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§ 91.01 JURISDICTION.

This chapter shall be effective in all corporate areas of the Town.

§ 91.02 DEFINITIONS.

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

"ANIMAL." Both male and female, domesticated, farm exhibition-type, or raised for commercial purposes.

"ANIMAL CONTROL OFFICER." The officer appointed by the Town to enforce this chapter, or by contractual arrangement with other governmental units.

"AT LARGE." Any animal off the premises of the owner, not under control of the owner or authorized agent, and not on leash, cord, chain, or within adequate fencing.

"FOWL." Any and all domestic and game birds.

"OWNER." Any person, firm, association, group, or corporation owning, keeping, or harboring an animal or fowl.

"VICIOUS" or "PUBLIC NUISANCE." Any animal or fowl which habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicyclists, vehicles, or other domestic animals; turns over garbage cans; damages gardens, flowers, vegetables, shrubs, pasture, or other property; or otherwise is a menace to or a threat to public health and safety.
 ('75 Code, Ch. H, Art. VI, § 1)

§ 91.03 KEEPING CERTAIN LIVESTOCK; PROHIBITED.

It shall be unlawful to keep any cattle, sheep, goats, horses, or swine within the corporate limits, except animals temporarily confined in a stockyard or other place awaiting transportation, or those used for therapeutic purposes, such as in the Eden Concept, in an institutional zoning setting.
 ('75 Code, Ch. H, Art. VI, § 2; Am. Ord. 98-262, passed 11-10-98) Penalty, see § 91.99

§ 91.04 IMPOUNDMENT.

(A) It shall be unlawful for any animal or fowl to be running at large in the Town. Domestic pigeons shall be kept in a cage or enclosure in a proper manner. Animals or fowl at large shall be considered public nuisances. The owner shall be issued a warning by a law enforcement officer in person, by phone, or mail to take whatever means to correct the violation. The warning shall be considered sufficient for enforcement of this chapter.

If the owner is unknown, the animal shall be impounded according to division (D) of this section.

(B) Any animal or fowl designated as a public nuisance after one warning, or is vicious by habit, written report, or involvement in biting shall be impounded by the Animal Control Officer or the law enforcement officers of the Town.

(C) If an animal or fowl is impounded at the County Shelter, county regulations and costs shall pertain.

(D) If the animal or fowl is impounded after one warning by officers of the Town Police Department:

(1) The complaint must be in writing;

(2) The owner shall have the animal vaccinated against rabies and furnish certification of same;

(3) The owner shall pay all costs of impounding including a redemption fee of \$10 and \$3 a day for board and any veterinary expense.

(E) The owner of any animal or fowl who shall permit them to run at large after one warning and one previous impounding within one year shall be subject to the penalty as set forth in § 91.99.
 ('75 Code, Ch. H, Art. VI, § 3) Penalty, see § 91.99

§ 91.05 CRUELTY TO ANIMALS; PROHIBITED.

(A) It shall be unlawful for any owner to fail to provide animals or fowl with sufficient good and wholesome food and water, proper shelter and protection

from the weather; veterinary care when needed to prevent suffering; and humane care and treatment. It shall be unlawful for any person to beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse any animals; to cause or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(B) Abandoning animals shall be considered cruelty and subject to the same penalties if owners or agents are reported and determined. Owners wishing to surrender their animals shall be responsible for bringing them to the County Shelter or notifying the Town Police Department. County Animal Control law will pertain.

(C) Failure to provide the proper care for animals or abusing or ill-treating animals as described in § 91.04(A) and (B) shall subject the violator to the penalty as set forth in § 91.99. ('75 Code, Ch. H, Art. VI, § 4) Penalty, see § 91.99

Statutory reference:

Authority to regulate, see
G.S. § 160A-182

§ 91.06 INJURED, SICK, OR DISEASED ANIMALS.

When the owner of an injured, sick, or diseased animal can be located, it will be his responsibility to provide veterinary care for the animal. In the event the owner cannot be located, the injured, sick, or diseased animal will be taken to the Animal Control Shelter and held for 24 hours, if it is not severely injured, sick, or diseased. After the 24 hours the animal may be adopted with the agreement that the person adopting the animal will bear the cost of veterinary care. If the animal is severely injured, sick, or diseased, the animal will be euthanized in the field or at the shelter at the discretion of the Animal Control Officer.

('75 Code, Ch. H, Art. VI, § 5)

§ 91.07 DOMESTIC ANIMAL BITES.

(A) Any dog or cat which bites a person shall be reported to the County Health Director immediately and quarantined for no less than ten days, as provided in G.S. § 130A-196.

(B) After ten days, if the animal is determined to be free of rabies, the owner shall be notified by the Animal Control Officer that, upon payment of the fees, he can reclaim his animal. However, if the animal does show signs of rabies during the observation period, the animal shall be destroyed and examined by the State Laboratory, as provided in G.S. § 130A-199.

(C) Any stray dog or cat whose owner cannot be located shall be quarantined at the shelter and euthanized at the end of the observation period. No animal that has been quarantined shall be placed for adoption.

(D) Any dead dog or cat which has been involved in a bite or any animal under quarantine that dies during observation shall be immediately deheaded and tested by the State Laboratory as provided in G.S. § 130A-199.
('75 Code, Ch. H, Art. VI, § 6)

§ 91.08 WILD ANIMAL BITES.

All wild carnivores involved in bites shall be destroyed and sent immediately to the State Laboratory of Public Health for testing. Other animals will be destroyed and sent for testing at the discretion of the Animal Control Officer, after consultation with the local health director. ('75 Code, Ch. H, Art. VI, § 6)

§ 91.09 NUMBER OF ANIMALS PERMITTED EACH HOUSEHOLD.

The number of animals, fowl, or pets of any type permitted in each household in the Town shall be restricted to a reasonable number, except when it can be determined that the animals, fowl, or pets are;

(A) A vicious or public nuisance;

(B) At large; or

(C) Constitute a health or safety hazard to the family, neighbors, or the community in general.
('75 Code, Ch. H, Art. VI, § 8)

Cross-reference:

Public nuisance, see § 91.02

§ 91.10 POLICE CHIEF TO ISSUE CITATIONS.

(A) The Chief of Police shall cause all animal or fowl citations to be serially numbered in triplicate and shall cause the records of the citations to be maintained so that they can be accounted for. A report shall be made regularly to the Town Manager.

(B) In addition to the remedy of impounding an animal or fowl found at large, any Town official authorized by the Chief of Police may issue to the known owner or person having control or custody of the animal or fowl a citation giving notice of violation of § 91.04 herein. Any official shall be authorized to secure the name and address of the owner or person. Citations so issued may be delivered in person or mailed by registered mail to the person charged.

Failure to pay the citation shall subject the offender to the penalty set forth in § 91.99.

('75 Code, Ch. H, Art. VI, § 11)

§ 91.11 BIRD SANCTUARY.

The area within the corporate limits of the Town is designated a bird sanctuary.

(A) It shall be unlawful to trap, hunt, shoot, or attempt to shoot or molest any bird or wild fowl or to rob birds' nests or wild fowls' nests.

(B) If starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities in the Town:

(1) The health authorities shall meet with representatives of the Audubon Society, Bird Club, Garden Club, or Humane Society or any other club found to exist in the Town after giving at least three-days notice of the meeting to the representatives of the clubs.

(2) If as the result of the above meeting no satisfactory alternative is found, the birds may be destroyed in a manner as deemed advisable by the health authorities under the supervision of the Chief of Police of the Town.

(C) Anyone found guilty of violation of this section shall be punishable by penalty as set forth in § 91.99.

('75 Code, Ch. A, Art. X, § 10)
(Ord., passed 10-8-74)

Statutory reference:

Authority to create bird sanctuary,
see G.S. § 160A-188

§ 91.99 PENALTY.

(A) Violators of §§ 91.04 and 91.05 shall be guilty upon conviction of a misdemeanor punishable by a fine not exceeding \$50 or imprisonment not exceeding 30 days as provided in G.S. § 14-4. ('75 Code, Ch. H, Art. VI, §§ 3, 4)

(B) Violators of § 91.10 shall be fined as follows:

(1) The first citation issued shall impose upon the owner or person a civil penalty of \$10 which shall be paid to the Tax Collector within 14 days of receipt, in full satisfaction of the assessed civil penalty.

(2) In the event of the issuance and receipt of a second citation to the same person within a period of 12 months, the civil penalty imposed shall be in the amount of \$15.

(3) In the event of the issuance and receipt of a third citation or any subsequent citations to the same person or owner within a period of 12 months, the civil penalty shall be \$20.

(4) In the event that the owner or other violator does not appear in response to the citations or the applicable civil penalty is not paid within the time period prescribed, a criminal summons shall be issued against the owner or person in violation of this chapter and upon conviction the owner or person shall be punished as provided in G.S. § 14-4. ('75 Code, Ch. H, Art. VI, § 11)

(C) Violation of § 91.11 shall be a misdemeanor and subject to a fine of not more than \$50 or imprisonment not exceeding 30 days.

('75 Code, Ch. A, Art. X, § 10)
(Ord., passed 10-8-74)

Section

- 92.01 Maintenance
- 92.02 Maps
- 92.03 Deeds
- 92.04 Opening and closing of graves;
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- 92.05 Injuring or removing property
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- 92.10 Other rules and regulations

Statutory reference:

- Authority to establish, see
G.S. § 160A-341
- Regulation of cemeteries, see
G.S. § 160A-348

§ 92.01 MAINTENANCE.

The Town cemeteries shall be maintained by the Public Works Director under the general supervision of the Town Manager.

('75 Code, Ch. F, Art. IV, § 1)

§ 92.02 MAPS.

The Town Clerk shall keep maps of the cemeteries showing thereon all plots or squares which are for sale, together with those sold, indicating the exact location of each, and a copy is to be recorded in the Alamance County, North Carolina, Register of Deeds Office.

('75 Code, Ch. F, Art. IV, § 2)

§ 92.03 DEEDS.

The Town Clerk shall execute and deliver to each purchaser a deed to the plot or square, after the purchase price has been paid.

('75 Code, Ch. F, Art. IV, § 3)

§ 92.04 OPENING AND CLOSING OF GRAVES;
CHARGE.

No grave in the Town cemeteries shall be either opened or closed by anyone other than Town personnel or persons authorized by the Town Manager. There shall be a fee for opening and closing a grave, which shall be in the amount as the Board of Aldermen may from time to time establish.

('75 Code, Ch. F, Art. IV, § 5) Penalty, see § 10.99

§ 92.05 INJURING OR REMOVING PROPERTY.

It shall be unlawful to damage, destroy, injure, or remove any property in the Town cemeteries.

('75 Code, Ch. F, Art. IV, § 6) Penalty, see § 10.99

§ 92.06 INTERMENTS.

Only one interment shall be made in a grave, except a mother and infant, or two children, in one coffin.

('75 Code, Ch. F, Art. IV, § 7) Penalty, see § 10.99

§ 92.07 ANIMALS.

No animals shall be allowed to graze or roam in the Town cemeteries.

('72 Code, Ch. F, Art. IV, § 8) Penalty, see § 10.99

§ 92.08 RESALE OF LOTS; COST.

(A) Any person purchasing a cemetery lot in Magnolia Cemetery who thereafter intends to sell the lot shall give the Town Clerk 30-days notice of the intended sale. The Town is given the authority to purchase and the owner is required to offer for sale to the Town the lot at a price not more than the original purchase price. ('75 Code, Ch. F, Art. IV, § 9)

(B) The cost of cemetery lots in Magnolia Cemetery shall be as determined from time to time by the Board of Aldermen. ('75 Code, Ch. F, Art. IV, § 1)

§ 92.09 MAINTENANCE OF CORNER MARKERS.

All corner markers shall be maintained so as not to obstruct mowing. ('75 Code, Ch. F, Art. IV, § 12)

§ 92.10 OTHER RULES AND REGULATIONS.

The Board of Aldermen may adopt and provide for enforcement of other rules and regulations for the Town cemeteries.

Section

- 93.01 Use of firearms restricted
 93.02 Signs prohibiting carrying
 of concealed weapons

The Police Chief shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks. (Ord. 95-170, passed 12-12-95) Penalty, see § 10.99

Statutory reference:

Authority to regulate, see G.S.
 § 160A-189

§ 93.01 USE OF FIREARMS RESTRICTED.

No person shall discharge or shoot a gun, air rifle, air pistol, or other kind of firearm or similar implement within the Town limits. However, nothing in this section or any other Town ordinance shall be construed to prohibit:

(A) In the event that any person owning or occupying property in the town shall be unable to destroy pests (pigeons, poisonous reptiles, starlings, squirrels, or rabbits) or injured or dangerous animals, the person shall contact the Chief of Police, who shall investigate the matter and, in his discretion, shall authorize a police officer to destroy the pests.

(B) A police officer from discharging a firearm in the performance of his duty.

(C) Any person from discharging a firearm in the defense of life or property.

(D) The operation of rifle ranges under the control and supervision of the North Carolina National Guard or the National Rifle Association or any of its affiliated clubs, subject, however, to such ranges being inspected and approved from time to time and at least annually by the Chief of Police. Under no conditions whatsoever shall rifle ranges be operated on a commercial basis.
 (Am. Ord. 01-361, passed 8-14-01) Penalty, see § 10.99

§ 93.02 SIGNS PROHIBITING CARRYING OF CONCEALED WEAPONS.

(A) Posting of signs required. The Police Chief is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each park and each building or portion of buildings owned, leased as lessee, operated, occupied, managed or controlled by the town, as well as the appurtenant premises to such buildings, indicating that carrying a concealed weapon is prohibited therein.

(B) Location of Signs. Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building.

Section

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- 94.01 Right-of-way
- 94.02 Traffic must stop
- 94.03 Parking vehicles in vicinity of fires
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- 94.05 Interfering with firefighters
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- 94.16 Encumbrances on fire escapes
- 94.17 Exit signs
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- 94.25 Transportation of petroleum products; restricted
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- 94.45 Purpose
- 94.46 Scope
- 94.47 Definitions
- 94.48 Permissible open burning
- 94.49 Adoption of fire code

TRAFFIC REGULATIONS AT FIRES

§ 94.01 RIGHT-OF-WAY.

In the event of an alarm of fire, the apparatus of the Fire Department shall have the right-of-way upon the streets, lanes, alleys, squares, and crossings in answering the alarm. It shall be unlawful for any person to fail or refuse to yield the right-of-way to Fire Department apparatus which is responding to an alarm.
('75 Code, Ch. C, Art. I, § 7) Penalty, see § 10.99

§ 94.02 TRAFFIC MUST STOP.

Whenever a fire alarm is given, and upon the approach of fire apparatus, all vehicles shall immediately drive to the right as near as possible to the curb at the point where they may be at the time, and stop until the fire apparatus has passed. However, the driver of any vehicle, upon the request of a member of the Fire Department, may transport the member to the scene of the fire without observing the regulation herein.
('75 Code, Ch. C, Art. I, § 8)

§ 94.03 PARKING VEHICLES IN VICINITY OF FIRES.

It shall be unlawful for any person to park a vehicle in any street, lane, alley, square, or other public property within 500 feet of a fire.
('75 Code, Ch. C, Art. I, § 9) Penalty, see § 10.99

§ 94.04 CONGREGATING AT FIRES.

It shall be unlawful to congregate in the streets, lanes, alleys, or squares, or upon adjacent property, next to a fire so as to interfere with the work of the Fire Department.
('75 Code, Ch. C, Art. I, § 10) Penalty, see § 10.99

§ 94.05 INTERFERING WITH FIREFIGHTERS.

It shall be unlawful for any person to interfere with any member of the Fire Department or to obstruct the work of the Department in any way, at or during a fire or while answering an alarm.
('75 Code, Ch. C, Art. I, § 11) Penalty, see § 10.99

§ 94.06 DRIVING OVER FIRE HOSE.

It shall be unlawful for any person to drive any vehicle over any fire hose belonging to the Fire Department.
('75 Code, Ch. C, Art. I, § 12) Penalty, see § 10.99

§ 94.07 RIDING ON TRUCKS.

It shall be unlawful for any person other than a member of the Fire Department to mount any fire apparatus at any time, unless by permission of the driver or officer in command of the apparatus.
('75 Code, Ch. C, Art. I, § 15) Penalty, see § 10.99

FIRE HAZARDS

§ 94.15 BURNING OF TRASH PROHIBITED.

It shall be unlawful for any person to burn or set fire to any leaves, tree trimmings, grass, branches, or any similar matter on or in any street right-of-way, alley, or sidewalk within the Town.
('75 Code, Ch. C, Art. II, § 1) Penalty, see § 10.99

§ 94.16 ENCUMBRANCES ON FIRE ESCAPES.

It shall be unlawful for any person at any time to place any encumbrance whatsoever before or upon any fire escape, balcony, or ladder intended as a means of escape from fire.
('75 Code, Ch. C, Art. II, § 2) Penalty, see § 10.99

§ 94.17 EXIT SIGNS.

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

('75 Code, Ch. C, Art. II, § 3)

§ 94.18 LOTS TO BE KEPT FREE FROM FIRE HAZARDS.

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

('75 Code, Ch. C, Art. II, § 4) Penalty, see § 10.99

TRANSPORTATION OF PETROLEUM PRODUCTS§ 94.25 TRANSPORTATION OF PETROLEUM PRODUCTS, RESTRICTED.

It shall be unlawful for any person to operate any motor truck used for the purpose of hauling gasoline or other petroleum products on any street within the fire limits, except for the purpose of delivering the products to purchasers within the fire limits, upon posting appropriate signs.

('75 Code, Ch. C, Art. III, § 1)
Penalty, see § 10.99

Cross-reference:

Fire limits, see § 94.35

§ 94.26 LOADING AND UNLOADING COMBUSTIBLE FUELS.

It shall be unlawful for any tank truck or other conveyance used in the transportation of gasoline, fuel oil, or other combustible fuels or materials, to be left unattended while actually loading or unloading the combustibles within the corporate limits.

('75 Code, Ch. C, Art. III, § 2)
Penalty, see § 10.99

FIRE LIMITS§ 94.35 DESCRIPTION.

The description of the fire limits of the Town is as follows: BEGINNING at the northwest corner of the intersection of Williamson Avenue and Lebanon Avenue and running with the western margin of Williamson Avenue in a northerly direction to the southwest corner of the intersection of Williamson Avenue and West College Avenue; running thence with the southern margin at West College Avenue in a westerly direction to the southeast corner of the intersection of West College Avenue and Holt Avenue; running thence with the eastern margin of Holt Avenue in a southerly direction to the northeast corner of the intersection of Holt Avenue and Lebanon Avenue;

running thence with the northern margin of Lebanon Avenue in an easterly direction to the northwest corner of the intersection of Lebanon Avenue and Williamson Avenue, being the point and place of BEGINNING, and being the one block of business section in the Town of Elon College.

('75 Code, Ch. C, Art. IV, § 1)

Statutory reference:

Establishment of fire limits, see G.S. § 160A-435

§ 94.36 REGULATIONS WITHIN FIRE LIMITS.

No frame or wooden building or structure shall be erected within the fire limits, nor shall any frame or wooden building or structure within the fire limits be rebuilt, altered, or repaired. However, minor repairs may be made to frame or wooden buildings if a permit has been issued by the Building Inspector upon approval of the North Carolina Department of Insurance.

('75 Code, Ch. C, Art. IV, § 2)

Statutory reference:

Restrictions within fire limits, see G.S. § 160A-436

OPEN BURNING§ 94.45 PURPOSE.

This regulation is for the purpose of preventing, abating, and controlling air pollution resulting from air contaminants released in the open burning of refuse or other combustible materials.

('75 Code, Ch. C, Art. VI, § 2) (Ord., passed 5-13-80)

§ 94.46 SCOPE.

(A) This regulation shall apply to all operations involving open burning except those specifically exempted by § 94.48.

(B) No person shall cause, suffer, allow, or permit open burning of refuse or other combustible material except as may be allowed in compliance with § 94.48 or except those covered by a permit issued by an authorized public agency.

('75 Code, Ch. C, Art. VI, § 2) (Ord., passed 5-13-80) Penalty, see § 10.99

§ 94.47 DEFINITIONS.

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

"AMBIENT AIR." That portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts, and which surrounds human, animal, or plant life, or property.

"COMBUSTIBLE MATERIAL." Any substance which, when ignited, will burn in air.

"DUSTFALL." Particulate matter which settles out of the air and is expressed in units of grams per square meter per 30-day period.

"FUEL BURNING EQUIPMENT." Equipment whose primary purpose is the production of thermal energy or power from the combustion of any fuel. The equipment is generally that used for, but not limited to, heating water, generating or circulating steam, heating air as in warm air furnaces, furnishing process heat entirely through transfer by fluids, or transmissions through process vessel walls.

"GARBAGE." Any animal and vegetable waste resulting from the handling, preparing, cooking, and serving of food.

"INCINERATOR." A device designed and engineered to burn solid, liquid, or gaseous waste material.

"OPACITY." That property of a substance tending to obscure vision and is measured in terms of percent obscuration.

"OPEN BURNING." Any fire wherein the products of combustion are emitted directly into the outdoor atmosphere and are not directed thereto through a stack or chimney or approved incinerator.

"PARTICULATE MATTER." Any material, except uncombined water, that exists in a finely divided form as a liquid or a solid at standard conditions.

"REFUSE." Any garbage, rubbish, and trade waste.

"RUBBISH." Solid or liquid wastes from residences and dwellings, commercial establishments, and institutions. ('75 Code, Ch. C, Art. VI, § 1) (Ord., passed 5-13-80)

§ 94.48 PERMISSIBLE OPEN BURNING.

While recognizing that open burning contributes to air pollution, the Board of Aldermen is aware that certain types of open burning may reasonably be allowed in the public interest; therefore, the following types of open burning are permissible as specified if burning is not prohibited by ordinances and regulations of government entities having jurisdiction. The authority to conduct open burning under the provision of this section does not exempt or excuse any person from the consequences, damages, or injuries which may result from this conduct nor does it excuse or exempt any person from complying with all applicable

laws, ordinances, regulations, and orders of the governmental entities having jurisdiction even though the open burning is conducted in compliance with this section:

(A) Fires purposely set for the instruction and training of public and industrial fire-fighting personnel.

(B) Fires purposely set to agricultural lands for disease and pest control and other accepted agricultural or wildlife management practices acceptable to the North Carolina Board of Water and Air Resources.

(C) Fires purposely set to forest lands for forest management practices acceptable to the Division of Forestry and the North Carolina Board of Water and Air Resources.

(D) Fires purposely set in rural areas for rights-of-way maintenance only in instances where there are no other practicable or feasible methods of disposal and under conditions acceptable to the North Carolina Board of Water and Air Resources.

(E) Camp fires and fires used solely for outdoor cooking and other recreational purposes or for ceremonial occasions or for human warmth and comfort.

(F) Open burning of leaves, tree branches, or yard trimmings originating on the premises of private residences and burned on those premises in areas where no public pickup facilities are available and the burning is done between 8:00 a.m. and 6:00 p.m., and does not create a nuisance.

(G) Open burning in other than predominantly residential areas for the purpose of land clearing or right-of-way maintenance. This will be exempt only if the following conditions are met:

(1) Prevailing winds at the time of burning must be away from any city or Town or built-up area, the ambient air of which may be significantly affected by smoke, fly-ash, or other air contaminants from the burning.

(2) The location of the burning must be at least 1,000 feet from any dwelling located in a predominantly residential area other than a dwelling or structure located on the property on which the burning is conducted.

(3) The amount of dirt on the material being burned must be minimized.

(4) Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth may not be burned.

(5) Initial burning may generally be commenced only between the hours of 9:00 a.m. and 3:00 p.m., and no combustible material may be added to the fire between 3:00 p.m., of one day and 9:00 a.m., of the following day, except that under favorable meteorological conditions deviations from the above stated hours of burning may be granted by the air pollution control agency having jurisdiction. It shall be the responsibility of the owner or operator of the open burning operation to obtain written approval for burning during periods other than those specified above.

(H) Fires for the disposal of dangerous materials where there is no alternative method of disposal and burning is conducted in accordance with procedures acceptable to the Board of Water and Air Resources.

(I) Permission granted by the Board under this section shall be subject to continued review and may be withdrawn at any time.

('75 Code, Ch. C, Art. VI, § 2) (Ord., passed 5-13-80) Penalty, see § 10.29

Statutory reference:

Environmental Management Commission,
see G.S. § 143B-282

§ 94.49 ADOPTION OF FIRE CODE.

The most current editions of The National Fire Protection Association Code and Standards are hereby adopted by reference, and shall apply in the Town. The Code shall be enforced by the Fire Department.

Section

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- 95.01 Enforcement of chapter
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- 95.03 Right to enter
- 95.04 Human waste
- 95.05 Debris from construction

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- 95.16 Refuse classifications
- 95.17 Garbage to be removed promptly
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- 95.37 Notice to owner to abate; hearing
- 95.38 Abatement by Town; lien
- 95.39 Other remedies not precluded

GENERAL REGULATIONS

§ 95.01 ENFORCEMENT OF CHAPTER.

The enforcement of this chapter shall be under the supervision of the County Health Director.

('75 Code, Ch. J, Art. I, § 1)

§ 95.02 OBSTRUCTING HEALTH OFFICERS; PROHIBITED.

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

('75 Code, Ch. J, Art. I, § 2) Penalty, see § 10.99

§ 95.03 RIGHT TO ENTER.

The Health Director or any of his assistants shall have the right to enter at any reasonable time and upon reasonable notice any premises for the purpose of making the inspections or investigations as required by this chapter.

('75 Code, Ch. J, Art. I, § 3)

§ 95.04 HUMAN WASTE.

No person shall urinate or deposit any human waste of any kind on any street, lot,

or premises except in approved sanitary facilities.

('75 Code, Ch. J, Art. I, § 4) Penalty, see § 10.99

§ 95.05 DEBRIS FROM CONSTRUCTION.

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

('75 Code, Ch. J, Art. I, § 7) Penalty, see § 10.99

GARBAGE COLLECTION

§ 95.15 REFUSE DISPOSAL PROVIDED BY TOWN.

The Town shall provide a method of refuse disposal for those residents residing within the corporate limits of the Town. ('75 Code, Ch. J, Art. II, § I)

Statutory reference:

Regulation of garbage disposal, see G.S. § 160A-192

§ 95.16 REFUSE CLASSIFICATIONS.

For the purpose of the subchapter, refuse shall be of two classifications:

(A) Housekeeping refuse: limited to those wastes normally produced by the day-to-day process of family life such as paper, cans, household food wastes, and the like.

(B) Property refuse: those wastes such as tree limbs, shrubs, unusual wastes such as carpet and the like, provided the wastes are small enough for easy handling and loading.

('75 Code, Ch. J, Art. II, § 2)

§ 95.17 GARBAGE TO BE REMOVED PROMPTLY.

No garbage that has become decayed or that shall otherwise be a menace to health or cleanliness shall be allowed to remain in any dwelling house, hotel, boardinghouse, cafe, restaurant, lunch stand, fruit stand, meat market, store, or other building or on any premises a longer time than shall be reasonably necessary to remove and deposit the same in a garbage receptacle or receptacles as hereinafter provided in this subchapter.

('75 Code, Ch. J, Art. II, § 3) Penalty, see § 10.99

§ 95.18 RECEPTACLES.

All householders and proprietors of business establishments shall provide receptacles for all garbage, ashes, and refuse. The following regulations shall be observed:

(A) Receptacles shall be made substantially of metal or rigid plastic and provided with strong handles and tight-fitting covers or they shall be plastic bags tied securely shut to prevent odors and breeding of flies in warm weather.

(B) For ease of emptying into garbage vehicles, receptacles shall have a capacity of not more than 35 gallons.

(C) Receptacles containing garbage, ashes, and refuse for removal shall be placed at the site for pickup (usually curbside) on the scheduled day for removal. As soon as reasonably convenient after pickup, owners shall remove garbage receptacles from curbside.

Penalty, see § 10.99

§ 95.19 DEPOSIT OF GARBAGE.

No person shall throw, place, or deposit any garbage in any street, alley, public place or private property within the Town limits, except in garbage receptacles or garbage vehicles as provided in this subchapter.

('75 Code, Ch. J, Art. II, § 6) Penalty, see § 10.99

§ 95.20 REFUSE COLLECTION SCHEDULE.

The schedule for refuse collection shall be determined by the Board of Aldermen and made known to all Town residents.

§ 95.21 TREE TRIMMINGS AND SIMILAR WASTES.

(A) A charge shall be made for hauling tree limbs, cuttings, shrubbery, or similar materials in excess of half of one dump truck load. Application for such hauling will be made to the Town Hall by the person desiring this service before pickup.

(B) For the removal of tree trimmings or similar materials other than those excepted, a fee established by the Board of Aldermen for each load in excess of half of one dump truck load shall be charged for the removal.

(C) All trimmings shall be cut in lengths for ease of handling, not to exceed six feet.

(D) No tree trimmings which are the result of work done by commercial tree contractors shall be hauled by the Town.

(E) For the removal of leaves after December 15, leaves must be bagged or in containers and placed curbside.

(F) Grass trimmings must be bagged or in containers and placed curbside for removal.

(G) No building materials or refuse from building operations or landscape work shall be hauled by the Town.

§ 95.22 COMMERCIAL AND INDUSTRIAL REFUSE.

(A) Occupants of all commercial and industrial premises including parking lots within the Town shall be responsible for clearing and cleaning these premises of refuse, garbage, trash, or litter at all times.

(B) No by-product or manufacturing waste of any type shall be removed by the Town.

§ 95.23 REMOVAL OF DEAD ANIMALS.

Dead animals shall be removed by the Town at any time.

('75 Code, Ch. J, Art. II, § 10)

WEEDS AND RUBBISH

§ 95.34 OWNER TO CLEAR WEEDS.

(A) All property owners within the corporate limits of the Town are required to cut weeds, excess growth of grass, bushes, and the like, and all other excess vegetation twice yearly in the months of May and September.

(B) Failure to comply with this section, after being notified by the Chief of Police, shall subject the violator to the penalty as set forth in § 95.39.

(C) If a property owner has not complied with division (B) above, within 15 days after notice, the Town may have the property cleaned and charge the property owner with the costs, together with the penalty as provided in § 95.39.

(D) If forced collection is necessitated, that collection shall be according to methods as outlined in § 95.38.

('75 Code, Ch. H, Art. III, § 1) (Ord. 88-40, passed 10-11-88) Penalty, see § 94.99

§ 95.35 CONDITIONS CONSTITUTING PUBLIC NUISANCE.

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

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

(B) Any accumulation of rubbish, trash, or junk causing or threatening to

cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

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

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

§ 95.36 INVESTIGATION OF CONDITIONS.

The Town Manager, upon notice from any person of the possible existence of any of the conditions described in § 95.35, shall cause to be made by the County Health Director such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in § 95.35.

§ 95.37 NOTICE TO OWNER TO ABATE; HEARING.

(A) If it appears that conditions constituting a public nuisance as declared in § 95.35 exist, the Town Manager shall cause to be delivered or mailed to the owner of the property upon which the conditions exist a notice stating the reasons why the conditions may constitute a violation and that a hearing will be held before the Town Manager at a place therein fixed, not less than ten days nor more than 30 days after the delivery or mailing of the notice. The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and give evidence at the place and time fixed in the notice. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings.

(B) If a determination is made that conditions constituting a public nuisance exist, the Town Manager shall notify, in writing, the owner of the premises in question of the conditions constituting the public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of such written notice.

§ 95.38 ABATEMENT BY TOWN; LIEN.

(A) If the owner, having been ordered

to abate a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the public nuisance within 15 days from receipt of the order, the Town Manager shall cause the condition to be removed or otherwise remedied by having Town employees go upon the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the Town Manager. Any person who has been ordered to abate a public nuisance may within the time allowed by this division request the Town in writing to remove the condition, the cost of which shall be paid by the person making the request.

(B) The actual cost incurred by the Town in removing or otherwise remedying a public nuisance shall be charged to the owner of the lot or parcel of land, and it shall be the duty of the Tax Collector to mail a statement of these 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.

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

§ 95.39 OTHER REMEDIES NOT PRECLUDED.

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