

TOWN OF FOUR OAKS, NORTH CAROLINA

CODE OF ORDINANCES

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CHARTER

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AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF FOUR OAKS, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1.1. INCORPORATION AND CORPORATE POWERS.

The inhabitants of the Town of Four Oaks, North Carolina, within the boundaries as established in Section 2.1 of this charter or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the Town of Four Oaks, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this charter, the Town of Four Oaks shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

SECTION 1.2. CERTAIN POWERS ENUMERATED.

The following shall be deemed to be a part of the powers conferred upon the Town of Four Oaks by this Section:

- (a) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.
- (b) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purpose, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.
- (c) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.
- (d) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenue thereof, or of both, including in the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.
- (e) To organize and administer public libraries.
- (f) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the board of commissioners shall have authority to determine by whom and in what manner that powers granted by this Section shall be exercised.

SECTION 1.3. ENUMERATED POWERS NOT EXCLUSIVE.

The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Four Oaks shall have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of commissioners.

SECTION 2.1 CORPORATE LIMITS.

The corporate limits of the town shall be as follows:

BEGINNING at a black jack oak a short distance North of paved road and across road from colored church, being the northwest corner, and runs then N. 73 E. 2343 feet to a monument on north side of a small branch; thence S. 28 E. 1431 feet to a monument; then S. 3.15 E. crossing railroad and highway 2021 feet to a monument in edge of Old Smithfield Road; thence S. 25 E. 898 feet to a stake in paved road intersection; then S. 34.30 W. down center of road 396 feet; S. 25 W. 622 feet; S. 37.30 W. 358 feet; S. 48 W 525 feet to road and Juniper Branch intersection; thence up Juniper Branch as follows: N. 42 W. 122 feet; N. 39 W. 100 feet; N. 30.30 W. 100 feet; N. 39.30 W. 154 feet; N. 28.30 W. 312 feet; N. 17.30 W. 350 feet to a stake (pointers); thence leaving said branch N. 60.30 W. 1480 feet to a stake, storm sewer in road; then S. 67 W. 268 feet to a stake in small branch; thence up branch as follows: N. 47 W. 94 feet; N. 44 W. 90 feet; N. 50 W. 165 feet; N. 47 W.

114 feet; N. 63.30 W. 75 feet; N. 67.30 W. 116 feet; N. 72 W. 148.5 feet; N. 40 W. 180 feet; N. 25.30 W. crossing railroad 120 feet; thence N. 68 E. 161 feet to a monument; thence N. 11 E. 2595 feet to the point of beginning, containing 306.5 acres, more or less, according to a survey and map made by C.B. Flughum, Registered Surveyor, in July 1952.

Editor's Note:

Tracts of land have been annexed to the town by ordinance of the governing body. A current map of the corporate limits is available for public inspection in the office of the Town Clerk/Manager.

SECTION 3.1. CREATION, SALARY AND COMPOSITION OF MAYOR AND BOARD OF COMMISSIONERS.

Except as otherwise provided in this charter all powers of the town shall be vested in a board of commissioners of five members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and the board of commissioners shall be for four years and until their successors are elected and qualified, and shall begin on the first Monday in December next following their election. If a vacancy occurs in the office of mayor or commissioners, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of commissioners. Each member of the board of commissioners shall receive a salary the amount of which shall be prescribed by ordinance. Provided, however that the present mayor and members of the board of commissioners shall continue to receive the same salary until the same is changed as herein outlines. No ordinance fixing or changing the salary of members of the board of commissioners shall become effective during the current term of office of the members of the board of commissioners enacting such ordinance. Members of the board of commissioners shall be qualified electors of the town. A member of the board of commissioners ceasing to possess any of the qualifications specified in this Section, or convicted of a felony while in office, shall immediately forfeit his office.

Meetings of the Board of Commissioners. At seven o'clock on the first Monday in December following a regular municipal election the board of commissioners shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the board of commissioners shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of commissioners. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered.

All meetings of the board of commissioners and of committees thereof shall be open to the public, and the rules of the board of commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

SECTION 3.2. MAYOR AND MAYOR PRO TEM.

At its first meeting in the month of May following a regular municipal election the board of commissioners shall choose one of its members as vice chairman, who shall act as mayor pro tem. The mayor shall preside at meetings of the board of commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the board of commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

SECTION 3.3. BOARD OF COMMISSIONERS RULES.

The board of commissioners shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers but the decision of the board of commissioners in any such case shall be subject to review by the courts. The board of commissioners shall determine its own rules and order of business and keep a journal of its proceedings.

SECTION 3.4. [RESERVED].

SECTION 3.5. MEETINGS OF THE BOARD OF COMMISSIONERS.

(a) At seven o'clock on the first Monday in December following a regular municipal election the board of commissioners shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the board of commissioners shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of commissioners. Any such notice shall state the subject to be considered at the special meetings and no other subject shall be there considered.

(b) All meetings of the board of commissioners and of committees thereof shall be open to the public, and the rules of the board of commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard any such meetings in regard to any matter considered thereat.

SECTION 3.6. QUORUM.

A majority of the members elected to the board of commissioners shall constitute a quorum to do business, but a less

number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt any ordinances, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

SECTION 3.7. INTRODUCTION AND PASSAGE OF ORDINANCES AND RESOLUTIONS.

(a) Ordinances and resolutions shall be introduced in the board of commissioners only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of commissioners. The enacting clause of all ordinances shall be: "Be it ordained by the Town of Four Oaks."

(b) When Ordinances and Resolutions Take Effect — Emergency Measures. Ordinances making the annual tax levy, appropriation ordinance, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this charter, all other ordinances and resolutions passed by the board of commissioners shall take effect at the time indicated therein, but not less than thirty (30) days from the date of their passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least four members of the board of commissioners shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the board of commissioners except as defined in this Section, and it is the intention of this charter that such definition shall be strictly construed by the courts.

(c) Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage, a notice setting forth in brief the substance of each ordinance shall be published or posted at least once in such manner as the board of commissioners may prescribe.

SECTION 4.1 MUNICIPAL ELECTIONS.

(a) The regular election for the choice of mayor and members of the board of commissioners shall be held on Tuesday following the first Monday in November in odd numbered years. The board of commissioners may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

(b) Regulations of elections. All elections shall be conducted in accordance with the general State laws relating to municipal elections, except as otherwise provided herein.

SECTION 4.2. [RESERVED].

SECTION 4.3. [RESERVED].

SECTION 4.4 BALLOTS.

The full names of candidates nominated for mayor or board of commissioners in accordance with the provisions of this charter, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabetical order after the one that standards first on such set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

SECTION 4.5 ELECTION OF MAYOR AND BOARD OF COMMISSIONERS.

(a) All members of the board of commissioners shall be elected at-large. Every voter shall be entitled to vote for one candidate for mayor and for as many candidates as there are members to be elected to the board of commissioners. All candidates up to the number to be elected, who received the largest number of votes shall be declared elected.

(b) Appointment of officers and employees. The board of commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment: Provided, that the board of commissioners may appoint one person to file any two or more such positions. Such employees or officers shall serve at the pleasure of the board of commissioners, and shall perform such duties as may be prescribed by the board of commissioners. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

SECTION 5.1. TOWN ATTORNEY.

The attorney shall be an attorney at law who shall have practices in the State of North Carolina for at least five years. He shall be the chief legal advisor of and attorney for the town and all departments and officers thereof in matters relating to their official powers and duties.

SECTION 5.2. POWERS AND DUTIES OF TOWN ATTORNEY.

It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the department of law; to attend all meetings of the board of commissioners; to give advice in writing, when so requested; to the board of commissioners or the director any department; to prosecute or defend, as the case may be, all suits or cases to which the town may be a party; to prepare all contracts, bonds and other instruments in writing in which the town is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of a legal nature as the board of commissioners may require. In addition to the duties imposed upon the town attorney by this charter or required of him by ordinance or resolution of the board of commissioners he shall perform any duties imposed upon the chief legal officer of municipalities by law.

SECTION 6.1. TOWN CLERK.

The board of commissioners shall choose a town clerk. The town clerk shall keep the records of the board of commissioners and perform such other duties as may be required by law or the board of commissioners.

SECTION 6.2. DUTIES OF TOWN TAX COLLECTOR.

Duties of Town Tax Collector. Tax Collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this charter and ordinance enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities. It shall be the duty of the tax collector do deposit daily in the town depository all money belonging to the town.

SECTION 6.3. DUTIES OF TOWN ACCOUNTANT.

The town accountant shall prepare the budget in accordance with the general local government laws of North Carolina relating to the preparation of municipal budgets. He shall have authority and shall be required: To maintain accounting control over the finances of the town government, for which purpose he is empowered to operate a set of general accounts embracing all the financial transactions of the town, and such subsidiary accounts and cost records as may be required by ordinance or by the board of commissioners for purposes of administrative direction and financial control; to prescribe the form of receipts, vouchers, bills, or claims to be filed by all departments and agencies of the town government; to examine and approve all contract, orders and other documents by which the town incurs financial obligations, having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, pay rolls, and other evidence of claims, demands, or charges against the town government and to determine the regularity, legality, and correctness of such claims, demands, or charges; to make monthly reports on all receipts and expenditures of the town government to the mayor and board of commissioners and to take monthly reports of funds, appropriations, allotments, encumbrances, and authorized payments to the mayor, the board of commissioners and the head of the department or agency directly concerned; to inspect and audit any accounts or records of financial transactions which may be maintained by any department or agency of the town government apart from or subsidiary to the general accounts; and to perform such other duties pertaining to the financial records of the town government as the board of commissioners may require by ordinance.

SECTION 6.4. DUTIES OF TOWN TREASURER.

The treasurer, if any, shall have custody of and shall disburse all moneys belonging to the town government subject to the provisions of this charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration, or exchanges.

SECTION 7.1. CUSTODY OF TOWN MONEY.

(a) All moneys received by any department or agency of the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the board of commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government shall be disbursed on vouchers signed by the mayor and counter-signed by the town clerk.

(b) Issuance of bonds. The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina or the issuance of bonds by municipalities.

(c) Purchase procedure. Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for completion, under such rules and regulations, and with such exceptions, as the board of commissioners may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than two thousand five hundred dollars (\$2,500.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinances.

(d) Contracts for town improvements. Any town improvement costing more than two thousand five hundred dollars (\$2,500.00) shall be executed by contract except where such improvement is authorized by the board of commissioners to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than two thousand five hundred dollars (\$2,500.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the board of commissioners shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of commissioners.

(e) Contracts extending beyond one year. No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than ten years; nor shall any such contract be valid unless made or approved by ordinance. No ordinance providing for such a contract shall be valid unless notice of the intention to pass the same were published in a newspaper of general circulation within the town at least ten days before its passage by the board of commissioners.

SECTION 7.2. INDEPENDENT AUDIT.

As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published immediately upon completion.

SECTION 8.1. PUBLIC RECORDS.

All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of commissioners, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

SECTION 8.2. PERSONAL INTEREST.

Neither the mayor nor any member of the board of commissioners nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale of the town of any land, materials, supplies or service, except on behalf of the town as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the board of commissioners.

SECTION 8.3. CONTINUANCE OF CONTRACTS.

All contracts entered into by the town, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

SECTION 9.1. SAVING CLAUSE.

If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter. The provisions of this charter shall supersede all laws and ordinances not consistent herewith, in so far as the Town of Four Oaks is affected thereby.

SECTION 9.2. REPEALING CLAUSE.

That all laws and clauses of laws in conflict with this charter be and the same are hereby repealed.

SECTION 9.3. EFFECTIVE DATE OF CHARTER.

This Act shall be in full force and effect from and after its ratification, provided that the mayor and board of commissioners in office at the time this charter takes effect shall continue in office until their successors are elected and qualified.

In the General Assembly read three times and ratified, this the 17th day of February, 1953.

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

11. EXTRATERRITORIAL JURISDICTION

CHAPTER 10: GENERAL PROVISIONS

Section

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§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the Town of Four Oaks shall be designated as the Code of Four Oaks and may be so cited.

(1992 Code, § 10.01)

§ 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.

(1992 Code, § 10.02)

§ 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.

(1992 Code, § 10.03)

§ 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.

(1992 Code, § 10.04)

§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, 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) *Definitions.* For the purposes of this code, the following words and phrases shall have the meanings respectively ascribed to them by this section.

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

COUNCIL or **TOWN COUNCIL**. The legislative body of the city.

COUNTY. Johnston 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 the municipality unless the context clearly requires otherwise.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, 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 officers 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**.

TOWN, MUNICIPALITY or **MUNICIPAL CORPORATION**. The Town of Four Oaks, North Carolina.

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**.

(1992 Code, § 10.05)

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of the municipality shall be by the following rules, unless the 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, the requisition shall be satisfied by the performance of the 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.

(1992 Code, § 10.06)

§ 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.

(1992 Code, § 10.07)

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, the 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.

(1992 Code, § 10.08)

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the 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.

(1992 Code, § 10.09)

§ 10.10 ERRORS AND OMISSIONS.

(A) 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 the intent, the spelling shall be corrected and the 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.

(B) No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

(1992 Code, § 10.10)

§ 10.11 OFFICIAL TIME.

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

(1992 Code, § 10.11)

§ 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 the 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.

(1992 Code, § 10.12)

§ 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.

(1992 Code, § 10.13)

§ 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.

(1992 Code, § 10.14)

§ 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.

(1992 Code, § 10.15)

§ 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 modifying 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 any way, be affected, 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 be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision, unless it is expressly provided.

(1992 Code, § 10.16)

§ 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 a new chapter or section shall indicate, with reference to

the arrangement of this code, the proper number of the 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.

(1992 Code, § 10.17)

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (G.S. § 160A-69) (Ord. 10, passed 1-17-1980; Ord. 20, passed 1-1-1985)

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 31.10 MAYOR.

The Mayor shall preside at all meetings of the Town Council.

(Ord. 10, passed 1-1-1980)

Statutory reference:

Powers and duties of the Mayor, see G.S. § 160A-67

(1992 Code, § 10.18)

§ 10.99 GENERAL PENALTY.

(A) Unless otherwise specifically provided, if any person shall violate any provision of this code of ordinances, except any provision regulating the operation or parking of vehicles, he or she shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 30 days. No fine shall exceed \$50 per day unless the code provision expressly states that the maximum fine is greater than \$50 per day.

(B) A person may not be found responsible or guilty of a violation punishable pursuant to division (A) of this section if, when tried for that violation, the person produces proof of compliance with the provisions of this code of ordinances through any of the following:

(1) No new alleged violations of the provision within 30 days from the date of the initial alleged violation.

(2) The person provides proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the provisions of this code of ordinances. (G.S. § 14-4(a), (c))

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

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

(1) In addition to an injunction, the court may enter an order of abatement as a part of the judgement in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this code or the ordinance.

(2) 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 or she may be cited for contempt, and the town may execute the order of abatement. The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialperson's lien.

(3) 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.

(4) Cancellation of an order of abatement shall not suspend or cancel an injunction issued in connection therewith.

(E) The provisions of this code and any other ordinance of the town may be enforced by any, one, all or a combination of

the remedies authorized and prescribed by this section.

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

(G) Violation of this code and other ordinances of the town shall subject the offender to a civil penalty to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within the prescribed period of time after he or she has been cited for violation thereof.

(G.S. § 160A-175)

(1992 Code, § 10.99)

CHAPTER 11: EXTRATERRITORIAL JURISDICTION

Section

11.01 Boundaries of the extraterritorial jurisdiction

§ 11.01 BOUNDARIES OF THE EXTRATERRITORIAL JURISDICTION.

(A) The boundaries of the extraterritorial jurisdiction of the town, according to and as authorized by G.S. Chapter 160A, Article 19, extend to distances not exceeding one mile from the corporate limits of the town as shown on a map titled "Official Extraterritorial Boundary Map, Town of Four Oaks, North Carolina", the map being adopted by reference and made a part hereof as if set forth in full herein.

(B) The area contained within the one-mile jurisdiction shall be zoned as indicted on the map attached to Ord. 81-1EF, which is hereby adopted by reference and made a part of this code as if set forth in full herein.

(1992 Code, § 11.01) (Ord. 79-EJ, passed 7-2-1979; Ord. 81-1EJ, passed 3-2-1981)

TITLE III: ADMINISTRATION

Chapter

- 30. FORM OF GOVERNMENT
- 31. TOWN OFFICIALS
- 32. TOWN ORGANIZATIONS
- 33. POLICE DEPARTMENT
- 34. TAXATION
- 35. PERSONNEL POLICIES

CHAPTER 30: FORM OF GOVERNMENT

Section

30.01 Operation of town government

§ 30.01 OPERATION OF TOWN GOVERNMENT.

The town operates under the Mayor/Town Council form of government pursuant to its Charter and applicable state law.

(1992 Code, § 30.01)

CHAPTER 31: TOWN OFFICIALS

Section

- 31.01 Town Clerk/Manager
- 31.02 Town Attorney
- 31.03 Tax Collector

31.04 Finance Officer

31.05 Budget Officer

31.06 Mayor

31.07 Town Council

§ 31.01 TOWN CLERK/MANAGER.

(A) There is hereby established the Office of Town Clerk/Manager.

(B) The Town Clerk/Manager shall give notice of meetings of the Town Council, keep a journal of the proceedings of the Town Council, be the custodian of all town records and shall perform any other duties that may be required by law or the Town Council.

(1992 Code, § 31.01) (G.S. § 160A-171)

§ 31.02 TOWN ATTORNEY.

(A) There is hereby established the Office of Town Attorney.

(B) The Town Council shall appoint a Town Attorney to serve at its pleasure and to be its legal adviser.

(1992 Code, § 31.02) (G.S. § 160A-173)

§ 31.03 TAX COLLECTOR.

(A) There is hereby established the Office of Tax Collector.

(B) The Town Council shall appoint a Tax Collector to serve for a term to be determined by the Council and until his or her successor has been appointed and qualified. The Town Council may remove the Tax Collector from office during his or her term for good cause after giving him or her notice in writing and an opportunity to appear and be heard at a public session of the Town Council. No hearing shall be required, however, if the Tax Collector is removed for failing to meet the prerequisites prescribed by G.S. § 105-352(b) for delivery of the tax receipts. Unless otherwise provided by G.S. § 105-373, whenever any vacancy occurs in this office, the governing body shall appoint a qualified person to serve as Tax Collector for the period of the unexpired term.

(C) The Town Council shall appoint as Tax Collector a person of character and integrity whose experience in business and collection work is satisfactory to the Council.

(D) No Tax Collector shall be allowed to begin his or her duties until he or she shall have furnished bond conditioned upon his or her honesty and faithful performance in such amount as the governing body may prescribe. A Tax Collector shall not be permitted to collect any taxes not covered by his or her bond, nor shall a Tax Collector be permitted to continue collecting taxes after his or her bond has expired without renewal.

(E) The compensation and expense allowances of the Tax Collector shall be fixed by the Town Council.

(F) The Tax Collector shall take the oath required by Article VI, § 7 of the North Carolina Constitution with the following sentence added to it: "That I will not allow my actions as Tax Collector to be influenced by personal or political friendships or obligations." The oath must be filed with the Town Clerk/Manager.

(1992 Code, § 31.03) (G.S. § 105-349)

§ 31.04 FINANCE OFFICER.

(A) There is hereby established the Office of Finance Officer.

(B) The Town Council shall, at all times, have a Finance Officer to hold office at the pleasure of the Council. The duties of the Finance Officer may be imposed on the Budget Officer or any other officer or employee on whom the duties of Budget Officer may be imposed.

(1992 Code, § 31.04) (G.S. § 159-24)

§ 31.05 BUDGET OFFICER.

(A) There is hereby established the Office of Budget Officer.

(B) The Town Council shall appoint a Budget Officer to serve at the will of the Council.

(1992 Code, § 31.05) (G.S. § 159-9)

§ 31.06 MAYOR.

For provisions concerning the Mayor, see Charter §§3.1 and 3.2.

(1992 Code, § 31.06)

§ 31.07 TOWN COUNCIL.

For provisions concerning the Town Council, see Charter §§3.1, 3.3, 3.5 and 3.6.

(1992 Code, § 31.07)

CHAPTER 32: TOWN ORGANIZATIONS

Section

Planning Board

32.01 Members; terms; vacancies

32.02 Officers; rules; records

32.02 Meetings; quorum

32.04 Powers and duties

Board of Adjustment

32.15 Establishment; duties

PLANNING BOARD

§ 32.01 MEMBERS; TERMS; VACANCIES.

(A) The Planning Board shall consist of ten members, five of whom shall be citizens of the town and five of whom shall be residents of the county residing in the town's area of extraterritorial jurisdiction. The Town Council shall appoint five members from the town and recommend five members from the area of extraterritorial jurisdiction to be appointed by the County Board. In the event the County Board fails to make the appointments requested within 90 days of receipt of the request, the Town Council shall make the appointments.

(B) Two members from the town and two members from the extraterritorial area shall be appointed for three-year terms, two members from the town and two members from the extraterritorial area shall be appointed for two-year terms and one member from both areas shall be appointed for one-year terms. As these terms expire, new appointments shall be made for three-year terms. Vacancies occurring for reasons other than expiration of terms, shall be filled for the unexpired term only, by the legislative body responsible for original appointment.

(C) Faithful attendance by the members is mandatory for retaining membership on the Planning Board. Failure to attend three consecutive meetings shall be deemed adequate reason for termination of membership on the Planning Board by the Town Council. If a member has a legitimate excuse for not attending a regular or special meeting of the Planning Board, he or she shall notify the secretary of the Planning Board at least 24 hours before the scheduled meeting time.

(D) All members of the Planning Board shall have equal voting power on all matters of business. However, any member who is a party at interest to matters under consideration by the Planning Board shall declare this interest prior to a vote of the Planning Board on the question, and shall abstain from voting on the question. The members may participate in the discussions prior to the vote.

(1992 Code, § 32.01)

§ 32.02 OFFICERS; RULES; RECORDS.

(A) Within 30 days after appointment, the Planning Board shall meet and elect a Chairperson and create and fill those offices as it may determine. The term of the Chairperson and other officers shall be one year, with eligibility for reelection.

(B) The Planning Board shall adopt rules for transaction of business and shall keep a record of its members' attendance, and its resolutions, discussions, findings and recommendations, which record shall be a public record.

(1992 Code, § 32.02)

§ 32.03 MEETINGS; QUORUM.

(A) The Planning Board shall hold at least one meeting monthly and all of its meetings shall be open to the public.

(B) A quorum shall consist of a simple majority of the total membership of the Planning Board.

(1992 Code, § 32.03)

§ 32.04 POWERS AND DUTIES.

(A) The Planning Board shall make careful studies of present conditions and the probable future development of the town and its environs. These studies may include, but shall not be limited to, land use surveys; population studies; economic

studies; school, park and recreation studies; traffic and parking studies; urban renewal studies, housing and market analysis and annexation studies.

(B) The Planning Board shall formulate and maintain a comprehensive plan of the town and its environs for the purpose of achieving a coordinated, adjusted and harmonious development of the town which would promote, in accordance with present and future needs, the safety, morals, order, convenience, prosperity and general welfare of its citizens; efficiency and economy in the process of development; convenience of traffic; safety from fire and other dangers; adequate light and air; healthful and convenient distribution of population; provision of adequate open spaces; good civic design and arrangement; wise and efficient expenditures of public funds; and adequate provision for public utilities and other matters pertaining to the public requirements. The comprehensive plan shall consist of a number of parts which may include, but shall not be limited to, the following: a land use plan, a major thoroughfare plan, a utilities plan, a plan for economic development, a recreation plan, a school plan, a community facilities plan, a zoning plan and plans for housing improvement.

(C) The Planning Board shall review and make recommendations to the Town Council upon the extent, location, and design of all public structures and facilities; the acquisition and disposal of public properties; the opening, abandonment, widening, extension, narrowing or other change to streets and other public ways; the construction, extension, expansion or abandonment of utilities, whether publicly or privately owned; and on matters pertaining to zoning and subdivision of land. However, in the absence of a recommendation from the Planning Board after the expiration of 30 days from the date on which the question has been submitted in writing to the Planning Board, the Town Council may, if it deems wise, take final action.

(D) The Planning Board may conduct those public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the comprehensive plan.

(1992 Code, § 32.04)

BOARD OF ADJUSTMENT

§ 32.15 ESTABLISHMENT; DUTIES.

All appeals which may be taken from decisions or orders of the Planning and Zoning Administrator shall be heard and determined by the Board of Commissioners. As the appeals body, the Board of Commissioners shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties. The Board of Commissioners shall keep accurate minutes of all its proceedings.

(1992 Code, § 32.15) (Ord. passed 2-13-2023)

CHAPTER 33: POLICE DEPARTMENT

Section

33.01 Operations Manual; adoption by reference

§ 33.01 OPERATIONS MANUAL; ADOPTION BY REFERENCE.

The town's *Police Operations Manual*, which is on file in the office of the Town Clerk/Manager, is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.

(1992 Code, § 32.25)

CHAPTER 34: TAXATION

Section

34.01 Tax levy to be in conformance with state law

34.02 Property taxes

§ 34.01 TAX LEVY TO BE IN CONFORMANCE WITH STATE LAW.

All general taxes shall be levied as provided by the statutes of the state.

(1992 Code, § 33.01)

§ 34.02 PROPERTY TAXES.

Property taxes shall only be imposed as specifically authorized by state law. No property within the limits of the town shall be free from taxes, except that property exempted by the Constitution.

CHAPTER 35: PERSONNEL POLICIES

Section

35.01 Regulations adopted by reference

§ 35.01 REGULATIONS ADOPTED BY REFERENCE.

The town's personnel regulations are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. passed 12-1-2008)

TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE COLLECTION

51. WATER SUPPLY AND DISTRIBUTION

52. WATER AND SEWER CONNECTIONS

53. FATS, OIL AND GREASE

CHAPTER 50: GARBAGE COLLECTION

Section

50.01 Garbage container required

50.02 Placement of container

50.03 Yard waste

50.04 Construction material

50.05 Hazardous material

50.06 Recycled material

50.07 Violations

50.99 Penalty

§ 50.01 GARBAGE CONTAINER REQUIRED.

(A) Each household and commercial establishment within the town shall be required to place household or commercial raw and small items of garbage inside a large plastic waste container, covered by a lid. The receptacles shall have the capacity of not less than ten gallons and not more than 33 gallons and shall be kept in a sanitary condition. Residents and businesses are encouraged to place garbage in plastic garbage bags before placing contents in the receptacles. Exception: Restaurants/food establishments can contract a dumpster (as required by Health Department regulations), as well as, large industrial and commercial businesses.

(B) The municipality does not accept garbage/materials from outside the city limits. Suspects that violate policy will be charged a standard pick-up fee, in addition to the regular fee. Notice will be sent stating further consequences.

(C) Having a county or any other landfill decal does not disqualify a customer from garbage payment responsibility.

(Ord. 77-GC, passed 3-7-1977; Ord. passed 12-8-2008) Penalty, see § 50.99

§ 50.02 PLACEMENT OF CONTAINER.

The container may be placed at the rear of a residence/business or be placed at the curbside in residential areas and at a conveniently accessible location in the business district.

(Ord. passed 12-8-2008) Penalty, see § 50.99

§ 50.03 YARD WASTE.

(A) Limbs will be collected at the length of four feet and no larger than four inches in diameter. Limbs four to ten inches in diameter will be accepted only at the length of two feet or less. Limbs should be neatly stacked behind the curb.

(B) Leaves and mixed yard waste will be collected on a weekly basis. Yard waste should not be placed in plastic bags.

(C) The town will not be responsible for collection of debris from land-clearing operations.

(Ord. passed 12-8-2008)

§ 50.04 CONSTRUCTION MATERIAL.

The town will not collect for any type of construction material. These materials may consist of, but not be limited to, mortar, sand, steel, tin, iron, aluminum or vinyl siding, wire, pipes, gutters, doors or windows.

(Ord. passed 12-8-2008)

§ 50.05 HAZARDOUS MATERIAL.

The town will not collect hazardous material. These materials may consist of, but not be limited to, car batteries, oil, paint, paint thinner, gas or chemicals.

(Ord. passed 12-8-2008)

§ 50.06 RECYCLED MATERIAL.

Currently, the town provides recycling for in-town residents only. These materials may consist only of newspaper, glass (clear, brown or green in color), aluminum cans and plastic containers (soft drink and milk jugs).

(Ord. passed 12-8-2008)

§ 50.07 VIOLATIONS.

Any household or commercial establishment, which violates this chapter, shall forfeit garbage collection service from the town.

(Ord. 77-GC, passed 3-7-1977; Ord. passed 12-8-2008)

§ 50.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

(a) A citation for the civil penalty shall be issued by the Police Chief

(b) Each citation for a civil penalty must be paid within 168 hours (seven days) of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(Ord. passed 12-8-2008)

CHAPTER 51: WATER SUPPLY AND DISTRIBUTION

Section

- 51.01 Service contracts to conform with pertinent provisions
- 51.02 Mayor and Town Council or their agents shall supervise
- 51.03 Public Works Director
- 51.04 Water service pipes
- 51.05 Water connections required; separate connections
- 51.06 Connections to be made by or under supervision of town
- 51.07 Applications for connections
- 51.08 Connection fees
- 51.09 Right to enter premises
- 51.10 Water meters

- 51.11 Connections outside of town
- 51.12 Unauthorized use of water
- 51.13 Leaks responsibility of customer
- 51.14 Water for use of customers only
- 51.15 Injury to property and fixtures
- 51.16 Tampering with meters
- 51.17 Continuity of service
- 51.18 Water rates and charges
- 51.19 Water deposits
- 51.20 Meter reading; billing; collection; disconnection procedure
- 51.21 Suspension of service

51.99 Penalty

§ 51.01 SERVICE CONTRACTS TO CONFORM WITH PERTINENT PROVISIONS.

All pertinent provisions of this chapter shall govern the terms and conditions of the contract under which the town furnishes water service to any person or whereby the town makes any water connections or performs any work of any kind in connection with the furnishing of water service.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008)

§ 51.02 MAYOR AND TOWN COUNCIL OR THEIR AGENTS SHALL SUPERVISE.

The water sewer system shall be under the supervision of the Mayor, Town Council, Public Works Director or appointed designee. The duty of enforcing full compliance with all rules and regulations governing all connections with the mains shall be vested in the Public Works Director.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008)

§ 51.03 PUBLIC WORKS DIRECTOR.

The Public Works Director shall perform the following duties.

- (A) He or she shall have general supervision over all the operations of the water sewer system.
- (B) He or she shall see that all rules and regulations of the town are enforced.
- (C) He or she shall see that water sewer rates and assessments are correctly recommended.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008)

§ 51.04 WATER SERVICE PIPES.

The town, or licensed plumber under permit of the town, shall tap the water main for connections and extend all service pipes to the curbing where a stop box will be placed over a meter and a stop cock, all of which shall be under the exclusive control of the town. No person shall be allowed to turn the water on or off at this point, except the town's agent.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008) Penalty, see § 51.99

§ 51.05 WATER CONNECTIONS REQUIRED; SEPARATE CONNECTIONS.

(A) Within 120 days after the main in any street is complete and ready to use, the owner of every abutting lot where the water is needed for human use shall cause such a lot to be connected with the water main. For existing houses, the town will offer the owner the opportunity to connect with a reduced tap rate. Should the owner elect not to connect at this point, but wants to do so at a later date, he or she will have to pay full price for connection. New constructions (resident/business) are required to connect.

(B) No service pipe shall be used for supplying more than one dwelling house or principle building upon the premises or upon adjacent premises. This section will be effective only against those persons who violate its provisions after the adoption of this chapter and shall not be construed to require the change or alteration of conditions existing on this adoption date.

(C) There shall be installed on each water line at a convenient place a cut off backflow preventer for the control of the water service by the property owner or his or her agent or his or her tenant. Diagram may be obtained from Public Works Director.

(D) It shall be unlawful for any customer to make a cross connection between the town's water system and any other source of water supply.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008) Penalty, see § 51.99

§ 51.06 CONNECTIONS TO BE MADE BY OR UNDER SUPERVISION OF TOWN.

The construction of laterals for water connections, and the necessary excavation therefor, shall be done by the town or, if done by a licensed plumber, it shall be done under the town's supervision.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008)

§ 51.07 APPLICATIONS FOR CONNECTIONS.

Every application for a water connection shall be made to the town, accompanied by the proper fees for making the connection.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008)

§ 51.08 CONNECTION FEES.

For extension of water service pipe and the tapping of mains, the town will charge fees as recommended by the Public Works Director and established by the Town Council. A copy of current connection fees shall be kept on file in the office of the Town Clerk/Manager.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008)

§ 51.09 RIGHT TO ENTER PREMISES.

Whenever it becomes necessary to enter any premises, businesses or dwellings for the purpose of inspecting water pipes, fixtures or meters, the Building Inspector or an agent of the town may do so within reasonable hours. Should the Inspector or agent be refused admittance, the supply of water shall be cut off until the examination is made and the required information is obtained or until repairs and alterations are made.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008)

§ 51.10 WATER METERS.

(A) The water meters furnished by the town shall remain the property of the town and will be serviced by the town.

(B) At the request of any customer, the town will test the accuracy of a water meter alleged to be recording improperly.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008)

§ 51.11 CONNECTIONS OUTSIDE OF TOWN.

No connection of any water sewer line or system outside the town shall be made to any part of the water sewer system without special permission from the Town Council on such terms as the Council shall prescribe.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008) Penalty, see § 51.99

§ 51.12 UNAUTHORIZED USE OF WATER.

Only the Public Works Director or appointed designee is authorized to turn on water. If water is found to be in use without the knowledge of the Public Works Director, or without being turned on by his or her or designee, or if water is used for any other purpose than that paid for, the consumer of water shall be guilty of a violation of this chapter.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008) Penalty, see § 51.99

§ 51.13 LEAKS RESPONSIBILITY OF CUSTOMER.

If a break occurs, or a defect is found, in any pipe or fixture causing or permitting a leakage or waste of water, it shall be the duty of the owner of the premises or the customer to have the break or defect repaired.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008)

§ 51.14 WATER FOR USE OF CUSTOMERS ONLY.

It shall be unlawful for any person to remove water from the system from hydrants for any purpose except in case of fire, Fire Department training or other emergency. Any person unlawfully receiving or using water shall be guilty of a misdemeanor. However, the public may purchase water from the bulk meter with prior authorization from the Public Works Director.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008) Penalty, see § 51.99

§ 51.15 INJURY TO PROPERTY AND FIXTURES.

It shall be unlawful for any person to injure, deface or destroy any property of the town water sewer system, including the pipes, standpipes, valves, boxes, fire hydrants, fountains, service boxes, service valves, service connections or any other fixtures, or in any way contaminate the town water supply.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008) Penalty, see § 51.99

§ 51.16 TAMPERING WITH METERS.

It shall be unlawful for any person, after the water has been disconnected for failure to pay the water bill, to turn on the meter or to bypass the meter or in any manner to obtain water at no cost. If the town determines the meter has been tampered with, the meter will be removed and customer will be assessed an unauthorized user's fee and/or any other fee as determined by the Public Works Director, deemed necessary to restore the meter to the original state.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008) Penalty, see § 51.99

§ 51.17 CONTINUITY OF SERVICE.

The town will not be liable for any damages that may result to any customer from the shutting off of the water sewer service for any cause whatever, even in cases where no motive is given, and no deduction from bills will be made in consequence thereof.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008)

§ 51.18 WATER RATES AND CHARGES.

The rates for the water sewer service shall be recommended by the Public Works Director and established by the Town Council, shall be due and payable monthly and shall be collected in accordance with the provisions of this chapter. A copy of the current rates and charges shall be kept on file in the office of the Town Clerk/Manager.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008)

§ 51.19 WATER DEPOSITS.

(A) Each renter or leasee applying for water sewer service shall make a deposit in the amount fixed by the Town Council and is subject to change.

(B) Water and/or sewer service can be connected the same day the deposit is paid if paid before 3:00 p.m. Deposits paid after 3:00 p.m. Monday through Thursday will be connected the following day. Deposits paid on Friday after 3:00 p.m. will be scheduled for connection on the following Monday.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008; Ord. passed 2-9-2009)

§ 51.20 METER READING; BILLING; COLLECTION; DISCONNECTION PROCEDURE.

(A) Meters will be read and bills rendered monthly, but the town may vary dates or length of period covered, temporarily or permanently, if necessary or desirable.

(B) Bills for water service will be figured in accordance with the rate schedule then in effect and will be based on the amount consumed for the period covered by the meter readings.

(C) Charges for service commence when the appropriate deposit and application is rendered and the service connection is made, whether used or not.

(D) Bills for water service are due when rendered and are delinquent after the due date indicated on the bill. A penalty (in an amount fixed by the Town Council) shall be added to delinquent bills and shall be paid by the customer.

(E) Delinquent amounts will be noted on the next following bill and are due immediately. If not paid by cut-off date indicated, service will be terminated.

(1) When it becomes necessary for the town to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after delinquent amount and late fee (amount fixed by the Town Council) has been paid in full; also, when terminated service has not been reinstated in seven days of original cut-off date, the customer's account will be terminated from the system and deposit will be applied to any balance due for service. Once the account has been terminated from the system, at that point, the customer will have to pay a new deposit and any outstanding balance due to get service reinstated. It is the policy of the town to discontinue utility service by reason of nonpayment of bills, following provision that:

(a) All bills are due and payable on or before the date set forth on the bill;

(b) If any bill is not paid by or before original due date, the delinquent balance will be indicated on the following bill, as well as, the cut-off date for the unpaid past due balance; and

(c) Accounts that appear on the prepared cut-off listing after 1:00 p.m. on the cut-off date will be assessed a late/nonpayment fee in an amount fixed by the Town Council and are subject to change.

(2) Request for delays or waiver will not be entertained; only questions of proper and correct billing will be considered.

In the absence of the bill rendered, service will be discontinued at the time specified.

(3) When water service is interrupted due to nonpayment, the following procedure will apply to have service reconnected:

(a) Customers must pay any delinquent amount owed and the late/nonpayment fee (at the amount of the current rate charged).

(b) Payments will be received for reconnects until 5:00 p.m. and the service reconnection will be done for those making appropriate payment until 5:00 p.m.

(c) If a member of the Town Board contacts an employee after hours to implement a reconnect, the after hours charge (current rate set by the Town Board) will apply.

(d) Payment for the after hour reconnection (additional charges applied) must be in the drop box by 8:00 a.m. the next morning after the after-hour reconnect occurred or water/sewer service will be disconnected again. If disconnection occurs again, another nonpayment fee will be added to the total due and no reconnection will occur until all fees and delinquent payments have been paid in full.

(F) Failure to receive bills mailed shall not prevent the bills from becoming delinquent nor relieve the customer from payment.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008; Ord. passed 2-9-2009; Ord. passed 2-11-2019; Ord. passed 4-8-2019)

§ 51.21 SUSPENSION OF SERVICE.

(A) When water service is discontinued and all bills are paid, including any penalties that may be due, the deposit or portion thereof will be refunded.

(B) Upon discontinuance of service for nonpayment of bills, the deposit will be applied toward the settlement of the account. Any remaining balance of the deposit will be refunded to the customer. If the deposit is not sufficient to cover the amount due, the town may proceed to collect the balance owed by customer in any way provided by the law for collection of debts.

(C) Service discontinued for nonpayment of bills can be restored by following statements in §51.20.

(D) The town reserves the right to discontinue water service without notice for any one or more of the following additional reasons:

- (1) To prevent fraud or abuse;
- (2) Customer's willful disregard of the town's rules and regulations;
- (3) Emergency repairs;
- (4) Insufficiency of supply due to circumstances beyond the town's control;
- (5) Legal process;
- (6) Direction of public authorities; and

(7) Strike, riot, fire, flood, accident or any other unforeseen natural or human-made catastrophe as determined by the Town Council and/or designee.

(E) The town may, in addition to prosecution by law, permanently refuse service to any customer or his or her agent who tampers with a meter or other measuring device.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008)

§ 51.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

(a) A citation for the civil penalty shall be issued by the Police Chief.

(b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(Ord. 79-WS, passed 11-5-1979; Ord. passed 12-8-2008)

Section

52.01 Connection required

52.99 Penalty

§ 52.01 CONNECTION REQUIRED.

The owner of property within the limits of the town abutting the rights-of-way of streets, alleys and easements within which water and sewer lines owned and operated by the town are located, whether they be persons, firms, corporations, shall be required to connect their premises with the water and sewer lines of the town, and shall be charged for the connections and water and sewer services pursuant to connection and fee schedules recommended by the Public Works Director and adopted by the Town Council.

(Ord. 81-2WS, passed 7-7-1981; Ord. passed 12-8-2008) Penalty, see § 52.99

§ 52.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

(a) A citation for the civil penalty shall be issued by the Police Chief.

(b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(Ord. passed 12-8-2008)

CHAPTER 53: FATS, OIL AND GREASE

Section

53.01 Regulatory background and purpose; intent

53.02 Definitions

53.03 Grease trap and interceptor installation, maintenance, record keeping and removal

53.04 Enforcement

53.05 Public education policy

53.99 Penalty

§ 53.01 REGULATORY BACKGROUND AND PURPOSE; INTENT.

(A) This chapter is written in order to comply with state requirements for system-wide collection system permitting (15A NCAC 2T .0400; especially .0403); and in accordance with the town's deemed system-wide permit # WQSD0013. State requirements have stemmed from federal regulations for pretreatment (such as 40 CFR 403).

(B) This chapter is intended to aid in the prevention of sanitary sewer blockages and obstructions caused by the introduction, discharge and contribution of fats, oils, greases, grease complexes, scum, sludge and other organic polar compounds into the town's wastewater collection system or the downstream publicly owned treatment works by certain grease-producing commercial, industrial, institutional and other non-residential activities. This chapter is written in addition to any/all plumbing requirements as required by North Carolina Building Code (especially Vol. II, Ch. 10). In the event of any discrepancy in this chapter and North Carolina Building Code, the more stringent criteria shall apply.

(Ord. passed 1-12-2009)

§ 53.02 DEFINITIONS.

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

COMMERCIAL ESTABLISHMENT and **INDUSTRIAL ESTABLISHMENT**. Any user that has the potential to use,

contribute to or otherwise impact the town's wastewater collection system or POTW. Such establishments include, but are not limited to, maintenance facilities, repair facilities and equipment cleaning facilities.

COOKING ESTABLISHMENT. Any person primarily engaged in the activities of cooking, preparing, serving or otherwise making available for human consumption any form of foodstuff, and which uses one or more of the following cooking or preparation methods in connection with such activities: cooking or preparation by frying (all methods), baking (all methods) grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, poaching, or any type of cooking or preparation that produces a hot non-potable product in or on a receptacle that requires washing, rinsing or other form of cleaning. Such establishments include, but are not limited to, restaurants, cafeterias, extended care facilities, school cafeterias (public and private), and daycare facilities where meals for more than six children are prepared, served or otherwise made available for human consumption.

GREASE. All greases, grease complexes, fats, oils, scum, sludge and all other organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. Such substances are detectable and measurable using analytical procedures established in 40 CFR 136.

GREASE TRAP/GREASE INTERCEPTOR. Device for separating and retaining waterborne greases before the wastewater, which contains such grease, exits the grease trap or interceptor into the town's wastewater collection system or POTW. The **GREASE TRAP OR INTERCEPTOR** also collects settleable solids generated by or incidental to commercial, industrial and food preparation activities.

NON-COOKING ESTABLISHMENT. Any person primarily engaged in the rendering or preparation of pre-cooked foodstuffs that do not require or involve any form of cooking. Such establishments include but are not limited to, establishments that are primarily engaged in the rendering preparation of cold dairy and frozen foodstuffs.

TOWN. The town of Four Oaks, North Carolina and its utility service area.

USER. Any person primarily engaged in any commercial, industrial, institutional or other nonresidential activity who introduces, contributes or discharges (or causes or permits the introduction, contribution or discharge of) wastewater into the town's wastewater collection system or POTW, including but not limited to any person who introduces, contributes or discharges wastewater into the wastewater collection system or POTW through any mobile source.

WASTEWATER. Any substance introduced, contributed to, or discharged into the town's wastewater collection system or publicly owned treatment works (POTW).

(Ord. passed 1-12-2009)

§ 53.03 GREASE TRAP AND INTERCEPTOR INSTALLATION, MAINTENANCE, RECORD KEEPING AND REMOVAL.

(A) No later than one year after the adoption of this chapter, all non-residential users with potential grease producing operations shall install grease traps or interceptors designed to limit the introduction, contribution, and discharge of greases into the town's wastewater collection system or POTW. This requirement includes all cooking establishments and any other commercial or industrial establishment that exceeds the allowable grease concentration of this section. Grease traps and interceptors with appropriate sampling or inspection points shall be installed at the user's expense whenever a grease trap or interceptor is required to be installed as in division (F) of this section. Grease traps and interceptors must have a minimum capacity of 1,000 gallons or more as required to effect a grease concentration maximum of 200 mg/l.

(B) The town may approve alternative methods of compliance if the user demonstrates that compliance with this chapter is impossible or impractical at the time of adoption of this chapter as a result of limited space. However, any proposed alternative method of compliance will be required to meet the performance criteria specified in division (A) of this section, and the user must adequately demonstrate to the satisfaction of the town that the proposed alternative method will satisfy those performance criteria. In addition, any alternative method must be cleaned at a more frequent interval than is required of grease traps and interceptors under division (E) of this section. Prior to approval of any proposed alternative method of compliance, documentation of the proposed method's actual performance criteria must be submitted to the Public Works Director for review and approval.

(C) Grease traps and interceptors may also be required in other facilities as deemed necessary by the Public Works Director.

(D) Upon the prior written approval of the Public Works Director, non-cooking establishments may be exempted from the requirements of this chapter after an inspection of the subject premises and submission of adequate supporting documentation, as deemed necessary in the sole and absolute discretion of the Public Works Director. At a minimum, such supporting documentation shall include: blueprints of the subject premises, a full and detailed description of the operations and activities at the subject premises, and a full and detailed list of all potential sources of grease at the subject premises.

(E) Users shall empty and service grease traps and interceptors to comply with the performance criteria in division (A) as often as necessary, but in any event no longer than every 60 days. Under-the-counter types of grease traps and interceptors shall be cleaned at least daily, and shall comply with the performance criteria in division (A) of this section. There shall be no reintroduction of wastewater back into the grease trap or interceptor unless and until the wastewater has been proven to contain 200 mg/l or less of grease. Under no circumstances shall the sludge or scum layer be reintroduced or discharge into the town's wastewater collection system or POTW.

(F) Users shall supply an adequate sampling point downstream of the grease trap or interceptor, prior to mixing with other sanitary flows, and an accessible entry into each chamber of the grease trap or interceptor. The minimum requirement

for the sampling point shall be a four-inch vertical clean-out.

(G) Users shall retain detailed records on-site for a minimum of three years reflecting all maintenance carried out pursuant to this chapter. At a minimum, such records shall contain the following information: date of service, name of the employee involved, and a receipt reflecting all services rendered by the water hauler providing the service.

(H) Users are required to keep the grease trap or interceptor free of inorganic solids such as grit, towels, gloves, cigarettes, eating utensils, and the like, which could clog or settle in the trap or interceptor, thereby reducing the effective volume or capacity of the trap or interceptor.

(I) Users are required to ensure that all waste material removed from grease traps and interceptors is disposed of in a manner that complies with all federal, state, and local statutes, rules, regulations, policies and ordinances.

(J) Except as provided herein, for a period of one year following the adoption of this chapter, no enforcement actions will be taken under this section for failure to achieve the performance criteria specified in division (A). If, during such period, an obstruction of any of the town's sanitary sewer main(s) occurs and causes a sewer overflow, spill, leak or other event with any environmental impact, and such overflow, spill, leak or other event may be attributed in part or in whole to a particular user, then the town will seek enforcement action and possible penalties under §§ 53.04 and 53.99. For purposes of this section, an overflow, spill, leak or other event shall be deemed to have an environmental impact when such overflow or other event involves an amount of wastewater equal to or in excess of 1,000 gallons or an amount of wastewater reaches any body of surface water.

(Ord. passed 1-12-2009)

§ 53.04 ENFORCEMENT.

(A) Designated staff of the Public Works Department shall conduct a minimum of one compliance inspection annually. The Public Works Director may direct staff to inspect any one or more commercial or industrial establishments based on compliance history, collection system problems, and the like.

(B) Commercial or industrial establishments determined to be in non-compliance with the requirements of this chapter that are linked to a collection line blockage will be required to reimburse the town for expenses associated with clean-up.

(C) Commercial or industrial establishments determined to be in non-compliance with the requirements of this chapter that are linked to a collection line blockage will be required to increase its interceptor cleaning frequency.

(D) The town may assess penalties for failure to keep required records; failure to clean in-floor or under-the-counter units and/or failure to clean in-ground units regularly according to § 53.99; or according to any exceptions issued by the Public Works Director or variances.

(E) The Public Works Director may grant exceptions or allow other alternative methods of compliance in accordance with § 53.03(B). Any other exceptions beyond that provided for in §53.03(B) must be requested as a variance request and granted by the Town Board of Adjustment.

(Ord. passed 1-12-2009)

§ 53.05 PUBLIC EDUCATION POLICY.

The town commits to educate the public regarding fats, oil, and grease (F/O/G) pollutants that may be introduced to the town's public wastewater collection system or the downstream publicly owned treatment works (POTW). Such F/O/G pollutants are typically in the form of organic compounds with multiple carbon chain triglyceride molecules that can act to create sanitary sewer blockages in the collection system and interfere with standard treatment processes at the POTW. This chapter requires physical grease traps and interceptors for certain grease-producing commercial and industrial sewer customers. In addition to this chapter, educating the general public is also considered to be an important component to reducing F/O/G wastes from non-domestic as well as domestic customers. The town commits to performing the following public education methods in order to further reduce F/O/G components from its wastewater collection system:

(A) Each year, the town is required to send out consumer confidence reports regarding the water quality status of its drinking water system during the previous year. These reports are hand-delivered. In addition to these water quality reports for drinking water, the town intends to deliver information about reducing F/O/G pollutants for both domestic and non-domestic sewer customers. The information may be in the form of state-published documents and/or brochures or even town drafted informational guides.

(B) When certain food service establishments apply for a building permit or site plan approval and are required to install grease traps or interceptors, then they shall be given informational brochures or town-drafted informational guides for reducing F/O/G pollutants.

(Ord. passed 1-12-2009)

§ 53.99 PENALTY.

(A) Commercial or industrial establishments determined to be in non-compliance with the record keeping requirements of this chapter will be issued a notice of violation (NOV). Commercial or industrial establishments determined to be in non-compliance twice in a 12-month period for record keeping may be fined up to \$500.

(B) Commercial or industrial establishments that do not install a grease trap/interceptor when instructed to do so by the town will be fined \$200 per month until a properly sized trap/interceptor is installed.

(C) Any user who is found to have failed to comply with any provision of this chapter may be fined civil penalties up to \$10,000 per day per violation.

(D) In addition to town penalties, additional penalties for violations that directly affect the downstream publicly owned treatment works (POTW) may be imposed by the appropriate POTW jurisdiction.

(Ord. passed 1-12-2009)

TITLE VII: TRAFFIC CODE

Chapter

- 70. GENERAL PROVISIONS
- 71. TRAFFIC REGULATIONS
- 72. PARKING REGULATIONS
- 73. TRAFFIC SCHEDULES
- 74. PARKING SCHEDULES
- 75. GOLF CART REQUIREMENTS/RESTRICTIONS

CHAPTER 70: GENERAL PROVISIONS

Section

70.01 Purchase and display of tags required

70.99 Penalty

§ 70.01 PURCHASE AND DISPLAY OF TAGS REQUIRED.

Town tags must be purchased and displayed by February 15 each year. No person shall fail to comply with this section. (1992 Code, § 70.01) (Ord. 76-TT-0002, passed 2-2-1976) Penalty, see § 70.99

§ 70.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

- (a) A citation for the civil penalty shall be issued by the Police Chief.
- (b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(1992 Code, § 70.01)

CHAPTER 71: TRAFFIC REGULATIONS

Section

71.01 Stop intersections

71.99 Penalty

§ 71.01 STOP INTERSECTIONS.

Where a stop light or stop sign has been erected or installed at any intersection within the corporate limits of the town, no

operator of a vehicle approaching the intersection shall enter the same with the vehicle while a stop light is emitting a red light or stop signal for traffic moving on the street and in the direction that the approaching vehicle is traveling. All vehicles shall come to a complete stop upon each intersection with a stop sign, electrical flashing stop signal while on red or where there is a red flashing signal, before entering the intersection. It shall be unlawful to make right turns at those stop signals indicated in Chapter 73, Schedule I.

(1992 Code, § 71.01) (Ord. 68-TO, passed 12-2-1968) Penalty, see § 71.99

§ 71.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

- (a) A citation for the civil penalty shall be issued by the Police Chief.
- (b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(1992 Code, § 71.02)

CHAPTER 72: PARKING REGULATIONS

Section

72.01 Specific parking regulations

§ 72.01 SPECIFIC PARKING REGULATIONS.

For specific parking regulations, see Chapter 74, Parking Schedules.

(1992 Code, § 72.01)

CHAPTER 73: TRAFFIC SCHEDULES

Schedule

- I. Permitted right turns at stop signals
- II. One-way streets
- III. Speed limits

SCHEDULE I. PERMITTED RIGHT TURNS AT STOP SIGNALS.

Right turns are permitted while the stop light is red at the following locations; provided that, turning to the right will not interfere with traffic on the intersecting street.

Street	Location	Ord. No.	Date Passed
Baker Street	At intersection with U.S. Hwy. 301	N/A	As of 12-2-1968
Keen Road	At intersection with U.S. Hwy. 301	N/A	As of 12-2-1968
U.S. Highway 301	At intersection with Main Street	68-TO	12-2-1968

(1992 Code, Ch. 73, Sch. I) Penalty, see § 71.99

SCHEDULE II. ONE-WAY STREETS.

Traffic shall travel only in the direction indicated on the following streets.

Street	Location	Direction	Time(s)	Ord. No.	Date Passed
Hatcher Street	From Maple Avenue to Main Street	West	School days, 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m.	82-02	3-1-1982
E. North Railroad Street	N. Main Street to N. Baker Street	East	12:00 a.m. to 11:59 p.m.	N/A	Prior to 1979
WE Strickland Street	W. Hatcher Street to Lewis Street	West	12:00 a.m. to 11:59 p.m.	N/A	11-2-1987
Williams Street	N. Baker Street to N. Main Street	West	12:00 a.m. to 11:59 p.m.	N/A	Prior to 1979

(1992 Code, Ch. 73, Sch. II) Penalty, see § 71.99

SCHEDULE III. SPEED LIMITS.

Pursuant to the authority of G.S. § 20-141 (f), it shall be unlawful for any person, or employee or agent of any corporation to drive or operate any motor vehicle within the corporate limits of the town and on the streets therein at a greater speed than designated below.

Street	Location	Speed Limit (mph)	Ord. No.	Date Passed
Street	Location	Speed Limit (mph)	Ord. No.	Date Passed
Grady Street		25	82-03	3-1-1982
Hatcher Street	From Maple Avenue to Main Street	20	82-01	2-1-1982
Hatcher Street (SR1162)	From Main Street (SR 1162) to Strickland Street (Four Oaks Elementary School zone - 30 minutes before to 30 minutes after school begins and ends on school days only	25	N/A	2-5-1982
Hatcher Street (SR1162)	From Main Street (SR 1162) to the northern corporate limit, approx. 0.25 miles north of Church Street	35	72-SZ	6-1-1972
Keen Road (SR 1182)	From I-95 to Keen	35	78-TO	9-5-1978
Keen Road (SR 1182)	From Keen street to Wellons Street (U.S. 301)	35	N/A	9-5-1978
Keen Road (SR 1182)	From U.S. 301 to the corporate limits	45 - 55	65-50	1-4-1965
Main Street (SR 1162)	From SR 1164 to a point 200 feet south of Woodall Street	35	72-SZ	6-1-1972
Main Street (SR 1162)	From Sanders Street (SR 1183) to Hatcher Street (SR 1162)	35	65-50	1-4-1965
Main Street (SR 1162)	From Sanders Street (SR 1183) to a point 200 feet south of Woodall Street	20	65-50	1-4-1965
Railroad Street, North	From Baker Street to Church Street	20	65-50	1-4-1965
Railroad Street, South	From Church Street to Baker Street	20	65-50	1-4-1965
Sanders Street	From a point 0.20 mile east of Moore Street to the eastern corporate limit, approx. 200 feet east of Byrd Street	35	N/A	9-6-1984
Sanders Street	From a Moore Street to a point 0.02 mile east of Moore Street	35	72-SZ	6-1-1972
Sanders Street (SR 1183)	From Main Street (SR 1162) to Moore Street	35	72-SZ	6-1-1972
Temple Street (SR 1165)		45-55	65-50	1-4-1965

Wellons Street	From the eastern corporate limit, approx. 0.03 mile east of Adams Street to the western corporate limit, approx. 0.11 mile west of Temple Street	35	65-50	1-4-1965
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(1992 Code, Ch. 73, Sch. III) Penalty, see § 71.99

CHAPTER 74: PARKING SCHEDULES

Schedule

- I. Prohibited parking
- II. Restricted parking

SCHEDULE I. PROHIBITED PARKING.

(A) It shall be unlawful for any person to park a vehicle in the following locations.

Street	Location	Ord. No.	Date Passed
Wellons Street, North	Area designated by signs	86-10	2-3-1986

(B) Penalty.

(1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

- (a) A citation for the civil penalty shall be issued by the Police Chief.
- (b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(3) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(1992 Code, Ch. 74, Sch. I)

SCHEDULE II. RESTRICTED PARKING.

(A) Parking shall be restricted as indicated in the following locations.

Street	Location	Time Limit	Ord. No.	Date Passed
Main Street	From Sanders Street to Woodall Street	2-hours between 8:00 a.m. and 5:00 p.m.	76-PO-0003	2-2-1976
Railroad Street, North and South	From Baker Street to Church Street	2-hours, between 8:00 a.m. and 5:00 p.m.	76-PO-0003	2-2-1976
Wellons Street, North and South (301)		2-hours, between 8:00 a.m. and 5:00 p.m.	76-PO-0003	2-2-1976

(B) Penalty.

(1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

- (a) A citation for the civil penalty shall be issued by the Police Chief.
- (b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(3) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(1992 Code, Ch. 74, Sch. II)

CHAPTER 75: GOLF CART REQUIREMENTS/RESTRICTIONS

Section

- 75.01 Exemption; permitting
- 75.02 Inspections; regulations; permits; fees
- 75.03 Operators; traffic laws
- 75.04 Liability disclaimer

- 75.99 Penalty

§ 75.01 EXEMPTION; PERMITTING.

Golf carts may be operated on streets within the town in accordance with the following rules and regulations:

(A) Golf carts, and otherwise defined as low speed vehicles, as defined by G.S. § 20-4.01(27)h, that are currently in compliance with all state laws related to their operation, registration, and insurance requirements, and are operated by licensed drivers will be exempt from this chapter.

(B) Other golf carts and low speed vehicles not in compliance with North Carolina General Statutes that operate on a street or public vehicular area within the Town of Four Oaks will be subject to an annual inspection by the Chief of Police, or his or her designee. After successfully completing the inspection process, the operator may receive a Town of Four Oaks golf cart permit/sticker, which must be applied to the golf cart by the Chief of Police, or his or her designee, to ensure that the permit/sticker is applied in the most conspicuous location on the golf cart.

(Ord. passed 6-13-2011)

§ 75.02 INSPECTIONS; REGULATIONS; PERMITS; FEES.

(A) The inspection by the Chief of Police, or his or her designee, will cover the following safety requirements, and every golf cart operating on town streets must have the following safety equipment:

(1) Permits/stickers will be issued to all golf carts.

(2) Each owner must have proof of ownership, and a completed waiver of liability, releasing the Town of Four Oaks, its employees, and affiliates from all liability that may arise as a result of operating a golf cart inside the town. A current waiver of liability must be on file with the Town of Four Oaks, and must be renewed annually.

(3) All golf carts must meet the requirements or minimum standard of safety equipment, to wit: rear view mirror, lap belts and child restraints for use while the vehicle is in motion and a reflective "slow moving vehicle" sign affixed on the rear of the golf cart.

(4) All golf cart operators must possess a valid driver's license, except any driver or operator 18 years of age and older with a medical or physical condition that prevents that individual from being able to obtain a valid North Carolina driver's license. The medical condition must be evidenced with a professional certified medical phobia that prevents the driver or operator from taking a drivers' licensing exam. The medical professional must document that the operator does not possess a medical condition that would prevent the safe operation of a motor vehicle and this documentation must be updated annually. Any driver or operator that is exempt from the requirement of a valid North Carolina license must still present and have on record and while operating a golf cart, a valid North Carolina identification card.

(5) Golf carts, by design, are equipped to seat a certain number of passengers. Each golf cart differs in that it may accommodate two to six passengers, generally. This section is designed to regulate overcrowding or reckless operation of a golf cart; therefore, no passengers are permitted to stand on a golf cart while it is in operation.

(6) All operators must provide a minimum of liability insurance on any golf cart prior to inspection.

(7) Permits/stickers will be issued annually, and valid from July 1 of each year. The following fees shall apply:

(a) Annual inspection by Police Department: \$35 (includes permit/sticker).

(b) Re-inspection by Police Department: \$10 (if a golf cart fails the initial inspection).

(c) These fees are paid to the Town of Four Oaks.

(8) Lost or stolen permit/stickers are the responsibility of the owner. A police report must be filed in the event of a lost

or stolen permit/sticker. The Chief of Police will have the discretion in determining whether a permit/sticker may be re-issued in this instance. If no record can be found of a previous application, or the receipt of a permit/sticker, the Chief of Police may direct the applicant to reapply, and also resubmit any and all fees necessary, before a replacement permit/sticker is issued.

(Ord. passed 6-13-2011)

§ 75.03 OPERATORS; TRAFFIC LAWS.

(A) Any person who operates a golf cart in the Town of Four Oaks, and fails to receive or properly display a Town of Four Oaks permit/sticker will be subject to the state law requiring registration, insurance, and any other applicable laws, in addition to being in violation of this chapter.

(B) Golf carts will be subject to the traffic laws of North Carolina:

(1) All operators must adhere to all laws that apply to normal vehicle operation, to wit: stop signs, stop lights, one-way streets, and the like. All alcohol laws will also apply.

(2) Golf carts will adhere to all traffic flow patterns, and will operate on the right side of the roadway.

(3) Golf cart operators must yield the right of way to any overtaking vehicles.

(4) Golf carts shall not be operated on sidewalks.

(5) Golf carts shall not be operated on private property, without the permission and consent of the property owner.

(C) Golf carts that are issued permits to operate under this chapter may only be used from sunrise to 30 minutes prior to sunset. No operation after 30 minutes prior to sunset is allowed.

(Ord. passed 6-13-2011)

§ 75.04 LIABILITY DISCLAIMER.

This chapter is adopted to address the interests of public safety. Golf carts are not designed, or manufactured to be used on public streets, and the town in no way advocates or endorses their operation on public streets or roads. The town, by regulating such operation, is merely trying to address obvious safety issues, and adoption of this chapter is not to be relied upon as a determination that operation on a public street or public vehicular area is safe or advisable, if done in accordance with this chapter. All persons who operate or ride upon golf carts on public streets or public vehicular areas do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The town has no liability under any theory of liability, and the town assumes no liability, for permitting golf carts to be operated on the public streets and public vehicular areas, under special legislation granted by the state's legislature. Any person who operates a golf cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and public vehicular areas of the town.

(Ord. passed 6-13-2011)

§ 75.99 PENALTY.

Whosoever shall violate any provision of this code for which no other penalty is provided, shall be upon conviction, guilty of a misdemeanor, and subject to a fine not to exceed \$50. Each day that any of the provisions of this code are violated shall constitute a separate offense.

(Ord. passed 6-13-2011)

TITLE IX: GENERAL REGULATIONS

Chapter

90. ABANDONED VEHICLES

91. ANIMALS

92. EMERGENCY MANAGEMENT

93. LITTERING

94. NOISE

95. NUISANCES; GENERAL, WEEDS AND GRASSES

96. STREETS AND SIDEWALKS

97. YOUTH PROTECTION

98. CONDITION OF RESIDENTIAL AND BUSINESS PREMISES

99. YARD SALES

CHAPTER 90: ABANDONED VEHICLES

Section

- 90.01 Definitions
- 90.02 Nuisance vehicle unlawful; removal authorized
- 90.03 Pre-towing notice requirements
- 90.04 Post-towing requirements
- 90.05 Right to probable cause hearing before sale or final disposition of vehicle
- 90.06 Sale and disposition of unclaimed vehicle
- 90.07 Disposition of proceeds of sale
- 90.08 Immunity
- 90.09 Exceptions

- 90.99 Penalty

§ 90.01 DEFINITIONS.

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

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

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

(1992 Code, § 90.01) (Ord. passed 3-2-1987)

§ 90.02 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(A) 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.

(B) Upon investigation, the Town Building Inspector (or other municipal official) 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.

(1992 Code, § 90.02) (Ord. passed 3-2-1987) Penalty, see § 90.99

§ 90.03 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

owners 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 notice shall retain a written record to show the name and address to which mailed, and the dated mailed. If the 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 town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

(B) 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 Town Council in writing, heard at the next regularly scheduled meeting of the Town Council, 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 day's prior notice only in those circumstances where the authorizing official finds, and enters the findings in appropriate records, a special need for prompt action to maintain the public health, safety and welfare.

(1992 Code, § 90.03) (Ord. passed 3-2-1987)

§ 90.04 POST-TOWING 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 contracting to perform the services for the town. Whenever the vehicle is removed, the designated town official 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 the state, notice shall be mailed within 24 hours. If the vehicle is not registered in the 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 the vehicle has no valid registration or registration plate, the authorizing town 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 of the information as set forth in divisions (A)(1) through (5) above.

(1992 Code, § 90.04) (Ord. passed 3-2-1987)

§ 90.05 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 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 the provisions of G.S. § 20-219.11.

(1992 Code, § 90.05) (Ord. passed 3-2-1987)

§ 90.06 SALE AND DISPOSITION OF UNCLAIMED VEHICLE.

(A) With the consent of the owner, the designated town official 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 chapter 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 designated town official and after paying all reasonable costs incident to the removal and storage of the vehicle plus administrative expenses. If, after the vehicle is held 15 days it remains unclaimed, the vehicle may be destroyed or sold at private 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.

(1992 Code, § 90.06) (Ord. passed 3-2-1987)

§ 90.07 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 Town 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 deposited into the town's General Fund and the owner's rights therein shall be forever extinguished.

(1992 Code, § 90.07) (Ord. passed 3-2-1987)

§ 90.08 IMMUNITY.

Neither the town, nor any person, shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any junked, lost or stolen vehicle for disposing of such vehicle as contemplated by this chapter.

(1992 Code, § 90.08) (Ord. passed 3-2-1987)

§ 90.09 EXCEPTIONS.

Nothing in this chapter 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.

(1992 Code, § 90.09) (Ord. passed 3-2-1987)

§ 90.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

(a) A citation for the civil penalty shall be issued by the Police Chief.

(b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(1992 Code, § 90.99)

CHAPTER 91: ANIMALS

Section

General Provisions

- 91.01 Purpose and intent
- 91.02 Definitions
- 91.03 Nuisances
- 91.04 Keeping of exotic animals
- 91.05 Restraint and confinement; generally
- 91.06 Restraint of guard dogs
- 91.07 Restraint of vicious or dangerous animals
- 91.08 Property owners may impound
- 91.09 Impoundment
- 91.10 Notice to owner and redemption
- 91.11 Keeping horses, fowl and the like
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Dogs

- 91.20 Permitting bitch at large
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Honey Bees

- 91.30 Purpose

- 91.31 Definitions
- 91.32 Certain conduct prohibited; nuisance
- 91.33 Domestic beekeeping
- 91.34 Right to inspect

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GENERAL PROVISIONS

§ 91.01 PURPOSE AND INTENT.

The purposes of this chapter are to promote the public health, safety and general welfare of the citizens of the town and to ensure the humane treatment of animals regulating the care and control of animals within the town.

(Ord. passed - -)

§ 91.02 DEFINITIONS.

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

ANIMAL. Any live creature, both domestic and wild, except humans. **ANIMAL** includes fowl, fish and reptiles.

ANIMAL CONTROL OFFICER. Any employee or agent of the town, designated by the Town Council to administer and enforce the licensing, inspection and enforcement requirements contained within this chapter.

ANIMAL NUISANCE. Any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

AT HEEL. A dog is directly behind or next to a person and obedient to that person's command.

AT LARGE. An animal is off the premises of the owner and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

DOMESTIC ANIMAL. Includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animals raised and/or maintained in confinement.

EXOTIC ANIMAL. Any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals.

GUARD OR ATTACK DOG. A dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

IMPOUNDMENT. The taking into custody of an animal by any police officer, animal control officer or any authorized representative thereof.

MUZZLE. A device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

OWNER. Any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this chapter. An animal shall be deemed to be **HARBORED** if it is fed or sheltered for three or more consecutive days.

PUBLIC NUISANCE ANIMAL. Any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term **PUBLIC NUISANCE ANIMAL** shall include, but not be limited to:

- (1) Any animal that is repeatedly found running at large;
- (2) Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint;
- (3) Any animal that damages, soils, defiles or defecates on any other property other than that of its owner;
- (4) Any animal that makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining or other utterances, causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (5) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

- (6) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
 - (7) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks or otherwise interferes with the freedom of movement of persons in a public right-of-way;
 - (8) Any animal that chases motor vehicles in a public right-of-way;
 - (9) Any animal that attacks domestic animals;
 - (10) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- or
- (11) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

UNDER RESTRAINT. An animal secured by a leash or lead under the control of a person physically capable of restraining the animal and obedient to that person's commands or securely enclosed within the real property limits of the owner's premises.

VICIOUS OR DANGEROUS ANIMAL.

- (1) Any animal that attacks, bites or physically injures human beings, domestic animals or livestock without adequate provocation, or which, because of temperament or training, has a known propensity to attack, bite or physically injure human beings, domestic animals or livestock.
- (2) Any wild animals or any animal that without provocation has bitten or attacked a human being or other animal shall be prima facie presumed **VICIOUS** or **DANGEROUS**.

WILD ANIMAL. Any live monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal that can normally be found in the wild state. The term **WILD ANIMAL** does not include: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild and captive-bred species of common cage birds.

(Ord. passed - -)

§ 91.03 NUISANCES.

It shall be unlawful for any person to keep any animal on any property located within the corporate limits of the town when the keeping of the animal constitutes a public nuisance or menace to public health or safety.

(Ord. passed - -) Penalty, see § 10.99

§ 91.04 KEEPING OF EXOTIC ANIMALS.

It shall be unlawful for anyone to own, harbor or permit at large any exotic animal without the written permission of the Town Council. The permission shall be given only if it is demonstrated to the satisfaction of the Council that the animal will not constitute a threat to public health or safety.

(Ord. passed - -) Penalty, see § 10.99

§ 91.05 RESTRAINT AND CONFINEMENT; GENERALLY.

(A) It shall be unlawful for the owner of any animal to fail to keep the animal under restraint or to permit the animal to run at large upon the streets and public ways of the town.

(B) Any dog, while on a street, sidewalk, public way or in any park, public square or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.

(C) No owner or custodian of any animal shall fail to exercise proper care and control of the animal to prevent the same from becoming a public nuisance.

(D) Every female dog in heat shall be confined in a building or other enclosure in such a manner that the female dog cannot come into contact with another animal, except for planned breeding.

(Ord. passed - -) Penalty, see § 10.99

§ 91.06 RESTRAINT OF GUARD DOGS.

(A) Every owner of a guard or attack dog shall keep the dog confined in a building, compartment or other enclosure. Any enclosure shall be completely surrounded by a fence at least six feet in height and shall be topped with an anti-climbing device constructed of angle metal braces with at least three strands of equally-separated barbed wire stretched between them.

(B) All anti-climbing devices shall extend inward at an angle of not less than 45 degrees nor more than 90 degrees when measured from the perpendicular.

(C) The areas of confinement shall all have gates and entrances thereto securely closed and locked and all fences properly maintained and escape proof.

(D) The provisions of this section shall not apply to dogs owned or controlled by government law enforcement agencies.

(Ord. passed - -) Penalty, see § 10.99

§ 91.07 RESTRAINT OF VICIOUS OR DANGEROUS ANIMALS.

Every vicious animal shall be confined by its owner or authorized agent of its owner within a building or secure enclosure and, whenever off the premises of its owner, shall be run securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not more than three feet in length, or caged. Every person harboring a vicious animal is charged with an affirmative duty to confine the animal in a way that children do not have access to the animal.

(Ord. passed - -) Penalty, see § 10.99

§ 91.08 PROPERTY OWNERS MAY IMPOUND.

Any person finding an animal at large upon his or her property may remove the same to any animal shelter that will take possession of the animal. If no shelter is available, the property owner may hold the animal in his or her own possession and, as soon as possible, notify the Police Department. The property owner shall provide a description of the animal and the name of the owner if known. The Department shall dispatch an officer to take possession of the animal.

(Ord. passed - -)

§ 91.09 IMPOUNDMENT.

In addition to any other remedies provided in this chapter, an animal control officer or a police officer may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:

- (A) Any dog without a valid license;
- (B) Any animal at large;
- (C) Any animal constituting a public nuisance or considered a danger to the public;
- (D) Any animal that is in violation of any quarantine or confinement order of the town or County's Chief Health Officer;
- (E) Any unattended animal that is injured or otherwise in need of care;
- (F) Any animal that is reasonably believed to have been abused or neglected;
- (G) Any animal that is reasonably suspected of having rabies;
- (H) Any animal that is determined to be "potentially dangerous" or "dangerous", in accordance with the appropriate articles of G.S. Chapter 67;
- (I) Any animal that a court of competent jurisdiction has ordered impounded or destroyed; and
- (J) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his or her regular place of residence.

(Ord. passed - -)

§ 91.10 NOTICE TO OWNER AND REDEMPTION.

(A) Upon impoundment of an animal, the Police Department shall immediately attempt to notify the owner by telephone or certified mail. If the owner is unknown, the Department shall post written notice for three days, describing the animal and the time and place of taking. Any notice to the owner shall also include the location of the shelter or hospital where the animal is confined, hours during which the animal can be reclaimed and fees to be charged to the owner. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.

(B) An owner reclaiming an impounded animal shall pay a fee of \$25 for each day the animal has been impounded. The daily rate charged for any subsequent impoundment occurring within 12 months shall be double that which was charged for each day of confinement during the first impoundment.

(C) Any animal not reclaimed by its owner within three working days shall become the property of the town and shall be turned over to the County Animal Control Office.

(Ord. passed - -)

§ 91.11 KEEPING HORSES, FOWL AND THE LIKE.

It shall be unlawful for any person, firm or corporation to keep, feed, maintain in pens or open areas any horses, mules, ponies, pigs, goats, chickens or domestic fowl or any kind of farm animal within the corporate limits of the town.

(1992 Code, § 91.01) (Ord. 72-AO, passed 7-10-1972) Penalty, see § 91.99

§ 91.12 RIDING OR LEADING HORSES, MULES OR PONIES ON SIDEWALKS.

It shall be unlawful for any person to ride or lead any horse, mule or pony upon the public sidewalks within the corporate limits of the town.

(1992 Code, § 91.02) (Ord. 73-AO, passed 3-6-1973) Penalty, see § 91.99

DOGS

§ 91.20 PERMITTING BITCH AT LARGE.

No person owning or having any bitch shall knowingly permit her to run at large during the erotic stage of copulation.

(1992 Code, § 91.15) (Ord. 60-DO, passed 8-1-1960) Penalty, see § 91.99

§ 91.21 LIMITATION ON NUMBER OF DOGS TO BE KEPT.

(A) It shall be unlawful for any person to keep on any one lot or premises within the corporate limits more than two dogs. This limitation shall not apply to dogs which are less than three months of age.

(B) Upon written and signed complaint being made to the Police Department by a person specifying the location here more than two dogs are being kept the Police Department shall investigate and, if it is determined that division (A) of this section is being violated, the Police Department shall notify the person or persons responsible for keeping such dogs and upon such notice from the Police Department, the responsible person or persons shall remove from the premises the number of dogs in excess of two which are prohibited by division (A) of this section within 48 hours from the time of notification.

(C) Any person failing or refusing to remove from the premises the number of dogs required to comply with division (A) above within 48 hours from the time of notification shall be guilty of a misdemeanor and shall be subject to the penalty provided in § 91.99.

(1992 Code, § 91.18) (Ord. 83-1, passed 7-3-1983) Penalty, see § 91.99

HONEY BEES

§ 91.30 PURPOSE.

The purpose of this subchapter is to provide standards for the keeping of bees. It is intended to enable residents to keep an appropriate number of bees on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood(s). This subchapter is intended to create

standards and requirements that ensure that bees kept by residents do not adversely impact the use and enjoyment of neighborhood properties surrounding the property on which the bees are kept.

(Ord. passed 7-8-2013)

§ 91.31 DEFINITIONS.

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

BEE. Any stage of the common domestic honey bee, *apis mellifera* species, excluding the Africanized Honeybee (*apis mellifera scutellata*).

BEEKEEPER. A person who owns or is in charge of a hive. The beekeeper shall reside in the town.

HIVE. A place where bee colonies are kept.

(Ord. passed 7-8-2013)

§ 91.32 CERTAIN CONDUCT PROHIBITED; NUISANCES.

(A) **Nuisance.** Notwithstanding compliance with the provisions of this subchapter, it shall be a violation of this subchapter for any beekeeper to keep a colony or colonies in such a manner or in such disposition as to cause any unhealthy condition or interfere with the normal use or enjoyment of any property in the vicinity by humans or animals. The following actions are hereby declared to be a public nuisance and are, therefore, unlawful:

(1) Multiple bees stinging, attacking or otherwise molesting others including pedestrians, bicyclists, motor vehicle passengers, or domestic animals.

(2) Hive placement and related bee movement such that the bees, without provocation, interfere with the freedom of movement of persons in a public right-of-way, or the location of the bees poses a threat to the general safety, health and welfare of the general public; or

(3) The keeping of overcrowded, diseased or abandoned hives.

(B) *Complaint and notice.* Upon their own initiative or upon receipt of a detailed written and signed complaint being made to the town by any of the town residents that any person is maintaining nuisance bees, the town may cause the owner of the bees in question to be notified that a complaint has been received, or take immediate action to abate the nuisance if deemed necessary.

(C) *Abatement.* If investigation of the town indicates that the complaint is justified, but that action by town staff immediately abate the nuisance is not deemed necessary, then the town shall cause the owner or keeper of the bees in question to be notified and ordered to abate such nuisance and may issue a citation for the violation. However, if immediate abatement of the nuisance is deemed necessary, then the town may cause the bees and/or hive in question to be seized and relocated, or if the nuisance bees and/or hive cannot be reasonably seized or relocated, the town may cause them to be destroyed in the field. In such instances, the owner of the bees shall be responsible for any cost incurred to effectuate the seizure, relocation, or destruction of the bees and/or hives.

(D) *Seizure and relocation upon future to abate.* If any person actually or constructively receiving notice in the manner herein described shall fail or refuse to abate the nuisance upon order of the town within a specified amount of time, the town may cause the domesticated bees and/or hive in question to be seized and relocated. In such instances, the owner of the bees shall be responsible for any costs incurred to effectuate the seizure and relocation of the bees and/or hive.

(E) *Notice to the owner.* Upon seizing bees and/or their hive, the town shall cause a prompt and reasonable effort to be made to locate and notify the owner of the bees, if the owner is known or ascertainable. A notice of seizure shall be left with the owner or affixed to the premises of the owner, or if the owner is known or reasonably ascertainable.

(F) *Redemption; destruction.* If the owner shall so request in writing within five days of the seizure of the bees and/or hive, the bees and/or hive that have been seized and relocated may be redeemed upon the owner's execution of a written agreement to comply with the abatement order and payment of all sums due hereunder. If no such written request is made, or if such a request is made, but a written agreement to comply with the abatement order is not delivered to the town within five days of the seizure, then the bees and hive shall be deemed abandoned and shall be destroyed in a humane manner, or become the property of a member of a legitimate beekeeping association provided that bees are maintained in compliance with the provisions of this subchapter.

(Ord. passed 7-8-2013)

§ 91.33 DOMESTIC BEEKEEPING.

Domestic beekeeping shall be permitted withstanding the following criteria:

(A) The minimum lot size required for beekeeping shall be 6,000 square feet.

(B) The maximum size of the hive shall be equal to one standard hive.

(C) The maximum number of hives allowed shall be determined based on lot size as follows:

<i>Lot Area (square feet)</i>	<i>Maximum Number of Hives Allowed</i>
<i>Lot Area (square feet)</i>	<i>Maximum Number of Hives Allowed</i>
6,000 - 20,000	2
20,001 - 30,000	2
30,001 - 40,000	3
40,001 - 50,000	4
50,001 - 60,000	5
60,001 - 70,000	6
70,001 - or larger	7

(D) No hive shall be established or kept within 25 feet of a property line.

(E) No hive shall be placed in a front or side yard.

(F) A constant and adequate on-site source of fresh water supply shall be provided, and shall be located closer to the hive than any other water source on adjacent property.

(G) A special permit must be obtained and filed by the town. The hive permit must include a plot plan that indicates the actual size of the lot, the number of hive(s), the location of the hive(s) and water source(s), and their respective distances from the property lines.

(H) In the event that a nuisance is not abated in accordance with §91.32 with no final appeal made, the town may revoke the beekeeper's special permit and the beekeeper shall be unable to reapply for another special permit for domestic beekeeping for a period of 12 months. The beekeeper shall appeal revocation of the permit to the Town Council.

(Ord. passed 7-8-2013)

§ 91.34 RIGHT TO INSPECT.

(A) The town, by and through its employees, shall have the right to inspect any hive to ensure compliance with this subchapter.

(B) Beekeepers will be responsible for all fees associated with any or all enforcement actions associated with noncompliance of this subchapter.

(C) Current beekeepers will need to meet the requirements as noted in this subchapter.

(Ord. passed 7-8-2013)

§ 91.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

(a) A citation for said civil penalty shall be issued by the Police Chief.

(b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(1992 Code, § 91.99) (Am. Ord. passed 7-8-2013)

CHAPTER 92: EMERGENCY MANAGEMENT

Section

92.01 State of emergency

92.02 Authority to issue proclamation; limitations and exemptions

92.03 Restrictions during state of emergency; compliance required

92.04 Extension, alterations of proclamation

92.05 End of state of emergency

92.99 Penalty

§ 92.01 STATE OF EMERGENCY.

A state of emergency shall be deemed to exist whenever, during time of great public crisis, 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 or property.

(1992 Code, § 92.01) (Ord. passed 12-3-1979)

§ 92.02 AUTHORITY TO ISSUE PROCLAMATION; LIMITATIONS AND EXEMPTIONS.

(A) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the town, or threatening damage to or destruction of property, the Mayor or the Fire Chief or the Rescue Squad Captain, whoever is on the scene and establishes that a state of emergency does in fact exist, is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of 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 authorized in § 92.03.

(B) The Mayor or the Fire Chief or the Rescue Squad Captain is hereby authorized and empowered to limit, by the proclamation, the application of all or any part of the 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 the restrictions, law enforcement officers, firefighters and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies and newspaper, magazine, radio broadcasting and television broadcasting corporations operated for profit; and 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.

(1992 Code, § 92.02) (Ord. passed 12-3-1979)

§ 92.03 RESTRICTIONS DURING STATE OF EMERGENCY; COMPLIANCE REQUIRED.

(A) During the existence of a proclaimed state of emergency, the Mayor and the Town Council 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 own premises;
- (3) Prohibit or regulate any demonstration, parade, march, vigil or participation therein from taking place on any of the public ways or upon any public property;
- (4) Prohibit or regulate the sale of gasoline, kerosene, naphtha or any other explosive or inflammable fluids or substances;
- (5) Prohibit or regulate travel upon any public street, 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;
- (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; and
- (7) Prohibit or regulate occupancy of dwellings or structures, and physical presence in all or any part of the municipality, and may order the complete or partial evacuation of any area where the health or safety of citizens is endangered.

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

(1992 Code, § 92.03) (Ord. passed 12-3-1979) Penalty, see § 92.99

§ 92.04 EXTENSION, ALTERATIONS OF PROCLAMATION.

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

(1992 Code, § 92.04) (Ord. passed 12-3-1979)

§ 92.05 END OF STATE OF EMERGENCY.

The Mayor or the Fire Chief or the Rescue Squad Captain shall proclaim the end of the state of emergency or all or part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the Town Council.

(1992 Code, § 92.05) (Ord. passed 12-3-1979)

§ 92.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

- (a) A citation for the civil penalty shall be issued by the Police Chief.
 - (b) Each citation for a civil penalty must be paid within 168 hours of issuance.
- (2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(1992 Code, § 92.99)

CHAPTER 93: LITTERING

Section

- 93.01 Littering prohibited
- 93.02 Littering from vehicles
- 93.03 Maintenance of public areas
- 93.04 Receptacles

- 93.99 Penalty

§ 93.01 LITTERING PROHIBITED.

It shall be unlawful for any person to throw or deposit on any street or sidewalk, or on any private property, except with written permission of the owner or occupant of the private property, any trash, refuse, garbage, building material, cans, bottles, broken glass, paper, or any type of litter.

(1992 Code, § 93.01) Penalty, see § 93.99

§ 93.02 LITTERING FROM VEHICLES.

It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter on any street or other public place within the town, or on private property.

(1992 Code, § 93.02) Penalty, see § 93.99

§ 93.03 MAINTENANCE OF PUBLIC AREAS.

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

(1992 Code, § 93.03) Penalty, see § 93.99

§ 93.04 RECEPTACLES.

Suitable receptacles may be provided in parking or access areas within the meaning of §93.03 of this chapter. The receptacles shall be plainly marked and constructed to prevent scattering of any trash, litter, rubbish, or other materials deposited therein.

(1992 Code, § 93.04)

§ 93.99 PENALTY.

- (A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty.
 - (a) A citation for said civil penalty shall be issued by the Police Chief and/or his police staff.
 - (b) Each citation for a civil penalty must be paid within 24 hours of issuance.
- (2) Each and every day that the violator continues in violation shall be a separate and distinct offense.
 - (a) First offense: \$250.
 - (b) Second offense: \$500.
 - (c) Third offense: \$1,000.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the Johnston County Clerk of Court.

(1992 Code, § 93.99) (Ord. passed 3-8-2021)

CHAPTER 94: NOISE

Section

94.01 Unreasonably loud or disturbing sound levels prohibited

94.02 Permit required to engage in regulated activities

94.99 Penalty

Cross-reference:

Noise, see § 96.02

§ 94.01 UNREASONABLY LOUD OR DISTURBING SOUND LEVELS PROHIBITED.

(A) It shall be unlawful for any person, firm or corporation to create or assist in creating any unreasonably loud, disturbing sound levels in the town, taking into consideration volume, duration, frequency and other characteristics of the sound.

(B) The following activities, among others, are hereby declared to be unreasonably loud, disturbing sound levels, but the enumeration shall not be deemed to be exclusive:

(1) The playing of any musical instrument or electronic sound amplification equipment in a manner or with a volume, particularly during hours between 11:00 p.m. and 7:00 a.m., such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity;

(2) The keeping of any animal or bird which makes frequent or long continued sounds such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity;

(3) The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in a manner as to create unreasonably loud, disturbing sounds;

(4) The operating of any garage or service station in any residential area so as to cause unreasonably loud, disturbing sounds to be emitted between the hours of 9:00 p.m. and 7:00 a.m. on any day;

(5) The creation of unreasonably loud, disturbing sound levels adjacent to any school, educational facility, church or court during normal operating hours, or within 150 feet of any hospital, which a reasonably prudent person would recognize as likely to unreasonably interfere with the working of the institutions; provided, conspicuous signs are displayed indicating that the area is a school, educational facility, church, court or hospital area;

(6) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 7:00 p.m. on any day, except in the case of urgent necessity in the interest of public safety, and then only under the direction of an appropriate town official; and/or

(7) The use of any electronic sound amplification equipment for advertising or solicitation purposes, except with an appropriate permit.

(1992 Code, § 94.01) Penalty, see § 94.99

§ 94.02 PERMIT REQUIRED TO ENGAGE IN REGULATED ACTIVITIES.

(A) Persons wishing to engage in activities regulated by this chapter may do so when a specific permit is approved by the Mayor or his or her designee. Applications shall be submitted on forms supplied by the town. The permit shall not be unreasonably withheld and may contain appropriate conditions, including maximum decibel levels, designed to minimize the disruptive impact. Permits for the activities significantly for religious or political purposes shall be granted, subject only to reasonable time, place and manner restrictions. Permits issued under this section may specify that the permission granted will continue for a stated period or until revoked after acting in conformity with permit conditions, but any permit may be revoked after acting in conformity with permit conditions, but any permit may be revoked if it is determined that the authorized activity has resulted in generation of unreasonably loud, disturbing sound levels.

(B) In case an application is denied, a permit is approved with conditions unacceptable to the applicant, or a permit is revoked, the applicant or permit holder shall be entitled to a prompt, informal hearing with the Mayor or his or her designee, upon submission of a written request. Any person aggrieved by a matter regulated by this chapter may submit to the Mayor written comments, including requests for appropriate relief.

(1992 Code, § 94.02) Penalty, see § 94.99

§ 94.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

(a) A citation for the civil penalty shall be issued by the Police Chief.

(b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(1992 Code, § 94.99)

CHAPTER 95: NUISANCES; GENERAL, WEEDS AND GRASSES

Section

95.01 Public nuisances generally; offensive businesses

95.02 Investigation of possible nuisance

95.03 Notice of existence of nuisance and required abatement

- 95.04 Abatement of nuisance by town; violator may have town abate nuisance
- 95.05 Cost of nuisance abatement to be charged to owner of premises; statement of charges
- 95.06 Lien created upon failure to pay nuisance abatement costs
- 95.07 Second and subsequent violations

95.99 Penalty

§ 95.01 PUBLIC NUISANCES GENERALLY; OFFENSIVE BUSINESSES.

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

(B) The following enumerated and described conditions are hereby found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the town and are found, deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

(1) Any condition which is a breeding ground or harbor for mosquitoes or a breeding ground or harbor for rats, snakes or other pests or has the potential for becoming a breeding ground or harbor for the pests;

(2) A place of heavy growth of weeds or grasses over 12 inches in height which lie less than 100 feet from any abutting open street or which lies less than 100 feet from the line of any adjoining property if that property contains a structure within 100 feet of the property line, or is a place of heavy growth of weeds or grasses over 12 inches in height which lies within 50 feet of any occupied dwelling; provided that, the nuisance defined by this division shall be cleared and cut to an independently ascertainable standard;

(3) A place of growth of noxious vegetation, including poison sumac (*Rhus vernix*), poison ivy (*Rhus radicans*) or poison oak (*Rhus toxicodendron*), in a location likely to be accessible to the general public;

(4) An open place of collection of water for which no adequate natural drainage is provided and where insects tend to breed or which is or is likely to become a nuisance or a menace to public health;

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

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

(7) Hides dried or green provided the same might be kept for sale in the town when thoroughly cured and odorless;

(8) Any furniture, appliances, automotive parts or pieces or other wood or metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas which may provide a habitat for rats, snakes, insects or other pests;

(9) 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 town-owned property of any kind;

(10) Any storm water retention or detention pond or other impoundment device which is operating improperly;

(11) Any storm drain, sewer manhole, abandoned well or other private or public facility which is not properly covered with a grate or other means to remove any hazard to pedestrians or motor traffic;

(12) Any ditch, trench or below ground portion of a construction project which remains open for more than 14 days without being completed or which is not protected with barricades, flags or other means so as to constitute a hazard to pedestrians or motor traffic;

(13) Failure to clean or clear a public street of mud and debris related to a construction, timbering or other similar land use project within 12 hours after notification by the Town Clerk/Manager or designee for major and minor thoroughfares or within 24 hours after the notification for collector and local streets; however, if it is found by the Town Clerk/Manager or designee that the situation is causing a clear and present danger or hazard to traffic or the general public, the cleaning or clearing may be required to take place as soon after notification as practicable;

(14) Any condition which violates the rules and regulations of the County Health Department;

(15) Any other condition specifically declared to be a danger to the public health, safety, morals and general welfare of inhabitants of the city and a public nuisance by the Town Council which proceeding may be initiated by the Town Clerk/Manager or designee before the Council after giving written notice thereof. The notice shall state the condition existing, the location and that the Council will be requested on a day certain, after a public hearing at which the person notified may appear and be heard, to declare that the conditions existing constitute a danger to the public health, safety, morals and general welfare of the inhabitants of the city and a public nuisance. After the declaration by the Council in the form of an ordinance, the condition will be abated as provided for in this chapter, provided no administrative appeal shall be

from the proceeding pursuant to this division and initiated by the Town Clerk/Manager or designee before the Town Council; or

(16) Household or office furniture, any household fixtures, white goods or other appliances, or metal products of any kind and similar items not designed to withstand the elements or for outdoor use. This shall not prevent:

(a) The use of household furniture on a totally enclosed porch having a roof, walls, screens, or glass windows; or

(b) The use of furniture in good condition which is designed for outdoor use such as patio or lawn furniture, on porches or landings or in yard areas or other open places.

(Ord. passed 6-2-2008; Ord. passed 2-9-2009) Penalty, see § 95.99

§ 95.02 INVESTIGATION OF POSSIBLE NUISANCE

The Town Clerk/Manager, or designee, upon notice from any person of the existence of any of the conditions described in this chapter, shall cause to be made by the appropriate County Health Department or official or town official an investigation as may be necessary to determine whether, in fact, the condition exists as to constitute a public nuisance.

(Ord. passed 6-2-2008)

§ 95.03 NOTICE OF EXISTENCE OF NUISANCE AND REQUIRED ABATEMENT.

(A) Upon a determination that a public nuisance, as described in this chapter, exists, the Town Clerk/Manager or designee shall notify, in writing, the owner, occupant or person in possession of the premises in question of the condition constituting the public nuisance and shall order the prompt abatement thereof within the ten days from the receipt of the written notice, unless another time for abatement is specifically set forth herein.

(B) Within the required period allowed for abatement, the owner of the property where the nuisance exists may appeal the findings of the Town Clerk/Manager or designee made pursuant to division (A) above to the Town Council by giving written notice of appeal to the Town Clerk/Manager. The filing of the appeal shall stay the abatement of the nuisance by the town until a final determination by the Council, unless the Town Clerk/Manager or designee certifies to the Council that, because of the facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property or that, because the violation is transitory in nature, a stay would seriously interfere with the effective enforcement of this chapter. In that case, abatement proceedings shall not be stayed except by order of the Town Council or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the Town Manager or his or her designee. In the event no appeal is taken, the town may proceed to abate the nuisance.

(C) The Council, in the event an appeal is taken as provided in division (B) above and after hearing all interested persons and reviewing the findings of the Town Clerk/Manager or designee, may reverse the findings made pursuant to division (A) above; but if the Council shall uphold the findings of the Town Clerk/Manager or designee made pursuant to this division, the Council shall adopt an ordinance specifically declaring the condition existing on the property to be a danger and hazard to the health, safety, morals and general welfare of the inhabitants of the town and public nuisance and directing the appropriate town employees to cause the condition or conditions to be abated.

(D) If any of the above-defined nuisances are found to exist, the responsibility for abatement shall rest with the owner, occupant or person in possession of the property or their agent, notwithstanding that the nuisance is found to exist, wholly or in part, within a town easement which crosses private property.

(Ord. passed 6-2-2008)

§ 95.04 ABATEMENT OF NUISANCE BY TOWN; VIOLATOR MAY HAVE TOWN ABATE NUISANCE.

(A) If any person, after having been ordered to abate a public nuisance described in this chapter, fails, neglects or refuses to abate or remove the condition constituting the nuisance within ten days from receipt of the order, the Town Clerk/Manager or designee shall cause the condition to be removed or otherwise remedied by having employees of the town or a private contractor hired by the town go upon the premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the Administrative Officer. In such instances, weeds or grass shall always be cut to a height satisfactory to the Clerk/Manager or designee.

(B) 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 the condition, the cost of which shall be paid by the person making the request.

(Ord. passed 6-2-2008)

§ 95.05 COST OF NUISANCE ABATEMENT TO BE CHARGED TO OWNER OF PREMISES; STATEMENT OF CHARGES.

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

(Ord. passed 6-2-2008)

§ 95.06 LIEN CREATED UPON FAILURE TO PAY NUISANCE ABATEMENT COSTS.

In the event charges for the removal or abatement of a public nuisance described by this chapter are not paid within 30 days after the receipt of the statement of charges as provided for in this section, or such other charges or penalties are not paid within the time allowed herein, the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes.

(Ord. passed 6-2-2008)

§ 95.07 SECOND AND SUBSEQUENT VIOLATIONS.

Upon second and subsequent violations of this chapter, no notice of the violation as required in §95.03 shall be given, but the town, through its agents and employees, may enter upon the lots or premises and cut and destroy the weeds, and the costs and expense thereof shall be paid by the owner, lessee, occupant or agent or it shall become a lien against the property the same as taxes.

(Ord. passed 6-2-2008)

§ 95.99 PENALTY.

(A) A violation of any provision of this chapter shall constitute a misdemeanor punishable as set forth below.

(B) A violation of any provision of this chapter shall subject the offender to a civil penalty in the amount of \$50. No penalty shall be imposed if the offender abates the nuisance within the prescribed time or requests the town to abate the nuisance. If the offender does not abate the nuisance within the prescribed time limit, the penalty may be imposed for each day the nuisance remained after the written notice of violation was given and terminated on the date the nuisance was abated by the town.

(C) The offender shall be issued a written citation by delivery in person or mailed by certified or registered mail. The offender must pay the civil penalty within the ten days of its receipt.

(D) The town, by way of a civil action, may recover in the nature of a debt if the offender does not pay the penalty within the prescribed period after he or she has been issued a citation.

(Ord. passed 6-2-2008)

CHAPTER 96: STREETS AND SIDEWALKS

Section

General Provisions

96.01 Rollers skates, toy vehicles and the like regulated

96.02 Noisy gatherings

Street Improvements

96.15 State law adopted

Parades and Other Assemblies

96.25 Permit required

96.26 Application for permit

96.27 Participation by underage persons

96.28 Prerequisites to issuance

96.29 Contents of permit

96.30 Refusal of permit

96.31 Duty of persons in charge of parade or assembly

96.32 Application of regulations

96.99 Penalty

GENERAL PROVISIONS

§ 96.01 ROLLER SKATES, TOY VEHICLES AND THE LIKE REGULATED.

No person upon roller skates, skate boards or riding in or by means of any skates, boards, toy devices or similar devices shall go upon any sidewalk or street, park, in the area bound by Church Street, Baker Street, Stanley Street and Woodall Street.

(1992 Code, § 96.01) (Ord. passed 7-5-1989) Penalty, see § 96.99

§ 96.02 NOISY GATHERINGS.

(A) It shall be unlawful for any person or group of persons to holler, shout, scream, sing or make any other noises with their voices in person or by mechanical means which shall be unreasonably loud and disturbing to the public in general. By the terms of this section, it shall be considered that hollering, shouting, screaming, singing or the making of any other noises with voices in person or by mechanical means by any person or group of person shall be considered as being unreasonably loud and disturbing where same can be heard throughout the distance of three city blocks or 1,200 feet, whichever is the least.

(B) Any gathering of persons or any group of persons upon the sidewalks or streets of the town for the purpose of creating, or which creates, mechanical or vocal sound which is of an intensity or nature as to interfere with the rights of peaceful occupancy by property owners in the adjoining areas is unlawful and no individual shall participate in, lead, direct or encourage the actions.

(C) Nothing provided in this section shall be construed to prevent the orderly expression of spectators at any regularly organized sport event or the peaceful assembly of any group for orderly expression or communication between those assembled.

(1992 Code, § 96.02) (Ord. 68-DEM, passed 9-13-1968) Penalty, see § 96.99

Cross-reference:

Noise, see Chapter 94

STREET IMPROVEMENTS

§ 96.15 STATE LAW ADOPTED.

The provisions of G.S. §§ 160A-216 *et seq.*, concerning street improvements, are hereby adopted by reference and made a part of this code as if set forth in full herein.

(1992 Code, § 96.15)

PARADES AND OTHER ASSEMBLIES

§ 96.25 PERMIT REQUIRED.

There shall be no parade, rally, demonstration, aggregation or assembling of groups on the public streets or in or around any public building of the town except upon the issuance of a permit therefor, under the regulations set out in this subchapter. The Chief of Police or, in his or her absence, the next highest ranking officer of the Police Department, by authority of the Town Council, is authorized to issue permits, as required by this section.

(1992 Code, § 96.25) (Ord. 68-DEM, passed 9-13-1968) Penalty, see § 96.99

§ 96.26 APPLICATION FOR PERMIT.

(A) A written application for a permit for a parade, rally, picket line or group demonstration, as provided in this subchapter, shall be filed 24 hours in advance of the proposed parade, rally, picket line or group demonstration, on a form prescribed by the Police Department. The application shall be signed by the person or group of persons filing the application and the application shall state the proposed place, time, purpose and size of the parade, rally, picket line or group demonstration and whether or not any minors below the age of 18 years are going to participate. The application shall also specify the person to be in charge of the parade, rally, group demonstration or picket line in question.

(B) A permit fee shall be paid in advance. The fee shall be a reasonable amount determined by the town to be necessary to cover legitimate expenses incurred by the town in providing security for both the parade participants and the general citizenry.

(1992 Code, § 96.26) (Ord. 68-DEM, passed 9-13-1968) Penalty, see § 96.99

§ 96.27 PARTICIPATION BY UNDERAGE PERSONS.

If the application filed specified that minors below the age of 18 years are to be permitted to participate in the parade, rally, picket line or group demonstration in question, the police officer having authority under this subchapter to issue the permit applied for shall determine whether or not minors below the age of 18 years shall be permitted to participate in the parade, rally, picket line or group demonstrations in question and shall base his or her determination upon whether or not the purpose, time or place of the participation will be detrimental to or endanger the health, welfare or safety of the minors.

(1992 Code, § 96.27) (Ord. 68-DEM, passed 9-13-1968)

§ 96.28 PREREQUISITES TO ISSUANCE.

The officer having authority under this subchapter to issue a permit, as applied for in considering the issuance of a permit shall, among other considerations provided, consider and find as a requisite for issuance that:

- (A) The activity in question will not require excessive diversion of police from other necessary duties;
- (B) The activity in question will not interfere with the right of property owners in the area to enjoy peaceful occupancy and use of their property;
- (C) The activity in question can be conducted without unreasonably interfering with normal vehicular or pedestrian traffic in the area and will not prevent normal police or fire protection to the public and will not be likely to cause injury to persons or property or provoke disorderly conduct or create a public disturbance; and
- (D) No other provision of this subchapter shall be violated at any time, and no permit, as contemplated by this subchapter shall be issued for demonstrations, parades, rallies and such other purposes as contained in this subchapter for the activities allowed under this subchapter to be used and exercised between 6:00 p.m. and 6:00 a.m. on any day.

(1992 Code, § 96.28) (Ord. 68-DEM, passed 9-13-1968) Penalty, see § 96.99

§ 96.29 CONTENTS OF PERMIT.

(A) A permit issued pursuant to an application filed as provided may set the starting time and duration of the parade demonstration or picket line in question and may set the speed of its travel, the space between persons or vehicles, the portions or areas of the streets and sidewalks to be used, the length of the parade, group or line, and such other requirements as the issuing officer may include in the permit for the control of free movement of traffic upon the streets and sidewalks, or for the health, safety and property rights of the participants and general public. Failure to comply with such requirements, as set forth in the permit, shall be unlawful.

(B) A permit for a parade, rally, group demonstration or picket line issued under this subchapter shall also designate the person in charge of the parade, rally, group demonstration and picket line in question.

(1992 Code, § 96.29) (Ord. 68-DEM, passed 9-13-1968) Penalty, see § 96.99

§ 96.30 REFUSAL OF PERMIT.

The police officer having authority under this subchapter to issue a permit as applied for shall refuse to issue the permit applied for when the activity or purpose stated in the application would violate any provision of this code or any other applicable ordinance of the town or statute of the state or when the activity or purpose would endanger the public health or safety or hinder or prevent the orderly movement of pedestrian or vehicular traffic on the sidewalks or streets of the town.

(1992 Code, § 96.30) (Ord. 68-DEM, passed 9-13-1968)

§ 96.31 DUTY OF PERSONS IN CHARGE OF PARADE OR ASSEMBLY.

The person designated in a permit as being in charge of a parade, rally, demonstration or picket line shall accompany the parade, demonstration or picket line in question and shall carry the permit in question with him or her while so accompanying the parade, rally, demonstration or picket line.

(1992 Code, § 96.31) (Ord. 68-DEM, passed 9-13-1968)

§ 96.32 APPLICATION OF REGULATIONS.

This subchapter and § 96.02 shall apply to all races, creeds, ethnic groups, and all citizens regardless of race, nationality, creed, or religious and political beliefs.

(1992 Code, § 96.32) (Ord. 68-DEM, passed 9-13-1968)

§ 96.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

- (a) A citation for the civil penalty shall be issued by the Police Chief.
- (b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(1992 Code, § 96.99)

Section

- 97.01 Purpose
- 97.02 Definitions
- 97.03 Offenses
- 97.04 Exceptions
- 97.05 Other exceptions
- 97.06 Enforcement procedures

- 97.99 Penalty

Cross-reference:

Curfew for minors, see § 130.03

§ 97.01 PURPOSE.

The purpose of this section is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for persons under the age of 18 years in the town. This chapter is intended to promote the health, safety and welfare of both juveniles and adults by creating an environment providing better protection and security for all concerned. The purpose is also to define the duties of parents or guardians and operators of business establishments and to protect minors from improper influences and criminal activities that occur after the curfew hour.

(Ord. 97, passed 8-8-2005)

§ 97.02 DEFINITIONS.

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

AUTHORIZED ADULT. Parent, guardian or someone over 18 years of age authorized to accompany the juvenile for a designated period of time.

ESTABLISHMENT. Any privately-owned place of business operated to which the public has access or is invited, including, but not limited to, any place of amusement or entertainment.

JUVENILE. Any person under the age of 18 years who is not married or been emancipated.

OWNER/OPERATOR. Any individual, firm, association, partnership or corporation, operating, managing or conducting any establishment, including the employees, members or partners of an association or partnership and the officers of a corporation.

PUBLIC PLACE. Any place that is generally open to and used by the public or a substantial group of the public, whether it be publicly or privately owned, including, but not limited to, streets, highways, alleys, rights-of-way, public vehicular areas and parking lots, shops, restaurants, playgrounds, parks, church grounds, similar areas that are open to the public, and the common areas open to or accessible to the public.

REMAIN. To stay behind, to tarry and to stay unnecessarily in a public place including the congregating of groups (or of interacting minors) totaling four or more persons in which any juvenile involved would not be using the streets for ordinary or serious purposes such as mere passage or going home, or to fail to leave the premises of an establishment when requested to do so by a police officer or the operator of an establishment. To implement this provision with additional precision and precaution, numerous exceptions are expressly defined herein.

RESTRICTED HOURS. The time of night referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed at that hour by the public in the town. For ages 13 through 17 restricted hours will mean 12:00 a.m. on any Sunday, Monday, Tuesday, Wednesday, Thursday, Friday or Saturday until 5:00 a.m. of the following day. It is a curfew violation for any child under age 13 to be in a public place after 10:00 p.m. and before 5:00 a.m. on any day.

(Ord. 97, passed 8-8-2005)

§ 97.03 OFFENSES.

Except as provided by § 97.04, the following offenses constitute a violation of this section.

(A) A person under the age of 18 years shall be in violation of this section if he or she shall, at any time, in a group of four or more individuals be in or upon any public place or establishment within the town.

(B) It shall be a violation of this section for any person under the age of 18 years to be or remain in or upon any public place or establishment within the town during the restricted hours.

(C) It shall be a violation of this section for any person 18 years or older to aid or abet a juvenile in the violation of division (A) above.

(D) A parent or guardian of a juvenile shall be in violation of this section if he or she knowingly permits and/or, by inadequate supervision, allows the juvenile to remain on the premises of any establishment or in any public place within the town during the restricted hours. The term "knowingly" includes knowledge that a parent or guardian should reasonably be expected to have concerning the whereabouts of a juvenile in that parent or guardian's legal custody. This requirement is intended to hold a neglectful or careless parent or guardian up to a reasonable community standard of parental responsibility through an objective test. It therefore, be no defense that a parent or guardian was completely indifferent to the activities or conduct or whereabouts of such juvenile.

(E) It shall be a violation of this section for a parent or guardian of a juvenile to refuse to take custody of the juvenile during the restricted hours.

(F) The owner, operator, or any employee of an establishment shall be in violation of this section if he or she knowingly allows a juvenile to remain on the premises of the establishment during the restricted hours. The term "knowingly" includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment.

(Ord. 97, passed 8-8-2005) Penalty, see § 97.99

§ 97.04 EXCEPTIONS.

A juvenile shall not be in violation of this section if the juvenile is:

(A) Accompanied by a parent, guardian or an adult 18 years of age or older who is authorized by the parent or guardian to supervise the juvenile;

(B) Using a direct route to or from a place of employment;

(C) In a motor vehicle with parental consent;

(D) Reacting or responding to an emergency; and/or

(E) Attending or traveling to or from, by direct route, any school, religious or recreational activity, or other organized activity which is supervised by adults that accept responsibility for the juvenile. If during restricted hours, the parent or guardian must have knowledge of the organized activity in which the juvenile is involved and the juvenile shall carry a written communication, signed by the juvenile and countersigned, if practicable, by a parent of the juvenile with their home address and telephone number and specifying when, where, and in what manner the juvenile will be in a public place.

(Ord. 97, passed 8-8-2005)

§ 97.05 OTHER EXCEPTIONS.

The owner, operator or employee of an establishment will not be in violation if the owner, operator or employee of an establishment notifies the Police Department that a juvenile was present on the premises of the establishment during restricted hours and refused to leave.

(Ord. 97, passed 8-8-2005)

§ 97.06 ENFORCEMENT PROCEDURES.

(A) If a police officer reasonably believes that a juvenile is in a public place in violation of this chapter, the officer shall notify the juvenile that he or she is in violation of this chapter and shall require the juvenile to provide his or her name, address and telephone number, and how to contact his or her parent or guardian. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate, a police officer shall, in the first instance of violation of this chapter, use his or her best judgment in determining age.

(B) The police officer shall issue the juvenile a written warning that the juvenile is in violation of this chapter and order the juvenile to go promptly home. The Chief of Police shall send the parent or guardian of the juvenile written notice of the violation by certified mail with a warning that any subsequent violation will result in full enforcement of this chapter, including enforcement of parental responsibility and applicable penalties.

(C) Police procedures shall constantly be refined in the light of experience and may provide that the police officer may deliver to a parent or guardian thereof a juvenile under appropriate circumstances; for example, juvenile of tender age, near home, whose identity and address may readily be ascertained or are known.

(D) Notwithstanding the foregoing, when a juvenile has received one previous written warning for violation of this chapter, or a police officer has reasonable grounds to believe that the juvenile has engaged in delinquent conduct, the procedure shall then be to take the juvenile to the police station where a parent or guardian shall immediately be notified to come for the juvenile whereupon the parent or guardian and the juvenile shall be questioned. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the person designated there and then on duty for an accurate, effective, fair, impartial and uniform enforcement, and recording thus, making available experienced personnel and access to information and records.

(E) When a parent or guardian, immediately called, has come to take charge of the juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of the parent or guardian. If the parent or guardian cannot be located or fails to take charge of the juvenile, then the juvenile shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the juvenile may temporarily be entrusted to an adult, neighbor or other person who will on behalf of a parent or guardian assume the responsibility of caring for a juvenile pending the availability or arrival of a parent or guardian.

(F) For the first violation of this chapter by an operator of an establishment who permits a juvenile to remain in the premises, a police officer shall issue a written notice of the violation with a warning that any subsequent violation will result in full enforcement of this chapter, including enforcement of operator responsibility and of applicable penalties.

(Ord. 97, passed 8-8-2005) Penalty, see § 97.99

§ 97.99 PENALTY.

(A) A juvenile who violates any provision of this chapter is subject to being adjudicated delinquent. The Court may, in its discretion, impose any dispositional alternative(s) that are provided in the State Juvenile Code for any juvenile who is delinquent.

(B) Any person other than a juvenile who violates any provision of this chapter may be guilty of a misdemeanor and may be subject to a fine not to exceed \$100 for the first offense, and for each subsequent offense the fine shall be increased by an additional \$150. For example, for the second offense the fine shall be \$250, for the third offense, \$400, and imprisonment in the discretion of the Court in accordance with G.S. § 14-4.

(Ord. 97, passed 8-8-2005)

CHAPTER 98: CONDITION OF RESIDENTIAL AND BUSINESS PREMISES

Section

- 98.01 Purpose of provision
- 98.02 Notice and abatement of conditions
- 98.03 Cost of abatement to be charged to responsible party; statement of charges
- 98.04 Lien created upon failure to pay abatement costs
- 98.05 Second and subsequent violations

- 98.99 Penalty

§ 98.01 PURPOSE OF PROVISION.

(A) It is the purpose of these provisions to protect both the rights of the individual residential/business property owner and the community itself by the following: minimizing discordant, unsightly, offensive surroundings; preserving the usefulness of the environment as well as protecting property values; promoting the character and integrity of the community; preserving the comfort, happiness and emotional stability of area citizens; and preventing potentially hazardous unsafe or unhealthy conditions. Towards this end, the following standards are set forth.

(B) (1) It shall be unlawful for any responsible party, as defined herein, to allow unmaintained yard/premise conditions on residential/business property, which detract from the appearance of the community thereby negatively affecting property values. Specifically, it shall be unlawful for any person to allow the conditions by accumulating or allowing to remain on residential/business premises any personal property or material which, alone or due to accumulations or concentrations thereof, creates a littered or unsightly appearance, including, but not limited to: dilapidated furniture, appliances, machinery, equipment, building materials, plant materials, fallen or cut down trees, pottery or ceramic materials, automobiles or automotive parts, tires or any other items which are in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition and which are not completely enclosed within a building of a type which fully shields the material from the view of public streets and adjacent properties.

(2) **RESPONSIBLE PARTY**, as used in this section, shall mean the owner, agent, tenant, occupant or lessee of residential property. **OWNER, AGENT, TENANT, OCCUPANT** or **LESSEE**, as used in this section, shall mean anyone owning or occupying a residential/business property for seven or more consecutive days, and who is thus responsible for correcting the violation. Where a tenant or lessee vacates a premises subsequent to receiving notification of a violation under these provisions, the responsibility for correcting the violation shall transfer to the property owner as listed for tax purposes.

(Ord. passed 6-9-2008; Ord. passed 12-8-2008)

§ 98.02 NOTICE AND ABATEMENT OF CONDITIONS.

(A) Upon a determination that unmaintained yard/property conditions as described in this chapter exist, the Town Clerk/Manager or designee shall provide notification in writing to the responsible party having control of the premises, as described herein, and shall order the prompt abatement thereof within ten days of receipt of the written notice.

(B) If the responsible party, after having been ordered to abate the unmaintained yard/property conditions as described in this chapter, fails, neglects or refuses to abate or remove the conditions within ten days from receipt of the order, the Town Clerk/Manager or designee shall cause the condition to be removed or otherwise remedied by having employees of the town or a private contractor hired by the town to go upon such premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the Town Clerk/Manager. Nothing in this order shall prohibit the town from obtaining an appropriate equitable remedy, injunction or order of abatement, or electing any other remedy allowed by G.S. § 160A-175.

(C) Any responsible party who has been ordered to abate an unmaintained yard/property condition may within the time allowed by this chapter request in writing that the town remove or abate the conditions, the cost of which shall be paid by the person making the written request.

(Ord. passed 6-9-2008; Ord. passed 12-8-2008)

§ 98.03 COST OF ABATEMENT TO BE CHARGED TO RESPONSIBLE PARTY; STATEMENT OF CHARGES.

The actual cost incurred by the town in removing or otherwise remedying the unmaintained yard/property condition shall be charged to the responsible party, as defined in this chapter, and it shall be the duty of the collections officer to mail a statement of the charges to the responsible party with instructions that the charges are due and payable within 30 days from the date of the statement.

(Ord. passed 6-9-2008; Ord. passed 12-8-2008)

§ 98.04 LIEN CREATED UPON FAILURE TO PAY ABATEMENT COSTS.

In the event charges for abatement of non-maintained yard/property condition(s) or such other charges or penalties as provided for herein are not paid by the responsible party or the property owner for tax listing purposes as provided for in § 98.01(B) within 30 days of the date of the statement of charges as provided for in this chapter, then the charges shall become a lien upon the land or premises where the conditions existed and shall be collected as unpaid taxes.

(Ord. passed 6-9-2008; Ord. passed 12-8-2008)

§ 98.05 SECOND AND SUBSEQUENT VIOLATIONS.

Upon second and subsequent violations of this chapter by the responsible party, as defined in this chapter, no notice of the violation as provided in § 98.02(A) shall be required, but the town, through its agents or employees, may enter upon the lots or premises and abate the unmaintained yard/property conditions, with all costs and expense thereof being paid by the responsible party, or becoming a lien on the premises as provided in this chapter.

(Ord. passed 6-9-2008; Ord. passed 12-8-2008)

§ 98.99 PENALTY.

(A) In addition to any other remedy specified in this chapter or as allowed by G.S. § 160A-175, a violation of any provision of this chapter may subject the responsible party to a civil penalty in the amount of \$50. No penalty shall be imposed if the responsible party abates the unmaintained yard/property conditions within the prescribed time or requests the town to abate the conditions as allowed under § 98.02(C) above. If the conditions are not abated within the time prescribed, the penalty may be imposed for each day the conditions remained after the prescribed time limit was expired and terminating on the date conditions were abated by the town.

(B) The responsible party shall be issued a written citation by delivery in person or mailed by certified or registered mail. The civil penalty must be paid within ten days of receipt.

(C) The town, in way of civil action, will recover the nature of debt if the offender does not pay the penalty within the prescribed period after he or she has been issued a citation

(Ord. passed 6-9-2008; Ord. passed 12-8-2008)

CHAPTER 99: YARD SALES

Section

99.01 Purpose

99.02 Definitions

99.03 Requirements

§ 99.01 PURPOSE.

The purpose of this chapter is to establish the requirements for residential yard sales within the town limits and the extraterritorial jurisdiction (ETJ) of the town.

(Ord. passed 3-8-2021)

§ 99.02 DEFINITIONS.

As used in this chapter.

YARD SALE. The offering for sale to the general public of five or more items of personal property on any portion of a residential lot whether inside or outside in any buildings.

(Ord. passed 3-8-2021)

§ 99.03 REQUIREMENTS.

(A) Yard sales may be conducted by an individual occupant of a residence, a coordinated group of homeowners within an established development, or a civic or religious organization for the purpose of selling household items for profit or for charitable purpose.

(B) Yard sales without the property owner's permission shall be prohibited on commercially zoned properties and on vacant lots. This excludes the 301 Endless Yard Sale Event.

(C) Goods intended for sale shall not be stored or displayed in the front or side yards of the property except on the day of the sale.

(D) Yard sale is limited to the daylight hours.

(E) Maximum frequency is two days a month.

(F) Yard sale signs shall be allowed to be put up three days prior with removal of all signs that day.

(Ord. passed 3-8-2021)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. BUSINESS LICENSES

111. FOOD TRUCKS

CHAPTER 110: BUSINESS REGULATIONS

Section

General Licensing Regulations

110.001 Definitions

110.002 Construction of this chapter

Levy

110.015 Who must be licensed

110.016 Period of license; due date

110.017 Separate Businesses

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Licenses

110.030 Application

110.031 Reasons for refusal or revocation of a license

110.032 Unqualified applicants; rights to a conference

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- 110.036 Form and contents of license
- 110.037 Assignments
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- 110.039 Administrator to furnish duplicates
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Enforcement and Collection

- 110.055 Duty to determine whether license is required
- 110.056 Administrator to investigate
- 110.057 Duty to permit inspection
- 110.058 Duty to post license
- 110.059 Enforcement of ordinance

- 110.999 Civil Penalty

GENERAL LICENSING REGULATIONS

§ 110.001 DEFINITIONS.

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

ADMINISTRATOR. Any person designated by the Town Clerk/Manager to operate the program required in this chapter.

BUSINESS. Includes each trade, occupation, profession, business, and franchise licensed under this chapter.

PERSON. Includes any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, company, firm, or other legal entity.

SEASONAL. A business in nature when it's conducted for profit six months out of the year or less.

(Ord. passed 3-14-2016)

§ 110.002 CONSTRUCTION OF THIS CHAPTER.

This chapter is enacted for regulation purposes only. In addition, issuance of a license in accordance with this chapter does not excuse a licensee from compliance with any other applicable ordinances or statute. This chapter does not prevent the town from requiring licenses for additional businesses.

(Ord. passed 3-14-2016)

LEVY

§ 110.015 WHO MUSTBE LICENSED.

Each person who conducts a business within the town is subject to this chapter. One conducts the business "within the town" if one maintains a business location within the town; or if, either personally or through agents, one:

- (1) Solicits business within the town limits; or
- (2) Picks up or delivers goods or services within the town limits.

(Ord. passed 3-14-2016)

§ 110.016 PERIOD OF LICENSE; DUE DATE.

(A) *Annual licenses.* Unless the section of this chapter applicable to a particular business provides otherwise, a license issued in accordance with this chapter is good for the 12-month period beginning July 1 and ending June 30.

(B) *Licenses for periods shorter than a year.* If the section of this chapter applicable to a particular business so provides, a license may be issued for a period of one day, one week, or some comparable period of less than a full license year. A person may not commence a business conducted within the town until the business license is obtained and may not continue such a business beyond the period for which the license is issued.

(Ord. passed 3-14-2016)

§ 110.017 SEPARATE BUSINESSES.

A separate license is required for each place of business unless two or more places of business under common ownership are contiguous to each other, communicate directly with and open into each other, and are operated as a unit.

(Ord. passed 3-14-2016)

§ 110.018 EXEMPTIONS.

Except as otherwise provided by state law, no person is exempt from the requirement of obtaining a license required by this chapter.

(Ord. passed 3-14-2016)

LICENSES

§ 110.030 APPLICATION.

(A) A person shall apply to the Administrator for each license required by this chapter before commencing a business. The application, which shall be submitted on forms provided by the Administrator, shall contain:

(1) The name of the applicant and whether the applicant is an individual, a partnership, a corporation, or some other entity.

(2) The nature of the business.

(3) Where the business is conducted.

(4) An address where notices and statements may be mailed to as required by this chapter.

(5) Whether the business is regulated by the state occupational licensing board subject to G.S. Chapter 93B, and if so, the serial number of the state license the applicant currently holds.

(6) Any further information the Administrator determines to be necessary to issue the license.

(B) The application shall be accompanied by the payment of a license fee, which is described in §110.011 below. In compliance with the law, this fee shall not exceed the cost to the town of the administrative process of the production and issuance of the license.

(Ord. passed 3-14-2016)

§ 110.031 REASONS FOR REFUSAL OR REVOCATION OF A LICENSE.

The Administrator shall refuse to issue a license or revoke a license for either of the following reasons:

(A) The applicant misrepresents a fact relevant to his or her qualifications for a license.

(B) The applicant refuses to provide necessary information.

(Ord. passed 3-14-2016)

§ 110.032 UNQUALIFIED APPLICANTS; RIGHT TO A CONFERENCE.

(A) After receipt of the completed application, if the Administrator believes that a reason exists for refusing a license under § 110.008 of this chapter, the Administrator shall not issue the license. At the applicant's request, the Administrator shall in accordance with § 110.018 of this chapter, give the applicant a written statement of the reason for refusing the license. The applicant may, within ten days after the date the statement is received, request a conference to discuss the refusal. In the request the applicant shall specify why the application for the license should not be refused. The Administrator shall arrange the conference within a reasonable time.

(B) If the Administrator refuses to issue a license, the applicant may reapply for a license at any time thereafter. If the reason for which the application was refused no longer exists, and if no other reason exists for refusing to issue a license, the Administrator shall issue the license in compliance with § 110.010 of this chapter.

(Ord. passed 3-14-2016)

§ 110.033 ADMINISTRATOR TO ISSUE LICENSE; PAYMENT OF LICENSE FEE A PREREQUISITE.

After receipt of the completed application and payment of the license fee, if the Administrator believes that no reason exists for refusal of a license under § 110.008 of this chapter, the Administrator shall issue the license.

(Ord. passed 3-14-2016)

§ 110.034 LICENSE FEE.

The fee required of every applicant for any business conducted or engaged in within the town as required by this subchapter shall be set forth and made a part of the schedule of fees and charges adopted by the Town Council, as amended from time to time. Notwithstanding the foregoing, the fee shall in no case be more than the maximum permitted by North Carolina law for that particular business or enterprise.

(Ord. passed 3-14-2016)

§ 110.035 REVOCATION.

(A) The Administrator shall revoke a license if a reason exists to revoke it as set forth in §110.008 of this chapter. Before revoking a license, the Administrator shall give the licensee written notice of the grounds for revocation, in accordance with § 110.018 of this chapter. The licensee may within ten days after the day on which notice is served request a conference with the Administrator in writing. The request shall specify the reasons why the license should not be revoked. The Administrator shall arrange a conference within a reasonable time.

(B) If the licensee fails to request a conference within ten days after the day on which notice is served, the Administrator shall revoke the license. If the licensee request a conference, the Administrator may not revoke the license until after the conference.

(C) If the Administrator revokes a license, the former licensee may apply for a new license at any time thereafter. If the reason for which the license was revoked no longer exists and if no other reason exists for refusing to issue a license, the Administrator shall issue the license in accordance with § 110.010 of this chapter.

(Ord. passed 3-14-2016)

§ 110.036 FORMS AND CONTENTS OF USE.

A license shall show the name of the person licensed, the place where the business is conducted (if it to be conducted at one place), the nature of the business licensed and the period for which the license is issued. The Administrator shall keep a copy of each license issued.

(Ord. passed 3-14-2016)

§ 110.037 ASSIGNMENTS.

(A) A license may be assigned if:

- (1) Business licensed under this chapter and carried on at a fixed place is sold as a unit to any person; and
- (2) The purchaser is to carry on the same business at the same place.

(B) Such a change shall be reported to the Administrator in accordance with §110.015 of this chapter. Otherwise, each license issued under this chapter is a personal license and is not assignable.

(Ord. passed 3-14-2016)

§ 110.038 CHANGES IN THE BUSINESS CONDUCTED BY LICENSEE DURING THE YEAR.

A licensee or an assignee shall report a change in information contained in the license application to the Administrator within ten days after the change occurs. If information shown on the license itself is affected, the licensee shall surrender the license to the Administrator when reporting the change.

(A) *Fee for change.* If the change does not result in a separate license fee, the Administrator shall reissue a license reflecting the change upon payment of a fee of \$5.00.

(B) *Change requiring refusal of a license.* If there is a reason for revoking the license under § 110.008 of this chapter, the Administrator shall refuse to reissue a license and shall instead begin proceedings to revoke the license in accordance with § 110.012 of this chapter.

(Ord. passed 3-14-2016)

§ 110.039 ADMINISTRATOR TO FURNISH DUPLICATES.

Upon satisfactory proof that a license has been lost or destroyed, the Administrator shall furnish a duplicate for a fee of \$5.00.

(Ord. passed 3-14-2016)

§ 110.040 RECORD OF CONFERENCES.

The Administrator shall maintain for three years a record of each conference held in the accordance with this subchapter. The record shall contain the applicant's or licensee's name, the date of the conference, and a brief statement of the issues discussed and the result reached. After three years, the Administrator shall dispose of the record in accordance with G.S. 121-5.

(Ord. passed 3-14-2016)

§ 110.041 PROVIDING NOTICE TO AN APPLICANT OR LICENSEE.

Whenever this chapter requires the Administrator to give a written statement or notice to an applicant or a licensee, the Administrator may do so in one of three ways:

(A) By personally delivering the statement to notice to the applicant or licensee;

(B) By mailing the statement or notice by registered or certified mail and returning the receipt requested to the address specified for that purpose in the license application; or

(C) By causing the statement or notice to be served on the applicant or licensee in accordance with the procedures for service of process under Rule 4, North Carolina Rules of Civil Procedure.

(Ord. passed 3-14-2016)

ENFORCEMENT AND COLLECTION

§ 110.055 DUTY TO DETERMINE WHETHER LICENSE IS REQUIRED.

Each person has the duty to determine whether the business he or she conducts is required to be licensed under this chapter, and if so, whether that license has been obtained.

(Ord. passed 3-14-2016)

§ 110.056 ADMINISTRATOR TO INVESTIGATE.

If the Administrator has reason to believe that a person is conducting a business in the town in violation of this chapter, the Administrator shall conduct an investigation to determine the status of the business.

(Ord. passed 3-14-2016)

§ 110.057 DUTY TO PERMIT INSPECTION.

Each person who conducts business in the town shall permit the Administrator to inspect the business premises during normal business hours to determine the nature of the business conducted there.

(Ord. passed 3-14-2016)

§ 110.058 DUTY TO POST LICENSE.

A licensee shall post the license or licenses conspicuously in the place of business licensed. If the licensee has a regular place of business, the license must be kept where it may be inspected at all times by the proper town officials.

(Ord. passed 3-14-2016)

§ 110.059 ENFORCEMENT.

(A) *Criminal remedies.* Conducting business within this town without a valid license issued in accordance with this chapter, or without posting a license in compliance with § 110.022 of this chapter is a misdemeanor, punishable as provided in G.S. § 14-4. Each day that a person conducts business in violation of this chapter is a separate offense.

(B) *Equitable remedies.* In addition to the criminal remedies set forth in division (A) of this section and in compliance with G.S. 160A-175(d), the town may seek injunction against any person who conducts a business in violation of this chapter.

(Ord. passed 3-14-2016)

§ 110.999 CIVIL PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

(a) A citation for the civil penalty shall be issued by the Police Chief.

(b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(Ord. passed 3-14-2016)

CHAPTER 111: FOOD TRUCKS

111.01 Purpose

111.02 Definitions

111.03 Permitting

111.04 Location requirements

111.05 Additional requirements

§ 111.01 PURPOSE.

(A) The purpose of this chapter is to establish the requirements for the permitted operation of food trucks within the town limits and the extraterritorial jurisdiction (ETJ) of the Town of Four Oaks.

(B) This chapter applies to any food truck that:

- (1) Operates in the public right-of-way;
- (2) Operates on private property;
- (3) Offers food to the general public; and
- (4) Where land use zoning regulations may apply.

(Ord. passed 8-10-2020)

§ 111.02 DEFINITIONS.

As used in this chapter:

DESIGNATED ON-STREET PARKING. The designated on-street parking location for food trucks will be on Railroad Street as long as the food truck does not impede traffic and all requirements within this chapter are met. Other areas will be considered on a case by case basis.

FOOD TRUCK. A food truck is a license, motorized wheeled vehicle or mobile food unit which is temporarily stored in a location and designed and equipped to serve food to the general public.

FOOD TRUCK OPERATOR. A food truck operator is any person who owns, operates, or manages a business that uses or applies for a food truck permit.

Four Oaks - Business Regulations

PERMIT HOLDER. A permit holder is any person who holds a current food truck permit.

PERMITTED PARKING SPACE. A permitted parking space is the location designated by the town where approved food truck vending is permitted to occur.

SPECIAL EVENT. A special event is a permitted organized public activity of limited duration.

(Ord. passed 8-10-2020)

§ 111.03 PERMITTING.

(A) All food trucks must be in compliance with the regulations set forth in the NC Department of Health and Human Services "*Rules Governing the Sanitation of Food Truck Establishments*," 15A NCAC 18A 2600, as the same may be amended and all food trucks must also be in compliance with any future state laws or regulations pertaining to the operation of a food truck.

(B) All food truck operators shall obtain a permit from the Town Clerk or their designee, unless otherwise exempted from this chapter. This permit must be prominently posted on the food truck. Two types of permits: a per day permit and a special event permit.

- (1) Per day permits shall cover the operation and location(s) the food truck(s) can serve per day.

- (2) Special event permits shall cover the operation and location(s) of the food truck(s) for individual special events that are open to the public.

(C) Permit applications shall require, in addition to payment of a permit fee: food truck name, company name and

address, owner name, signature and contact information; description of cooking apparatus, such as grill, deep fryer, microwave, BBQ smokers, etc.; size of vehicle; copy of vehicle/trailer registration; certificate of insurance, proof of liability insurance; and other information as required on the permit application.

(D) Food truck operators shall have the signed approval of the property owner or acting agent for each location at which the food truck plans to operate. This approval must be attached to the permit application and prominently posted on the food truck.

(E) Food truck operators shall provide documentation of current approval from the Johnston County Health Department or from the health department of the county in which the food truck's associated commissary/restaurant is located. This approval must be prominently posted on the food truck.

(F) When two or more food trucks participate on private property as part of the same special event, if the event is open to the public, the owner of the property must obtain a special event permit from the Town Clerk or his/her designee. To obtain such a permit, the property owner must provide: a brief explanation of the event's purpose, the number and name of participating food trucks, a site plan showing food truck placement, zones for loading and unloading, entry/exit route(s) for the site, and proof of liability insurance. Front and side setbacks for the applicable zoning district must be followed.

(Ord. passed 8-10-2020)

§ 111.04 LOCATION REQUIREMENTS.

(A) Unless participating in a private event, food trucks may only operate in areas zoned B-1C on Railroad Street and B-2H on the Farmers Market Property or location as approved in the application for special events. In all cases, documented permission from the property owner is required.

(B) Food trucks shall be positioned at least 15 feet from fire hydrants, any fire department connections, driveway entrances, and street intersections.

(C) Food trucks shall not block drive aisles, other access to loading/service areas, pedestrian walkways, emergency access, or fire lanes.

(D) All food trucks must be situated to allow at least five feet of unobstructed space for pedestrians on sidewalks, pedestrian paths, and other locations intended primarily for pedestrian travel. If any applicable law, including Americans with Disability Act (ADA) regulations, shall require a greater distance, the greater distance shall apply.

(E) Food trucks shall not occupy parking spaces required to fulfill the minimum requirements of the principle use of the specific site.

(F) Food trucks may be positioned in a public right-of-way provided it is located in a designated on-street parking space between 8:00 a.m. and 5:00 p.m., Monday through Friday. However, food trucks are prohibited from parking in spaces reserved for handicapped accessible parking or in a vehicular sight distance triangle.

(G) Food trucks must be positioned at least 150 feet from the main entrance of an existing restaurant during its hours of operation, unless the food truck operator provides documentation that the restaurant owner supports a closer proximity.

(1) The minimum distance requirement is all measured in a straight line from the closest point of the proposed food truck location to the closest point of the main entrance of the restaurant.

(H) If a zoning permit is issued and a restaurant subsequently opens within 150 feet (measured from the restaurant's main entrance) of the approved food truck location, the food truck may continue to operate until the permit expires.

(Ord. passed 8-10-2020)

§ 111.05 ADDITIONAL REQUIREMENTS.

(A) The hours for operating a food truck shall be between the hours 6:00 a.m. and 11:00 p.m.

(B) A food truck vendor shall not operate the food truck as a drive-thru window.

(C) Temporary connections to public utilities are prohibited. All plumbing and electrical connections shall be in accordance with the state building code.

(D) All equipment associated with the food truck, including trash receptacles, must be within five feet of the food truck.

(E) Food truck operators shall provide at least one, 32-gallon trash receptacle for customers.

(F) Food truck operators are responsible for the proper disposal of waste and trash associated with the operation.

(1) Operators shall remove all waste prior to leaving each location or as needed to maintain the health and safety of the public.

(2) Trash shall be disposed of at a licensed off-site waste processing or dumping facility or in a private dumpster on private property when given permission by the property owner or their designee. Town trash receptacles shall not be used by a mobile food vendor for purposes of waste disposal.

(3) No liquid waste or grease may be poured into any tree pit, storm drain, gutter pan, sidewalk, or any other public

space. Grease cannot be released into the town's sanitary sewer system. Any grease spill must be treated in an approved manner so that no stain or residue is left behind in the right-of-way.

(G) Food trucks must have the following fire extinguishers on board during hours of operation: Minimum Class 2A, 10B, and C rated extinguisher. If food preparation involves deep frying, a Class K fire extinguisher must also be on the truck. All National Fire Protection Association (NFPA) standards shall be met to include: fire extinguishers and fire suppression hood systems shall be maintained.

(H) Any covering for a food truck shall be limited to an attached single mast umbrella or awning. The covering must not impede or inconvenience pedestrian, vehicular, or other modes of traffic, such as wheelchairs, bicycles, etc.

(I) Standalone tent-like structures or canopies are specifically prohibited unless participating in a special event conducted by the town or Chamber of Commerce.

(I) Any signage not attached to the food truck must adhere to the city's sign ordinance and be properly permitted.

(J) No amplified microphones or bullhorns shall be permitted as part of the food truck operation.

(K) The noise level of the food truck motor / generator must comply with the town's noise ordinance to avoid becoming a nuisance and shall in no case generate a noise level exceeding 59 decibels when measured at the property line that is across the street from the food truck or abutting a residential use. Sound absorbing devices may be used to contain or deflect the noise from external generators.

(Ord. passed 8-10-2020)

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST TOWN REGULATIONS

CHAPTER 130: OFFENSES AGAINST TOWN REGULATIONS

Section

130.01 Consuming alcoholic beverages in public; littering streets and sidewalks with beer cans or the like

130.02 Discharging weapons

130.03 Curfew for minors

130.99 Penalty

Cross-reference:

Nuisances; General, Weeds and Grasses, see Chapter 95

§ 130.01 CONSUMING ALCOHOLIC BEVERAGES IN PUBLIC; LITTERING STREETS AND SIDEWALKS WITH BEER CANS OR THE LIKE.

(A) No person shall consume malt beverages or unfortified wine, as defined by G.S. § 18B-101, on property owned or occupied by the town, including, but not limited to, public streets, boulevards, alleys, rights-of-way, sidewalks and parks.

(B) It shall be unlawful for any person or persons to throw or deposit or cause to be thrown or deposited any beer can or other container of beer, empty or filled, upon any street or sidewalk within the corporate limits of the town.

(1992 Code, § 130.01) (Ord. 70-DBO, passed 11-12-1970; Ord. passed 5-4-1987) Penalty, see § 130.99

§ 130.02 DISCHARGING WEAPONS.

It shall be unlawful for any person, firm or corporation, except in the defense of his or her person, home or business to shoot, or to cause to be discharged, within the corporate limits of the town any pistol, rifle, shot gun, air file, sling shot, bean shooter, or any firearms, weapons or devices for shooting any missile of any kind or type whatsoever.

(1992 Code, § 130.02) (Ord. 54-WO, passed 4-5-1954) Penalty, see § 130.99

§ 130.03 CURFEW FOR MINORS.

(A) *Curfew for minors.*

(1) It is a curfew violation for a child 13, 14, 15, 16 or 17 years of age to be in a public place:

- (a) After 1:00 a.m. and before 5:00 a.m. on Saturday or Sunday;
- (b) After 12:00 a.m. on Sunday, Monday, Tuesday, Wednesday or Thursday; or
- (c) Before 5:00 a.m. on Monday, Tuesday, Wednesday, Thursday or Friday.

(2) It is a curfew violation for a child under 13 years of age to be in a public place after 10:00 p.m. or before 5:00 a.m. on any day.

(B) *Exemptions.* This section does not apply to a child who is:

- (1) Accompanied by his or her parent, guardian or custodian;
- (2) Accompanied by an adult specified by his or her parent, guardian or custodian;
- (3) Carrying out an errand or other lawful activity as directed by his or her parent, guardian or custodian; or
- (4) Participating in, going to or returning from:
 - (a) Lawful employment; or
 - (b) A lawful athletic, educational, entertainment, religious or social event.

(C) *Authority of police during curfew hours.*

(1) Any police officer may stop and question any minor suspected of violating any of the provisions of this section and may take the minor into custody when found violating any of the said provisions. The officer shall take the minor to the town police headquarters where the name of the minor's parent, guardian or person having legal custody of him or her shall be ascertained.

(2) The parent, guardian or person having legal custody shall be notified of the child's detention and summoned by the investigating officer to appear at police headquarters to assist in the completion of the investigation. If the parent, guardian or person having legal custody fails to appear within two hours from the time the child was taken into custody, the investigating officer shall follow the requirements set forth in state law and division (C)(3) below, regarding detention or release of the child.

(3) Unless the nature of the offense or other circumstances are such as to indicate the necessity of keeping the child in secure custody, the officer shall release the child to the custody of his parent, guardian, person having legal custody or other responsible adult.

(4) If the investigating or apprehending officer is satisfied that a violation of division (A) of this section has occurred, he or she shall cause formal charges to be filed requiring the child and his or her parent, guardian or person having legal custody to appear in the appropriate court to answer the charge of a violation of division (A) above.

(5) If formal charges are to be brought, before a child is released to the custody of a parent, guardian, person with legal custody, or other responsible adult, the investigating officer shall obtain a written promise signed by the person that the person will bring the child to the court at the stated time or at such time as the court may order. The written promise, along with the written report of the investigating officer, shall be submitted to the court.

(1992 Code, § 130.03) Penalty, see § 130.99

Cross-reference:

Youth protection, see Ch. 97

§ 130.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

- (a) A citation for the civil penalty shall be issued by the Police Chief.
- (b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(1992 Code, § 130.99)

Chapter

- 150. BUILDING REGULATIONS; CONSTRUCTION**
- 151. MINIMUM HOUSING STANDARDS**
- 152. SUBDIVISION REGULATIONS**
- 153. ZONING CODE**
- 154. FLOOD DAMAGE PREVENTION**
- 155. MANUFACTURED HOMES**

CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

Section

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- 150.02 Building Code adopted by reference
- 150.03 Plumbing Code adopted by reference
- 150.04 Heating Code adopted by reference
- 150.05 Electrical Code adopted by reference
- 150.06 Residential Building Code adopted by reference
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- 150.08 Compliance with codes
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GENERAL PROVISIONS

§ 150.01 SCOPE OF CHAPTER.

The provisions of this chapter and of the regulatory codes herein adopted shall apply to the following:

(A) The location, design, materials, equipment, construction, reconstruction, alteration, repair, maintenance, moving, demolition, removal, use and occupancy of every building or structure or any appurtenances connected or attached to the building or structure;

(B) The installation, erection, alteration, repair, use and maintenance of plumbing systems, consisting of house sewers, building drains, waste and vent systems, hot and cold water supply systems and all fixtures and appurtenances thereof;

(C) The installation, erection, alteration, repair, use and maintenance of mechanical systems, consisting of heating, ventilating, air conditioning and refrigeration systems, fuel burning equipment and appurtenances thereof; and

(D) The installation, erection, alteration, repair, use and maintenance of electrical systems and appurtenances thereof.

(1992 Code, § 150.01)

§ 150.02 BUILDING CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina State Building Code, Volume I, General Construction, as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein as the Building Code of the town, to the extent the code is applicable for safe and stable design, methods of construction, minimum standards and use of materials in buildings or structures erected, enlarged, altered, repaired or otherwise constructed or reconstructed.

(1992 Code, § 150.02)

§ 150.03 PLUMBING CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina Plumbing Code (North Carolina State Building Code, Volume II, Plumbing), as adopted and published by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein as the Plumbing Code for the town.

(1992 Code, § 150.03)

§ 150.04 HEATING CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina Heating Code (North Carolina State Building Code, Volume III, Heating), as adopted and published by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein as the Heating Code for the town.

(1992 Code, § 150.04)

§ 150.05 ELECTRICAL CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina Electrical Code (North Carolina State Building Code, Volume IV, Electrical), adopting by reference the National Electrical Code of the National Fire Protection Association as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein as the Electrical Code for the town.

§ 150.06 RESIDENTIAL BUILDING CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina Uniform Residential Building Code, as adopted by the North Carolina Building Inspectors Association and as published by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth herein as the Residential Building Code for one- and two-family residential buildings in the town.

(1992 Code, § 150.06)

§ 150.07 AMENDMENTS TO CODES.

Amendments to the regulatory codes adopted by reference in this subchapter, which are from time to time adopted and published by the agencies or organizations referred to herein, shall be effective in the town at the time such amendments are filed with the Town Clerk/Manager as provided in § 150.09.

(1992 Code, § 150.07)

§ 150.08 COMPLIANCE WITH CODES.

(A) All buildings or structures which are constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished or moved shall conform to the requirements, minimum standards and other provisions of either the North Carolina State Building Code, General Construction Volume I or the North Carolina Uniform Residential Building Code, whichever is applicable or of both if both are applicable.

(B) Every building or structure intended for human habitation, occupancy or use shall have plumbing, plumbing systems or plumbing fixtures installed, constructed, altered, extended, repaired or reconstructed in accordance with the minimum standards, requirements and other provisions of the North Carolina Plumbing Code (North Carolina State Building Code, Volume II, Plumbing).

(C) All mechanical systems consisting of heating, ventilating, air conditioning and refrigeration systems, fuel burning equipment and appurtenances shall be installed, erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements and other provisions of the North Carolina Heating Code (North Carolina State Building Code, Volume III, Heating).

(D) All electrical wiring, installations and appurtenances shall be erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements and other provisions of the North Carolina Electrical Code (North Carolina State Building Code, Volume IV, Electrical).

(1992 Code, § 150.08) Penalty, see § 150.99

§ 150.09 COPIES OF CODES FILED WITH TOWN CLERK/MANAGER.

An official copy of each regulatory code adopted in this subchapter and official copies of all amendments thereto, shall be kept on file in the office of the Town Clerk/Manager. The copies shall be the official copies of the codes and the amendments.

(1992 Code, § 150.09)

§ 150.10 FIRE DISTRICTS.

(A) The primary fire district shall be established for the town by ordinance.

(B) The following secondary fire district is established for the town: All of the area within the town zoned for business purposes, but excluding therefrom the area included in the primary fire district. It shall be unlawful to erect any building of frame construction or unprotected metal construction within the secondary fire district, but it shall be permissible and lawful to construct buildings in this area of masonry construction; provided that, the exterior walls of the building are at least eight inches in thickness, with an allowance of 35% void when using concrete or other similar block construction.

(1992 Code, § 150.10) Penalty, see § 150.99

§ 150.11 REGISTRATION OF CONTRACTORS; BOND.

(A) Every person carrying on the business of building contractor, plumbing contractor, heating-air conditioning contractor or electrical contractor within the town shall register at the office of the Inspection Department, giving his or her name and place of business.

(B) Every person required to register at the office of the Inspection Department under division (A) above shall also give a good and sufficient bond in the sum of \$1,000 to be approved by the Town Attorney, conditioned upon faithful performance of duty in doing any work which he or she may have contracted to do and shall indemnify the town against loss in any manner whatsoever for any unskilled or negligent work or conduct in the performance of the duties imposed by the provisions of this chapter or any regulatory code herein adopted or any damage to any utility lines, streets or sidewalks in the town or for the use of defective or improper material in the work or for any damage which may accrue to any person by reason of any default of the contract or for the payment of any inspection or other fees required by this chapter.

(1992 Code, § 150.11) Penalty, see § 150.99

PERMITS

§ 150.25 PERMITS REQUIRED; APPLICATION.

(A) No person shall commence or proceed with any of the following without first securing from the Inspection Department with jurisdiction over the site of the work any and all permits required by the State Building Code and any other state or local laws applicable to the work:

(1) The construction, reconstruction, alteration, repair, movement to another site, removal or demolition of any building or structure.

(2) The installation, extension or general repair of any plumbing system except that in any one-or two-family dwelling unit a permit shall not be required for the connection of a water heater that is being replaced, provided that the work is performed by a person licensed under G.S. § 87-21, who personally examines the work at completion and ensures that a

leak test has been performed on the gas piping, and provided the energy use rate or thermal input is not greater than that of the water heater which is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the State Building Code.

(3) The installation, extension, alteration or general repair of any heating or cooling equipment system.

(4) The installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment except that in any one- or two-family dwelling unit a permit shall not be required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being replaced, provided that all of the following requirements are met:

(a) With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original.

(b) With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage.

(c) The work is performed by a person licensed under G.S. § 87-43.

(d) The repair or replacement installation meets the current edition of the State Building Code, including the State Electrical Code.

(B) A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable state and local laws. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof and if state law requires that plans for certain types of work be prepared only by a licensed architect or licensed engineer, no permit shall be issued unless the plans and specifications bear the state seal of a licensed architect or of a licensed engineer. When any provision of state law or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless the work is to be performed by such a duly licensed contractor.

(C) No permit issued under G.S. §§ 143-136 through 143-143.2 or 143-151.26 through 143- 151.36 shall be required for any construction, installation, repair, replacement or alteration costing \$15,000 or less in any single-family residence or farm building unless the work involves: the addition, repair or replacement of load bearing structures; the addition (excluding replacement of same size and capacity) or change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning or electrical wiring, devices, appliances or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing. Violation of this section shall constitute a misdemeanor.

(G.S. § 160A-417(a), (b)) (1992 Code, § 150.20) Penalty, see § 150.99

§ 150.26 PLANS AND SPECIFICATIONS.

Detailed plans and specifications shall accompany each application for a permit when the estimated total cost of the building or structure is in excess of \$20,000 and for any other building or structure where plans and specifications are deemed necessary by the appropriate inspector in order for him or her to determine whether the proposed work complies with the appropriate regulatory codes. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed and the plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this chapter and the appropriate regulatory codes. Where plans and specifications are required, a copy of the same shall be kept at the work until all authorized operations have been completed and approved by the appropriate inspector.

(1992 Code, § 150.21) Penalty, see § 150.99

§ 150.27 ISSUANCE; LIMITATIONS.

(A) *Issuance.* When proper application for a permit has been made and the appropriate inspector is satisfied that the application and the proposed work comply with the provisions of this chapter and the appropriate regulatory codes, he or she shall issue the permit, upon payment of the proper fee provided in § 150.28.

(B) *Limitations on issuance.*

(1) No building permit shall be issued for any building or structure, the estimated total cost of which is more than \$45,000, unless the work is to be performed by a licensed general contractor.

(2) If state law requires that plans for certain types of work be prepared only by a registered architect or registered engineer, no building permit shall be issued for any building or structure, unless the plans and specifications bear the state seal of a registered architect or a registered engineer.

(3) Where any provision of the General Statutes of the state or of any provision of this code or other ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued, unless it is to be performed by the licensed specialty contractor.

(4) Where detailed plans and specifications are required under this chapter, no building permit shall be issued, unless the plans and specifications have been provided.

§ 150.28 FEES.

Permit Fee Schedule	
(Approved August 9, 1999)	
Permit Fee Schedule	
(Approved August 9, 1999)	
1. New dwelling (single family)	
Up to 1,200 square feet	\$300 per dwelling
Over 1,200 square feet	add \$.20 per square feet
(Includes electrical, plumbing and mechanical for the dwelling only - any outside buildings will have their own permit/trades)	
Homeowner's Recovery Fund (for all new and remodel/addition SF permit issued)	\$9 of fee collected (as of 8/1/03 - state law)
Note: New construction-check to see if building is inside city limits and if w/s is available. If so, w/s tap and cap fees must be paid up front at time permit is purchased.	
If only water from the town, must get a septic tank permit from Jo. Co. This must be the final approved permit, not the application. Do not issue the permit without the septic permit from Johnston County. Call CP if questions.	
2. Residential additions/remodels/repairs	
0 - 400 square feet or up to \$1,000:	\$75 (Does not include trade fees. Trade fees are \$30 each)
> 400 square feet or > \$1,000:	\$195 (this includes trades)
	\$9 to Homeowner Recovery Fund
3. Multi-family dwellings	
First unit:	\$300
Each additional unit:	\$125 (includes trades)
4. Mobile homes	
Single wide:	\$100 (bldg & plumbing only)
Double wide:	\$150 (bldg & plumbing only)
Triple wide:	\$200 (bldg & plumbing only)
Travel trailers/campers	\$50 (bldg & plumbing only)
**Mechanical for Mobile Homes if Central Air:	\$30
**Electrical for Mobile Homes:	\$30
5. Mini-storage units	
Mini-storage (½ size-10 inches x 100 feet or less):	\$70
Mini-storage (standard-10 feet x 100 feet or more):	\$140
**As of April '04 (charge double if work stopped for no permits or doing work before permits obtained)	
6. Dwelling moved on a lot	
Permit fee:	\$100,000 plus Trades at \$300 each
7. Residential accessory buildings	
12 feet x 12 feet and over: Storage building	\$45
Garage/carport (attached or detached)	\$65
Deck/porch/gazebo	\$25
Farm building	\$25
Bulk barns	\$31 Just elec
Note: Additional trades fees are \$30 each if needed	
8. Trade inspections	
Building, electrical, plumbing and mechanical	\$31 (Trade \$30 plus \$1 improvement permit fee)
9. Commercial buildings (based on project cost per trade)	
Cost: 0 - 2,500	Fee: trade fees
2,501 - 25,000	\$170

25,001 - 50,000	\$340
50,001 - 100,000	\$680
100,001 - 200,000	\$1,360
200,001 - 350,000	\$2,340
350,001 - 500,000	\$3,100
500,001 - 750,000	\$4,150
750,001 - 1,000,000	\$5,200
(Fees over \$5,200 will be .001% of each added million dollars or portion thereof)	
10. Reinspection fees	
First trip reinspection	\$45
\$20 additional fee each time there is a reinspection of the same item. (ex. \$45 first trip, \$65 second trip, \$85 third trip)	
11. Service pole inspections:	\$25 electrical plus \$1 building. If no permit exists
12. Permit update:	\$125
13. Service change inspections:	\$30 electrical plus \$1 building
14. Signs:	\$30 (plus \$30 electrical if necessary)
15. Pools:	\$25 plus \$30 electrical
16. Pedestals:	\$1 building plus \$30 electrical
17. LP gas tanks:	\$25 building plus \$30 electrical
18. Gas tank removal: As of October 2005 when removing a gas tank, CP has to come out and see	
Gas tanks out	\$30 per tank
Putting gas tanks in, cp has to come out and see	
Gas tanks in	\$30 per tank
*If new piping - must get a \$30 plumbing permit	
There will need to be a ground water test (town needs a copy)	
*Before tank removal	
19. Roof replacement of existing structure:	\$30
20. Tents:	\$30 building (if over 40 square feet)
** Also requires that a flammability certification be presented	
21. Reconnect power:	Electrical \$30 plus \$1 building
22. Water/sewer tap:	\$30 plumbing plus \$1 building
23. ATMs:	Commercial Rates
24. Demolition permit:	\$ 45 Residential
	\$150 Commercial
Before a demolition permit will be issued the customer must pay the cost of asbestos sampling and analysis to the town. The cost listed above for residential is based on per building. Commercial fees may be based on per project basis depending on the size of the demolition project. This will be determined by the building inspector.	
Remind contractor that dumpsite must be state approved and we will need copy of tickets or number of loads and average weight of load.	
25. Change of use:	\$20
26. Sprinkler system:	\$30 plumbing plus \$1 building
27. Zoning change: As of November 12, 2001	\$100
Variance	\$100
Appeal/interpretation (Board of Adjustment Hearing)	\$200
Subdivision 1 - 2 lots	\$ 75
3 - 12 lots	\$150
13 or more	\$150 plus \$10 a lot
28. Special use permit application/conditional use permit application:	\$100
29. Zoning book:	\$3 plus add the postage if mailed

Planning Fees	
(Approved at November 12, 2001)	
Planning Fees	
(Approved at November 12, 2001)	
Rezoning	\$100
Variance	\$100
Appeal/interpretation (Board of Adjustment Hearing)	
Subdivision 1 - 2 lots	\$ 75
3 - 12 lots	\$150
13 or more	\$150 plus \$10 a lot
Special use/conditional use permit	\$100
Demolition permit	\$ 45
	\$150
Before a demolition permit will be issued the customer must pay the cost of asbestos sampling and analysis to the town. The cost listed above for residential is based on per building. Commercial fees may be based on per project. This will be determined by the Building Inspector.	
Remind contractor that dumpsite must be state approved and we will need copy of tickets or number of loads and average weight of load.	

§ 150.29 TIME LIMITATIONS ON VALIDITY.

All permits issued under this chapter shall expire by limitation six months after the date of issuance, if the work authorized by the permit has not been commenced. If, after commencement, the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit which has expired shall thereafter be performed, until a new permit therefor has been secured.

(G.S. § 160A-418) (1992 Code, § 150.24) Penalty, see § 150.99

§ 150.30 CHANGES IN WORK AFTER ISSUANCE.

After a permit has been issued, no changes or deviations from the terms of the application plans and specifications or permit, except where changes or deviations are clearly permissible under the State Building Code, shall be made, until specific written approval of such changes or deviations has been obtained from the Inspection Department.

(G.S. § 160A-419) (1992 Code, § 150.25) Penalty, see § 150.99

§ 150.31 REVOCATION.

The appropriate inspector may revoke and require the return of any permit by notifying the permit holder in writing, stating the reason for such revocation. Permits shall be revoked for any substantial departure from the approved application, plans or specifications; for refusal or failure to comply with requirements of this chapter and the appropriate regulatory codes; or for false statements or misrepresentations made in securing the permits.

(G.S. § 160A-422) (1992 Code, § 150.26)

UNSAFE BUILDINGS

§ 150.45 INSPECTION; NOTICE TO OWNER TO CORRECT.

When the Inspector finds any defects in a building or finds that the building has not been constructed in accordance with the applicable state and local laws or that a building because of its condition is dangerous or contains fire hazardous conditions, it shall be his or her duty to notify the owner or occupant of the building of its defects, hazardous conditions or failure to comply with law. The owner or occupant shall each immediately remedy the defects, hazardous conditions or violations of law in the property he or she owns.

(G.S. § 160A-425) (1992 Code, § 150.35) Penalty, see § 150.99

§ 150.46 CONDEMNATION OF ESPECIALLY DANGEROUS BUILDINGS.

(A) Every building which shall appear to the Inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress or other causes shall be held to be unsafe and the Inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the building.

(G.S. § 160A-426(a))

(B) If any person shall remove any notice that has been affixed to any building or structure by the Inspector that states the dangerous character of the building or structure, he or she shall be guilty of a misdemeanor.

(G.S. § 160A-427)

(1992 Code, § 150.36) Penalty, see § 150.99

§ 150.47 FAILURE OF OWNER TO TAKE CORRECTIVE ACTION.

(A) If the owner of a building or structure that has been condemned as unsafe pursuant to §150.46(A) shall fail to take prompt corrective action, the Inspector shall give him or her written notice, by certified or registered mail to his or her last known address or by personal service:

(1) The building or structure is in a condition that appears to constitute a fire or safety hazard or to be dangerous to life, health or other property;

(2) A hearing will be held before the Inspector at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(3) Following the hearing, the Inspector may issue the order to repair, close, vacate or demolish the building or structure as appears appropriate.

(B) If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the town at least once not later than one week prior to the hearing.

(G.S. § 160A-428)

(C) If, upon a hearing held pursuant to the notice prescribed in divisions (A) and (B) above, the Inspector shall find that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health or other property, he or she shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy the defective conditions by repairing, closing, vacating or demolishing the building or structure or taking other necessary steps, within a period, not less than 60 days, that the Inspector may prescribe. However, where the Inspector finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in a lesser period as may be feasible.

(G.S. § 160A-429)

(1992 Code, § 150.37) Penalty, see § 150.99

§ 150.48 APPEAL BY OWNER.

Any owner who has received an order under §150.47(C) may appeal from the order to the Council by giving notice of appeal in writing to the Inspector and to the Town Clerk/Manager within ten days following issuance of the order. In the absence of an appeal, the order of the Inspector shall be final. The Council shall hear an appeal within a reasonable time and may affirm, modify and affirm or revoke the order.

(G.S. § 160A-430) (1992 Code, § 150.38)

§ 150.49 ENFORCEMENT PROCEDURES AGAINST OWNER.

If the owner of a building or structure fails to comply with an order issued pursuant to §150.47(C) from which no appeal has been taken or fails to comply with an order of the Council following an appeal, he or she shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(G.S. § 160A-431) (1992 Code, § 150.39) Penalty, see § 150.99

INSPECTION DEPARTMENT

§ 150.60 ORGANIZATION.

(A) The Inspection Department shall consist of a Building Inspector, a Plumbing Inspector, a Heating-Air Conditioning Inspector, an Electrical Inspector and such other inspectors or deputy or assistant inspectors as may be authorized by the Council. The Council may, in its discretion, designate a Department Head.

(B) On and after the applicable date set forth in the schedule in G.S. § 160A-411, no town shall employ an inspector to enforce the State Building Code as a member of the town Inspection Department who does not have one of the following types of certificates issued by the North Carolina Code Officials Qualification Board attesting to his or her qualifications to hold such position:

(1) A probationary certificate, valid for one year only;

(2) A standard certificate; or

(3) A limited certificate which shall be valid only as an authorization for him or her to continue in the position held on the date specified in G.S. § 143-151.13(c) and which shall become invalid if he or she does not successfully complete in-service training specified by the Qualification Board within the period specified in G.S. § 143-151.13(c).

(C) An inspector holding one of the above certificates can be promoted to a position requiring a higher level certificate only upon issuance by the Qualification Board of a standard certificate or probationary certificate appropriate for the new position.

(G.S. § 160A-411.1) (1992 Code, § 150.50)

§ 150.61 DUTIES AND POWERS OF INSPECTORS.

(A) It shall be the duty of the Inspection Department to enforce all of the provisions of this chapter and of the regulatory codes adopted herein and to make all inspections necessary to determine whether or not the provisions of this chapter and the codes are being met. The North Carolina State Building Code, Volume I, General Construction and the North Carolina Uniform Residential Building Code shall be enforced by the Building Inspector. The North Carolina Plumbing Code shall be enforced by the Plumbing Inspector. The North Carolina Heating Code shall be enforced by the Heating-Air Conditioning Inspector. The North Carolina State Electrical Code shall be enforced by the Electrical Inspector.

(B) Other duties and responsibilities of the Inspection Department and of the inspectors therein shall be to enforce within the town, state and local laws relating to: the construction of buildings and other structures; the installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems and air-conditioning systems; the maintenance of buildings and other structures in a safe, sanitary and healthful condition; and other matters that may be specified by the Council. These duties shall include the receipt of applications for permits and the issuance or denial of permits, the making of any necessary inspections in a timely manner, the issuance or denial of certificates of compliance, the issuance of orders to correct violations, the bringing of judicial actions against actual or threatened violations, the keeping of adequate records and any other actions that may be required in order adequately to enforce those laws. The Council shall have the authority to enact reasonable and appropriate provisions governing the enforcement of those laws.

(G.S. § 160A-412)

(C) Inspectors are also authorized, empowered and directed to enforce all the provisions of this chapter and the regulatory codes herein adopted.

(D) Inspectors shall have the right of entry on any premises within the jurisdiction of the Inspection Department, at all reasonable hours, for the purpose of inspection or other enforcement action, upon presentation of proper credentials.

(G.S. § 160A-420)

(E) Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered or repaired in a hazardous manner or in substantial violation of any state or town building law or in a manner that endangers life or property, the appropriate inspector may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped. Such order shall be in writing to the person doing the work and shall state the specific work to be stopped, the specific reasons therefor and the conditions under which the work may be resumed.

(1) The owner or builder may appeal from a stop order involving alleged violation of the State Building Code or any approved local modification thereof to the North Carolina Commissioner of Insurance within a period of five days after the order is issued. Notice of appeal shall be given in writing to the Commissioner of Insurance, with a copy to the Town Inspector. The Commissioner of Insurance shall promptly conduct a hearing at which the appellant and the Inspector shall be permitted to submit relevant evidence and shall rule on the appeal as expeditiously as possible. Pending the ruling by the Commissioner of Insurance on an appeal no further work shall take place in violation of a stop order.

(2) Appeals from a stop order based on violation of any other town ordinance relating to buildings shall be taken to the local official designated by the town and shall be taken, heard and decided in the same manner as prescribed herein for appeals to the Commissioner. Violation of a stop order shall constitute a misdemeanor.

(G.S. § 160A-421)

(1992 Code, § 150.51)

§ 150.62 CONFLICTS OF INTEREST.

No member of the Inspection Department shall be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of any building within the town's jurisdiction or any part or system thereof or in the making of plans or specifications therefor, unless he or she is the owner of the building. No member of the Inspection Department shall engage in any work which is inconsistent with his or her duties or with the interests of the town.

(G.S. § 160A-415) (1992 Code, § 150.52) Penalty, see § 150.99

§ 150.63 RECORDS AND REPORTS.

The Inspection Department shall keep complete and accurate records in convenient form of all applications received, permits issued, inspections and reinspections made, defects found, certificates of compliance granted and all other work and

activities of the Inspection Department. These records shall be kept in the manner and for the periods prescribed by the State Department of Cultural Resources. Periodic reports shall be submitted to the Council and to the State Commissioner of Insurance as they shall by ordinance, rule or regulation require.

(G.S. § 160A-433) (1992 Code, § 150.53) Penalty, see § 150.99

§ 150.64 INSPECTION PROCEDURE.

(A) *Inspections of work in process.* The Inspection Department shall inspect all buildings and structures and work therein for which a permit of any kind has been issued as often as necessary in order to determine whether the work complies with this chapter and the appropriate codes. When deemed necessary by the appropriate inspector, materials and assemblies may be inspected at the point of manufacture or fabrication or inspections may be made by approved and recognized inspection organizations. However, no approval shall be based upon reports of the organizations, unless the same are in writing and certified by a responsible officer of the organization. All holders of permits or their agents, shall notify the Inspection Department and the appropriate inspector at each of the following stages of construction, so that approval may be given before work is continued:

(1) *Foundation inspection.* To be made after trenches are excavated and the necessary reinforcement and forms are in place and before concrete is placed. Drilled footings, piles and similar types of foundations shall be inspected as installed.

(2) *Framing inspection.* To be made after all structural framing is in place and all roughing-in of plumbing and electrical and heating has been installed, after all fire blocking, chimneys, bracing and vents are installed, but before any of the structure is enclosed or covered. Poured-in-place concrete structural elements shall be inspected before each pour of any structural member.

(3) *Fireproofing inspection.* To be made after all areas required to be protected by fireproofing are lathed, but before the plastering or other fireproofing is applied.

(4) *Final inspection.* To be made after the building or structure has all doors hung and fixtures set and is ready for occupancy, but before the building is occupied.

(B) *Calls for inspection.* Request for inspections may be made to the office of the Inspection Department or to the appropriate inspector. The Inspection Department shall make inspections as soon as practicable after requests are made therefor, provided the work is ready for inspection at the time the request is made.

(1) Reinspections may be at the convenience of the Inspector. No work shall be inspected until it is in proper and completed condition ready for inspection. All work which has been concealed before the inspection and approval shall be uncovered at the request of the Inspector and placed in condition for proper inspection. Approval or rejection of the work shall be furnished by the appropriate inspector in the form of a notice posted on the building or given to the permit holder or his or her agent.

(2) Failure to call for inspections or proceeding without approval at each stage of construction shall be deemed a violation of this chapter.

(C) *Street or alley lines.* Where the applicant for a permit proposes to erect any building or structure on the line of any street, alley or other public place, he or she shall secure a survey of the line of the street, alley or other public place adjacent to the property upon which the building or structure is to be erected, before proceeding with construction of the building or structure. It shall be the duty of the Building Inspector to see that the building does not encroach upon the street, alley or other public place.

(D) *Certificates of compliance.* At the conclusion of all work done under a permit, the appropriate inspector shall make a final inspection and if he or she finds that the completed work complies with all applicable state and local laws and with the terms of the permit, he or she shall issue a certificate of compliance. No new building or part thereof may be occupied, no addition or enlargement of an existing building may be occupied and no existing building that has been altered or moved may be occupied, until the Inspection Department has issued a certificate of compliance. A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building that the Inspector finds may safely be occupied prior to final completion of the entire building. Violation of this section shall constitute a misdemeanor.

(G.S. § 160A-423)

(E) *Periodic inspections.* The Inspection Department shall make periodic inspections, subject to the Council's directions, for unsafe, unsanitary or otherwise hazardous and unlawful conditions in structures within its territorial jurisdiction. In addition, it shall make inspections when it has reason to believe that such conditions may exist in a particular structure. In exercising this power, members of the Department shall have a right to enter on any premises within the jurisdiction of the Department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials.

(1992 Code, § 150.54)

Statutory reference:

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

§ 150.65 VIOLATIONS OF REGULATIONS NOT LEGALIZED BY OVERSIGHT OF INSPECTOR.

No oversight or dereliction of duty on the part of any inspector or other official or employee of the Inspection Department shall be deemed to legalize the violation of any provision of this chapter or any provision of any regulatory code herein adopted.

(1992 Code, § 150.55)

§ 150.99 PENALTY.

Whoever violates any provision of this chapter shall be subject to the penalties provided in §10.99.

(1992 Code, §§ 150.97 - 150.99)

CHAPTER 151: MINIMUM HOUSING STANDARDS

Section

- 151.01 Finding; purpose
- 151.02 Definitions
- 151.03 Minimum standards of fitness for dwellings and dwelling units
- 151.04 Minimum standards for structural condition
- 151.05 Minimum standards for basic equipment and facilities
- 151.06 Minimum standards for ventilation
- 151.07 Minimum standards for space, use and location
- 151.08 Minimum standards for safe and sanitary maintenance
- 151.09 Minimum standards for control of insects, rodents and infestations
- 151.10 Minimum standards applicable to rooming houses; exceptions.
- 151.11 Responsibilities of owners and occupants
- 151.12 Duties of Building Inspector
- 151.13 Powers of Building Inspector
- 151.14 Inspections; duty of owners and occupants
- 151.15 Procedure for enforcement
- 151.16 Methods of service of complaints and orders
- 151.17 In rem action by Inspector; placarding
- 151.18 Costs a lien on premises
- 151.19 Additional and alternative remedies
- 151.20 Conflict with other provisions
- 151.21 Violations

- 151.99 Penalty

§ 151.01 FINDING; PURPOSE.

Pursuant to G.S. § 160A-441, it is hereby found and declared that there exists in the town, dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities and due to other conditions rendering such dwellings unsafe or unsanitary and dangerous and detrimental to the health, safety and morals and otherwise inimical to the welfare of the residents of the town. In order to protect the health, safety and welfare of the residents of the town as authorized by G.S. Chapter 160A, Article 19, Part 6, it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. § 160A-443.

(1992 Code, § 151.01) (Ord. passed 8-13-1990)

§ 151.02 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them

by this section.

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

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

DETERIORATED. A dwelling is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this chapter, at a cost not in excess of 50% of its value, as determined by finding of the Inspector.

DILAPIDATED. A dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this chapter, at a cost not in excess of 50% of its value, as determined by finding of the Inspector.

DWELLING. Any building, structure, manufactured home or mobile home or part thereof used and occupied for human habitation or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home which is used solely for a seasonal vacation purpose. When the term is used in this chapter it shall be construed as though followed by the words "or any part thereof."

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating. When the term is used in this chapter it shall be construed as though followed by the words "or any part thereof."

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

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

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

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

INSPECTOR. A Building Inspector of the town or any agent of the Inspector who is authorized by the Inspector.

MANUFACTURED HOME or **MOBILE HOME.** A structure as defined in G.S. § 143-145(7).

MULTIPLE DWELLING. Any dwelling containing more than two dwelling units.

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

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

OWNER. Any person who alone or jointly or severally with others:

- (1) Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

PARTIES IN INTEREST. All individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof.

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

PREMISES. When used in this chapter, shall be construed as though followed by the words "or any part thereof."

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

PUBLIC OFFICER. The officer or officers who are authorized by ordinance to exercise the powers prescribed by this chapter and G.S. Chapter 160A, Article 19, Part 6.

ROOMING HOUSE. Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father or sister or brother of the owner or operator. When the term is used in this chapter it shall be construed as though followed by the words "or any part thereof."

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes. When the term is used in this chapter it shall be construed as though followed by the words "or any part thereof."

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

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

TEMPORARY HOUSING. Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than 30 consecutive days.

UNFIT FOR HUMAN HABITATION. Conditions exist in a dwelling which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

(1992 Code, § 151.02) (Ord. passed 8-13-1990)

§ 151.03 MINIMUM STANDARDS OF FITNESS FOR DWELLINGS AND DWELLING UNITS.

Every dwelling and dwelling unit used as a human habitation shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of §§ 151.04 through 151.09. No person shall occupy as owner-occupant or let to another for occupancy or use as a human habitation any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of §§ 151.04 through 151.09.

(1992 Code, § 151.03) (Ord. passed 8-13-1990)

§ 151.04 MINIMUM STANDARDS FOR STRUCTURAL CONDITION.

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

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

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

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

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

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

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

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

(I) There shall be no use of the ground for floors or wood floors on the ground.

(1992 Code, § 151.04) (Ord. passed 8-13-1990)

§ 151.05 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.

(A) *Plumbing system.*

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

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

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

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

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

(1) Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of 70° F. measured at a point three feet above the floor during ordinary winter conditions.

(2) Other heating facilities. Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents whereby heating appliances may be connected so as to heat all habitable rooms with a minimum temperature of 70° F. measured three feet above the floor during ordinary winter conditions.

(C) *Electrical system.*

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

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

(3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used and installed in accordance with the town Electrical Code.

(1992 Code, § 151.05) (Ord. passed 8-13-1990) Penalty, see § 151.99

§ 151.06 MINIMUM STANDARDS FOR VENTILATION.

(A) *General.* Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstructing structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of such room.

(B) *Habitable rooms.* Every habitable room shall have at least one window or skylight which can easily be opened or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight type window size as required or shall have other approved, equivalent ventilation.

(C) *Bathroom and water closet rooms.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

(1992 Code, § 151.06) (Ord. passed 8-13-1990)

§ 151.07 MINIMUM STANDARDS FOR SPACE, USE AND LOCATION.

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

(1) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants and at least 75 square feet of additional habitable floor area for each additional occupant.

(2) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

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

(C) *Floor area calculation.* Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than 10% of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half feet shall not be considered as part of the floor area computing the total area of the room to determine maximum permissible occupancy.

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

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

- (1) The floor and walls are substantially watertight;
 - (2) The total window area, total openable window area and ceiling height are equal to those required for habitable rooms;
 - (3) The required minimum window area of every habitable room is entirely above the grade adjoining the window area, except where the window or windows face a stairwell, window well or access way.
- (1992 Code, § 151.07) (Ord. passed 8-13-1990) Penalty, see § 151.99

§ 151.08 MINIMUM STANDARDS FOR SAFE AND SANITARY MAINTENANCE.

- (A) *Exterior foundation, walls and roofs.* Every foundation wall, exterior wall and exterior roof shall be substantially weather-tight, watertight and rodent-proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.
- (B) *Interior floors, walls and ceilings.* Every floor, interior wall and ceiling shall be substantially rodent-proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (C) *Windows and doors.* Every window, exterior door, basement or cellar door and hatchway shall be substantially weather-tight, watertight and rodent-proof; and shall be kept in sound working condition and good repair.
- (D) *Stairs, porches and appurtenances.* Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- (E) *Bathroom floors.* Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (F) *Supplied facilities.* Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.
- (G) *Drainage.* Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.
- (H) *Noxious weeds.* Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.
- (I) *Egress.* Every dwelling unit shall be provided with adequate means of egress as required by the Town Building Code.

(1992 Code, § 151.08) (Ord. passed 8-13-1990) Penalty, see § 151.99

§ 151.09 MINIMUM STANDARDS FOR CONTROL OF INSECTS, RODENTS AND INFESTATIONS.

- (A) *Screens.* In every dwelling unit, for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied and installed screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens installed.
- (B) *Rodent control.* Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.
- (C) *Infestation.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.
- (D) *Rubbish storage and disposal.* Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by town ordinances and the owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.
- (E) *Garbage storage and disposal.* Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit to be approved by the Inspector, in the structure for the use of the occupants of each dwelling unit or an approved outside garbage can as required by town ordinances.

(1992 Code, § 151.09) (Ord. passed 8-13-1990) Penalty, see § 151.99

§ 151.10 MINIMUM STANDARDS APPLICABLE TO ROOMING HOUSES; EXCEPTIONS.

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

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

(B) *Minimum floor area for sleeping purposes.* Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

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

(D) *Sanitary facilities.* Every water closet, flush urinal, lavatory basin and bathtub or shower required by division (A) above shall be located within the rooming house and within a room or rooms which afford privacy and are separate from the habitable rooms and which are accessible from a common hall and without going outside the rooming house or through any other room therein.

(1992 Code, § 151.10) (Ord. passed 8-13-1990) Penalty, see § 151.99

§ 151.11 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

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

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

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

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

(E) *Care of facilities, equipment and structure.* No occupant shall willfully destroy, deface or impair any of the facilities or equipment or any part of the structure of a dwelling or dwelling unit.

(1992 Code, § 151.11) (Ord. passed 8-13-1990) Penalty, see § 151.99

§ 151.12 DUTIES OF BUILDING INSPECTOR.

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

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

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

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

(D) To perform such other duties as may be herein prescribed.

(1992 Code, § 151.12) (Ord. passed 8-13-1990)

§ 151.13 POWERS OF BUILDING INSPECTOR.

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

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

habitation;

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

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

(D) To appoint and fix the duties of such officers, agents and employees as he or she deems necessary to carry out the purposes of this chapter; and

(E) To delegate any of his or her functions and powers under this chapter to other officers and other agents.

(1992 Code, § 151.13) (Ord. passed 8-13-1990)

§ 151.14 INSPECTIONS; DUTY OF OWNERS AND OCCUPANTS.

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

(1992 Code, § 151.14) (Ord. passed 8-13-1990)

§ 151.15 PROCEDURE FOR ENFORCEMENT.

(A) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the Inspector by a public authority or by at least five residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in the dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten, nor more than 30, days after the serving of said complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. Notice of the hearing shall also be given to at least one of the persons signing a petition relating to the dwelling. Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector.

(B) *Procedure after hearing.* After such notice and hearing, the Inspector shall state in writing his or her determination whether the dwelling or dwelling unit is unfit for human habitation and if so, whether it is deteriorated or dilapidated. If the Inspector determines that the dwelling or dwelling unit is deteriorated, he or she shall state in writing his or her findings of fact in support of the determination and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter and improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a specified period of time not to exceed 90 days. The order may also direct and require the owner to vacate and close the dwelling or dwelling unit until the repairs, alterations and improvements have been made. If the Inspector determines that the dwelling is dilapidated, he or she shall state in writing his or her findings of fact to support the determination and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to vacate and close the dwelling and to remove or demolish the same within a specified period of time, not to exceed 90 days.

(C) *Failure to comply with order.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector issued pursuant to this chapter, the Inspector shall secure the issuance of a warrant charging such owner with a violation of the minimum standards of fitness established by this chapter, as provided in § 151.21 and shall cause to be served upon such owner another order directing the owner to repair, alter or improve same within a specified period of time, not to exceed 90 days. If the owner shall fail to comply with the order within the time specified therein, the Inspector shall submit to the Council an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter. If the owner of a dilapidated dwelling shall fail to comply with an order of the Inspector to vacate and close and remove or demolish, the same within the time specified in the order, the Inspector shall secure the issuance of a warrant charging the owner with a violation of the minimum standards of fitness established by this chapter, as provided in § 151.21 and shall submit to the Council an ordinance ordering the Inspector to cause such dwelling to be vacated and closed and removed or demolished and pending such removal or demolition, to placard such dwelling as provided by G.S. § 160A-443 and § 151.17 of this chapter. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the Housing Code. The ordinance shall be recorded in the County Register of Deeds and shall be indexed in the name of the property owner in the grantor index.

(D) *Appeal.* Where compliance with an order of the Inspector or where the literal application of the provisions of this chapter would appear to cause undue hardship on an owner or other party in interest or when it is claimed that the true intent and meaning of this chapter or any of the minimum standards or requirements herein have been wrongly interpreted, the owner or other party in interest may appeal from the order of the Inspector to the Zoning Board of Adjustment in accordance with G.S. § 160A-446.

(1) Notice of appeal shall be in writing and filed in the office of the Town Clerk/Manager within ten days after service of the order of the Inspector and shall be on forms provided by the Inspector. The appeal shall be placed on the agenda for hearing by the Board of Adjustment at its next regular meeting.

(2) The Board of Adjustment upon such appeal and after a hearing, may extend the time for compliance with the Inspector's order or vary the application of any provision of this chapter in hardship cases, when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this chapter or the public interest or when, in its opinion, the interpretation of the Inspector was wrong and should be modified or reversed. In hardship cases, a hardship peculiar to the appellant must be shown.

(3) A decision of the Board of Adjustment to extend the time for compliance with an order of the Inspector or to vary the application of any provision of this chapter or to modify an order of the Inspector, shall specify in what manner the extension, variation or modification is made, the conditions upon which it is made and the reasons therefor.

(4) Every such decision of the Board of Adjustment shall be in writing and shall be promptly filed in the office of the Inspector and shall be open to public inspection; a certified copy shall be sent by mail or otherwise, to the appellant.

(5) If a decision of the Board of Adjustment reverses or modifies a refusal, order or disallowance of the Inspector or varies the application of any provision of this chapter, the Inspector shall immediately take action in accordance with the decision.

(6) Nothing in this division (D) shall be construed to prevent an owner or other party in interest from exercising the right of petition for judicial review of an order of the Inspector, as provided by G.S. § 160A-446 and division (E) below.

(E) *Petition to Superior Court* The owner or any other person affected by an order of the Inspector shall have the right, within 60 days following service of the order, to petition the Superior Court for a temporary injunction restraining enforcement of the order and for a hearing and determination of the validity thereof, as provided by G.S. § 160A-446.

(1992 Code, § 151.15) (Ord. passed 8-13-1990)

§ 151.16 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail, but if the identities of any owners or the whereabouts of the persons are unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, the Inspector shall make an affidavit to that effect and the serving of the complaint or order upon such person may be made by publication in a newspaper having general circulation in the town at least once no later than the time at which personal service would be required under the provisions of G.S. §§ 60A-441 through 160A-450. A copy of the complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of the complaint or order shall also be filed in the proper office for the filing of *lis pendens* notices in the county and the filing of the complaint shall have the same force and effect as other *lis pendens* notices provided by law.

(1992 Code, § 151.16) (Ord. passed 8-13-1990)

§ 151.17 IN REM ACTION BY INSPECTOR; PLACARDING.

After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this chapter and upon adoption by the Council of an ordinance authorizing and directing him or her to do so as provided by G.S. § 160A-443 and § 151.15(C) of this chapter, the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter or to be vacated and closed and removed or demolished, as directed by the ordinance of the Council and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

(1992 Code, § 151.17) (Ord. passed 8-13-1990)

§ 151.18 COSTS A LIEN ON PREMISES.

As provided by G.S. § 160A-443, the amount of the cost of any repairs, alteration or improvements or vacating and closing or removal or demolition, caused to be made or done by the Inspector pursuant to § 151.17 of this chapter shall be a lien against the real property upon which such cost was incurred.

(1992 Code, § 151.18) (Ord. passed 8-13-1990)

§ 151.19 ADDITIONAL AND ALTERNATIVE REMEDIES.

(A) In accordance with G.S. § 160A-441, the town may require the repair, closing or demolition of any abandoned structure which the Council finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary facilities. The same provisions and procedures shall be used as are prescribed in this chapter for the repair, closing or demolition of dwellings found to be unfit for human habitation.

(B) Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise and the enforcement of any

remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

(1992 Code, § 151.19) (Ord. passed 8-13-1990)

§ 151.20 CONFLICT WITH OTHER PROVISIONS.

In the event any provision, standard or requirement of this chapter is found to be in conflict with any provision of any other ordinance or code of the town, the provision which establishes the higher standard or more stringent requirement for the promotion of the health and safety of the residents of the town shall prevail.

(1992 Code, § 151.20) (Ord. passed 8-13-1990)

§ 151.21 VIOLATIONS.

It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same or to vacate and close and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order and each day that any such failure, neglect or refusal to comply with the order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to § 151.15 of this chapter, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration or improvement or its vacation and closing and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense. The violation of any provision of this chapter shall constitute a misdemeanor, as provided by G.S. § 14-4. If any occupant fails to comply with an order to vacate a dwelling, the Inspector may file a civil action in the name of the town to remove such occupant in accordance with G.S. § 160A-443(7).

(1992 Code, § 151.21) (Ord. passed 8-13-1990) Penalty, see § 151.99

§ 151.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

(a) A citation for the civil penalty shall be issued by the Police Chief.

(b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(1992 Code, § 151.99)

CHAPTER 152: SUBDIVISION REGULATIONS

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Appendix A: Street Design Specifications

GENERAL PROVISIONS

§ 152.01 TITLE.

This chapter shall be known and may be cited as the "Subdivision Regulations of the Town of Four Oaks, North Carolina", and may be referred to as the "Subdivision Regulations".

(1992 Code, § 152.01) (Ord. passed 5-5-1986; Ord. passed 3-19-2007)

§ 152.02 PURPOSE.

The purpose of this chapter is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the town. It is further designed to provide for the orderly growth and development of the town for the coordination of streets and highways within the proposed subdivisions with existing or planned streets and highways and with other public facilities for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of right-of-way or easements for street and utility purposes and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety and the general welfare. This chapter is designed to further facilitate adequate provision of water, sewerage, parks, schools and playgrounds and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

(1992 Code, § 152.02) (Ord. passed 5-5-1986; Ord. passed 3-19-2007)

§ 152.03 AUTHORITY.

This chapter is adopted under the authority and provisions of G.S. §§ 160A-371 through 160A-376.

(1992 Code, § 152.03) (Ord. passed 5-5-1986; Ord. passed 3-19-2007)

§ 152.04 JURISDICTION.

The regulations contained herein, as provided in G.S. §§ 160A-360*et seq.* shall govern each and every subdivision within the town and its extraterritorial jurisdiction as shown on the official extraterritorial boundary map.

§ 152.05 DEFINITIONS.

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

ALLEY. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

BLOCK. A piece of land bounded on one or more sides by streets or roads.

BUFFER STRIP. A planted strip of land which shall be a minimum of 16 feet in width and shall be composed of evergreen bushes, trees, and/or shrubs such that at least two rows are provided from the ground to a height of six feet within six years and foliage overlaps within six years.

BUILDING SETBACK LINE. A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

CORNER LOT. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

CUL-DE-SAC. A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

DEDICATION. A gift, by the owner or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument and is completed with an acceptance.

DOUBLE FRONTAGE LOT. A continuous (through) lot which is accessible from both streets upon which it fronts.

EASEMENT. A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation or persons.

FREEWAY, EXPRESSWAY or PARKWAY. Divided multilane roadway designed to carry large volumes of traffic at relatively high speeds.

(1) **FREEWAY.** A divided highway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps.

(2) **EXPRESSWAY.** A divided highway with full or partial control of access and generally with grade separations at major intersections.

(3) **PARKWAY.** A highway for noncommercial traffic, with full or partial control of access and usually located within a park or ribbon of park-like development.

FRONTAGE ROAD. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

HALF STREET. A street whose centerline coincides with a subdivision plat boundary, with one-half the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

INTERIOR LOT. A lot other than a corner lot with only one frontage on a street.

LOCAL RESIDENTIAL STREET. Cul-de-sacs, loop streets less than 2,500 feet in length or streets less than one mile in length that do not connect thoroughfares or serve major traffic generators and do not collect traffic from more than 100 dwelling units.

LOCAL ROAD. A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

LOCAL STREET. A local street is any link not part of a higher-order urban system which serves primarily to provide direct access to abutting land and access to higher systems.

LOT. A portion of a subdivision or any other parcel of land, intended as a unit of transfer of ownership or for development or both.

LOT OF RECORD. A lot which is part of a subdivision which has been recorded in the office of the Register of Deeds of the county in which it is located prior to the adoption of this chapter or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this chapter.

MAJOR COLLECTOR. A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.

MAJOR THOROUGHFARES. Major thoroughfares consist of interstate, other freeway and expressway links and major streets that provide for the expeditious movement of volumes of traffic within the through urban areas.

MINOR ARTERIAL. A rural link in a network joining cities and larger towns and providing intrastate and intercounty service at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

MINOR COLLECTOR. A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

MINOR THOROUGHFARES. Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.

OFFICIAL MAPS OR PLANS. Any maps or plans officially adopted by the Council of the town.

OPEN SPACE. An area (land and/or water) generally lacking in manmade structures and reserved for enjoyment in its unaltered state.

PLAT. A map or plan of a parcel of land which is to be or has been subdivided.

PRINCIPAL ARTERIAL. A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.

PRIVATE DRIVEWAY. A roadway serving two or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

PRIVATE STREET. An undedicated private right-of-way (minimum 20 feet wide) which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. § 136-102.6.

PUBLIC SEWAGE DISPOSAL SYSTEM. A system serving two or more dwelling units and approved by the County Health Department of the county of which it is located and/or the North Carolina Department of Environment, Health and Natural Resources.

RECREATION AREA OR PARK. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

RESERVATION. A reservation of land does not involve any transfer of property free from development for a stated period of time.

RESIDENTIAL COLLECTOR STREET. A local access street which serves as a connector street between local residential streets and the thoroughfare system. **RESIDENTIAL COLLECTOR STREETS** typically collect traffic from 100 to 400 dwelling units.

REVERSED FRONTAGE LOT. A lot on which frontage is at right angles or approximately right angles (interior angles less than 135 degrees) to the general pattern in the area. A **REVERSED FRONTAGE LOT** may also be a corner lot, an interior lot or a through lot.

SINGLE-TIER LOT. A lot which backs upon a limited access highway, a railroad, a physical barrier or another type of land use and to which access from the rear is usually prohibited.

STREET. A dedicated and accepted public right-of-way for vehicular traffic (or a private road only if permitted by this chapter).

SUBDIVIDER. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this chapter.

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown in chapter.

(2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.

(3) The public acquisition by purchase of strips of land for the widening or opening of streets, and

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the town as shown in this chapter.

THROUGH LOT or **DOUBLE FRONTAGE LOT.** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

(1992 Code, § 152.05) (Ord. passed 5-5-1986; Ord. passed 3-19-2007)

§ 152.06 WORD INTERPRETATION.

For the purpose of this chapter, certain words shall be interpreted as follows:

(A) Words used in the present tense include the future tense.

(B) Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

(C) The word **PERSON** includes a firm, association, corporation, trust and company as well as an individual.

(D) The word **STRUCTURE** shall include the word **BUILDING**.

(E) The word **LOT** shall include the words **PLOT**, **PARCEL** or **TRACT**.

(F) The word **SHALL** is always mandatory and not merely directory.

(1992 Code, § 152.06) (Ord. passed 5-5-1986; Ord. passed 3-19-2007)

§ 152.07 PREREQUISITE TO PLAT RECORDATION.

After the effective date of this chapter, each individual subdivision plat of land within the town's jurisdiction shall be reviewed by the Planning Board and approved by the Council.

(1992 Code, § 152.07) (Ord. passed 5-5-1986; Ord. passed 3-19-2007)

§ 152.08 ACCEPTANCE OF STREETS.

No street shall be maintained by the town nor street dedication accepted for ownership and maintenance in any subdivision for which a plat is required to be approved unless and until the final plat has been approved by the town.

(1992 Code, § 152.08) (Ord. passed 5-5-1986; Ord. passed 3-19-2007) Penalty, see § 152.99

§ 152.09 ZONING AND OTHER PLANS.

Proposed subdivisions must comply in all respects with the requirements of the zoning ordinance in effect in the area to be subdivided and any other officially adopted plans.

(1992 Code, § 152.09) (Ord. passed 5-5-1986) Penalty, see § 152.99

Cross-reference:

Zoning ordinance adopted by reference, see § 153.01

§ 152.10 ABROGATION.

(A) It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(B) Wherever the requirements of this chapter are at variance with other requirements of lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the highest standards, shall govern.

(1992 Code, § 152.10) (Ord. passed 5-5-1986; Ord. passed 3-19-2007)

REVIEW AND APPROVAL OF SUBDIVISION PLATS

§ 152.25 PLAT SHALL BE REQUIRED ON ANY SUBDIVISION OF LAND.

Pursuant to G.S. § 160A-372, a final plat shall be prepared, approved and recorded pursuant to the provisions of this chapter whenever any subdivision of land takes place.

(1992 Code, § 152.20) (Ord. passed 5-5-1986; Ord. passed 3-19-2007)

§ 152.26 APPROVAL PREREQUISITE TO PLAT RECORDATION.

Pursuant to G.S. § 160A-373, no final plat of a subdivision within the jurisdiction of the town as established in § 152.04 shall be recorded by the appropriate Register of Deeds until it has been approved by the Council as provided herein. To secure such approval of a final plat the subdivider shall follow the procedures established in this subchapter.

(1992 Code, § 152.21) (Ord. passed 5-5-1986; Ord. passed 3-19-2007)

§ 152.27 PROCEDURES FOR REVIEW OF SUBDIVISIONS.

Subdivisions shall be reviewed in accordance with the procedures in this subchapter.

(A) *Sketch plan for subdivisions.* Prior to the preliminary plat submission, the subdivider may submit to the Planning Board two copies of a sketch plan of the proposed subdivision containing the following information:

(1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;

(2) The boundaries of the tract and the portion of the tract to be subdivided;

(3) The total acreage to be subdivided;

(4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;

(5) The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots; the existing and proposed method of providing water and sanitary sewer service. The existing and proposed method of storm water drainage and street lighting.

(6) The name, address and telephone number of the owner;

(7) The name, if any, of the proposed subdivision;

(8) Streets and lots of adjacent developed or platted properties;

(9) The zoning classification of the tract and of adjacent properties;

(10) A statement from the appropriate County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other on-site water or wastewater systems are to be used in the subdivision;

(B) Submission and review procedure for sketch plan.

(1) The sketch plan shall be submitted at least seven days prior to the Planning Board meeting at which it will be reviewed. The Planning Board shall review the sketch plan for general compliance with the requirements of this chapter and Chapter 153, Zoning Code; the Planning Board shall advise the subdivider or his or her authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats.

(2) One copy of the sketch plan shall be retained as a part of the minutes of the Planning Board with the other copy being returned to the subdivider or his or her authorized agent.

(C) Submission procedure for preliminary plat.

(1) For every subdivision within the territorial jurisdiction established by §152.04, the subdivider shall submit a preliminary plat which shall be reviewed by the Planning Board and approved by the Council before any construction or installation of improvements may begin.

(2) Three copies of the preliminary plat (as well as any additional copies which the Subdivision Administrator determines are needed to be sent to other agencies) shall be submitted to the Administrator of this chapter at least seven days prior to the Planning Board meeting at which the subdivider desires the Planning Board to review the preliminary plat. Submission of the preliminary plat shall be accompanied by a filing fee, paid by the subdivider, in accordance with the town's fee schedule.

(3) Preliminary plats shall meet the specifications in §152.29.

(D) Review by other agencies. After having received the preliminary plat from the subdivider, the Subdivision Administrator shall submit copies of the preliminary plat and any accompanying material to other officials and agencies concerned with new development including, where applicable, but not limited to: The appropriate county health department, the Street Maintenance Superintendent, the Director of Public works, the District Engineer of the North Carolina Department of Transportation (four copies) and the County Soil Conservation Service, for review and recommendation.

(E) Review procedure.

(1) The Planning Board shall review the preliminary plat at or before its next regularly scheduled meeting which follows at least seven days after the Subdivision Administrator receives the preliminary plat and the comments from the appropriate agencies.

(2) The Planning Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance or disapproval with reasons, within 40 days of its first consideration of the plat.

(3) If the Planning Board recommends approval of the preliminary plat, it shall retain one copy of the plat for its minutes and transmit two copies of the plat to the Council with its recommendation.

(4) If the Planning Board recommends conditional approval of the preliminary plat, it shall keep one copy of the plat for its minutes, transmit two copies of the plat and its recommendation to the Council and return the remaining copy of the plat and its recommendation to the subdivider.

(5) If the Planning Board recommends disapproval of the preliminary plat, it shall retain one copy of the plat for its minutes, transmit one copy of the plat and its recommendation to the Council and return the remaining copy of the plat and its recommendation to the subdivider.

(6) If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat or appeal the decision to the Council.

(7) If the Planning Board does not make a written recommendation within 40 days after its first consideration of the plat, the subdivider may apply to the Council for approval or disapproval.

(8) If the Council approves the preliminary plat, such approval shall be noted on two copies of the plat. One copy of the plat shall be retained by the Council and one copy shall be returned to the subdivider. If the Council approves the preliminary plat with conditions, approval shall be noted on two copies of the plat along with a reference to the conditions. One copy of the plat along with the conditions shall be retained by the Council and one copy of the preliminary plat along with the conditions shall be returned to the subdivider. If the Council disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One copy of the plat and the reasons shall be retained by the Council and one copy shall be returned to the subdivider.

(1992 Code, § 152.22) Ord. passed 5-5-1986; Ord. passed 3-19-2007)

§ 152.28 FINAL PLAT SUBMISSION AND REVIEW.

(A) *Preparation of final plat and installation of improvements* Upon approval of the preliminary plat by the Council, the subdivider may proceed with the preparation of the final plat and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this chapter. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this chapter or guaranteed their installation as provided herein. No final plat will be accepted for review by the Planning Board or the Council unless accompanied by written notice by the Town Clerk/Manager acknowledging compliance with the improvement and guarantee standards of this chapter. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time, such portion shall conform to all requirements of this chapter.

(B) *Improvements guarantees.*

(1) *Agreement and security required.* In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the town may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once the agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Council if all other requirements of this chapter are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Council, either one or a combination of the following guarantees not exceed one and one-fourth times the entire cost as provided herein:

(a) *Surety performance bonds.* The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in this state. The bonds shall be payable to the town and shall be in an amount equal to one and one-fourth times the entire cost, as estimated by the subdivider and approved by the Council, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Council.

(b) *Cash or equivalent security.* The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the town or in escrow with a financial institution designated as an official depository of the town. The use of any instrument other than cash shall be subject to the approval of the Council. The amount of deposit shall be equal to one and one-fourth times the cost, as estimated by the subdivider and approved by the Council, of installing all required improvements. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Council an agreement between the financial institution and himself or herself guaranteeing the following:

1. The escrow account shall be held in trust until released by the Council and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and

2. In the case of a failure on the part of the subdivider to complete such improvements, the financial institution shall, upon notification by the Council and submission by the Council to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the town the funds estimated to complete the improvement, up to the full balance of the escrow account or deliver to the town any other instruments fully endorsed or otherwise made payable in full to the town.

(2) *Default.* Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety or the financial institution holding the escrow account shall, if requested by the Council, pay all or any portion of the bond or escrow fund to the town, up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Council, in its discretion, may expend the portion of the funds as it deems necessary to complete all or any portion of the required improvements. The town shall return to the subdivider any funds not spent in completing the improvements.

(3) *Release of guarantee security.* The Council may release a portion of any security posed as the improvements are completed and recommended for approval by the Subdivision Administrator. Within 40 days after receiving the Subdivision Administrator's recommendation, approved by a certified engineer of curbs and gutters, the Council shall approve or disapprove the improvements. If the Council approves the improvements, then it shall immediately release any security posted.

(C) *Submission procedure.*

(1) The subdivider shall submit the final plat, so marked, to the Subdivision Administrator not less than seven days prior to the Planning Board meeting at which it will be reviewed. The final plat for the first stage of the subdivision shall be submitted not more than 18 months after the date on which the preliminary plat was approved; otherwise, the approval shall

be null and void, unless a written extension of this limit is granted by the Council on or before the 18-month anniversary of the approval.

(2) The final plat shall be prepared by a registered land surveyor currently licensed and registered in the state by the State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions and mapping requirements set forth in G.S. § 47-30 and the *Standards of Practice for Land Surveying in North Carolina*.

(3) Five copies of the final plat shall be submitted; two of these shall be on reproducible material; three shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the *Standards of Practice for Land Surveying in North Carolina*, where applicable and the requirements of the appropriate county register of deeds.

(4) The final plat shall be of a size suitable for recording with the appropriate county register of deeds and shall be at a scale of not less than one-inch equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines.

(5) The final plat shall meet the specifications in §152.29.

(6) The following signed certificates shall appear on all five copies of the final plat:

(a) *Certificate of ownership and dedication.*

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the town of Four Oaks and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines and dedicate all streets, alleys, walks, parks and other sites and easements to public or private use as noted.

Furthermore, I hereby dedicate all sanitary sewer, storm sewer and water lines to the Town of Four Oaks.

Owners

Date

(b) *Certificate of Survey and Accuracy.*

1. In accordance with G.S. § 47-30, there shall appear on the plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any office authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only one sheet must contain the certification and all other sheets must be signed and sealed.

2. The certificate required above shall include the source of information for the survey and data indicating the ratio of precision of the survey before the adjustments and shall be in substantially the following form:

I, _____ certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision as calculated is 1: ____; that this plat was prepared in accordance with G.S. § 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____, A.D. 20____.

Seal or stamp

Surveyor

Registration Number

(7) The certificate of the notary shall read as follows:

North Carolina, _____ County.

I, _____ a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 20____.

Seal or stamp

Notary Public _____

My Commission expires _____

(8) The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least seven days after the Subdivision Administrator receives the final plat and shall recommend approval, conditional approval with modifications to bring the plat into compliance or disapproval of the final plat with reasons within 40 days of its first consideration of the plat.

(9) During its review of the final plat, the Planning Board may appoint a registered land surveyor to confirm the accuracy of the final plat (if agreed to by the Council). If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until the errors have been corrected.

(10) If the Planning Board recommends approval of the final plat it shall transmit all copies of the plat and its written recommendations to the Council through the Subdivision Administrator.

(11) If the Planning Board recommends conditional approval of the final plat with notifications to bring the plat into compliance, it shall retain one print of the plat for its minutes, return its written recommendations and two reproducible copies of the plat to the subdivider and transmit one print of the plat and its written recommendation to the Council through the Subdivision Administrator.

(12) If the Planning Board recommends disapproval of the final plat, it shall instruct the subdivider concerning resubmission of the revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this chapter and resubmit the revised plat for reconsideration by the Planning Board or appeal the decision to the Council.

(13) Failure of the Planning Board to make a written recommendation within 40 days shall constitute grounds for the subdivider to apply to the Council.

(14) If the Planning Board recommends approval or conditional approval with modifications to bring the plat into compliance or the subdivider appeals to the Council, the Council shall review and approve or disapprove the final plat within 65 days after the plat and recommendations of the Planning Board have been received by the Subdivision Administrator.

(15) If the Council approves the final plat, the approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of Approval for Recording:

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulation of the Town of Four Oaks, North Carolina and that this plat has been approved by the Council of the Town of Four Oaks for recording in the Office of the Register of Deeds of Johnston County.

Mayor Date

Town of Four Oaks, North Carolina

ATTESTED BY

Town Clerk/Manager

(16) If the final plat is disapproved by the Council, the reasons for such disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply. One copy of such reasons and one print of the plat shall be retained by the Council as part of its proceedings; one copy of the reasons and three copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board and the Council or by the Council as determined by the Council.

(17) If the final plat is approved by the Council, the original tracing and one print of the plat shall be retained by the subdivider. One reproducible tracing and one print shall be filed with the Town Clerk/Manager and one print shall be returned to the Planning Board for its records.

(18) The subdivider shall file the approved final plat with the register of deeds of the appropriate county within 60 days of the Council approval; otherwise such approval shall be null and void.

(1992 Code, § 152.24) (Ord. passed 5-5-1986) Penalty, see § 152.99

§ 152.29 INFORMATION TO BE CONTAINED IN OR DEPICTED ON PRELIMINARY AND FINAL PLATS.

The preliminary and final plats shall depict or contain the information indicated in the following table. An X indicates that the information is required.

<i>Information</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
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Information	Preliminary Plat	Final Plat
Title block containing:		
Property designation	X	X
Name of owner	X	X
Location (including township, county and state)	X	X
Date or dates survey was conducted and plat prepared	X	X
A scale of drawing in feet per inch listed in words or figure	X	X
A bar graph	X	X
Name, address, registration number and seal of the registered land surveyor	X	X
The name of the subdivider	X	X
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	X	X
Corporate limits, township boundaries, county lines if on the subdivision tract	X	X
The names, addresses and telephone numbers of all owners, mortgagees, registered land surveyors, land planners architects, landscape, architects and professional engineers responsible for the subdivision	X	X
The registration numbers and seals of the professional engineers	X	X
Date of plat preparation	X	X
North arrow and orientation	X	X
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown.	X	X
The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings and the location of existing boundary lines of adjoining lands		X
The names of owners of adjoining properties	X	X
The names of any adjoining subdivisions of record or proposed and under review	X	X
Minimum building setback lines	X	X
The zoning classifications of the tract to be subdivided and adjoining properties	X	X
Existing property lines on the tract to be subdivided and on adjoining properties	X	X
Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	X	X
Proposed lot lines, lot and block numbers and approximate dimensions	X	
The lots numbered consecutively throughout the subdivision		X
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds and any other natural features affecting the site	X	
Cemeteries/family plots	X	X
The exact location of the flood hazard, floodway and floodway fringe areas from the community's FHBM or other FEMA maps	X	X
The following data concerning streets:		
Proposed streets	X	X
Existing and platted streets on adjoining properties and in the proposed subdivision	X	X
Rights-of-way, location and dimensions	X	X
Pavement widths	X	

Approximate grades	X	
Design engineering data for all corners and curves	X	X
Typical street cross-sections	X	
Street names	X	X
Street maintenance agreement in accordance with §152.49		X
Type of street dedication; all streets must be designated either "public" or "private." Where public streets are involved which will be dedicated to the town the subdivider must submit all street plans to the Subdivision Administrator for approval prior to preliminary plat approval. Where public streets are involved which will not be dedicated to a municipality, the subdivider must submit the following documents to the N.C. Department of Transportation District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; (the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist); typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas.	X	X
Where streets are dedicated to the public, but not accepted into a municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with § 152.49(B).		X
If any street is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the North Carolina Department of Transportation, Division of Highways' Manual on driveway regulations.		
Evidence that the subdivider has obtained such approval		X
The location and dimensions of all:		
Utility and other easements	X	X
Riding trails	X	X
Natural buffers	X	X
Pedestrian or bicycle paths	X	X
Parks and recreation areas with specific type indicated	X	X
Schools sites	X	X
Areas to be dedicated to or reserved for public use	X	X
Areas to be used for purposes other than residential with the purpose of each stated	X	X
Areas to be used for purposes other than residential with the purpose of each stated	X	X
The future ownership (dedication or reservation for public use to governmental body, for owners to duty constituted homeowners' association or for tenants remaining in subdivider's ownership) of recreation and open space lands	X	
The plans for utility layouts including:		
Sanitary sewers	X	
Storm sewers	X	
Other drainage facilities, if any	X	
Water distribution lines	X	
Natural gas lines	X	
Telephone lines	X	
Electric lines illustrating connections to existing systems, showing lines sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves	X	
Plans for individual water supply and sewage disposal systems, if any	X	X

Profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers	X	
Site calculations including:		
Acreage in total tract to be subdivided	X	
Acreage in parks and recreation areas and other nonresidential uses	X	
Total number of parcels created	X	
Acreage in the smallest lot in the subdivision	X	
Linear feet in streets	X	
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places	X	X
Sufficient engineering data to determine readily and reproduce on the ground every straight or curved lined, street line, lot line, right-of-way line, easement line and setback line, including dimensions, bearings or deflection angles, radii, central angles and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minutes	X	
The accurate locations and descriptions of all monuments, markers and control points	X	
A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established	X	X
A copy of the erosion control plan submitted to the appropriate authority, if such a plan is required	X	
Topographic map with contour intervals of no greater than two feet at a scale of no less than 1-inch = 200 feet	X	
All certifications		X
Any other information considered by either the subdivider, Planning Board or the Council to be pertinent to the review of the plat	X	X
Streets, water, sanitary sewer and storm sewer plans shall be prepared by a registered professional engineer	X	

(1992 Code, § 152.24) (Ord. passed 5-5-1986; Ord. passed 3-19-2007)

§ 152.30 RECOMBINATION OF LAND.

(A) Any plat or any part of any plat may be vacated by the owners at any time before the sale of any lot in the subdivision by a written instrument to which a copy of the plat shall be attached, declaring the same to be vacated.

(B) Such an instrument shall be approved by the same agencies as approved the final plat. The Council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

(C) Such an instrument shall be executed, acknowledged or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in the streets, alleys and public grounds and all dedications laid out or described in the plat.

(D) When lots have been sold, the plat may be vacated in the manner provided in divisions (A) through (C) of this section, by all owners of the lots in the plat joining in the execution of the writing.

(1992 Code, § 152.25) (Ord. passed 5-5-1986; Ord. passed 3-19-2007)

§ 152.31 RESUBDIVISION PROCEDURES.

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

(1992 Code, § 152.26) (Ord. passed 5-5-1986; Ord. passed 3-19-2007)

REQUIRED IMPROVEMENTS AND MINIMUM DESIGN STANDARDS

§ 152.45 GENERAL STATEMENT.

Each subdivision shall contain the improvements specified in this subchapter, which shall be installed in accordance with the requirements of this chapter and paid for by the subdivider, unless other means of financing are specifically stated in this chapter. Land shall be dedicated and reserved in each subdivision as specified in this subchapter. Each subdivision shall adhere to the minimum standards of design established by this subchapter.

(1992 Code, § 152.40) (Ord. passed 5-5-1986; Ord. passed 3-19-2007) Penalty, see § 152.99

§ 152.46 SUITABILITY OF LAND.

(A) Land which has been determined by the Council on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct such conditions and to eliminate the dangers.

(B) Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the appropriate County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

(1992 Code, § 152.41) (Ord. passed 5-5-1986; Ord. 3-19-2007) Penalty, see § 152.99

§ 152.47 NAME DUPLICATION.

The name of the subdivision shall not duplicate nor closely approximate the name of existing subdivisions within the county in which the subdivision is located, nor within the town.

(1992 Code, § 152.42) (Ord. passed 5-5-1986; Ord. 3-19-2007) Penalty, see § 152.99

§ 152.48 SUBDIVISION DESIGN.

(A) *Blocks.*

(1) The lengths, widths and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.

(2) Blocks shall not be less than 300 feet or more than 600 feet.

(3) Blocks shall have sufficient width to allow two tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions or where abutting a water area.

(4) Where deemed necessary by the Council, a pedestrian crosswalk at least 15 feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area or to areas such as shopping centers, religious or transportation facilities.

(5) Block numbers shall conform to the town street numbering system, if applicable.

(B) *Lots.*

(1) All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of Chapter 153, Zoning Code. It is not sufficient merely for the average lot to meet zoning requirements.

(2) Lots shall meet any applicable County Health Department requirements.

(3) Double frontage lots shall be avoided wherever possible.

(4) Side lot lines shall be substantially at right angle to or radial to street lines.

(C) *Easements.* Easements shall be provided as follows:

(1) *Utility easements.* Easements for underground or above-ground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 20 feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas and power lines. The Council will determine whether one easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.

(2) *Drainage easements.* Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of the stream and of sufficient width as will be adequate for the purpose.

(1992 Code, § 152.43) (Ord. passed 5-5-1986; Ord. passed 3-19-2007) Penalty, see § 152.99

§ 152.49 STREETS.

(A) *Type of street required.* All subdivision lots shall abut at least 20 feet on a public street. All public streets shall be dedicated to the town, the state or the public as determined appropriate by the Council. All public streets shall be built to the

standards of this chapter and all other applicable standards of the town and the State Department of Transportation. Public streets not dedicated to the town which are eligible for acceptance into the state highway system shall be constructed to the standards necessary to be put on the state highway system or the standards in this chapter, whichever is stricter, in regard to each particulate item and shall be put on such system. Streets not dedicated to the town which are not eligible to be put on the state highway system because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards of this chapter or the standards necessary to be put on the state highway system, whichever is stricter in regard to each particulate item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the state system shall be included with the final plat.

(B) *Subdivision state disclosure statement.* All streets shown on the final plat shall be designated in accordance with G.S. § 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the state system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

(C) *Half streets.* The dedication of half streets of less than 60 feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than 60 feet of right-of-way is required, a partial width right-of-way, not less than 60 feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the subdivider; provided that the width of the partial dedication is such as to permit the installation of the facilities as may be necessary to serve abutting lots. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

(D) *Marginal access streets.* Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

(E) *Access to adjacent properties.* Where, in the opinion of the Council, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of the property and a temporary turnaround provided.

(F) *Nonresidential streets.* The subdivider of a nonresidential subdivision shall provide streets in accordance with F-4 of the North Carolina Subdivision Roads Minimum Construction Standards, May 1, 1983; and the standards of this chapter, whichever are stricter in regard to each particular item.

(G) *Design standards.* The design of all streets and roads within the jurisdiction of this chapter shall be in accordance with the accepted policies of the State Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The State Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, May 1, 1983 shall apply for any items not included in this chapter or where stricter than this chapter. The provisions of street rights-of-way shall conform to and meet the requirements of the thoroughfare plan of the town as approved by the Planning Board and adopted by the Council and the State Board of Transportation. The urban planning area shall consist of that area within the urban planning boundary as depicted on the mutually adopted town thoroughfare plan. The rural planning area shall be that area outside the urban planning boundary.

- (1) *Right-of-way widths.*
- (a) Right-of-way widths shall not be less than the following and shall apply except in those cases where right-of-way requirements have been specifically set out in the thoroughfare plan.

<i>Rural</i>	<i>Minimum Right-of-Way (Feet)</i>
<i>Rural</i>	<i>Minimum Right-of-Way (Feet)</i>
Principal arterial	
Freeway	350
Other	200
Minor arterial	100
Major collector	100
Minor collector	100
Local road	60*
Private street	20
*The desirable minimum right-of-way is established as 60 feet. If curb and gutter is provided, 50 feet of right-of-way is adequate on local residential streets.	

Urban	Minimum Right-of-Way (Feet)
Major thoroughfare other than freeway and expressway	90
Minor thoroughfare	70
Local street	60*
Cul-de-sac	50
*The desirable minimum right-of-way is established as 60 feet. If curb and gutter is provided, 50 feet of right-of-way is adequate on local residential streets.	
**The right-of-way dimension will depend on radius for vehicular turnaround. Distance from edge of pavement of turnaround to right-of-way should not be less than distance from edge of pavement to right-of-way on street approaching turnaround.	

(b) The subdivider will only be required to dedicate a maximum of 100 feet of right-of-way. In cases where over 100 feet of right-of-way is desired, the subdivider will be required only to reserve the amount in excess of 100 feet. In all cases in which right-of-way is sought for an access controlled facility, the subdivider will only be required to make a reservation.

(2) *Street widths.* Widths for street and road classifications other than local shall be as required by the thoroughfare plan. Width of local roads and streets shall be as follows:

(a) *Local residential.*

1. Curb and gutter section: 26 feet, to face of curb.
2. Shoulder section: 20 feet to edge of pavement, 4-foot shoulders.

(b) *Residential collector.*

1. Curb and gutter section: 34 feet to edge of pavement.
2. Shoulder section: 20 feet to edge of pavement, 6-foot shoulders.

(3) *Geometric characteristics.* The standards outlined below shall apply to all subdivision streets proposed for addition to the state highway system (or municipal street system). In cases where a subdivision is sought adjacent to a proposed thoroughfare corridor, the requirements of dedication and reservation discussed under right-of-way shall apply.

(a) *Design speed.* The design speeds for subdivision-type streets shall be:

		Minimum	
	Desirable	Level*	Rolling**
		Minimum	
	Desirable	Level*	Rolling**
Rural			
Minor collector roads	60	50	40
Local roads including residential collectors and local residential	50	50†	40†
Urban			
Major thoroughfares other than freeway or expressway	60	50	50
Minor thoroughfares	60	50	40
Local streets	35	35‡	35‡
*Cross slope range of 0% to 8%			
**Cross slope range of 8% to 15%			
† Based on projected annual average daily traffic of 400 through 750. In cases where road will serve a very limited area and small number of dwelling units, minimum design speeds can be reduced further, but in no case, below 25.			
‡Based on projected annual average daily traffic of 50 through 250.			

(b) *Maximum and minimum grades.*

1. The maximum grades in percent shall be:

Design Speed (mph)	Level	Rolling
60	3	4
50	4	5
40	5	6
30	-	9

2. A minimum grade for curbed streets normally should not be less than 0.5%, a grade of 0.35% may be allowed where there is a high type pavement accurately crowned and in areas where special drainage conditions may control.

3. Grades for 100 feet each way from intersections should not exceed 5%.

4. For streets and roads with projected annual average daily traffic less than 250, short grades less than 500 feet long, may be 150% greater.

(c) *Minimum sight distances.*

1. In the interest of public safety, no less than the minimum sight distance applicable shall be provided in every instance. Vertical curves that connect each change in grade shall be provided and calculated using the following parameters. (General practice calls for vertical curves to be multiples of 50 feet. Calculated lengths shall be rounded up in each case):

	Design Speed MPH				
	20	30	40	50	60
	Design Speed MPH				
	20	30	40	50	60
Stopping sight distance					
Min. stopping distance, feet	150	200	275	350	475
Des. stopping distance, feet	150	200	300	450	650
Minimum K* value for:					
Min. crest vert. curve	16	28	55	85	160
Des. crest vert. curve	16	28	65	145	300
Min. SAG vert. curve	24	35	55	75	105
Des. SAG vert. curve	24	35	60	100	155
Passing sight distance:					
Min. passing distance, feet (2 lane)	-	1100	1500	1800	2100
Min K* value for crest vertical curve	-	365	686	985	1340
Note: K* is a coefficient by 2 which the algebraic difference in grade may be multiples to determine the length in feet of the vertical curve which will provide minimum sight distance.					

2. Sight distance provided for stopped vehicles at intersections should be in accordance with, "A Policy on Geometric Design of Rural Highways," and the provisions of Chapter 153, Zoning Code.

(d) *Degree of curve.* The following table shows the maximum degree of curve and related maximum superelevation for design speeds. The maximum rate of roadway superelevation ("e") for rural roads with no curb and gutter is 0.08. The maximum rate of superelevation for urban streets with curb and gutter is 0.06 with 0.04 being desirable.

Design Speed (mph)	Maximum e*	Minimum Radius (Rounded in feet)	Maximum Degree of Curve (Rounded in Degrees)
Design Speed (mph)	Maximum e*	Minimum Radius (Rounded in feet)	Maximum Degree of Curve (Rounded in Degrees)
20	.04	125	45.0
30	.04	300	19.0
40	.04	560	10.0

50	.04	925	6.0
60	.04	1410	4.0
20	.06	115	50.0
30	.06	275	21.0
40	.06	510	11.5
50	.06	830	7.0
60	.06	1260	4.5
20	.08	110	53.5
30	.08	250	23.0
40	.08	460	12.5
50	.08	760	7.5
60	.08	1140	5.0
*Rate of roadway superelevation, foot per foot.			

(e) *Intersections.*

1. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle less than 60 degrees.
2. Property lines at intersections should be set so that the distance from the edge of pavement, of the street turnout, to the property lines will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. This property line can be established as a radius or as a sight triangle. Greater offsets from the edge of pavement to the property lines will be required, if necessary, to provide sight distance for the vehicle on the side street.
3. Offset intersections are to be avoided unless exception is granted by the Division of Highways. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between survey center lines.
4. Intersections with arterials, collectors and thoroughfares shall be at least 1,000 feet from center line to center line or more if required by the State Department of Transportation.

(f) *Cul-de-sacs.* Permanent dead-end streets should not exceed 500 feet in length unless necessitated by topography or property accessibility and in no case shall be permitted to be over 900 feet. Measurement shall be from the point where the centerline of the dead-end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than 500 to 900 feet from a through street, measured as stated above. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround. Cul-de-sacs should not be used to avoid connection with an existing street or to avoid the extension of an important street, unless exception is granted by the Council.

(g) *Alleys.*

1. Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access. Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.
2. The width of an alley shall be at least 20 feet.
3. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end as may be approved by the Council.
4. Sharp changes in alignment and grade shall be avoided.
5. All alleys shall be designed in accordance with State Department of Transportation Standards.

(H) *Other requirements.*

(1) *Through traffic discouraged on residential collector and local streets.* Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools or other places of public assembly.

(2) *Sidewalks.* Sidewalks may be required by the Board of Commissioners on both sides of the street in all subdivisions, multi-family developments, mixed use developments, and other areas likely to be subject to heavy pedestrian traffic such as near schools and shopping centers. Such sidewalks shall be constructed to a minimum width of five feet, and shall consist of a minimum thickness of four inches of concrete. All sidewalks shall be placed in the right-of-way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of six inches of concrete in driveway crossings. The Board of Commissioners may grant an exception to this policy in areas having very low traffic volume.

(3) *Street names.* Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, court and the like. Street names shall be subject to the approval of the Council.

(4) *Street name signs.* The subdivider shall be required to provide and erect street name signs to town standards at all intersections within the subdivision.

(5) *Permits for connection to state roads.* An approved permit is required for connection to any existing state system road. This permit is required prior to any construction on the street or road. The application is available at the office of the nearest district engineer of the Division of Highways.

(6) *Offsets to utility poles.* Poles for overhead utilities should be located clear of roadway shoulders, preferably a minimum of at least 30 feet from the edge of pavement on major thoroughfares. On streets with curb and gutter, utility poles should be set back a minimum distance of six feet from the face of curb.

(7) *Wheelchair ramps.* In accordance with G.S. § 136-44.14, all street curbs in the state being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities or altered for any reason after September 1, 1973, shall provide wheelchair ramps for the physically disabled at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

(8) *Horizontal width on bridge deck.*

(a) The clear roadway widths for new and reconstructed bridges serving two-lane, two-way traffic shall be as follows:

1. *Shoulder section approach.*

a. Under 800 ADT Design Year. Minimum 28 feet width face-to-face of parapets or rails or pavement width plus ten feet, whichever is greater.

b. 800 - 2,000 ADT Design Year. Minimum 34 feet width face-to-face of parapets or rails or pavement width plus 12 feet, whichever is greater.

c. Over 2,000 ADT Design Year. Minimum 40 feet. Desirable 44 feet width face-to-face of parapets or rails.

2. *Curbs and gutters approach.*

a. Under 800 ADT Design Year. Minimum 24 feet face-to-face of curbs.

b. Over 800 ADT Design Year. Width of approach pavement measured face-to-face of curbs. Where curb and gutter sections are used on roadway approaches, curbs on bridges shall match the curbs on approaches in height, in width of face-to-face of curbs and in crown drop. The distance from face of curb to face of parapet or rail shall be one-foot six inches minimum or greater if sidewalks are required.

(b) The clear roadway widths for new and reconstructed bridges having four or more lanes serving undivided two-way traffic shall be as follows:

1. *Shoulder section approach.* Width of approach pavement plus width of usable shoulders on the approach left and right: Min., eight feet; Des. ten feet.

2. *Curb and gutter approach.* Width of approach pavement measured face-to-face of curbs.

(9) *Curb and gutter.* Curb and gutter shall be provided in all subdivisions. Curb and gutter shall meet the specifications in Section I.C. of the State Department of Transportation *Subdivision Roads Minimum Construction Standards*, May 1, 1983. Unless otherwise specified by the Board of Commissioners, curb and gutter shall be provided along the entire length of each street in the subdivision. The Board of Commissioners may make an exception of this policy in areas having very low traffic volume.

(1992 Code, § 152.44) (Ord. passed 5-5-1986; Ord. passed 3-19-2007; Ord. passed 2-11-2019; Ord. passed 3-8-2021; Ord. passed 10-11-2021) Penalty, see § 152.99

§ 152.50 UTILITIES.

(A) *Water and sanitary sewer system.*

(1) Each lot in all subdivisions within the corporate limits of the town shall be provided, at the subdivider's expense with an extension of the municipal water system and sanitary sewer system.

(2) Each subdivision in the extraterritorial area of the town shall be provided with water and sanitary sewer lines and laterals within and along the perimeter of the land being subdivided for each lot, if any of the land being subdivided is within 300 feet of the municipal system. The subdivider may, at his or her expense, extend the aforementioned system(s) to the subdivision if approved by the Council. Water and sanitary sewer lines, connections and equipment shall be in accordance with town standards.

(B) *Storm water drainage system.* The subdivider shall provide a surface water drainage system constructed to the standards of the State Department of Transportation, as reflected in *Handbook for the Design of Highway Surface Drainage Structures*, 1973, subject to review by the Town Consulting Engineer or Building Inspector.

- (1) No surface water shall be channeled or directed into a sanitary sewer.
- (2) Where feasible, the subdivider shall connect to an existing storm drainage system.
- (3) Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- (4) Surface drainage courses shall have side slopes of at least three feet of horizontal distance for each one-foot of vertical distance and courses shall be of sufficient size to accommodate the drainage area without flooding and designed to comply with the standards and specifications of erosion control of the State Sedimentation Pollution Control Act, G.S. § 143-215.61, G.S. Ch. 113A, Art. 4 and the State Administrative Code, Title 15, Ch. 4 and any locally adopted erosion and sedimentation control ordinances.
- (5) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one-foot in each 200 feet of horizontal distance.
- (6) Streambanks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the State Sedimentation Pollution Control Act, G.S. § 143-34.12, G.S. Ch. 113A, Art. 4 and the State Administrative Code Title 15, Ch. 4.
- (7) Anyone constructing a dam or impoundment within the subdivision must comply with the G.S. §§ 143-215.23*et seq.* and the State Administrative Code Title 15, Subchapter 2K.
- (8) In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(C) *Street lights.* All subdivision in which the size of the smallest lot is less than 40,000 square feet shall have street lights installed throughout the subdivision in accordance with the standards of the current utility provider.

(1992 Code, § 152.45) (Ord. passed 5-5-1986; Ord. passed 3-19-2007; Ord. passed 2-11-2019) Penalty, see § 152.99

§ 152.51 BUFFERING, RECREATION AND RECREATION FEE REQUIREMENTS.

(A) Whenever a residential subdivision is located adjacent to an office, institutional, commercial or industrial use which does not have a buffer or property zoned for these uses and a buffer is not required between these and the subdivision, the subdivider shall provide a buffer as defined in § 152.05. The width of the buffer shall be in addition to the lot area required by Chapter 153, Zoning Code. The buffer shall become part of the lot on which it is located or in the case of commonly-owned property, the buffer shall be deemed to the homeowner's association.

(B) *Recreation fees.* Recreation fees shall be required on any new subdivision or multi-family development subject to the town's subdivision ordinance in the amount of \$800 per lot for a major subdivision (four or more lots) or per unit for a multi-family development. The recreation fee shall be dedicated for parks and recreation use by the town. The Board of Commissioners may grant an exception to this policy if the developer demonstrates a willingness to construct an active recreation facility that will serve the needs of the community. All projects will need to meet the guidelines set forth by the respective permit issuing authority.

(1992 Code, § 152.46) (Ord. passed 5-5-1986; Ord. passed 3-19-2007; Ord. passed 2-11-2019; Ord. passed 3-8-2021)

§ 152.52 OTHER REQUIREMENTS.

(A) *Placement of monuments.* Unless otherwise specified by this chapter, the Standards of Practice for Land Surveying as adopted by the State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of the State Administrative Code, Title 21, Ch. 56 and G.S. § 47-30 shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers and property corner lines; to determine the location, design and material of monuments, markers, control corners and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

(B) *Construction procedures.*

(1) No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved and all plans and specifications have been approved by the appropriate authorities.

(2) No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this chapter until all the requirements of this chapter have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Subdivision Administrator to provide for adequate inspections. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

(C) *Oversize improvements.* The town may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the town requires the installation of improvements in excess of the standards required in this chapter, including all standards adopted by reference, the town shall pay the cost differential between the improvement required and the standards in this chapter. The town may recoup this cost through fees.

(1992 Code, § 152.47) (Ord. passed 5-5-1986; Ord. passed 3-19-2007) Penalty, see § 152.99

§ 152.53 SUBDIVISION ACCESS.

For the purpose of ingress, egress, residents and emergency service vehicles a second access will be needed for subdivisions over 100 lots with full access for everyone. The access shall mirror the surface as the other streets of the lots.

(Ord. passed 10-10-2022)

ADMINISTRATION AND ENFORCEMENT

§ 152.65 ADMINISTRATOR.

The Town Clerk/Manager shall be the Subdivision Administrator.

(1992 Code, § 152.60) (Ord. passed 5-5-1986; Ord. passed 3-19-2007)

§ 152.66 PLAT APPROVAL.

(A) *General procedure for plat approval.*

(1) After the effective date of this chapter [i.e., May 5, 1986], no subdivision plat of land within the town's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Council as set forth in § 152.07 and until this approval is entered in writing on the face of the plat by the Mayor and attested by the Town Clerk/Manager.

(2) The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the town that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

(B) *Statement by owner.* The owner of land shown on a subdivision plat submitted for recording or his or her authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision-regulation jurisdiction of any city.

(C) *Effect of plat approval on dedications.* Pursuant to G.S. § 160A-374, the approval of a plat shall not be deemed to constitute or effect the acceptance by the municipality or public of the dedication of any street or other ground, public utility line or other public facility shown on the plat. However, the Council may by resolution accept any dedication made to the public of land or facilities for streets, parks, public utility lines or other public purposes, when the lands or facilities are located within its subdivision-regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision-regulation jurisdiction but outside the corporate limits of the municipality shall not place on the town any duty to open, operate, repair or maintain any street, utility line or other land or facility and the municipality shall in no event be held to answer in any civil action or proceeding for failure to open, repair or maintain any street located outside its corporate limits.

(1992 Code, § 152.61) (Ord. passed 5-5-1986; Ord. passed 3-19-2007)

§ 152.67 VARIANCES.

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this chapter would cause an unnecessary hardship, the Council upon recommendation of Planning Board may authorize a variance to the terms of this chapter only to the extent that is absolutely necessary and not to an extent which would violate the intent of this chapter.

(1992 Code, § 152.62) (Ord. passed 3-19-2007)

§ 152.68 AMENDMENTS.

(A) The Council may from time to time amend the terms of this chapter but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board shall have 30 days from the time the proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

(B) No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the town area at least once a week for two successive calendar weeks prior to the hearing. The initial notice shall appear not more than 25, nor less than ten, days prior to the hearing date. In computing the ten-day period, the date of publication is not to be counted, but the date of the hearing is.

(1992 Code, § 152.63) (Ord. passed 5-5-1986; Ord. passed 3-19-2007)

§ 152.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

(a) A citation for the civil penalty shall be issued by the Police Chief.

(b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(1992 Code, § 152.99) (Ord. passed 3-19-2007)

APPENDIX A: STREET DESIGN SPECIFICATIONS

Section

1. Pavement designs
2. Figure 1: Cross-section — shoulder section
3. Figure 2: Cross-section — curb & gutter section
4. Figure 3: Recommended road connection
5. Figure 4: Recommended road connection — stop condition
6. Figure 5: Driveway turnout grades
7. Figure 6: Symmetrical cul-de-sac with curb & gutter
8. Figure 7: Symmetrical cul-de-sac — no curb & gutter
9. Figure 8: Examples of minor residential cul-de-sac designs

§ 1. PAVEMENT DESIGNS.

(A) Shown below are minimum thickness of base and surface course to be used. Design should be chosen from Group 1 or Group 2 depending on subgrade soil type.

GROUP I		
Good to Excellent Subgrade Soil Types	Base Course	Pavement Surface
GROUP I		
Good to Excellent Subgrade Soil Types	Base Course	Pavement Surface
A-1-a, A-1-b, A-3, A-2-4, A-2-5, A-2-6, A-2-7	7 inches STBC, Type A or C	2 inches SA or I-1
	9 inches STBC, Type A or C	1-1/2 inches SA or I-2
	8 inches ABC or TBC, Type B	BST, 1 inch SA or I-2
	6 inches ABC or STBC, Type B	1-1/2 inches SA or I-2
	3 inches BCBC, Type HB	1-1/2 inches SA or I-2
	3 ½ inches BCBC, Type HB	1 inch SA or I-2 5 inches plain concrete

GROUP II		
Poor to Fair Subgrade Soil Types	Base Course	Pavement Surface
GROUP II		
Poor to Fair Subgrade Soil Types	Base Course	Pavement Surface
	9 inches STBC, Type A or C	2 inches SA or I-2
	8 inches ABC or STBC, Type B	1-1/2 inches SA or I-2

A-4, A-5, A-6, A-7-5, A-7-6	10 inches ABC or STBC, Type B	BST, 1 inch SA or I-2
	4 inches BCBC, Type HB	2 inch SA or I-2
	3 inches BCBC, Type HB	6 inches plain concrete
Note:		
Subgrade No base course shall be placed on muck, pipe clay, organic matter or other unsuitable material. The District Engineer may require a subgrade soils test, if needed, to determine the soils classification type.		
ABC Aggregate Base Course, No. 7 stone		
STBC Soil Type Base Course		
BST Bituminous Surface Treatment		
SA Bituminous Concrete Surface Course, Type F-1 (Sand Asphalt)		
I-2 Bituminous Concrete Surface Course, Type I-2 (Note: I-1 may be used in lieu of I-2)		
BCBC Bituminous Concrete Base Course, Type HB (Black Base)		

(B) Any other pavement design must be reviewed by the Planning Board on an individual basis and approval will be based upon sound engineering principles.

(C) Other base courses such as various cement-treated materials may be used in lieu of those shown above. These materials shall be of sufficient thickness to provide equivalent strength. However, any design other than those shown above must also be approved prior to use.

(D) All materials shall meet the requirements set forth in the latest edition of the North Carolina Standard Specifications for Roads and Structures.

STREET DESIGN DIAGRAMS

ACCORDING TO NCDOT

MINIMUM CONSTRUCTION STANDARDS

JANUARY 1, 2010 (Revised July 2020)

§ 2. FIGURE 1: CROSS-SECTION — SHOULDER SECTION.

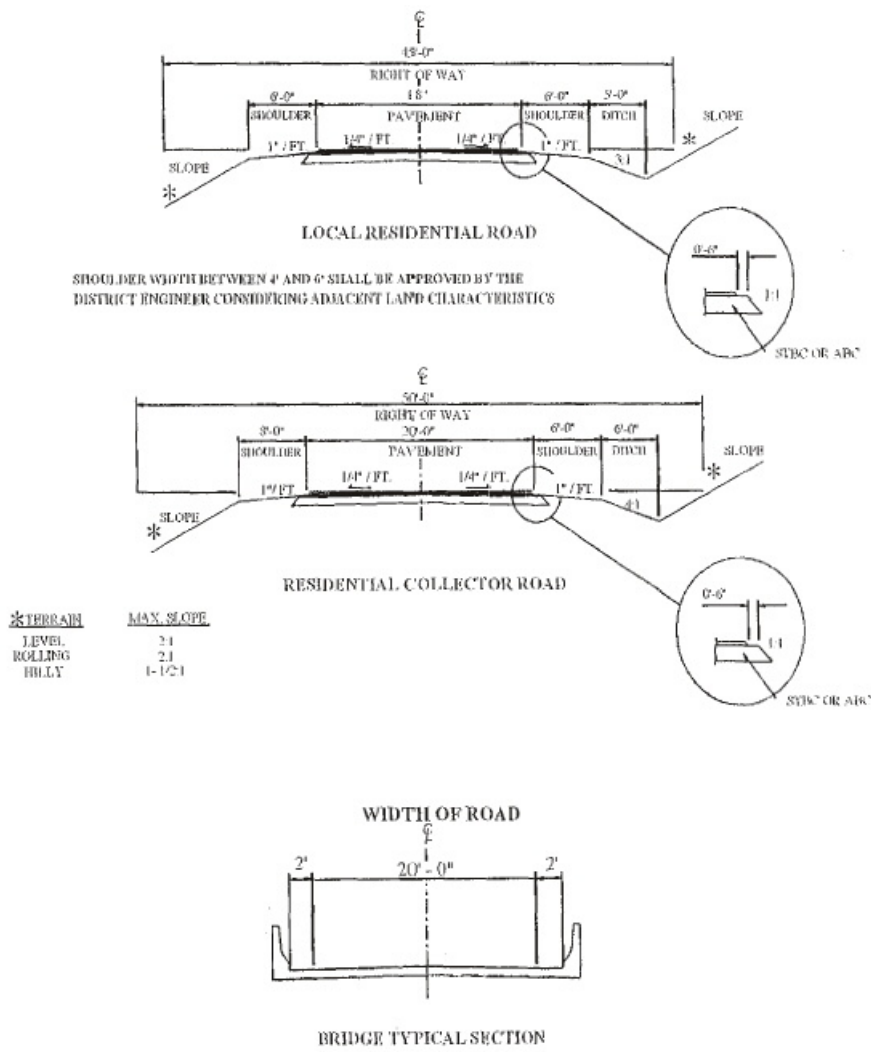
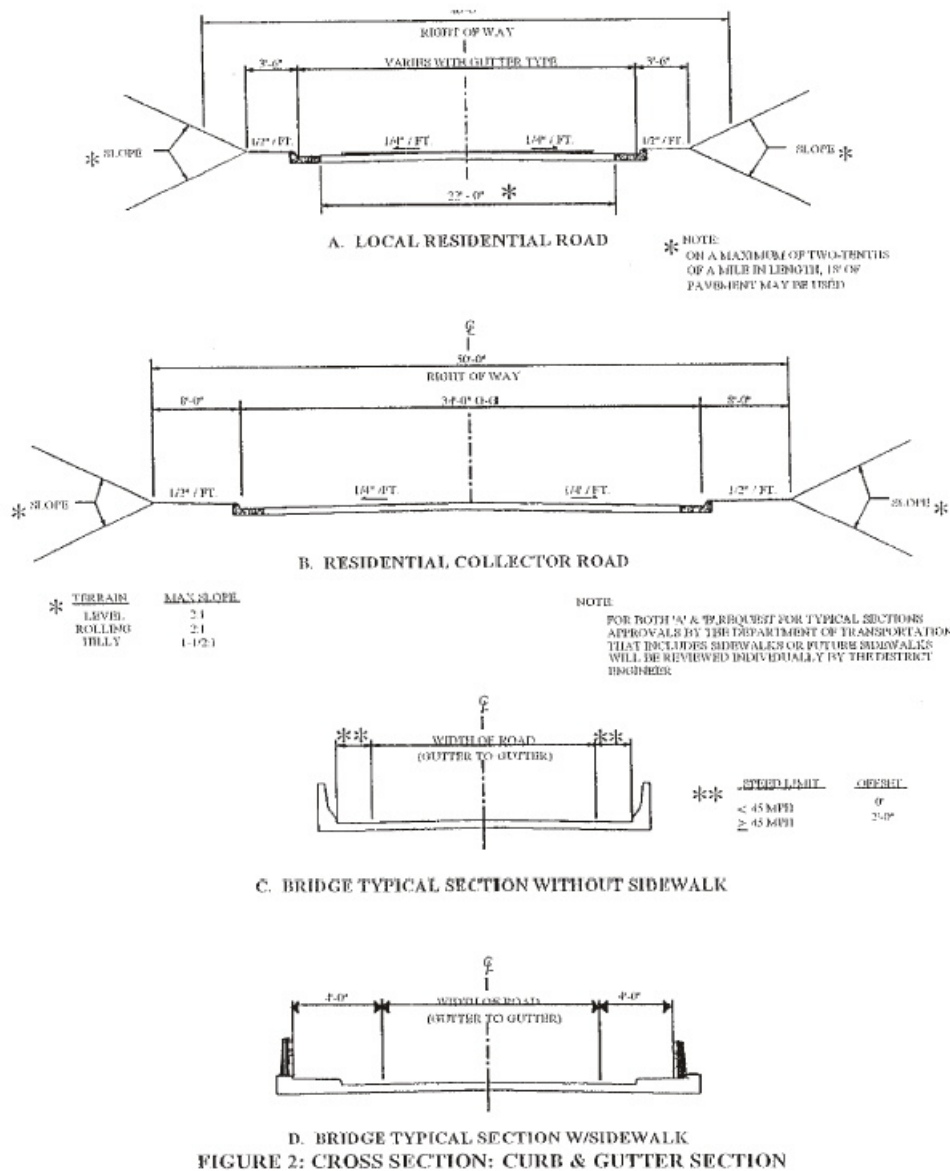
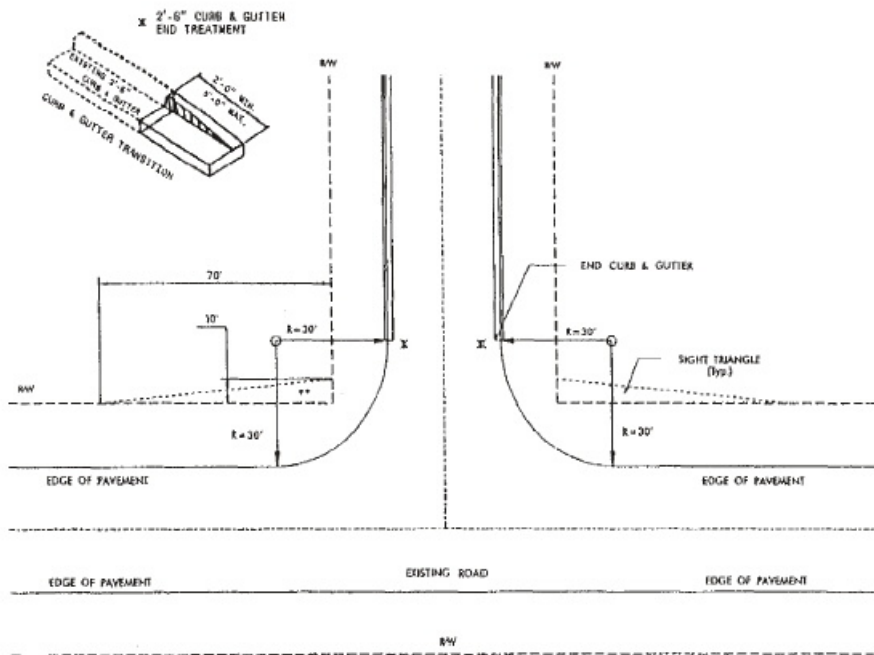


FIGURE 1: CROSS-SECTION-SHOULDER SECTION

§ 3. FIGURE 2: CROSS-SECTION — CURB & GUTTER SECTION.



§ 4. FIGURE 3: RECOMMENDED ROAD CONNECTION.



** NOTE: Permanent Drainage easements may be required to accommodate drainage beyond the right-of-way.

FIGURE 3

RECOMMENDED ROAD CONNECTION
NEW LOCAL RESIDENTIAL ROAD OR RESIDENTIAL
COLLECTOR ROAD WITH CURB & GUTTER AND
EXISTING STATE MAINTAINED ROAD WITH
SHOULDER SECTION

§ 5. FIGURE 4: RECOMMENDED ROAD CONNECTION — STOP CONDITION.

Diagram illustrating a T-intersection configuration for a road with a width less than 20'. The diagram shows the 'EDGE OF PAVEMENT' and 'STOP' line. Key dimensions and features include:

- Width of the road: W
- Radius of the curve: $R=30$
- 50' TAPER (REQUIRED FOR W LESS THAN 20')
- SIGHT TRIANGLE (V_p)
- EXISTING ROAD

RECOMMENDED ROAD CONNECTION

STOP CONDITION

§ 6. FIGURE 5: DRIVEWAY TURNOUT GRADES.



DRIVEWAY TURNOUT GRADES

§ 8. FIGURE 7: SYMMETRICAL CUL-DE-SAC — NO CURB & GUTTER.

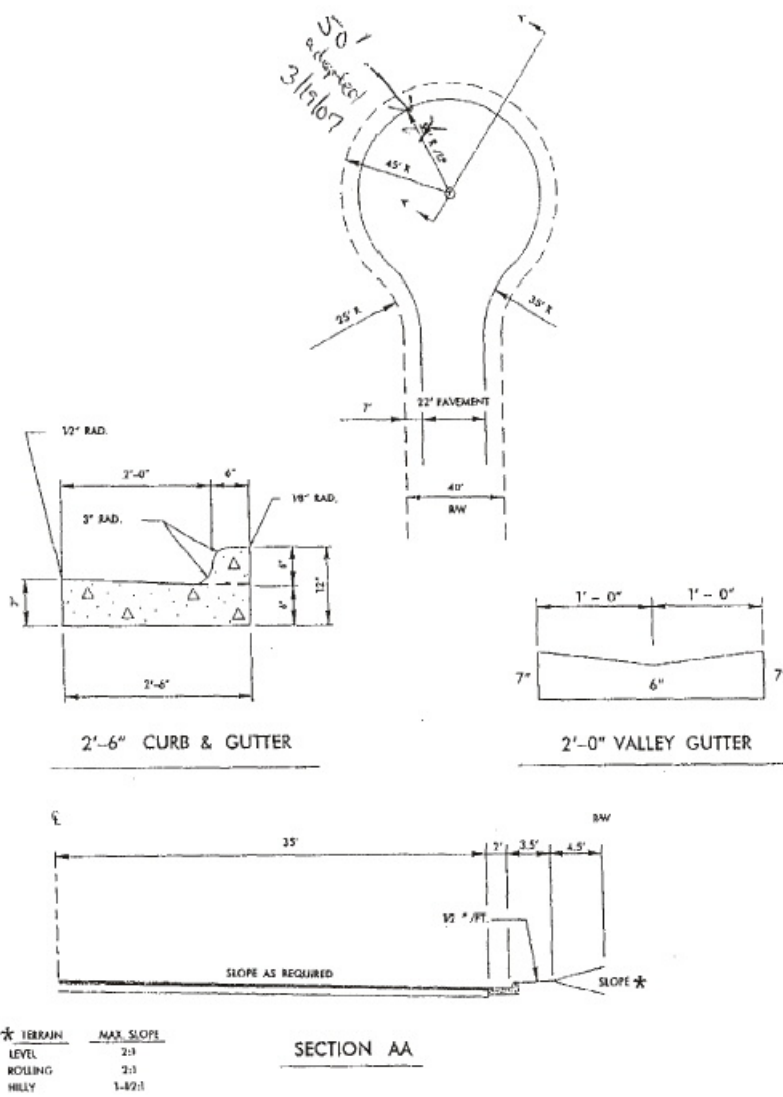
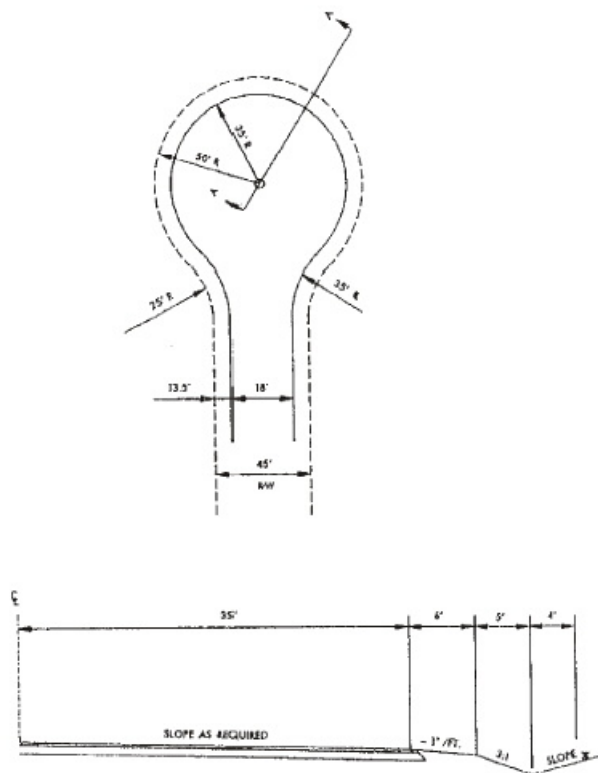


FIGURE 7
SYMMETRICAL CUL-DE-SAC WITH
CURB & GUTTER

§ 9. FIGURE 8: EXAMPLES OF MINOR RESIDENTIAL CUL-DE-SAC DESIGNS.



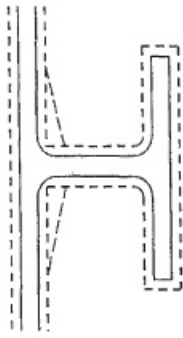
TERRAIN	MAX. SLOPE
LEVEL	2:1
ROLLING	2:1
HILLY	1-2:1

SECTION AA

FIGURE 8

SYMMETRICAL CUL-DE-SAC

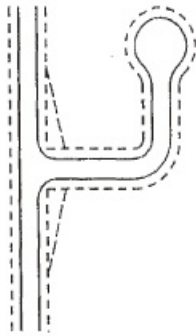
NO CURB & GUTTER



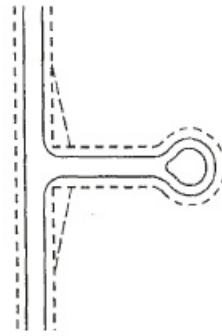
"T" CUL-DE-SAC



"LOOP" ROAD



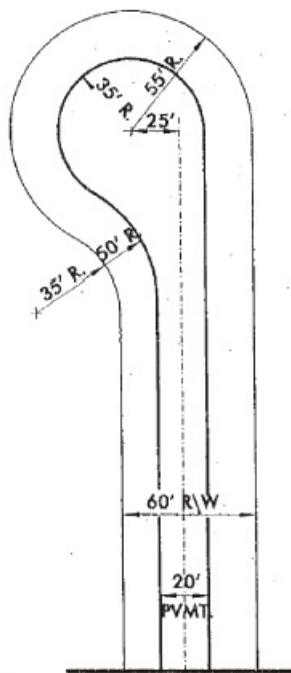
"L" CUL-DE-SAC



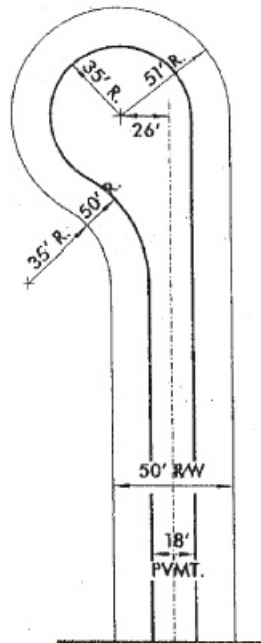
CUL-DE-SAC WITH INTERIOR ISLAND

NOTE: Permanent Drainage easements may be required to accommodate drainage beyond the right-of-way.
Cul-de-sac designs other than the "Bulb" End Design will be subject to the approval of the Division Engineer after review on an individual basis.

FIGURE 9
EXAMPLES OF MINOR
RESIDENTIAL CUL-DE-SAC DESIGNS



OFFSET CUL-DE-SAC
DESIGN (60 FT. R/W)

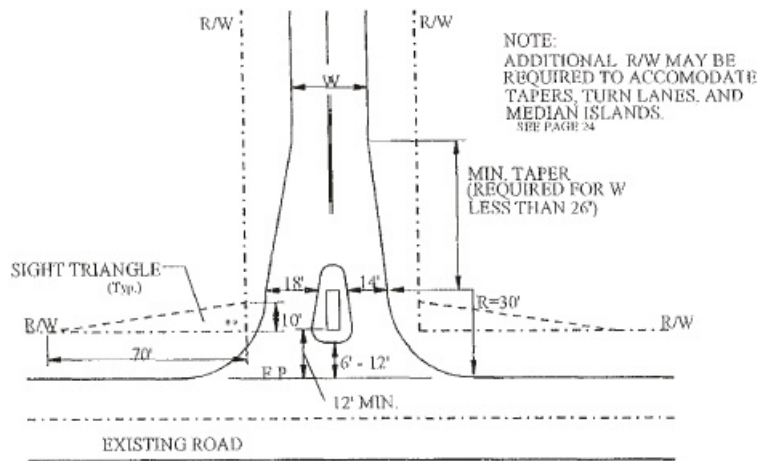


OFFSET CUL-DE-SAC
DESIGN
(50 FT. R/W or 45 FT. R/W)

FIGURE 11 OFFSET CUL-DE-SAC DESIGN

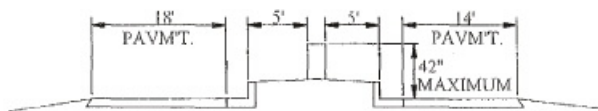
NOTE: THESE TYPICALS MAY BE LEFT OR
RIGHT AND MAY BE BUILT WITH
45' RIGHT OF WAY.

2'-0" VALLEY GUTTER



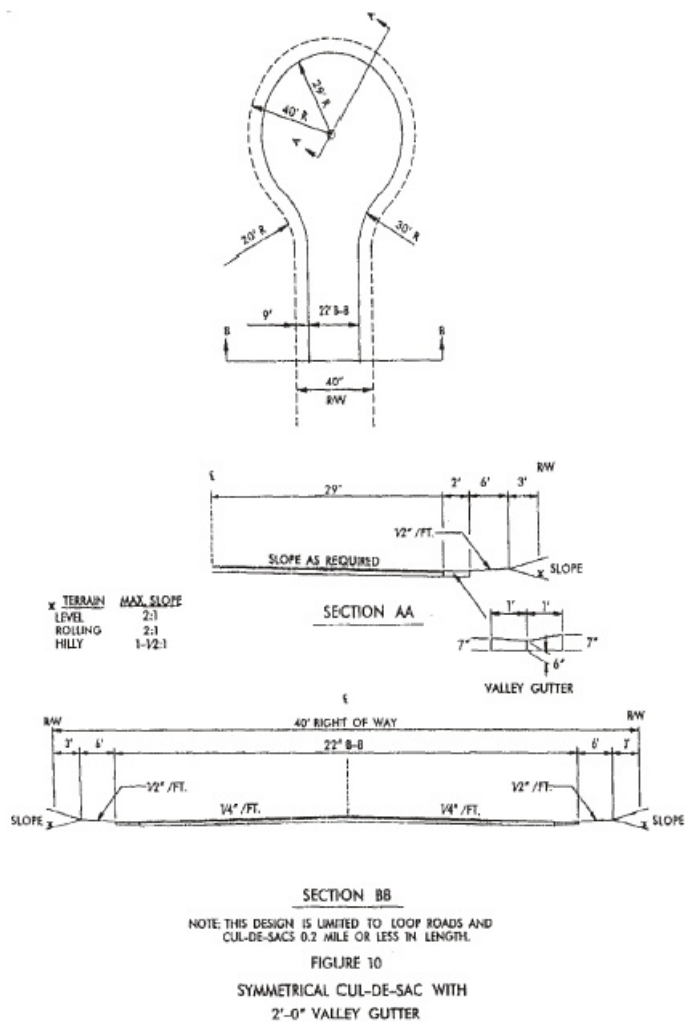
STOP CONDITION RECOMMENDED ROAD CONNECTION WITH INTERIOR ISLAND

**NOTE: Permanent Drainage easements may be required to accommodate drainage beyond the right-of-way.



DETAIL SECTION VIEW OF INTERIOR ISLAND AND MARKER

FIGURE 12



[Click here to view the above figures in a PDF document.](#)

CHAPTER 153: ZONING CODE

Section

Adoption of Zoning Code

153.01 Zoning Code adopted by reference

Statutory Vested Rights Provisions

153.15 Purpose

153.16 Definitions

153.17 Establishment of a zoning vested right

153.18 Approval procedures and approval authority

153.19 Duration

153.20 Termination

153.21 Voluntary annexation

153.22 Limitations

153.23 Repealer

153.24 Zoning text change

153.25 Administrator

153.26 Effective date

ADOPTION OF ZONING CODE

§ 153.01 ZONING CODE ADOPTED BY REFERENCE.

The town's Zoning Code is hereby adopted by reference into this Code of Ordinances as if set out at length herein. Copies are on file in the office of the Town Clerk/Manager for public inspection.

(1992 Code, § 153.01)

STATUTORY VESTED RIGHTS PROVISIONS

§ 153.15 PURPOSE.

The purpose of this subchapter is to implement the provisions of G.S. § 160A-385.1 pursuant to which a statutory zoning vested right is established upon the approval of a site specific development plan.

(1992 Code, § 153.10) (Ord. passed 9-9-1991)

§ 153.16 DEFINITIONS.

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

APPROVAL AUTHORITY. The Four Oaks Council or Board of Adjustment.

SITE SPECIFIC DEVELOPMENT PLAN. A plan of land development meeting the requirements of § 702.2 of the town zoning ordinance submitted to the town for purposes of obtaining a conditional use permit, special use permit or special use district zoning. If a conditional or special use permit is not normally required for the type of development for which a vested right is sought, a site specific development plan for the use may be approved as a special use, if the normal procedures in the ordinance for obtaining a special use permit are followed. In the case of a subdivision for single family dwellings, a preliminary subdivision plat in accordance with the subdivision plat in accordance with the subdivision regulations showing lot size and required setbacks will be considered to meet the requirements of §§ 702.2.2, 702.2.4, 702.2.6, 702.2.7 and 702.2.8 of the zoning ordinance for the purpose of applying for a special use permit to establish vested rights. Notwithstanding the foregoing, neither a variance, a sketch plan nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

ZONING VESTED RIGHT. A right pursuant to G.S. § 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

(1992 Code, § 153.11) (Ord. passed 9-9-1991)

§ 153.17 ESTABLISHMENT OF A ZONING VESTED RIGHT.

(A) A zoning vested right shall be deemed established upon the valid approval or conditional approval, by the Council or Board of Adjustment of a site specific development plan, following notice and public hearing.

(B) The approving authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare.

(C) Notwithstanding divisions (A) and (B) above, approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.

(D) A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.

(E) The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use or ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation by the town, including, but not limited to, building, fire, plumbing, electrical and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this subchapter.

(F) A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

(1992 Code, § 153.12) (Ord. passed 9-9-1991)

§ 153.18 APPROVAL PROCEDURES AND APPROVAL AUTHORITY.

(A) Except as otherwise provided in this section, an application for site specific development plan approval shall be processed in accordance with the procedures established in the code for a conditional use permit, special use permit or for special use district zoning, as applicable. The Council or Board of Adjustment, as applicable, shall be the final approval

authority.

(B) If the use for which a vested right is sought would not normally be a conditional or special use under the zoning ordinance and a special use district rezoning is not being sought, in order to obtain a zoning vested right, the applicant must request in writing at the time of application that the application be considered and acted on by the Council as a special use and follow all procedures in the zoning ordinance for obtaining a special use permit.

(C) In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the town, that a zoning vested right is being sought.

(D) Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under G.S. § 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."

(E) Following approval or conditional approval of a site specific development plan, nothing in this subchapter shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

(F) Nothing in this chapter shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning ordinance.

(1992 Code, § 153.13) (Ord. passed 9-9-1991)

§ 153.19 DURATION.

(A) A zoning right that has been vested as provided in this subchapter shall remain vested for a period of two years unless specifically and unambiguously provided otherwise pursuant to division (B) below. This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.

(B) Notwithstanding the provisions of division (A) above, the approval authority may provide that rights shall be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles and market conditions. These determinations shall be in the sound discretion of the approval authority at the time the site specific development plan is approved.

(C) Upon issuance of a building permit, the expiration provisions of G.S. § 160A-418 and the revocation provisions of G.S. § 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.

(1992 Code, § 153.14) (Ord. passed 9-9-1991)

§ 153.20 TERMINATION.

A zoning right that has been vested as provided in this chapter shall terminate:

(A) At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;

(B) With the written consent of the affected landowner;

(C) Upon findings by the Council, by ordinance after notice and a public hearing, that natural or manmade hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed as contemplated in the site specific development plan;

(D) Upon payment to the affected landowner of compensation for all costs, expenses and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing and all architectural, planning, marketing, legal and other consultant's fees incurred after approval by the town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by the action;

(E) Upon findings by the Council, by ordinance after notice and a hearing, that the landowner or his or her representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or

(F) Upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

(1992 Code, § 153.15) (Ord. passed 9-9-1991)

§ 153.21 VOLUNTARY ANNEXATION.

A petition for annexation filed with the town under G.S. §§ 160A-31 or 160A-58.1 shall contain a signed statement declaring whether or not a zoning vested right with respect to the properties subject to the petition has been established under G.S. § 160A-385.1. A statement that declares that no zoning vested right has been established under G.S. § 160A-

385.1 or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

(1992 Code, § 153.16) (Ord. passed 9-9-1991)

§ 153.22 LIMITATIONS.

Nothing in this subchapter is intended or shall be deemed to create any vested right other than those established pursuant to G.S. § 160A-385.1.

(1992 Code, § 153.17) (Ord. passed 9-9-1991)

§ 153.23 REPEALER.

In the event that G.S. § 160A-385.1 is repealed, this subchapter shall be deemed repealed and the provisions hereof no longer effective.

(1992 Code, § 153.18) (Ord. passed 9-9-1991)

§ 153.24 ZONING TEXT CHANGE.

Section 307 of the zoning ordinance, the "Table of Uses," is hereby amended to add as "S" in all districts: Site Specific Development Plans for the purpose of obtaining vested rights in accordance with "An Ordinance Implementing The Statutory Vested Rights Provisions of G.S. § 160A-385.1" where the use would not normally be a conditional or special use or part of a special use district.

(1992 Code, § 153.19) (Ord. passed 9-9-1991)

§ 153.25 ADMINISTRATOR.

The holder of the Office of Town Clerk/Manager and/or Planning Administrator is hereby appointed to serve as Planning and Zoning Administrator.

(Ord. passed 4-13-2009)

§ 153.26 EFFECTIVE DATE.

This subchapter shall take effect and be in force from and after July 1, 2002.

(1992 Code, § 153.20 (Ord. passed 9-9-1991; Ord. passed 4-13-2009)

APPENDIX A: CERTIFICATION THAT A STATUTORY ZONING VESTED RIGHT IS BEING SOUGHT

As applicant for a (identify land use approval or permit that is being sought), I hereby certify that I am also seeking to acquire a vested right pursuant to G.S. § 160A-385.1 and §§ 153.15 through 153.26 of the Town Code of Ordinances.

If the Town Code provides that the approval authority for the type of land use approval or permit for which I am applying is a board, committee or administrative official other than the Four Oaks Council or Board of Adjustment, I understand and agree that my application will be considered and acted on by the Four Oaks Council, following notice and a public hearing.

Date Applicant

(1992 Code, Appendix)

CHAPTER 154: FLOOD DAMAGE PREVENTION

Section

General Provisions

- 154.01 Statutory authorization
- 154.02 Findings of fact
- 154.03 Statement of purpose
- 154.04 Objectives
- 154.05 Definitions
- 154.06 Land to which chapter applies
- 154.07 Basis for establishing the special flood hazard areas

- 154.08 Floodplain development permit; establishment
- 154.09 Compliance
- 154.10 Abrogation and greater restrictions
- 154.11 Interpretation
- 154.12 Warning and disclaimer of liability

Administration and Enforcement

- 154.25 Floodplain administrator
- 154.26 Floodplain development application, permit and certification requirements
- 154.27 Corrective procedures
- 154.28 Variance procedures

Flood Hazard Reduction

- 154.40 General standards
- 154.41 Specific standards
- 154.42 Standards for floodplains without established base flood elevations
- 154.43 Standards for floodplains with BFE but without established floodways or non-encroachment areas
- 154.44 Floodways and non-encroachment areas
- 154.45 Standard for areas of shallow flooding (AO Zones)

Legal Status Provisions

- 154.60 Effect on rights and liabilities under existing ordinance
- 154.61 Effect on outstanding building permits
- 154.62 Effective date
- 154.63 Adoption certification

- 154.99 Penalty

GENERAL PROVISIONS

§ 154.01 STATUTORY AUTHORIZATION.

(A) *Municipal.* The legislature of the state has, in G.S. Part 6, Article 21 of Chapter 143; Parts 3, 5 and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

(B) *County.* The legislature of the state has, in G.S. Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

(C) *General.* Therefore, the Town Council does ordain as follows.

(Art. 1, A) (Ord. passed 11-14-2005)

§ 154.02 FINDINGS OF FACT.

(A) The flood prone areas within the jurisdiction of Four Oaks are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

(Art. 1, B) (Ord. passed 11-14-2005)

§ 154.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote public health, safety and general welfare and to minimize public and private

losses due to flood conditions within flood prone areas by provisions designed to:

(A) Restrict or prohibit uses that are dangerous to health, safety and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

(B) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;

(D) Control filling, grading, dredging and all other development that may increase erosion or flood damage; and

(E) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Art. 1, C) (Ord. passed 11-14-2005)

§ 154.04 OBJECTIVES.

The objectives of this chapter are:

(A) To protect human life and health;

(B) To minimize expenditure of public money for costly flood control projects;

(C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) To minimize prolonged business losses and interruptions;

(E) To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets and bridges) that are located in flood prone areas;

(F) To help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

(G) To ensure that potential buyers are aware that property is in a special flood hazard area.

(Art. 1, D) (Ord. passed 11-14-2005)

§ 154.05 DEFINITIONS.

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

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). A structure, which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as **ACCESSORY STRUCTURES** on farms and may or may not be located on the same parcel as the farm dwelling or shop building.

ADDITION (TO AN EXISTING BUILDING). An extension or increase in the floor area or height of a building or structure.

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

AREA OF SHALLOW FLOODING. A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. See **SPECIAL FLOOD HAZARD AREA (SFHA)**.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). A determination as published in the Flood Insurance Study of the water surface elevations of the base flood. This elevation, when combined with the **FREEBOARD**, establishes the **REGULATORY FLOOD PROTECTION ELEVATION**.

BUILDING. See **STRUCTURE**.

CHEMICAL STORAGE FACILITY. A building, portion of a building or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DISPOSAL. Defined as in G.S. § 130A-290(a)(6).

ELEVATED BUILDING. A non-basement building which has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

ENCROACHMENT. The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). An official map of a community, issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

FLOOD HAZARD BOUNDARY MAP (FIBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard areas have been defined as Zone A.

FLOOD INSURANCE. The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS). An examination, evaluation and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOOD PRONE AREA. See **FLOODPLAIN**.

FLOODPLAIN OR FLOOD PRONE AREA. Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ADMINISTRATOR. The individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT. Any type of permit that is required in conformance with the provisions of this chapter, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

FLOODPLAIN REGULATIONS. This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPROOFING. Any combination of structural and nonstructural additions, changes or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities or structures with their contents.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOD ZONE. A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FREEBOARD. The height added to the base flood elevation (BFE) to account for watershed development as well as limitations of the engineering methodologies for the determination of flood elevations. The freeboard plus the base flood elevation establishes the "regulatory flood protection elevation".

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

HAZARDOUS WASTE MANAGEMENT FACILITY. A facility for the collection, storage, processing, treatment, recycling, recovery or disposal of hazardous waste as defined in G.S. Article 9 of Chapter 130A.

HIGHEST ADJACENT GRADE (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HISTORIC STRUCTURE. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- (4) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program".
- (5) Certified Local Government (CLG) Programs are approved by the U.S. Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980, being 16 U.S.C. §§ 470 *et seq.*

LOWEST ADJACENT GRADE (LAG). The elevation of the ground, sidewalk or patio slab immediately next to the building or deck support, after completion of the building. For Zones A and AO, use the natural grade elevation prior to construction.

LOWEST FLOOR. The subfloor, top of slab or grade of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE. The building value, excluding the land value and that of any accessory structures or other improvements on the lot, established by independent certified appraisal, replacement cost depreciated by age of building and quality of construction (actual cash value) or adjusted tax assessed values.

MEAN SEA LEVEL. For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988 or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which base flood elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of the original version of this chapter and includes any subsequent improvements to such structures.

NONCONFORMING BUILDING OR DEVELOPMENT. Any legally existing building or development which fails to comply with the current provisions of this chapter.

NON-ENCROACHMENT AREA. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

POST-FIRM. Construction or other development which started on or after the effective date of the initial Flood Insurance Rate Map for the area.

PRE-FIRM. Construction or other development which started before the effective date of the initial Flood Insurance Rate Map for the area.

PRINCIPALLY ABOVE GROUND. At least 51% of the actual cash value of the structure is above ground.

PUBLIC SAFETY and/or NUISANCE. Anything which is injurious to the safety or health of an entire community or neighborhood or any considerable number of persons or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake or river, bay, stream, canal or basin.

RECREATIONAL VEHICLE (RV). A vehicle, which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Not designed for use as a permanent primary dwelling, but as temporary living quarters for recreational, camping,

travel or seasonal use.

REFERENCE LEVEL.

(1) The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance. For structures within special flood hazard areas designated as Zone A1-A30, AE, A, A99 or AO, the reference level is the top of the lowest floor or bottom of lowest attendant utility including ductwork, whichever is lower.

(2) (Alternate acceptable language for Reference Level) **REFERENCE LEVEL** is the portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance. For structures within all special flood hazard areas, the reference level is the bottom of the lowest horizontal structural member or bottom of lowest attendant utility including ductwork, whichever is lower.

REGULATORY FLOOD PROTECTION ELEVATION. The elevation, in relation to mean sea level, to which the reference level of all structures and other development located within special flood hazard areas must be protected. Where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. Where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade. (Two feet is a minimum State standard, greater than two feet is optional.)

REMEDY A VIOLATION. To bring the structure or other development into compliance with State and Community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations or reducing Federal financial exposure with regard to the structure or other development.

REPETITIVE LOSS. Flood-related damages sustained by a structure on two separate occasions during any ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

RIVERINE. Relating to, formed by or resembling a river (including tributaries), stream, brook and the like.

SALVAGE YARD. Any non-residential property used for the storage, collection and/or recycling of any type of equipment and including, but not limited to, vehicles, appliances and related machinery.

SOLID WASTE DISPOSAL FACILITY. Any facility involved in the disposal of solid waste, as defined in G.S. § 130A-290(a)(35).

SOLID WASTE DISPOSAL SITE. Defined as in G.S. § 130A-290(a)(36).

SPECIAL FLOOD HAZARD AREA (SFHA). The land in the floodplain subject to a 1% or greater chance of being flooded in any given year as determined herein.

START OF CONSTRUCTION. Substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A walled and roofed building, a manufactured home or a gas or liquid storage tank that is principally above ground. For flood plain management purposes, principally above ground means that at least 51% of the actual cash value of the structure is above ground.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure during any one year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of "substantial improvement". **SUBSTANTIAL DAMAGE** also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation, addition or other improvement of a structure, taking place during any one year period for which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(1) Any correction of existing violations of state or community health, sanitary or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a historic structure; provided that, the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE. A grant of relief from the requirements of this chapter.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in §§ 154.25 through 154.28 and 154.40 through 154.45 is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION (WSE). The height, in relation to mean sea level (existing grade in case of Zone AO), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. **WATERCOURSE** includes specifically designated areas in which substantial flood damage may occur.

(Art. 2) (Ord. passed 11-14-2005)

§ 154.06 LANDS TO WHICH CHAPTER APPLIES.

This chapter shall apply to all special flood hazard areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJ) if applicable, of the town and within the jurisdiction of any other community whose governing body agrees, by resolution, to the applicability.

(Art. 3, A) (Ord. passed 11-14-2005)

§ 154.07 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

(A) *Generally.* The special flood hazard areas are those identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the state and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (Wand/or the Flood Boundary Floodway Map(s) (FBFM), for Four Oaks dated October 20, 2000, which, with accompanying supporting data and any revision thereto, including letters of map amendment or revision, are adopted by reference and declared to be a part of this chapter. The special flood hazard areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to:

- (1) Detailed flood data generated as a requirement of §154.25;
- (2) Preliminary FIRMs where more stringent than the effective FIRM; or
- (3) Post-disaster flood recovery maps.

(B) *Municipal.* In addition, upon annexation to the town or inclusion in the Extra-Territorial Jurisdiction (ETJ), the special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) and/or produced under the Cooperating Technical State agreement between the state and FEMA as stated above, for the unincorporated areas of the county, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared to be a part of this chapter. (This municipal paragraph may be omitted entirely if adopting countywide FIRMS)

(Art. 3, B) (Ord. passed 11-14-2005)

§ 154.08 FLOODPLAIN DEVELOPMENT PERMIT; ESTABLISHMENT.

A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within special flood hazard areas as determined in § 154.07.

(Art. 3, C) (Ord. passed 11-14-2005)

§ 154.09 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered or developed in any way without full compliance with the terms of this chapter and other applicable regulations.

(Art. 3, D) (Ord. passed 11-14-2005)

§ 154.10 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Art. 3, E) (Ord. passed 11-14-2005)

§ 154.11 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and
- (C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Art. 3, F) (Ord. passed 11-14-2005)

§ 154.12 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the special flood hazard areas or uses permitted within the areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Art. 3, G) (Ord. passed 11-14-2005)

ADMINISTRATIVE AND ENFORCEMENT

§ 154.25 FLOODPLAIN ADMINISTRATOR.

(A) The Zoning Administrator, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this chapter.

(B) The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this chapter have been satisfied;
- (2) Advise permittee that additional federal or state permits (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining and the like) may be required and require that copies of the permits be provided and maintained on file with the floodplain development permit;
- (3) Notify adjacent communities and the State Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of the notification to the Federal Emergency Management Agency (FEMA);
- (4) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of § 154.43 are met;
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with § 154.26;
- (7) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed, in accordance with § 154.26;
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with §154.26;
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with §§ 154.26 and 154.41;
- (10) Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this subchapter;
- (11) When base flood elevation (BFE) data has not been provided in accordance with §154.07, obtain, review and reasonably utilize any base flood elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State or other source, including data developed pursuant to § 154.42, in order to administer the provisions of this chapter;
- (12) When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with § 154.07, obtain, review and reasonably utilize any floodway data or non-encroachment area data available from a federal, state or other source in order to administer the provisions of this chapter;
- (13) When the exact location of boundaries of the special flood hazard areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a letter of map amendment (LOMA) by FEMA. Maintain a copy of the letter of map amendment (LOMA) issued by FEMA in the floodplain development permit file;
- (14) Permanently maintain all records that pertain to the administration of this chapter and make these records available for public inspection;

(15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action;

(16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this chapter, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor;

(17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked;

(18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action;

(19) Follow through with corrective procedures of §154.27; and

(20) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and/or other official flood maps/studies adopted under § 154.07 of this chapter, including any revisions thereto including letters of map change), issued by state and/or FEMA. Notify state and FEMA of mapping needs.

(Art. 4, A and C) (Ord. passed 11-14-2005)

§ 154.26 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(A) *Application requirements.* Application for a floodplain development permit shall be made to the Floodplain Administrator prior to any development activities located within special flood hazard areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

(a) The nature, location, dimensions and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities and other development;

(b) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in § 154.07 or a statement that the entire lot is within the special flood hazard area;

(c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in § 154.07;

(d) The boundary of the floodway(s) or non-encroachment area(s) as determined in §154.07;

(e) The base flood elevation (BFE) where provided as set forth in §§154.07; 154.25(11) & (12); or 154.42;

(f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;

(g) Certification of the plot plan by a registered land surveyor or professional engineer.

(2) Proposed elevation and method thereof, of all development within a special flood hazard area including but not limited to:

(a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed;

(c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

(3) If floodproofing, a floodproofing certificate (FEMA Form 81-65) along with detailed back-up computations and operational plans that specify the location on a FIRM panel of floodproofing measures, the entity responsible for transportation and installation according to the design within the warning time available and maintenance of floodproofing measures assuring their effectiveness when installed. Floodproofing certificate and back-up computations and operational plans shall be certified by a registered professional engineer or architect to ensure that the non-residential floodproofed development will meet the floodproofing criteria in § 154.41.

(4) A Foundation Plan drawn to scale which shall include details of the proposed foundation system to ensure all

provisions of this chapter are met. These details include but are not limited to:

(a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);

(b) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with §154.41, when solid foundation perimeter walls are used in Zones A, AO, AE and A1-30;

(5) Usage details of any enclosed areas below the regulatory flood protection elevation.

(6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical and water systems to be located and constructed to minimize flood damage;

(7) Copies of all other local, state and federal permits required prior to floodplain development permit issuance (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining and the like);

(8) Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure § 154.41 of this chapter are met.

(9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(B) *Permit requirements.* The floodplain development permit shall include, but not be limited to:

(1) A description of the development to be permitted under the floodplain development permit;

(2) The special flood hazard area determination for the proposed development per available data specified in §154.07;

(3) The regulatory flood protection elevation required for the reference level and all attendant utilities;

(4) The regulatory flood protection elevation required for the protection of all public utilities;

(5) All certification submittal requirements with timelines;

(6) A statement that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, as applicable;

(7) The minimum opening requirements, if in Zone A, AO, AE or A1-30; and

(8) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

(C) *Certification requirements.*

(1) Elevation certificates.

(a) An elevation certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Elevation certification shall be prepared by or under direct supervision of a registered land surveyor or professional engineer and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by the review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

(b) An elevation certificate (FEMA Form 81-31) or floodproofing certificate (FEMA Form 81-65) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Elevation certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Any work done within the seven day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by the review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(c) A final as-built elevation certificate (FEMA Form 81-31) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. Elevation certification shall be prepared by or under the direct supervision of, a registered land surveyor or professional engineer and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy. (FEMA ELEVATION CERTIFICATE FORM IS OPTIONAL FOR FLOODPLAIN MANAGEMENT BUT RECOMMENDED. THE USE OF THE FEMA ELEVATION CERTIFICATE FORM IS MANDATORY FOR CRS COMMUNITIES)

(2) If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate (FEMA Form 81-65) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by the review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(3) If a manufactured home is placed within Zone A, AO, AE or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per § 154.41.

(4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(5) The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) above:

- (a) Recreational vehicles meeting requirements of § 154.42;
- (b) Temporary structures meeting requirements of § 154.41; and
- (c) Accessory structures less than 150 square feet meeting requirements of § 154.41.

(Art. 4, B) (Ord. passed 11-14-2005)

§ 154.27 CORRECTIVE PROCEDURES.

(A) *Violations to be corrected.* When the Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to their property.

(B) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

- (1) The building or property is in violation of this chapter;
- (2) A hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
- (3) Following the hearing, the Floodplain Administrator may issue an order to alter, vacate or demolish the building; or to remove fill as appears appropriate.

(C) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of this chapter, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 days, nor more than 180 days. (One year or less is recommended.) Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in a lesser period as may be feasible.

(D) *Appeal.* Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm or revoke the order.

(E) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, he or she shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

(Art. 4, D) (Ord. passed 11-14-2005)

§ 154.28 VARIANCE PROCEDURES.

(A) The Board of Adjustment as established by the town, hereinafter referred to as the "Appeal Board", shall hear and decide requests for variances from the requirements of this chapter.

(B) Any person aggrieved by the decision of the Appeal Board may appeal the decision to the Court, as provided in G.S. Chapter 7A.

(C) Variances may be issued for:

- (1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will

not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

- (2) Functionally dependant facilities if determined to meet the definition as stated in §154.05 of this chapter; and
- (3) Any other type of development, provided it meets the requirements stated in this section.

(D) In passing upon variances, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location as defined under §154.05 of this chapter as a functionally dependant facility, where applicable;
 - (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- (E) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (F) Upon consideration of the factors listed above and the purposes of this chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (G) Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.
- (H) Conditions for variances:
- (1) Variances shall not be issued when the variance will make the structure in violation of other federal, state or local laws, regulations or ordinances.
 - (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (3) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - (4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. The notification shall be maintained with a record of all variance actions.
 - (5) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(I) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards and chemical storage facilities that are located in special flood hazard areas provided that all of the following conditions are met.

- (1) The use serves a critical need in the community.
- (2) No feasible location exists for the use outside the special flood hazard area.
- (3) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.

(4) The use complies with all other applicable federal, state and local laws.

(5) The town has notified the Secretary of the State Department of Crime Control and Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

(Art. 4, E) (Ord. passed 11-14-2005)

FLOOD HAZARD REDUCTION

§ 154.40 GENERAL STANDARDS.

In all special flood hazard areas the following provisions are required:

(A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(B) All new construction and substantial improvements below the regulatory flood protection elevation shall be constructed with materials and utility equipment resistant to flood damage.

(C) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.

(D) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers and the like), hot water heaters and electric outlets/switches.

(E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(H) Any alteration, repair, reconstruction or improvements to a structure, which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.

(I) Nothing in this chapter shall prevent the repair, reconstruction or replacement of a building or structure existing on the effective date of this chapter and located totally or partially within the floodway, non-encroachment area or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area or stream setback is not increased and provided that such repair, reconstruction or replacement meets all of the other requirements of this chapter.

(J) New solid waste disposal facilities, hazardous waste management facilities, salvage yards and chemical storage facilities shall not be permitted in special flood hazard areas, except by variance as specified herein. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according hereto.

(K) All development proposals shall be consistent with the need to minimize flood damage.

(L) All development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(M) All development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(Art. 5, A) (Ord. passed 11-14-2005)

§ 154.41 SPECIFIC STANDARDS.

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in §154.07 or § 154.25, the following provisions, in addition to §154.40, are required:

(A) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in § 154.05 of this chapter.

(B) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in § 154.05 of this chapter. Structures located in A, AO, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A

registered professional engineer or architect shall certify that the standards of this subsection are satisfied. The certification shall be provided to the official as set forth in § 154.26, along with the operational and maintenance plans.

(C) *Manufactured homes.*

(1) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in § 154.05 of this chapter.

(2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse and lateral movement in accordance with the State *Regulations for Manufactured/Mobile Homes*, 1995 Edition and any revision thereto adopted by the Commissioner of Insurance pursuant to NCGS 4143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

(3) All foundation enclosures or skirting shall be in accordance with §154.41.

(4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

(D) *Elevated buildings.* Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation:

(1) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of the enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;

(2) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

(3) Shall include, in Zones A, AO, AE and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria;

(a) Provide a minimum of two openings on different sides of each enclosed area subject to flooding;

(b) The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding;

(c) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit;

(d) The bottom of all required openings shall be no higher than one foot above the adjacent grade;

(e) Openings may be equipped with screens, louvers or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(f) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(E) *Additions/improvements.*

(1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

(b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(2) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

(b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(4) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing

building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(F) *Recreational vehicles.* Recreational vehicles placed on sites within a special flood hazard area shall either:

(1) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions); or

(2) Meet all the requirements for new construction, including anchoring and elevation requirements of §§154.26, 154.40 and 154.41(3).

(G) *Temporary non-residential structures.* Prior to the issuance of a floodplain development permit for a temporary structure, applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval;

(1) A specified time period for which the temporary use will be permitted. Time specified should be minimal with total time on site not to exceed one year;

(2) The name, address and phone number of the individual responsible for the removal of the temporary structure;

(3) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(4) A copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed; and

(5) Designation, accompanied by documentation of a location outside the special flood hazard area, to which the temporary structure will be moved.

(H) *Accessory structures.* When accessory structures (sheds, detached garages and the like) are to be placed within a special flood hazard area, the following criteria shall be met:

(1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

(2) Accessory structures shall not be temperature-controlled;

(3) Accessory structures shall be designed to have low flood damage potential;

(4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(5) Accessory structures shall be firmly anchored in accordance with §154.40;

(6) All service facilities such as electrical shall be installed in accordance with §154.40; and

(7) Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with § 154.41.

(8) An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with § 154.26.

(Art. 5, B) (Ord. passed 11-14-2005)

§ 154.42 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the special flood hazard areas established herein, where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to § 154.40, shall apply:

(A) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

(1) If base flood elevation (BEE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this chapter and shall be elevated or floodproofed in accordance with standards in § 154.25.

(2) All subdivision, manufactured home park and other development proposals located within special flood hazard areas shall provide base flood elevation (BFE) data if development is greater than five acres or has more than 50 lots/manufactured home sites. The base flood elevation (BFE) data shall be adopted by reference per § 154.07 to be utilized

in implementing this chapter.

(3) When base flood elevation (BFE) data is not available from a federal, state or other source as outlined above, the reference level shall be elevated above the highest adjacent grade as required in the regulatory flood protection elevation definition.

(Art. 5, D) (Ord. passed 11-14-2005)

§ 154.43 STANDARDS FOR FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

(A) Standards outlined in §§ 154.40 and 154.41; and

(B) No encroachments, including fill, new construction, substantial improvements or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Art. 5, E) (Ord. passed 11-14-2005)

§ 154.44 FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in § 154.07. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in §§ 154.40 and 154.41, shall apply to all development within the areas:

(A) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Floodplain Administrator prior to issuance of floodplain development permit.

(B) If division (A) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this chapter.

(C) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

(1) The anchoring and the elevation standards of §154.41; and

(2) The no encroachment standard of division (A) are met.

(Art. 5, F) (Ord. passed 11-14-2005)

§ 154.45 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

(A) Located within the special flood hazard areas established in §154.07, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to § 154.40, all new construction and substantial improvements of all structures shall have the reference level elevated to:

(1) At least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two feet, above the highest adjacent grade; or

(2) At least two feet above the highest adjacent grade plus a freeboard of two feet if no depth number is specified.

(B) (1) All new construction and substantial improvements of all non-residential structures may, in lieu of elevation, floodproof to the same depths as listed above so that any space below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(2) Certification is required as per §§ 154.26(3) and 154.41(2).

(Art. 5, G) (Ord. passed 11-14-2005)

LEGAL STATUS PROVISIONS

§ 154.60 EFFECT ON RIGHTS AND LIABILITIES UNDER EXISTING ORDINANCE.

This chapter in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted November 14, 2005 as amended and it is not the intention to repeal but rather to re-enact and continue to enforce

without interruption of the existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of town enacted on June 10, 2002, as amended, which are not reenacted herein are repealed.

(Art. 6, A) (Ord. passed 11-14-2005)

§ 154.61 EFFECT ON OUTSTANDING BUILDING PERMITS.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this chapter; provided, however, that when construction is not begun under such outstanding permit within a period of six months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this chapter.

(Art. 6, B) (Ord. passed 11-14-2005)

§ 154.62 EFFECTIVE DATE.

This chapter shall become effective upon adoption.

(Art. 6, C) (Ord. passed 11-14-2005)

§ 154.63 ADOPTION CERTIFICATION.

The adoption certification of these provisions is attached to the ordinance codified herein.

(Art. 6, D) (Ord. passed 11-14-2005)

§ 154.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.

(Art. 3, H) (Ord. passed 11-14-2005)

CHAPTER 155: MANUFACTURED HOMES

Section

- 155.01 Housing codes and regulations
- 155.02 Site-built or modular housing
- 155.03 Manufactured homes
- 155.04 Manufactured home on individual lots

§ 155.01 HOUSING CODES AND REGULATIONS.

All residential housing to be placed or constructed in the town shall conform to the appropriate standards for the type of housing.

(Ord. passed 1-12-2009)

§ 155.02 SITE-BUILT OR MODULAR HOUSING.

All site-built or modular housing or any part thereof shall be constructed, altered, expanded, extended, converted, or structurally altered in conformity with the most current State Building Code, as adopted by the Building Code Council and enforced by state and local code enforcement officials, and including all appropriate volumes.

(Ord. passed 1-12-2009)

§ 155.03 MANUFACTURED HOMES.

(A) All manufactured homes shall be manufactured or constructed in conformity with the National Manufactured Home Construction and Safety Standards, with the authority of 42 USC § 5401, the most current State of North Carolina Regulations for Manufactured/Mobile Homes and this chapter.

(B) Any manufactured home that is to be altered (other than cosmetically), expanded, extended, converted, or structurally

altered, the construction shall conform and with the most current North Carolina Regulations for Manufactured/Mobile Homes, except where the wording for inspection by local officials reads "may be inspected" shall read "shall be inspected"; and in conformity with the most current North Carolina State Building Code, as adopted by the Building Code Council and enforced by state and local code enforcement officials, and including all appropriate volumes. Such alteration, expansion, extension, or conversions shall only occur with permit obtained from the local building official.

(Ord. passed 1-12-2009)

§ 155.04 MANUFACTURED HOME ON INDIVIDUAL LOTS.

- (A) No mobile home with a manufactured date prior to June 15, 1976 can be set up as a residence unless it is already legally set up as a residence within the county.
- (B) All manufactured homes (mobile) shall be a permitted in the R6MH districts that are moved to a parcel or lot shall comply with the following requirements:
- (1) All requirements for the location of a single-family dwelling on an individual lot shall meet the minimum lot size of one acre.
 - (2) Any manufactured home must be newer than eight years of the present year. All manufactured homes must meet all applicable state and federal standards.
 - (3) All manufactured homes shall be tied down in accordance with the North Carolina Regulations for Manufactured Homes and Modular Housing.
 - (4) All applicable County Health Department requirements shall be met.
 - (5) The manufacture homes shall be over 40 feet in length and over 18 feet in width.
 - (6) Each manufactured (mobile) home must have exterior siding that is either painted or stained wood such as board and batten, or board-on-board, masonite, simulated stucco, residential grade aluminum, or vinyl lap siding. All siding shall be in good condition, complete, not damaged, or loose.
 - (7) The manufactured home shall have a roof slope with a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run.
 - (8) A continuous, uniform foundation enclosure, unpierced except for required ventilation and access, shall be installed. The enclosure may consist of brick or concrete block, or wood, vinyl, or metal fabricated for this purpose. Any wood framing for foundation skirting shall be constructed with treated lumber. Each mobile/manufactured home shall either have a brick curtain wall or have ABS or PVC plastic color skirting with interlocking edges (key locked) installed around the perimeter of the home. Skirting shall be attractive and in good condition and shall be laid-up in an attractive, workmanlike manner. All mobile/manufactured doublewide homes located within a major subdivision shall have a permanent masonry foundation.
 - (9) Each mobile/manufactured home shall have all windows and doors intact and in working condition.
 - (10) Permanent steps shall be constructed at all exterior doors as necessary. Porches, ramps and other means of entrance or exit are installed or constructed in accordance with the standards set by the State Building Code, attached firmly to the primary structure and anchored permanently to the ground measuring three feet in width and five feet in length shall be constructed at the front or main entrance to the manufactured home. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet.
 - (11) All repairs made to the exterior of the mobile/manufactured home shall be made to be consistent with the original intent or integrity of the mobile/manufactured home when that mobile/manufactured home was built. For example, if repairs are made to the siding, material as close to, or consistent with, the original siding shall be used.
 - (12) A certificate of occupancy for an individual mobile/manufactured home may be issued if all required work, other than the completion of the foundation skirting and permanent steps, is completed. If a certificate of completion is issued within 60 days of the issuance of the certificate of occupancy, the certificate of occupancy shall be void. All conditions listed shall be complied with before a certificate of occupancy and compliance is issued for the mobile/manufactured home.

(Ord. passed 1-12-2009)

TABLE OF SPECIAL ORDINANCES

Table

I. ANNEXATIONS

TABLE I: ANNEXATIONS

Ord. No.	Date	Description
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Ord. No.	Date	Description
68-AO	4-2-1968	Annexing certain property beginning at a concrete marker located south 72.22 west 11.3 feet from the northeast corner of Charles Upchurch lot and containing 79.74 acres and being a part or all of tracts owned by Joe and Mabel Austin, V.A., and Sandra Raulerson, Marvin and Lillie Mae Capps, Charles and Nan Upchurch, Joseph Batten and wife, Mrs. Lundy Allen and C.M. Holley.
-	8-8-1977	Annexing certain territory beginning at a point in the center of NCSR # 1165 (Temple Street), the point being located south 01° 38 12" west 30.00 from the center of a culvert underneath the road; thence, from the above described beginning the line runs as the existing town limits line across the property of Clay Brown south 60° 30 east 1423.00 to a point in the center line of a branch, containing 16.27 acres according to a plat prepared by Ragsdale Engineers, P.A. dated 8-5-77.
80-1AO	2-4-1980	Annexing real property of maps Edward and Edna Keen, lot containing 0.322 ac. and lot containing 0.832 ac. situated southwest of SR 1178, bounded by lands of Zeb D. Allen on the southwest, I-95 on the southeast, SR 1178 on the northeast and lands of Howard Hockaday on the northwest and being the present commercial site of Keen's Handimart. Also Lots No. 2, 3, 4 and 5 containing 3.33 ac. and being part of the George William Keen Division described in Land Book 6, page 456, County Courthouse, office of the Clerk of Court and being the present site of the residence, garage with apartment above and Funland Daycare Center of James Edward and Edna Keen.
80-2AO	3-3-1980	Annexing certain territory beginning at the existing corporate limits of the town at a point in the southern right-of-way of the ACLRR, north 67° 45 min. east 33 to a point in the right-of-way, the point being the northwest corner of Lot 5 of the C.R. Adams Division, as shown in Plat Book #2 page 3, County Registry.
-	6-2-1980	Annexing that parcel owned by Walter Junior Baker bounded by Tucker Street and the properties of M.C. Wilkins, Bob Woodall and Vonzo Woodall, contained in Book 775, Page 559, Register of Deeds Office, County Courthouse.
80-3AO	7-7-1980	Annexing certain territory beginning at a stake, 30 from the center of SR 1182, being the corporate limits of the town and being Lot No. 4 of the C.A. Raynor Subdivision recorded in Book 637, Page 253, County Registry.
82-1AO	8-2-1982	Annexing all that certain lot or parcel of land situated in or near the town, as shown on map of record in Plat Book 10, page 9, in the office of the Register of Deeds of the county, as being one lot with the lettering "J H S" being in dimension 50 × 125 feet and being bounded on the north by a branch adjacent to the lot designated as the "Willie McSwane" lot, on the east by Lot Nos. 1 and 2 and on the south and west by the 10.6 acres tract designated as Lot No. 12 on the map.

82-2AO	8-2-1982	Annexing certain territory beginning at an iron stake in the centerline of Temple Street (NCSR 1165 the iron stake being the northwest corner of a tract of land owned by Nora Temple containing 4.37 acres.
-	7-5-1983	Annexing two tracts:
		(1) Being all of Lot Nos. 1 through 7 and 30 through 40, Forest Hills Subdivision, Section One, together with those portions of Forest Hills Drive and Harper Avenue included within Section One, as shown on the map recorded in Map Book 14 as Page 19, office of the County Register of Deeds.
		(2) Being all of Lot Nos. 8 through 29 and 41 and 42, Forest Hills Subdivision, Section Two, together with those portions of Harper Avenue and Pine Drive included within Section Two, as shown on the map recorded in Map Book 15 at page 167, office of the County Register of Deeds.
86-AO	12-29-1986	Annexing certain territory beginning at a point in the center of U.S. Highway 301, the point cornering with the property of Walter C. Temple.
88-AO	3-7-1988	Annexing certain territory beginning at a concrete monument marking the intersection of the easterly right-of-way line of U.S. Highway No. 701 and the southeast right-of-way line of ramp to Interstate Highway No. 95.
-	6-6-1988	Annexing three tracts:
		(1) Beginning at a stake in a ditch, a lot corner and runs north 84 degrees 45 minutes west 105.8 feet to an iron stake at the edge of the road or street; thence along the road north 6 degrees 45 minutes east 83.3 feet to an iron stake; thence south 74 degrees 35 minutes east 30.0 feet to an iron stake; thence along the ditch south 38 degrees 20 minutes east 108.0 feet to the beginning.
-	8-1-1988	Annexing certain territory beginning at an existing pk nail in the center line of US Hwy 701 the point being located north 01 degrees 44 minutes 46 seconds west 595.35 from the intersection of the centerline of U.S. Hwy 701 and center line of SR 1178 and running from the beginning point north 79 degrees 27 minutes 16 seconds west 40.46 feet to an existing iron pipe, containing 1.04 acres, more or less.
-	12-4-1989	Annexing two tracts:
		(1) Being all of Lot Nos. 23, 24, 25, 26 and 27 in the subdivision of the H.W. Creech lands within or near the corporate limits of the town, and being a part of the real estate described in Book 438, Page 309, Registry of the county.
		(2) Beginning at an iron stake in Emmit Adams' line runs with Adams' line north 85 degrees west 100 feet to a lightwood stake; thence north 3 degrees 90 feet to a stake in the edge of the street, containing 1.4 acres, more or less and being a part of the R.G. Tart lot on the north side of U.S. Highway No. 301 on the west side of the town.
-	6-11-1990	Annexing two parcels:

		(1) Beginning at a concrete monument in the line of Oaks Housing Associates marking a corner with Tract 3 of the Raymond Temple Estate, containing 2.977 acres.
		(2) Beginning at a concrete monument marking a corner of Johnnie Stewart and Nora Temple Lassiter, containing 0.099 acres and being a portion of the property conveyed to Jasper K. Surles by Bessie S. Surles by deed recorded in Deed Book 827, Page 772 in the Register of the county and being a portion of Tract No. 2 of the deed.

PARALLEL REFERENCES

References to North Carolina General Statutes

References to 1992 Code

References to Ordinances

REFERENCES TO NORTH CAROLINA GENERAL STATUTES

<i>G.S. Section</i>	<i>Code Section</i>
<i>G.S. Section</i>	<i>Code Section</i>
14-4	95.01, 97.06, 110.059, 151.21
14-4(a), (c)	10.99
18B-101	130.01
20-4.01(27)h	75.01
20-219.11	90.05
47-30	152.28, 152.52
67	91.09
87-21	150.25
87-43	150.25
93B	110.030
105-349	31.03
105-352(b)	31.03
105-373	31.03
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121-5	110.040
136-44.14	152.49
136-102.6	152.05, 152.49
136-143	90.09
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143-151.13(c)	150.60
143-151.26 - 143-151.36	150.25
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143-215.61	152.50
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159-24	31.04
160A, Article 19	11.01
160A, Article 19, Part 6	151.01, 151.02

160A-31	153.21
160A-58.1	153.21
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160A-415	150.62
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160A-424	150.64
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160A-429	150.47
160A-430	150.48
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160A-441 - 160A-450	151.16
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160A-443(7)	151.21
160A-446	151.15

REFERENCES TO 1992 CODE

1992 Code Section	2009 Code Section
1992 Code Section	2009 Code Section
10.01	10.01
10.02	10.02
10.03	10.03
10.04	10.04

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REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
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–	--	91.01 - 91.10
54-WO	4-5-1954	130.02
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68-AO	4-2-1968	T.S.O. I
68-DEM	9-13-1968	96.02, 96.25 - 96.32
68-TO	12-2-1968	71.01
70-DBO	11-12-1970	130.01
72-AO	7-10-1972	91.11
73-AO	3-6-1973	91.12
76-TT-0002	2-2-1976	70.01
77-GC	3-7-1977	50.01, 50.07
–	8-8-1977	T.S.O. I
–	9-5-1978	Ch. 73, Sch. III
79-EJ	7-2-1979	11.01
79-WS	11-5-1979	51.01 - 51.21, 51.99
–	12-3-1979	92.01 - 92.05

80-1AO	2-4-1980	T.S.O. I
80-2AO	3-3-1980	T.S.O. I
–	6-2-1980	T.S.O. I
80-3AO	7-7-1980	T.S.O. I
81-1EJ	3-2-1981	11.01
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82-1AO	8-2-1982	T.S.O. I
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–	7-5-1983	T.S.O. I
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–	11-2-1987	Ch. 73, Sch. II
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–	6-6-1988	T.S.O. I
–	8-1-1988	T.S.O. I
–	7-5-1989	96.01
–	12-4-1989	T.S.O. I
–	6-11-1990	T.S.O. I
–	8-13-1990	151.01 - 151.21
–	9-9-1991	153.15 - 153.25
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–	6-2-2008	95.01- 95.07, 95.99
–	6-9-2008	98.01 - 98.05, 98.99
–	12-1-2008	35.01
–	12-8-2008	50.01 - 50.07, 50.99
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–	2-9-2009	95.01
–	4-13-2009	153.25, 153.26
–	6-13-2011	75.01 - 75.04, 75.99
–	7-8-2013	91.30 - 91.34, 91.99
–	3-14-2016	110.001 - 110.002, 110.015 - 110.018, 110.030 - 110.041, 110.055 - 110.059, 110.999
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