

## **TITLE IX: GENERAL REGULATIONS**

### Chapter

- 90. ANIMALS**
- 91. NUISANCES**
- 92. ABANDONED VEHICLES**
- 93. STREETS AND SIDEWALKS**
- 94. PARKS AND RECREATION**
- 95. FIRE PREVENTION**



## CHAPTER 90: ANIMALS

### Section

- 90.01 Keeping chickens and fowl
- 90.02 Regulations for slaughtering animals
  
- 90.99 Penalty

### § 90.01 KEEPING CHICKENS AND FOWL.

(A) It shall be unlawful for any person to keep or allow to be kept, harbor or allow to be harbored, maintain or allow to be maintained more than one mature chicken or other fowl of any species per 2,000 square feet of land within a single lot or combination of contiguous lots under single ownership or use within the jurisdictional limits of the city; and no more than six fowl in total per single lot or combination of contiguous lots under single ownership or use within the jurisdictional limits of the city.

(B) It shall be unlawful for any person to keep or allow to be kept, harbor or allow to be harbored, maintain or allow to be maintained more than more than one mature rooster or male fowl on less than two acres of land within a single lot or combination of contiguous lots under single ownership or use within the jurisdictional limits of the city; provided, however, that additional mature roosters and male fowl may be kept on the premises if a minimum of one half-acre of additional land per animal is provided for each additional animal greater than one. Provided further, however, that said animals shall not violate city noise ordinances and quiet hours with observable noise regardless of compliance with this section.

(C) All chickens and other fowl shall be kept outside in pens, coops or other enclosures at all times. Each pen, coop or enclosure shall provide a minimum of four square feet of ground space per chicken or fowl and shall be located in side and rear yards only, visibly screened from public rights-of-way and situated a minimum of 20 feet from all adjacent property lines.

(D) Every chicken pen, coop or enclosure and surrounding habitable space shall meet the sanitary standards of the County Health Department at all times and be kept in a manner such that no odors, noise or other nuisances are observable on adjacent properties.

(Ord. 80, passed 5-1-1995; Ord. 191, passed 5-2-2022) Penalty, see § 90.99

**§ 90.02 REGULATIONS FOR SLAUGHTERING ANIMALS.**

It shall be unlawful for any person, firm, or corporation to slaughter animals in the town limits except in the properly zoned districts or in established slaughter houses.  
(Ord. 81-A, passed 11-6-1995) Penalty, see § 90.99

**§ 90.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) If any person shall violate § 90.01, such person shall be guilty of a Class 3 misdemeanor and shall be punished as provided by law; provided that for a subsequent offense such person may be fined in an amount up to \$200 in addition to the penalties otherwise provided by law.

(C) If any person shall violate § 90.02, such person shall be guilty of a misdemeanor and shall be punished as provided by law; such person may be fined in the amount of \$100 in addition to the penalties otherwise provided by law.  
(Ord. 80, passed 5-1-1995; Ord. 81-A, passed 11-6-1995)

## CHAPTER 91: NUISANCES

### Section

#### *Noise*

- 91.01 Loud noises prohibited
- 91.02 Examples of prohibited acts

#### *Public Nuisances*

- 91.15 Unlawful conditions
- 91.16 Notice and abatement of nuisances
- 91.17 Service of notice
- 91.18 Defect in notice not to affect lien
- 91.19 Abatement by the town
- 91.20 Other remedies available to the town
- 91.21 Authority
- 91.22 Jurisdiction
- 91.23 Exceptions
- 91.24 Playing games in streets
- 91.25 Misdemeanor punishment chart

#### *Criminal Nuisances*

- 91.40 Jurisdiction
- 91.41 Declaration of a criminal nuisance
- 91.42 Administration and enforcement
- 91.43 Complaints and investigations
- 91.44 Abatement of a criminal nuisance
- 91.45 Failure to abate a criminal nuisance
- 91.46 Charges become a lien on property

#### *Cemeteries*

- 91.55 Pulling flowers from graves
  
- 91.99 Penalty

#### *Cross-reference:*

*Streets and sidewalks, see Ch. 93*

*NOISE***§ 91.01 LOUD NOISES PROHIBITED.**

(A) Subject to the provisions of this section, it shall be unlawful for any person or persons to make, permit, continue, or cause to be made or create any unreasonably loud, disturbing, and unnecessary noise in the town, with the exception of construction work done pursuant to a federal, state, county, or town contract which requires work to be performed during certain hours. Construction work under these conditions shall be exempt from the provisions of this section.

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

***DISTURBING.*** Disturbing noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.

***UNNECESSARY.*** Any excessive or unusually loud sound or any sound which is of such character, intensity, and duration as to disturb the peace and quiet of any neighborhood or which disturbs, injures, or endangers the comfort, repose, health, peace, or safety of any person, and being a type of sound which could be lessened or otherwise controlled by the maker without unduly restricting his or her conduct.

***UNREASONABLY LOUD.*** Noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order. (Ord. 127, passed 4-7-2008) Penalty, see § 91.99

**§ 91.02 EXAMPLES OF PROHIBITED ACTS.**

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive.

(A) *Blowing horns.* The sounding of any horn, whistle, or signal device on any automobile, motorcycle, bus, or other vehicle or railroad train, except as a danger signal or as required by law, so as to create any unreasonable, loud, or harsh sound or the sounding of such device for an unnecessary and unreasonable period of time.

(B) *Radio stereos and the like.* The playing of any radio, television set, record player, stereo or other sound reproduction system, musical instrument, or sound-producing or sound-amplifying device on the premises of any dwelling in such manner or with such volume, particularly, but not limited to, the hours between 11:00 p.m. and 7:00 a.m., if the sound generated is audible at a distance of 30 feet or more from the dwelling's property line. This subchapter will be in effect 24 hours a day.

(C) *Sound-producing equipment in vehicles.* The playing of any radio, cassette player, compact disc, video tape or disc, or other similar device for reproducing sound located or in any motor vehicle on a public street, highway, within any public vehicular area, or on the premises of a private residence, if the sound generated or noise vibration therefrom is audible or can be felt at a distance of 30 feet or more from the radio, cassette player, compact disc, video tape or disc, or other similar device that is producing the sound.

(D) *Pets.* The keeping of any dog, animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity. It shall be unlawful for any owner to keep or have within the town a dog that habitually or repeatedly barks in such a manner or to such an extent that it is a public nuisance.

(E) *Use of vehicles.* The use of any automobile, motorcycle, dirt bike, go-cart, recreational vehicle, or any other vehicle so out of repair, so loaded, or operated in such manner as to create loud or unnecessary grating, grinding, rattling, screeching of tires, or other noise.

(F) *Blowing whistles.* The blowing of any steam whistle attached to any stationary boiler except as a warning of danger.

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

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

(I) *Building operations.* The erection (including excavation), demolition, alteration, or repair of any building in a residential district between the hours of 9:00 p.m. and 7:00 a.m. of any day or in any district other than a residential district between the hours of 11:00 p.m. and 7:00 a.m. of any day, except in the case of urgent necessity in the interest of public safety and then only with written permission from the Town Administrator or his or her designee.

(J) *Noises near schools and the like.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court while the same is in session, or any church during services, which unreasonably interferes with the operation or activities of such institution.

(K) *Loading and unloading operations.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates, and container.

(L) *Bells and gongs.* The sounding of any bell or gong which disturbs the quiet or repose of persons in the vicinity thereof.

**Norwood - General Regulations**

(M) *Noises to attract attention.* The use of any drum, loudspeaker, or other instrument for the purpose of attracting attention by creation of noise to any performance, show, sale, display, or advertisement of merchandise.

(N) *Blowers, engines.* The operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise emitting therefrom is sufficiently muffled and the engine is equipped with a muffler device sufficient to deaden such noise, so that the same shall not cause annoyance to the public nor unreasonably disturb the rest and quiet of persons on adjacent premises or within the vicinity thereof.

(O) *Appliances and other mechanical devices.* The operation of any noise-producing appliance or other mechanical device which, due to operational deficiencies, malfunction, or other type of disrepair, causes loud and excessive noises in such a manner as to unreasonably annoy the public or disturb the rest and quiet of persons on adjacent premises or within the vicinity thereof.

(P) *Loudspeakers or amplifiers.*

(1) It is prohibited within or from any commercial establishment or private entertainment or recreational venue to allow any loudspeaker or other mechanically-amplified device to be played so that the sound therefrom may be heard at a distance of 30 feet or more from the facility's property line, between the hours of 12:00 a.m. (midnight) and 7:00 a.m.

(2) In the exercise of noncommercial free speech, loudspeakers or amplifiers maybe used, subject to the following conditions: it shall be unlawful for any person to speak into a loudspeaker or amplifier within the corporate limits of the town, when such loudspeaker or amplifier is so adjusted that the voice of the speaker is amplified to the extent that it is audible at a distance in excess of 150 feet from the person speaking.

(Ord. 127, passed 4-7-2008) Penalty, see § 91.99

***PUBLIC NUISANCES*****§ 91.15 UNLAWFUL CONDITIONS.**

The following enumerated and described conditions, or any combination thereof, 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 conditions may exist and the creation, maintenance, or failure to abate any nuisances is hereby declared unlawful:

(A) Any condition which constitutes a breeding ground or harbor for rats, snakes, mosquitoes, harmful insects, or other pests;



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

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

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

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

*will address below*

(F) Any accumulation of trash and/or garbage which is the result of overflowing or improperly closed trash or garbage containers;

*keep*

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

(H) Any building or other structure which has been burned, partially burned, or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Code Enforcement Officer can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises;

*move to next section*

(I) Any junk vehicle or vehicles having one or more of the following conditions: broken glass, jagged metal edges; elevated on jacks or blocks; potential areas of confinement; combustible and explosive material; and breeding areas for rats, snakes, mosquitoes, harmful insects, or other pests;

(J) Any accumulation of glass, building materials, construction or demolition rubbish, vehicle parts, junk, and similar debris prejudicial to the public health;

*X*

*keep*

(K) Accumulations in an open place of hazardous and toxic materials and chemicals; and

(L) Any weeds or other vegetation having an overall height of more than eight inches above the surrounding ground, provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants.

(Ord. 81, passed 6-6-1995; Ord. 197, passed 8-1-2022)

*-this shall include the area b/w a property line + the edge of the pavement of any abutting street, + to the centerline of any abutting alleyway.*

*replace 4/1/15*

**§ 91.16 NOTICE AND ABATEMENT OF NUISANCES.**

If any person shall violate the provisions of § 91.15, it shall be the duty of the Code Enforcement Officer or the Officer's designee to give notice to the owner or to any person in possession of the subject property, as provided by § 91.17, directing that all unlawful conditions existing thereupon be abated within ten days from the date of such notice; provided, that if, in the opinion of the Code Enforcement Officer or the Officer's designee, the unlawful condition is such that it is of imminent danger or peril to the public, then the Code Enforcement Officer may, without notice, proceed, summarily, to abate the unlawful condition, and the cost thereof shall be charged against the property as is provided in § 91.19. (Ord. 81, passed 6-6-1995)

**§ 91.17 SERVICE OF NOTICE.**

(A) The owner of subject property shall be notified of violation by personal delivery of the notice or by registered or certified mail, return receipt requested. If such owner refuses to accept notice of the violation, then the property shall be posted with notice. If the name of the owner cannot be ascertained, then the notice shall be served on any person in possession of the subject property, or, if there is no person in possession of it, by posting the notice on the subject property. If any such property is owned by a corporation, the notice shall be served upon the registered agent or, in the absence thereof, notice shall be served upon the corporation.

(B) Any such notice may be served by the Code Enforcement Officer, the Officer's designee, or by any Police Officer of the town. (Ord. 81, passed 6-6-1995)

**§ 91.18 DEFECT IN NOTICE NOT TO AFFECT LIEN.**

Any defect in the method of giving the notice required by § 91.16, or in the form thereof, or the giving of such notice to an improper person, shall not prevent the town, in any case where the work of abating an unlawful condition upon any property is caused by the town, from collecting the cost thereof from the owner, nor shall it affect the validity of the lien on the property for such cost. (Ord. 81, passed 6-6-1995)

**§ 91.19 ABATEMENT BY THE TOWN.**

Upon the completion of such removal and abatement, the Code Enforcement Officer or the Officer's designee shall deliver to the Town Clerk a statement showing the actual cost of the abatement of the unlawful condition. The Town Clerk shall thereupon mail to the owner of the subject property a bill covering the cost, if with reasonable diligence the name and address of such owner can be ascertained and the amount of the bill shall be placed as a lien upon the subject property, and, if not paid within 30 days, shall be collected as in the manner provided for the collection of delinquent taxes. (Ord. 81, passed 6-6-1995)

**§ 91.20 OTHER REMEDIES AVAILABLE TO THE TOWN.**

The abatement procedure set forth in §§ 91.15 to 91.23 shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances both civil and criminal. Sections 91.15 to 91.23 shall not prevent the town from proceeding in a criminal action against any person violating the provisions of §§ 91.15 to 91.23, as provided in G.S. § 14-4, or from proceeding in a civil procedure as provided for in G.S. § 160A-175, or both.  
(Ord. 81, passed 6-6-1995)

**§ 91.21 AUTHORITY.**

The Code Enforcement Officer or the Officer's designee is hereby given full power and authority to enter upon the premises involved for the purpose of abating the nuisance found to exist as set out in §§ 91.15 to 91.23.  
(Ord. 81, passed 6-6-1995)

**§ 91.22 JURISDICTION.**

Sections 91.15 to 91.23 shall be effective within the town limits.  
(Ord. 81, passed 6-6-1995)

**§ 91.23 EXCEPTIONS.**

The provisions of §§ 91.15 to 91.23 shall not apply to the normal operations of salvage yards which are in conformance with the requirements of Chapter 155 or to vehicles being stored for not more than 30 days waiting to be repaired at a legally existing garage or repair shop.  
(Ord. 81, passed 6-6-1995)

**§ 91.24 PLAYING GAMES IN STREETS.**

It shall be unlawful for any person to play ball in any manner or engage in any game of any kind calculated to damage glass windows or other property on the public streets or alleys within the city.  
(Ord. 57, passed 7-31-1978) Penalty, see § 91.99

§ 91.25 MISDEMEANOR PUNISHMENT CHART.

Class	Prior Conviction Levels		
	<i>I</i>	<i>II</i>	<i>III</i>
	<i>No Prior Convictions</i>	<i>One to Four Prior Convictions</i>	<i>Five or More Prior Convictions</i>
1A	1-60 days C/I/A	1-75 days C/I/A	1-150 days C/I/A
1	1-45 days C	1-45 days C/I/A	1-120 days C/I/A
2	1-30 days C	1-45 days C/I	1-60 days C/I/A
3	1-10 days C	1-15 days C/I if one to three prior convictions	1-20 days C/I/A
		1-15 days C/I if four prior convictions	
A - Active Punishment C - Community Punishment I - Intermediate Punishment Cells with slash allow either disposition at the discretion of the judge.			

(G.S. § 15A-1340.23) (Ord. passed - -)

**CRIMINAL NUISANCES**

§ 91.40 JURISDICTION.

The provisions of this subchapter shall apply within the corporate limits of the town.  
 (Ord. 126, passed 2-4-2008)

§ 91.41 DECLARATION OF A CRIMINAL NUISANCE.

(A) Any condition defined in G.S. Ch. 19 as a nuisance shall be defined herein as a nuisance and shall be prohibited within the jurisdiction of the town.

(B) In addition, any condition the Town Council declares, after holding a public hearing, to be a nuisance shall be prohibited within the jurisdiction of the town.  
 (Ord. 126, passed 2-4-2008) Penalty, see § 91.99

**§ 91.42 ADMINISTRATION AND ENFORCEMENT.**

The town's Police Department is hereby charged with the administration and enforcement of this subchapter.

(Ord. 126, passed 2-4-2008)

**§ 91.43 COMPLAINTS AND INVESTIGATIONS.**

The town shall, upon notice from any citizen or public official, investigate to determine whether or not a nuisance as defined in this subchapter exists.

(Ord. 126, passed 2-4-2008)

**§ 91.44 ABATEMENT OF A CRIMINAL NUISANCE.**

(A) Upon a determination that a nuisance as herein defined exists, the town may proceed with an action to abate or enjoin any person, property, or thing adjudged to be a nuisance as set forth in G.S. § 19-2.1.

(B) In addition, at the petition of the Chief of Police, the Town Council may, after holding a public hearing, declare that a nuisance exists and order its abatement or removal.

(Ord. 126, passed 2-4-2008)

**§ 91.45 FAILURE TO ABATE A CRIMINAL NUISANCE.**

If an owner, after being duly notified by certified mail, return receipt requested, fails to abate a nuisance as ordered by Town Council, Council may direct town staff to proceed with the abatement. The cost of abatement, including administrative costs, shall be due and payable to the town within 30 days of notification. Notification shall be deemed given when written notice is sent by first class mail to the property owner at the address shown on the most recent property tax records.

(Ord. 126, passed 2-4-2008)

**§ 91.46 CHARGES BECOME A LIEN ON PROPERTY.**

In the event charges for the abatement of a nuisance are not paid as specified in § 91.45, such charges shall become a lien upon the land or premises where the nuisance existed and shall be subject to collection as unpaid taxes.

(Ord. 126, passed 2-4-2008)

*CEMETERIES***§ 91.55 PULLING FLOWERS FROM GRAVES.**

It shall be unlawful for anyone to pull flowers from any of the graves within the cemetery, except the person owning the lot of which they grow, or to trespass in any way upon the cemetery grounds, except upon the walks and drives.

(Ord. 10, passed - - ) Penalty, see § 91.99

**§ 91.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Where there is a violation of any provision of §§ 91.01 or 91.02, the town, at its discretion, may take one or more of the following enforcement actions:

(a) A police officer may issue a citation as provided herein, subjecting the violator to a civil penalty of \$50;

(b) The civil penalties imposed by this section and the proceeds therefrom as collected by payment, civil action or otherwise, shall belong to the town and shall be paid into the General Fund of the town under such conditions as prescribed by the annual budget; or

(c) In the alternative, pursuant to G.S. § 14-4, a violation of this section may be considered a misdemeanor. Such a misdemeanor is punishable by a fine of not more than \$500 or imprisonment designated for a Class 3 misdemeanor.

(2) Each separate day of a continued violation shall be a separate and distinct offense and shall give rise to a separate and distinct penalty.

(C) The violation of the provisions of this §§ 91.40 to 91.46 shall subject the offender to criminal prosecution, injunctive relief, or orders of abatement as afforded to the town under G.S. § 160A-175. (Ord. 126, passed 2-4-2008; Ord. 127, passed 4-7-2008)

## CHAPTER 92: ABANDONED VEHICLES

### Section

- 92.01 Administration
- 92.02 Definitions
- 92.03 Abandoned vehicle unlawful; removal authorized
- 92.04 Nuisance vehicle unlawful; removal authorized
- 92.05 Junked motor vehicle regulated; removal authorized
- 92.06 Removal of abandoned, nuisance, or junked motor vehicles; pre-towing notice requirements
- 92.07 Exceptions to prior notice requirement
- 92.08 Removal of vehicles; post-towing notice requirements
- 92.09 Right to probable cause hearing before sale or final disposition of vehicle
- 92.10 Redemption of vehicle during proceedings
- 92.11 Sale and disposition of unclaimed vehicle
- 92.12 Conditions on removal of vehicles from private property
- 92.13 Protection against criminal or civil liability
- 92.14 Exceptions
- 92.15 Unlawful removal of impounded vehicle

### § 92.01 ADMINISTRATION.

(A) The Police Department and Town Building Inspector, or other public official of the town, shall be responsible for the administration and enforcement of this chapter. The Police Department shall be responsible for administering the removal and disposition of vehicles determined to be “abandoned” on the public streets and highways within the town, and on property owned by the town.

(B) The Town Building Inspector or other public official shall be responsible for administering the removal and disposition of “abandoned”, “nuisance”, or “junked” motor vehicles located on private property. The town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles and junked motor vehicles in compliance with this chapter and applicable state laws.

(C) Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the town’s Police Department and Fire Department in enforcing other laws or in otherwise carrying out their duties.

(Ord. 77, passed 4-5-1994)

**§ 92.02 DEFINITIONS.**

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

**ABANDONED VEHICLE.** As authorized and defined in G.S. 160A-303, an **ABANDONED MOTOR VEHICLE** is one that:

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking;
- (2) Is left on a public street or highway for longer than seven days;
- (3) Is left on property owned or operated by the town for longer than 24 hours; or
- (4) Is left on private property without the consent of the owner, occupant, or lessee thereof, for longer than two hours.

**AUTHORIZING OFFICIAL.** The supervisory employee of the Police Department or the Town Building Inspector or other public official, respectively, designated to authorize the removal of vehicles under the provisions of this chapter.

**JUNKED MOTOR VEHICLE.** As authorized and defined in G.S. § 160A-303.2, the term **JUNKED MOTOR VEHICLE** means a vehicle that does not display a current license plate lawfully upon that vehicle 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.

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

**NUISANCE VEHICLE.** A vehicle on public or private property is determined and declared to be a health or safety hazard, a public nuisance, and 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) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;

(8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or

(9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the town.

(Ord. 77, passed 4-5-1994)

**§ 92.03 ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.**

(A) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned, as the term is defined in § 92.02.

(B) Upon investigation, proper authorizing officials of the town may be determine that a vehicle is an abandoned vehicle and order the vehicle removed.

(Ord. 77, passed 4-5-1994) Penalty, see § 10.99

**§ 92.04 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.**

(A) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle to leave or allow the vehicle to remain on the property after it has been determined a nuisance vehicle.

(B) Upon investigation, the Town Building Inspector or other public official may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

(Ord. 77, passed 4-5-1994) Penalty, see § 10.99

**§ 92.05 JUNKED MOTOR VEHICLE REGULATED; REMOVAL AUTHORIZED.**

(A) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor

vehicle is located, to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(B) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. A single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.

(C) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located, to fail to comply with locational requirements or the concealment requirements of this section.

(D) Subject to the provisions of division (E) below, upon investigation, the Town Building Inspector or other public official may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner, such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following among other relevant factors may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; and
- (5) Promotion of the comfort, happiness, and emotional stability of area residents.

(E) Permitted concealment or enclosure of junked motor vehicles.

(1) (a) One junked motor vehicle, in its entirety, can be located in the yard, as defined by Chapter 155, if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by acceptable covering.

(b) The Town Building Inspector and other public official has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in the preamble of the ordinance codified herein.

(2) Any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. A **GARAGE** or **BUILDING STRUCTURE** means either a lawful, nonconforming use

or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.

(Ord. 77, passed 4-5-1994; Ord. passed 6-6-1995) Penalty, see § 10.99

#### **§ 92.06 REMOVAL OF ABANDONED, NUISANCE, OR JUNKED MOTOR VEHICLES; PRE-TOWING NOTICE REQUIREMENTS.**

(A) Except as set forth in § 92.07, an abandoned, nuisance, or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the city on a specified date (no sooner than seven days after the notice is affixed). 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) With respect to abandoned vehicles on private property, nuisance vehicles, and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle, or in the case of a junked motor vehicle, that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the Town Council in writing, heard at the next regular scheduled meeting of the town, and further proceeding to remove the vehicle shall be stayed until the appeal is heard and decided.

(Ord. 77, passed 4-5-1994)

#### **§ 92.07 EXCEPTIONS TO PRIOR NOTICE REQUIREMENT.**

(A) The requirement that notice be given prior to the removal of an abandoned, nuisance, or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records.

(B) Circumstances justifying the removal of vehicles without prior notice includes:

(1) *Vehicles abandoned on the streets.* For vehicles left on public streets and highways, the town hereby determines that immediate removal of such vehicles may be warranted when they are:

- (a) Obstructing traffic;
- (b) Parked in violation of an ordinance prohibiting or restricting parking;
- (c) Parked in a no-stopping or standing zone;
- (d) Parked in loading zones;
- (e) Parked in bus zones; or
- (f) Parked in violation of temporary parking restrictions imposed under code sections.

(2) *Other abandoned or nuisance vehicles.* With respect to abandoned or nuisance vehicles left on city-owned property other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety, and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles parked causing damage to public or private property.

(Ord. 77, passed 4-5-1994)

#### **§ 92.08 REMOVAL OF VEHICLES; POST-TOWING NOTICE REQUIREMENTS.**

(A) Any abandoned, nuisance, or junked motor vehicle which has been ordered removed may, as directed by the town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the town.

(B) Whenever such a vehicle is removed, the authorizing town official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

- (1) The 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.

(C) The town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in divisions (B)(1) through (B)(5) above, shall also be mailed to the vehicle owner or his or her agent.

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

(E) Whenever an abandoned, nuisance, or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing city official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and notify him or her of the information set forth in divisions (B)(1) through (B)(5) above. (Ord. 77, passed 4-5-1994)

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

(A) After the removal of an abandoned vehicle, nuisance vehicle, or junked vehicle, the owner or any other person entitled to possession is entitled to hearing for the purpose of determining if probable cause existed for removing the vehicle.

(B) A request for hearing must be filed in writing with the County Magistrate designated by the Chief District Court Judge to receive such hearing requests. The Magistrate will set the hearing within 72 hours of receipt, and the hearing will be conducted in accordance with the provisions of G.S. §§ 137.6 et seq. (Ord. 77, passed 4-5-1994; Ord. passed 6-6-1995)

**§ 92.10 REDEMPTION OF VEHICLE DURING PROCEEDINGS.**

(A) At any state in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle.

(B) Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this chapter. (Ord. 77, passed 4-5-1994)

**§ 92.11 SALE AND DISPOSITION OF UNCLAIMED VEHICLE.**

Any abandoned, nuisance, or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the city and in accordance with G.S. Ch. 44A, Art. 1. (Ord. 77, passed 4-5-1994; Ord. passed 6-6-1995)

**§ 92.12 CONDITIONS ON REMOVAL OF VEHICLES FROM PRIVATE PROPERTY.**

As a general policy, the town will not remove a vehicle from private property if the owner, occupant, or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the town from private property without a written request of the owner, occupant, or lessee, except in those cases where a vehicle is a nuisance vehicle or a junked motor vehicle which has been ordered removed by the Town Building Inspector or other public official. The town may require any person requesting the removal of an abandoned, nuisance, or junked motor vehicle from private property to indemnify the town against any loss, expense, or liability incurred because of the removal, storage, or sale thereof.

(Ord. 77, passed 4-5-1994)

**§ 92.13 PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.**

No person shall be held to answer if any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance, or junked motor vehicle, for disposing of such vehicle as provided in this chapter.

(Ord. 77, passed 4-5-1994)

**§ 92.14 EXCEPTIONS.**

Nothing in this chapter shall apply to any vehicle:

(A) Which is located in a bona fide “automobile graveyard” or “junkyard” as defined in G.S. §§ 136-141 et seq.;

(B) Which is in an enclosed building;

(C) Which is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or

(D) Which is in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Ord. 77, passed 4-5-1994)

**§ 92.15 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE.**

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the city any vehicle which has been impounded pursuant to the provisions of this code unless all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

(Ord. 77, passed 4-5-1994; Ord. passed 6-6-1995) Penalty, see § 92.99

## CHAPTER 93: STREETS AND SIDEWALKS

### Section

#### *General Provisions*

- 93.01 Parades and processions
- 93.02 Awnings, trees and shrubbery hanging over sidewalks

#### *Street Regulations*

- 93.15 Putting debris on streets
- 93.16 Definitions
- 93.17 Abatement and compliance

#### *Tree Regulations*

- 93.30 Purpose
- 93.31 Definitions
- 93.32 Creation and establishment of Tree Board
- 93.33 Compensation
- 93.34 Duties and responsibilities
- 93.35 Operation
- 93.36 Street tree species
- 93.37 Spacing
- 93.38 Public tree care
- 93.39 Tree topping
- 93.40 Removal of stumps
- 93.41 Interference with Tree Board
- 93.42 License and bond
- 93.43 Review by Town Council

- 93.99 Penalty

#### *Cross-reference:*

*Nuisances, see Ch. 91*

*Zoning, see Ch. 155*

**GENERAL PROVISIONS****§ 93.01 PARADES AND PROCESSIONS.**

(A) *Generally.* No procession or parade, excepting the forces of the United States Army, Navy, Air Force, or Marines, or the military forces of the state and forces of the police and fire departments, shall occupy, march, or proceed along any street, sidewalk, or any other public place in the city, except in accordance with a permit issued by the Town Clerk, Chief of Police, and such other regulations as are set forth herein which may apply.

(B) *Permit required; fee.*

(1) Before any person shall engage in any parade or marching in the city, such person shall make application in writing to the Chief of Police for permission to so parade or march, setting forth in such written application the streets or sidewalks upon which such person desires and intends to so march or parade or conduct any such parade or marching, which application shall be made not less than 14 days before the time such parade or marching shall begin.

(2) Upon such written application being made, the Chief of Police shall investigate the facts and conditions upon which such permission to so parade is asked and applied for, and if, after such investigation, the Chief of Police shall find that any applicable provision of this code and state law will not be violated by such parading or marching, then the Chief of Police shall confer, grant permission in writing to such person to so parade or march, or to cause any such parade or marching to be conducted. The fee for the permit shall be \$50.

(Ord. 70, passed 5-7-1990) Penalty, see § 93.99

**§ 93.02 AWNINGS, TREES AND SHRUBBERY HANGING OVER SIDEWALKS.**

No person or firm shall erect or maintain over the sidewalks of the town any awning lower than six and one-half feet from the sidewalk or allow trees or shrubbery to hang over the streets or sidewalks lower than a distance of eight feet.

(Ord. 18, passed - - ) Penalty, see § 93.99



***STREET REGULATIONS*****§ 93.15 PUTTING DEBRIS ON STREETS.**

No individual, entity, or combination of persons or entities shall willfully or negligently cause debris to be located on the streets, roads, or highway, or rights-of-way of such, within the municipal limits of the town.

(Ord. 160, passed 3-20-2017) Penalty, see § 93.99

**§ 93.16 DEFINITIONS.**

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

***DEBRIS.*** Include dirt, mud, rocks, gravel, construction materials, grass, and any other substance that may impede, interfere, or create a hazard for the use of the street, road, highway, or right-of-way.

***ENTITIES.*** Include domestic and foreign corporations, limited liability companies, partnerships, and individual-owned businesses, including their agents, officers, and employees.

***INDIVIDUALS.*** Include natural persons, whether such are persons, contractors, property owners, operators of equipment, operators of motor vehicles of any description, and/or transporters of livestock.

***OFFENDER.*** An individual, entity, or combination thereof violating the provisions of the subchapter.

***STREET, ROAD, HIGHWAY, AND RIGHT-OF-WAY.*** Include all public roads, streets, highways, and rights-of-way utilized by the public for transportation purposes within the municipal limits of the town, but shall not include driveways and easements located exclusively on private, non-public property.  
(Ord. 160, passed 3-20-2017)

**§ 93.17 ABATEMENT AND COMPLIANCE.**

Upon complaint or observation, the Town Administrator or his or her designee shall notify the offender, verbally or in writing via hand note, fax, email, or text, of the extent of such violation. Within four hours of such notice, the offender shall clean such street in such a manner in accordance with best management practices to abate the violation. All abatement processes shall be in compliance with the town or NCDOT standards for abatement of such violation(s).

(Ord. 160, passed 3-20-2017)

***TREE REGULATIONS*****§ 93.30 PURPOSE.**

(A) The purpose of this subchapter is to regulate the planting, maintenance, and removal of trees on municipally-owned public property and rights-of-way within the town and on municipally-owned property wherever located. In order to protect and conserve trees on public property and rights-of-way, this subchapter provides for the pruning, treatment, and removal of trees and shrubs as is deemed necessary by the Town Council or a person acting under the authority of the Town Council. This subchapter is also intended to provide for the trimming or removal of trees on public land when they obscure street light, interfere with utility lines, or constitute a hazard to pedestrian or vehicular traffic, or otherwise endanger the public health, safety, or welfare.

(B) Another purpose of this subchapter is to encourage the protection of trees and express the town's intent to use trees to create a more natural and amenable human environment. This subchapter is not to cause hardship to any person who uses the upmost care and diligence to protect trees within the town or on town property.

(Ord. 136, passed - -)

**§ 93.31 DEFINITIONS.**

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

***PARK TREES.*** Trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the town, or to which the public has free access as a park. (Note: industry-owned public parks.)

***STREET TREES.*** Trees, shrubs, bushes, and all other woody vegetation on land lying within rights-of-way on either side of all streets, avenues, or ways within the town.

(Ord. 136, passed - -)

**§ 93.32 CREATION AND ESTABLISHMENT OF TREE BOARD.**

(A) There is hereby created and established a Tree Board, which shall consist of seven members, who shall be appointed by the Mayor with the approval of the Town Council.

(B) The term of the seven persons to be appointed by the Mayor shall be three years, except that the term of two of the members appointed to the first Board shall be for only one year and the term of two members of the first Board shall be for two years.

(C) In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

(Ord. 136, passed - -)

**§ 93.33 COMPENSATION.**

Members of the Board shall serve without compensation.

(Ord. 136, passed - -)

**§ 93.34 DUTIES AND RESPONSIBILITIES.**

(A) It shall be the responsibility of the Tree Board to study, investigate, counsel, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and other public areas. Such plan will be presented annually to the Town Council and, upon its acceptance and approval, shall constitute the official comprehensive town tree plan for the town.

(B) The Tree Board, when requested by the Town Council, shall consider, investigate, make findings, report, and recommend any special matter of question coming within the scope of its work.

(Ord. 136, passed - -)

**§ 93.35 OPERATION.**

The Tree Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(Ord. 136, passed - -)

**§ 93.36 STREET TREE SPECIES.**

The Town Council shall be responsible for an official street tree species list comprised of three groups of trees - small trees, medium trees, and large trees. No trees other than those included in the list may be planted as street trees without written permission of the Tree Board.

(Ord. 136, passed - -)

**§ 93.37 SPACING.**

The Tree Board will be responsible for establishing guidelines for the spacing of town trees in accordance with the three species size classes listed in § 93.36. These guidelines will cover spacing between trees, the distance trees may be planted from curbs or curblines and sidewalks, the distance street trees may be planted from any street corner, the location of trees relative to overhead and

underground water line, sewer line, transmission line, or other utility, and any other areas involving the spacing of street trees, park trees, or town-owned trees.

(Ord. 136, passed - -)

#### § 93.38 PUBLIC TREE CARE.

(A) The town shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(B) The Tree Board may remove or cause, or order to be removed, any publicly-owned tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or. . . MISSING CONTENT

(C) This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with §§ 93.36 and 93.37 and with the guidelines established by the Tree Board. (Note: The Tree Board may reserve the right to approve any plantings that take place in right-of-way areas.)

(Ord. 136, passed - -)

#### § 93.39 TREE TOPPING.

It shall be unlawful as normal practice except as described below for any persons, firm, or town department to top any street tree, park tree, or other tree on public property. *TOPPING* is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees that interfere with or are an eminent threat to utility wires or other obstructions where other pruning practices are impractical may be exempted from this subchapter at the determination of the Tree Board.

(Ord. 136, passed - -) Penalty, see § 93.99

#### § 93.40 REMOVAL OF STUMPS.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. 136, passed - -)

**§ 93.41 INTERFERENCE WITH TREE BOARD.**

It shall be unlawful for any person to prevent, delay, or interfere with the Tree Board, or any its agents, while engaging in and about the planting, cultivation, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on public grounds, as authorized in the subchapter.

(Ord. 136, passed - -) Penalty, see § 93.99

**§ 93.42 LICENSE AND BOND.**

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the town without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or town employee doing such in the pursuit of his or her public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$100,000 for bodily injury and \$100,000 property damage identifying the town or any persons injured or damaged resulting from the pursuit of such endeavors as here described.

(Ord. 136, passed - -) Penalty, see § 93.99

**§ 93.43 REVIEW BY TOWN COUNCIL.**

The Town Council shall have the right to review the conduct, acts, and decisions of the Tree Board. Any persons may appeal from any decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the Town Council who may hear the matter and make final decision.

(Ord. 136, passed - -)

**§ 93.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Failure to abate a violation of § 93.15 shall constitute a criminal violation, and shall be punishable by a penalty of \$50 for the first offense and \$200 for each day the violation continues. The Town Administrator or his or her designee may, at his or her discretion, have the street cleaned and the cost of the abatement charged to the offender.

(C) Any person violating any provision of §§ 93.30 to 93.43 shall be, upon conviction or plea of guilty, subject to a fine not to exceed \$100.

(Ord. 136, passed - -; Ord. 160, passed 3-20-2017)



## CHAPTER 94: PARKS AND RECREATION

### Section

#### *Social Districts*

- 94.01 Creation
- 94.02 Management
- 94.03 Designated social districts
- 94.04 Licenses

#### ***SOCIAL DISTRICTS***

##### **§ 94.01 CREATION.**

Pursuant to the revisions of G.S. § 160A-205.4 et seq., one or more social districts may be created within the town.

(Ord. 176, passed 12-6-2021)

##### **§ 94.02 MANAGEMENT.**

Two social districts shall be created, designated and managed in accordance with the requirements contained in G.S. § 160A-205.4 and Ch. 18B.

(Ord. 176, passed 12-6-2021)

##### **§ 94.03 DESIGNATED SOCIAL DISTRICTS.**

The city hereby creates and designates the following social district: Downtown Social District, which is designated as the area within the town as described in the attachment to Ord. 176.

(Ord. 176, passed 12-6-2021)

**§ 94.04 LICENSES.**

Any business establishment contiguous to a social district which holds a valid ABC permit desiring to engage as a social district participant must apply for and obtain a social district license from the Norwood Town Administrator or those designated by the Administrator to do so. The establishment shall be responsible to operate its business in accordance with all city and state ordinances, laws, rules, regulations and operations plan governing social district activities.  
(Ord. 176, passed 12-6-2021)



## CHAPTER 95: FIRE PREVENTION

### Section

- 95.01 Driving vehicle over fire hose
- 95.02 Interfering with fire equipment
- 95.03 Fire limits
- 95.04 Buildings within fire limits
- 95.05 Following fire trucks
- 95.06 Burning in the town limits prohibited

95.99 Penalty

### **§ 95.01 DRIVING VEHICLE OVER FIRE HOSE.**

No person shall ride or drive any automobile or other vehicle across any fire hose while same is stretched across or over any streets or other place.

(Ord. 15, passed - - ) Penalty, see § 10.99

### **§ 95.02 INTERFERING WITH FIRE EQUIPMENT.**

(A) No person shall in any way interfere with the fire equipment of the town whether the same is in use or not.

(B) No person shall obstruct the streets so as to prevent the fire truck or other equipment from having free passage over same in case of fire.

(C) All persons and vehicles shall give a right-of-way to fire equipment at all times.

(Ord. 16, passed - - ) Penalty, see § 10.99

**§ 95.03 FIRE LIMITS.**

It is hereby ordered that the following boundaries shall constitute the fire limits of the town, to wit: beginning at a point in the center of the intersection of Main and Whitley Streets and runs thence with the center of Whitley Street northerly 350 feet; thence easterly parallel with Main Street to a point in the center of Pee Dee Avenue near the Methodist Church; thence easterly with the center of Pee Dee Avenue to a point in the center of the intersection of Anson Street and Allenton Street; thence southeasterly across the block to a point in the center of the intersection of Fork Street and Turner Street; thence in a southwesterly direction across the block to a point in Anson Street, 400 feet from the center of the square, at the intersection of Anson Street and Main Street; thence to a point in the Center of Whitley Street 350 feet from the beginning; thence with the center of Whitley Street, northerly 350 feet to the beginning. And that all the territory within said limits shall be subject to the laws, rules and regulations of the state statutes.

(Ord. 19, passed - - )

**§ 95.04 BUILDINGS WITHIN FIRE LIMITS.**

(A) No building of any kind or for any purpose shall be erected, constructed, remodeled, recovered or repaired within said fire limits until plans and specifications shall have been submitted to the Town Council for inspection and an application for a permit therefor; and the same granted for said erection, construction, remodeling or recovering.

(B) Any person who shall move or assist in moving from without the fire limits into same, or moving from one place to another in the same, any building of any description without complying with division (A) of this section shall be guilty of a misdemeanor.

(Ord. 20, passed - - ; Ord. 22, passed - - ) Penalty, see § 10.99

**§ 95.05 FOLLOWING FIRE TRUCKS.**

Any person who parks a motor vehicle in front of a fire hydrant in the town shall be guilty of a misdemeanor.

(Ord. 28, passed - - ) Penalty, see § 10.99

**§ 95.06 BURNING IN THE TOWN LIMITS PROHIBITED.**

(A) It shall be unlawful for any person to burn in the town limits of Norwood or any annexation.

(B) *Exceptions.*

(1) Burning of natural material inside of a designated fire pit area for warmth and/or cooking may be allowed if done so safely and not to the detriment of surrounding homes.

(2) If at any time a member of the Norwood Police Department or Norwood Center Rural Fire Department deems the burn to be unsafe or a nuisance to others, the resident will be required to extinguish the fire immediately.

(Ord. 131.00, passed 11-1-2021)

**§ 95.99 PENALTY.**

Any person who violates § 95.06 shall be guilty of a misdemeanor and shall be fined not more than \$50, or be imprisoned for not more than 30 days.

(Ord. 131.00, passed 11-1-2021)

