentees and bring them to the meeting place forthwith.

The presiding officer shall preserve order and decorum at all times. . He shall decide all questions of order, subject to appeal to the entire board present. On every appeal from his decision, he shall have the right, in his chair, to assign his reasons for his decision, and any member of the board may state the grounds for his appeal, but no other debate shall be allowed on an appeal from the presiding officer's decision.

Sec. 2-6. Order of business at regular meetings; verification of minutes.

At each regular meeting of the board of aldermen the order of business shall be as follows:

(a) Reading the proceedings of the last regular meeting and other special meetings, if any shall have been held.

(b) Correction of the minutes if necessary, and their approval, and when approved the minutes shall be signed by the presiding officer and the clerk.

(c) Consideration of unfinished business appearing upon the minutes from last or any other previous meeting.

(d) Reports from the regular standing committees, in their regular order as named in their appointment.

(e) Reports from any special committees theretofore appointed.

(f) Reading of petitions, memorials and other communications addressed to the mayor and board of aldermen.

(g) Consideration of any new business brought before the board.

Deviations from the foregoing order of business shall be permitted by majority vote of the members present.

Sec. 2-7. Rules governing proceedings.

Parliamentary proceedings of the board of aldermen shall be governed by Robert's Rules of Order, except as may be provided otherwise by state law, the town Charter, this Code or other ordinance or resolution of the board of aldermen.

Sec. 2-8. Agenda for regular meetings.

(a) The town clerk shall prepare a written agenda for each regular meeting of the board of aldermen, in sufficient number of copies for himself, the mayor, each alderman and representatives of the news media who report meetings of the board; and all such copies shall be made available to such persons at the town clerk's office not later than 12: 30 P.M. on the day of the next regular meeting to which they relate.

(b) The mayor and any alderman having any item of business to be considered at a regular meeting of the board of aldermen shall notify the town clerk thereof not later than 4: 00 P.M. on the Friday next preceding the day of the next regular meeting at which he desires such item of business to be considered.

(c) When the Friday next preceding the day of a regular meeting falls upon a holiday, actions required and time limits prescribed by this section for Friday shall apply to the last business day, other than Saturday, preceding the day of the regular meeting.

(d) At each regular meeting of the board of aldermen the presiding officer shall require adherence to the agenda; provided, that the board may, by majority vote of the members present, consider matters not included in the agenda.

Sec. 2-9. Petitions and other written communications to board of aldermen.

Petitions and other written communications to the board of aldermen shall be addressed to the mayor and board of aldermen and shall be filed in the office of the town clerk not later than 2: 00 P.M. on the Friday next preceding the day of the regular meeting at which it is desired that they be considered by the board, in order to be placed on the agenda for the next regular meeting.

Sec. 2-10. Appearance and hearing of nonmembers.

(a) Department heads and other town officers shall attend any meeting of the board of aldermen upon request by the mayor or by the board and, upon recognition by the chair, they shall address the board upon such subjects as may be put to them by the mayor or by any alderman. Department heads and other town officers may, of their own volition, attend any regular meeting of the board of aldermen and request the chair to be recognized to speak on any subject within the scope of their respective offices.

(b) Other nonmembers of the board of aldermen who desire to be heard by the board on subjects of interest to them and which are within the jurisdiction of the board may file with the town clerk a written request for such hearing

CHAPTER 2.

ADMINISTRATION.

Article I. In General.

- § 2-1. Compensation of town personnel; disposition of fees received.
- § 2-2. Official bonds of town officers, employees and agents.
- § 2-3. Access to public records and property.

Article II. Board of Aldermen.

- § 2-4. Time and place of regular meetings.
- § 2-5. Conduct of meetings; preservation of order; appeals from decisions of the chair.
- § 2-6. Order of business at regular meetings; verification of minutes.
- § 2-7. Rules governing proceedings.
- § 2-8. Agenda for regular meetings.
- § 2-9. Petitions and other written communications to board of aldermen.
- § 2-10. Appearance and hearing of nonmembers.

Article III. Planning Board.

- § 2-11. Established; jurisdiction.
- § 2-12. Composition; terms; vacancies.
- § 2-13. Powers and duties.

Article I. In General.

For charter provisions as to incorporation and general powers of town, and the exercise of such powers, see Char., §§ 1.1 to 1.3. As to Official Map and description of boundaries of town, and alteration of boundaries, see Char., §§ 2.1, 2.2. As to town money and fiscal matters, see Char., §§ 7.1, 7.2. As to claims against the town, see Char., § 10.1.

For state law as to cities and towns generally, see G.S., chs. 160A and 160. As to local government finance, see G.S., ch. 159. As to allowance of claims against the town, see G.S., § 159-25.

Sec. 2-1. Compensation of town personnel; disposition of fees received.

Officers, employees and agents of the town shall receive for their services such compensation as may be provided for them in the annual budget or other ordinances or resolutions of the board of aldermen.

Fees paid to officers, employees or agents of the town for services rendered in the course of their official duties shall be turned over by them to the town finance officer as other money belonging to the town.

For state law as to compensation of mayor and aldermen, see G.S., § 160A-64.

Sec. 2-2. Official bonds of town officers, employees and agents.

(a) Every officer, employee or agent of the town who in the course of his official duties receives, handles or has custody of or control over more than one hundred dollars of town funds, negotiable instruments or securities at any time shall, before entering upon his duties as such officer, employee or agent and within ten days of his election or appointment, give bond, payable to the town, with corporate surety, in such amount not less than one thousand dollars as shall be determined by the board of aldermen, and conditioned upon the faithful performance of his duties, to give a true accounting of all town funds, negotiable instruments and securities received or handled by him or coming within his custody or under his control, and payment thereof to the town; provided, that the bond of the town treasurer shall be in the amount of not less than fifteen thousand dollars and the bond of the town tax collector shall be not less than fifteen thousand dollars; and provided further, that during any period when two or more positions are held by the same person, the bond for such person shall be in the amount of not less than the highest amount required for any one of such positions.

(b) The board of aldermen may adopt a system of blanket faithful performance and honesty bonding as an alternative to the individual bonds provided in subsection (a) of this section; provided, that the amounts as specified in subsection (a) for the positions named therein shall remain the same as therein specified.

(c) The premiums on all bonds required by this section shall be paid by the town.

(d) The board of aldermen shall approve all bonds required by this section with respect to their sufficiency; and such bonds shall be in the custody of the town clerk.

For state law as to fidelity bond required of persons handling town money, see G.S., § 160A-65. As to bond required of municipal finance officers, see G.S., § 159-29. As to bond required of municipal tax collectors, see G.S., § 105-349.

under the provisions of section 2-9; provided, that each such request shall state the name, address, occupation and telephone number (if any) of the applicant; the subject requested to be heard, and the applicant's interest in such subject. Requests by corporations, associations and other groups shall be signed by an officer thereof and shall designate by name not more than two persons for whom the privilege of addressing the board of aldermen is desired. No person within the purview of this subsection shall speak until recognized by the chair for such purpose; and if the mayor or any alderman shall object to any person being heard under this subsection the objection shall be put to a vote of the board of aldermen and if the objection is sustained by a majority of the members present the hearing shall not be allowed. Any person addressing the board of aldermen under this subsection shall be subject to such time limit as may be specified by the chair, which may be extended only by majority vote of the members present.

Article III. Planning Board.

For state law as to authority of municipalities and counties relating to planning and regulation of development, see G.S., § 160A-360 et seq.. As to authority of municipalities to create planning agencies, see G.S., § 160A-361.

Sec. 2-11. Established; jurisdiction.

There is hereby established a board to be known as the "East Spencer Planning Board" (referred to in this Code as the "planning board"), whose jurisdiction shall include the town. (7-3-72, § 1.)

Sec. 2-12. Composition; terms; vacancies.

The planning board shall be composed of five members who shall be residents of the town and shall be appointed by the board of aldermen. The planning board members' terms which existed prior to July 3, 1972, shall continue as have been assigned by the board of aldermen. Terms of all members appointed by the board of aldermen shall be for three years; except, that in the case of a vacancy occurring during a term, it shall be filled by the board for the unexpired portion of such term. (7-3-72, § 2.)

Sec. 2-13. Powers and duties.

(a) It shall be the duty of the planning board to prepare plans, and to coordinate the plans of this town and those of other communities so as to bring about a coordinated and harmonious development of the area. The board shall be empowered:

- (1) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in these conditions.
 - (2) To prepare, and from time to time amend and revise, a comprehensive and coordinated plan for the physical development of the area.
 - (3) To establish principles and policies for guiding action in the development of the area.
 - (4) To prepare and recommend ordinances promoting orderly development of the area along the lines indicated in the comprehensive plan.
 - (5) To determine whether specific proposed developments referred to it by governmental or private agencies in the area conform to the principles and requirements of the comprehensive plan for the area and to make recommendations concerning them.
 - (6) To keep the board of aldermen and the general public informed and advised as to these matters.
 - (7) To make any other recommendations which it sees fit for improving the development of the area.
 - (8) To perform any other duties which may lawfully be assigned to it.
- (b) In carrying out such powers and duties, such board may:
- (1) Within the limits of any funds appropriated to it, given to it or otherwise made available to it, appoint such employees and engage such consultants as it may require.
 - (2) Within the limits of funds appropriated to it, given to it or otherwise made available to it, acquire property and materials for its use and incur other necessary expenses.
 - (3) Authorize its agents or employees or members, in performance of their official duties, to enter upon lands and make examinations or surveys and maintain necessary monuments thereon.
 - (4) Perform any of the actions authorized for municipal planning boards by sections 160A-360 through 160A-370 of the General Statutes of North Carolina. (7-3-72, § 3.)

CHAPTER 3.

ANIMALS AND FOWL.

Article I. In General.

- § 3-1. Keeping of swine prohibited.
 § 3-2. Possession or harboring of wild animals.
 § 3-3. Maintenance of stables, pens, coops, etc.; abatement of nuisances.
 § 3-4. Town constitutes bird sanctuary.

Article II. Dogs.

- § 3-5. Definitions.
 § 3-6. Inoculation and wearing of collar or tag required.
 § 3-7. Annual license tax on dogs six months or more of age; when and to whom tax payable; license tag to be worn by dog.
 § 3-8. Dogs as nuisances.
 § 3-9. Limitation on number of dogs kept on premises; procedure to abate maintenance of excessive number of dogs.
 § 3-10. Running at large--Generally.
 § 3-11. Same--Dangerous dogs; females while in heat.
 § 3-12. Impoundment--Authority of police.
 § 3-13. Same--Notice of impoundment; redemption or other disposition of impounded dogs.
 § 3-14. Interfering with impoundment.

Article I. In General.

For state law as to authority of town to regulate, restrict, etc., domestic animals, see G.S., § 160A-186. As to confinement or leashing of vicious animals, see G.S., § 106-381. As to cruelty to animals, see G.S., §§ 14-360 to 14-363. As to disposition of carcasses, see G.S., § 106-403.

Sec. 3-1. Keeping of swine prohibited.

It shall be unlawful for any person to have, keep or maintain a hog pen or hog lot, or to keep or raise one or more hogs or swine within the corporate limits of the town. (9-2-47, § 1.)

Sec. 3-2. Possession or harboring of wild animals.

It shall be unlawful for any person to possess or harbor within the town any wild animal dangerous to person or property or offensive to the senses;

provided, that this section shall not apply to any circus or menagerie duly licensed by the town or by the state.

For state law as to authority of town to prohibit the possession or harboring within the town of wild animals dangerous to persons or property or offensive to the senses, see G.S., § 160A-187.

Sec. 3-3. Maintenance of stables, pens, coops, etc.; abatement of nuisances.

Each stable, pen, coop or other place within the town where any animal or fowl is kept shall be maintained by the keeper at all times in a clean and sanitary condition and free of offensive odors and solid and liquid waste matter. Any place where an animal or fowl is kept which is found to be in violation of this section shall be deemed to be a public nuisance, subject to abatement by the town at the expense of the person responsible therefor or the owner of the property whereon it exists.

For state law as to authority of town to abate public health nuisances at expense of persons in default, and liens created on property in default, see G.S., § 160A-193.

Sec. 3-4. Town constitutes bird sanctuary.

The entire area of the town is hereby created and established as a bird sanctuary, as to all birds protected by the state wildlife resources commission or otherwise by state law; and it shall be unlawful for any person to hunt; trap, kill or otherwise take any protected bird within the town limits except pursuant to a permit issued under section 113-87 of the General Statutes of North Carolina.

For state law as to authority of town to enact this section, see G.S. § 160A-188.

Article II. Dogs.

For state law as to dogs generally, see G.S., § 67-1 et seq. As to rabies control, see G.S., § 106-364 et seq. As to authority of town to regulate, restrict or prohibit the keeping and running at large of domestic animals, including dogs and cats, see G.S., § 160A-186.

Sec. 3-5. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

At large. The term "at large" shall mean off the premises of the owner, and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.

Dog. The word "dog" shall include both male and female.

Owner. The word "owner" shall mean any person keeping or harboring a dog. (3-5-73, § 1.)

As to definitions applicable throughout this code, see § 1-2 of this Code.

Sec. 3-6. Inoculation and wearing of collar or tag required.

Every dog six months or more of age kept in the town shall be currently inoculated against hydrophobia under supervision of the Rowan County health department and shall wear a tag or collar giving the inoculation registration number. (3-5-73, § 1.)

Sec. 3-7. Annual license tax on dogs six months or more of age; when and to whom tax payable; license tag to be worn by dog.

(a) Upon every dog, six months or more of age, which may be in the town on the first day of July of any year, or which may be brought into the town at any other time to be kept therein, a license fee of one dollar shall become immediately due and payable to the town. Upon each dog, which shall become six months of age, the license fee herein prescribed shall become due and payable by the owner of the dog.

(b) The fee prescribed by subsection (a) of this section shall be paid to the town tax collector. Each fee becoming due and payable on the first day of July of any year shall be paid before the first day of July of such year. Each fee becoming due and payable on some other date than the first day of July of any year shall be paid within thirty days after such fee becomes due. For each dog for which the proper license fee is paid, the town collector shall issue a suitable license tag, showing the serial number, and shall keep a proper record of the name of the owner. The owner shall cause such tag to be worn at all times by the dog. (3-5-71, § 1.)

For state law as to authority of town to levy annual license tax on the privilege of keeping any domestic animal, including dogs and cats, see G.S., § 160A-212.

Sec. 3-8. Dogs as nuisances.

It shall be unlawful for any person to keep or maintain on any premises or lot any dog that, through loud and habitual barking, or in any other manner, constitutes a neighborhood or public nuisance. Failure to abate such nuisance after warning from the chief of police or his authorized representative shall be unlawful and punishable as provided in section 1-6. (3-5-73, § 2.)

Sec. 3-9. Limitation on number of dogs kept on premises; procedure to abate maintenance of excessive number of dogs.

(a) It shall be unlawful for any person to keep or maintain more than two dogs on any lot or parcel of land having less than seven thousand square feet, and an additional two thousand square feet shall be required for each additional dog more than two; provided, that this limitation shall not apply to dogs which are less than six months of age.

(b) Upon written or oral complaint being made to the police department by a person specifying the location where more than the limited number of dogs are being kept, the police department or authorized agents thereof shall investigate and, if it is determined that subsection (a) of this section is being violated, the police department or authorized agents thereof shall notify the person responsible for keeping such dogs and, upon such notice from the police department or authorized agents thereof, the responsible person shall remove from the premises the number of dogs in excess of the limited number which are prohibited by subsection (a) of this section within seventy-two hours from the time of notification. (3-5-73, § 3.)

Sec. 3-10. Running at large--Generally.

It shall be unlawful for a person owning or having the custody of any dog wilfully to permit or allow such dog to run at large in the town except upon a leash in the hands of a person accompanying such dog; provided, it shall not be unlawful for a dog to be on the premises of a person other than the owner or custodian of such dog if the owner of the premises does not object thereto. Any dog found running at large, with or without the consent or knowledge of its owner or custodian, may be impounded as provided in this article. (3-5-73, § 4.)

Sec. 3-11. Same--Dangerous dogs; females while in heat.

No dog of dangerous or vicious propensities and no female dog in heat shall be allowed to run at large or upon the premises of anyone other than the owner. If any such dog is found running at large, in violation of this provision, such dog may be impounded as hereinafter provided. (3-5-73, § 5.)

For state law as to confinement or leashing of vicious animals, see G.S., § 106-381.

Sec. 3-12. Impoundment--Authority of police.

It shall be the duty of the chief of police or his authorized agent to impound any dog that is running at large in violation of this article, and the chief of police and his agents are hereby authorized, upon compliance with all applicable provisions of law, to enter upon the premises of any owner to make any arrests necessary to implement the provisions of this article. The chief of police or his authorized agent, upon receiving such dog, shall make a complete registry entering the breed, color and sex of such dog. (3-5-73, § 6.)

For constitutional provisions relating to search warrants, see Const. U.S., Amendment IV, and Const. N.C., art. 1, § 20. As to general state law relating to search warrants, see G.S., § 15-25 et seq. As to authority of district courts to issue search warrants, see G.S., § 7A-291.

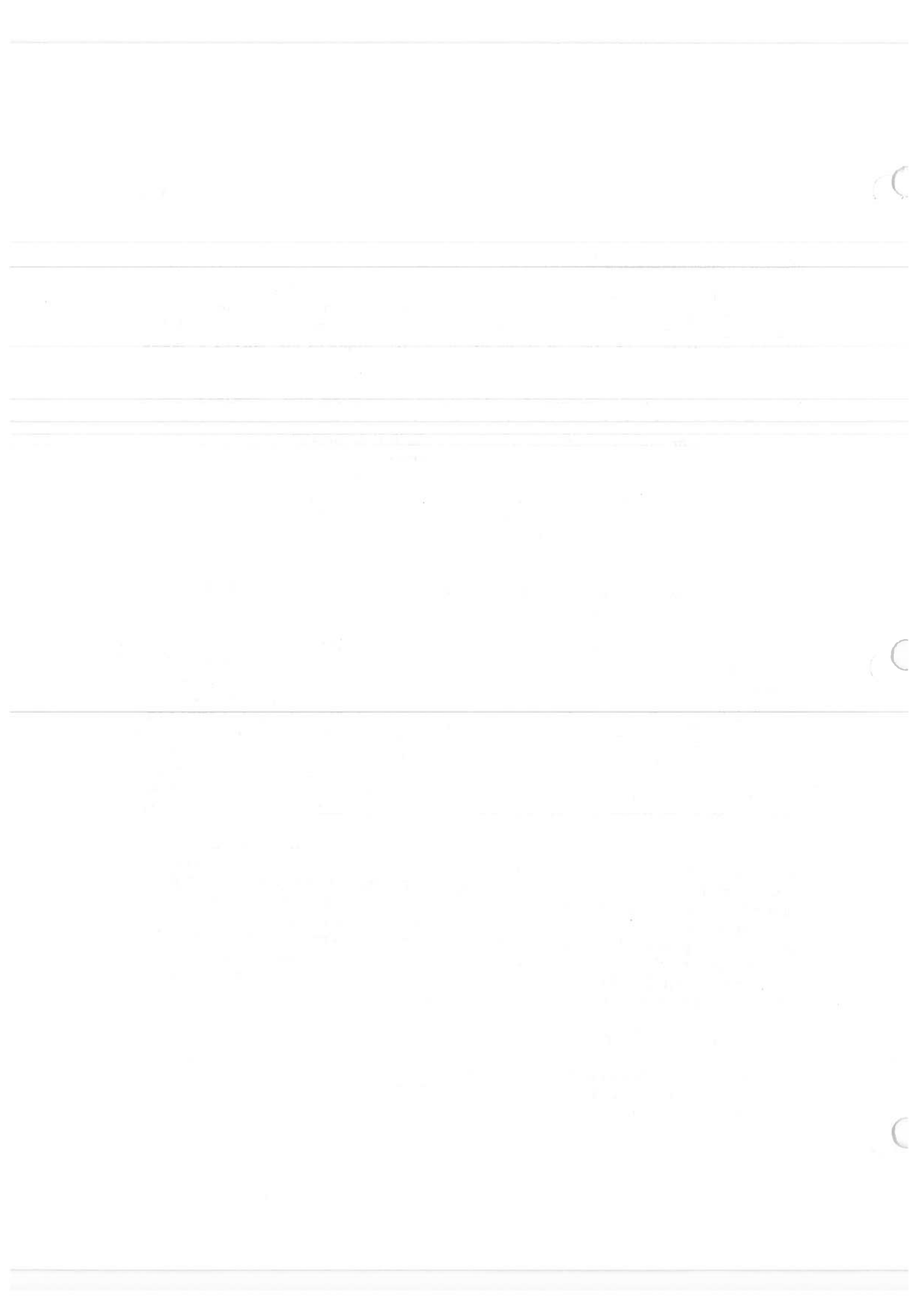
Sec. 3-13. Same--Notice of impoundment; redemption or other disposition of impounded dogs.

(a) Not later than two days after the impounding of any dog, the owner shall be notified, or if the owner of the dog is unknown, written notice shall be posted for two days at three or more conspicuous places in the town, and describing the dog and the place and time of taking. The owner of any dog so impounded may reclaim such dog upon payment of all costs and charges incurred by the town for impounding of said dogs as follows: For impounding any dog, two dollars; and the owner must, in addition, submit proof that the dog has been vaccinated with anti-rabies vaccine and has paid the prescribed license fee, plus a five dollar penalty; provided, that if any dog is impounded for three or more times within one year, then the penalty shall be ten dollars.

(b) In the event no owner shall appear within two days after notice has been given as provided in subsection (a) of this section, or if such owner, on appearing, shall refuse, fail or neglect to pay all the sums herein prescribed, then it shall be the duty of the chief of police or his agent to have such dog humanely destroyed, delivered to a proper institution or hospital for scientific purposes, delivered to the Rowan County chapter of the society for the prevention of cruelty to animals, if requested, or request the proper agency of Rowan County to impound and keep such dog, or otherwise dispose of such dog as by law provided. (3-5-73, § 6.)

Sec. 3-14. Interfering with impoundment.

It shall be unlawful for any person to interfere with the catching or impounding of any dog as herein authorized or to release or attempt to release any dog from impoundment. (3-5-73, § 7.)



Buildings

CHAPTER 4.

BUILDINGS.

For state law as to municipal building inspection, permits, certificates, stop-work orders, etc., see G. S., § 160A-411 et seq. As to fire escapes and fire doors, see G.S., §§ 69-8 to 69-13. As to safety provisions for hotels, see G.S., §§ 69-26 to 69-38.

As to the Fire Prevention Code, see § 6-12 et seq., of this Code.

Article I. In General.

- § 4-1. Building inspection department and inspectors generally.
- § 4-2. Specific duties of chief building inspector.
- § 4-3. North Carolina State Building Code adopted and to be maintained on file for public inspection and use.
- § 4-4. North Carolina Uniform Residential Building Code adopted; filing, maintenance and availability of state Uniform Residential Building Code.
- § 4-5. Fire limits.
- § 4-6. Permit and inspection fees.
- § 4-7. Violations and penalties.

Article II. Minimum Housing Standards.

- § 4-8. Finding; purpose.
- § 4-9. Definitions.
- § 4-10. Minimum standards of fitness for dwellings and dwelling units.
- § 4-11. Minimum standards for structural condition.
- § 4-12. Minimum standards for basic equipment and facilities.
- § 4-13. Minimum standards for ventilation.
- § 4-14. Minimum standards for space, use, location.
- § 4-15. Minimum standards for safe and sanitary maintenance.
- § 4-16. Minimum standards for control of insects, rodents, and infestations.
- § 4-17. Minimum standards applicable to rooming houses; exceptions.
- § 4-18. Responsibilities of owners and occupants.
- § 4-19. Duties of building inspector.
- § 4-20. Powers of building inspector.
- § 4-21. Inspections; duty of owners and occupants.
- § 4-22. Procedure for enforcement.
- § 4-23. Methods of service of complaints and orders.
- § 4-24. In rem action by inspector; placarding.
- § 4-25. Costs, a lien on premises.
- § 4-26. Alternative remedies.
- § 4-27. Zoning board of adjustment to hear appeals.

§ 4-28. Conflict with other provisions.

§ 4-29. Violations; penalty.

Article I. In General.

Sec. 4-1. Building inspection department and inspectors generally.

(a) The building inspection department is hereby created, the head of which shall be the chief building inspector.

(b) The chief building inspector shall be a person having knowledge of building construction techniques and thoroughly competent to perform duties prescribed for his office by this Code and the duties prescribed for inspectors under the provisions of section 160A-412 of the General Statutes of North Carolina.

(c) The board of aldermen may appoint such other inspectors within the building inspection department as may be deemed necessary for the proper administration and enforcement of regulations governing plumbing, electrical wiring and apparatus, and other specialized subjects which are included in the North Carolina State Building Code and similar state codes, statutes and regulations. All inspectors appointed under the provisions of this subsection shall be under the direct supervision and control of the chief building inspector.

(d) The building inspection department shall, within this town, have the powers, responsibilities and duties prescribed for municipal inspection departments in part 5, article 19 of chapter 160A (sections 160A-411 to 160A-440) of the General Statutes of North Carolina and as prescribed for municipal inspection officers in the North Carolina State Building Code and in similar state codes and statutes and rules and regulations promulgated pursuant to authority thereof. (7-3-72, § 1.)

For state law as to authority of town to create this department, see G.S., § 160A-411.

Sec. 4-2. Specific duties of chief building inspector.

(a) Within the corporate limits of the town the chief building inspector shall enforce state and local laws relating to:

(1) The construction of buildings and other structures.

(2) The installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems and air conditioning systems.

(3) The maintenance of buildings and other structures in a safe, sanitary and healthful condition.

(4) Other matters as may be specified by the board of aldermen.

(b) The building inspector shall receive applications for permits; issue or deny permits; make any necessary inspections; issue or deny certificates of compliance; issue orders to correct violations; make recommendations to the town attorney concerning the bringing of judicial actions against actual or threatened violations; keep adequate records; and take any other actions that may be required in order to adequately enforce the provisions of this chapter and the North Carolina State Building Code within the town. (7-3-72, § 2.)

Sec. 4-3. North Carolina State Building Code adopted and to be maintained on file for public inspection and use.

(a) The board of aldermen hereby adopts the North Carolina State Building Code in its entirety, and the provisions thereof are hereby incorporated in and make a part of this section as fully as though they were set out at length herein.

(b) The town clerk and the chief building inspector shall maintain in their respective offices at all times when currently in effect each volume of, and supplement and amendment to, the North Carolina State Building Code; and the town clerk shall procure from the state building code council, as promulgated by that council from time to time, two copies of each new volume of and supplement and amendment to the North Carolina State Building Code and provide one copy of each thereof to the chief building inspector and retain the other copies for his own file; and the North Carolina State Building Code, as currently in effect, shall be on file in the offices of the town clerk and the chief building inspector for inspection and use by the public during all regular business hours.

For state law as to applicability of North Carolina State Building Code throughout the state, see G.S., § 143-138, subsec. (e). As to violations of North Carolina State Building Code, see G.S., § 143-138, subsec. (h). As to duty of state building code council to distribute one copy of North Carolina State Building Code and one copy of each amendment thereto, at state expense, to each municipal clerk, see G.S., § 143-138, subsec. (g).

Sec. 4-4. North Carolina Uniform Residential Building Code adopted; filing, maintenance and availability of state Uniform Residential Building Code.

(a) The board of aldermen hereby adopts the North Carolina Uniform Residential Building Code in its entirety, and the provisions thereof are hereby incorporated in and made a part of this section as fully as though they were set out at length herein.

(b) The provisions of section 4-3 shall apply to the procurement, filing, maintenance and availability to the public of copies of new editions of, and supplements and amendments to, the North Carolina Uniform Residential Building Code.

Sec. 4-5. Fire limits.

The fire limits shall be as shown on the official map of the town which is on file in the office of the town clerk.

For state law as to duty of board of aldermen to establish fire limits, see G.S., §§ 160A-435, 160A-438. As to building restrictions within fire limits, see G.S., §§ 160A-436, 160A-437.

Sec. 4-6. Permit and inspection fees.

The fees payable to the town for permits and inspections authorized by the North Carolina State Building Code and by the North Carolina Uniform Residential Building Code shall be as established from time to time by the board of aldermen and placed on file in the office of the town clerk.

Sec. 4-7. Violations and penalties.

Any person who shall violate or fail to comply with any provision of this chapter, include the North Carolina State Building Code and the North Carolina Uniform Residential Building Code which are incorporated in and made a part of this chapter, shall, upon conviction, be punished as provided in section 1-6.

Article II. Minimum Housing Standards.

Sec. 4-8. Finding; purpose.

Pursuant to the General Statutes 160A-441, it is hereby found and declared that there exist in the town dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe or unsanitary, and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the town.

In order to protect the health, safety and welfare of the residents of the town as authorized by Part 6 of Article 19, Chapter 160A of the General Statutes, it is the purpose of this ordinance to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by the General Statutes 160A-444. (9-17-74, § 1.)

Sec. 4-9. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Basement. A portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

Cellar. A portion of a building located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

Deteriorated. Unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this article, at a cost not in excess of fifty percent of its value, as determined by finding of the inspector.

Dilapidated. Unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this article at a cost not in excess of fifty percent of its value, as determined by finding of the inspector.

Dwelling. Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided, that temporary housing as hereinafter defined shall not be regarded as a dwelling.

Dwelling unit. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Extermination. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the inspector.

Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.

Infestation. The presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or to the public.

Inspector. A building inspector of the town or any agent of the inspector who is authorized by the inspector.

Multiple dwelling. Any dwelling containing more than two dwelling units.

Occupant. Any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

Operator. Any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

Owner. Any person who alone, or jointly, or severally with others:

(a) Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(b) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he were owner.

Plumbing. All of the following supplied facilities and equipment: Gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinder), waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catchbasins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Public authority. The town housing authority or any officer who is in charge of any department or branch of the government of the town or of the county or the state relating to health, fire, building regulations or other activities concerning dwellings in the town.

Rooming house. Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father or sister or brother of the owner or operator.

Rooming unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish. Combustible and noncombustible waste materials, except garbage and ashes, and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

Supplied. Paid for, furnished, or provided by, or under the control of, the owner or operator.

Temporary housing. Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty consecutive days.

Unfit for human habitation. That conditions exist in a dwelling which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this article.

Meaning of certain words. Whenever the words "dwelling, dwelling unit, rooming house, rooming unit, premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof." (9-17-74, § 2.)

Sec. 4-10. Minimum standards of fitness for dwellings and dwelling units.

Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of sections 4-11 to 4-16 of this article. No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of sections 4-11 to 4-16 of this article. (9-17-74, § 3.)

Sec. 4-11. Minimum standards for structural condition. ✓

(a) Walls or partitions or supporting members, sills, joints, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.

(b) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(c) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.

(d) Steps, stairs, landings, porches, or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.

(e) Adequate facilities for egress in case of fire or panic shall be provided.

(f) Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials, which will, by use of reasonable household methods promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

(g) The roof, flashings, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather and watertight.

(h) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.

(i) There shall be no use of the ground for floors, or wood floors on the ground. (9-17-74, § 4.)

Sec. 4-12. Minimum standards for basic equipment and facilities.

(a) Plumbing system.

(1) Each dwelling unit shall be connected to a potable water supply and to the public sewer or other approved sewage disposal system.

(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(3) All plumbing fixtures shall meet the standards of the Town Plumbing Code and shall be maintained in a state of good repair and in good working order.

(4) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(b) Heating system. Every dwelling and dwelling unit shall have facilities for providing heat in accordance with either (1) or (2) below.

(1) Central and electric heating systems. Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of seventy degrees Fahrenheit measured at a point three feet above the floor during ordinary winter conditions.

(2) Other heating facilities. Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents whereby heating appliances may be connected so as to heat all habitable rooms with a minimum temperature of seventy degrees Fahrenheit measured three feet above the floor during ordinary winter conditions.

(c) Electrical system.

(1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles, connected in such manner as determined by the Town Electric Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one supplied ceiling, or wall-type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three floor or wall-type electric convenience receptacles.

(2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

(3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the Town Electrical Code. (9-17-74, § 5.)

Sec. 4-13. Minimum standards for ventilation.

(a) General. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstructing structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent of the total floor area of such room.

(b) Habitable rooms. Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least forty-five percent of the minimum window area size or minimum skylight-type window size as required, or shall have other approved, equivalent ventilation.

(c) Bathroom and water closet rooms. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system. (9-17-74, § 6.)

Sec. 4-14. Minimum standards for space, use, and location.

(a) Room sizes. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the Town Residential Building Code.

Every dwelling unit shall contain at least one hundred and fifty square feet of habitable floor area for the first occupant, at least one hundred square feet of additional habitable area for each of the next three occupants, and at least seventy-five square feet of additional habitable floor area for each additional occupant.

In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty square feet of floor area for each occupant twelve years of age and over and at least thirty-five square feet of floor area for each occupant under twelve years of age.

(b) Ceiling height. At least one half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches.

(c) Floor area calculation. Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than ten percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one half feet shall not be considered as part of the floor area computing the total area of the room to determine maximum permissible occupancy.

(d) Cellar. No cellar shall be used for living purposes.

(e) Basements. No basement shall be used for living purposes unless:

- (1) The floor and walls are substantially watertight;
- (2) The total window area, total openable window area, and ceiling height are equal to those required for habitable rooms;
- (3) The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well, or accessway. (9-17-74, § 7.)

Sec. 4-15. Minimum standards for safe and sanitary maintenance.

(a) Exterior foundation, walls, and roofs. Every foundation wall, exterior wall, and exterior roof shall be substantially weathertight and rodent proof, shall be kept in sound condition and good repair, shall be capable of affording privacy, shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

(b) Interior floor, walls, and ceilings. Every floor, interior wall, and ceiling shall be substantially rodent proof, shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(c) Windows and doors. Every window, exterior door, basement or cellar door, and hatchway shall be substantially weathertight, watertight, and rodent proof, and shall be kept in sound working condition and good repair.

(d) Stairs, porches, and appurtenances. Every inside and outside stair, porch, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

(e) Bathroom floors. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(f) Supplied facilities. Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

(g) Drainage. Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

(h) Noxious weeds. Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.

(i) Egress. Every dwelling unit shall be provided with adequate means of egress as required by the Town Building Code. (9-17-74, § 8.)

Sec. 4-16. Minimum standards for control of insects, rodents, and infestations.

(a) Screens. In every dwelling unit, for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied and installed screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens installed.

(b) Rodent control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.

(c) Infestation. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodentproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(d) Rubbish storage and disposal. Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by town ordinances, and the owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

(e) Garbage storage and disposal. Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an incinerator unit, to be approved by the inspector, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can as required by town ordinances. (9-17-74, § 9.)

Sec. 4-17. Minimum standards applicable to rooming houses; exceptions.

All of the provisions of this article and all of the minimum standards and requirements of this article shall be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following subsections:

(a) Water closet, hand lavatory, and bath facilities. At least one water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house wherever such facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

(b) Minimum floor area for sleeping purposes. Every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty square feet of floor area for each occupant twelve years of age and over and at least thirty-five square feet of floor area for each occupant under twelve years of age.

(c) Sanitary conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house, and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

(d) Sanitary facilities. Every water closet, flush urinal, lavatory basin, and bathtub or shower required by subsection (a) of this section shall be located within the rooming house and within a room or rooms which afford privacy and are separate from the habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein. (9-17-74, § 10.)

Sec. 4-18. Responsibilities of owners and occupants.

(a) Public areas. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(b) Cleanliness. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

(c) Rubbish and garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases the owner shall be responsible for the availability of rubbish and garbage storage facilities.

(d) Supplied plumbing fixtures. Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.

(e) Care of facilities, equipment and structure. No occupant shall willfully destroy, deface, or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit. (9-17-74, § 11.)

Sec. 4-19. Duties of building inspector

The building inspector is hereby designated as the officer to enforce the provisions of this article and to exercise the duties and powers herein prescribed. It shall be the duty of the building inspector:

(a) To investigate the dwelling conditions, and to inspect dwellings and dwelling units, located in the town, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this article with respect to such dwellings and dwelling units;

(b) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;

(c) To keep a record of the results of inspections made under this article and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed; and

(d) To perform such other duties as may be herein prescribed. (9-17-74, § 12.)

Sec. 4-20. Powers of building inspector

The building inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article including the following powers in addition to others herein granted:

(a) To investigate the dwelling conditions in the town in order to determine which dwellings therein are unfit for human habitation;

(b) To administer oaths and affirmations, examine witnesses and receive evidence;

(c) To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession; and

(d) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this article. (9-17-74, § 13.)

Sec. 4-21. Inspections; duty of owners and occupants.

For the purpose of making inspections, the inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit, or rooming unit, or the person in charge thereof, shall give the inspector free access to such dwelling, dwelling unit, or rooming unit, and its premises at all reasonable times for the purposes of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article. (9-17-74, § 14.)

Sec. 4-22. Procedure for enforcement.

(a) Preliminary investigation; notice; hearing. Whenever a petition is filed with the inspector by a public authority or by at least five residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the inspector, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the inspector at a place therein fixed, not less than ten nor more than thirty days after the serving of such complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the inspector.

(b) Procedure after hearing. After such notice and hearing, the inspector shall state in writing his determination whether such dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

If the inspector determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this article within a specified period of time, not to exceed ninety days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations, and improvements have been made.

If the inspector determines that the dwelling is dilapidated, he shall state in writing his findings of fact to support such determination and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this article or else vacate and remove or demolish the same within a specified period of time not to exceed ninety days.

(c) Failure to comply with order.

(1) In personam remedy. If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the inspector to repair, alter, or improve the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the inspector to vacate and close, and remove or demolish the same within the time specified therein, the inspector shall submit to the board of aldermen at its next regular meeting a resolution directing the town attorney to petition the superior court for an order directing such owner to comply with the order of the inspector, as authorized by the General Statutes, 160A-446(g).

(2) In rem remedy. After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding paragraph (1), the inspector shall submit to the board of aldermen an ordinance ordering the inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, or vacated and closed and removed or demolished, as provided in the original order of the inspector, and pending such removal or demolition, to placard such dwelling as provided by the General Statutes, 160A-443 and section 4-24 of this article.

(d) Appeals from orders of inspector. An appeal from any decision or order of the inspector may be taken by any person aggrieved thereby.

Any appeal from the inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the inspector and with the zoning board of adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the inspector shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made.

When an appeal is from a decision of the inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board, unless the inspector certifies to the board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the inspector, by the board, or by a court of record upon petition made pursuant to the General Statutes, 160A-446 (f) and subsection (e) of this section.

The board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the inspector, but the concurring vote of four members of the board shall be necessary to reverse or modify any decision or order of the inspector.

The board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this article, to adapt the application of this article to the necessities of the case to the end that the spirit of this article shall be observed, public safety and welfare secured, and substantial justice done.

Every decision of the board shall be subject to review by proceedings in the nature of certiorari instituted within fifteen days of the decision of the board, but not otherwise.

(e) Petition to superior court by owner. Any person aggrieved by an order issued by the inspector or a decision rendered by the board shall have the right, within thirty days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the inspector pending a final disposition of the cause, as provided by the General Statutes, 160A-446(f). (9-17-74, § 15.)

Sec. 4-23. Methods of service of complaints and orders.

Complaints or orders issued by the inspector shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the inspector in the exercise of reasonable diligence, the inspector shall make an affidavit to that effect. The serving of such complaint or order upon such person may be made by publishing the same once each week for two successive weeks in a newspaper circulating in the town. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order. (9-17-74, § 16.)

Sec. 4-24. In rem action by inspector; placarding.

After failure of an owner of a dwelling or dwelling unit to comply with an order of the inspector issued pursuant to the provisions of this article, and upon adoption by the board of aldermen of an ordinance authorizing and directing him to do so, as provided by the General Statutes, 160A 443(5) and section 4-22(c) of this article, the inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by this article, or to be vacated and closed and removed or demolished, as directed by the ordinance of the board of aldermen and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful". Occupation of a building so posted shall constitute a misdemeanor.

Each such ordinance shall be recorded in the office of the register of deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by the General Statutes, 160A-443(5). (9-17-74, § 17.)

Sec. 4-25. Costs, a lien on premises.

As provided by the General Statutes, 160A-446(6), the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the inspector pursuant to section 4-24 of this article shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by Article 10, Chapter 160A of the General Statutes. (9-17-74, § 18.)

Sec. 4-26. Alternative remedies.

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise or to enforce this article by criminal process as authorized by the General Statutes, 14-4 and section 4-28 of this article, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. (9-17-74, § 19.)

Sec. 4-27. Zoning board of adjustment to hear appeals.

All appeals which may be taken from decisions or orders of the inspector pursuant to section 4-22(d) of this article shall be heard and determined by the zoning board of adjustment. As the appeals body, the board shall have power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties. The board shall perform the duties prescribed by section 4-22(d) and shall keep an accurate journal of all its proceedings. (9-17-74, § 20.)

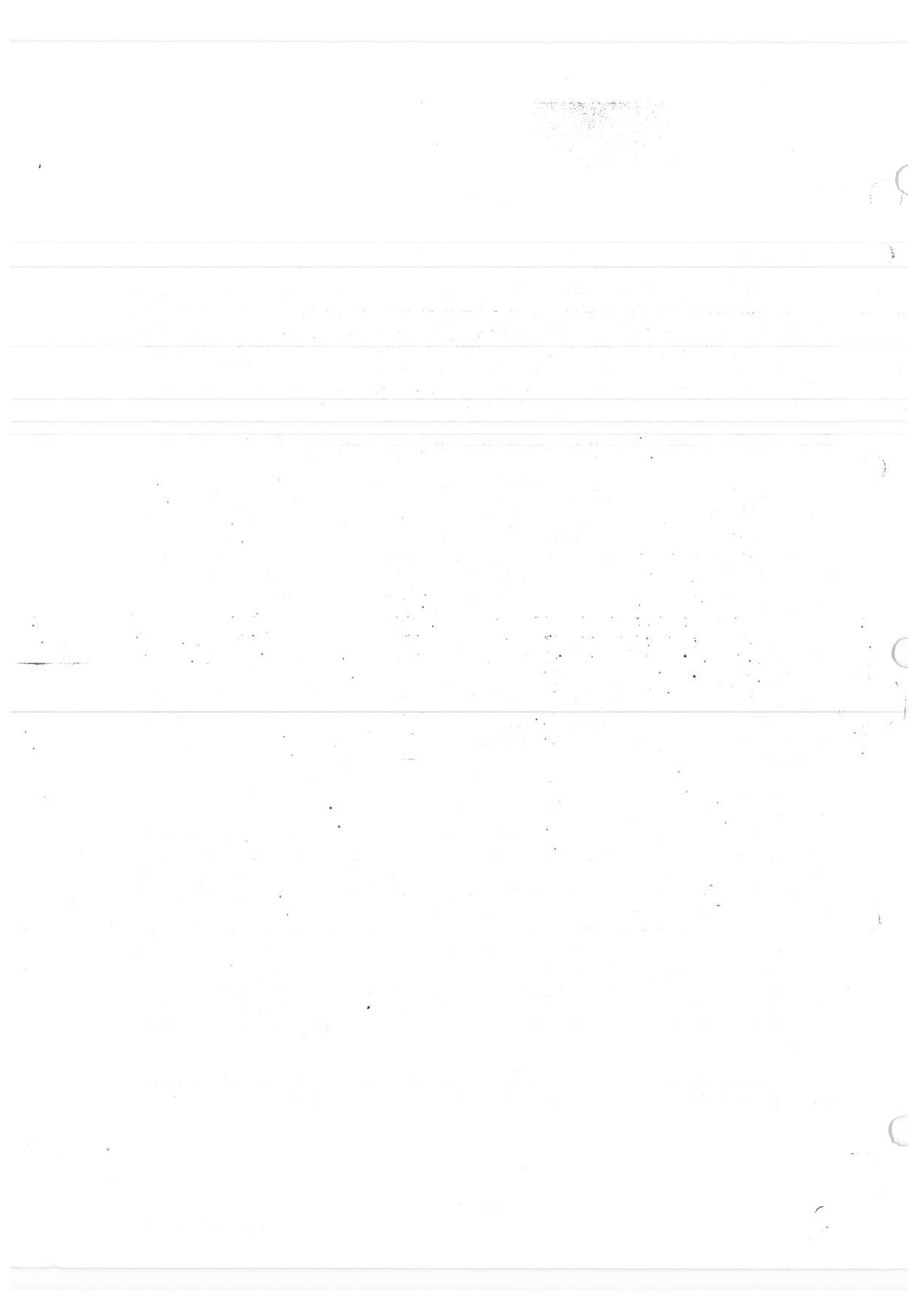
Sec. 4-28. Conflict with other provisions.

In the event any provision, standard, or requirement of this article is found to be in conflict with any provision of any other ordinance or code of the town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the town shall prevail. (9-17-74, § 21.)

Sec. 4-29. Violations; penalty.

It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the inspector duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 4-22 of this article, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

The violation of any provision of this article shall constitute a misdemeanor, as provided by the General Statutes, 14-4. (9-17-74, § 22.)



CHAPTER 5.

CIVIL EMERGENCIES.

For state law as to authority of municipalities to enact ordinances to deal with states of emergency, see G.S., § 14-288.12. For state law applicable to riots and disorders, see G.S., §§ 14-288.1 to 14-288.19.

- § 5-1. When state of emergency deemed to exist.
- § 5-2. Proclamation by mayor, and restrictions authorized to be imposed thereby.
- § 5-3. Limitations and exemptions authorized in proclamation.
- § 5-4. Extension, amendment and repeal of proclamation.
- § 5-5. Authority to request state police and military forces; when proclamation of martial law may be recommended to governor.
- § 5-6. Required compliance with proclamation.
- § 5-7. Termination of restrictions, and of emergency.

Sec. 5-1. When state of emergency deemed to exist.

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

Sec. 5-2. Proclamation by mayor, and restrictions authorized to be imposed thereby.

(a) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the town, or threatening damage to or destruction of property, the mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the town, to place in effect any or all of the restrictions hereinafter authorized in subsection (b) of this section.

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

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

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

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

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

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

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

(7) Prohibit or regulate, by what is commonly called a curfew, persons being upon any or all streets, sidewalks, public places and vacant lots within the town during such periods of the day or night, or both day and night, as he may specify.

Sec. 5-3. Limitations and exemptions authorized in proclamation.

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

Sec. 5-4. Extension, amendment and repeal of proclamation.

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

Sec. 5-5. Authority to request state police and military forces; when proclamation of martial law may be recommended to governor.

If, in the sound discretion of the mayor, it shall appear that the emergency is, or that the threatened emergency is likely to be, of such proportions

that the means available to the town to maintain law and order are insufficient for such purpose, the mayor shall, promptly and by the most expeditious means of communication, inform the governor of the situation and request that such necessary police or military forces of the state be provided promptly; and if, during an actual state of emergency, the mayor shall find that the civil courts having jurisdiction within the town are unable to perform their lawful duties and that, by reason of widespread lawlessness, writs and other process cannot be served or executed in the town, the mayor shall inform the governor of his findings and may recommend to him that a state of martial law be proclaimed to exist within the town.

Sec. 5-6. Required compliance with proclamation.

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

Sec. 5-7. Termination of restrictions, and of emergency.

The mayor shall proclaim the end of such state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the board of aldermen.

CHAPTER 6.

FIRE PROTECTION.

Article I. In General.

- § 6-1. Required obedience to firemen and police at scene of fire; arrests.
 §§ 6-2 to 6-11. Reserved for future legislation.

Article II. Fire Prevention Code.

- § 6-12. Adopted; purposes; where filed; short title.
 § 6-13. "Municipality" defined.
 § 6-14. Establishment of limits of districts in which storage of explosives and blasting agents, storage of flammable liquids in outside aboveground tanks, and bulk storage of liquefied petroleum gases to be restricted.
 § 6-15. Purpose and duration of permits; permit and inspection fees.
 § 6-16. Administration and enforcement.
 § 6-17. Modifications.
 § 6-18. Appeals from decisions of chief of fire department.
 § 6-19. Updating procedure.
 § 6-20. Penalties.
 § 6-21. Conflicts of law.

Article I. In General.

For state law as to investigation of fires, inspection of premises and removal of fire hazards therefrom, see G.S., § 69-1 et seq., and, see also, G.S., § 160A-411 et seq. As to authority of town to regulate or prohibit the storage, use, etc., of explosives or flammable substances, see G.S., § 160A-183. As to the regulation of fireworks, see G.S., § 14-410 et seq.

Sec. 6-1. Required obedience to firemen and police at scene of fire; arrests.

- (a) Every person present at the scene of a fire shall obey all lawful orders of firemen and police officers in any matter relating to extinguishing the fire, removal and protection of persons and property endangered by fire, smoke or water, freedom of fire department personnel and apparatus to perform their duties or to function properly, or the maintenance of order at or near the scene of the fire, and it shall be unlawful for any person to disobey any such order of a fireman or police officer.

(b) Firemen and police officers at the scene of any fire shall have authority to arrest any person wilfully disobeying any such lawful order and to hold the violator in custody until the fire has been extinguished, at which time he shall be dealt with according to law.

Secs. 6-2 to 6-11. Reserved for future legislation.

Article II. Fire Prevention Code.

For state law as to fire escapes, see G.S., §§ 69-8 to 69-13. As to safety provisions for hotels, see G.S., §§ 69-26 to 69-38. As to authority of town to regulate or prohibit the storage, use, etc., of explosives and flammable substances, see G.S., § 160A-183.

As to adoption by town of the North Carolina State Building Code, see § 4-3 of this Code. As to adoption by the town of North Carolina Uniform Residential Building Code, see § 4-4. As to the fire limits within the town, see § 4-5.

Sec. 6-12. Adopted; purposes; where filed; short title.

There is hereby adopted, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the American Insurance Association, being particularly the 1970 edition thereof, and the whole thereof, save and except article 16 (sections 160 to 169.2 inclusive) thereof, the provisions of which are contained in Article I of this chapter, of which code not less than one copy is now and shall remain on file in the office of the town clerk, and such code is hereby adopted and incorporated in this article as fully as if set out at length herein, and the provisions thereof shall be controlling within the limits of the town. The code adopted by this section shall be known and may be cited as the Fire Prevention Code.

Sec. 6-13. "Municipality" defined.

Wherever the word "municipality" is used in the Fire Prevention Code, it shall be construed to mean the Town of East Spencer.

Sec. 6-14. Establishment of limits of districts in which storage of explosives and blasting agents, storage of flammable liquids in outside aboveground tanks, and bulk storage of liquefied petroleum gases to be restricted.

The limits referred to in section 53b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited; the limits referred to in

section 74a of such Code, in which storage of class I liquids in outside above-ground tanks is prohibited; and the limits referred to in section 114 of such Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established to coincide with the heavy industrial districts as established by the zoning regulations of the town.

Sec. 6-15. Purpose and duration of permits; permit and inspection fees.

(a) Permits covered by section 17 of the Fire Prevention Code and required in various articles thereof are for the purpose of giving the board of aldermen, through the chief of the fire department, more effective control over hazardous conditions regulated by the Code. Each such permit shall be for not more than one year, subject to renewal thereof; provided, that where a town license is required periodically, in addition to a permit, then such permit may be for an indefinite period.

(b) The board of aldermen may, by resolution, adopt a schedule of fees for permits and inspections required by the Fire Prevention Code, and when such resolution has been placed on file in the office of the town clerk no such permit shall be issued and no such inspection shall be made until the fee therefor, as provided in such schedule, has been paid to the tax collector.

Sec. 6-16. Administration and enforcement.

The Fire Prevention Code shall be administered and enforced by the chief of the fire department.

Sec. 6-17. Modifications.

The chief of the fire department shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee of the property affected thereby, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code; provided, that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the chief of the fire department thereon, shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Sec. 6-18. Appeals from decisions of chief of fire department.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Fire Prevention Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the board of aldermen within thirty days from the date of the decision appealed.

Sec. 6-19. Updating procedure.

Whenever a new or revised edition of the Fire Prevention Code, Abbreviated Edition, is recommended by the American Insurance Association or its successor, the chief of the fire department shall file at least one copy thereof in the office of the town clerk, together with his recommendations, if any, as to amendments thereof, and he shall, concurrently, notify the mayor and each alderman of his action. Following such actions by the chief of the fire department, such new or revised edition, together with such recommendations, if any, of the chief of the fire department, shall, at the conclusion of the second regular meeting of the board of aldermen following the date of such filing and notification, become the Fire Prevention Code of the town, replacing the then current code; provided, that no action shall have been taken thereon by the board of aldermen prior to the conclusion of such second regular meeting.

Sec. 6-20. Penalties.

(a) Any person who shall violate any of the provisions of the Fire Prevention Code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of aldermen or by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by fine of not more than fifty dollars or by imprisonment for not more than thirty days, in the discretion of the court. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 6-21. Conflicts of law.

In the event of conflict between any provision of the Fire Prevention Code and any provision of state law (including the North Carolina State Building Code) or any rule or regulation made pursuant to state law, the state law or rule or regulation made pursuant thereto shall prevail.

CHAPTER 7.

GARBAGE, REFUSE AND WEEDS.

Article I. In General.

- § 7-1. Property owners to clear premises of rubbish upon notice by town; violation constitutes misdemeanor.
- § 7-2. Maintenance of premises generally, and recourse of town when violations occur.

Article II. Town Garbage and Refuse Collection and Disposal Service.

- § 7-3. Definitions.
- § 7-4. Collection practices.
- § 7-5. Containers required, use of containers and related regulations.
- § 7-6. Pre-collection practices; changes in collection routes; limitation on burning of leaves, etc.
- § 7-7. Storage of refuse; other prohibitions and limitations.
- § 7-8. Point of collection and related subjects.
- § 7-9. Collection fees.
- § 7-10. Violations and penalties.

Article I. In General.

For state law as to authority of town as to regulation of disposal of solid wastes, etc., see G.S., § 160A-192. As to authority to prohibit, regulate or abate acts, omissions or conditions detrimental to health, safety or welfare of citizens, see G.S., § 160A-174. As to abatement of public health nuisances and liens created thereby, see G.S., § 160A-193.

Sec. 7-1. Property owners to clear premises of rubbish upon notice by town; violation constitutes misdemeanor.

(a) Whenever trash or rubbish shall accumulate upon any lot or tract of land in the town or whenever any such lot or tract of land shall become covered with an excessive growth of noxious weeds, it shall be the duty of the sanitary superintendent to notify the owner thereof to clean such premises within seven days from the date of the service of such notice.

The word "rubbish", as used in this section, includes, but is not limited to, debris remaining from the razing or demolition of any building or structure.

(b) If the owner of the premises in question fails to clean such premises within seven days from the date of the service of the notice provided for in subsection (a) of this section he shall be guilty of a misdemeanor.

Sec. 7-2. Maintenance of premises generally, and recourse of town when violations occur.

(a) Prohibited accumulations of trash, garbage and miscellaneous refuse. It shall be unlawful for any person to maintain premises, including vacant lots or land, upon which trash, garbage or miscellaneous refuse are permitted or caused to accumulate in any manner which is, or may become, a nuisance, or cause injury to the health or welfare of residents in the vicinity or may injure neighboring property.

(b) Uncut grass and weeds. It shall be unlawful for any person to maintain, cause or permit uncut grass or weeds on any property under such circumstance that the grass or weeds are, or may become, a nuisance.

(c) Recourse of town upon noncompliance by persons responsible.

(1) In the event the person or persons responsible refuse to remove the trash, garbage or refuse from the property on which it is allowed to accumulate or refuse to cut grass or weeds within ten days after notice in writing has been given by the town to the person responsible, he shall be deemed guilty of a violation of this section.

(2) If the person responsible for the conditions named above ~~has not acted to correct the violation~~, the board of aldermen shall hear and consider all objections and protests, if any, to the proposed removal by the town of the trash, garbage or refuse, or to the proposed cutting of the grass and weeds. The town shall then issue an order to the streets and sanitation department, whereupon the superintendent of the department of streets and sanitation may enter upon the premises where the violation occurs and remove the trash, garbage or refuse, or cut grass and weeds.

(3) If the owner of the property, after due notice, has failed or refused to remove the trash, garbage or refuse, or to cut the grass or weeds, and the town has been authorized by the board of aldermen to do so and has so acted, in addition to all other remedies, the town may assess costs incurred by it, and this shall be a charge against the person responsible, and shall be a lien against the property from which the garbage, trash or refuse have been removed, or the grass or weeds have been cut.

As to the maintenance of stables and other places where animals and fowl are kept, see § 3-3 of this Code.

Article II. Town Garbage and Refuse Collection
and Disposal Service.

For state law as to authority of town to require owners or occupants of buildings to place solid wastes in specified places or receptacles for town collection, and to impose charges for such collection and disposal, see G.S., § 160A-192.

Sec. 7-3. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Administrator. The word "administrator" shall mean the town officer or other person designated by the board of aldermen to administer the provisions of this article.

Ashes. The word "ashes" shall mean refuse resulting from the burning of wood, coal, coke, and other combustible material.

Automatic containers. The term "automatic containers" shall mean water-proof, odor-proof containers in size from one cubic yard to eight yards approved by the town for use in commercial, business, industrial and other approved areas.

Building rubbish. The term "building rubbish" shall mean rubbish from construction, remodeling and repair operations on houses, commercial buildings and other structures, including but not limited to excavated earth, stones, brick, plaster, lumber, concrete and waste parts occasioned by installations and replacements.

Business building. The term "business building" shall mean any structure, whether public or private, that is adapted for transaction of business, for rendering of professional services, for amusement, for the display or sale or storage of goods, wares, merchandise, articles or equipment, including hotels, apartment houses, rooming houses, office buildings, public buildings, stores, theatres, markets, restaurants, abattoirs, warehouses, sheds, barns, and other structures on premises used for or adapted to business purposes.

Department. The word "department" shall mean the department, office or agency designated by the board of aldermen to perform the collection and disposal duties prescribed in this article, under the direction and control of the administrator.

Garbage. The word "garbage" shall mean animal and vegetable refuse resulting from the handling, preparation, cooking and consumption of food, including a minimum amount of liquid necessary incident thereto.

Industrial waste. The term "industrial waste" shall mean sawdust, shavings, feathers, excelsior, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, plastic or other waste materials from processing plants, factories, or manufacturing operations.

Refuse. The word "refuse" shall mean solid waste, including but not limited to garbage, rubbish and ashes.

Rubbish. The word "rubbish" shall mean refuse (exclusive of garbage and ashes) including but not limited to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree, bush and hedge branches, cuttings and trimmings, yard trimmings, grass, leaves, tin cans, metals, small mineral matter, glass, crockery, dirt, earth and dust.

Waste. The word "waste" shall mean useless, unused, unwanted, or discarded materials resulting from natural community activities, including solids, liquids, and gases.

As to definitions applicable throughout this Code, see § 1-2 of this Code.

Sec. 7-4. Collection practices.

(a) Except as otherwise provided in this article and except in the case of emergency arising from an act of God or under circumstances over which the department has no control, the department shall collect, remove and dispose of certain refuse in residential sections of the town at least once per week and, if possible, twice each week.

(b) From business buildings at least two collections shall be made per week; and where deemed necessary by the administrator, more than two per week.

(c) Industrial waste shall be collected, removed and disposed of by the operator of the factory, plant or enterprise creating or causing the waste, in accordance with applicable provisions of this Code.

(d) Building rubbish shall be collected, removed and disposed of by the contractor or builder, or in their failure, by the owner of the property.

(e) Where refuse accumulates at business buildings in quantities of more than four cans of thirty gallon capacity, the owner, leasor or tenant shall be required to use an automatic container when notified in writing to do so by the administrator.

(f) No person shall engage in the business of collecting, hauling or transporting in the town any waste without first obtaining a permit from the board of aldermen.

Sec. 7-5. Containers required, use of containers and related regulations.

(a) Every person occupying a house or residence in the residential area where garbage or refuse exist shall provide containers made of galvanized metal or plastic or approved bags in which shall be deposited all garbage or refuse existing at such buildings or premises.

Each container shall be provided with handles and with a tight fitting cover made of the same material as the container. Containers must not have less than thirty or more than thirty-two gallon capacity.

Each home and business building shall have a sufficient number of containers to hold the refuse until collected.

(b) All persons doing business in a business building within the town limits shall provide containers as outlined in this section unless deemed obsolete by the administrator.

(c) Persons occupying business buildings shall store cardboard boxes inside the building unless stored in automatic containers.

(d) No wooden boxes, pails or other wooden or cardboard containers shall be used for garbage and refuse and if used, shall be confiscated by the town. This also includes fifty-five gallon drums.

(e) No person shall throw, drop or deposit any leaves, shrubs or other debris into any catch basin or manhole in the town.

(f) Any person may have leaves removed by the town if such leaves are placed at the curb line between the curb and sidewalk, so that they may be easily handled by the collector. No tree limb, shrubs or other material shall be mixed with leaves. The leaves shall be collected on days designated for such collection.

(g) No swill, slops, garbage, bones, offal, kitchen waste or refuse shall be carried through the streets of the town except in the watertight metal containers with tight fitting covers.

Sec. 7-6. Pre-collection practices; changes in collection routes; limitation on burning of leaves, etc.

(a) All garbage and refuse shall have liquid drained therefrom before it is placed in the container for collection. All lids to containers shall fit tight after containers are filled.

(b) Any person desiring to place tree trimmings, hedge cuttings, grass, or similiar materials for free collection shall cause the material to be placed on the curb line at the street on the area between the sidewalk and the curb on the

day designated for such pick up. Free collections shall include nothing more than seven inches in diameter nor more than sixty inches in length.

(c) All cardboard boxes shall be crushed flat before collection.

(d) Once a collection route has been established, any changes must be advertised in a local newspaper once at least fifteen days before such changes become effective.

(e) No person shall burn leaves, shrubs, trees, limbs and like on the streets or sidewalks or on private property except upon special permission of the chief of the fire department.

Sec. 7-7. Storage of refuse; other prohibitions and limitations.

(a) Every owner and every occupant or other person in control of any building or land in the town, including vacant property, shall keep the same in a clean and orderly condition and shall deposit refuse for collection in accordance with the provisions of this Code and the regulations of the administrator. Combustible and noncombustible refuse shall be stored in containers complying with this Code.

(b) No person shall throw, drop or deposit, or cause to be thrown, dropped or deposited on any land in the town, whether vacant or occupied, including specifically streets, alleys, sidewalks and other public and semi-public areas or in any waters under the jurisdiction of the town, any waste, including but not limited to refuse, garbage, ashes, rubbish, dead animals or fish, paper, drinking cups, broken glass, tacks, brush, grass, weeds and anything injurious to health. If any person, while transporting or hauling or causing to be transported or hauled, such rubbish or material, or earth excavation, coal or other material, shall throw, drop or deposit or cause to be thrown, dropped or deposited, such rubbish, or material from the body of the vehicle in violation of the provisions of this subsection, such person must daily clean up and remove such rubbish or material in a manner satisfactory to the administrator, failing which the department may clean up and remove such rubbish and material, and the town may collect the cost of such cleaning up and removal from such person.

(c) No plantings or obstruction may be made on the right of way between the curb and sidewalk fifty feet from the corner of intersections, more than thirty inches high.

Sec. 7-8. Point of collection and related subjects.

(a) Containers in residential areas shall be kept in the back yard, preferably near the kitchen area where collection is to be made on the day designated for such collection.

(b) No garbage shall be collected unless it is in containers approved in this Code.

(c) Business building collection areas shall be from the rear, side or in certain cases the front. Where front collection points are used, empty containers shall not be left on the street for more than thirty minutes after collection. The best location in this instance shall be determined by the administrator.

(d) No collection shall be made from vacant lots nor shall any large rocks, tree trunks, tree stumps, tree limbs of more than five feet in length or seven inches in diameter or other heavy objects be moved by the town. However, in certain special clean up periods designated by the board of aldermen, this subsection may be waived by the administrator.

(e) Tree trunks, small rocks, tree stumps, tree trimmings or hedge cuttings, heavy grass, hay or other similar materials more than five feet in length or seven inches in diameter will be removed at the request of the property owner from property used for residential purposes at a cost payable in advance of five dollars per truck load or fraction thereof; provided, that the weight of the individual article can be lifted by one man and the department has the time available.

(f) Materials to be collected by special collection shall be placed on the curb line at the street on the area between the sidewalk and the curb in neat, compact piles.

Sec. 7-9. Collection fees.

Any business building, political subdivision or facility or eleemosynary charitable institution that utilizes the refuse collection facilities and procedures of the town shall pay such an amount as may be determined from time to time by the board of aldermen; such fees to be commensurate with the number of collections required and the amounts of such collections.

Sec. 7-10. Violations and penalties.

The violation of or failure to comply with any provision of this article shall constitute a misdemeanor and be punishable as provided in section 1-6.

99

99

99

CHAPTER 8.

LICENSES.

For charter provisions as to duty of town tax collector to collect license fees, see Char., § 6.2.

For state law as to authority of town to regulate and license occupations, trades, etc., see G.S., §§ 160A-194, 160A-211. As to duty of town tax collector to collect town license taxes and issue town licenses, see G.S., § 105-33, subsec. (i). As to state license taxes, see G.S., §§ 105-33 et seq., 105-103 et seq. As to prohibition against licensing by town of certain professional persons, see G.S., § 105-14. As to persons exempted from license taxes, see G.S., §§ 105-249, 105-249.1.

As to dog licenses, see § 3-7 of this Code. As to the registration and licensing of vehicles, see § 10-16 et seq.

- § 8-1. License taxes imposed as provided in Schedule of Business Licenses; where schedule filed and available to public; reserved rights of board of aldermen.
- § 8-2. Doing business without required license prohibited; what constitutes "doing business."
- § 8-3. License year; when annual taxes due and payable, half tax for new businesses begun in second half of license year.
- § 8-4. Each place of doing business requires license.
- § 8-5. License required for each separate business; taxes are cumulative unless otherwise provided.
- § 8-6. Application for license; false and incomplete statements.
- § 8-7. To whom taxes payable; issuance, content and display of licenses.
- § 8-8. Transferability of licenses.
- § 8-9. License does not authorize any business or activity prohibited by zoning ordinance.
- § 8-10. Revocation of licenses.
- § 8-11. No refund of license tax following revocation of license.
- § 8-12. Provisions of article incorporated in and made part of licenses.

Sec. 8-1. License taxes imposed as provided in Schedule of Business Licenses; where schedule filed and available to public; reserved rights of board of aldermen.

(a) In addition to the tax on property and pursuant to authority conferred by sections 160A-194 and 160A-211 of the General Statutes of North Carolina, there is hereby levied a license tax on all persons engaged in any of those

occupations, businesses, trades, professions, forms of amusement or entertainment, callings and activities included in the Schedule of Business Licenses which is and shall remain on file in the office of the town clerk, where it shall be available to the public for inspection and use during all regular business hours; and such schedule is hereby incorporated in and made a part of this section as fully as though it were set out at length herein.

(b) Nothing herein contained shall be construed to prevent the board of aldermen from imposing from time to time, as they may see fit, such license taxes as are not specifically herein defined, or from increasing or decreasing the amount of any particular license tax, or from prohibiting or regulating the business or acts licensed, and all licenses are granted subject to the provisions of this Code and other ordinances of the town.

Sec. 8-2. Doing business without required license prohibited; what constitutes "doing business."

It shall be unlawful for any person or his agent or employee to engage in or carry on a business in the town for which there is required a license, without first having paid the license tax and obtained the license. For the purpose of this section, the opening of a place of business or offering to sell, followed by a single sale, or the doing of any act or thing in furtherance of the business, shall be construed to be engaging in or carrying on such business; and each day that such person shall engage in or carry on such business as aforesaid shall be construed to be a separate offense.

Sec. 8-3. License year; when annual taxes due and payable, half tax for new businesses-begun in second half of license year.

(a) The license year shall be for July 1 until the next succeeding first day of July, and all annual licenses shall be issued so as to expire at the close of business on the thirtieth day of June next succeeding the date of issue.

(b) Annual license taxes shall be due and payable on or before the first day of July of each year; provided, that any person being first licensed for any particular business during the period January 1 through June 30 shall be required to pay only one-half of the tax levied upon the particular business for which the license is issued.

Sec. 8-4. Each place of doing business requires license.

A license issued for the privilege of conducting a business shall be valid only for the business conducted at the place and by the licensee named therein. Every person doing business in more than one factory, mill, warehouse, store, stall, stand or other place of business shall procure a separate license for each such place of business unless such places of business are contiguous to each

other, communicate directly with and open into each other, and are operated as a unit. If the business is moved, then the license shall be endorsed by the town tax collector so as to show the new location.

Sec. 8-5. License required for each separate business; taxes are cumulative unless otherwise provided.

The payment of any particular tax imposed by this chapter shall not relieve the person so paying from the payment of any other tax imposed by this chapter for any other business he may carry on, unless so provided by the section imposing such tax, it being the intent of this chapter that license taxes prescribed by various sections or subsections thereof applicable to any business shall be cumulative except where otherwise specifically provided.

Sec. 8-6. Application for license; false and incomplete statements.

Each application for a license under this chapter shall be submitted to the town tax collector in writing, on a form to be provided by the town, and shall contain such information as may be required by the tax collector to enable him to determine whether the license applied for may lawfully be issued, including the name and address of the applicant, the business and place of business sought to be licensed, the date of the application, and such other pertinent information as may be necessary in amplification thereof; and it shall be unlawful for any applicant for a license under this chapter knowingly to make any false statement or to withhold any pertinent information when making application for a license under this chapter.

Sec. 8-7. To whom taxes payable; issuance, content and display of licenses.

(a) All business license taxes shall be payable to the town tax collector, who shall issue to each licensee an appropriate license certificate showing the name of the licensee, the business and place of business covered by the license, and the expiration date of the license.

(b) Each business license shall be prominently displayed in the place of business of the person to whom issued, or if such person has no regular place of business, it shall be kept where it can be inspected by the regular town officials and by customers as may be required.

Sec. 8-8. Transferability of licenses.

Each license issued under this chapter shall be a personal privilege and shall not be transferable except to a person buying out the business of the licensee with the purpose and intent of continuing the same business in the same place, on presentation and a surrender of the original license to the town tax

collector, who shall issue a new license to the successor of such licensee; provided, that the tax collector shall be entitled to charge and receive a fee of one dollar for issuing such transfer license.

Sec. 8-9. License does not authorize any business or activity prohibited by zoning ordinance.

The issuance or transfer of a town license to any person to conduct a business or other activity at a specified location in the town shall not be construed to authorize or permit the licensee to conduct a business or other activity which is prohibited or restricted in any manner at such location by any provision of the Zoning Ordinance.

Sec. 8-10. Revocation of licenses.

Any license issued under this chapter shall be subject to revocation by the board of aldermen for any cause which constitutes a ground for denial of issuance of such license; for any violation of the terms of the license or any provision of this chapter; for any violation of any provision of this Code or state law regulating the business covered by the license; or for conviction of the licensee of any crime involving moral turpitude.

Sec. 8-11. No refund of license tax following revocation of license.

Upon revocation of any license as under this chapter the licensee shall not be entitled to any refund on the license tax paid.

Sec. 8-12. Provisions of article incorporated in and made part of licenses.

The provisions of this chapter shall be deemed to be a material part of the license certificate issued as fully as if written therein and the licensee shall be bound thereby.

CHAPTER 9.

MOBILE HOMES AND MOBILE HOME PARKS.

For The Uniform Standards Code for Mobile Homes Act, see G.S., § 143-144 et seq.

- § 9-1. Approval required for establishment of mobile home parks; conditions for approval; mobile homes and trailers to be located only in approved mobile home parks.
- § 9-2. Application for mobile home park.
- § 9-3. Requirements for mobile home parks design.
- § 9-4. Improvements and other general requirements.
- § 9-5. Administrative and enforcement responsibilities of building inspector.
- § 9-6. Violations and penalties.

Sec. 9-1. Approval required for establishment of mobile home parks; conditions for approval; mobile homes and trailers to be located only in approved mobile home parks.

The board of aldermen may approve the establishment and construction of mobile home parks as a conditional use in the town. The approval of mobile home parks shall be conditioned upon: (1) Conformity with existing land use; (2) The ability and willingness of the applicant to meet each of the requirements set forth in this chapter; and (3) To subsequently maintain the proposed mobile home park as described in the requirements. Mobile homes or trailers ~~other than in approved mobile home parks shall not hereafter be located or occupied in the town. (11-1-65, § A.)~~

Editor's note.--The word "hereafter", as used in this section, relates to Nov. 1, 1965.

Sec. 9-2. Application for mobile home park.

Application for a mobile home park shall be made to the board of aldermen in writing, which shall be accompanied by a scale drawing of the proposed mobile home park. The scale drawing shall depict at least the minimum design, improvements and other general requirements set forth in this chapter. (11-1-65, § B.)

Sec. 9-3. Requirements for mobile home parks design.

(a) Size of mobile home park. All mobile home parks shall be developed on a parcel of land not less than three acres in size and shall contain no more than ten mobile home lots per gross acre of land;

- (b) Mobile home lots. Each mobile home lot shall contain a minimum of three thousand square feet in area. Each lot shall have a minimum width and frontage on a roadway not less than forty feet and a minimum depth or length of not less than seventy-five feet;
- (c) Minimum size of mobile homes. No individual mobile home or travel trailer which has less than two hundred square feet of interior floor area or does not contain a built-in bathroom with a water closet, lavatory and shower or tub which are in working condition shall be placed in a mobile home park and used as a residence;
- (d) Arrangement of mobile homes on lot. Each mobile home shall be located no closer than twenty-five feet measured from the right of way line of any interior roadway; ten feet to any boundary of another mobile home lot; twenty feet to any building; thirty-five feet to any adjacent property used for, or to be used for, a non-residential use; fifty feet to any adjacent property used for, or to be used for permanent residential use;
- (e) Access to mobile home lots. No mobile home shall have direct access to a public street. All mobile home lots shall have access to an interior roadway with a right of way width of at least thirty feet and a pavement width of twenty-four feet. Roadways shall be retained as private streets on the property;
- (f) Density of parking. Mobile homes and their structural additions shall not be parked closer than fifty feet from the right-of-way line of a major street or highway, or closer than thirty feet from the right-of-way line of a less intensively travelled street;
- (g) Buffer strips along property lines. A densely planted buffer consisting of trees, shrubs and other planting at least fifteen feet in width shall be provided along the rear and/or side property lines of the mobile home park. In the event that natural growth exists as a buffer, the degree of planting may be reduced to ten feet by the board of aldermen, but not beyond the point that provides adequate screening both height- and width-wise;
- (h) Recreation space. A minimum of two hundred square feet per mobile home site shall be provided for play lots and playground and located conveniently to all mobile homes;
- (i) Sanitary facility connections, etc. Sanitary facility connections and other considerations meeting the requirements of the town shall be provided for each trailer in the park;
- (j) Extra parking spaces. Each mobile home lot shall be provided with one parking space and an additional parking space shall be provided for each six mobile home lots. (11-1-65, § C.)

Sec. 9-4. Improvements and other general requirements.

(a) Surfacing under mobile homes. The area on which the mobile home rests shall be surfaced with at least two inches of asphalt concrete or other approved material;

(b) Interior roadways. All interior roadways shall have a right-of-way width of at least thirty feet and a pavement width of at least twenty-four feet. All interior roadways shall be graded in accordance with an approved grading plan, and shall have at least two moving lanes, each of which is at least twelve feet in width. Roadways shall be retained as private streets on the property. Parking bays shall not be part of a roadway;

(c) Lighting. All interior roadways within the park shall be lighted at night with electric lamps of no less than fifty watts each, spaced at intervals of no more than one hundred feet, or equivalent lighting as approved by the board of aldermen. The maintenance of such lighting shall be the responsibility of the park owner;

(d) Garbage receptacles. A garbage receptacle shall be provided for each lot and shall be located in an easily accessible place and be in keeping with the maximum size of such receptacle as established by the town.

(e) Minimum improvements and standards. A mobile home park shall have been developed with full improvements to at least the minimum standards herein described prior to a mobile home being located or occupied therein. (11-1-65, § D.)

Sec. 9-5. Administrative and enforcement responsibilities of building inspector.

The building inspector shall enforce all provisions relating to public health and sanitation and to the construction, extension, expansion, maintenance or creation of existing and proposed mobile home parks. (11-1-65, § E.)

Sec. 9-6. Violations and penalties.

Any person violating or failing to comply with any provision of this chapter shall be guilty of a misdemeanor and upon conviction be punished for each offense by a fine not exceeding fifty dollars or by imprisonment not to exceed thirty days. Each day such violation continues shall be deemed a separate offense. (11-1-65, § F.)

Motor Vehicles and Traffic

CHAPTER 10.

MOTOR VEHICLES AND TRAFFIC.

Article I. In General.

- § 10-1. Official Traffic Maps codifying certain classes of traffic ordinances--
Adopted; where filed and available to public.
- § 10-2. Same--Compliance therewith mandatory, unless a required traffic-
control device not in place and sufficiently legible.
- § 10-3. Required compliance with directives indicated by official traffic-
control devices; devices heretofore installed and in place.
- § 10-4. Parking within marked parking spaces required.
- § 10-5. Noise.
- § 10-6. Driving on sidewalk prohibited; exception.
- § 10-7. Driving through funeral processions.

Article II. Abandoned or Junked Motor Vehicles.

- § 10-8. Definitions.
- § 10-9. Prohibited abandonment.
- § 10-10. Removal and storage of junked and abandoned vehicles.
- § 10-11. Disposition of unclaimed abandoned motor vehicles; when junked
vehicle may be disposed of as abandoned.
- § 10-12. Disposition of unclaimed junked vehicles.
- § 10-13. Disposition of abandoned or junked vehicles without license plates
or identification numbers.
- § 10-14. Nonliability for disposition of vehicles as provided in this article.
- § 10-15. Exceptions to article.

Article III. Registration and Licensing of Vehicles.

- § 10-16. Resident motor vehicles required to be registered, with exceptions;
period of registration; fee.
- § 10-17. Issuance of number plates; duplicates for plates lost or destroyed.
- § 10-18. Transferability and use of number plates.
- § 10-19. Required display of plates on vehicles.
- § 10-20. Penalty for failure to display plates as required.

Article I. In General.

For state law as to authority of town to prohibit, regulate, divert, control and limit pedestrian and vehicular traffic on public streets, sidewalks, alleys and bridges, see G.S., § 160A-300. As to authority of town to impose speed restrictions, establish one-way streets, etc., see G.S., § 20-169. As to authority of town to

designate stop and yield intersections, see G.S., §§ 20-158 and 20-158.1. As to authority of town to regulate turning movements, see G.S., § 20-153. As to authority of town to install traffic-control devices, see G.S., §§ 20-169 and 136-31. As to operation of vehicles and rules of the road, see G.S., § 20-138 et seq. As to motor vehicles and traffic generally, see G.S., ch. 20.

Sec. 10-1. Official Traffic Maps codifying certain classes of traffic ordinances--Adopted; where filed and available to public.

(a) The board of aldermen hereby provides that the following classes of ordinances shall be codified by the town clerk by appropriate entries upon one or more official map books to be retained permanently in his office, where they shall be generally accessible to the public:

- (1) Designating the location of traffic-control devices;
- (2) Designating areas or zones where regulations are applied to parking, loading, bus stops, or taxicab stands;
- (3) Establishing speed limits;
- (4) Designating the location of through streets, stop intersections, yield-right-of-way intersections, waiting lanes, one-way streets, or truck traffic routes; and
- (5) Establishing regulations upon vehicle turns at designated locations.

For state law as to authority of board of aldermen to adopt this subsection, see G.S., § 160A-77.

(b) The map book or books mentioned in subsection (a) of this section shall be conspicuously marked "Official Traffic Maps"; and if there be more than one book each book shall be numbered consecutively, beginning with number "1."

(c) All traffic ordinances of those classes mentioned in subsection (a) of this section which are in effect immediately prior to the effective date of this Code are hereby continued in full force and effect; and it shall be the duty of the town clerk, as soon as may be practical after the effective date of this Code, to perform the duties required of him by subsection (a) of this section.

Sec. 10-2. Same--Compliance therewith mandatory, unless a required traffic-control device not in place and sufficiently legible.

It shall be unlawful for any person to violate or fail to comply with any prohibition, restriction, requirement or other regulation codified in the Official Traffic Maps of the town mentioned in section 10-1; provided, that no provision thereof for which any type of traffic-control device is required by state law shall be enforced against an alleged violator if at the time and place of the alleged violation the required traffic-control device is not in place and sufficiently legible to be seen by an ordinarily observant person of average vision.

Sec. 10-3. Required compliance with directives indicated by official traffic-control devices; devices heretofore installed and in place.

(a) It shall be unlawful for any person to violate or fail to comply with any prohibition, restriction, requirement or other regulation indicated by any official traffic-control device which is in place at any location within the town pursuant to any ordinance codified in the Official Traffic Maps mentioned in section 10-1, except by order of a police officer and except as otherwise provided by state law for drivers of certain emergency vehicles.

For state law as to exceptions to right of way rules for drivers of police vehicles, public and private ambulances and rescue squad vehicles, see G.S., § 20-156.

(b) All traffic-control devices heretofore installed by authority of the board of aldermen and which are in place immediately preceding the effective date of this Code shall be deemed to be official traffic-control devices within the purview of this section.

Sec. 10-4. Parking within marked parking spaces required.

On any street which is marked off with lines indicating the parking spaces for vehicles, each vehicle shall be parked between such lines.

Sec. 10-5. Noise.

No person shall sound the horn or other signal device on a vehicle except as a warning of danger; nor shall any person load cargo on any vehicle, drive any vehicle or operate the motor of any vehicle in such manner as to cause unnecessary noise.

For state law as to authority of town to regulate, restrict or prohibit loud noises, see G.S., 160A-184. For state law prohibiting use of muffler cut-outs, see G.S., § 20-128.

Sec. 10-6. Driving on sidewalk prohibited; exception.

The driver of a vehicle shall not drive within any sidewalk area, except at a permanent or temporary driveway.

Sec. 10-7. Driving through funeral processions.

No vehicle shall be driven through a funeral procession, except police vehicles in line of duty and except fire department vehicles, rescue squad vehicles and ambulances responding to calls.

Article II. Abandoned or Junked Motor Vehicles.

For state law as to authority of municipalities to prohibit the abandonment of motor vehicles on the streets or on public or private property and to provide for the removal and disposition of junked or abandoned motor vehicles according to certain procedures, see G.S., § 160A-303.

Sec. 10-8. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Abandoned motor vehicle. An "abandoned motor vehicle" is one that:

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

Junked motor vehicle. A "junked motor vehicle" is an abandoned motor vehicle that also:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or

(3) Is more than five years old and worth less than one hundred dollars; or

(4) Does not display a current license plate.

Motor vehicle. A "motor vehicle" is defined to include all machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

As to definitions applicable throughout this Code, see § 1-2 of this Code.

Sec. 10-9. Prohibited abandonment.

It shall be unlawful for any person to abandon any motor vehicle within the town or to allow any abandoned or junked motor vehicle to be left on any public street or on any public or private property within the town for more than thirty days.

Sec. 10-10. Removal and storage of junked and abandoned vehicles.

Any junked or abandoned motor vehicle found in violation of section 10-9 may be removed to a storage garage or area, but no such vehicle shall be removed from private property without the written request of the owner, lessee or occupant of the premises unless the board of aldermen or a duly authorized town official or employee has declared it to be a health or safety hazard. The town may require any person requesting the removal of a junked or abandoned motor vehicle from private property to indemnify the town against any loss, expense, or liability incurred because of the removal, storage, or sale thereof. When any junked or abandoned motor vehicle is removed, the town shall give written notice of the removal to the registered owner at his last known address according to the latest registration certificate or certificate of title on file with the state department of motor vehicles. The notice shall inform the owner of the possible sale or other disposition that can be made of the vehicle under this article. The owner may regain possession of the vehicle by paying to the town all reasonable costs incidental to the removal and storage. Notice need not be given to the registered owner of the vehicle when it does not display a license plate and the vehicle identification numbers have been removed or defaced so as to be illegible.

Sec. 10-11. Disposition of unclaimed abandoned motor vehicles; when junked vehicle may be disposed of as abandoned.

After holding an unclaimed abandoned motor vehicle for thirty days, the town may sell or dispose of it as provided by this section. If the vehicle appears to be worth less than one hundred dollars, the town may dispose of the vehicle as a junked motor vehicle as provided by section 10-12. With the consent of the owner, the town may remove and dispose of any motor vehicle as a

junked motor vehicle without regard to the value, condition or age of the vehicle, and without holding it for any prescribed period of time. If the vehicle is worth one hundred dollars or more it shall be sold at public auction. Twenty days' written notice of the sale shall be given to the registered owner at his last known address, the holders of all liens of record against the vehicle, and the state department of motor vehicles. Any person having an interest in the vehicle may redeem it at any time before the sale by paying all costs accrued to date. The proceeds of the sale shall be paid to the town finance officer, who shall pay to the appropriate officers or persons 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 town for sixty days if the registered owner cannot be located with reasonable diligence. If the owner does not claim the remainder of the proceeds within sixty days after the sale, the funds shall be deposited in the town's general fund and the owner's rights therein shall be forever extinguished. When it receives a town's bill of sale from a purchaser or other person entitled to receive any vehicle disposed of as provided in this section, the department of motor vehicles will issue a certificate of title for the vehicle as required by law.

Sec. 10-12. Disposition of unclaimed junked vehicles.

After holding an unclaimed junked motor vehicle for fifteen days, the town may destroy it or sell it at private sale as junk. Within fifteen days after final disposition of a junked motor vehicle, the town shall notify the state 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. Any proceeds from the sale of a junked motor vehicle, after all costs of removal, storage, investigation and sale, and satisfying any liens of record on the vehicle have been deducted therefrom, shall be held by the town for thirty days and paid to the registered owner upon demand. If the owner does not appear to claim the proceeds within thirty days after disposal of the vehicle, the funds shall be deposited in the town's general fund and the owner's rights therein shall be forever extinguished.

Sec. 10-13. Disposition of abandoned or junked vehicles without license plates or identification numbers.

Sections 10-11 and 10-12 shall not apply when the vehicle does not display a license plate and the vehicle identification numbers have been removed or defaced so as to be illegible. Such vehicles may be destroyed or sold at private sale, without regard to value, after being held for forty-eight hours.

Sec. 10-14. Nonliability for disposition of vehicles as provided in this article.

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 any abandoned, lost, or stolen motor vehicle for disposing of the vehicle as provided in this article.

*For state law basis of this section, see G.S.,
§ 160A-303, subsec. (f).*

Sec. 10-15. Exceptions to article.

Nothing in this article shall apply to any vehicle in an enclosed building or any vehicle 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 to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

Article III. Registration and Licensing of Vehicles.

For state law as to authority of town to levy annual license tax on resident motor vehicles and on vehicles operated in the town as taxicabs, see G.S., §§ 20-97, 160A-213.

Sec. 10-16. Resident motor vehicles required to be registered, with exceptions; period of registration; fee.

Every resident motor vehicle operated in the town, except motor vehicles temporarily operated for a period or periods of time not exceeding a total of fourteen days during any one year, and except motor vehicles operated for display or exhibition purposes by manufacturers or dealers, and displaying dealers' license plates issued by the State of North Carolina, shall be registered with the Town of East Spencer. The period of registration shall include the twelve months beginning with January 1 of the year of registration, namely, from January 1 to December 31. The fee for registration shall be one dollar, not prorated; provided, that it shall not be unlawful to operate a motor vehicle within the town after the expiration of the registration period, between the 31st day of December and the 15th day of February. (12-3-73, § 1.)

For charter provision as to duty of town tax collector to collect all town license fees, see Char., § 6.2.

For state law as to duty of town tax collectors to collect town license taxes and issue town licenses, see G.S., § 105-33, subsec. (i).

Sec. 10-17. Issuance of number plates; duplicates for plates lost or destroyed.

For every motor vehicle registered the registrar shall issue to the person registering it an appropriate number plate or sticker. Upon satisfactory evi-

dence that any such registration number plate or sticker has been lost or destroyed, the registrar shall issue to the owner, or operator, of such registered vehicle a duplicate thereof. (12-3-73, § 2.)

Sec. 10-18. Transferability and use of number plates.

A number plate or sticker shall not be transferred from one vehicle to another, and shall not be used by any person upon any motor vehicle except the one for which it was issued, nor shall it be used upon such vehicle except as long as such vehicle remains the property of the person to whom it belongs at the time of registration, and in whose name it was registered. (12-3-73, § 3.)

Sec. 10-19. Required display of plates on vehicles.

Every motor vehicle driven on the streets of the town or operated thereon, and for which registration is required, shall display on the front or rear of such motor vehicle the number plate or sticker issued therefor by the town. Every such number plate or sticker shall be displayed throughout the current year for which it is issued in such manner as to be visible at all times. (12-3-73, § 4.)

Sec. 10-20. Penalty for failure to display plates as required.

The owner of any vehicle not displaying such number plate as provided by this article after February 15 in any calendar year, or any person purchasing such plate after February 15, shall pay a penalty of one dollar in addition to the one dollar registration fee when such plate is purchased. The one dollar penalty provided in this section shall not apply to vehicles purchased after February 15. (12-3-73, § 5.)

CHAPTER 11.

OFFENSES--MISCELLANEOUS.

- § 11-1. Firearms, pellet guns, etc.
§ 11-2. Town officers and employees, interference with, etc.
§ 11-3. Town property protected.

Sec. 11-1. Firearms, pellet guns, etc.

It shall be unlawful for any person to discharge any firearm at any time or place within the town except when used in lawful defense of person or property or pursuant to lawful directions of a law-enforcement officer; and it shall be unlawful for any person to discharge any pellet gun, air rifle or other mechanism or device designed or used to project a pellet, bee-bees or other missile by compressed air or mechanical action with less than deadly force except at places designated for such purpose by the board of aldermen or upon private property with the consent of the property owner and under supervision of a competent adult person.

For state law as to authority of board of aldermen to enact this section, see G.S., §§ 160A-189, 160A-190.

Sec. 11-2. Town officers and employees, interference with, etc.

No person shall wilfully interfere with, hinder or obstruct any officer or employee of the town who is engaged in, en route to or returning from, the performance of official duty, whether such interference, hindrance or obstruction be by threat, assault or otherwise.

For state law as to resisting or obstructing public officers, see G.S., § 14-223.

Sec. 11-3. Town property protected.

(a) No person shall, without proper authority, knowingly use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any books, records, furniture, equipment, gear, apparatus, tools or other items of personal property belonging to, leased to or used by the town or any agency thereof.

(b) No person shall, without proper authority, knowingly trespass upon or damage, deface, molest or otherwise interfere with any real property belonging to, leased to or used by the town or any agency thereof.

CHAPTER 12.

POLICE DEPARTMENT.

For charter provisions as to extraterritorial jurisdiction of the town police force, see Char., § 8.1.

For state law as to law enforcement within municipalities and municipal police departments and officers, see G.S., § 160A-281 et seq. As to arrests, see G.S., § 15-39 et seq. As to authority of the police to impound dogs, see § 3-12 of this Code.

- § 12-1. Composition and organization of department; chief of police; chain of command.
 § 12-2. Additional duties of chief of police.
 § 12-3. Rules and regulations.

Sec. 12-1. Composition and organization of department; chief of police; chain of command.

(a) The police department shall consist of such regular, auxiliary and special members and such quarters, vehicles, equipment and other property as may from time to time be authorized by the board of aldermen.

(b) The organization of the police department shall be as provided by regulations adopted pursuant to section 12-3.

(c) The chief of police, under the general supervision of the board of aldermen, shall have direct control of the members and property of the police department and shall be in command of the members. Members of the police department shall assume command in order of rank, as prescribed in departmental rules and regulations.

Sec. 12-2. Additional duties of chief of police:

In addition to his duties as commanding officer of the police department, the chief of police shall perform all duties prescribed for him by this Code and other ordinances and by the General Statutes of North Carolina.

As to duty of bystanders at scene of fire to be obedient to orders of police officers and firemen, see § 6-1 of this Code.

Sec. 12-3. Rules and regulations.

The chief of police, subject to approval of the board of aldermen, shall prepare rules and regulations for the government of the police department and the personnel thereof. Such rules and regulations, which may be amended from time to time, shall be submitted to the board of aldermen for approval. It shall be unlawful for any member of the police department to violate any such rule or regulation which has been approved by resolution of the board of aldermen and placed on file in the office of the town clerk; and a copy of all such approved rules and regulations shall also be placed on file at police department headquarters.

CHAPTER 13.

STREETS, SIDEWALKS AND PUBLIC PLACES.

Article I. In General.

- § 13-1. Use of streets and sidewalks while under construction or repair.
 § 13-2. Removal or disturbance of components of streets, sidewalks and public places.
 § 13-3. Structures not to encroach upon or obstruct streets, etc.; nuisances.
 § 13-4. Riding, skating, etc., on sidewalks.

Article II. Excavations.

- § 13-5. Permit required.
 § 13-6. Bond or cash deposit.
 § 13-7. Restoration of surface.
 § 13-8. Safety precautions.
 § 13-9. Work to be prosecuted diligently.

Article I. In General.

For charter provisions as to street and sidewalk improvements and assessment of costs therefor, see Char., art. 9. (§ 9.1 et seq.)
For state law as to authority of town to adopt ordinances for the regulation and use of streets, see G.S., § 160A-296, and see, also, G.S., §§ 160A-297 to 160A-307. As to local improvements, see G.S., §§ 160A-216 to 160A-236.

Sec. 13-1. Use of streets and sidewalks while under construction or repair.

It shall be unlawful for any person to walk on, ride or lead a horse or any other animal, or drive a wagon or any other vehicle, over, across or along any sidewalk or street while such street or sidewalk is under construction or is being repaired and barricades or signs have been posted to give notice of such prohibition; and it shall be unlawful for any person knowingly to tamper with or molest any such construction or repair work.

Sec. 13-2. Removal or disturbance of components of streets, sidewalks and public places.

No person shall, without proper authority, disturb or remove any sand, dirt or other component of any street, sidewalk or public place within the town.

Sec. 13-3. Structures not to encroach upon or obstruct streets, etc.; nuisances.

It shall be unlawful for any person to erect or maintain any building, fence or other structure so as to encroach upon or obstruct any street, sidewalk or public place within the town; and any building, fence or other structure erected or maintained in violation of this section shall constitute a nuisance which shall be subject to abatement by the town at the expense of the violator.

Sec. 13-4. Riding, skating, etc., on sidewalks.

No person shall ride or drive any horse or beast of burden, or any bicycle or motor vehicle, or propel any wheelbarrow or hand cart, nor shall any person roller skate, upon any sidewalk within the town.

Article II. Excavations.

Sec. 13-5. Permit required.

It shall be unlawful for any person to dig any hole, ditch or excavation in or under any street, sidewalk or public place maintained by the town without first having procured a permit so to do from the superintendent of streets.

Sec. 13-6. Bond or cash deposit.

Each applicant for a permit required by this article shall, as a prerequisite to the issuance thereof, file with the superintendent of streets a bond, payable to the town and in such amount as the superintendent of streets shall consider adequate, conditioned upon restoration of the surface of the place to be excavated in compliance with the requirements of this article; provided, that in lieu of such bond a cash deposit may be made with the town finance officer.

Sec. 13-7. Restoration of surface.

It shall be the duty of every holder of a permit issued pursuant to this article to put such street, sidewalk or public place in as good condition in all respects as it was prior to the beginning of work under such permit, and every day of failure so to do shall constitute a separate offense.

Sec. 13-8. Safety precautions.

Every holder of a permit issued pursuant to this article shall take such precautions as may be necessary for the protection of persons, animals and property from injury. Such precautions shall include the erection and maintenance of barriers and lights, and the superintendent of streets may prescribe in the permit such other precautions as he may deem necessary or prudent.

Sec. 13-9. Work to be prosecuted diligently.

Permit holders under this article shall prosecute their work with due diligence, to the end that the work may be completed and the surface restored without undue delay.

Subdivisions

CHAPTER 14.

SUBDIVISIONS.

Editor's note.--The Subdivision Regulations Ordinance of Feb. 26, 1970, as reenacted July 3, 1972, is not set out in this Code. It has been saved from repeal and is on file in the office of the town clerk where copies are available in pamphlet form.

For state law as to municipal planning and subdivision of land, see G.S., §§ 160A-360 to 160A-380.

6

6

6

CHAPTER 15.

WATER, SEWERS AND SEWAGE.

For state law as to authority of municipalities to acquire, construct, maintain, operate, regulate, etc., public enterprises, including water supply and distribution systems and sewage collection and disposal systems, see G.S., § 160A-311 et seq. As to water and sewer sanitation generally, see G.S., § 130-157 et seq.

- § 15-1. Control and supervision of water and sewer systems.
 § 15-2. Certain properties required to be connected to town sanitary sewer and water main; connection of toilet, etc.; certain properties required to have septic tanks, etc.
 § 15-3. General policy is to prohibit private connections to town sewers.
 § 15-4. Connection permit required.
 § 15-5. Regulations governing the making of connections.
 § 15-6. Connection charges.
 § 15-7. Separate connections required, with exceptions.
 § 15-8. Certain substances prohibited to be discharged into sewers.
 § 15-9. Maintenance and repair of sanitary sewer connections.
 § 15-10. Prohibited acts, which constitute misdemeanors.
 § 15-11. Water rates; meters.
 § 15-12. Sanitary sewer service charges.

Sec. 15-1. Control and supervision of water and sewer systems.

The storm and sanitary sewer systems and the water system of the town shall be under the general control and supervision of the board of aldermen and shall be regulated and operated as the board of aldermen shall from time to time ordain and direct. The board of aldermen shall appoint a qualified person to supervise the operation and regulation of the storm and sanitary sewer systems and the water system of the town, who shall be known as the water and sewers superintendent; or the board of aldermen may designate another officer or employee of the town to serve ex officio as water and sewers superintendent in addition to his other duties.

Sec. 15-2. Certain properties required to be connected to town sanitary sewer and water main; connection of toilet, etc.; certain properties required to have septic tanks, etc.

Every person owning a dwelling, building or other structure which is used for human habitation or occupancy within the town which is situated on a lot or parcel of land which abuts or adjoins a street or other public way, along which is located a sanitary sewer or water main, shall connect such

dwelling, building or structure to such town sewer or water main, or to both if both be present; provided, that a connection shall not be required unless the lot or parcel of land on which the dwelling, building or structure is situated is accessible within two hundred feet of the sewer system; and provided further, that no person shall be required to cross the private property of any other person to make such connection. Where connections are required, all toilets, sinks and other plumbing fixtures shall be installed, arranged or rearranged to drain into the sanitary sewer. Properties which are not accessible to the sewer system for the reason they are more than two hundred feet therefrom shall install septic tanks or other facilities as provided for by this Code or other ordinance of the town or by ordinance or health regulation of the county, whichever may be applicable thereto.

For state law as to authority of town to require improved property to be connected to town water and sewer systems, see G.S., § 160A-317.

Sec. 15-3. General policy is to prohibit private connections to storm sewers.

It is hereby declared that it is the general policy of the board of aldermen to prohibit private connections to the storm sewer system of the town.

Sec. 15-4. Connection permit required.

No person shall make any connection to any town sanitary sewer or water main unless and until a permit therefor has been issued by the town. Permits shall be issued for connections only after the superintendent of water and sewers has determined the type of connection required, the type of waste to be placed in the sanitary sewer system and, if required by the town, an approved plumbing system within the dwelling, building or structure for which such connection is desired.

Sec. 15-5. Regulations governing the making of connections.

All connections to town sanitary sewers and water mains shall be made by authorized employees of the town in accordance with specifications for such connections that may be adopted by the board of aldermen from time to time. If authorized by the board of aldermen, connections may be made by plumbers licensed to perform plumbing work in North Carolina, and if required by the town, licensed to perform plumbing work by the town. Any such connections made by an authorized licensed plumber shall be inspected by the superintendent of water and sewers after such work has been completed and prior to the time such connection is covered.