

## TITLE IX: GENERAL REGULATIONS

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## CHAPTER 90: ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES

### *Statutory reference:*

*Authority to abate public health and safety nuisances, see G.S. §160A-193*

*Authority to regulate abandonment of junked motor vehicles, see G.S. §160A-303.2*

*Authority to remove and dispose of junked and abandoned motor vehicles, see G.S. §160A-303*

- (C) Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the Town Police Department and Volunteer Fire Department in enforcing other laws or in otherwise carrying out their duties.  
(Ord. passed 3-12-90)

### **GENERAL PROVISIONS**

#### **§90.01 ADMINISTRATION AND ENFORCEMENT AUTHORITY.**

- (A) The Police Department and the Code Administrator 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. The Code Administrator shall be responsible for administering the removal and disposition of abandoned, nuisance, or junked motor vehicles located on private property.
- (B) The town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles, and junked motor vehicles in compliance with this chapter and applicable state laws.

#### **§90.02 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, a motor vehicles that:

- (A) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking;
- (B) Is left on a public street or highway for longer than seven days;
- (C) Is left on property owned or operated by the town for longer than 24 hours; or
- (D) 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 Code Administrator, 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 means a vehicle that does not display a current license plate lawfully upon the vehicle and that:

- (A) Is partially dismantled or wrecked;
- (B) Cannot be self-propelled or moved in the manner in which it originally intended to move; or
- (C) 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 that is determined and declared to be a health or safety hazard, public nuisance, and unlawful, including a vehicle found to be:

- (A) A breeding ground or harbor for mosquitoes, other insects, rats, or other pests;
- (B) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
- (C) A point of collection of pools or ponds of water;
- (D) A point of concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor;
- (E) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, and the like;
- (F) So situated or located that there is a danger of it falling or turning over;
- (G) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;
- (H) One which has sharp points thereof which are jagged or contain sharp edges of metal or glass; or

(I) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Board of Commissioners.

(Ord. passed 3-12-90)

**§90.03 LIABILITY DISCLAIMER.**

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

(Ord. passed 3-12-90)

**§90.04 EXCEPTIONS TO APPLICATION.**

Nothing in this chapter shall apply to any vehicle which is:

- (A) Located in a bona fide automobile graveyard or junkyard as defined in G.S. §136-143, in accordance with the Junkyard Control Act, G.S. §§136-141 *et seq.*;
- (B) In an enclosed building;
- (C) 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) In an appropriate storage place or depository in a lawful place and manner by the town.  
(Ord. passed 3-12-90)

**VEHICLE REMOVAL AND DISPOSITION**

**§90.15 ABANDONED VEHICLE UNLAWFUL.**

- (A) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause

or allow that vehicle to be abandoned as the term is defined herein.

- (B) Upon investigation, proper authorizing officials of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.  
(Ord. passed 3-12-90)  
Penalty, see §10.99

**§90.16 NUISANCE VEHICLE UNLAWFUL.**

- (A) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located, to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.
- (B) Upon investigation, the Code Administrator 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. passed 3-12-90)  
Penalty, see §10.99

**§90.17 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 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 the 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 the location requirements or the concealment requirements of this section.

- (D) Subject to the provisions of subsection (E), the Town Code Administrator may order the removal of a junked motor vehicle found in violation of this Article to a storage garage or area. No such vehicle shall be removed from private property without written request of the owner, lessee, or occupant of the premises unless the Code Administrator finds in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following, among other relevant factors, may be considered:

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

- (E) Permitted concealment or enclosure of junked motor vehicles:

- (1) One junked motor vehicle, in its entirety, may be located in the rear yard, as defined in the Town Zoning Ordinance, provided the junked motor vehicle is entirely concealed from public view from a public street and/or abutting premises by an acceptable covering for not more than sixty

(60) calendar days. Junked motor vehicles kept on the premises more than sixty (60) calendar days shall be kept inside a completely enclosed building. The Town Code Administrator 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.

- (2) Any one or more junked motor vehicles kept for a period exceeding sixty (60) calendar days shall be kept within a completely enclosed building, as defined in the Town Zoning Ordinance

(Ord. passed 3-12-90; Am. Ord. passed 10-19-2004)

**§90.18 VEHICLE REMOVAL; PRIOR NOTICE REQUIREMENTS.**

- (A) Except as set forth in §90.19 below, 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.

- (1) In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing address of 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.
- (2) 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.
- (3) If the 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 specific date (no sooner than seven days after the notice is affixed).

- (B) The notice shall state that the vehicle will be removed by the town on a specific 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.
- (C) With respect to abandoned vehicles on private property, nuisance vehicles and junked 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 junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal can be made to the Board of Adjustments in writing, heard at the next regularly scheduled meeting of the Board of Adjustments, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(Ord. passed 3-12-90; Am. Ord. passed 10-19-2004)

**§90.19 EXCEPTIONS TO PRIOR NOTICE REQUIREMENT.**

- (A) The requirement that notice be given prior to the removal of an abandoned, nuisance, or junked 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 to otherwise maintain and protect the public safety and welfare. These 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 include:
  - (1) *Vehicles abandoned on the streets.* For vehicles left on public streets and highways, the

Town Board hereby determines that immediate removal of these 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 a loading zone;
- (e) Parked in a bus zone; or
- (f) Parked in violation of temporary parking restrictions imposed under code conditions.

- (2) *Other abandoned or nuisance vehicles.* With respect to abandoned or nuisance vehicles left on town owned property other than the streets and highways, and on private property, these 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 limitation, those circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in a location or manner so as to pose a traffic hazard, and vehicles causing damage to public or private property.

(Ord. passed 3-12-90)

**§90.20 VEHICLE REMOVAL; 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 those services for the town.
- (B) Whenever an abandoned, nuisance, or junked motor vehicle is removed, the authorizing town

official shall immediately notify the last known registered owner of the vehicle, this 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 registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his or her agent.
- (D) If the vehicle is registered in this state, notice shall be given within 24 hours. If the vehicle is not registered in this 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 the vehicle has no valid registration or registration plates, the authorizing town official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him or her of the information set forth in divisions (B)(1) through (B)(5) above.

(Ord. passed 3-12-90)

**§90.21 RIGHT TO PROBABLE CAUSE HEARING.**

- (A) After the removal of an abandoned vehicle, nuisance vehicle, or junked motor vehicle, the owner

or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the County Magistrate designated by the chief district court judge to receive these hearing requests.

- (B) The Magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. §20-219.11, as amended.

(Ord. passed 3-12-90)

**§90.22 VEHICLE REDEMPTION.**

- (A) At any stage 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 those 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.

Penalty, see §10.99  
(Ord. passed 3-12-90)

**§90.23 UNCLAIMED VEHICLE DISPOSITION.**

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 the vehicle shall be carried out in coordination with the town in accordance with G.S. Chapter 44A, Article 1.  
(Ord. passed 3-12-90)

**§90.24 VEHICLE REMOVAL FROM PRIVATE PROPERTY; CONDITIONS.**

As a general policy, the town will not remove a vehicle from private property if the owner, occupant, or lessee of that 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 is a junked motor vehicle which has been ordered removed by the Code Administrator. 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. passed 3-12-90)

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

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

## CHAPTER 91: ANIMALS

### **GENERAL PROHIBITIONS AND REQUIREMENTS**

#### **§91.01 CRUELTY TO ANIMALS PROHIBITED.**

It shall be unlawful for any person to mistreat any animals or to willfully frighten them, or to attend or stage any animal or fowl fight.

Penalty, see §10.99.

**Statutory reference:**

*Cruelty to animals generally, see G.S. §§14-360 et seq.*

*Municipal authority to prevent abuse of animals, see G.S. §160A-182*

#### **§91.02 DOMESTIC ANIMALS AT LARGE OR IMPROPERLY CONTROLLED PROHIBITED.**

Any domestic animal which is found running at large or staked, hitched, or fastened in violation of the provisions of this chapter shall be seized and impounded by the Police Chief or any person finding same. The impounder may demand the payment of fees to cover any costs of seizure and impoundment.

Penalty, see §91.99.

#### **§91.03 FOWL RESTRICTED.**

It shall be unlawful for any person to permit ducks, geese, chickens or other fowl to remain on or in any of the streets or public places at night, or to run at

large in the daytime.

Penalty, see §91.99

**Cross-reference:**

*Keeping of Hogs, Cows, Horses, Goats, Sheep and other Farm Animals, Livestock and Fowl, see §130.10*

It shall be unlawful for any person to keep any pigs or hogs within the corporate limits. Each day's violation of this section shall constitute a separate offense.

Penalty, see §91.99

#### **§91.05 EQUINES ON SIDEWALK PROHIBITED.**

- (A) It shall be unlawful for any horse, pony, or mule to be ridden, led, or permitted to run at large on the sidewalks within the town corporate limits.
- (B) It shall be the duty of the Police Department of the town to notify the owner, keeper, or person in possession of any animal which is in violation of this section to place the animal under proper confinement and control.

Penalty, see §91.99

(Ord. passed 6-11-90)

#### **§91.06 NUISANCE DOGS PROHIBITED.**

- (A) It shall be unlawful for any person to keep or maintain on any premises or let any dog that, through loud and habitual barking, or in any other manner, constitutes a neighborhood or public nuisance.

(B) Failure to abate this type of nuisance after warning from the Police Chief or his or her authorized representative shall be unlawful and punishable as provided in G.S. §14-4.

Penalty, see §91.99  
(Ord. passed 4-11-88)

#### §91.07 UPKEEP OF STABLES.

Every stable and place where cattle, horses, or other animals may be kept, shall be maintained at all times in a clean and healthful condition.

Penalty, see §91.99

#### §91.08 SLAUGHTER OF LIVESTOCK PROHIBITED.

It shall be unlawful for any person to slaughter livestock within the town at any time.

Penalty, see §91.99

### *ANIMALS RUNNING AT LARGE*

#### §91.20 DEFINITIONS.

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

**ANIMAL.** Any or all animals, domesticated, farm animals, livestock, or pets.

**AT LARGE.** Freely, without physical constraint.

**OWNER.** Any person or legal entity that has possessory property rights in the animal.

**OWNER'S PROPERTY.** The real property owned or leased by the owner of the animal, but does not include any public right-of-way, or common area of a condominium, apartment, office complex, or shopping center.

(Ord. passed 2-18-97)

#### §91.21 ANIMAL AT LARGE UNLAWFUL.

It shall be unlawful for any person to allow or cause any animal to run at large within the corporate town limits, and on the property of another or on publicly owned property including school grounds, parks, streets, or rights-of-way.

Penalty, see §91.99  
(Ord. passed 2-18-97)

#### §91.22 IMPOUNDMENT AUTHORITY.

(A) For the purpose of this subchapter, law enforcement officers for the town shall have the authority to seize and impound any animal found to be in violation of any section of this subchapter for the purpose of providing temporary remedy to the violation, or for the purpose of determining and contacting the rightful owner of the animal.

(B) The town shall give authority to County Animal Control personnel to seize and impound any animal found to be in violation of any section of this subchapter, upon notification and lawful request from local law enforcement officers empowered to investigate and enforce this subchapter.

(Ord. passed 2-18-97)

#### §91.23 DISPOSITION OF IMPOUNDED ANIMALS.

(A) Law enforcement officers who authorize the impoundment of an animal will immediately provide notice, in writing, to the rightful owner of the impounded animal. This will be done by use of a form approved by the Police Department. This written notice will provide the date and time of the impoundment, the officer authorizing the impoundment, and the place where the animal is contained.

(B) Release of impounded animals will comply with normal prescribed methods in accordance with County Animal Control procedures and relevant county ordinances, including the payment of fees normally conducted by County Animal Control

personnel, unless otherwise ordered by a district court judge.

- (C) If the rightful owner is not known and can not be determined, the animal will be held for five working days and a notice will be posted in the town bulletin board and at the Police Department, accessible for review by the public, listing the description of the animal, the location, date, and time of the impoundment, and the officer to be contacted for claiming the animal.
- (D) If during the time frame given in division (C) above no person claims the animal, it will be disposed of in accordance with normal practices and procedures used by County Animal Control.

(Ord. passed 2-18-97)

**§91.99 PENALTY.**

Any person, firm or corporation who violates any provision of this chapter shall be subject to the penalties as set forth in Section 10.99, however, no notice of violation is required to be issued and a civil citation may be issued immediately to the violator.

(Am. Ord. passed 1-24-06)

## CHAPTER 92: FIRE PREVENTION

**Statutory reference:**

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

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

### §92.01 ADOPTION OF FIRE CODE.

The most current edition of the State Fire Code is hereby adopted by reference as fully as though set forth herein as the fire prevention code for the town. An official copy of the code shall be kept on file in the office of the Town Clerk.

### §92.02 OPEN BURNING REGULATED.

No person shall burn or cause to be burned any item or material including but not limited to trash, refuse, paper, leaves, or litter, outside any house, on or in any street, alley, driveway, lot or yard within the corporate limits of the Town of Cooleemee, without first obtaining a burn permit from the Town Clerk and following the conditions set below:

- (A) Location of the fire is not less than 50 feet from any structure and adequate provisions are made to prevent fire from spreading to within 50 feet of any structure or property, or the fire is fully contained in a metal barrel, with small mesh grate lid to suppress sparks, which is located safely and not less than 25 feet from any structure.
- (B) Burning is prohibited on Sunday.
- (C) Burning is prohibited within the right-of-way and in any ditches.

- (D) Fire is to be constantly attended by a competent adult person, 18 years of age or older, until such fire is extinguished. The person attending the fire shall have a garden hose connected to a water supply or other fire extinguishing equipment readily available for use at the fire location.
- (E) The Town of Cooleemee Fire Chief and/or the Davie County Fire Marshall may prohibit the issuance of any or all outdoor burn permits when atmospheric conditions or local circumstances make burning hazardous.
- (F) Nothing shall be burned that will give off toxic fumes such as rubber tires, paint, plastics, etc.
- (G) Fire will be extinguished if wind speed is in excess of ten miles per hour.
- (H) If rental property, written permission from property management or the owner is required, prior to issuance of a burn permit.
- (I) Burning shall be allowed only during daylight hours. No fires shall be started prior to 8:00 AM. All fires must be completely extinguished, with no smoldering, prior to 5:00 PM.
- (J) All other open burning for the disposal of material generated as a result of a natural disaster, such as tornado, hurricane, flood, or other purpose shall be in accordance with the regulations as set forth in North Carolina Administrative Code, Title 15A, Chapter 2D, Section 1903.
- (K) All trees, stumps, brush, and other vegetation resulting from clearing of land for roads, building lots, houses, and other buildings shall not

be burned or buried in the Town but shall be removed from the Town and properly disposed of.

- (L) Applicant hereby agrees to fully indemnify the Town of Cooleemee, the Fire Official, and the Town's elected and appointed officials, agents and/or employees against all liability, damages, loss, claims, demands, costs and attorney's fees proximately resulting from any outdoor burning pursuant to this permit, whether or not such burning complies with the conditions set out above.

(Ord. passed 3-15-05)

#### **§92.03 BURNING OF STRUCTURES REGULATED.**

Due to the close proximity of dwellings and other structures as well as any potential hazard to adjoining properties and structures within the Town, the intentional burning of any structure is hereby prohibited.

(Ord. passed 3-15-05)

#### **§92.04 VIOLATION AND PENALTIES.**

Any person found in violation of Section 92.02 shall be issued a Civil Citation and Fifty Dollar (\$50.00) penalty by a Town Police Officer. Any person found in violation of Section 92.03 shall be issued a Civil Citation and Five Hundred Dollar (\$500.00) penalty by a Town Police Officer. The violator will immediately cease the violation. Due to the nature of such violations, a notice of violation is not required to be mailed to or issued to the violator and no additional time is required to be given. In addition to the remedies provided herein, any violation of the terms of this chapter shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in Section 10.99 of the Code of the Town of Cooleemee.

(Ord. passed 3-15-05)

## CHAPTER 93: HEALTH AND SANITATION; NUISANCES

### *Cross-reference:*

*Nuisance dogs prohibited, see §91.06*

### **NOISE**

#### **§93.01 UNECESSARY NOISE UNLAWFUL.**

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

(Ord. passed 7-14-86; Am.Ord. passed 11-11-91)

Penalty, see §93.99

#### **§93.02 PROHIBITED NOISES; LIST NOT EXCLUSIVE.**

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

- (A) The playing of any musical instrument or electronic sound amplification equipment in a manner with such volume, so that a reasonably prudent person would recognize it as likely to unreasonably disturb persons in the vicinity;
- (B) The keeping of any animal or bird which makes frequent or long continued sounds, so that a reasonably prudent person would recognize it as

likely to unreasonably disturb persons in the vicinity;

- (C) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in a manner so as to create loud, disturbing sounds;
- (D) The operating of any garage or service station in any residential area so as to cause unreasonably loud, disturbing sounds to be emitted between the hours of 9 p.m. and 7 a.m. on any day;
- (E) The creation of unreasonably loud, disturbing sound levels adjacent to any school, educational facility, church, or court during normal operating hours, or within 150 feet of any hospital, which a reasonably prudent person would recognize as likely to interfere with the working of those institutions, provided conspicuous signs are displayed indicating that the area is a school, educational facility, church, court, or hospital area;
- (F) The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7 a.m. and 7 p.m. on any day, except in the case of urgent necessity in the interest of public safety, and then only under the direction of an appropriate town official;
- (G) The use of any electronic sound amplification equipment for advertising or solicitation purposes, except with an appropriate permit;
- (H) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently

out of control, or if in motion, only as a danger signal; the creation by means of any herein described signal device of any unreasonably large or harsh sound; and the sounding of such a device for an unnecessary period of time;

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

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

(K) The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers; or

(L) Any shouting and crying that disturbs the quiet and peace of the neighborhood.

Penalty, see §93.99  
(Ord. passed 11-11-91)

(D) Exceptions include church bells and permitted outside events.

(E) Persons shall not be held in violation of this subchapter when acting in conformity with permit conditions, but any permit may be revoked if it is determined that the authorized activity has resulted in generation of unreasonably loud, disturbing sound levels.

(Ord. passed 11-11-91)

**§93.04 DENIAL OF PERMIT.**

(A) In case an applicant is denied, a permit is approved with conditions unacceptable to the applicant, or a permit is revoked, the applicant or permit holder shall be entitled to a prompt, informal hearing with the Town Board, upon submission of a written request.

(B) Any person aggrieved by a matter regulated by this subchapter may submit to the Manager written requests for appropriate relief.

(Ord. passed 11-11-91)

**§93.03 EXCEPTIONS; PERMIT REQUIREMENTS.**

(A) Persons wishing to engage in activities regulated by this subchapter may do so when a specific permit is approved by the Town Board.

(B) Applications shall be submitted on forms supplied by the town.

(C) The permit shall not be unreasonably withheld, and may contain appropriate conditions designed to minimize the disruptive impact. Permits for this type of activity significantly for religious or political purposes shall be granted, subject only to reasonable time, place, and manner restrictions. Permits issued under this section may specify that the permission granted will continue for a stated period or until revoked after actual notice.

***WEEDS AND REFUSE***

**§93.15 UNCONTROLLED WEEDS AND ACCUMULATION OF REFUSE A NUISANCE.**

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

(A) Any weeds or other vegetation having an overall height of more than 14 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.
- (B) Any trees or shrubbery that shall interfere with or endanger the use of the public streets, interfere with or obscure illumination of street lights, obscure sight distance or create a traffic hazard, interfere with the visibility of any traffic-control device or sign, obstruct or impair the free passage of pedestrians on sidewalks or other town or state rights-of-way at a vertical clearance of less than seven feet, or endanger the life, health, safety, or property of the public;
  - (C) 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;
  - (D) 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) The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building rubbish, or similar items;
  - (F) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department;
  - (G) Accumulation in an open place of hazardous or toxic materials and chemical;
  - (H) 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;
  - (I) 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 Town Manager or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises;
  - (J) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water;
  - (K) Nuisance vehicle: A vehicle on public or private property that is determined and declared to be 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; or
    - (2) A point of heavy growth of weeds or other noxious vegetation which exceeds eight (8) inches in height; or
    - (3) In a condition allowing the collection of pools or ponds of water; or
    - (4) A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
    - (5) An area of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods; or
    - (6) So situated or located that there is a danger of it falling or turning over; or
    - (7) A collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
    - (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass.
  - (L) The outside or outdoors use of any furniture originally designed or intended for interior use such as, but not limited to, couches, sofas, chairs, recliners or other like items.

Penalty, see §93.99  
(Ord. passed 3-13-89; Am. Ord. passed 10-19-04;  
Am. Ord. passed 8-15-06)

**§93.16 COMPLAINT; INVESTIGATION REQUIRED.**

The Code Administrator, upon notice from any person of the possible existence of any of the conditions described in §93.15, shall cause to be made by the appropriate County Health Department official, or town official, investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared above in §93.15.  
(Ord. passed 3-13-89)

**§93.17 COMPLAINT AND NOTICE OF VIOLATION.**

(A) When any condition in violation of this section is found to exist, the Code Administrator, or such person as may be designated by the Town Board, shall give notice to the owner of the premises to abate or remove such conditions within ten days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten days, the town may proceed to correct the same as authorized by this section.

Further, if a violation is determined to be a repeat offense, (any additional violation of the same nature, on the same property, with the same owner, within 180 days of the previous warning citation) the code officer will abate the violation without further notice to the owner and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

(B) Service of such notice shall be any one of the following methods:

- (1) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of 16 years and a member of the family of the owner;
- (2) By depositing the notice in the United States Postal Office addressed to the owner at his or her last known address with postage prepaid thereon;
- (3) By posting and keeping posted, for ten days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by subsection (1) or (2) above.

(Ord. passed 3-13-89)

**§93.18 FAILURE TO ABATE; ABATEMENT BY TOWN.**

If the owner of any property fails to comply with a notice given pursuant to this section, within ten days after the service of such notice, he or she shall be subject to prosecution for violation of this section in accordance with law and each day that such failure continues shall be a separate offense. In addition, the Town Board may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

Penalty, see §93.99  
(Ord. passed 3-13-89)

**§93.19 PROCEDURE IS ALTERNATIVE.**

Nothing in this Article nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise nor shall enforcement of one remedy provided herein prevent the enforcement of

any other remedy or remedies provided herein or in other ordinances or laws. In addition to the remedies provided for herein, any violation of the terms of this Article shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in Section 10.99 of the Code of the Town of Cooleemee.

(Am. Ord. passed 10-19-04)

**§93.20 DUTY OF PROPERTY OWNER OR OCCUPANT.**

It shall be the duty of every person occupying, owning, or having control of property abutting on a street or highway right-of-way that utilizes a portion of unused street or highway right-of-way as a yard or any other use to maintain said right-of-way in the same character and manner as the abutting use.

**§93.99 PENALTY.**

Any person, firm or corporation who violates any provision of this chapter shall be subject to the penalties as set forth in Section 10.99, however, no notice of violation is required to be issued and a civil citation may be issued immediately to the violator.

(Ord. passed 3-13-89; Am. Ord. passed 11-11-91; Am. Ord. passed 1-24-06)

## CHAPTER 94: STREETS AND SIDEWALKS

### *GENERAL PROVISIONS*

#### **§94.01 BOARD TO APPROVE NEW STREETS.**

Before any new street offered for dedication to the town is accepted, and officially recognized as a town-maintained street, the Town Board must give its approval, finding that the street complies with engineering standards set by the Board, and that the best interests of the town would be served by accepting the street as a town street.

### *EXCAVATIONS; CONSTRUCTION*

#### **§94.15 PERMIT REQUIRED; APPLICATION; FEES.**

(A) No person shall make any excavation or opening or dig any ditch, trench, tunnel, or hole in, along, across, or under any street, sidewalk, or other public place for the purpose of laying or placing therein any pipe, wires, or poles, or for any other purposes, unless a written permit has been issued by some officer of the town vested with proper authority; provided that a permit shall not be required where the work is performed under a contract with the town, but in the event that work requires a sidewalk or street to be wholly or partially obstructed, the party performing the work shall notify the town at

least two hours before obstructing the sidewalk or street, unless prevented by sudden emergency.

(B) All persons desiring a permit to make an opening in any street or sidewalk, as set forth in division (A), shall make written application therefor, which application shall show the location of the proposed opening, the purpose therefor, and the approximate number of square yards of surface to be cut. A fee may be required by the Town Board for the permit.

Penalty, see §10.99

*Statutory reference:*

*Establishment and control over street, see G.S. §160A-296*

#### **§94.16 STREETS AND SIDEWALKS TO BE RESTORED.**

When any part of any street, sidewalk, alley, or other public place of the town shall be torn or dug up for any purpose, the person making the excavation or opening shall have the duty of refilling the excavation or opening, and the refilling shall be done in accordance with the town standards and specifications.

Penalty, see §10.99

#### **§94.17 EXCAVATIONS TO BE SECURED.**

It shall be unlawful for any person, firm, or corporation who obtains a permit under the sections of this subchapter to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk, or public place without

placing and maintaining proper guard rails three feet from the ground and signal lights or other warning at, in, or around the same, sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care, from injuries on account of the excavation or work.  
Penalty, see §10.99

**§94.22 DRIVEWAYS; PERMIT REQUIRED.**

No person shall begin to construct, reconstruct, repair, alter, or grade any driveway on the public streets, unless a written permit therefor has been issued by some officer of the town vested with that authority.  
Penalty, see §10.00

**§94.18 TRACTORS OR HARROWS.**

It shall be unlawful for any person, firm, or corporation to drag, run, or cause to be dragged or run any harrow or other implement, engine, machine, or tool upon any asphalt or other type of permanently paved street of the town which shall be likely in any way to injure or cut the surface of the street.  
Penalty, see §10.99

**OBSTRUCTIONS**

**§94.19 SIDEWALK CONSTRUCTION.**

No sidewalk of any description shall be built by any individual, firm, or corporation without a written permit from the town.  
Penalty, see §10.99

**§94.35 ASSEMBLY ON STREETS AND SIDEWALKS.**

- (A) Except as provided in §§94.50 through 94.57, it shall be unlawful for crowds or assemblages of persons to congregate on the streets or sidewalks of the town in a way so as to unnecessarily interfere with pedestrian or vehicular traffic.
- (B) Any person refusing to disperse upon being so ordered by a police officer shall be guilty of a misdemeanor.

**§94.20 HOUSE MOVING; BOND REQUIRED.**

No person shall move any house or building upon or across the public streets or sidewalks without the written consent of the Town Board and the deposit of a good and sufficient bond to cover damage done to any street or sidewalk or any property of any person.  
Penalty, see §10.99

Penalty, see §10.99

**§94.36 DISPLAY OF GOODS PROHIBITED.**

**§94.21 DAMAGE TO MUNICIPAL PROPERTY.**

No person shall injure, tamper with, remove, paint upon, or deface any bridge, culvert, ditch and drain, sign, signpost, street light, traffic signal, bulletin board, or other municipal property upon the streets and sidewalks or elsewhere, except employees of the town in the performance of their duties.  
Penalty, see §10.99

It shall be unlawful for any person, firm, or corporation to place or set out for exhibition any goods, wares, or merchandise directly connected with the business transacted by him or her, on the public sidewalk in front of a place of business, store, or building owned by him or her.  
Penalty, see §10.99

**§94.37 CONSTRUCTION NEAR SIDEWALK.**

Before building or remodeling at any place in close proximity to a sidewalk, a passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.  
Penalty, see §10.99

**§94.38 SHEDS AND AWNINGS.**

It shall be unlawful for any person, firm, or corporation to construct or erect, or cause to be constructed or erected, any structure, and particularly any awning or similar structure, over any sidewalk or any part of any sidewalk of the town, unless the structure is at least seven feet above the surface of the sidewalk.

Penalty, see §10.99

**§94.39 REPAIR OF MOTOR VEHICLES.**

It shall be unlawful for any person, firm, or corporation to repair a motor vehicle on a paved street of the town except in case of emergency.

Penalty, see §10.99

**§94.40 GATES OPENING ON STREETS OR SIDEWALKS PROHIBITED.**

It shall be unlawful to allow or permit any gate to open upon or otherwise encroach upon any street or sidewalk.

Penalty, see §10.99

*PARADES AND DEMONSTRATIONS*

**§94.50 DEFINITIONS.**

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

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

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

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

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

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

**§94.51 PERMIT REQUIRED; EXCEPTIONS.**

- (A) It shall be unlawful for any person to organize, conduct, or participate in any parade, picket line, or group demonstration in or upon any street, sidewalk, alley, or other public place within the city unless a permit has been issued in accordance with the provisions of this subchapter.
- (B) Sections 94.50 through 94.57 shall not apply to:
  - (1) Funeral processions; or
  - (2) Any governmental agency acting within the scope of its functions.

Penalty, see §10.99

**§94.52 GROUNDS FOR DENIAL OF PERMIT.**

The Police Chief shall not issue a permit if he or she finds that:

- (A) The parades, pickets lines, or group demonstrations are to commence before 6 a.m. or terminate after 5 p.m.;
- (B) The parades or group demonstrations are to be held at the same time and place as those designated in a permit issued pursuant to a written application previously received by the Police Chief or his or her designee;

- (C) The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (D) The conduct of the parade will require the diversion of so great a number of police officers of the town to properly police the line of movement of the parade and of contiguous areas so that adequate police protection cannot be provided to the remainder of the town;
- (E) The conduct of the parade will require the diversion of so great a number of ambulances so that adequate ambulance service to portions of the town not occupied by the parade and contiguous areas will be prevented;
- (F) The concentration of persons, animals, and vehicles at assembly points of the parade will substantially interfere with adequate fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;
- (G) The conduct of the parade is reasonably likely to result in violence to persons or property causing serious harm to the public;
- (H) The parade is to be held for the primary purposes of advertising a product, good, or event, and is designed to be held primarily for private profit; or
- (I) The conduct of the parade will interfere with the movement of fire-fighting equipment to such an extent that adequate fire protection cannot be provided to the town.

of the parade, picket line, or group demonstration, which application shall specify the time and place for the commencement of any picket line and the time, place, route, and duration of any parade or group demonstration;

- (2) Require that the application for a permit specify whether or not minors below the age of 18 years will be permitted to participate; and
- (3) Require that the application for a permit specify, and the permit shall designate, the person or persons in charge of the activity. The person shall be required to accompany the parade picket line, or group demonstration and shall carry the permit with him or her at that time. The permit shall not be valid in the possession of any other person.

Penalty, see §10.99

#### **§94.54 PROHIBITED ACTIVITY.**

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

- (A) The carrying on or about the person any firearm, or any weapon or article, including but not limited to blackjacks, nightsticks, or flashlights, which by their use might constitute a deadly weapon.
- (B) The taking on or keeping of any dog or other vicious animal, unleashed.

Penalty, see §10.99

#### **§94.53 REQUIREMENTS AND ISSUANCE OF PERMITS.**

- (A) The Police Chief or his or her designee shall issue permits as required in the preceding section.
- (B) In the issuance thereof, he or she shall:
  - (1) Require a written application for permit to be filed not less than 30 days in advance

#### **§94.55 REVOCATION OF PERMITS.**

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

- (A) The violation by an participant of §94.54 of this code; or

- (B) The failure to comply with the terms and conditions of the permit. Penalty, see §10.99

**§94.56 INTERFERENCE PROHIBITED.**

No person shall hamper, obstruct, impede, or interfere with any parade, picket line, or group demonstration being conducted under authority of a permit duly issued by the Police Chief.  
Penalty, see §10.99

**§94.57 PICKETING.**

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

- (A) Picketing may be conducted only on the sidewalks or other areas reserved for pedestrian movement, and may not be conducted on the portion of a street used primarily for vehicular traffic.
- (B) Not more than three pickets promoting the same objective shall be permitted to use either of the two sidewalks within a single block at any time; provided, if pickets promoting different objectives desire to use sidewalks in the same block for picketing and this use would result in the presence of more than three pickets thereon, the Police Chief shall allot time to each group of pickets for the use of sidewalks on an equitable basis, but each group shall be permitted to picket subject to the provisions of this subchapter at least once every two hours.
- (C) Pickets may carry written or printed placards or signs not exceeding two feet in width and two feet in length promoting the objective for which the picketing is done; provided the words used are not defamatory in nature, or would not tend to produce violence.
- (D) Pickets must march in single file and not abreast and must not march close than 15 feet, except in passing one another.

***PROPERTY NUMBERS***

**§94.70 UNLAWFUL TO DEFACE NUMBERS.**

It shall be unlawful for any person to alter, deface, or take down any number placed on any property in accordance with this subchapter, except for repair or replacement of that number.  
Penalty, see §10.99

***ADDRESSING AND ROAD NAMING***

**§94.75 PURPOSE.**

The purpose of the Town of Cooleemee addressing and road naming ordinance is to provide for the orderly assignment of town addresses; to fulfill the town's responsibilities between the county and geographic information services (GIS), and to protect the safety and welfare of the general public by facilitating the location of individual dwellings and business by emergency response personnel.

**§94.76 SHORT TITLE.**

This ordinance shall be known as the "Addressing and Road Naming Ordinance of the Town of Cooleemee, North Carolina", and may be referred to as "addressing ordinance", and the map referred to is identified by the title "Official Road Name and Structure Numbering Map, Town of Cooleemee, North Carolina", and may be known as the "addressing map".

**§94.77 STREET NAMES CHANGING AUTHORIZED.**

The town shall have the authority to change the name of any street within the corporate limits or one mile

extraterritorial jurisdiction of the town upon notice published at least once ten days before a public hearing thereon.

**§94.78 SAME NEW STREETS.**

No new streets shall be named within the corporate limits or the extraterritorial jurisdiction of the town without prior approval of the town. Proposed new street names and the locations therefor shall be submitted to the addressing administrator for review. The addressing administrator shall have the authority to disapprove the proposed name if it conflicts with, or is confusingly similar to, an existing street name in either spelling or pronunciation.

**§94.79 TERRITORIAL JURISDICTION.**

The road naming and addressing policies set forth in this ordinance shall be applicable to all of the incorporated areas of the town and the area under the town's extraterritorial planning and zoning jurisdiction.

**§94.80 ADDRESSING MAP.**

- (A) *Official Road Name and Structure Numbering Map.* The address numbering map shall be entitled "Official Road Name and Structure Map, Town of Cooleemee, North Carolina". All town addresses assigned shall be assigned in accordance with this map.
- (B) *Maintenance and storage.* The addressing map shall be kept on file in the town planning and zoning department and/or the county GIS office. This map may be maintained and updated in data processing storage systems.

**§94.81 THE NUMBERING SYSTEM.**

- (A) *Uniformity of the system.* All roads that are officially designated on the addressing map, whether public or private, shall be numbered uniformly and consecutively along the roadway

centerline. Numbers shall be assigned along the entirety of all named thoroughfares.

- (B) *Road naming and numbering criteria.* All roads, both public and private, shall be named, numbered, and have road name signs installed if two or more addressable structures, including mobile homes, are located on and accessed by them.
- (C) *Numbering method.* A pair of numbers, each being either a three, four, or five digit natural number, called a structure number, shall be assigned in intervals of 10.56 feet along a roadway centerline. Odd natural numbers shall be assigned to the left side of the road by ascending numbers moving from the axes or origin point. Even natural numbers shall be assigned to the right side of the road in a like manner.
- (D) *Dead end road.* All dead end roads and cul-de-sacs shall begin with ascending numbers at the open end, that being the end connecting to another road.
- (E) *Numbers begin with 100.* The first potentially assignable structure number on a given road shall be the number one hundred.
- (F) *Existing property numbers.* Existing property numbers shall be maintained, with the exception of those property numbers not in sequence with other properties in the block (e.g. 900 numbers in a 300 Block).

**§94.82 ADDRESSING SYSTEM.**

- (A) *Method of assigning a number.* Each structure shall be assigned a structure number based on the number of the appropriate segment of the roadway centerline. The structure number shall be determined by the line perpendicular to the road centerline, which intersects the centerline of the driveway leading to the structure. In cases where a structure has a loop driveway or more than one driveway, the structure number

shall be assigned to the driveway that best serves the main access to the structure. The number of the centerline segment at the point of perpendicular intersection shall be the number of the structure.

- (B) *Corner lots.* Structures on corner lots shall be assigned a structure number either from the road which intersects the addressable driveway to that structure, or from the road in which the main access or entrance to the structure is oriented. The number will be assigned using the method in (A) above and will be assigned in the manner as determined by the addressing administrator.
- (C) *Road name of address.* The road name for an address shall be the name of the road from which the structure is numbered.
- (D) *Requirements for road naming and numbering.* If development on a private road exceeds the minimum structure regulation contained in §94.81(B), said road shall be named and numbered and structures readdressed according to the requirements herein.
- (E) *Duplex and multi-family dwellings.* One structure number shall be assigned to each structure whose units share a common roof on the same lot of record. Each unit within the structure shall be assigned a unit descriptor. Allowed unit descriptors include apartment number for each apartment, and numbers for commercial buildings. The unit descriptor shall be a number, and shall not include alphabetic characters, except as stated in (F) below. This section specifically applies to multi-family dwellings.
- (F) *Assigning of unit designators.* Residential unit descriptors shall be as follows:
  - (1) Ground-level floor numbers #101, #102, #103, ... etc.
  - (2) Second floor numbers #201, #202, #203, ... etc.

All floor levels are to follow this scheme. Underground floor designators shall follow the same

scheme with the exception of having a “U” for a prefix, for example, #U101, #U102, ... etc.

Unit designators shall be assigned in a logical manner, with increasing unit numbers corresponding to increasing road centerline numbering wherever possible.

- (G) *Mobile homes.* Manufactured housing or mobile homes shall be assigned individual street addresses according to the requirements herein, whether they are located on individual lots or in developments or parks.
- (H) *Recreational or resort communities.* Resort communities or recreational developments that have established dwelling sites (seasonal or other) with electrical power hookups shall be assigned individual street addresses in accordance with the requirements herein.

#### **§94.83 POSTING REQUIREMENTS FOR STRUCTURE.**

- (A) *Time constraints.* Within ninety days after written notification of the assignment of or change of a structure number, the owner of said structure shall post the assigned structure number in compliance with the requirements herein.
- (B) *Number specifications.* All structure numbers shall be constructed of a durable material. The color shall contrast with the color scheme of the structure, and if mounted on glass, shall contrast with the background and be clearly visible.

The minimum number size for residential structures or units shall be four (4) inches in height. The minimum size for all other structure numbers shall be six (6) inches in height. In all cases, a number size larger than the minimum may be required where the minimum size does not provide adequate identification.

- (C) *Posting locations.* For single-family residential or duplex structures, the structure number shall be posted and maintained within a three feet perimeter of the front entrance of the structure,

in a location visible and readable from the road. For all other structures, the structure number shall be posed on a building face most readily visible from the road from which the number is assigned. Unit designators shall be posted at each unit within a three feet perimeter of the front entrance of the unit.

In the event that a structure or its posted number is not visible from the road which its number is assigned, the assigned structure number shall also be posted on the property adjacent to the road. This number shall be located at the primary driveway access point.

In all cases, the structure number shall be clearly displayed in such a way that the structure number can be easily identified from the street or road during both day and night.

- (D) *Maintenance of structure numbers.* Following the posting of the assigned number as required herein, the owner shall maintain the structure number at all times in compliance with the requirements of this article. Structure numbers and unit designators, as viewed from the road, shall not be obstructed from view.

#### §94.84 ROAD NAMING.

- (A) *Approval of names.* The addressing administrator shall have authority to approve road names within the town and in the unincorporated areas of the county under the town's extraterritorial jurisdiction, subject to the requirements of this article.
- (B) *Deceptively similar names.* The addressing administrator shall maintain a database of existing road names, such that duplicate or "deceptively similar" road names are neither approved nor assigned.
- (C) *New road names.* New road names that relate to the history, location, or scale of a project area, shall be given consideration.

- (D) *Desirable names.* Road names that are pleasant sounding, appropriate, easy to read, and add pride to home ownership, shall be promoted.

- (E) *Undesirable names.* The following kinds of names shall be avoided: numerical, alphabetical, complicated names, and names which tend to offend the community. The addressing administrator is hereby given authority to refuse to accept any road name which in his/her opinion violates the provisions of the section.

- (F) *Suffixes.*

- The following road name suffixes are allowed: Avenue (AVE), Boulevard (BLVD), Circle (CIR), Court (CT), Drive (DR), Highway (HWY), Lane (LN), Loop (LP), Parkway (PKWY), Place (PL), Road (RD), Street (ST), Trail (TRL), and Way.
- Private roads shall be assigned the suffixes "Trail", "Lane", or "Way". All other suffixes shall be reserved for public roads.

- (G) *Road segments.* Each road shall bear the same name and uniform numbering along the entirety of the road. Segments of roads shall not be allowed to have different or separate names. The addressing administrator shall determine what constitutes a road or way.

- (H) *Offset intersections and split routes.* Split routes, also known as "dog-leg" or offset intersections, shall be treated as separate roads with different names and numbering to preserve the integrity and continuity of the numbering system.

- (I) *Impasses.* Impasses or sections of a road that are impassable shall be assigned different names and numbering to each portion of the road on either side of the impasse to preserve the integrity and continuity of the numbering system.

- (J) *Existing road names.* The addressing administrator shall, whenever possible, consistent with the provisions of this article, retain road names already established.

**§94.85 ROAD NAME SIGNS AND STANDARDS.**

- (A) *Installation and maintenance.* All public and private road name signs required by this article shall be installed and maintained by the Town of Cooleemee Public Works Department.
- (B) *Sign Standards.* Road name signs shall meet the following standards:
  - (1) All road name signs shall be a six (6) inch vertical dimension sign.
  - (2) Road name signs or “blades” shall be made of reflective green sheeting with the road name in reflective silver letters on both sides.
  - (3) In residential districts, at least one road name sign shall be mounted at each intersection.
  - (4) On major arterials (US, NC, and SR 1000 series routes), road name signs shall be placed on diagonally opposite corners so that they will be on the far right side of the intersection for traffic on the major road. Signs naming both roads shall be erected at each location. They shall be mounted with their faces parallel to the roads they name.
  - (5) Road name signs shall be placed at least two (2) feet behind the face of a curb with a minimum clearance of seven feet from the bottom of the sign to the projected edge of pavement. If there is no curb and gutter, the signs shall be placed behind the ditch line, out of the maintenance area. The lateral clearance from the road’s edge should be six (6) feet.
  - (6) Whenever physical conditions permit, signs shall be located on the right-hand side of the road as one approaches the intersection.
  - (7) Signs shall be located to optimize nighttime visibility.
  - (8) Signs shall be set in the center of the turning radius in such a way as to be visible from both intersecting roads.

- (9) Signs shall be placed across the ditch line and shall not block regulatory or warning signs.
- (10) Signs shall be located in conformance with safety factors related to fixed obstacles near the roadway.

- (C) *Existing road signs.* The addressing administrator shall retain existing road signs already in place, except for those signs which are inconsistent with the provisions of the ordinance, and substantially affect the purposes sought to be carried out by this ordinance.

**§94.86 ADMINISTRATION.**

- (A) *Addressing administrator and responsibilities.*
  - (1) Davie County is hereby given authority to administer and assign town addresses and to enforce the provisions of this ordinance.
  - (2) Interpretation and appeal of this ordinance shall be accomplished by the Board of Planning and Adjustment.
- (B) *Applications and petitions.* The addressing administrator shall accept and examine all applications, road naming petitions, signage variances and initial appeals.
- (C) *Petitioning for a road name.* Roads not eligible for naming, by means of this ordinance, may be named by submitting a petition signed by all of the landowners along the road, and upon approval by the addressing administrator.
- (D) *Building permits.* No building permit shall be issued for any building or structure until the owner or developer has been issued a structure number with a corresponding road name from the addressing administrator.
- (E) *Certificate of occupancy.* Final approval for a certificate of occupancy of any structure or building erected or repaired after the effective

date of this ordinance shall be withheld until permanent and proper structure numbers have been posted in accordance with requirements herein.

- (F) *Procedure upon denial.* Any person denied a request directed to the addressing administrator may protest as provided in §94.87(D).

#### §94.87 AMENDMENTS.

- (A) *General.* The Town Board of Commissioners may, from time to time, on its own motion or on petition, after public notice and a hearing, as provided by this ordinance, amend, supplement, change, modify, or repeal the addressing regulations and assignments.
- (B) *Public notification requirements.* Before adopting or amending this ordinance, the Town Board of Commissioners shall conduct a public hearing on the proposal.
- (C) *Letter of notification.* Whenever there is a proposal for a change in the addressing system involving any portion of an address, the landowner(s) of the parcel(s) as shown on the County tax listings shall be mailed a notice of the proposed change in the address system. The notice shall be mailed by first class mail to the last address listed of the landowners according to the County tax listings.
- (D) *Application for amendment.*

- (1) Applications for an amendment to the addressing ordinance shall be filed with the addressing administrator at least 20 days prior to the date of public hearing. Each application shall be signed, be in duplicated form, and shall contain the following:
  - (a) The applicant's name and address in full.
  - (b) In the case of an amendment, it shall set forth the new text to be added and the existing text to be deleted and any other text changes that will have to be

made as a result of the effect on the remaining articles, sections, definitions, diagrams or attachments.

- (c) If the proposed amendment will change the addressing map, a copy of the addressing map shall be marked to indicate the impact of the proposed amendment to the existing map and shall be presented with the application for amendment.

- (2) A public hearing shall be held by the Town Board of Commissioners before the adoption of any proposed amendments to the addressing ordinance. When the Town Board of Commissioners shall have denied the application for the change of a portion or matter of the addressing ordinance, it shall not thereafter accept any other application for the same change involving that portion or matter of the ordinance until the expiration of six months from the date of such previous denial.

#### §94.88 LEGAL STATUS PROVISIONS.

- (A) It shall be unlawful for any person to use or display a different address or portion thereof except as provided by this ordinance or the "Official Road Name and Structure Numbering Map, Town of Cooleemee, North Carolina".
- (B) IT shall be unlawful for any person to name or designate the name of any private road, street, drive, cartway, easement, right-of-way, access area or any other thoroughfare, except as provided by this ordinance.
- (C) It shall be unlawful for any person to establish or erect any road sign that does not comply with the standards set forth in this ordinance.
- (D) It shall be unlawful for any person to intentionally destroy, mar, or deface any town road name sign.

- (E) Punishment for violations provided for in this article shall be as set forth in §94.89 below.

**§94.90 APPEALS AND REQUESTS FOR VARIANCE.**

Road naming appeals and appeals for signage variance, shall adhere to the procedures below:

**§94.89 VIOLATIONS AND ENFORCEMENT.**

- (A) *Posting structure numbers.*
- (1) Violation of this ordinance is a misdemeanor as provided by N.C.G.S. 14-4 and may be punished as provided therein.
  - (2) Civil penalties may be imposed in accordance with the following procedure:
    - (a) Initial notification of violation, in writing by first class mail, to the last known address of the person to be notified.
    - (b) If not corrected within 10 days, a warning citation may be issued.
    - (c) If not corrected within seven (7) days of issuance of a warning citation, a second citation including a fine of 25 dollars may be issued.
    - (d) Each day the violation continues shall constitute a separate violation of this ordinance.
- (B) *Notification of violation.*
- (1) Notification shall be issued by the addressing administrator or his designee; and
  - (2) Notification shall be in writing, directed to the name and address of the owner of the structure by certified mail return receipt; and
  - (3) Notification shall set forth the action necessary for the offender to be in compliance with this ordinance.
- (C) *Road name signs.* Violations of §94.89 of this ordinance shall be punishable by maximum fines of up to \$250 for each violation.
- (D) *Legal prosecution.* Nothing herein contained shall prevent the Town of Cooleemee from taking other such lawful action as is necessary to prevent or remedy any violation.

- (A) Applications for appeal shall be in writing, and directed to the Board of Planning and Adjustment and follow procedures as set forth in the Town of Cooleemee Zoning Ordinance;
- (B) Applications shall be dated and should describe the reasons for the appeal; and
- (C) Applications shall clearly state that all property owners along said road are aware that any road sign posting variance may hinder emergency response personnel in their efforts to locate a particular address and shall contain the signatures of all the property owners along said road.

**§94.91 DEFINITIONS.**

As used in this article, the following terms shall have the respective meanings ascribed to them:

**AVENUE (AVE).** A major road that runs generally in an east/west direction.

**BOARD OF COMMISSIONERS.** Means the Town of Cooleemee Board of Commissioners.

**BOULEVARD (BLVD).** An unusually wide street typically in residential areas; often with a central, dividing medium.

**CIRCLE (CIR).** A short road that returns to itself.

**COURT (CT).** A dead end right-of-way often ending as a cul-de-sac.

**DRIVE (DR).** A curving secondary road.

**HIGHWAY (HWY).** A designated state or federal highway.

**INTERSTATE (I-#).** A thoroughfare of the highest order and federally designated as an interstate.

**LANE (LN).** A short private road that branches off of another road and ends or connects to another secondary road.

**LOOP (LP).** A short road that starts and ends on the same street or road.

**PARKWAY (PKWY).** A special scenic route or park drive.

**PLACE (PL).** A cul-de-sac or permanent dead end road.

**PRIVATE ROAD.** Any road which is not maintained by a governmental entity or agency through the use of public funds. Road name suffixes for private roads include: Trail, Lane, and Way.

**PUBLIC ROAD.** Any road which is maintained by a governmental entity or agency through the use of public funds.

**RADIO/COMMUNICATIONS SERVICES.**

Includes any radio communications, transmissions, dispatching or future enhanced 911 communications that may involve police, emergency, fire, or rescue operations, but are not limited to these aforesaid operations.

**ROAD (RD).** A well-traveled secondary road often connecting with a U.S. or state primary highway.

**STREET (ST).** A major road that runs general in a north/south direction.

**STREET ADDRESS.** A unique identifier for each addressable structure within the town. The minimum adequate street address shall be defined as the assigned structure number and the officially adopted road name. Where required by this ordinance, the street address shall also include the assigned unit designator.

**STRUCTURE.** Any building, whether residential, commercial, industrial, or institutional in nature and use.

**STRUCTURE NUMBER.** The numerical portion of the street address, as assigned by the ordinance administrator or his designee, in accordance with the Official Road Name and Structure Numbering Map of the Town of Cooleemee, North Carolina.

**THOROUGHFARE.** A general all-inclusive term for roads (public or private) street, drive, cartway, easement, right-of-way, or any other word or words that means a way of access.

**TRAIL (TR).** A local, private road that serves as a connector for larger roads.

**UNIT DESIGNATOR.** The portion of the street address used to distinguish individual units within the same structure.

**WAY (WAY).** A minor private road that begins and ends on the same road.

**§94.92 CLOSING PROVISIONS.**

- (A) *Conflict with other laws.* All other ordinances or parts of ordinances not specifically in conflict herewith are continued in force and effect, but all such ordinances or parts of ordinances in conflict herewith are hereby repealed. Where the provisions of this ordinance are more stringent or more restrictive than those imposed by any other applicable law or regulation, the more stringent or restrictive provisions shall apply.
- (B) *Severability.* Should any section, subsection, sentence, clause, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of Competent Jurisdiction, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof other than that so declared to be unconstitutional or invalid.

**§94.93 EFFECTIVE DATE.**

This ordinance shall take effect and be in force from and after its adoption. Duly adopted by the Board of

Commissioners, Town of Cooleemee, North Carolina,  
this 21<sup>st</sup> day of February, 2006.

## CHAPTER 95: TREE ORDINANCE

### §95.01 PURPOSE.

The Town of Cooleemee deems it necessary and desirable in the interest of public health, safety and welfare to enact an ordinance for the maintenance, preservation, planting, and replacement of trees and shrubs and to prevent the indiscriminate pruning and removal of trees and shrubs on Town owned property and rights-of-way within the Town and on municipally owned property wherever located. The importance of trees is recognized for their shade, cooling, noise and wind reduction, soil erosion prevention, oxygen production, dust filtration, carbon dioxide absorption, aesthetic and economic enhancement of all real property, and their contribution to the general being of the citizens of Cooleemee.

The purpose of this ordinance is intended to provide for the trimming or removal of trees and shrubs on public or private land when they obscure street lights, interfere with utility lines, or constitute a hazard to pedestrian or vehicular traffic, or otherwise endanger the public health, safety or welfare.

The main purpose of this Chapter is to encourage the protection of trees and shrubs and express the Town's intent to use trees to maintain and create a more aesthetically pleasing environment. To this end, the Town's policy towards trees within the rights-of-way and other Town property is to promote, wherever possible, the conservation, retention, and where necessary, replacement and planting of trees and shrubs.

This ordinance shall further provide for the establishment of an advisory committee known as the tree board who shall be responsible for promoting trees and tree care throughout the municipality and for developing a Town tree plan.

### §95.02 DEFINITIONS.

**RIGHT-OF-WAY.** Is herein defined as that property located within and adjoining the streets, roads and highways within the city, which rights-of-way are owned by the Town or the State or are otherwise maintained by the Town or the State.

**STREET TREES.** Are herein defined as trees, shrubs, lying within rights-of-ways on either side of all streets, roads, or ways within the Town.

**PARK TREES.** Are herein defined as trees, shrubs, in public parks having individual names, and all areas owned by the Town, or to which the public has free access as a park.

**TOWN ARBORIST.** Is herein defined as the person designated by the Town to be qualified through formal education or practical experience in the fields of urban forestry, arboriculture or horticulture and who is capable of advising and administering a complete urban tree management program.

**SMALL TREE.** Are herein defined as any tree under thirty (30) feet at maturity.

**MEDIUM TREE.** Are herein defined as any tree between thirty (30) and fifty (50) feet at maturity.

**LARGE TREE.** Are herein defined as any tree over fifty (50) feet at maturity.

**SHRUB.** Any plant not considered a tree, includes grass, flowers, etc.

**§95.03 CREATION AND ESTABLISHMENT OF A TOWN TREE BOARD.**

There is hereby created and established a Town tree board, which shall consist of **five members**, who are citizens and residents of the town, who shall be appointed by the Town Board. The town arborist and one member of the Town Board shall be ex-officio members.

**§95.04 TERMS OF OFFICE.**

The term of the five persons to be appointed by the Town Board shall be three years except that the term of one 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, with the remaining two serving three years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term.

**§95.05 COMPENSATION.**

Members of the board shall serve without compensation.

**§95.06 ORGANIZATION.**

The tree board shall adopt rules for transaction of its business and shall keep a record of its members, attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The tree board shall set a regular schedule for meetings, and the chairman may call a special meeting upon request of a majority of members of the tree board. A majority of the members shall be a quorum for the transaction of business.

The tree board shall elect its own officers who shall include a chairman, vice-chairman, and secretary.

**§95.07 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 in other public areas. Such plan will be presented annually to the Town Board and upon its acceptance shall constitute the official comprehensive Town Tree Plan.

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

(C) The tree board shall furthermore serve as an advisory board to the Town Board with the following duties and responsibilities:

- (1) To facilitate the planting, growth and protection of trees within the Town;
- (2) To foster the communication among the citizens of the Town that would provide the needed protection of trees and to coordinate active measures to support their health and growth within the town;
- (3) To conduct a tree survey of existing trees along streets and on public property within the Town;
- (4) To investigate available grants, loans, or contributions from other governmental agencies, public or private corporations, or individuals; and to recommend the expenditure of any proceeds toward the accomplishment of the board's purpose;
- (5) To conduct continuing research, planning, and feasibility studies required to support the purposes stated herein;
- (6) To help organize and promote the continued growth of an annual Arbor Day Celebration.

(D) The tree board shall also be responsible for developing an official street tree species list comprised of three groups of trees: small trees, medium trees, and large trees. No other than

those included in the list may be planted as street trees without permission of the tree board.

- (E) The tree board will be responsible for establishing guidelines for the spacing of Town trees in accordance with the three species size classes in the official street tree species list. These guidelines will cover spacing between street trees, the distance street trees may be planted from curbs or curb lines and sidewalks, the distance street trees may be planted from any street corner, the location of the street trees relative to overhead and underground water lines, sewer lines, transmission lines, fire plugs, or other utilities, and any other areas involving the spacing of street trees, park trees or Town-owned trees.

- (F) The tree board shall submit an annual report of its activities and recommendations to the Town Board and shall submit copies of the minutes and proceedings of its regular and special meetings.

It shall be unlawful as normal practice, except as defined below, for any person, including the Town, 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 article at the determination of the tree board.

**§95.10 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.

**§95.08 PUBLIC TREE CARE.**

- (A) The Town shall have the right to plant, prune, maintain and remove trees, and shrubs within the lines of all streets, squares and other 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 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 sewer lines, electrical power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the section and location of such trees are in accordance with the guidelines for planting and spacing developed by the tree board.

**§95.11 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.**

The Town shall have the right to cause the removal of any dead or diseased tree from private property within the town, when such tree constitutes a hazard to life and property, or harbors insects or disease which constitutes a potential threat to other trees within the Town. The Town tree board will notify in writing the owners of such trees. Removal of such trees shall be done by the owner at his own expense within 60 days of service of notice. If the owner fails to comply with the provisions of this section, the Town shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

**§95.12 INTERFERENCE WITH TREE BOARD.**

It shall be unlawful for any person to prevent, delay or interfere with the tree board, or any of its

agents, while engaging in and about the planting, cultivation, mulching, pruning, spraying, or removing of any street trees, park trees, or other trees on public grounds, as authorized in this article.

**§95.13 EMERGENCIES.**

In the case of emergencies, such as windstorms, ice storms, fire or other disasters, the requirements of this chapter may be waived by the Town during the emergency period so that the requirements of this chapter will in no way hamper private or public work to restore order in the Town. This shall not be interpreted to be a general waiver of the intent of this Chapter.

**§95.14 PERMIT REQUIRED.**

It shall be unlawful for any person to prune, treat, or remove any street tree or park tree without first filing an application and procuring a permit from the Town Clerk. The Town maintains the right to review the application and the trees in question in determining whether or not to issue a permit.

**§95.15 LICENSE AND BOND.**

It shall be unlawful for any person to engage in the business or occupation of pruning, trimming, or removing street or park trees without first applying for and procuring a license provided, however, that no license shall be required of any public service company, any independent contractor or agent who contracts with the Town for tree removal or trimming, or Town employees doing such work in the pursuit of such company's public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in an amount prescribed by the Town Board for bodily injury and property damage indemnifying the Town or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

**§95.16 REVIEW BY TOWN BOARD.**

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

**§95.17 ORDINANCE VIOLATION.**

Any person, firm or corporation who violates any provision of this chapter shall be subject to the penalties as set forth in Section 10.99, however, no notice of violation is required to be issued and a civil citation may be issued immediately to the violator.

**§95.18 SEVERABILITY.**

The provisions of this Ordinance are severable and if any section or part shall be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.