

TOWN OF BOLTON

CODE OF ORDINANCES

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10.01 TITLE OF CODE.

This codification of ordinances by and for the municipality of Bolton shall be designated as the Code of Bolton and may be so cited.

10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

10.05 DEFINITIONS.

(A) General rule. Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

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

CITY, MUNICIPAL CORPORATION, MUNICIPALITY or TOWN. The Town of Bolton, North Carolina.

CODE, THIS CODE or THIS CODE OF ORDINANCES. This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. Columbus County, North Carolina.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. 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.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this municipality unless the context clearly requires otherwise.

PERSON. Extends to and includes person, persons, firm, corporation, copartner ship, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms PERSON or WHOEVER as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the movers or agents thereof.

PRECEDING or FOLLOWING. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or SUBSCRIPTION. Includes a mark when the person cannot write.

STATE. The State of North Carolina.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed; equivalent to the words YEAR OF OUR LORD.

10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this municipality shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(A) AND or OR. Either conjunction shall include the other as if written 'and/or,' if the sense requires it.

(B) Acts by assistants. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) Gender; singular and plural; tenses. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) General term. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, once, or employee of this municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

10.10 ERRORS AND OMISSION.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

10.11 OFFICIAL TIME.

The social time, as established by applicable state/federal laws, shall be the official time within this municipality for the transaction of all municipal business.

10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

10.15 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

10.16 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or molding it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in anywise be effected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall by itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code anew chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

10.18 DAMAGNG ORDINANCES PROHIBITED.

No person shall tear or deface any of the Town ordinances.
Penalty, see 10.99

10.99 GENERAL PENALTY.

(A) (1) In accordance with G.S. 160A-75, and unless this code of ordinances provides otherwise, violation of any provision hereof shall be a misdemeanor as provided in G.S. 14-4, punishable upon conviction by a fine not exceeding \$50 or by imprisonment not exceeding 30 days. An ordinance may provide by express statement that the maximum fine or term of imprisonment to be imposed for its violation shall be some figure or number of days less than the maximum penalties prescribed by G.S. 14-4.

(2) If any person shall violate any provision of this Code regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50. (G.S. 14-4(b))

(B) By express statement, an ordinance contained herein may provide for its enforcement by other remedies, as authorized in division (D) of this section, including the imposition of civil fines, the ordering of appropriate equitable relief, including injunctions, or a combination of such remedies.

(C) An ordinance may provide, when appropriated, that each day's continuing violation shall be a separate and distinct offense.

(D) Enforcement of ordinances.

(1) The Town shall have power to impose fines and penalties for violation of its ordinances, and may secure injunctions and abatement orders to further insure compliance with its ordinances as provided by this section.

(2) Unless the Board shall otherwise provide, violation of a city ordinance shall be a misdemeanor as provided by G.S. 14-4. An ordinance may also provide by express statement that the maximum fine or term of imprisonment to be imposed for its violation shall be some figure or number of days less than the maximum penalties prescribed by G.S. 14-4.

(3) An ordinance may provide that violation shall subject the offender to a civil penalty to be recovered by the city in a civil action in the nature of debt. If the offender does not pay the penalty within a prescribed period of time after he has been cited for violation of the ordinance the Town shall take those steps necessary to collect the fine by means of an action in small claims court.

(4) An ordinance may provide that it 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 city for equitable relief that there is an adequate remedy at law.

(5) (a) An 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 an ordinance occurs the city 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.

(b) 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 structure on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from building on the property; that grass and weeds be cut; that improvements or repairs be made; or that other action be taken that is necessary to bring the property into compliance with the 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 city may execute the order of abatement. The city 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.

(6) Subject to the express terms of the ordinance, a city ordinance may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this section.

(7) A city ordinance may provide, when appropriate, that each day's continuing violation shall be a separate and distinct offense.

(GS. 160A-175)

CHAPTER 20: TOWN BOARD

General Provisions

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GENERAL PROVISIONS

20.01 CONNITTEES.

The Mayor shall appoint annually, in the month of May, such standing committees of the Town Board as he deems best. He shall appoint all special committees except where the Town Board shall otherwise order.

20.02 GENERAL AUTHORITY OVER TOWN ENTLOYEES. The Town Board shall have the power to:

(A) Prescribe rules. Prescribe such rules and regulations as it shall deem necessary or expedient for the conduct of administrative agencies subject to its authority and shall have the power to revoke, suspend or amend any such rule or regulation;

(B) Investigate. Either by itself or any officer or person designated for the purpose by it, investigate and to examine or inquire into the affairs or operation of any department, division, bureau, or office; and shall have power to employ consultants and professional counsel to aid in such investigations, examinations, or inquiries;

(C) Overrule officials. Set aside any action taken by a Town official and may supersede him in the functions of his office;

(D) Delegate duties. Direct any official, department, division or bureau to perform the work for any other department, division or bureau;

(E) Appoint administrative committees. Designate from the administrative service such committees and the officers thereof as it shall find necessary for the proper consideration of administrative problems. Such committees shall meet at the request of the Town Board and shall make such recommendation on matters referred to them as they shall find necessary for the best interest of the Town; and

(F) Summon employees. Require any employee of the Town to appear before and address the Town Board at any meeting.

20.03 RESIGNATION OF MEMBERS.

Resignation of members of the Town Board shall be in writing, and no final action shall be taken thereon by the Town Board until the next regular meeting.

20.04 COMPENSATION.

The compensation of Town Board as provided in the manual budget shall be as provided in the annual budget ordinance.

MEETINGS; PROCEDURE

30.15 MEETINGS.

(A) The regular meetings of the Town Board shall be held on the first Tuesday of each month at 7 p.m. at the Town Hall unless otherwise designated by the Board. Every member of the Board and officer shall attend all meetings of the Board, unless excused.

(B) Any meeting of the Board may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting thereafter.

20.17 RULES OF PROCEDURE.

(A) Agenda. All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Town Board shall be delivered or submitted to the Town Clerk at least four days prior to its meeting. The Clerk shall arrange a list of such matters according to the order of business and furnish each member of the Board and the Town attorney with a copy of same prior to the Board meeting and as far in advance of the meeting as time for preparation will permit.

(B) Rules of debate.

(1) Every member desiring to speak shall address the chair and upon recognition by the Mayor shall confine himself to the question under debate, avoiding all personalities and indecorous language.

(2) A member, once recognized, shall not be interrupted when speaking, unless it be to call him to order or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined and, if in order, he shall be permitted to proceed.

(3) The member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(4) A motion to reconsider a vote maybe made only at the same or any adjourned meeting to that at which the vote is taken, or upon notice by one voting with the majority that a motion to reconsider will be made at the next regular meeting. Such motion must be made by a member of the Board voting on the prevailing side, but may be seconded by any other member and may be made at any time and have precedence over all other motions or while a member has the floor.

(5) A member may request from the Mayor the privilege of having an abstract of his statement on any subject under consideration by the Board entered in the minutes.

(6) The Clerk may be directed by the Mayor, with consent of the Board, to enter in the minutes a synopsis of the discussion on any question coming before the Board.

(C) Manner of addressing Board; time limit. Every person addressing the Board shall give his name and address for the records and, unless special time is granted by the Board, shall limit his remarks to ten minutes. All remarks shall be addressed to the Board as a body and not to any member thereof. No person, other than Board members and the person having the floor, shall be permitted to enter into any discussion either directly or through a member of the Board. No question shall be asked a member except through the Mayor.

(D) Voting, explanation of vote. All elections by the Board shall be made by ballot if required, by any two members present. A member may be permitted to explain his vote only by leave (C) Except as allowed under the 'Open Meetings Law' of the state, all meetings of the Board and its committees shall be open to the public.

20.16 ORDER OF BUSINESS.

(A) At the hour appointed for the meeting of the Town Board the Mayor shall take the chair and direct a call of the members by the Town Clerk, who shall note the absentees. If a quorum

be not present the Mayor shall send for the absentees, and upon the appearance of a quorum shall call to order and proceed with the order of business; if a quorum fails to attend, the meeting shall stand adjourned to a time agreed on by majority of the members present. The Mayor may, when present, substitute any member of the Board to perform the duties of the chair, but such substitution shall not extend beyond adjournment, except by special consent of the Board.

(B) The business of the Board shall be taken up for consideration and disposition at regular meetings in the following order:

- (1) Roll call;
- (2) Reading, correction and approval of minutes of the preceding regular meeting and other special meetings, if any;
- (3) Introduction and adoption of resolutions and ordinances;
- (4) Reports of officers, boards, regular committees and special committees;
- (5) Unfinished business;
- (6) Petitions, remonstrances communications;
- (7) Motions;
- (8) Miscellaneous;
- (9) Appropriations; and
- (10) Adjournment.

(C) If the Board shall direct any matter to be the special business of a future meeting, such matter shall have precedence over all other business thereat.
of a majority of the members present, and for such explanation, he may be allowed not more than five minutes. He may, if he desires, have his reason for voting for or against any measure recorded in the minutes.

(E) Questions of order. All questions of order shall be decided by the Mayor without debate, subject to an appeal to the Board.

(F) Robert's Rules of Order. When any point of procedure shall arise not covered by this chapter, the latest revised edition of Robert's Rules of Order shall determine such question of procedure.

§ 20.18 PREVIOUS QUESTION.

When the previous question is moved, and seconded by one other member, it shall be put as follows: 'Shall the main question be now put?' There shall be no further amendment or debate; but following an affirmative vote by a majority of the members present, pending amendments shall be put in their order before the main question. If the question 'Shall the main question be put' be decided in the negative, the main question remains before the Town Board.

20.19 MOTIONS HAVING PRECEDENCE.

When a question is under consideration, no motion shall be received except as follows: To lay on the table, to postpone to a time certain, to postpone indefinitely, to refer to a committee, to amend, or to divide. Motions for any of such purposes shall have precedence in the order named. ('75 code, 2-1016)

20.20 MOTIONS TO ADJOURN.

A motion to adjourn shall always be in order and shall be decided without debate.

20.21 ADDRESSING BOARD.

(A) Any citizen who desires to transact business with the Town Board shall submit a request in writing at least five days prior to a regular scheduled meeting. Such request should set forth a brief synopsis of the subject to be discussed. Upon receipt of such written request, the Town Clerk will schedule each citizen on the agenda, and notify them of the time they will be heard.

(B) Nothing in the above will be construed to prohibit the Board from hearing a citizen at any meeting upon approval of the Mayor or vote of the Board, if the issue is of an emergency or ~~hardship~~ nature. The Mayor and/or Board will determine if an emergency or hardship situation exists.

20.22 DISRUPTION OF MEEINGA.

Any person disrupting the proceedings of the Town Board meetings by continually speaking out of turn without having been recognized by the Mayor and having been once warned by the Mayor to refrain from such outbursts may be removed from the meeting and shall be charged with a misdemeanor and upon conviction shall be fined or imprisoned or both at the discretion of the court.

ORDINANCES

20.35 PROCEDURE; FORM; PUBLICATION.

Every ordinance amending or repealing any ordinance and every new ordinance shall be proposed in writing and shall be approved as to form by the Town Attorney. Ordinances shall have ordinance and section captions.

20.36 ORDINANCES CONFIRMED TO ONE SUBJECT.

All ordinances shall be confined to one subject except appropriation ordinances, which shall be confined to the subject of appropriations only.

20.37 OFFICIAL COPY.

A true copy of an ordinance, which has been duly enacted by the Town Board, signed by the Mayor, and attested to by the Clerk, shall be known as an official copy of any ordinance of the Town. All ordinances or a true copy thereof shall be inserted in this code in the proper chapter.

20.38 AMENDING ORDINANCE.

It shall be unlawful for members of the Town Board to annul, abridge, modify or in any way change any ordinance of the Board except at a regular or special meeting of the Board. Any consent obtained relative to the amendment of an ordinance except in such manner shall in all cases be inoperative and void.

20.39 ADDING TO OR REPLACING PROVISIONS; TITLE.

An ordinance proposed to add to or replace provisions of a current ordinance of the Town shall set out:

- (1) Each paragraph to be amended as it stands;
- (2) The words proposed to be stricken out and those to be inserted; and
- (3) The paragraph as it would stand if so amended.

(B) The title of the new ordinance shall contain the entire title of the ordinance amended thereby.

20.40 REPEAL OR ORDAINANCE OF PROVISIONS.

Whenever a chapter, article or section of this Code is repealed, the Clerk shall make a notation of such repeal in the official copy of this Code. Whenever a new chapter, article or section of this Code is ordained, the Clerk shall make a notation of such new ordinance in the official copy of this Code. Not later than eight months after the enactment of all ordinances, such ordinances shall be printed in the format of this Code and inserted in the appropriate places herein.

S 20.41 ORDINANCES PROVIDING FOR APPROPRIATION OF MONEY.

Every proposed ordinance providing for the appropriation of money shall be accompanied by a form to be devised by the Town Clerk which shall show fully the purpose of the appropriation and the fund to which it is to be charged and which shall bear the approval of the director of the department under whose supervision the money is to be expended and the Clerk.

CHAPTER 30: TOWN OFFICIALS

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30.01 MAYOR.

The Mayor shall:

- (A) Keep himself informed as to the Town's business;
- (B) Outline the powers and duties of committees as the Town Board may direct;
- (C) Make recommendations to the Board; and
- (D) Perform other duties as authorized by law or this code.

30.02 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, Town Board, Town Clerk, and other Town officials with respect to the affairs of the Town; to draw all legal documents relating to the affairs of the Town; to draw 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 Town Board, when requested by the Board; and to perform such other duties as may be required of him by virtue of his position as Town Attorney.

30.03 TOWN CLERK.

(A) A Town Clerk shall be appointed by the Board.

(B) It shall be the duty of the Town Clerk to:

(1) Act as Clerk to the Board, and as such, keep a complete and accurate account of all proceedings of all meetings in a book especially provided for this purpose by the Board.

(2) Have the powers and perform the duties of Treasurer.

CHAPTER 40: BOLTON POLICE DEPARTMENT

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GENERAL PROVISIONS

40.01 ORGANIZATION.

The police organization of the Town shall consist of the Chief of Police and as many other police officers as the Town Board shall from time to time provide.

40.02 CONTROL OF DEPARTMENT.

The Town Board shall have the general control of the Police Department, and may at any time, subject to the personnel policies of the Town, suspend from duty any member of the Police Department. The Chief of Police shall have the right to suspend any member of the Department if, in the Chief's opinion, the job performance of the member is not adequate. In the event that a member of the Department is suspended by the Chief of Police, the member so suspended shall have the right to appeal the decision to the Town Board for a grievance hearing and final disposition.

40.03 CHIEF OF POLICE; APPOINTMENT, DUTIES.

The Chief of Police shall be appointed by the Town Board. The Chief shall have control over the Police Department under the supervision of the Town Board. The Town Board member responsible for Public Safety shall communicate the wishes of the Town Board to the Chief of Police in writing. In the event that the Chief of Police perceives a conflict in any directive issued by the Town Board, the Chief shall immediately request a meeting with the entire Town Board in order to resolve the perceived conflict. The Chief shall keep the Town Board informed of the Department's activities and make such reports that the Town Board may from time to time require, and shall perform such other duties related to law enforcement activities as may be required of him by the Town Board.

40.04 DEPARTMENT POLICIES.

For all matters pertaining to the government of the Police Department not provided for by law or this code, the Chief of Police shall recommend, for the approval of the Town Board, a Standard Operating Procedures manual. The Chief of Police shall promulgate and enforce such policies, as are approved by the Town Board, within the Police Department.

40.05 POWERS AND DUTIES OF POLICE OFFICERS.

The police officers of the Town shall:

- (A) Preserve public peace, prevent crimes, detect offenders, suppress riots and unlawful gatherings which obstruct the free passage of public streets, sidewalks, parks and public places;
- (B) Protect the rights of persons and property;
- (C) Guard the public health;
- (D) Preserve order at elections and all public meetings and assemblages;
- (E) Regulate the movements of vehicles in the streets, bridges, parks, public squares and highways;
- (F) Provide proper police attendance at fires;
- (G) Carefully observe and inspect all places of public amusement and all places of business having license to carry on such business and suppress and restrain all unlawful and disorderly conduct or practices therein;
- (H) Enforce penalties for the violation of State and Federal laws, the provisions of this Code and other ordinances of the Town;
- (I) Arrest all persons guilty of violating any law or any provision of this Code or other ordinance;
- (J) Prevent as far as possible any injury to property and buildings, streets and sidewalks; (K) Report to the Chief of Police any repairs needed to any public property;
- (L) Summon as many persons as may be necessary to assist them in the duties herein outlined;
- (M) Survey all parts of the Town at reasonable intervals;
- (N) Be civil and pleasant to all with whom they have official business; and
- (O) Perform any other law enforcement activities that may be assigned to them by the Town Board or the Chief of Police.

§ 40.06 QUALIFICATIONS; COMPENSATION, TOURS OF DUTY.

(A) Every person appointed to serve as a police officers of the Town:

- (1) Shall be at least 20 years of age;
- (2) Shall have graduated from high school or possess a GED certificate;
- (3) Shall be certified by the North Carolina Training and Standards Commission as a probationary law enforcement officers or possess a general law enforcement certification from the State of North Carolina;
- (4) Shall be of good moral character;
- (5) Shall pass a physical examination; and
- (6) Shall not have been convicted of a crime other than infrequent minor traffic violations, unless pardoned or unless the conviction has been set aside.

(B) Police officers shall receive such compensation as the Town Board shall direct.

(C) The Chief of Police shall assign the duties of police officers and shall see that they faithfully perform their duties.

40.07 UNIFORMS.

All police officers shall wear uniforms as shall be provided by the Town and shall keep such uniforms in a neat and clean condition and shall surrender all uniforms and equipment upon leaving the police service of the Town if such uniforms and equipment were furnished by the Town.

AUXILIARY POLICE

40.20 ESTABLISHMENT OF DIVISION.

There is hereby established an Auxiliary Police Department to be known as the Auxiliary Police Division of the Bolton Police Department. The Auxiliary Police Division shall be a volunteer organization, composed of as many members as may from time to time be determined by the Town Board.

40.21 CHIEF OF POLICE TO CONTROL; APPOINTMENTS AND REMOVALS.

The Auxiliary Police Division shall be under the direct control of the Chief of police, acting under the general supervision of the Town Board. All appointments and removals of the Auxiliary Police Division shall be made in the same manner and under the same policies and procedures as may from time to time be established for appointment and removal of regular police officers.

The Auxiliary Police Division shall have no commanding officer, nor any officers, and all members shall bear the rank of patrol officer. Each member of the Auxiliary Police Division shall take the oath of office of a regular police officer. The Chief of Police shall provide for adequate training of members of the Auxiliary Police Division and of candidates for membership.

40.22 DUTIES.

(A) The duties of the Auxiliary Police Division, subject at all times to the direction, supervision and control of the Chief of Police, shall be to assist the regular members of the Police Department in the enforcement of law and the maintenance of peace and order when called to active duty by the Chief of Police. The Chief shall by order establish rules and regulations to govern the

40.31 DEFINITION OF RESERVE POLICE OFFICER.

A Reserve Police Officer of the Bolton Police Department shall be an individual who is a nonregular (not full time) member of the Police Department and who possesses all of the qualifications of a regular full-time police officer.

40.32 CHIEF OF POLICE TO CONTROL; APPOINTMENTS AND REMOVALS.

The Reserve Police Division shall be under the direct control of the Chief of police, acting under the general supervision of the Town Board. All appointments and removals of the Reserve Police Division shall be made in the same manner and under the same policies and procedures as may from time to time be established for appointment and removal of regular police officers.

40.33 DUTIES.

The duties of the Reserve Police Division, when called to duty by the Chief of Police or his designee, shall be the same as those of regular members of the Police Department.

40.34 UNIFORMS.

All Reserve Police officers shall wear uniforms as shall be provided by the Town and shall keep such uniforms in a neat and clean condition and shall surrender all uniforms and equipment

upon leaving the police service of the Town if such uniforms and equipment were furnished by the Town.

Auxiliary Police Division, to fix the specific duties of its members, and to provide for the maintenance of discipline. Members of the Auxiliary Police Division shall obey the instructions of regular police officers in carrying out their duties.

(B) The Chief may prescribe other duties than those mentioned herein to be performed by the Auxiliary Police Division, with approval of the Town Board.

40.23 IDENTIFICATION.

An identification card and such other insignia or evidence of identity as the Chief of Police may prescribe shall be issued to each member of the Auxiliary Police Division, who must carry the card and other identification at all times while on duty, and who must surrender the card upon the termination of his membership.

40.24 CARRYING AND CUSTODY OF FIREARMS.

No member of the Auxiliary Police Division shall, while on duty, carry or use any firearm except upon the express order of the Chief of Police, and all official firearms shall be kept in the custody of the Police Department except when issued to a member of the Auxiliary Police Division for use on active duty while accompanied by and under the supervision of one or more regular police officers.

40.25 LAW ENFORCEMENT POWERS.

No member or members of the Auxiliary Police Division shall enforce, not attempt to enforce, any law except when called to active duty, and except when immediately accompanied by one or more regular police officers.

RESERVE POLICE OFFICERS

40.30 ESTABLISHMENT OF DIVISION.

There is hereby established a Reserve Police Officer Division to be known as the Reserve Police Division of the Bolton Police Department. The Reserve Police Division shall be comprised of monetarily compensated persons at a rate authorized and approved by the Town Board. The Reserve Police Division shall be composed of as many members as may from time to time be determined by the Town Board.

CHAPTER 50: ANIMALS

General Provisions

50.01 Keeping certain animals without permission prohibited

50.02 Shooting of Squirrels

50.03 Disposal of carcasses

Dogs

50.15 Dogs running at large

50.16 Vaccination required; collar

50.17 Impoundment

50.18 Conditions under which dogs may be declared nuisance

50.19 Removal of tags, seizure, or molestation of owned dogs prohibited

50.20 Imposition of penalty generally

50.21 Issuance of citation to violator

50.22 Service of citation

50.23 Payment of penalty

50.24 Action to recover delinquent penalty

50.25 Severability; conflict of laws

GENERAL PROVISIONS

50.01 KEEPING CERTAIN ANIMALS WITHOUT PERMISSION PROHIBITED.

It shall be unlawful for any person to keep or harbor within the Town swine, fowls, horses or mules, cattle, goats, sheep or any animal which may create a nuisance or disturbance, except by special permission of the Town Board.

50.02 SHOOTING OF SQUIRRELS.

Any homeowner, after having complied with all of the state statutes concerning the shooting of squirrels, is allowed to shoot squirrels within the Town limits on his own property during daylight hours as is necessary in order to protect his property from damage.

50.03 DISPOSAL OF CARCASSES.

(A) Upon the death of an animal or fowl, its owner or harborer shall promptly dispose of the carcass in a lawful and sanitary manner; and, when given notice by authority of the Town Clerk or Police Department to do so, he shall comply with such notice within two hours.

(B) Animal and fowl carcasses found on the streets and other public places shall be removed and disposed of by the Town when the owner or harborer thereof is unknown.

DOGS

50.15 DOGS RUNNING AT LARGE.

(A) It shall be unlawful for any dog to be running at large on the street or sidewalks of the Town unless under the control of the owner by means of either leash, chain or similar device.

(B) Any person who owns, controls or harbors a dog which has bitten or attempted to bite any person, or is known to be vicious or dangerous, shall keep such dog confined on his own premises, and it shall be unlawful for him to cause or permit such for to run at large.

(C) No owner of any female dog in heat shall keep the same within the Town during such period, except when securely confined to the premises of the owner or other person with such person's consent.

50.16 VACCINATION REQUIRED; COLLAR.

Every person within the Town who owns, controls or harbors a dog shall have such dog vaccinated annually against rabies; provided that, in any case wherein the vaccination affords immunity to rabies for a period longer than one year, such dog need not be re-vaccinated until the termination of such period of immunity; and in every case the vaccination certificate shall state the type and quantity of serum administered and the period of immunity to rabies afforded thereby.

(B) Every person within the Town who owns, controls or harbors a dog shall be responsible for the wearing by such dog at all times of a collar on which is prominently display a vaccination tag indicating a vaccination which currently affords such dog immunity to hydrophobia.

50.17 IMPOUNDMENT.

(A) It shall be the duty of every officer to seize any dog found running at large contrary to the provisions of this chapter and impound such dog without prior notice to the owner. In the event any dangerous or vicious dog is found at large and cannot be safely taken up and impounded, such dog may be slain by any officer.

(B) Impounded dogs shall be kept for a maximum of five days. If, after the expiration of five days, such dogs have not been redeemed, they may be sold or destroyed. No impounded dog shall be sold for the purposes of vivisection

50.18 CONDITIONS UNDER WHICH DOGS MAY BE DECLARED NUSANCE.

(A) Any person keeping within the corporate limits of the Town one or more dogs which, by prolonged or habitual barking, howling, or whining, cause serious annoyance to the neighboring residents and thereby interfere with the reasonable use and enjoyment of the premises occupied by such residents, shall be guilty of maintaining a nuisance.

(B) Any person keeping with the corporate limits of the Town one or more dogs who fails to maintain his premises or enclosures in a sanitary condition and thereby creates obnoxious odors or serious annoyance to the neighboring residents shall be guilty of maintaining a nuisance.

(C) Upon written and signed complaint being made to the Police Department by any resident, a representative of the Police Department shall notify such person against whom the complaint is directed that a complaint has been received, and thereupon such person shall abate the nuisance declared in divisions (A) and (B) above within 25 hours from time of notification.

50.19 REMOVAL OF TAGS, SEIZURE, OR MOLESTATION OF OWNED DOGS PROHIBITED.

It shall be unlawful for any person, other than the owner of lawful possessor, to remove the collar or rabies vaccination tag from the neck of the dog, to entice any dog out of the enclosure or house on the premises of its owner or lawful possessor, to seize or molest any dog while held or led by its owner or lawful possessor.

50.20 IMPOSITION OF PENALTY GENERALLY.

In addition to any criminal penalties or injunctive relief allowed by law, a violation of any section of this ordinance shall subject the person violating the section to a civil penalty in the amount of fifty dollars (\$50.00) for the first day and twenty-five dollars (\$25.00) per day for each additional day of the violation.

50.21 ISSUANCE OF CITATION TO VIOLATOR.

When an animal control officer has determined that a violation of this article has occurred, which makes the violator subject to civil penalty, that officer shall issue a written citation to the violator specifying the nature of the violation and the amount of the penalty imposed for such violation.

50.22 SERVICE OF CITATION.

The officer shall serve the citation on the violator in person or by placing the citation in the U. S. postal system in an envelope addressed in the name of the violator at his/her last known address, postage paid, with return receipt requested. The citation shall be deemed received upon

delivery into the postal service, provided that a certificate by the issuing officer, that such delivery has been made, is executed and placed in the records of the animal control department on the date of such delivery.

50.23 PAYMENT OF PENALTY.

A civil penalty shall be due from and owed by a violator upon his receipt of a citation imposing such penalty and shall be paid within ten (10) days following such penalty. Notwithstanding such provision, the animal control department may refuse to release. A dog or cat apprehended under the provisions of this article until the person claiming such dog or cat pays any civil penalty imposed upon such person.

50.24 ACTION TO RECOVER DELINQUENT PENALTY.

If payment of a civil penalty is not received as provided in this division, the animal control department shall initiate a small claim action in the district court of the county as provided in G.S. Chapter 7A, Article 19, 7A-210 et seq., to recover the amount of the penalty.

In addition to any other civil remedies that may now or hereafter exist under law, the Town may proceed, as provided by N.C.G.S. 14-4, in a criminal action against any person, firm or corporation violating the provisions of this chapter.

50.25 SEVERABILITY; CONFLICT OF LAWS.

If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

CHAPTER 51 : COUNTY HEALTH REGULATIONS

51.01 Violating county health regulations

51.02 Interference with Health Officer

51.03 Right of entry

51.01 VIOLATING COUNTY HEALTH REGULATIONS.

It shall be unlawful for any person, firm or corporation to violate any lawfully adopted rule or regulation of the County Board of Health. The enforcement of this section shall be under the supervision of the County Health Officer.

Penalty, see 10.99

51.02 INTERFERENCE WITH HEALTH OFFICER.

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

Penalty, see 10.99

51.03 RIGHT OF ENTRY.

With proper warrant, or permission of the owner or occupant, the County Health Officer or any of his assistants shall have the right to enter any premises at any reasonable hour for the purpose of making the inspections or investigations.

CHAPTER 52: FIRE PREVENTION; FIREWORKS

General Provisions

52.01 Open burning; restrictions

Fire Prevention Code

52.15 Adoption by reference

Explosives and Firearms

52.25 Explosive, corrosive, inflammable or radioactive substances

52.26 Firearms

GENERAL PROVISIONS

52.01 OPEN BURNING•, RESTRICTIONS.

(A) It shall be unlawful for any person to burn leaves, limbs, trash or any other material in the open within the Town unless a permit for such burning has been granted by the Fire Chief.

(B) The Fire Chief may grant permits for open burning only for construction sites where proper safety precautions are followed. After issuing such permit, should it be determined that proper safety precautions are not being followed, or that hazardous weather conditions exist, the burning shall be stopped immediately upon the order of the Fire Chief or any Town police officer. Penalty, see 10.99

FIRE PREVENTION CODE

52.15 ADOPTION BY REFERENCE.

The most recent edition of the Fire Prevention Code recommended by the American Insurance Association is hereby adopted by reference as fully as though set forth in the Code of Ordinances. An official copy of such Code shall be kept on file in the office of the Town Clerk.

Fire Prevention Code

52.15 Adoption by reference

Explosives and Firearms

52.25 Explosive, corrosive, inflammable or radioactive substances

52.26 Firearms

CHAPTER 53 : NUISANCES

53.01 Certain conditions deemed nuisance

53.02 Investigation of conditions upon notice

53.03 Notification of violation; right of owner to hearing

53.04 Abatement procedure

53.05 Assessment of cost of removal; lien

53.06 Additional remedies; criminal action

53.07 Severability; conflict of laws

CHAPTER 54: LOUD NOISES

- 54.01 Loud, unnecessary, etc., noises prohibited
- 54.02 Certain loud, disturbing, etc., noises, enumerated nuisances; excepted from section
- 54.03 Live music, jukeboxes and similar musical instrument

CHAPTER 55: ALCOHOL

- 55.01 Consumption of alcoholic beverages
- 55.02 Sale of alcohol on Sunday

CHAPTER 60: ABANDONED AND JUNKED MOTOR VEHICLES

Abandoned motor vehicles

- 60.01 Definitions
- 60.02 Liability of persons to owners
- 60.03 Removal of abandoned vehicle by Town
- 60.04 Indemnification of Town
- 60.05 Notice
- 60.06 Sale or disposal of abandoned vehicles; hearing procedure
- 60.07 Exemptions

Junked motor vehicles

- 60.20 Junked vehicles

CHAPTER 70: CONCEALED WEAPONS

- 70.01 Purpose for enacting ordinance
- 70.02 Posting of signs required
- 70.03 Location of signs
- 70.04 Severability; conflict of laws

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- 80.01 State of emergency; curfew authorized
- 80.02 Proclamation for declaration of state of emergency; form and content

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CHAPTER 90: STREETS AND SIDEWALKS

General provisions

- 90.01 Skating on sidewalks or streets prohibited except in residential area
- 90.02 Planting and protection of trees
- 90.03 Obstruction on land constituting traffic hazard
- 90.04 House moving
- 90.05 Damage to municipal property

Acceptance and improvement of public streets

- 90.20 Policy established
- 90.21 Definition
- 90.22 Acceptance of new streets; requirements
- 90.23 Street improvements; petition
- 90.24 Street improvement project procedure
- 90.25 Installation of utilities
- 90.26 Responsibility of property owners
- 90.27 Construction according to specifications
- 90.28 Opening and improving streets without petition
- 90.29 Resurfacing improvements
- 90.30 Property owner's cost
- 90.31 Payment of assessments in cash or by installments
- 90.32 New subdivisions
- 90.33 Developer's costs
- 90.34 Street lights

Excavation and repair

- 90.40 Permit to dig in streets
- 90.41 Application for permit; fees
- 90.42 Municipal liability
- 90.43 Supervision and control of work done; final inspection upon completion
- 90.44 Disposition of fees
- 90.50 Street repair
- 90.51 Barricades and warning lights around excavations
- 90.52 Streets not to be damaged
- 90.53 Sidewalk construction
- 90.54 Permit to mix building materials

90.55 Driveways

Obstructions

90.60 Display of goods prohibited

90.61 Placing objects on streets and sidewalks

90.62 Overhead covered passageways required at construction near sidewalk

90.63 Structures and appurtenances over sidewalks

90.64 Assemblies obstructing sidewalks

Parades and demonstrations

90.70 Definitions

90.71 Permit required

90.72 Standards of issuance

90.73 Requirements and issuance of permits

90.74 Appeal procedure when permit denied

90.75 Certain activities prohibited

90.76 Revocation of permit

90.77 Interference prohibited

90.78 Picketing; additional regulations

90.79 Exceptions

EXPLOSIVES AND FIREARMS

§ 52.25 EXPLOSIVE, CORROSIVE, INFLAMMABLE OR RADIOACTIVE SUBSTANCES.

The Town may by ordinance restrict, regulate or prohibit the sale, possession, storage, use or conveyance of any explosive, corrosive, inflammable or radioactive substances, or any weapons or instrumentalities of mass death and destruction within the city.

(G.S. 160A-183)

52.26 FIREARMS.

The Town may by ordinance regulate, restrict or prohibit the discharge of firearms at any time or place within the city except when used in defense of person or property or pursuant to lawful directions of law enforcement officers, and may regulate the display of firearms on the streets, sidewalk, alleys or other public property. Nothing in this section shall be construed to limit a city's authority to take action under G.S. Ch. 14, Art. 36A.

(G.S. 160A-189) Penalty, see 10.99

CHAPTER 53: NUISANCE

- 53.01 Certain conditions deemed nuisance
- 53.02 Investigation of conditions upon notice
- 53.03 Notification of violation; right of owner to hearing
- 53.04 Abatement procedure
- 53.05 Assessment of cost of removal; lien
- 53.06 Additional remedies; criminal action
- 53.07 Severability; conflict of laws
- 53.08 No Parking on Town Streets; unless permitted otherwise

Statutory Reference:

N.C.G.S. 160A-193

53.01. CERTAN CONDITIONS DEEWD NUSANCE.

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

(A) The uncontrolled growth obnoxious weeds or grass to a height in excess of 24 inches causing or threatening to cause a hazard detrimental to the public health or safety.

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

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

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

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

§ 53.02. INVESTIGATION OF CONDITIONS UPON NOTICE.

The Town Mayor, or any other person designated by the Board of Aldermen, upon notice from any person of the possible existence of any of the conditions described above in Section 1 , shall cause to be made by the appropriate County Health Department official, or town official, such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in 53.01 above.

53.03. NOTIFICATION OF VIOLATION; RIGHT OF OWNER TO HEARING.

If it appears that such conditions exist, the Town Mayor, or any other person designated by the Board of Aldermen, shall cause to be delivered or mailed to the owner of the property upon which the conditions exist a notice stating the reasons why the conditions may constitute a violation and that a hearing will be held before the Board of Alderman at a place therein fixed, not less than ten nor more than 30 days after the delivery or mailing of the notice. The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and give evidence at the place and time fixed in the notice. 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 such hearings.

53.04. ABATEMENT PROCEDURE.

(A) If a determination is made that such conditions constituting a public nuisance exist, the Town Mayor, or any other person designated by the Board of Aldermen, shall notify, in writing, the owner of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of such written notice.

(B) If the owner, having been ordered to abate such a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of said order, the Town Mayor, or any other person designated by the Board of Aldermen, shall cause said condition to be removed or otherwise remedied by having employees of the town, while under their or their designee's supervision, to go upon said premises and remove or otherwise abate such nuisance. Any person who has been ordered to abate a public nuisance may within the time allowed by this chapter request the town in writing to remove such condition, the cost of which shall be paid by the person making such request.

53.05. ASSESSMENT•. OF COST OF REMOVAL; LIEN.

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

CHAPTER 54: LOUD NOISES

54.01 Loud, unnecessary, etc., noises prohibited

54.02 Certain loud, disturbing, etc., noises, enumerated nuisances; excepted from section

54.03 Live music, jukeboxes and similar musical instrument

Statutory Reference:

N.C.G.S. 160A-184

54.01. LOUD, UNNECESSARY, ETC., NOISES PROHIBITED.

It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the health, safety, comfort, or welfare of others within the Town.

54.02. CERTAIN LOUD, DISTURBING, ETC, NOISES, ENUMERATED NUISANCES; EXCEPTED FROM SECTION.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of {54.01, but such enumeration shall not be deemed to be exclusive, and the acts herein enumerated are found to be annoying to the public and contrary to the health, safety, comfort and welfare of the people and each is declared to be a nuisance:

(a) Horns. signaling devices. etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the Town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when tram is for any reason held up.

(b) Yelling. shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11 P.M. and 7:00 A.M. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

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

(B) In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in Section 4, Subsection (A), such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided by G.S. 160A-193.

53.06. ADDITIONAL REMEDIES•, CRIMINAL ACTION.

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

53.07. SEVERABILITY; CONFLICT OF LAWS.

If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

53.08. NO PARKING ON PRIVATE TOWN STREETS; UNLESS PERMITTED

The Town of Bolton governing body by this ordinance regulate the stopping, standing, or parking of vehicles in specified areas of any parking areas or driveways of privately owned public vehicular area, or prohibited such stopping, standing or parking during any specified hours, provided the owner or person in general charge of the operation and control of the area request in writing such as an ordinance. Statutory Reference. 160A-301. Parking.

(d) Excessive noise near church. The creation of any excessive noise on any street adjacent to any church, which disturbs or unreasonably interferes with the working of this institution.

(e) Radios, phonographs. etc. The using, operating, or permitting to be played, used or operated, any radio or television receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11 P.M. and 7:00 A.M. in such manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

54.03 LIVE MUSIC, JUKEBOXES AND SIMILAR MUSICAL INSTRUMENT.

It shall be unlawful for any person or group of persons to play musical instruments, either singularly or as a live band, or to play or permit to be played, in any place of business or amusement hall in the Town, any jukeboxes or similar musical instruments in violation of any of the following regulations:

(a) No musical instrument or live band shall be played at any time under any conditions between the hours of 11:00 A.M. and 7:00 A.M. and no musical instrument shall be played under any conditions at any time when the volume of such instrument is sufficient to disturb the public.

(b) Jukeboxes and similar musical instruments shall be allowed play seven days per week between the hours of 7:00 A.M. and 1 A.M. in enclosed buildings.

(c) Any person keeping or maintaining a jukebox or similar musical instrument in any place of business or amusement hall in the city shall keep the volume of such instrument turned down at all times, so that the sound from such instrument shall not disturb the public.

The provisions of this section shall not apply to public schools or resident churches or to warning signals required bylaw for vehicles on highways, streets or railroads, or to whistles at mills or factories, or to police, firemen or other public officials dealing with public emergencies, or protecting the public safety.

CHAPTER 55: ALCOHOL

55.01 Consumption of alcoholic beverages

55.02 Sale of alcohol on Sunday

{55.01 CONSUMPTION OF ALCOHOLIC BEVERAGES.

(a) No person shall consume or serve fortified wine, malt beverages, or alcoholic beverages of any kind defined by 184-2 of the General Statute's on or within the rights-of-way of the public street, alleys, parks, or buildings or any other public property within the Town.

(b) Any person violating the provisions of the section shall be punished in accordance with state statutes.

55.02 SALE OF ALCOHOL ON SUNDAY

It shall be unlawful for any person, firm, corporation or business establishment to sell beer, wine, or any other alcoholic beverage within the Town limits of the Town of Bolton, North Carolina, from 1:00 A.M. on Sundays to 6:00 A.M. on Mondays. Violation of this ordinance shall be punishable by a fine of not more than \$50.00 or imprisonment for a period of not more than thirty (30) days.

CHAPTER 60: ABANDONED AND JUNKED MOTOR VEHICLES

ABANDONED MOTOR VEHICLES

60.01 Definitions

60.02 Liability of persons to owners

60.03 Removal of abandoned vehicle by Town

60.04 Indemnification of Town

60.05 Notice

60.06 Sale or disposal of abandoned vehicles; hearing procedure

60.07 Exemptions

JUNKED MOTOR VEHICLES

60.20 Junked vehicles

Statutory reference:

Removal/disposal of junked and abandoned motor vehicles, see G.S. 160A -303

ABANDONED MOTOR VEHICLES

60.01 DEFINITIONS.

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

ABANDONED MOTOR VEHICLE. A vehicle that:

- (1) Has been left upon a street or highway in violation of a law, provision of this code, or other ordinance of the Town prohibiting parking;
- (2) Is left on property owned or operated by the Town for longer than 24 hours;
- (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.

JUNK MOTOR VEHICLE. An abandoned motor vehicle that also:

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

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

(G.S. 160A-303(b))

60.02 LIABILITY OF PERSONS TO OWNERS.

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 chapter.
(G.S. 160A-303(1))

60.03 REMOVAL OF ABANDONED VEHICLE BY TOWN.

Any junked or abandoned motor vehicle may be removed by the Town to a storage garage or area. However, no such vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises, unless the Town or a duly authorized Town official or employee has declared that vehicle to be a health or safety hazard.
(GS. 160A-303(c))

60.04 INDEMNIFICATION OF TOWN.

Any person requesting the removal of a junked or abandoned motor vehicle from private property shall indemnify the Town against any loss, expense or liability incurred because of the removal, storage, or sale of that vehicle. (G.S. 16QA-303(c))

60.05 NOTICE.

When any junked or abandoned motor vehicle is removed, the Town shall give notice to the owner as required by G.S. 20-219.11(a) and (b).
(G.S. 160A-303(c))

60.06 SALE OR DISPOSAL OF ABANDONED VEHICLES; HEARING PROCEDURE.

Regardless of whether a municipality does its own removal and disposal of motor vehicles or contracts with another person to do so, the municipality shall provide a hearing procedure for the owner. For purposes of this section, the definitions in G.S. 20-219.9 apply.

(A) If the municipality operates in such a way that the person who tows the vehicle is responsible for collecting towing fees, all provisions of G.S. Article 7A, Chapter 20, apply.

(B) If the municipality operates in such a way that it is responsible for collecting towing fees, it shall:

(1) Provide by contract or ordinance for a schedule of reasonable towing fees;

(2) Provide a procedure for a prompt fair hearing to contest the towing;

(3) Provide for an appeal to district court from that hearing;

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

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

(G.S. 160A-303(d))

60.07 EXEMPTIONS.

Nothing in this chapter 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. (G.S. 160A-303(g))

JUNKED MOTOR VEHICLES

60.08 JUNKED VEHICLES.

(A) Any junked motor vehicle found to be in violation of this section 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 Town Board or a duly authorized Town official or employee finds in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following, among other relevant factors, may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; and

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

(B) 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 an abandoned or junked motor vehicle is removed, the Town shall give notice to the owner as required by G.S. 20-219(a) and (b).

(C) Hearing procedure. Regardless of whether the Town does its own removal and disposal of motor vehicles or contracts with another person to do so, the Town shall provide a prior hearing procedure for the owner. For purposes of this division, the definitions in G.S. 20-219.9 apply.

(1) If the Town operates in such a way that the person who tows the vehicle is responsible for collecting towing fees, all provision of G.S. Chapter 20, Article 7A. apply.

(2) If the Town operates in such a way that it is responsible for collecting towing fees, it shall:

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

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

(c) Provide for an appeal to district court from the hearing.

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

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

(D) Any person who removes a vehicle pursuant to this section shall not be held for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.

(E) Any ordinance adopted pursuant to this section shall include a prohibition against removing or disposing of any motor vehicle that is used on a regular business or personal use.

(F) Nothing in this section shall be construed to authorize the Town to require the removal or disposal of a motor vehicle kept or stored at a bona fide automobile graveyard or junkyard as defined in G.S. 136-143.

CHAPTER 70: CONCEALED WEAPONS

70.01 Purpose for enacting ordinance

70.02 Posting of signs required

70.03 Location of signs

70.04 Severability; conflict of laws

70.01 PURPOSE OF ENACTNG ORDINANCE

Whereas, Chapter 398 of the 1995 Session Laws made changes to the laws governing concealed weapons by establishing a system that will allow private citizens to obtain permits to carry concealed handguns; and whereas this change will significantly increase the number of individuals who may legally carry concealed handguns; and whereas it is necessary to restrict the carrying of concealed handguns on certain Town property in order to protect the health and safety of municipal employees and the community at large; and whereas N.C.G.S. 14-415.23 authorizes municipalities to adopt ordinances to permit the posting of a prohibition against carrying a concealed handgun, in accordance with N.C.G.S. 14-415.11 (c), on local government buildings, their appurtenant premises, and parks; it is therefore the intent of this ordinance to direct the posting of municipal property such that, pursuant to N.C.G.S. 14-415.11(c), the carrying of concealed handguns on the posted premises will constitute a violation of N.C.G.S. Chapter 14, Article 54B;

70.02 POSTING OF SIGNS REQUIRED.

The Town Clerk is hereby authorized and instructed to post conspicuous signage at appropriate locations within each park and each building or portion of building owned, leased as lessee, operated, occupied, managed or controlled by the Town, as well as the appurtenant premises to such buildings, indicating that carrying a concealed handgun is prohibited therein.

70.03 LOCATION OF SIGNS.

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

70.04 SEVERABILITY; CONFLICT OF LAWS.

If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

CHAPTER 80: CIVIL EMERGENCIES

80.01 State of emergency; curfew authorized

80.02 Proclamation for declaration of state of emergency; form and content

80.99 Penalty

§ 80.01 STATE OF EMERGENCY; CURFEW AUTHORIZED.

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

(B) 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.

(C) The Mayor is hereby authorized and empowered to limit by the proclamation and application of all or any part of such restrictions to any area specifically designated or described within the corporate 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, fire fighters and other public employees, doctors, nurses, employees or 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.

(D) 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 Town Board.

(E) 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 own 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 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, alley 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; or

(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.

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

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

80.02 PROCLAMATION FOR DECLARATION OF STATE OF EMRGENCY•, FORM AND CONTENT.

The proclamation for the declaration of a state of emergence and the imposition of specific prohibitions and restriction shall take substantially the following form.

WHEREAS, the governing body of the Town of Bolton has duly adopted an ordinance authorizing the Mayor to determine and proclaim the existence of a state of emergency and to impose various restrictions after he/she determines that such restrictions are necessary as a response to an emergency.

"NOW THEREFORE, _____ 1., Mayor of the Town of Bolton
proclaim that:

1.

"An emergency exists, and restrictions set forth in this proclamation are necessary in order to maintain an acceptable level of public order, services, and protection of lives, safety, and property during this emergency.

11.

"I proclaim the following restrictions:

A. No person shall be part of any assembly of three or more persons in the area bounded by the corporate limits of Bolton.

B. Possessions, consumption, and transfer of intoxicating liquor.

1. No person shall possess or consume any intoxicating liquor, including beer and wine, other than on his premises.

2. No person shall sell or otherwise transfer any intoxicating liquor, including beer and wine.

C. Curfew.

1. No person not exempted by this proclamation shall appear in public in the geographic area described in this proclamation between the hours of _____ P.M. and midnight or between _____ the hours of midnight and A.M. of any day until I remove this curfew by proclamation.

2. This curfew shall apply to the area bounded by _____

3. I find it necessary to the preservation of the public health, safety, and welfare to exempt from these curfew restrictions the following classes of people in the circumstances indicated:

(a) (Those whose appearance is essential in order to obtain or furnish a service or commodity which is immediately necessary to sustain the health or well-being of themselves or of someone within curfew area).

(b) (Those whose appearance necessarily occurs in the process of leaving a place at which they were temporarily engaged and from which they could not reasonably have planned their departure so as to avoid appearing during the period of during which the curfew was applicable).

(c)

(d)

D. Possession and transfer of dangerous weapons or substances.

1. No person shall possess any dangerous weapons or substances unless they remain in a place of storage on his premises, or, if they cannot be readily stored on his premises, unless they remain in a customary place of storage not readily available to the possessor. No person may transport or sell or otherwise transfer any dangerous weapons or substances.

2. I find it necessary to the prevention of the public health, safety, and welfare to exempt from these restrictions the following classes of people in the circumstances indicated:

Police officers may possess any weapon necessary to carry out their duties when on active duty.

Anyone may possess gasoline when the gasoline is in the tank of an automobile in his possession.

E. Access for restricted areas.

1. I direct the chief of police and his subordinates to restrict or deny access to any area, location, or street where such a restriction is necessary in order to help overcome this emergency or to prevent the emergency from worsening. These restrictions on access shall be indicated by means of barricades, posted notices, or orders to anyone in the area.

2. No person shall obtain access or attempt to obtain access to any area, location, or street to which the chief of police and his subordinates have restricted access to the directions I have just given to them.

m.

"Anyone violating any restriction imposed by this proclamation or under its authority violates Town ordinance and is guilty of a misdemeanor.

Iv.

"This proclamation shall take effect immediately.

Hour and Date

MAYOR

[SEAL OF THE TOWN]

9 PENALTY.

The violation of any provision of this chapter or any provision of any restriction imposed by any proclamation authorized by this chapter, shall constitute a misdemeanor, punishable upon conviction by a fine not exceeding \$50.00 or imprisonment not exceeding 30 days, as provided by G.S. Section 14-4.

CHAPTER 90: STREETS AND SIDEWALKS

GENERAL PROVISIONS

- 90.01 Skating on sidewalks or streets prohibited except in residential area
- 90.02 Planting and protection of trees
- 90.03 Obstruction on land constituting traumatic hazard
- 90.04 House moving
- 90.05 Damage to municipal property

ACCEPTANCE AND IMPROVMENT OF PUBLIC STREETS.

- 90.20 Policy established
- 90.21 Definition
- 90.22 Acceptance of new streets; requirements
- 90.23 Street improvements; petition
- 90.24 Street improvement project procedure
- 90.25 Installation of utilities
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EXCAVATION AND REPAIR

- 90.40 Permit to dig in streets
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OBSTRUCTIONS

- 90.60 Display of goods prohibited
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- 90.62 Overhead covered passageways required at construction near sidewalk
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PARADES AND DEMONSTRATIONS

- 90.70 Definitions
- 90.71 Permit required
- 90.72 Standards of issuance
- 90.73 Requirements and issuance of permits
- 90.74 Appeal procedure when permit denied
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- 90.76 Revocation of permit
- 90.77 Interference prohibited
- 90.78 Picketing; additional regulations
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GENERAL PROVISIONS

90.01 SKATING ON SIDEWALKS OR STREETS PROHIBITED EXCEPT IN RESIDENTIAL AREA.

It shall be unlawful for any person to skate on the streets or sidewalks of any section of the Town other than in residential sections.

90.02 PLANTING AND PROTECTION OF TREES.

Citizens may plant in front of their lots and around their lots along the sidewalks, provided they shall not plant any that are detrimental to the Town. No trees shall be planted in the streets or gutters. No person shall cut or damage any tree along the sidewalks of the Town without the prior permission of the Town Clerk nor shall they dig up or injure any tree or tack or post any advertisement upon said trees in the Town.

90.03 OBSTRUCTION ON LAND CONSTITUTING TRAFFIC HAZARD.

(A) It shall be a public nuisance for any person owning or having the legal control of any land within the corporate limits of the Town to maintain or permit upon such land any fence, sign, billboard, shrubbery, bush, tree, mailbox, vehicle or other object, or any combination thereof, which obstructs the view of motorists using any street, private driveway or approach to any street intersection adjacent to and abutting such land so as to constitute a traffic hazard or a condition dangerous to the public safety upon any such street, private driveway or at any such street intersection adjacent thereto.

(B) Any person who shall maintain or permit any such public nuisance and shall fail, refuse or neglect to remove, destroy or otherwise eliminate such condition constituting such public nuisance as hereinbefore defined within a period often (10) days after written notice to do so from the Town Clerk shall be guilty of a misdemeanor.

(C) If the Town Clerk, after investigation, shall determine that any person is maintaining or permitting any such public nuisance as defined in division (A) above, it shall be the duty of the Town Clerk to cause to be served upon such person a written notice to remove, destroy or otherwise eliminate the condition or conditions constituting the nuisance. If within ten (10) days after the notice shall have been given the public nuisance has not been eliminated, the Town Clerk shall take appropriate action to abate the nuisance in accordance with the law and may cause a warrant to be issued and the person responsible for the maintenance of the public nuisance to be prosecuted according to law.

90.04 HOUSE MOVING.

No person shall move any house or building upon or across the public streets or sidewalks without the prior written consent of the Town Clerk and the deposit of a good and sufficient bond to cover any potential damage which might be done to such street or sidewalk or to any property of any person.

90.05 DAMAGE TO MUNICIPAL PROPERTY.

No person shall injure, tamper with, remove, paint upon or deface any bridge, culvert, ditch and drain, sign, sign post, street light, traffic signal, bulletin board or other municipal property

upon the streets and sidewalks or elsewhere except employees of the Town in the performance of their duties.

ACCEPTANCE AND IMPROVEMENT OF PUBLIC STREETS.

90.20 POLICY ESTABLISHED.

It shall be the policy of the Board of Aldermen to regulate the acceptance and improvement of public streets by exercising the powers and duties conferred by G.S. 160A-296 in the best interest of the citizens of the Town.

90.21 DEFINITION.

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

STREET IMPROVMENTS. The grading, regrading, paving, repaving, macadamizing and macadamizing of streets, alleys, sidewalks or other public places or ways, and the construction, reconstruction and altering of curbing, guttering, storm sewers, turnouts, water mains, and water, gas or sewer connections therein.

90.22 ACCEPTANCE OF NEW STREETS; REQUIREMENTS.

(A) Dedication for public use on recorded map. Streets shall be considered for acceptance for maintenance by the Town when the proper width street is dedicated for public use and a map is recorded in the office of the Register of Deeds of the county.

(B) Grading. Streets shall be graded full width with banks at property lines sloped on private property. The grading shall be done in accordance with grades, standards and specifications established by the Director of Public Works. The cost of all grading shall be at the owner's expense.

(C) Sloping of banks when applicant does not control all property abutting street. When a person filing an application with a Director of Public Works for acceptance of a public street does not control all property frontage abutting the street acceptance of which is desired, the applicant shall attempt to secure written approval from owners permitting sloping of banks on private property not in his control and furnish copies to the office of the Director of Public Works; however, this requirement shall not be construed to delay the project unduly.

(D) Storm drainage generally. As a prerequisite to acceptance of street for maintenance, storm drainage shall be installed at the owner's expense in accordance with designs, standards and specifications of the Director of Public Works. The size, material, grade and length of pipe or culvert required shall be as established by the Director of Public Works.

(E) Basins for entrance of surface water. As a prerequisite to acceptance of a street for maintenance, basins shall be constructed, at the expense of the person filing the application, at designated locations in accordance with the number required to adequately permit surface water entrance. Requirements for such basins shall be specified by the Director of Public Works.

(F) Curbs and gutters; individual lots. With regard to individual lots, standard curb and gutter improvements shall be constructed by an approved licensed contractor in accordance with the specifications and design approved by the Director of Public Works, across the full frontage of the lot at the expense of the person filing the application. Such applicant shall submit two copies of a map to the Director of Public Works, showing the location of driveway entrances. Curb and gutter shall not be constructed until all utilities have been installed.

(G) Developments. With regard to developments, standard curb and gutter improvements shall be constructed, at the expense of the person filing the application, by an approved contractor, in accordance with specifications and designs approved by the Director of Public Works. The applicant shall submit two copies of a map to the Director of Public Works, showing the location of driveway entrances. Curb and gutter shall not be constructed until all utilities have been installed and accepted.

(H) Crushed stone stabilization. When utilities have been installed and accepted and curb and gutter construction is complete and acceptable, a minimum of 300 pounds per square yard of crushed stone stabilization is required over the traveled portion of a street with reference to which an application has been filed. The application of stone shall be placed in accordance with specifications of the Director of Public Works.

90.23 STREET IMPROVEMENTS•, PETITION

(A) Execution by owners. All petitions for street improvements must be signed in ink by the owners of the property signed for, or by their duly authorized agents.

(B) Execution when town owns property. Whenever the abutting landowners on any street petition to have the same improved and the town owns property along the street whereon such improvement is desired, the Mayor is hereby authorized and empowered to sign the petition in the name of the town along such street.

(C) Right to withdraw signature. Any person shall have the right to withdraw his signature from a petition for the pavement or replacement of a street, but any such withdrawal must be in the handwriting of the withdrawing petitioner and shall state that it is his own act, uninfluenced by persuasion from any person manufacturing competing products.

(D) Effect of withdrawal of signature. Any person who has signed a petition for the pavement or replacement of a street or portion of a street and withdraws his signature therefrom thereafter will not be considered on any petition for pavement or replacement; that is, such withdrawing person can sign any other paving petition, but the town will not pass such other

petition unless the required number of feet is signed in addition to that of the party who has withdrawn his signature.

(E) Misrepresentation to induce withdrawal of signers. No person shall appeal personally to signers of such petitions to withdraw their names and in making such appeals misrepresent the facts, either as to the cost of the respective pavements or any other fact connected therewith.

90.24 STREET IMPROVEMENT PROJECT PROCEDURE.

The procedure for street improvement projects shall be as specified in G.S. 160A-216 et seq.

90.25 INSTALLATION OF UTILITIES.

(A) For the of this section, PUBLIC UTILITIES shall mean power, gas, light, telephone and telegraph corporations and such others as may operate like public services, and also shall include departments of the town providing any of the above services as well as water distribution and sewage disposal.

(B) At least 30 days before a contractor is notified that a street is ready for him to proceed with his work, the Director of Public Works shall notify all public utilities that the street is being turned over to the contractor for the purpose of his contract. If those so notified are not ready or cannot get ready within the 30 days, the Director of Public Works shall be so notified in writing, whereupon he may, at his discretion and upon the approval of the Town Council, delay the sending of the notice to the contractor.

90.26 RESPONSIBILITY OF PROPERTY OWNERS.

All abutting property owners shall receive the same notice as is provided to public utilities under 90.25(B) and shall be required to make all necessary preparations for street improvements. Property owners may request a delay in the sending of notice to the contractor as provided in § 90.25(B).

90.27 CONSTRUCTION ACCORDING TO SPECIFICATIONS.

All street improvements shall be constructed in accordance with specifications furnished by the Director of Public Works, and all such work shall be done under his supervision.

90.28 OPENING AND CLOSING STREETS WITHOUT PETITION.

It shall be wholly discretionary with the Town Council whether any street improvement work is necessary or desirable and shall be done or not. Except for the levy of assessments, street improvements made without a petition therefor shall follow the same procedures as street improvements made pursuant to petition.

90.29 RESURFACINGIMPROVEMENTS.

(A) In all cases where a street is being repaved, the Director of Public Works shall be authorized to close such street or part of such street from the time the work is started until such time as in his judgment the street is suitable for ordinary traffic thereon. If there is any dispute as to the time when such pavement is sufficiently set or hardened or otherwise has become fit for travel, the decision of the Director shall be final. It shall be the special duty of the Director to see that the provisions of this section are enforced, both as to the erection of barriers or enclosures and as to travel on any such street by vehicles, during the time prohibited. It shall also be the duty of the Director to serve such notice as may be necessary to protect any person having a permanent line thereon, such as bus lines, taxicab lines and the like.

(B) No person shall interfere with such closing or undertaking by operating a car or otherwise traveling thereon before the enclosures have been removed therefrom and such street opened for travel.

90.30 PROPERTY OWNER'S COST.

The cost for street improvements charged against each abutting property owner shall be determined by the Town Council under the provisions of G.S. 160A-218.

90.31 PAYMENT OF ASSESSMENTS IN CASH OR BY INSTALLMENTS.

The owners of assessed property shall have the option, within 30 days after the publication of the notice that the assessment either in cash or in not more than ten annual installments, as may have been determined by the Town Council in the resolution directing the project giving rise to the assessment to be undertaken. With respect to payment by installment, the Council may provide.

(A) That the first installment with interest shall become due and payable on the date when property taxes are due and payable, and one subsequent installment and interest shall be due and payable on the same date in each successive year until the assessment is paid in full, or

(B) That the first installment with interest shall become due and payable 60 days after the date that the assessment roll is confirmed, and one subsequent installment and interest shall be due and payable on the same day of the month in each successive year until the assessment is paid in full.

90.32 NEW SUBDIVISIONS.

Street improvements in new subdivisions shall be made as provided by the Director of Public Works.

90.33 DEVELOPER'S COSTS.

Developers shall be assessed as abutting property owners for the cost of street improvements done by the town.

90.34 STREET LIGHTS.

Street lights shall be installed and maintained by the town in other than business sections only at street intersections or terminations unless the distance between street intersections shall exceed 350 feet.

EXCAVATION AND REPAIR

90.40 PERMIT TO DIG IN STREETS.

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

90.41 APPLICATION FOR FEES.

All persons desiring a permit to make an opening in any street or sidewalk, as set forth in §90.40, shall make written application therefor, which application shall show the location of the proposed opening, the purpose therefor and the approximate number of square yards of surface to be cut. Such application shall be accompanied by a fee which shall be established by the Town Council.

90.42 MUNICIPAL LIABILITY.

Any person obtaining a permit as provided in 90.40 and 90.41 agrees, as a condition of the insurance of said permit, to indemnify and hold harmless the town against any claims or expenses,

including attorneys fees for bodily injury or property damage for accidents or occurrences arising out of the person's operations, excluding only the liability of the town for its sole negligence except in connection with general supervision of work performed by said person.

90.43 SUPERVISION AND CONTROL OF WORK DONE; FINAL INSPECTION UPON COMPLETION.

All excavations and work in streets, sidewalks, alleys or public places of the town shall be under the supervision and control of the Director of Public Works, whose duty it shall be to inspect the same from time to time during the progress thereof. Upon the completion thereof, the Director shall make a final inspection and see that the street, sidewalk public place is restored to a condition as good in all respects as before the excavation or work was made or done, and that all debris, materials, tools and equipment are removed therefrom. Any person refusing or failing to comply with any provision of this section shall be guilty of a violation thereof, and where such failure or refusal is continued after notice from the director, every day's continuance shall constitute a separate and distinct offense.

90.44 DISPOSITION OF FEES.

All fees collected under the provisions of this subchapter shall be paid into the General Fund.

90.50 STREET REPAIR.

When any part of any street, sidewalk, alley or other public place of the town shall be torn or dug up for any purpose, the person making such excavation or opening, and such refilling shall be done in accordance with the standards and specifications issued by the Director of Public Works or his duly authorized representative. Any person, firm or corporation neglecting, refusing, or failing to comply with any provisions of this section shall be guilty of a violation thereof; and where such neglect, refusal or failure is continued, after notice from the Director or his authorized representative, every day's continuance thereafter shall constitute a separate and distinct offense.

90.51 BARRICADES AND WARNING LIGHTS AROUND EXCAVATIONS.

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

across the sidewalks or streets unless boxing be used and the same be covered on a level with the sidewalk.

90.52 STREETS NOT TO BE DAMAGED.

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

90.53 SIDEWALK CONSTRUCTION.

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

90.54 PERMIT TO MIX BUILDING MATERIALS.

No person shall mix any building materials on any street, sidewalk or other public place, unless a written permit therefor has been issued by the Town Clerk and Treasurer or some other officer of the town vested with such authority. All persons desiring a permit to mix building materials shall make written application therefor, which application shall show the location of the proposed mixing and the kind and approximate amounts of materials to be mixed. Such application shall be accompanied by a fee which shall be established by the Town Council.

90.55 DRIVEWAYS.

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

(B) Application.

(I) All persons desiring a driveway permit shall make application therefor, which application shall show:

- (a) The name and address of the owner or agent in charge of the property abutting and proposed work area;
- (b) The name and address of the party doing the work;
- (c) The location of the work area;

(d) Attached plans showing details of the proposed alteration;

(e) The estimated cost of the alteration; and

(f) Such other information as the issuing officer shall find reasonably necessary to the determination of whether a permit should issue hereunder.

(2) Such application shall be accompanied by a fee which shall be established by the Town Council.

(C) The officer shall issue a permit hereunder when he finds:

(1) That the plans for the proposed operation have been approved by the Director of Public Works, to whom they shall be forwarded by the officer within a reasonable time after receipt thereof;

(2) That the work shall be done according to the standard specifications of the town for public work of like character;

(3) That the operation will not unreasonably interfere with vehicular and pedestrian c, the demand and necessity for parking spaces, and the means of egress to and from the property affected and adjacent properties; and

(4) That the health, welfare and safety of the public will not be unreasonably impaired.

(D) Driveways shall be constructed of Portland cement concrete in one course.

OBSTRUCTIONS

90.60 DISPLAY OF GOODS PROHIBITED.

No person shall place for display or sale any goods, wares or merchandise of any kind upon any of the sidewalks of the town, which shall extend out on the sidewalks.

90.61 PLACING OBJECTS ON STREETS AND SIDEWALKS.

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

§90.62 OVERHEAD COVERED PASSAGEWAYS REQUIRED AT CONSTRUCTION NEAR SIDEWALK.

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

90.63 STRUCTURES AND APPURTENANCES OVER SIDEWALKS.

No person shall erect over any sidewalk or street any part of a building except marquees and signs, which are approved by the Building Inspector. Awnings may be attached to buildings provided they are supported upon metallic frames and at least eight feet above the level of the sidewalk.

90.64 ASSEMBLIES OBSTRUCTING SIDEWALKS.

(A) All persons are forbidden from assembling, collecting and standing so as to obstruct any sidewalk or street, and all persons so collecting and standing shall disperse and move upon the demand of any police officer.

(B) No person or persons shall congregate and having congregated stand together on any of the streets or sidewalks of the town in such numbers or in such manner as to hinder or delay the travel thereon on foot or otherwise. In such case it shall be the duty of the Chief of Police to cause such persons to disperse and to keep such sidewalks clear for the travel of the public.

PARADES AND DEMONSTRATIONS

90.70 DEFINITIONS.

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

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

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

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

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

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

§ 90.71 PERMIT REQUIRED.

It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk, alley or other public place within the town unless a permit therefor has been issued by the town in accordance with the provisions of this subchapter.

90.72 STANDARDS OF ISSUANCE.

The Chief of Police shall issue a permit for the proposed parade unless he finds that:

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

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

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

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

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

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

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

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

(I) The conduct of the parade will interfere with the movement of fire-fighting equipment to such and extent that adequate fire protection cannot be provided to the town.

§ 90.73 REQUIREMENTS AND ISSUANCE OF PERMITS.

The Chief of Police or his designee shall issue permits as required in .82, and in the issuance thereof he shall:

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

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

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

90.74 APPEAL PROCEDURE WHEN DENIED.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the Town Council. The appeal shall be taken within 30 days after notice of denial. The Council shall act on the appeal at its next regular meeting after receipt of said notice.

90.75 CERTAIN ACTIVITIES PROHIBITED.

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

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

(B) The taking or keeping of any dog or other vicious animal, whether leashed or unleashed.

90.76 REVOCATION OF PERMIT.

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

- (A) The violation by any participant on 90.74.
- (B) The failure to comply with the terms and conditions of the permit.

90.77 INTERFERENCE PROHIBITED.

No person shall hamper, obstruct, impede or interfere with any parade, picket line or group demonstration being conducted under authority of a permit duly issued by the Chief of Police.

§ 90.78 PICKETING; ADDITIONAL REGULATIONS.

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

- (A) Picketing may be conducted only on the sidewalks reserved for pedestrian movement, and may not be conducted on the portion of a street used primarily for vehicular traffic•,
- (B) Not more than ten pickets promoting the same objective shall be permitted to use either of the two sidewalks within a single block at any time.
- (C) Pickets may carry written or printed placards or signs not exceeding two feet in width and two feet in length promoting the objective for which the picketing is done; provided, the words are not derogatory or defamatory in nature.
- (D) Pickets must march in a single file and not abreast and must not march closer together than 15 feet, except in passing one another.

90.79 EXCEPTIONS.

This subchapter shall not apply to:

- (A) Funeral processions; or
- (B) Any governmental agency acting within the scope of its functions.