

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: CEMETERIES

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§ 90.01 MAP OF CEMETERY.

The City Clerk and Treasurer shall keep a map of the cemetery showing thereon all burial plots or squares which are offered for sale, together with those sold, indicating the exact location of each.
(`88 Code, § 5-1)

§ 90.02 DEED TO LOT.

It shall be the duty of the Clerk and Treasurer to prepare and deliver to the purchaser a deed to any plot or square in the cemetery after the full purchase price has been paid.
(`88 Code, § 5-2)

§ 90.03 PAUPER GRAVES.

It shall be the duty of the City Manager to authorize the digging of all graves for paupers on plots designated for that purpose.
(`88 Code, § 5-3)

§ 90.04 DIGGING GRAVES.

No person shall dig any grave in the cemetery without permission.
(`88 Code, § 5-4) Penalty, see § 10.99

§ 90.05 INJURING PROPERTY IN CEMETERY.

(A) It shall be unlawful to damage, destroy or injure any property in or belonging to the cemetery.

(B) It shall be unlawful for any person to cause the level of any cemetery lot to be raised by the hauling in of soil more than six inches above the level of the surrounding paths or lots.
(`88 Code, § 5-5) Penalty, see § 10.99

Statutory reference:

Injuring, removing fences or walls surrounding graveyards, see G.S. § 14-144
Removing or defacing monuments and tombstones, see G.S. § 14-148
Interfering with graveyards, see G.S. § 14-149

§ 90.06 ONE INTERMENT IN GRAVE; EXCEPTIONS.

Only one interment shall be made in a grave, except a mother and infant or two children in one coffin.
(`88 Code, § 5-6)

§ 90.07 NIGHT VISITS PROHIBITED.

It shall be unlawful for any person to enter the cemetery at any time between sunset and sunrise for any purpose without a written consent from the City Manager or his or her designee.
(`88 Code, § 5-7) Penalty, see § 10.99

§ 90.08 CHARGES AND PRICES.

The charges and prices of cemetery lots shall be as from time to time established by the City Council. A listing of such charges and prices is maintained in the office of the City Clerk.

(`88 Code, § 5-8)

Statutory reference:

*Authority of city to set fees and prices, see G.S.
§ 160A-348*

§ 90.09 REMOVAL OF EXCESS DIRT FROM GRAVE OPENINGS IN EAST SIDE CEMETERY.

The following regulations shall apply to the removal of excess dirt from grave openings in the city cemetery, known as East Side Cemetery:

(A) All excess dirt from grave openings shall be removed from the cemetery area under supervision of the city for a fee which shall be set from time to time by the Council and is on file in the office of the City Clerk;

(B) The mortuary arm in charge of a burial shall have the obligation and the responsibility for payment of the above fee, including those conducted by an outside city mortuary where there is an affiliation or reciprocal agreement.

(`88 Code, § 5-9)

CHAPTER 91: FIRE PREVENTION AND PROTECTION

Section

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GENERAL PROVISIONS

§ 91.01 ACCUMULATION OF RUBBISH.

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

(`88 Code, § 7-1)

Cross reference:

*Refuse, weeds and trash, see Charter, Art. XV
Health and sanitation, see Ch. 92*

§ 91.02 DEPOSIT OF ASHES AND MATERIAL LIABLE TO SPONTANEOUS COMBUSTION.

No person shall deposit ashes, smouldering coals or embers, greasy or oily substances or other matter liable to spontaneous combustion within 15 feet of any wooden or plastered wall, partition, fence, floor, sidewalk, lumber, rubbish or other combustible material, except in metallic or noncombustible receptacles. Such receptacles, unless resting on the ground outside the building, shall be placed on

noncombustible stands and in every case shall be kept at least two feet from any wall or partition. Nothing in this section shall prevent the deposit of cold or wet ashes and cinders for the improvement of any unpaved alley or walkway.

(`88 Code, § 7-2) Penalty, see § 10.99

§ 91.03 FIRE EXTINGUISHERS.

The Chief of the Bureau of Fire Prevention shall survey each assembly, business, educational, industrial, health care, mercantile, storage and residential occupancy, except dwelling units of multifamily buildings and dwellings, and shall specify such suitable fire extinguishing equipment, systems or appliances and fire detecting devices as shall be necessary to provide reasonable safety to persons and property.

(`88 Code, § 7-3)

§ 91.04 ENCUMBERING FIRE ESCAPES; REMOVAL OF ENCUMBRANCES.

It shall be unlawful to encumber any fire escape, balcony or ladder that is intended as a means of escape from fire. It shall be the duty of all police officers and firefighters who shall discover any encumbered fire escape to report the encumbrance through his or her department to the Chief of the Fire Department, who shall immediately notify the owner, agent or tenant to vacate or remove such encumbrance immediately.

(`88 Code, § 7-4)

§ 91.05 EXIT SIGNS IN THEATERS.

It shall be the duty of the Fire Marshal to see that every theater or motion picture house shall have a sign which is kept well lighted throughout each performance bearing the word "Exit" and showing where persons may exit.

(`88 Code, § 7-5)

§ 91.06 PASSAGEWAYS IN PUBLIC PLACES TO BE LIT AND UNOBSTRUCTED.

All doors, aisles and passageways within and leading into or out of theaters, churches and other places of public assemblage shall be lighted during the entire time in which any show, performance, service, exhibition, lecture, concert, ball or other assemblage is taking place and shall be free from signs, easels, chairs, sofas, benches and any other articles that might obstruct or delay the exit of the audience.

(`88 Code, § 7-6)

§ 91.07 GASOLINE AND THE LIKE ON STREETS.

It shall be unlawful for any person to spill or pour gasoline or any other volatile oil upon any street or to permit his or her car to leak gasoline or oil upon any street of the city.

(`88 Code, § 7-7) Penalty, see § 10.99

Statutory reference:

Municipal authority to regulate explosive, corrosive or flammable substances, see G.S. § 160A-183

§ 91.08 PARKING GASOLINE TRUCKS PROHIBITED.

It shall be unlawful for any person engaged in the business of transporting gasoline through the city by truck to park or cause to be parked a gasoline truck on the street.

(`88 Code, § 7-8) Penalty, see § 10.99

§ 91.09 LIGHTS REGULATED IN STORAGE AREA FOR EXPLOSIVES.

It shall be unlawful to install or turn on any lights in any building where combustibles or explosives are stored without first having secured a permit from the Fire Marshal.

(`88 Code, § 7-9) Penalty, see § 10.99

§ 91.10 BLASTING.

It shall be unlawful to do any blasting without first having secured a permit from the City Manager. ('88 Code, § 7-10) Penalty, see § 10.99

§ 91.11 FEES FOR SERVICE.

The fees charged for services provided under this chapter shall be as from time to time established by the City Council and as contained in the schedule maintained on file in the City Clerk's office. ('88 Code, § 7-11)

§ 91.12 VIOLATIONS.

It shall be unlawful for any person to violate any provision of this chapter, to permit or maintain such a violation, to refuse to obey any provision thereof or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by the action of the Fire Marshal in writing. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant or the person in charge shall not be deemed to relieve any of the others. ('88 Code, § 7-12) (Ord. 12-86-6, passed 12-9-86) Penalty, see § 10.99

FIRE PREVENTION CODE**§ 91.25 TITLE.**

This subchapter shall be known and may be cited as the "Rockingham Fire Prevention Code," or where ambiguity will not result, as the "Fire Prevention Code." ('88 Code, § 7-26) (Ord. 12-86-6, passed 12-9-86)

§ 91.26 NATIONAL FIRE PROTECTION CODE ADOPTED.

(A) The city adopts the North Carolina State Building Code, together with its incorporated standards and codes as listed in Annex A of such code and together with appendices A, B, D, E, G and H of such code. Such code and appended material are incorporated by reference.

(B) Such code and appended material, subject to the amendments and deletions set forth in this chapter, shall be in effect and shall be controlling within the limits of the city.

(C) At least one copy of such code and appended material shall be kept on file in the office of the City Clerk for public inspection. ('88 Code, § 7-27) (Ord. 12-86-6, passed 12-9-86)

§ 91.27 AMENDMENTS TO THE CODE.

The Fire Prevention Code, NFPA 1, as adopted in this subchapter, is amended to delete section 1-5, Board of Appeals. ('88 Code, § 7-28) (Ord. 12-86-6, passed 12-9-86)

§ 91.28 ENFORCEMENT.

The Fire Chief shall be responsible for the enforcement of this subchapter. The Fire Chief may assign such qualified members of the Fire Department as inspectors as shall, from time to time, be necessary. ('88 Code, § 7-29) (Ord. 12-86-6, passed 12-9-86)

§ 91.29 APPLICABILITY.

The provisions of the Fire Prevention Code shall apply equally to both public and private property, and it shall apply to all structures and their occupancies, except as otherwise specified. ('88 Code, § 7-30) (Ord. 12-86-6, passed 12-9-86)

§ 91.30 CONSTRUCTION.

This subchapter shall be deemed to be an exercise of the police powers of the city for the preservation and protection of the public health, peace, safety and welfare, and all the provisions of the Fire Prevention Code shall be liberally construed for that purpose. ('88 Code, § 7-31) (Ord. 12-86-6, passed 12-9-86)

§ 91.31 VIOLATIONS.

Any person who shall violate any of the provisions of this subchapter, including the material incorporated by reference, who shall fail to comply therewith, who shall violate or fail to comply with any order made thereunder, who shall build in violation of any details, statements, specifications or plans submitted or approved thereunder, who shall operate not in accordance with the provisions of any certificate, permit or approval issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the Fire Marshal or by a court of competent jurisdiction within the time fixed therein shall severally for each and every violation and act of noncompliance, respectively be guilty of a misdemeanor punishable as provided in § 10.99 of this code. The imposition of a penalty for any violation shall not excuse the violation, nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. ('88 Code, § 7-32) (Ord. 12-86-6, passed 12-9-86)
Penalty, see § 10.99

§ 91.32 APPEAL TO CITY COUNCIL.

Whenever the Chief of the Bureau of Fire Prevention shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the code do not apply or that true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant

may appeal from such decision to the City Council within 30 days from the date of the decision appealed. ('88 Code, § 7-33) (Ord. 12-86-6, passed 12-9-86)

BUREAU OF FIRE PREVENTION**§ 91.45 CREATED.**

To assist in the performance of the responsibilities and duties placed upon the Fire Chief, a Bureau of Fire Prevention in the Fire Department is created. Such Bureau shall operate under the supervision of the Fire Chief. ('88 Code, § 7-71) (Ord. 12-86-6, passed 12-9-86)

§ 91.46 FIRE MARSHAL.

The Fire Chief shall designate a fire official of the Fire Department as Fire Marshal. The Fire Marshal shall be the administrator of the Bureau of Fire Prevention and shall be responsible for the direct administration and enforcement of the Fire Prevention Code under the supervision of the Fire Chief. The Fire Marshal shall be appointed on the basis of examination or other method for determining qualifications. ('88 Code, § 7-72) (Ord. 12-86-6, passed 12-9-86)

§ 91.47 TECHNICAL INSPECTORS.

The Fire Chief may designate such number of Technical Inspectors as shall from time to time be authorized by the City Manager. Such Technical Inspectors shall be selected through an examination to determine their fitness for the position. ('88 Code, § 7-73) (Ord. 12-86-6, passed 12-9-86)
Statutory reference:

Appointment of inspectors, see G.S. § 160A-411

§ 91.48 DUTY OF OFFICERS TO ENFORCE LAWS AND ORDINANCES.

(A) It shall be the duty of the officers of the Bureau of Fire Prevention to enforce all laws and ordinances of the city covering the following:

- (1) The prevention of fires;
- (2) The storage, sale and use of combustible, flammable or explosive materials;
- (3) The installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment;
- (4) The maintenance and regulation of fire escapes;
- (5) The means and adequacy of exit in case of fire from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters and all other places in which numbers of persons work, live or congregate from time to time for any purpose;
- (6) The investigation of the causes, origins and circumstances of fires; and
- (7) The maintenance of fire cause and loss records.

(B) Such officers shall have such other powers and perform such other duties as are set forth in other sections of this code and as may be conferred and imposed from time to time by law. The Fire Chief may delegate any powers or duties under this chapter to the Fire Marshal.

(C) The Fire Chief shall prepare instructions for the Fire Marshal and the Fire Marshal's assistants and forms for their use in the reports required by this subchapter.
 (`88 Code, § 7-74) (Ord. 12-86-6, passed 12-9-86)

§ 91.49 INVESTIGATION OF FIRES.

The Bureau of Fire Prevention shall investigate the cause, origin and circumstances of every fire occurring in the city by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations shall begin immediately upon the occurrence of such a fire. The Fire Marshal shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. Every fire shall be reported in writing to the Bureau within three days after its occurrence by the Fire Department officer in whose jurisdiction the fire has occurred. Such report shall be in the form as prescribed by the Fire Marshal and shall contain a statement of all facts relating to the cause, origin and circumstances of the fire, the extent of the damage thereof, the insurance upon the property and such other information as may be required, including the injury, death or rescue of persons.

(`88 Code, § 7-75) (Ord. 12-86-6, passed 12-9-86)

§ 91.50 INSPECTION AND APPROVAL OF FACILITIES AND THE LIKE.

Before permits may be issued as required by this chapter, the Fire Marshal or the Fire Marshal's assistants shall inspect and approve the receptacles, processes, vehicles, buildings or storage places to be used.

(`88 Code, § 7-76) (Ord. 12-86-6, passed 12-9-86)

§ 91.51 INSPECTION OF PREMISES.

The Fire Marshal shall inspect or cause to be inspected all premises on a periodic basis and shall make such orders as may be necessary for the

enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.

(`88 Code, § 7-77) (Ord. 12-86-6, passed 12-9-86)

Statutory reference:

Periodic inspections, see G.S. § 160A-424

Inspection of premises, see G.S. §§ 58-79-1 et seq.

§ 91.52 ORDER TO CORRECT DANGEROUS CONDITIONS.

(A) Whenever an Inspector shall find in any building or upon any premises or other places combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of wastepaper, boxes, shavings or any highly flammable materials especially liable to fire that are so situated as to endanger property or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows that may interfere with the operations of the Fire Department or with egress of occupants in case of fire, the Inspector shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to the appeals procedure provided for in this code.

(B) Any owner or occupant failing to comply with such order within a reasonable period after the service of the order shall be subject to the penalties as provided in this subchapter.

(C) The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy to such occupant personally, by leaving it with any person in charge of the premises or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. Whenever it may be necessary to serve such an order upon the owner of the premises, the order may be served either by delivering to and leaving with the person a copy of the order or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy by certified mail to the owner's last known post office address.

(`88 Code, § 7-78) (Ord. 12-86-6, passed 12-9-86)

§ 91.53 RECORDS OF FIRES.

The Fire Marshal shall compile and keep a record of all fires and of all the facts concerning the same, including injuries, deaths, rescue of persons and statistics as to the extent of such fires and the damage caused thereby and whether such losses were covered by insurance, and if so, in what amount. The record shall be made daily from the reports made by the Technical Inspectors under the provisions of this subchapter. All such records shall be public.

(`88 Code, 7-79) (Ord. 12-86-6, passed 12-9-86)

Statutory reference:

Investigation of fires and reports and records of fires, see G.S. §§ 58-79-1 et seq.

§ 91.54 ANNUAL REPORT.

(A) The Fire Marshal shall make an annual report of the activities of the Bureau of Fire Prevention and shall transmit this report to the City Manager through the Fire Chief. The report shall contain all proceedings under the Fire Prevention Code with such statistics as the Fire Chief may wish to include therein.

(B) The Fire Chief and the Fire Marshal shall recommend any amendments to the Fire Prevention Code or any other ordinance that they may consider desirable.

(`88 Code, § 7-80) (Ord. 12-86-6, passed 12-9-86)

CHAPTER 92: NUISANCES; HEALTH AND SANITATION

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GENERAL NUISANCES

§ 92.001 NUISANCES PROHIBITED.

It shall be unlawful for any person to cause, permit, maintain, allow or create a nuisance. (Ord. passed 9-14-93) Penalty, see § 92.99

§ 92.002 ENUMERATION OF NUISANCES.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property any of the following items, conditions or actions are declared to be and constitute a nuisance; provided, however, this enumeration shall not be

deemed or construed to be exclusive, limiting or restrictive:

(A) Any condition which is a breeding place or harborage for mosquitoes or a breeding place or harborage for rats or other pests;

(B) Any property which meet the following criteria concerning vegetative growth;

(1) Vacant lots that are adjacent to intersection of streets that pose a problem with the sight distance surrounding the intersection;

(2) Lots occupied by any structure (dwelling or commercial) that the height of growth is inconsistent with neighboring properties.

(3) Vacant lots not occupied by a structure but which are within 50 feet of an occupied structure and the growth of weeds and vegetation exceeds 24 inches in height.

(C) Any open place of collection of water where insects tend to breed;

(D) Any open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires or tubes, garbage, trash, refuse, brush, old clothes, rags or any other combustible materials or objects of a like nature;

(E) Any open place of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind;

(F) Any dilapidated furniture, appliances, machinery equipment, building materials or any similar items not enclosed in a building with functional doors;

(G) Any furniture, appliances or other metal products of any kind or nature openly kept which have jagged edges of metal or glass or areas of confinement;

(H) Any motor vehicle located on private property which is wholly or partially dismantled and any related motor vehicle parts and tools not enclosed

in a garage with functional doors or covered with a trap or canvass when not actively being repaired;

(I) Any improper or inadequate drainage on private property which causes flooding, interferes with the use of or endangers in any way the streets, sidewalks, parks or other public property of any kind;

(J) Any condition which blocks, hinders or obstructs, in any way, the natural flow of branches, streams, creeks, surface waters, ditches or drains to the extent that lots or properties are not free from standing water;

(L) Any tree which is dead or damaged and causes a safety hazard for public and/or private property and which has been declared by a forester, arborist or other persons who are certified to make such declarations; and

(M) Any other condition specifically prohibited in this subchapter or any other condition specifically declared to be a nuisance or a danger to the public health, safety, morals and general welfare of inhabitants of the city and a public nuisance by the City Council.

(Ord. passed 9-14-93)

§ 92.003 INVESTIGATION OF CONDITIONS.

The code enforcement officer upon notice from any person of the existence of any of the conditions described in this subchapter shall make or cause to be made such investigation as may be necessary to determine whether, in fact, such conditions constitute a public nuisance as declared.

(Ord. passed 9-14-93)

§ 92.004 INITIATION OF PROCEEDINGS.

Proceedings to declare any condition a nuisance under the provisions of this subchapter may be initiated by the code enforcement officer after giving written notice by certified mail, return receipt requested, to the owner and occupant of the premises upon which such condition exists. Under extreme

conditions as determined by the code enforcement officer, § 92.011 may be invoked.
(Ord. passed 9-14-93)

§ 92.005 ORDER OF ABATEMENT; NOTICE.

Upon a determination by the code enforcement officer that such conditions constitute a public nuisance, the code enforcement officer shall notify, in writing, the owner and occupant or person in possession of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof.

(Ord. passed 9-14-93)

Statutory reference:

Abatement by local health director, see G.S.

§ 130A-19

Authority to abate health nuisances, see G.S.

§ 160A-193

§ 92.006 CONTENTS OF NOTICE; ORDER TO ABATE.

The notice to abate a nuisance issued under the provisions of this subchapter shall contain:

(A) A statement that conditions exist on the property which constitute a public nuisance;

(B) The condition existing;

(C) The location of such condition; and

(D) A statement ordering the owner and the occupant or person in possession of the premises to abate the public nuisance, and that unless the condition is abated within 15 days from the mailing of the notice as specified in § 92.005, which shall be sent by certified mail, return receipt requested, the conditions constituting a nuisance will be abated by the city and the cost of abatement shall constitute a lien against the premises.

(Ord. passed 9-14-93)

§ 92.007 APPEAL NOTICE.

Within the time period stated in the notice to abate, the owner or occupant of the property where the nuisance exists may appeal the findings of the code enforcement officer to the Board of Adjustment and Appeal by giving written notice of appeal to such officer, such appeal to stay the abatement of the nuisance by the city until a final determination by the Board. In the event no appeal is taken, the city may proceed to abate the nuisance.

(Ord. passed 9-14-93)

§ 92.008 HEARING.

The Board of Adjustment and Appeal, in the event an appeal is taken as provided herein, may, after hearing all interested persons and reviewing the findings of the code enforcement officer, reverse or affirm the finding that a nuisance exists in the city. Any and all appeals from a decision by the Board of Adjustment and Appeal shall be taken to the Superior Court within 15 days from the decision.

(Ord. passed 6-14-93)

§ 92.009 RIGHT OF ENTRY.

The code enforcement officer and other designated personnel are given full power and authority to enter upon premises upon which a nuisance is found to exist under the provisions of this subchapter for the purpose of abating the nuisance as provided in this subchapter.

(Ord. passed 6-14-93)

§ 92.010 COST OF ABATEMENT DECLARED LIEN.

After the abatement of a nuisance as provided in this subchapter, the cost of the abatement may become a lien against the premises upon confirmation of the cost thereof by the City Council. The confirmation

shall take place only after ten days written notice to the owner of the premises where the nuisance existed of the proposed confirmation. Upon confirmation, the cost of abatement shall be a lien against the premises from which the nuisance was abated, the same to be recorded as provided in G.S. Chapter 160A, Article 10 and to be collected as unpaid tax.
(Ord. passed 6-14-93)

§ 92.011 LEGAL ACTION MAY BE TAKEN.

The City Council may direct the code enforcement officer to pursue the matter of collection of the assessed penalties in a civil action court case.
(Ord. passed 6-14-93)

CLEANLINESS OF PREMISES; LITTERING

§ 92.025 PROHIBITED CONDITIONS GENERALLY.

It shall be unlawful for any owner, occupant, agent or person in control of any lot or premises within the city's jurisdiction to permit to remain thereon any empty bottles, empty cans, abandoned motor vehicle bodies or parts, household appliances, furniture, trash, filth, debris, weeds, dead animals, garbage or rubbish of any kind whatsoever, and it shall be the duty of any owner, occupant, agent or person in control of any lot or premises within the city's jurisdiction to keep same in a clean, healthy, wholesome and sanitary condition at all times.
(Ord. passed 6-14-93) Penalty, see § 92.99

§ 92.026 LITTERING.

It shall be unlawful for any person to cast, place, sweep or deposit anywhere within the city's jurisdiction any refuse on any public property or on the property of another, without authority, or in such a manner that it may be carried or deposited by the elements, upon any street, sidewalk, alley, sewer,

parkway or other public places or unto any premises of another within the city.

(Ord. passed 6-14-93) Penalty, see § 92.99

Statutory reference:

Littering, see G.S. § 14-399

§ 92.027 MATTER NOT TO BE BURIED.

It shall be unlawful for any person to fill any land with or dump upon any land within the city's jurisdiction, garbage, dead animals, decaying vegetable or animal matter or any offensive material, nor shall any of the aforesaid offensive materials be buried within the city, but shall be disposed of as provided by law.

(Ord. passed 6-14-93) Penalty, see § 92.99

NUISANCE VEHICLES

§ 92.040 DEFINITIONS.

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

JUNKED MOTOR VEHICLES. A vehicle that does not display a current license plate and that:

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

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

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;

(2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;

(3) A point of collection of pools or ponds of water;

(4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by order;

(5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods and the like;

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

(7) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the City Council; or

(8) So offensive to the sight as to damage the community, neighborhood or area appearance, upon a finding that such aesthetic regulation is necessary and desirable for the protection of property values, promotion of tourism, indirect protection of health and safety, preservation of the character and integrity of the community or promotion of the comfort, happiness and emotional stability of area residents.

(Ord. passed 6-14-93)

§ 92.041 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

It shall be unlawful for the owner of a motor vehicle or for the owner, lessee or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle. Upon investigation, the code enforcement officer may determine and declare that a vehicle is a health or safety hazard or a public nuisance as defined above and order the vehicle removed.

(Ord. passed 6-14-93) Penalty, see § 92.99

§ 92.042 PRE-TOWING NOTICE REQUIREMENTS.

(A) A vehicle to be towed or otherwise removed because it has been declared to be a nuisance vehicle shall be towed only after notice to the owner or person entitled to possession of the vehicle. If the names and mailing addresses of the owner of the vehicle or the real property upon which it is located can be ascertained in the exercise of reasonable diligence, the notice shall be given to both by first-class mail. The person who mails the notices shall retain a written record to show the names and addresses to which mailed and the date mailed. If such names and addresses cannot be ascertained, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle. The notice shall state that the vehicle will be removed by the city on a specified date, no sooner than seven days after notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

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

(C) A nuisance vehicle may be removed without giving the minimum seven days prior notice only in those circumstances where the authorizing official finds, and enters such findings in appropriate records, a special need for prompt action to maintain the public health, safety and welfare.

(Ord. passed 6-14-93)

§ 92.043 POST-TOWING NOTICE REQUIREMENTS.

(A) Any vehicle which has been determined to be a nuisance vehicle may be removed to a storage garage or area by a towing business contracted to

perform such services for the city. Whenever the vehicle is removed, the code enforcement officer shall immediately notify the last known registered owner of the vehicle, the notice to include the following:

- (1) A description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

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

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

(D) Whenever a nuisance vehicle is removed and such vehicle has no valid registration or registration plate, the authorizing city official shall make reasonable efforts, including the checking of the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him or her of the information as set forth in subsections (a) through (e) above.
(Ord. passed 6-14-93)

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

After removal of a vehicle declared to be a nuisance vehicle, the owner or other person entitled to possession may request in writing a hearing to determine if probable cause existed for removing the vehicle. The request must be filed with the magistrate in the county where the vehicle was towed. The magistrate will set the hearing within 72 hours of

receipt of the request, and the hearing will be conducted in accordance with provisions of G.S. § 20-219.11.
(Ord. passed 6-14-93)

§ 92.045 SALE AND DISPOSITION OF UNCLAIMED VEHICLES.

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

(B) Any unclaimed junked motor vehicle as defined by this subchapter shall be held for a period of at least 15 days. The owner of any such vehicle may claim his or her vehicle during the 15 day retention period by exhibiting proof of ownership to the code enforcement officer and after paying all reasonable costs incident to the removal and storage of the vehicle plus administrative expenses. If the vehicle is held 15 days and it remains unclaimed, the vehicle may be destroyed or sold at private sales as junk.

(C) Within 15 days after final disposition of a junked motor vehicle, written notice thereof shall be given to the Department of Motor Vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined.
(Ord. passed 6-14-93)

§ 92.046 DISPOSITION OF PROCEEDS OF SALE.

The proceeds of the sale of a junked motor vehicle declared to be a nuisance, after all costs of removal, storage, investigation and sale, and satisfaction of any lien of record on the vehicle have been deducted therefrom, shall be held by the City Finance Officer for 30 days and paid to the owner upon demand. If the owner does not appear to claim the remainder of the proceeds within 30 days after disposal of the vehicle, the funds shall be paid to the

Clerk of Superior Court as provided in G.S. § 44A-5(3).
(Ord. passed 6-14-93)

§ 92.047 IMMUNITY.

Neither the city nor any person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any junked, lost or stolen vehicle for disposing of such vehicle as contemplated by this subchapter.
(Ord. passed 6-14-93)

§ 92.048 EXCEPTIONS.

Nothing in this subchapter shall apply to any motor vehicle in an enclosed building, any motor vehicle kept or stored at a bona fide "automobile graveyard" or "junkyard" as defined in G.S. § 136-143 or to any motor vehicle that is used on a regular basis for business or personal use.
(Ord. passed 6-14-93)

HEALTH AND SANITATION

§ 92.060 REMOVAL OF NUISANCES.

The owner, lessee, tenant or occupant of any building or premises where there shall be a nuisance or any violation of any ordinance of the city relating to health and sanitation shall be jointly and severally liable therefor and shall be required to abate the same or comply with the order of the code enforcement officer or his or her assistants within the specified time within the order.
(`88 Code, § 10-1)

§ 92.061 FAILURE TO ABATE NUISANCE.

The city shall have authority to summarily remove, abate or remedy everything in the city limits, or within one mile thereof, that is dangerous or prejudicial to the public health. The expense of the

action shall be paid by the person in default and, if not paid, shall be a lien upon the land or premises where the trouble arose and shall be collected as unpaid taxes.

(`88 Code, § 10-2)

Statutory reference:

Abatement of public health nuisances, see G.S. § 130A-19

Authority of city to abate public health nuisances, see G.S. § 160A-193

§ 92.062 REMOVAL OF ANIMAL CARCASSES.

The owner of any animal which shall die shall remove the carcass from the city for proper disposal at the landfill.

(`88 Code, § 10-3)

§ 92.063 STAGNANT WATER ON PREMISES.

No person shall knowingly and willfully permit any refuse or stagnant water to remain in any pool or receptacle on his or her premises after being notified to remove the same by the code enforcement officer.
(`88 Code, § 10-4) Penalty, see § 92.99

§ 92.064 DEALERS IN PRODUCTS SUBJECT TO RAPID DECAY.

Dealers in meats, fish, oysters, hides or other articles subject to rapid decay shall be required to keep their premises clean and free as possible from bad odors.
(`88 Code, § 10-5) Penalty, see § 92.99

REGULATION OF SMOKING

§ 92.075 DEFINITION.

The term "smoking" shall mean the inhaling, exhaling, burning or carrying of a lighted pipe, cigar, cigarette or other combustible tobacco product.
(Ord. passed 9-14-93)

§ 92.076 SMOKING PROHIBITED IN MUNICIPAL BUILDINGS.

It shall be unlawful for any person to smoke in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the city.
(Ord. passed 9-14-93) Penalty, see § 92.99

§ 92.077 SMOKING PROHIBITED IN MUNICIPAL VEHICLES.

It shall be unlawful for any person to smoke in any vehicle now or hereafter owned or leased by the city.
(Ord. passed 9-14-93) Penalty, see § 92.99

NOISE

§ 92.090 UNNECESSARY NOISE.

Subject to the provisions of this subchapter, the creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited. Excessive and unnecessary noise creates a significant threat to the public health, safety and welfare. There has been an alarming increase in the frequency and volume of noise from the many sound reproducing devices available today. It is the intent of this subchapter to strike an appropriate balance between the right of individuals to obtain information and derive pleasure by listening to radios and other such devices and the right of the public to a peaceful and healthful environment.
(`88 Code, § 13-1) (Am. Ord. passed 8-10-93) Penalty, see § 92.999

§ 92.091 NOISES EXPRESSLY PROHIBITED.

The following acts, among others, are declared to be loud, disturbing, dangerous to the public health,

unreasonable and unnecessary noises in violation of this subchapter, but this enumeration shall not be deemed to be exclusive:

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

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

(C) The playing, use or otherwise operating, either from a motor vehicle or as a pedestrian, any radio, tape player or other sound amplification device emitting sound that is audible from a distance of 50 or more feet from the source of the sound, unless such device is being used to request assistance or warn against an unsafe condition.

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

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

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

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

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

(I) The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same is in session or within 150 feet of any hospital which unreasonably interferes with the working of such institution.

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

(K) The firing of gunpowder or other combustible substance in the streets or elsewhere for the purpose of making a noise or disturbance, except by permission from the Police Department.
(`88 Code, § 13-2) (Am. Ord. passed 8-10-93)
Penalty, see § 92.999

§ 92.092 NOISES NOT PROHIBITED.

This subsection shall not apply to any of the following:

(A) Public safety personnel when responding to an emergency call or engaged in other official business.

(B) Persons engaged in a lawful assembly, procession or community event.

(C) The operator of a public utility vehicle, when utilizing two-way communications equipment.

(D) The operator of a vehicle being used for advertising purpose in accordance with existing ordinances.

(E) The activation of a theft alarm signal device.
(`88 Code, § 13-3) (Am. Ord. passed 10-8-93)

§ 92.999 PENALTY.

(A) Whoever shall violate any provision of this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99.

(B) Violation of any provision of §§ 92.001 through 92.011, §§ 92.025 through 92.027 and §§ 92.040 through 92.048 or of any obligation imposed by these sections shall constitute a misdemeanor in addition to and separate from any of the remedies set forth by those sections. Any person cited under the provisions of this section shall be assessed a penalty of \$50 for each day and every day during which such violations shall continue. Each day shall be a separate and distinct violation of this section.

(C) Violation of §§ 92.090 through 92.092 shall be a misdemeanor. The penalty for the first offense shall be \$50. The penalty for a second or subsequent offense shall be \$300.
(Ord. passed 10-9-90; Am. Ord. passed 8-10-93; Ord. passed 9-14-93)

CHAPTER 93: STREETS AND SIDEWALKS

Section

General Provisions

- 93.01 Damage to streets, sidewalks and the like
- 93.02 Dangerous materials thrown on street
- 93.03 Removing barricades
- 93.04 Driving through barricade
- 93.05 Gates opening on sidewalk
- 93.06 Signs and awnings over sidewalks
- 93.07 Free passage of pedestrians near places of business
- 93.08 Snow to be removed from sidewalks
- 93.09 Encroachments on streets and the like
- 93.10 Signs across streets
- 93.11 Blocking streets
- 93.12 Machinery that may injure pavement prohibited
- 93.13 House moving permit

Construction

- 93.25 Openings to be filled
- 93.26 Construction of driveways; permit required for cutting streets and sidewalks
- 93.27 Protection of openings
- 93.28 Curb cuts

Property Numbering and Street Names

- 93.40 System adopted
- 93.41 Owners to purchase numbers
- 93.42 Unlawful to deface number

Street Lighting Provisions

- 93.55 Residential application
- 93.56 Commercial areas
- 93.57 Exceptions

GENERAL PROVISIONS

§ 93.01 DAMAGE TO STREETS, SIDEWALKS AND THE LIKE.

No person shall wilfully or wantonly injure any of the public bridges, pavements, sidewalks or property belonging to the city.
(`88 Code, § 18-1) Penalty, see § 10.99

§ 93.02 DANGEROUS MATERIALS THROWN ON STREET.

No person shall throw any plank with nails in it, glass or anything else on the streets that is liable to injure man, beast or vehicles.
(`88 Code, § 18-2) Penalty, see § 10.99

Statutory reference:

Placing glass and the like injurious obstructions on roads, see G.S. § 136-91

§ 93.03 REMOVING BARRICADES.

No person, other than an employee of the city, shall remove, tear down or destroy any barricade which has been erected by the city.
(`88 Code, § 18-3) Penalty, see § 10.99

§ 93.04 DRIVING THROUGH BARRICADE.

No person shall drive any vehicle of any kind into or upon any alley or street when such street or alley has been barricaded by the city.
(`88 Code, § 18-4) Penalty, see § 10.99

§ 93.05 GATES OPENING ON SIDEWALK.

All gates shall be so constructed as not to open on or upon any street or sidewalk.

(`88 Code, § 18-5)

§ 93.06 SIGNS AND AWNINGS OVER SIDEWALKS.

All signs and awnings extending over the sidewalk shall be securely affixed to buildings, shall extend not more than ten feet over the sidewalk and shall be at least eight feet above the sidewalk.

(`88 Code, § 18-6)

§ 93.07 FREE PASSAGE OF PEDESTRIANS NEAR PLACES OF BUSINESS.

It shall be unlawful for any person to place any article of any description on the street or sidewalk adjacent to his or her store or place of business so as not to leave the sidewalk clear for free passage of pedestrians.

(`88 Code, § 18-7) Penalty, see § 10.99

§ 93.08 SNOW TO BE REMOVED FROM SIDEWALKS.

Each occupant of a business house adjacent to which the sidewalk is paved must clear off the snow from same.

(`88 Code, § 18-8)

§ 93.09 ENCROACHMENTS ON STREETS AND THE LIKE.

It shall be the duty of the Building Inspector to notify all persons about to erect any building, sidewalk, wall or fence near the street or any public way or alley not to encroach upon such street or public alley. If in the opinion of the City Manager any such obstruction is being or has been constructed on any street or public alley, the City Manager shall cause a survey of the line of the street or alley to be made by a competent surveyor. If the survey shall

show that the street or alley is obstructed by the building, sidewalk, wall or fence, the owner shall be required to pay the actual cost of the survey and shall be required to remove all obstructions at once. Every person who shall be found to have encroached on any street or public way or alley by any building, sidewalk, wall or fence and refuses or neglects to remove the same upon notice from the City Manager within one week from the date thereof, shall upon conviction be guilty of a misdemeanor.

(`88 Code, § 18-9) Penalty, see § 10.99

§ 93.10 SIGNS ACROSS STREETS.

No person shall erect or place any sign, wood, cloth, metal or other material across any street of the city without a permit.

(`88 Code, § 18-10) Penalty, see § 10.99

§ 93.11 BLOCKING STREETS.

It shall be unlawful for any singer or player of any musical instrument to use the streets or any public place as a place to attract crowds at such times when the streets are congested.

(`88 Code, § 18-11) Penalty, see § 10.99

§ 93.12 MACHINERY THAT MAY INJURE PAVEMENT PROHIBITED.

No person shall drive or permit to be driven over any hard surfaced, asphalt or paved street of the city any agricultural machinery, such as harrows and the like with sharp blades, discs or spikes that will drag on the pavement, any traction engine with caterpillar wheels or any heavy piece of machinery that will in any way damage or injure the paving.

(`88 Code, § 18-12) Penalty, see § 10.99

§ 93.13 HOUSE MOVING PERMIT.

(A) *Required.* No person shall move any house, building or other structure, except a mobile home, through or over any street, bridge or sidewalk in the

city without procuring a permit therefor from the City Building Inspector.

(B) *Fee.* Before a permit is issued under this section, the applicant shall be required to pay a fee as set from time to time by the City Council and kept on file in the office of the City Clerk.

(C) *Bond.* The City Building Inspector shall in his or her discretion require any person applying for a permit under division (A) of this section to file an adequate bond to indemnify the citizens and the city for all the consequences of moving the house, building or other structure. If required, the bond shall be conditioned to indemnify the citizens and the city in case of loss or damage resulting from the following:

(1) Any damage to any trees, pavement, street, sidewalk, wires, fire alarm, police alarm, telephone or other pole or any other property of the city resulting from moving such structure;

(2) The permittee shall pay the owner when property is damaged in any manner whatsoever by the moving of such structure;

(3) The permittee shall save harmless and indemnify the city against all liabilities, judgments, costs and expenses which may accrue against the city in any way as a consequence of the granting of the permit or as a consequence of moving the structure thereunder;

(4) The permittee shall indemnify any citizen or person or his or her representative for any injury caused any person other than the persons engaged in the moving of the structure by the moving of the structure.

(D) *Payment for anticipated damage.* In cases where the cutting of wires, the removal of poles or the removal of or damage to the property of the city or of any private persons is contemplated, satisfactory arrangements with such parties for payment of the cost of the anticipated damage must be made before the structure is moved. The City Building Inspector shall have authority to enforce this section by withholding or suspending the permit in question.
(`88 Code, § 18.13)

CONSTRUCTION

§ 93.25 OPENINGS TO BE FILLED.

All openings made in any street or sidewalk under the provisions herein contained shall, immediately upon the completion of the work, be filled in and the surface thereof made flush with the adjacent surfaces. Any hard surface, macadam or asphalt removed shall be replaced by the city at the expense of the person granted permission to open the street or sidewalk. It shall be unlawful for such person to leave an opening after the work is complete or the time provided in the permit has elapsed. Each day the opening is left unfilled in violation of this section shall constitute a separate offense.

(`88 Code, § 18-31) Penalty, see § 10.99

§ 93.26 CONSTRUCTION OF DRIVEWAYS; PERMIT REQUIRED FOR CUTTING STREETS AND SIDEWALKS.

(A) Any person proposing to construct a driveway entrance into any curbed and guttered section of any street within the corporate limits of the city shall be required to remove the curbed and guttered section for the entire width of the proposed driveway and to the nearest true joint. Permission may be granted by the Director of Public Works, with proof of proper equipment, for the curb and gutter section to be sawed. The proposed driveway shall be of a monolithic type construction and shall be a minimum of six inches in thickness.

(B) No person shall make any excavation, cut or other opening in any of the streets or sidewalks of the city without first having obtained permission from the Public Works Director.

(`88 Code, § 18-32) Penalty, see § 10.99

§ 93.27 PROTECTION OF OPENINGS.

Any person excavating or opening any street or sidewalk within the city shall protect the opening with a sufficient number of warning devices.

(`88 Code, § 18-33)

§ 93.28 CURB CUTS.

Any person who tears up a sidewalk in the city for the purpose of constructing a driveway over the sidewalk shall reconstruct that portion of the driveway which crosses the sidewalk with a cement base of not less than six inches in depth.

(`88 Code, § 18-34)

Statutory reference:

*City's authority to regulate curb cuts, see G.S.
§ 160A-307*

**PROPERTY NUMBERING AND
STREET NAMES**

§ 93.40 SYSTEM ADOPTED.

The property numbering and street naming system adopted on February 10, 1981 shall be controlling within the city limits and is incorporated herein by reference, and a copy of such is on file in the office of the City Clerk.

(`88 Code, § 18-51)

§ 93.41 OWNERS TO PURCHASE NUMBERS.

Every property owner of improved property shall purchase and display in a conspicuous place on the property the assigned number which shall be a minimum of three inches high and of a type approved by the City Council.

(`88 Code, § 18-52)

§ 93.42 UNLAWFUL TO DEFACE NUMBER.

It shall be unlawful for any person to alter, deface or take down any number placed on any property in accordance with this subchapter except for repair or replacement of the number.

(`88 Code, § 18-52) Penalty, see § 10.99

STREET LIGHTING PROVISIONS**§ 93.55 RESIDENTIAL APPLICATION.**

It shall be the intent of the city to provide street illumination in residential areas adequate for vehicular and pedestrian traffic based upon the following standards:

(A) A luminary fixture shall be provided at intersecting roads, streets or highways publically owned of intensity and distribution adequate to illuminate the intersection for safe use by vehicular and pedestrian traffic.

(B) Additional fixtures shall be placed at approximately 400 feet intervals proceeding from points of intersection. When single block lengths are between 600 feet and 1000 feet, a fixture shall be located as close to a center of the block as is feasible. (Ord. passed - - ; Am. Ord. passed 8-10-82)

§ 93.56 COMMERCIAL AREAS.

Street illumination shall be provided in commercial areas on streets of high traffic volume to the extent necessary as determined by the administrative staff to include, but not be limited to, the City Manager, Planning Director and Public Works Director.

(Ord. passed - -)

§ 93.57 EXCEPTIONS.

Installations of street lighting fixtures in excess of these provisions may be justifiable in areas of increased crime frequency. Upon establishing adequate need, the City Manager may authorize additional installations; however, all lighting installations shall be confined to public rights-of-way.

(Ord. passed - -)

CHAPTER 94: PARADES, PICKETING AND DEMONSTRATIONS

Section

- 94.01 Definitions
- 94.02 Certain activities prohibited
- 94.03 Interference with parades and the like prohibited
- 94.04 Additional limitations on picketing
- 94.05 Exceptions to chapter
- 94.06 Permit required
- 94.07 Permit issuance
- 94.08 Permit revocation

§ 94.01 DEFINITIONS.

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

BLOCK. That portion of any street lying between any two consecutive intersecting 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.

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 or other public places.

PICKET LINE. Any two or more persons formed together for the purpose of making known any position or promotion of such persons or of or on behalf of any organization or class of persons.
('88 Code, § 15-1)

§ 94.02 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 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, night sticks or flashlights which by their use might constitute a deadly weapon; and

(B) The taking or keeping of any dog or other vicious animal, whether leashed or unleashed.
('88 Code, § 15-2) Penalty, see § 10.99

§ 94.03 INTERFERENCE WITH PARADES AND THE LIKE PROHIBITED.

No person shall hamper, obstruct or interfere with any parade, picket line or group demonstration being conducted under authority of a permit duly issued by the Chief of Police.
('88 Code, § 15-3) Penalty, see § 10.99

§ 94.04 ADDITIONAL LIMITATIONS ON PICKETING.

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 one time;

(C) Pickets may carry within on 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, that the words used are not derogatory or defamatory in nature;

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

(E) If pickets promoting different objectives desire to use the same sidewalk for picketing and such use would result in the presence of more than ten pickets thereon, the Chief of Police shall allot time to each group of pickets for the use of such sidewalk on an equitable basis.

(`88 Code, § 15-4)

§ 94.05 EXCEPTIONS TO CHAPTER.

The provisions of this chapter shall not apply to:

(A) Funeral processions; or

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

(`88 Code, § 15-5)

§ 94.06 PERMIT REQUIRED.

No person shall organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk or other public place within the city, unless a permit therefor has been issued by the city in accordance with the provisions of this chapter.

(`88 Code, § 15-6) Penalty, see § 10.99

§ 94.07 PERMIT ISSUANCE.

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

(A) Require a written application for a permit to be filed not less than one week in advance of the parade, picket line or group demonstration.

(B) Refuse to issue such permit for parades, picket line or group demonstration to commence before 6:00 a.m. or terminate after 9:00 p.m.

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

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

(`88 Code, § 15-22)

§ 94.08 PERMIT REVOCATION.

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

(A) Violation by any participant of § 94.02; or

(B) Failure to comply with the terms and conditions of the permit.

(`88 Code, § 15-23)

CHAPTER 95: ANIMALS

Section

General Provisions

- 95.01 Definitions
- 95.02 Responsibility of owner
- 95.03 Rabies control

Regulations

- 95.15 Animals running at large
- 95.16 Keeping of hogs prohibited
- 95.17 Prohibited acts
- 95.18 Teasing, molesting and the like
- 95.19 Maintenance of lots, pens and the like
- 95.20 Keeping strays; notification of police
- 95.21 Notification of injured dog
- 95.22 Interference and the like with animal control officer

Administration and Enforcement

- 95.35 Creation of animal control branch and office of animal control officer; powers and duties generally
- 95.36 Duties of animal control branch
- 95.37 Keeping of records
- 95.38 Impoundment generally; records
- 95.39 Notification of owner of impounded animal

GENERAL PROVISIONS

§ 95.01 DEFINITIONS.

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

ANIMAL SHELTER. A place provided and operated by the county for the restraint, care and disposition of animals.

AT LARGE. Off the premises of the owner and not under control either by leash, cord or chain, or without the immediate and effective control of the owner or other responsible person.

CONTROL. Within 50 feet of the owner and not on the private property of others.

DOG. Both male and female over the age of four months.

OWNER. Any person owning, keeping or harboring a dog, and for the purpose of this chapter, the head of the household shall be deemed to be the owner in respect to any dog owned, kept or harbored by any person residing in such household and kept on such premises.

VICIOUS DOG. Any dog which has bitten one or more persons without provocation or one in which a propensity to attack humans exists and such propensity is known or ought to reasonably be known to the owner.
(`88 Code, § 3-16)

§ 95.02 RESPONSIBILITY OF OWNER.

Owners of dogs are responsible for the acts of their dogs. The owner of any dog which is a nuisance on the property of another person or which damages another person's property or person is fully responsible and accountable for these acts.
(`88 Code, § 3-20)

§ 95.03 RABIES CONTROL.

Every dog that bites a human being shall be delivered within eight hours by the owner to the county animal shelter or to a licensed veterinary hospital where it shall be confined for observation for not less than ten days at the owner's expense. Wounds inflicted by dogs on human beings shall be reported immediately to the Health Department by the person who has been bitten by the dog or, in the case of a child, by his or her parent or guardian, as specified in G.S. § 130A-196.
(`88 Code, § 3-27)

REGULATIONS**§ 95.15 ANIMALS RUNNING AT LARGE.**

It shall be unlawful for any person to allow any of his or her animals or fowl to run at large on any of the streets or public lots of the city.
(`88 Code, § 3-1) Penalty, see § 10.99

Statutory reference:

City authorized to regulate, restrain and prohibit the running at large of domestic animals, see G.S. § 160A-186

§ 95.16 KEEPING OF HOGS PROHIBITED.

No person shall be permitted to keep or maintain any hog pen or keep any hogs within the city.
(`88 Code, § 3-2) Penalty, see § 10.99

§ 95.17 PROHIBITED ACTS.

(A) *Limitation on number.* It shall be unlawful for any owner to keep more than three dogs within the corporate limits of the city.

(B) *Vicious dogs.* It shall be unlawful for any owner to keep any vicious dog within the city limits.

(C) *Running at large.* It shall be unlawful for any owner to allow any dog of his or hers to run at

large within the city limits. When walking dogs, they must be under leash or control, and the owner shall not permit the dog to enter on or disturb in any manner the property of others, even though under leash.

(D) *Female dogs in heat.* It shall be unlawful for the owner of any female dog in heat to keep the same within the city limits during such period, unless confined to the premises of the owner or other person with the person's consent.

(E) *Barking dogs.* It shall be unlawful for any dog owner to keep or have within the city a dog that habitually or repeatedly barks in such manner or to such extent that it is a public nuisance.

(F) *Dogs which are nuisances.* It shall be unlawful for any owner to keep on his or her lot or premises any dog that causes unsanitary conditions or barks, howls, fights or makes such other noises as to disturb the peace and quiet of the neighborhood or general public and causes a neighborhood or public nuisance. Failure to abate any such nuisance upon warning from the Chief of Police or his or her duly authorized representative shall be a misdemeanor subject to punishment as provided in § 10.99.
(`88 Code, § 3-19) Penalty, see § 10.99

Statutory reference:

Permitting bitch at large, see G.S. § 67-2
Confinement of vicious animals, see G.S. § 130A-200

§ 95.18 TEASING, MOLESTING AND THE LIKE.

It shall be unlawful for any person to tease, molest, bait or in any way bother any dog not belonging to him or her or legally under his or her control.
(`88 Code, § 3-22) Penalty, see § 10.99

§ 95.19 MAINTENANCE OF LOTS, PENS AND THE LIKE.

Every person who owns or maintains any pen, lot, shelter or other place where dogs are kept shall

AN ORDINANCE TO AMEND
THE CITY OF ROCKINGHAM, NORTH CAROLINA
CODE OF ORDINANCES
TITLE IX—GENERAL REGULATIONS
CHAPTER 95: ANIMALS

WHEREAS, the City of Rockingham's Code of Ordinances was adopted by City Council on March 23, 1988.

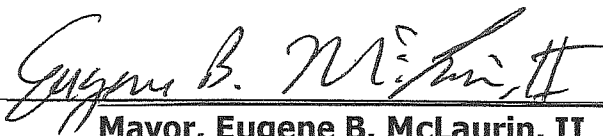
WHEREAS, the City Council has received these recommendations at its March 13, 2007 regular meeting.

THEREFORE, BE IT ORDAINED BY CITY COUNCIL, that the City of Rockingham's Code of Ordinances be amended as follows:

Add Subsection §95.19 Maintenance of Lots, Pens and the Like that reads as follows:

(B) No pen, shelter, or kennel shall be located in the front yard of any residence. Any pen, shelter, or kennel located in a front yard on the effective of this ordinance amendment shall be relocated or removed from the front yard within fifteen (15) days from the effective date.

Adopted this the 13th day of March, 2007.



Mayor, Eugene B. McLaurin, II

ATTESTED:



Johnsy A. Lunsford, CMC
City Clerk

3-1-07

maintain such place in a clean, sanitary condition which precludes the drifting of odors beyond the boundaries of his or her own property, and such owner shall provide shelter from inclement weather for the animals.

(`88 Code, § 3-23) Penalty, see § 10.99

§ 95.20 KEEPING STRAYS; NOTIFICATION OF POLICE.

It shall be unlawful for any person in the city knowingly and intentionally to harbor, feed, keep in possession by confinement or otherwise any dog that does not belong to him or her, unless he or she has within 48 hours from the time the dog came into his or her possession, notified the Police Department. Upon receiving the notice, the city animal control officer may take the dog and place it in the shelter, record same and shall deal with it as provided in § 95.38 and attempt to find the owner.

(`88 Code, § 3-24) Penalty, see § 10.99

§ 95.21 NOTIFICATION OF INJURED DOG.

It shall be unlawful for any person injuring a dog by running over or into it with an automobile, motorcycle, bicycle or other vehicle to fail to notify immediately the owner or Police Department.

(`88 Code, § 3-25)

§ 95.22 INTERFERENCE AND THE LIKE WITH ANIMAL CONTROL OFFICER.

It shall be unlawful for any person to interfere with, hinder or molest the city animal control officer in the performance of any duty authorized by this chapter or to seek to release any animal in the custody of the officer.

(`88 Code, § 3-29) Penalty, see § 10.99

ADMINISTRATION AND ENFORCEMENT

§ 95.35 CREATION OF ANIMAL CONTROL BRANCH AND OFFICE OF ANIMAL CONTROL OFFICER; POWERS AND DUTIES GENERALLY.

There is created an animal control branch for the city with the branch being a part of the city's Police Department. An animal control officer shall be employed to perform all of the duties incident to the administration and enforcement of this chapter and to perform such other duties as by general statute or city ordinance may be imposed, and the officer shall work under the supervision of the Chief of Police or his or her designee. The Police Department shall be the point of contact for city citizens as pertains to animals.

(`88 Code, § 3-17)

§ 95.36 DUTIES OF ANIMAL CONTROL BRANCH.

The animal control branch shall be charged with the responsibility of:

(A) Enforcement of the city laws, ordinances and resolutions relating to dogs or to the care, custody and control of animals;

(B) Cooperation with the county agencies in the enforcement of the laws of the state with regard to dogs and as to the confinement and leashing of vicious animals. Reference is particularly made to the state laws as set out and contained in G.S. §§ 67-1 through 67-28 and §§ 130-184 et seq.;

(C) Investigations of reported and observed cruelty or animal abuse with regard to dogs and other animals within the city limits, pursuant to the provisions of G.S. §§ 14-360 et seq.

(`88 Code, § 3-18)

§ 95.37 KEEPING OF RECORDS.

It shall be the duty of the county animal control officer to keep or cause to be kept accurate and detailed records as outlined in paragraph IV of the county rabies control program.
(`88 Code, § 3-28)

**§ 95.38 IMPOUNDMENT GENERALLY;
RECORDS.**

(A) Any dog within the city without an owner that is given into the custody of the city animal control officer pursuant to § 95.20 or any dog running at large shall be taken by the city animal control officer and confined in the animal shelter controlled by the county for a period established by the county for redemption by the owner.

(B) Complete and accurate records of all activities is the responsibility of the county.
(`88 Code, § 3-21)

**§ 95.39 NOTIFICATION OF OWNER OF
IMPOUNDED ANIMAL.**

Immediately upon impounding an animal from the city, the animal shelter personnel shall attempt to notify the owner by telephone and inform such owner of the conditions whereby the animal may be redeemed. If the attempt to notify by telephone is unsuccessful, an official, dated, written notice shall be mailed to the owner's address shown on records when a county privilege license was purchased.
(`88 Code, § 3-26)