

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: PARKS AND RECREATION

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§ 90.01 PURPOSE.

The purpose of this chapter is to establish regulations for the public health, safety, and welfare in respect to the recreational activities, programs, and facilities of the town. This chapter is designed to maximize the enjoyment of recreation in the town, its recreation facilities, and programs and to offer protection from conditions which could harm, injure, or offend any group or individual.
(‘87 Code, § 97.01) (Ord. passed 5-2-84)

§ 90.02 RULES FOR USE AND MAINTENANCE OF PARKS.

The Recreation and Parks Supervisor, the Recreation and Parks Department, the Recreation and Parks Advisory Committee, and other designees have the authority and responsibility to establish and enforce any rules and regulations governing the use and maintenance of parks and recreational facilities.
(‘87 Code, § 97.02) (Ord. passed 5-2-84)

§ 90.03 COMPLIANCE REQUIRED.

Users of all park and recreation facilities shall adhere not only to this chapter but also to any policies and procedures set by the Recreation and Parks Department.
(‘87 Code, § 97.03) (Ord. passed 5-2-84) Penalty, see § 90.99

§ 90.04 SPECIAL USE PERMIT.

Any requests for special events or use of the parks and facilities shall be presented to the Recreation and Parks Supervisor at which time a permit may be issued and any fees will be assessed. ('87 Code, § 97.04) (Ord. passed 5-2-84)

§ 90.05 PROHIBITED ACTIVITIES.

It shall be unlawful for any person in any park, recreation area, playground, ballfield, tennis court, or any other recreation facility and the parking facilities thereof, owned or controlled by the town to:

(A) Willfully mark, deface, disfigure, injure, tamper with, or remove any structure, equipment, facilities, or other property, either real or personal.

(B) Damage, cut, carve, transplant, or remove any tree, injure the bark, pick the flowers or seeds of any tree or plant, dig or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(C) Bring in, dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, wastes, garbage, refuse, or other trash.

(D) Fail to obey all traffic officers and recreation personnel and volunteers, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks.

(E) Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking and all others posted for proper control and to safeguard life and property.

(F) Drive any motor vehicle, minibike, minicycle, motorcycle, or any other vehicle whatsoever upon any area except the paved or graveled park roads or parking areas or other areas as may be designated specifically by the Recreation and Parks Supervisor or his or her designee. It shall be within the discretion of the Recreation and Parks Supervisor to ban such vehicles as may be detrimental to the facility on account of excessive noise, fumes, smoke, tire damage, or other forms of nuisance or damage.

(G) Park any motor vehicle, minibike, motorcycle, or other vehicle in other than an established or designated parking area.

(H) Boat, swim, bathe, wade, or fish in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with those regulations as are herein set forth or as may be established by the Recreation and Parks Department.

(I) Allow or permit any horse, dog, or other animal to run at large.

(J) Violate the regulation that use of the individual picnic sites and picnic shelters, together with tables and benches, follows generally the rule of first come, first served, unless a picnic reservation has been issued according to established town policy.

(K) Leave a picnic area or shelter before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse is placed in receptacles provided. If no trash receptacles are available, then refuse and trash shall be carried away from the park area by the user to be properly disposed of elsewhere.

(L) Camp in any area without permission of the Recreation and Parks Supervisor or his or her designee. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in any park after closing hours any movable structure or special vehicle to be used or that could be used for this purpose, such as a camper-trailer, house trailer, or the like, without permission of the Recreation and Parks Supervisor.

(M) Bring or have in his or her possession, set off, or otherwise cause to explode, discharge, or burn any firecrackers or other fireworks or explosives or discharge or throw them into any such area from land or highway adjacent thereto.

(N) Build or attempt to build a fire except in those areas and under those regulations as may be designated for the purpose. No person shall drop, throw, or otherwise scatter lighter matches, burning cigarettes or cigars, or other inflammable material within any park area or on any highway, road, or street abutting or contiguous thereto.

(O) Enter an area posted as "closed to public."

(P) Engage in disorderly conduct as defined by G.S. § 14-288.4(a).

(Q) Disturb or interfere unreasonably with any person or party occupying any area or participating in any authorized activity.

(R) Sell food, beverages, or merchandise or solicit donations for any individual, group, company, or corporation which is not solely nonprofit in nature.

(S) Carry, use, or possess firearms or other dangerous weapons of any nature within any park except that nothing in this section shall prohibit a person from storing a firearm within a motor vehicle while the vehicle is on park grounds or areas. However, this division shall not apply to law enforcement officers when engaged in the discharge of their duties. Nothing herein contained shall prevent specific authorization by the Recreation and Parks Supervisor or his or her designee of such events as archery training, practice, or exhibition of gun shows or exhibitions not including the firing of firearms.

(T) Enter, use, or remain within any park between the hours of 11:00 p.m. and 9:00 a.m. in the spring and summer, and 6:00 p.m. and 9:00 a.m. in the fall and winter. Unless a town-sponsored event is delayed or a written permit therefor has been obtained from the Recreation and Parks Supervisor or

his or her designee, spring and summer hours will be in effect Easter Monday through October 30. Fall and winter hours will be in effect October 31 through Easter Sunday.

(U) Bring upon, possess, consume, or display beer, wine, whiskey, other intoxicating liquor or beverage, or controlled substances, or the containers thereof, within the confines of any parks and recreation area. It shall be prohibited for a person under the influence of alcohol or any controlled substance to enter or remain in a recreation facility or program.

('87 Code, § 97.05) (Ord. passed 5-2-84; Am. Ord. passed 10-7-13; Am. Ord. passed 11-2-15) Penalty, see § 90.99

§ 90.06 OPEN FIRES PROHIBITED.

No open fires are allowed. All fires must be contained in grills or a designated area provided by the town or the user.

('87 Code, § 97.06) (Ord. passed 5-2-84) Penalty, see § 90.99

§ 90.07 CLOSING SECTION OF PARK, FACILITIES TO PUBLIC.

Any section or part of any park or recreation area or facility may be declared closed to the public by the town at any time and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise, and to certain uses.

('87 Code, § 97.07) (Ord. passed 5-2-84)

§ 90.08 MISUSE OF PARKS AND RECREATION FACILITIES.

Flagrant misuse of parks and recreation facilities will result in the forfeiture of future use and reservation privileges.

('87 Code, § 97.08) (Ord. passed 5-2-84) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, in the discretion of the court, as provided by G.S. § 14-4.

(B) The Recreation and Parks Supervisor or his or her designee, any authorized town employee, or any law enforcement agency shall have the authority to eject from any recreation facility any person acting in violation of this chapter or other rules and regulations enacted pursuant to this chapter by the Recreation and Parks Advisory Committee.

('87 Code, § 97.99) (Ord. passed 5-2-84)

CHAPTER 91: STREETS AND SIDEWALKS

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GENERAL PROVISIONS**§ 91.01 INJURY TO STREETS, SIDEWALKS.**

No person shall injure, deface, or mar in any manner whatsoever any of the streets or sidewalks. The town shall have the right and privilege to repair any injury, defacement, or marring and assess the cost thereof against the offender.

('87 Code, § 98.01) (Ord. passed 12-2-74) Penalty, see § 10.99

§ 91.02 OBSTRUCTING STREETS, SIDEWALKS.

(A) It shall be unlawful to build, erect, construct, or place any porch, steps, fence, wall, or other obstruction whatsoever in or over any of the streets or sidewalks. Further, it shall be unlawful to repair or improve any porch, fence, wall, or other obstruction whatsoever now in or over any of the streets or sidewalks.

(B) It shall be unlawful to obstruct any sidewalk or street with any wheelbarrow, wagon, automobile, truck, or other vehicle, railroad car, chair, bench, box, or other article. However, merchants may use the sidewalk for unpacking or opening merchandise, but must immediately remove the packing and merchandise therefrom. This division shall not apply to baby carriages and invalid chairs rolled on the sidewalks in a manner as not to obstruct the same.

(C) It shall be the duty of the Town Manager to notify all persons about to erect any building, sidewalk, wall, or fence near the street or any public way or alley not to encroach upon the street or public alley, and if, in the opinion of the Mayor and Town Council, any such obstruction is being or has been constructed after the passage of this chapter on any street or alley, the Mayor shall cause a survey of the line of the street or alley to be made by a competent surveyor. If the survey shall show that the street or alley is obstructed by a building, sidewalk, wall, or fence, the owner shall be required to pay the costs of the survey and be required to remove all obstructions at once. No person who shall be found to have encroached on any street or public way or alley by any building, sidewalk, wall, or fence shall refuse or neglect to remove the same upon notice from the Mayor within one week from the date thereof.

(D) Any person desiring to place upon any of the streets or sidewalks of the town material for the construction of buildings shall first obtain permission to do so from the Town Manager, and immediately on the completion of the building or structure they shall clean up and remove from the streets and sidewalks all lumber, bricks, sand, or litter of any kind placed there while constructing the building.

('87 Code, § 98.02) (Ord. passed 12-2-74; Am. Ord. passed 12-3-79) Penalty, see § 10.99

§ 91.03 SNOW AND ICE REMOVAL.

Every occupant of a store building in front of which the sidewalk is paved with stone, brick, asphalt, or cement shall remove snow, ice, or other obstruction from the sidewalk at the earliest possible time and as soon as the weather permits.

('87 Code, § 98.03) (Ord. passed 12-2-74) Penalty, see § 10.99

§ 91.04 THROWING, BURNING TRASH ON STREET OR SIDEWALK.

It shall be unlawful to place or cause to be placed in any of the streets or sidewalks or in or about any public building any trash or rubbish of any description or to burn the same in any of the aforementioned places.

('87 Code, § 98.04) (Ord. passed 12-2-74) Penalty, see § 10.99

§ 91.05 GATE OPENING ON STREET, SIDEWALK.

No gate to any residence, lot, or other enclosure in the town shall swing or open outward over the street or sidewalk. Each day any gate is allowed to open outward over the sidewalk or street shall constitute a separate offense.

('87 Code, § 98.05) (Ord. passed 12-2-74) Penalty, see § 10.99

§ 91.06 USE OF STREETS FOR RECREATION.

No person shall engage in ball games, dances, or other forms of recreation on the public streets without permission and lawful designation by the Town Council.

('87 Code, § 98.06) (Ord. passed 12-2-74) Penalty, see § 10.99

§ 91.07 BICYCLES, MOTORBIKES ON SIDEWALKS PROHIBITED.

It shall be unlawful for any person to ride a bicycle or motorbike on any sidewalk in the town.

('87 Code, § 98.08) (Ord. passed 12-2-74) Penalty, see § 10.99

STREET ACCEPTANCE AND IMPROVEMENT**§ 91.20 POLICY ESTABLISHED.**

The policy of the town for the acceptance of streets dedicated for public use and the policy for improving all streets shall be as hereinafter prescribed in this subchapter.
(‘87 Code, § 98.10) (Ord. passed 4-7-75)

§ 91.21 PROCEDURE FOR ACCEPTANCE OF NEW STREET.

No street, alley, or other public way dedicated for public use within the town will be accepted by the town as a public street, and no maintenance or improvement will be authorized thereon unless the following requirements are met:

(A) Prior to opening any street, alley, or other public way, the property owner, owners, or developer shall submit a preliminary plan to the Town Council for their approval. The preliminary plan shall show the location of the proposed street, alley, or other public way, the right-of-way width, all adjacent property owners, watercourses, and other information as the Town Council may require.

(B) Minimum standards for new streets and extensions of existing streets or alleys for which approval is required shall be as follows:

(1) A minimum right-of-way width of 50 feet dedicated for street purposes. In addition, the Town Council may require a right-of-way width greater than 50 feet if the street is to be used as a major thoroughfare or where greater widths are required by a major street plan.

(2) A minimum right-of-way of 20 feet for all service alleys.

(3) Streets shall conform to the general street plan or major thoroughfare plan of the town as to location.

(4) Streets shall intersect at right angles and the street alignment shall not change more abruptly than a vertical curve of 1,000 foot radius except where existing conditions justify a modification of this requirement by the Town Council.

(C) If the street plan is approved, the owner, owners, or developer shall be required to make the following improvements at no cost to the town prior to the town accepting the street or alley as a public street.

(1) The right-of-way shall be cleared and graded to its final grade for the full width of the right-of-way. Grades shall not, as far as practical, exceed 5%.

(2) Streets shall be crowned and adequate street drainage ditches provided in accordance with the street improvement construction specifications of the town.

(3) Top soil, gravel, or other suitable base course material shall be put in place for a minimum width of 30 feet, which shall be the minimum width for an improved street. Additional improved street widths may be required for major thoroughfares by the Town Council; provided, the improved width of alleys need not exceed 20 feet.

(D) When the requirements of this section have been met to the satisfaction of the Town Council and the Town Engineer, the Town Council may by resolution accept the street or alley for public use. ('87 Code, § 98.11) (Ord. passed 4-7-75)

§ 91.22 PETITION FOR STREET IMPROVEMENTS.

(A) From and after the effective date of this chapter, the town will not consider paving or otherwise improving any street or alley unless a petition is presented to the Town Council on forms provided by the town, signed by a majority of the property owners who represent a majority of the lineal footage on the street proposed to be improved requesting that the total cost of the improvement be assessed against the abutting property owners.

(B) Street improvements for all streets which shall be included in the property owners' petition, the total cost of which shall be assessed against the abutting property owners, shall include the following:

(1) Storm sewer drainage facilities, including a drainage pipe 30 inches or less in diameter, inlets, and other necessary incidentals as may be required by town specifications.

(2) Curb and gutter as required by town specifications.

(3) Grading for a width of 30 feet on those streets which were opened prior to the effective date of this chapter and which need to be graded prior to surfacing.

(4) Base course material for a width of 30 feet if existing base course is not adequate in accordance with town specifications.

(5) Street surfacing according to town specifications for a width of 30 feet.

(C) The improvement costs for street widths in excess of 30 feet, the cost of required drainage facilities which are larger in size than required herein, and the total cost of all improvements at street intersections shall not be assessed against abutting property owners and shall be paid for by the town. ('87 Code, § 98.12) (Ord. passed 4-7-75)

Statutory reference:

Petitions for improvements, see G.S. § 160A-217

§ 91.23 STREET IMPROVEMENT PROJECT PROCEDURE.

(A) Upon the receipt of a petition for street improvements, the Town Manager shall examine the petition and certify as to its sufficiency to the Town Council. No petition shall be considered for street improvements where streets have been opened after the effective date of this chapter in violation of § 92.21. In addition, no petition shall be considered for a street less than one normal block in length.

(B) If the petition from the property owners is found to be sufficient, the Town Council shall direct the Town Engineer to estimate the total cost of the street project in accordance with street specifications and determine the total cost per foot of property frontage and the total cost to the town for intersections and other improvements, the cost of which is to be borne by the town.

(C) When cost estimates are received, the Town Council shall consider the availability of funds for street improvements, the degree of development along the street proposed to be improved, and may approve the street improvement project as they deem best.

(D) When a street improvement project is approved, the property owners abutting the improvement shall be notified of the total estimated cost based on an equal rate per foot of frontage or other assessment basis, as set forth in G.S. § 160A-218, and further notified that each owner has the opportunity to pay his or her proportionate share in cash in advance. In addition, the property owners shall be notified that the project will not be scheduled or construction work started until 80% of the total estimated cost of the entire project is deposited with the town.

(E) When the required amount has been deposited with the town, the street improvement assessment procedure as authorized in G.S. Chapter 160A, Article 10 shall be followed and assessments shall be made against the properties abutting upon the improvement according to an equal rate per front foot or such other basis of assessment as authorized in the General Statutes. Property owners who have made a cash deposit in advance as required herein shall be credited for these payments on the assessment rolls. In accordance with the requirements of G.S. §§ 160A-232 and 160A-233(a), property owners not paying assessments in cash in advance shall pay their assessments in five equal annual installments which shall bear interest at the rate of 8% per annum.

(F) In the event the actual cost of improvements is less than the estimated cost, the excess shall be refunded to the property owners. In the event the actual cost exceeds the estimated cost, the property owners will be assessed for this amount or may pay such amount in cash in the manner provided by law. ('87 Code, § 98.13) (Ord. passed 4-7-75)

§ 91.24 SIDEWALK IMPROVEMENTS.

Petitions for street improvements may include requests for sidewalk improvements in accordance with town specifications. Sidewalk improvements may be constructed as part of the street improvement project and in the same manner, except that 100% of the total cost of sidewalk improvements, exclusive of the cost at intersections, shall be assessed against the property owner.

(‘87 Code, § 98.14) (Ord. passed 4-7-75)

§ 91.25 INSTALLATION OF UTILITIES.

The Town Council, prior to approving any project or authorizing any street improvement, shall determine if water and sanitary sewer facilities have been installed within that portion of the street located between curbs. If these facilities have not been installed or if the facilities are inadequate and will have to be replaced, the Town Council shall postpone the street improvement project pending the installation of these facilities.

(‘87 Code, § 98.15) (Ord. passed 4-7-75)

§ 91.26 RESPONSIBILITY OF PROPERTY OWNERS.

(A) Property owners along streets which are surfaced and have a curb and gutter are responsible for replacing any driveway or walkway within the street right-of-way as a result of new street construction improvements. Driveway entrances and aprons at the curb line will be constructed by the town at the location designated by the property owner, and the cost thereof will be included in the total cost assessed for street improvements.

(B) Property owners shall be responsible for seeding, landscaping, or otherwise improving the area between curbs and the property line as they may desire, provided no walls or other permanent structures are located within the street right-of-way.

(C) Drainage pipes and other material on the right-of-way at the time of construction which were purchased by the property owner will be removed and placed on the lot of the owner for his or her disposition. The town will haul away these items if requested by the owner and with the owner's permission.

(‘87 Code, § 98.16) (Ord. passed 4-7-75)

§ 91.27 OPENING, IMPROVING STREETS WITHOUT PETITION.

When in the opinion of the Town Council a new street should be opened and improved and no petition is filed asking for the assessment of the cost thereof and when the Town Council is of the opinion that the public benefit will be greater than the benefit to abutting property owners, the Town Council may direct that the improvement be made and the entire cost thereof be paid by the town.

(‘87 Code, § 98.17) (Ord. passed 4-7-75)

§ 91.28 CONSTRUCTION ACCORDING TO SPECIFICATIONS.

All street grading, base course preparation, storm drainage, surfacing, curb and gutters, and other improvements shall be constructed in accordance with the written specifications of the town which have been approved by the Town Council. All work shall be done under the supervision of the Town Engineer.

('87 Code, § 98.18) (Ord. passed 4-7-75)

§ 91.29 RESURFACING IMPROVEMENTS.

Whenever it is necessary to resurface any street which has been surfaced under this policy as herein established, the town will undertake the resurfacing when funds are appropriated, and the town shall bear the entire cost of this work.

('87 Code, § 98.19) (Ord. passed 4-7-75)

DRIVEWAY CRITERIA**§ 91.40 RESIDENTIAL.**

The following are the criteria for driveways in residential areas:

(A) One driveway per residential lot, excepting:

(1) The corner lot may have one per lot side.

(2) Any lot may have a circular driveway with an opening at each end of the loop, provided they are separated by 50 feet of tangent.

(B) Width not to exceed 30 feet.

(C) Point of curvature of opening radius or point of curb elevation transition must be within the side lot line extended of the lot being served.

(D) Shall be 50 feet from an intersection.

(E) Shall conform to structural standards.

(F) The pipe shall be of concrete construction reinforced with wire. The size of the pipe shall be determined by the city after inspection of the drainage area.

(Ord. passed 12-4-89)

§ 91.41 COMMERCIAL/INDUSTRIAL.

The following are the criteria for driveways in commercial/industrial areas:

(A) Two driveways per lot, excepting that the corner lot may have two per side.

(B) The width shall not exceed 30 feet, excepting that driveways on state highways may be 36 feet in width.

(C) The point of curvature of the opening radius or point of curb elevation transition must be within the side lot line extended of the lot being served.

(D) Shall be 50 feet from an intersection.

(E) Shall conform to structural standards.

(F) The pipe shall be of concrete construction reinforced with wire. The size of the pipe shall be determined by the city after inspection of the drainage area.

(Ord. passed 12-4-89)

OVERHANGING SIGNS AND MARQUEES

§ 91.55 DEFINITIONS.

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

SIGN. Any device or structure maintained or used in the nature of an advertisement, announcement, or direction that is attached flat against the exterior walls of a building or projecting on or over the sidewalk, street, or other public place. However, signs or banners erected for a limited period of time for special occasions and any sign painted directly upon the hanging border of any marquee or awning constructed and maintained in the manner provided by ordinance shall not be considered to be within the definition or regulation of this subchapter.

MARQUEE. Any device or structure maintained or used as a canopy or sidewalk cover projecting from the side of any building over any public sidewalk, street, or other public place.

(‘87 Code, § 98.30) (Ord. passed 12-2-74)

§ 91.56 PERMIT REQUIRED.

No person shall erect or maintain any sign or marquee over any street, alley, sidewalk, or other public way or public place in the town without first having obtained, paid for, and having in force and effect a permit therefor from the Building Inspector as provided herein, nor without complying with all the provisions of this subchapter and all other laws applicable thereto.

('87 Code, § 98.31) (Ord. passed 12-2-74) Penalty, see § 10.99

§ 91.57 APPLICATION FOR PERMIT; FEE.

(A) Application for a permit to erect a sign or marquee shall be made in writing to the Building Inspector and shall contain the following information and such additional information reasonably required by the Building Inspector.

(1) The location of the building or structure to which the sign or marquee is to be attached and the position thereon of the sign or marquee.

(2) The materials to be used and the manner of construction.

(3) The written consent of the owner of the building if the application is made by other than the owner.

(B) The application for permit to erect a sign or marquee shall be accompanied by a scale drawing showing the elevation, size and shape, manner of attachment to the building, manner of construction, size and weight of all framing materials, thickness and weight of covering plates, if any, and a detailed specification of any electrical wiring and insulation to be used for each sign or marquee to be erected.

(C) The fee for a permit to erect a sign of less than 15 square feet in area shall be \$2. The fee for a permit to erect a marquee or a sign of more than 15 square feet in area shall be \$5.

('87 Code, § 98.32) (Ord. passed 12-2-74)

§ 91.58 BOND.

No permit required by § 98.56 shall be issued until the applicant shall have filed with the Town Manager a public liability insurance policy or surety bond thereon, approved by the Town Attorney, by a company duly licensed to transact business in the state, for the principal sum of not less than \$10,000 liability on account of any one accident, such policy or bond to be written in accordance with standard form now in general use and a duplicate thereof deposited with the Town Manager which policy or bond shall further carry an endorsement protecting the town as its interest may appear as the result of any accident or injury for which it might become liable in any manner.

('87 Code, § 98.33) (Ord. passed 12-2-74) Penalty, see § 10.99

§ 91.59 CONSTRUCTION OF SIGNS, AWNINGS, OR MARQUEES.

(A) All signs and marquees shall be constructed of galvanized iron, copper, brass, glass, or other noncorrosive, noncombustible material, except canvas awning which is hereby allowed. All marquees and all signs to be erected at an angle to the wall or roof of any building shall be attached by such noncorrosive metal bolts, anchors, cables, or other metal attachments as shall insure permanent and safe construction and shall be maintained free from rust and other defects. Every means or device used for attaching any sign shall extend through the walls or roof of the building and shall be securely anchored by wall plates and nuts to the inside of the wall or to bearings on the underside of two or more roof or ceiling joists, in accordance with instructions given by the Building Inspector. Small signs containing less than ten square feet of area may be attached flat to a building by the use of lag bolts or other means determined by the Building Inspector to protect the public safety.

(B) Every sign and its support and every marquee and its support shall be capable of withstanding a wind pressure of 30 pounds to the square foot with a safety factor of four. All signs attached parallel to a building shall be placed in close contact to the walls thereof; if attached at an angle to a building, the same shall be attached with an open space of not less than eight inches between any portion of the sign and the wall or roof or other portion of the building in order to avoid the accumulation of combustible substances.

(C) The lowest point of any support or appurtenance to any sign, awning, or marquee which extends over any street, sidewalk, public alley, public way, or place shall be at least ten feet above any place used by pedestrians alone and not less than 15 feet above any place used by vehicles. No marquee, awning, or projecting sign shall project from the face of the building or structure over a street, sidewalk, public alley, public way, or place more than ten feet, but in no case shall any sign or marquee project beyond a line drawn perpendicularly upward from two feet inside the curb line. No sign, awning, or marquee shall be supported from any point outside the property line. No sign, awning, or marquee shall be so erected, hung, or attached as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, stack, vent pipe, or ingress or egress to or from any building, nor so as to hinder the placing of ladders against the building by the Fire Department, nor within five feet of the adjoining property if the projection is a marquee or a sign projecting more than one foot from the property line. ('87 Code, § 98.34) (Ord. passed 12-2-74) Penalty, see § 10.99

§ 91.60 INSPECTIONS.

It shall be the duty of the Building Inspector to inspect at regular intervals every sign, awning, and marquee which extends over any sidewalk, street, public alley, or public way or place in the town. If any awning, sign, or marquee is found to be insecurely fastened or otherwise dangerous or has not been properly maintained or in any way conflicts with the provisions of this subchapter, he or she shall report his or her findings and recommendations to the owner of the sign, marquee, or awning or to the occupant of the premises to which the sign or marquee is attached. The dangerous condition as may be found and reported shall be removed by appropriate action by the property owner, occupant, or person responsible therefor within ten days from the date of notification.

('87 Code, § 98.35) (Ord. passed 12-2-74) Penalty, see § 10.99

§ 91.61 EXISTING SIGNS, AWNINGS, OR MARQUEES.

This subchapter shall not require the renewal of signs, awnings, or marquees which are in a safe condition and which are existing at the time of adoption of this subchapter, but no new signs, awnings, or marquees shall be placed or erected, and no existing sign or marquee shall be altered, remodeled, or relocated unless a permit therefor is obtained and all requirements of this subchapter are met; provided, one sign not to exceed three square feet in area may be permitted for each parcel of property without payment of the license fee and without the bond otherwise required, but a permit shall be required. ('87 Code, § 98.36) (Ord. passed 12-2-74) Penalty, see § 10.99

CHAPTER 92: PARADES, PICKET LINES, AND GROUP DEMONSTRATIONS

Section

- 92.01 Definitions
- 92.02 Permit required
- 92.03 Issuance of permit
- 92.04 Rights of appeal upon denial of permit application; alternative permit
- 92.05 Regulations concerning parades, picket lines, and group demonstrations
- 92.06 Regulations concerning public meetings, speeches, and gatherings
- 92.07 Revocation of permit
- 92.08 Exceptions

§ 92.01 DEFINITIONS.

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

PARADE. Any parade, march, ceremony, show, exhibition, or procession of any kind in or upon the public streets, sidewalks, parks, or other public places.

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

GROUP DEMONSTRATION. Any assembling together or concert of action between two or more persons for the purpose of protesting any matter or making known any position or thought of the group or of attracting attention to the demonstration.

(‘87 Code, § 96.01) (Ord. passed 12-2-74)

§ 92.02 PERMIT REQUIRED.

No parade, picket line, or group demonstration is permitted on the sidewalks or streets of the town unless a permit therefor has been issued by the town. However, nothing herein shall be construed to prevent the peaceful assembly of any group for orderly expression or communication between those assembled.

(‘87 Code, § 96.02) (Ord. passed 12-2-74) Penalty, see § 10.99

§ 92.03 ISSUANCE OF PERMIT.

(A) The Chief of Police or other designated town official is authorized to issue permits as required in § 92.02 and in the issuance thereof shall:

(1) Require a written application therefor to be filed not less than three days nor more than ten days in advance of the parade, picket line, or group demonstration on a form prescribed by the Police Department and which shall require the application to be signed by the person or persons filing the application. The applicant shall therein state the proposed site, time, purpose, and size of the parade, picket line, or group demonstration and whether or not any minors below the age of 18 years shall participate.

(2) Refuse to issue the permit when the activity or purpose stated in the application would violate any ordinance of the town, statute of the state, or when the activity or purpose would endanger the public health or safety or hinder or prevent the orderly movement of pedestrian or vehicular traffic on the sidewalks or streets of the town.

(3) Specify in the permit whether or not minors below the age of 18 years will be permitted to participate. The Chief of Police or other designated town official shall pass upon whether or not minors below the age of 18 years shall be permitted to participate in the parade, picket line, or group demonstration and shall base this determination upon whether or not the purpose, time, or place of the participation will be detrimental to or endanger the health, welfare, or safety of the minors.

(B) The permit may set the starting time and duration of the parade, demonstration, or picket line and may set the speed of its travel; the space between persons or vehicles; the portions or areas of the streets and sidewalks to be used; the length of the parade, group, or line; and such other requirements as the Chief of Police or other designated officer may include in the permit for the control of free movement of traffic upon the streets and sidewalks or for the health, safety, and property rights of the participants and general public. Failure to comply with these requirements, as set forth in the permit, shall be unlawful.

(C) The applicant for a permit shall specify and the permit shall designate the person in charge of the parade, group demonstration, or picket line, and the person in charge shall accompany the parade, demonstration, or picket line and shall carry the permit with him or her at that time.

(D) The Chief of Police or other designated official in considering the issuance of a permit shall, among other considerations provided, consider and find as a requisite for issuance that:

(1) The activity will not require excessive diversion of police from other necessary duties.

(2) The activity will not interfere with the right of property owners in the area to enjoy peaceful occupancy and use of their property.

(3) The activity can be conducted without unreasonable interference with normal vehicular or pedestrian traffic in the area, will not prevent normal police or fire protection to the public, and will not be likely to cause injury to persons or property, provoke disorderly conduct, or create a public disturbance.

(E) Any picket line or group demonstration which participates in any area subject to normally heavy pedestrian or vehicular traffic may be limited in the permit issued to a concentration of not more than six persons participating within any designated area of the street or sidewalk; however, the officer issuing the permit may specify a larger number in the designated area where, in his or her judgment, conditions permit a higher concentration. A designated area is defined as the entire width of the street or sidewalk within a distance measured along its length for 100 feet.

('87 Code, § 96.03) (Ord. passed 12-2-74)

§ 92.04 RIGHTS OF APPEAL UPON DENIAL OF PERMIT APPLICATION; ALTERNATIVE PERMIT.

(A) *Notice of rejection.* The Chief of Police shall act upon the application for a parade permit within two days after the filing thereof. If the Chief of Police disapproves the application, he or she shall notify the applicant within two days after the date upon which the application was filed of his or her action, stating the reason for his or her denial of the permit.

(B) *Appeal procedure.* Any person aggrieved shall have the right to appeal the denial of a parade permit to the Town Council. The appeal shall be taken within five days after notice. The Town Council shall act upon the appeal within five days after its receipt.

(C) *Alternative permit.* The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under the provisions of this chapter.

('87 Code, § 96.04)

§ 92.05 REGULATIONS CONCERNING PARADES, PICKET LINES, AND GROUP DEMONSTRATIONS.

(A) In any parade, picket line, or group demonstration, it shall be unlawful:

(1) For any minor below the age of 18 years to participate or be allowed to participate, and any person encouraging, leading, or allowing a minor to participate, unless a permit therefor has been issued, shall be guilty of a violation of this section.

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(2) For any person to lead, guide, participate in, or in any way support or encourage a parade, picket line, or group demonstration when a minor below the age of 18 years is participating therein, unless a permit for the participation by the minor has been issued.

(3) For any parent to knowingly permit any child under 18 years of age to participate in a parade, picket line, or group demonstration, unless a permit for participation by a minor has been issued.

(4) To cause, participate in, lead, or encourage any parade, picket line, or group demonstration to deviate in any manner from the authority therefor specified in the permit.

(B) No person shall hamper, obstruct, impede, or interfere with such activity or any person participating therein. The police force is authorized to establish lines for the separation of the general public from such activity, and it shall be unlawful to violate the provision of this division or cross these lines.

(C) No parade, picket line, or group demonstration is permitted within any public building or structure.

('87 Code, § 96.05) (Ord. passed 12-2-74) Penalty, see § 10.99

§ 92.06 REGULATIONS CONCERNING PUBLIC MEETINGS, SPEECHES, AND GATHERINGS.

(A) No person, firm, or corporation shall obstruct or block any street or sidewalk in the town.

(B) Any public meeting, speech, or gathering shall be conducted only on a sidewalk and at a minimum of 50 feet from any street corner.

(C) The speaker shall not interfere or permit members of the gathering to interfere with the orderly movement of vehicular and pedestrian traffic on the streets or sidewalks of the town. The speaker shall not become so loud in his or her speech nor violent in his or her movements as to annoy or frighten persons using the streets, sidewalks, or adjacent properties.

(D) The speaker shall not conduct any public meeting or deliver an address except during the hours set forth in the specific permit.

('87 Code, § 96.06) (Ord. passed 12-2-74) Penalty, see § 10.99

§ 92.07 REVOCATION OF PERMIT.

Upon violation of the terms of the permit by those participating, the Chief of Police or that officer of the police force as may then be in charge is authorized to then revoke the permit and direct those participating to disperse.

('87 Code, § 96.07) (Ord. passed 12-2-74) Penalty, see § 10.99

§ 92.08 EXCEPTIONS.

This chapter shall not apply to:

(A) Funeral processions.

(B) Students going to and from school classes or participating in educational activities where the activity is under the immediate supervision and direction of proper school authorities.

(C) A governmental agency acting within the scope of its functions.
(‘87 Code, § 96.08) (Ord. passed 12-2-74)

CHAPTER 93: EXPLOSIVES

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- 93.50 Ammunition, primers, and smokeless propellants
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Statutory reference:

Authority to regulate, see G.S. § 160A-183

GENERAL PROVISIONS**§ 93.01 APPLICATION OF CHARTER; EXEMPTIONS.**

(A) This chapter shall apply to the manufacture, possession, storage, sale, transportation, and use of explosives, blasting agents, pyrotechnics, and ammunition except as provided in division (B) of this section.

(B) Nothing in this chapter shall be construed as applying to:

(1) The Armed Forces of the United States or the state militia.

(2) Explosives in forms prescribed by the official United States pharmacopoeia.

(3) The sale or use of fireworks.

(4) The possession, transportation, and use of small arms ammunition or special industrial explosive devices for personal use.

(5) The possession, storage, transportation, and use of not more than 20 pounds of smokeless propellant and 10,000 small arms primers for hand loading of small arms ammunition for personal use.

(6) The manufacture, possession, storage, and use of not more than 15 pounds of explosives or blasting agents exclusive of smokeless propellants in educational, governmental, or industrial laboratories for instruction or research purposes when under the direct supervision of experienced, competent persons.

(7) The transportation and use of explosives or blasting agents by the United States Bureau of Mines, the Federal Bureau of Investigation, the United States Secret Service, or Police and Fire Departments acting in their official capacity.

('87 Code, § 93.01) (Ord. passed 7-13-81)

§ 93.02 DEFINITIONS.

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

BLASTING AGENT. Any material or mixture consisting of a fuel and oxidizer intended for blasting and not otherwise classified as an explosive, in which none of the ingredients are classified as explosives, provided the finished product, as mixed and packaged for use or shipment, cannot be

detonated by means of a No. 8 test blasting cap when unconfined. Water gels complying with § 93.39(D) shall be classified as **BLASTING AGENTS**. Materials or mixtures classified as nitro-carbonitrates by United States Department of Transportation (DOT) regulations shall be included in this definition.

CARRIER. Persons who engage in the transportation of articles or materials by rail, highway, water, or air.

EXPLOSIVE. Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term **EXPLOSIVE** includes all materials classified as class A, class B, or class C explosives by United States Department of Transportation (DOT) regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse igniters, fuse lighters, squibs, cordeau detonant fuse, instantaneous fuse, igniter cord and igniters, small arms ammunition, small arms ammunition primers, smokeless propellant, cartridges for propellant-actuated power devices, cartridges for industrial guns, pyrotechnics, and water gels complying with § 93.24(B) and (C).

EXPLOSIVE-ACTUATED POWER DEVICE. Any tool or special mechanized device which is actuated by explosives, but not including propellant-actuated power devices. Examples of **EXPLOSIVE-ACTUATED POWER DEVICES** are jet tappers and jet perforators.

EXPLOSIVE MATERIAL. Any quantity of class A, class B, or class C explosives and any other chemical compounds or mixtures thereof used as the propelling or exploding material in any cartridge or other explosive device.

HIGHWAY. Any public street, alley, or road.

INHABITED BUILDING. A building or structure regularly used in whole or in part as a place of human habitation. The term **INHABITED BUILDING** shall also mean any church, school, store, railway passenger station, airport terminal for passengers, and any other building or structure where people are accustomed to congregate or assemble, but excluding any building or structure occupied in connection with the manufacture, transportation, storage, and use of explosives and blasting agents.

MAGAZINE. Any building or structure approved for the storage of explosives.

PROPELLANT-ACTUATED POWER DEVICE. Any tool or special mechanized device or gas generator system which is actuated by a smokeless propellant or which releases and directs work through a smokeless propellant charge.

PUBLIC CONVEYANCE. Any railway car, streetcar, cab, bus, airplane, or other vehicle transporting passengers for hire.

PYROTECHNIC. Any special fireworks not included in Article 13 of the County Fire Prevention Code which are manufactured and designed primarily for producing visible and audible pyrotechnic effects by a combustible explosion and which are of such composition so as to be included under class B explosives as defined by regulations of the United States Department of Transportation.

RAILWAY. Any steam, electric, or other railroad or railway which carries passengers for hire.

SMALL ARMS AMMUNITION. Any shotgun, rifle, pistol, or revolver cartridge and cartridges for propellant-actuated power devices and industrial guns.

SMALL ARMS AMMUNITION PRIMER. A small percussion-sensitive explosive charge encased in a cap used to ignite propellant powder.

SMOKELESS PROPELLANT. Solid propellants, commonly called smokeless powders in the trade, used in small arms ammunition, cannons, rockets, or propellant-actuated power devices.

SPECIAL INDUSTRIAL EXPLOSIVE DEVICE. Any explosive-actuated power devices and propellant-actuated power devices.

SPECIAL INDUSTRIAL EXPLOSIVE MATERIAL. Shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives containing dynamite, trinitrotoluol, pentaerythritoltetranitrate, cyclotrimethylenetrinitramine, or other similar compounds used for high-energy rate forming, expanding, and shaping in metal fabrication and for dismemberment and quick reduction of scrap metal.

TERMINAL. Those facilities used by carriers for the receipt, transfer, temporary storage, or delivery of articles or materials.

TEST BLASTING CAP NO. 8. One containing two grams of a mixture of 80% mercury fulminate and 20% potassium chlorate or a cap of equivalent strength.

VEHICLE. A conveyance of any type operated upon the highways.

WATER GELS or SLURRY EXPLOSIVES. See § 93.24(B), (C), and (D).
(‘87 Code, § 93.02) (Ord. passed 7-13-81)

§ 93.03 PERMIT REQUIRED.

(A) Permits shall be obtained:

(1) To manufacture, possess, store, sell, or otherwise dispose of explosives, blasting agents, or small arms ammunition.

(2) To transport explosives or blasting agents.

(3) To use explosives or blasting agents.

(4) To operate a terminal for handling explosives or blasting agents.

(5) To deliver to or receive explosives or blasting agents from a carrier at a terminal between the hours of sunset and sunrise.

(6) To transport blasting caps or electric blasting caps on the same vehicle with explosives.

(B) Permits required by division (A) shall not be issued for:

(1) Liquid nitroglycerin.

(2) Dynamite, except gelatin dynamite, containing over 60% of liquid explosive ingredient.

(3) Dynamite having an unsatisfactory absorbent or one that permits leakage of a liquid explosive ingredient under any conditions liable to exist during storage.

(4) Nitrocellulose in a dry and uncompressed condition in a quantity greater than ten pounds net weight in one package.

(5) Fulminate of mercury in a dry condition and fulminate of all other metals in any condition, except as a component of manufactured articles not hereinafter forbidden.

(6) Explosive compositions that ignite spontaneously or undergo marked decomposition, rendering the products or their use more hazardous, when subjected to 48 consecutive hours or less at a temperature of 167°F.

(7) New explosives until approved by the United States Department of Transportation, except that permits may be issued to educational, governmental, or industrial laboratories for instructional or research purposes.

(8) Explosives condemned by the United States Department of Transportation.

(9) Explosives not packed or marked in accordance with the requirements of the United States Department of Transportation.

(10) Explosives containing an ammonium salt and a chlorate.
(‘87 Code, § 93.03) (Ord. passed 7-13-81) Penalty, see § 10.99

§ 93.04 BOND REQUIRED FOR BLASTING.

Before a permit to do blasting as required under § 93.03(A)(3) shall be issued, the applicant for the permit shall file a bond deemed adequate in each case by the County Bureau of Fire Prevention, which bond shall become available for the payment of any damages arising from the permitted blasting. ('87 Code, § 93.04) (Ord. passed 7-13-81) Penalty, see § 10.99

EXPLOSIVES**§ 93.15 GENERAL REGULATION OF EXPLOSIVES.**

(A) The manufacture of any explosives, blasting agents (including small arms ammunition), and pyrotechnics, as defined in § 93.02, shall be prohibited unless the manufacture is authorized by the Chief of the County Bureau of Fire Prevention. This shall not apply to hand loading of small arms ammunition prepared for personal use when not for resale.

(B) The storage of explosives and blasting agents is prohibited within the limits established by law as the limits of the district in which the storage is to be prohibited except for temporary storage for use in connection with approved blasting operation. However, this prohibition shall not apply to wholesale and retail stocks of small arms ammunition, fuse lighters, fuse igniters, and safety fuses, not including cordeau detonant fuses, in quantities involving less than 500 pounds of explosive material; nor shall it apply to explosive-actuated power devices, when employed in construction operations in highly populated areas, in quantities involving less than 50 pounds of explosive material.

(C) The Chief of the County Bureau of Fire Prevention may limit the quantity of explosives, blasting agents, or ammunition to be permitted at any location.

(D) No person shall sell or display explosives or blasting agents on highways, sidewalks, public property, or in places of public assembly. ('87 Code, § 93.10) (Ord. passed 7-13-81) Penalty, see § 10.99

§ 93.16 STORAGE OF EXPLOSIVES.

(A) Explosives, including special industrial explosive materials and any newly developed and unclassified explosive, shall be stored in magazines which comply with this chapter. This shall not be construed as applying to wholesale and retail stocks of small arms ammunition, fuse lighters, fuse igniters, and safety fuses (not including cordeau detonant fuses) in quantities involving less than 500 pounds of explosive material; nor shall it apply to explosive-actuated power devices, when employed in construction operations in highly populated areas, in quantities involving less than 50 pounds of explosive material.

(B) Magazines shall be in the custody of a competent person at all times who shall be at least 21 years of age and who shall be held responsible for compliance with all safety precautions.

(C) Smoking, matches, open flames, spark-producing devices, and firearms, except firearms authorized for guards, shall be prohibited inside or within 50 feet of magazines. Combustible materials shall not be stored within 50 feet of magazines.

(D) The land surrounding magazines shall be kept clear of brush, dried grass, leaves, trash, and debris for a distance of at least 25 feet.

(E) Magazines shall be kept locked except when being inspected or when explosives are being placed therein or being removed therefrom.

(F) Magazines shall be kept clean, dry, and free of grit, paper, empty packages, and rubbish.

(G) Heating or interior lighting systems for magazines shall be reasonably safe to persons and property. Evidence that heating or interior lighting systems have been installed in accordance with the applicable standard specified for this division in Article 31 of the County Fire Prevention Code shall be evidence that the heating or interior lighting systems are reasonably safe to persons and property. Where permanent lighting is not required, electric safety flashlights or electric safety lanterns shall be used.

(H) Blasting caps, electric blasting caps, detonating primers, and primed cartridges shall not be stored in the same magazine with other explosives.

(I) Magazines shall be of two types, namely class I and class II.

(J) Class I magazines shall be used for the storage of explosives when quantities are in excess of 50 pounds of explosive material.

(K) Class I or class II magazines shall be used for the storage of explosives in quantities of 50 pounds or less of explosive material, except that a class II magazine may be used for temporary storage of a larger quantity of explosives at the site of blasting operations where the amount constitutes not more than one day's supply for use in current operations.

(1) Class I and class II magazines shall be located away from inhabited buildings, passenger railways, public highways, and other magazines in accordance with Appendix A, except as provided in division (M) of this section.

(M) The Chief of the County Bureau of Fire Prevention may authorize the storage of up to 50 pounds of explosives and 5,000 blasting caps in wholesale and retail hardware stores or other approved establishments. Explosives and blasting caps shall be stored in separate class II magazines at approved locations with the magazines located on a floor which has an exit at outside grade level. A distance of ten feet shall be maintained between the magazines. Their location shall not be changed without approval of the Bureau of Fire Prevention.

(N) At the site of blasting operations, a distance of at least 150 feet shall be maintained between class II magazines and the blast area when the quantity of explosives temporarily kept therein is in excess of 25 pounds, and at least 50 feet when the quantity of explosives is 25 pounds or less.

(O) Class I magazines shall be designed and constructed so as to be reasonably safe to persons and property. Evidence that class I magazines have been designed and constructed in accordance with the applicable standards specified for this division in Article 31 of the County Fire Prevention Code shall be evidence that such class I magazines are reasonably safe to persons and property.

(P) Class I magazines shall have openings only for ventilation and entrance except where heating systems or interior lighting systems are required.

(Q) Class II magazines shall be constructed of two-inch tongue and grooved hardwood covered on the outside with 0.0359-inch thickness sheet steel (number 18 manufacturers' standard gauge) or equivalent aluminum, or of all metal construction with sides, bottom, and cover of sheet metal lined with $\frac{3}{8}$ -inch plywood or the equivalent. Edges of metal covers shall overlap sides at least one inch. Class II magazines when located in wholesale and retail hardware stores or other approved establishments shall be mounted on casters or wheels to facilitate removal.

(R) Magazines for the storage of explosives shall be weather resistant and properly ventilated, and when used for storage of class A explosives other than black powder, blasting caps, and electric blasting caps, shall also be bullet resistant.

(S) Property upon which class I magazines are located shall be posted with signs reading "Explosives - Keep Off." These signs shall be located so as to minimize the possibility of a bullet traveling in the direction of the magazine if anyone shoots at the sign.

(T) Class II magazines shall be painted red and shall bear lettering in white on all sides and top at least three inches high, "Explosives - Keep Fire Away."

(U) Packages of explosives shall not be unpacked or repacked in a magazine, nor within 50 feet of a magazine.

(V) Magazines shall not be used for the storage of any metal tools or of any commodity except explosives, but this restriction shall not apply to the storage of blasting agents, blasting supplies, and oxidizers used in compounding blasting agents.

(W) When an explosive has deteriorated to an extent that it is in an unstable or dangerous condition or if nitroglycerin leaks from any explosive, then the person in possession of the explosive shall immediately report the fact to the Chief of the Bureau of Fire Prevention and upon his or her authorization shall proceed to destroy these explosives and clean floors stained with nitroglycerin in accordance with the instructions of the manufacturer. Only experienced persons shall do the work of destroying explosives.

(X) Packages of explosives shall be laid flat with top side up. Black powder when stored in magazines with other explosives shall be stored separately. Black powder stored in kegs shall be stored on ends, bungs down, or on side, seams down. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored so as to be easily counted and checked. Packages of explosives shall be piled in a stable manner. When any kind of explosive is removed from a magazine for use, the oldest explosive of that particular kind shall always be taken first.

(Y) When magazines need inside repairs, all explosives shall be removed therefrom and the floors cleaned. In making outside repairs, if there is a possibility of causing sparks or fire, the explosives shall be removed from the magazine. Explosives removed from the magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine where they shall be properly guarded and protected until repairs have been completed, when they shall be returned to the magazine. ('87 Code, § 93.11) (Ord. passed 7-13-81) Penalty, see § 10.99

§ 93.17 TRANSPORTATION OF EXPLOSIVES.

(A) Explosives shall not be transported on public conveyances.

(B) Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and shall be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flameproof and moistureproof tarpaulin or other effective protection against moisture and sparks. The vehicles shall have tight floors, and exposed spark-producing metal on the inside of the body shall be covered with wood or other non-sparking material to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of open-body vehicles.

(C) Explosives may be loaded into and transported in a truck, truck with semitrailer, truck with full trailer, truck tractor with semitrailer, or truck tractor with semitrailer and full trailer. Explosives shall not be transported on any pole trailer.

(D) Each motor vehicle shall be provided with at least one portable fire extinguisher having at least a 10 B, C rating or when more than one is provided, each extinguisher shall have at least a 5 B, C rating.

(E) It shall be the duty of the person to whom a permit has been issued to transport explosives over the highways of the municipality to inspect daily those vehicles employed by him or her to determine that:

- (1) Fire extinguishers are filled and in operating condition.
- (2) Electric wires are insulated and securely fastened.
- (3) The motor, chassis, and body are reasonably clean and free of excessive grease and oil.

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- (4) The fuel tank and fuel line are securely fastened and are not leaking.
- (5) Brakes, lights, horn, windshield wipers, and steering mechanism are functioning properly.
- (6) Tires are properly inflated and free of defects.
- (7) The vehicle is in proper condition for transporting explosives.

(F) Spark-producing metals or spark-producing metal tools shall not be carried in the body of a vehicle transporting explosives.

(G) Only those dangerous articles authorized to be loaded with explosives by United States Department of Transportation regulations shall be carried in the body of a vehicle transporting explosives.

(H) No person shall smoke, carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a vehicle transporting explosives or drive, load, or unload any such vehicle in a careless or reckless manner.

(I) Vehicles transporting explosives shall be in the custody of drivers who are physically fit, careful, capable, reliable, able to read and write the English language, not addicted to the use or under the influence of intoxicants or narcotics, and not less than 21 years of age. They shall be familiar with state and municipal traffic regulations and the provisions of this section governing the transportation of explosives.

(J) Every vehicle transporting explosives shall be marked or placarded on both sides, front, and rear with the word "Explosives" in letters not less than three inches high on a contrasting background.

(K) Blasting caps or electric blasting caps shall not be transported over the highways of the municipality on the same vehicle with other explosives, except by permission of the County Bureau of Fire Prevention.

(L) Vehicles transporting explosives and traveling in the same direction shall not be driven within 300 feet of each other.

(M) Vehicles transporting explosives shall avoid congested traffic and densely populated areas. Designated routes shall be followed.

(N) Explosives shall not be transported through any completed vehicular tunnel or subway.

(O) Vehicles transporting explosives shall not be left unattended at any time within the municipality.

(P) Unauthorized persons shall not ride on vehicles transporting explosives.

(Q) The Fire and Police Departments shall be promptly notified when a vehicle transporting explosives is involved in an accident, breaks down, or catches fire. Only in the event of such an emergency shall the transfer of explosives from one vehicle to another vehicle be allowed on highways within the town and only when qualified supervision is provided. Except in such an emergency, a vehicle transporting explosives shall not be parked before reaching its destination on highways within the town or adjacent to or in proximity to any bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble.

(R) Delivery shall only be made to authorized persons and into approved magazines or approved temporary storage or handling areas.

(S) Vehicles containing explosives shall not be taken into a garage or repair shop for repairs or storage.

('87 Code, § 93.12) (Ord. passed 7-13-81) Penalty, see § 10.99

§ 93.18 USE, HANDLING OF EXPLOSIVES.

(A) Blasting operations shall be conducted during daylight hours except when authorized at other times by the Chief of the County Bureau of Fire Prevention.

(B) The handling and firing of explosives shall be performed by the person possessing a permit to use explosives or by employees under his or her direct supervision who are at least 21 years old.

(C) No person shall handle explosives while under the influence of intoxicants or narcotics.

(D) No person shall smoke or carry matches while handling explosives or while in the vicinity thereof.

(E) No open flame light shall be used in the vicinity of explosives.

(F) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, or steam utilities, the blaster shall notify the appropriate representatives of the utilities at least 24 hours in advance of blasting, specifying the location and intended time of the blasting. Verbal notice shall be confirmed with written notice. In an emergency, this time limit may be waived by the Chief of the County Bureau of Fire Prevention.

(G) Blasting operations shall be conducted so as to be reasonably safe to persons and property. Evidence that blasting operations have been conducted in accordance with the applicable standards specified for this division in Article 31 of the County Fire Prevention Code shall be evidence that the blasting operations are reasonably safe to persons and property.

(H) Before a blast is fired, the person in charge shall make certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover, and a loud warning signal has been sounded.

(I) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radio or radar transmitters, lightning, adjacent power lines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(1) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm.

(2) The posting of signs warning against the use of mobile radio transmitters on all roads within 350 feet of the blasting operations.

(3) Compliance with division (G) of this section when blasting within one and one-half miles of broadcast or high-power shortwave radio transmitters.

(J) When blasting is done in congested areas or in close proximity to a building, structure, railway, highway, or any other installation that may be damaged, the blast shall be covered before firing with a mat constructed so that it is capable of preventing rock from being thrown into the air.

(K) Tools used for opening packages of explosives shall be constructed of nonsparking materials.

(1) Empty boxes, paper, and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and no person shall be nearer than 100 feet after the burning has started.

(M) Explosives shall not be abandoned.

('87 Code, § 93.13) (Ord. passed 7-13-81) Penalty, see § 10.99

§ 93.19 EXPLOSIVES AT TERMINALS.

(A) The County Bureau of Fire Prevention may designate the location and specify the maximum quantity of explosives or blasting agents which may be loaded, unloaded, reloaded, or temporarily retained at each terminal where such operations are permitted.

(B) Shipments of explosives or blasting agents delivered to carriers shall comply with United States Department of Transportation regulations.

(C) Carriers shall immediately notify the County Bureau of Fire Prevention when explosives or blasting agents are received at terminals.

(D) Carriers shall immediately notify consignees of the arrival of explosives or blasting agents at terminals.

(E) The consignee of a shipment of explosives or blasting agents shall remove them from the carrier's terminal within 48 hours, Sundays and holidays excluded, after being notified of their arrival. ('87 Code, § 93.14) (Ord. passed 7-13-81) Penalty, see § 10.99

BLASTING AGENTS**§ 93.35 GENERAL REGULATION OF BLASTING AGENTS.**

Unless otherwise set forth in §§ 93.37 and 93.38, blasting agents, excluding water gels, shall be transported, stored, and used in the same manner as explosives.
(‘87 Code, § 93.20) (Ord. passed 7-13-81) Penalty, see § 10.99

§ 93.36 MIXING BLASTING AGENTS.

(A) Buildings or other facilities used for mixing blasting agents shall be located away from inhabited buildings, passenger railways, and public highways in accordance with Appendix A and Appendix B.

(B) Buildings or other facilities used for the mixing of blasting agents shall be designed and constructed so as to be reasonably safe to persons and property. Evidence that buildings or other facilities used for the mixing of blasting agents have been designed and constructed in accordance with the applicable standard specified for this division in Article 31 of the County Fire Prevention Code shall be evidence that these buildings or other facilities are reasonably safe to persons and property.

(C) Compounding and mixing of recognized formulations of blasting agents shall be conducted to provide reasonable safety to persons and property. Evidence that compounding and mixing of recognized formulations of blasting agents have been conducted in accordance with the applicable standards specified for this division in Article 31 of the County Fire Prevention Code shall be evidence that the compounding and mixing are reasonably safe to persons and property. No liquid hydrocarbon fuel with a flash point lower than that of No. 2 diesel fuel oil (125°F minimum or legal) shall be used.

(D) Smoking or open flames shall not be permitted in or within 50 feet of any building or facility used for the mixing of blasting agents.

(E) Empty oxidizer bags shall be disposed of daily by burning in a safe manner in the open at a safe distance from buildings or combustible materials.

(‘87 Code, § 93.21) (Ord. passed 7-13-81) Penalty, see § 10.99

§ 93.37 STORAGE OF BLASTING AGENTS, SUPPLIES.

(A) Blasting agents or ammonium nitrate, when stored in conjunction with explosives, shall be stored in the manner set forth in § 93.16 for explosives. The mass of blasting agents and one-half the mass of ammonium nitrate shall be included when computing the total quantity of explosives for determining distance requirements.

(B) Blasting agents, when stored entirely separate from explosives, may be stored:

(1) As provided in § 93.16, or

(2) In one-story warehouses of fire-resistive or noncombustible construction without basements, constructed so as to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire, weather-resistant, well ventilated, and equipped with a strong door kept securely locked except when open for business.

(C) Buildings used for the storage of blasting agents separate from explosives shall be located away from inhabited buildings, passenger railways, and public highways in accordance with Appendix A and Appendix B.

(D) The interior of buildings used for the storage of blasting agents shall be kept clean and free from debris and empty containers. Spilled materials shall be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates, and nitrates other than ammonium nitrate shall not be stored in any building containing blasting agents unless separated therefrom by construction having a fire-resistance rating of not less than one hour. The provisions of this section shall not prohibit the storage of blasting agents together with nonexplosive blasting supplies.

(E) Semitrailers or full trailers may be used for temporarily storing blasting agents, provided they are located away from inhabited buildings, passenger railways, and public highways in accordance with Appendix A and Appendix B. Trailers shall be provided with substantial means for locking, and the trailer doors shall be kept locked except during the time of placement or removal of blasting agents.

(F) Piles of ammonium nitrate and buildings containing oxidizers shall be adequately separated from readily combustible fuels.

(G) Caked ammonium nitrate, either in bags or in bulk, shall not be loosened by blasting. ('87 Code, § 93.22) (Ord. passed 7-13-81) Penalty, see § 10.99

§ 93.38 TRANSPORTATION OF BLASTING AGENTS.

(A) When blasting agents are transported in the same vehicle with explosives, § 93.17 shall apply.

(B) Vehicles transporting blasting agents shall be in safe operating condition at all times.

(C) Every vehicle transporting blasting agents shall be marked or placarded on both sides, front, and rear, with the words "Dangerous" and also the words "Blasting Agents" in letters not less than three inches high on a contrasting background.

(D) The hauling of either blasting caps or explosives, but not both, shall be permitted on bulk trucks provided a special wood or nonferrous-lined container is installed for the explosive. Blasting caps or explosives shall be in shipping containers specified in regulations of the United States Department of Transportation.

(E) A bulk vehicle body shall be constructed of noncombustible material and vehicles transporting bulk premixed blasting agents shall have closed bodies. No in-transit mixing of materials shall be performed.

('87 Code, § 93.23) (Ord. passed 7-13-81) Penalty, see § 10.99

§ 93.39 WATER GEL EXPLOSIVES AND BLASTING AGENTS.

(A) Unless otherwise set forth in this section, water gels shall be transported, stored, and used in the same manner as explosives or blasting agents in accordance with the classification of the product.

(B) Water gels containing a substance in itself classified as an explosive shall be classified as an explosive and manufactured, transported, stored, and used as specified for explosives in this chapter.

(C) Water gels containing no substance in itself classified as an explosive and which are cap-sensitive as defined in § 93.02 shall be classified as an explosive and manufactured, transported, stored, and used as specified for explosives in this chapter.

(D) Water gels containing no substance in itself classified as an explosive and which are not cap-sensitive as defined in § 93.02 under blasting agent shall be classified as blasting agents and manufactured, transported, stored, and used as specified for blasting agents in this chapter.

(E) Nitrate-water solutions may be stored in tank cars, tank trucks, or fixed tanks without quantity or distance limitations. Spills or leaks which may contaminate combustible materials shall be cleaned up immediately.

(F) All facilities, mixing equipment, and delivery vehicles used for the handling of water gels shall be designed and operated so as to be reasonably safe to persons and property. Evidence that the facilities, mixing equipment, and delivery vehicles are designed and operated in accordance with the applicable standards specified for this division in Article 31 of the County Fire Prevention Code shall be evidence that the facilities, mixing equipment, and delivery vehicles are reasonably safe to persons and property.

('87 Code, § 93.24) (Ord. passed 7-13-81) Penalty, see § 10.99

AMMUNITION

§ 93.50 AMMUNITION, PRIMERS, AND SMOKELESS PROPELLANTS.

(A) The storage and display of ammunition, primers, and propellants shall comply with this section and the applicable provisions of §§ 93.15(B) and 93.16(A).

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(B) Ammunition, primers, and propellants shall be separated from flammable liquids, hazardous material not classified as an explosive, and oxidizing materials by a wall having a fire-resistance rating of one hour.

(C) Not more than 20 pounds of smokeless propellants in containers of one-pound maximum capacity and not more than 10,000 small arms ammunition primers shall be displayed in wholesale and retail hardware stores or other approved establishments.

('87 Code, § 93.30) (Ord. passed 7-13-81) Penalty, see § 10.99

**APPENDIX A: EXPLOSIVES - DISTANCE IN FEET
WHEN STORAGE IS BARRICADED**

(A) *Definitions.* For the purpose of this appendix the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ARTIFICIAL BARRICADE. An artificial mound or revetted wall of earth of a minimum thickness of three feet.

BARRICADED. A building containing explosives is effectually screened from a magazine, building, railway, or highway, either by a natural barricade or by an artificial barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine, or building, or to a point 12 feet above the center of a railway or highway will pass through such intervening natural or artificial barricade.

NATURAL BARRICADE. Natural features of the ground, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

(B) *Schedule of required distances.*

Explosives - Distance in Feet When Storage is Barricaded

Pounds Over	Pounds Not Over	From Inhabited Buildings	From Passenger Railways	From Public Highways	Separation of Magazines
2	5	70	30	30	6
5	10	90	35	35	8
10	20	110	45	45	10
20	30	125	50	50	11
30	40	140	55	55	12
40	50	150	60	60	14
50	75	170	70	70	15
75	100	190	75	75	16
100	125	200	80	80	18
125	150	215	85	85	19
150	200	235	95	95	21

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<i>Pounds Over</i>	<i>Pounds Not Over</i>	<i>From Inhabited Buildings</i>	<i>From Passenger Railways</i>	<i>From Public Highways</i>	<i>Separation of Magazines</i>
200	250	255	105	105	23
250	300	270	110	110	24
300	400	295	120	120	27
400	500	320	130	130	29
500	600	340	135	135	31
600	700	355	145	145	32
700	800	375	150	150	33
800	900	390	155	155	35
900	1000	400	160	160	36
1,000	1,200	425	170	165	39
1,200	1,400	450	180	170	41
1,400	1,600	470	190	175	43
1,600	1,800	490	195	180	44
1,800	2,000	505	205	185	45
2,000	2,500	545	220	190	49
2,500	3,000	580	235	195	52
3,000	4,000	635	255	210	58
4,000	5,000	685	275	225	61
5,000	6,000	730	295	235	65
6,000	7,000	770	310	245	68
7,000	8,000	800	320	250	72
8,000	9,000	835	335	255	75
9,000	10,000	865	345	260	78
10,000	12,000	875	370	270	82
12,000	14,000	885	390	275	87
14,000	16,000	900	405	280	90

<i>Pounds Over</i>	<i>Pounds Not Over</i>	<i>From Inhabited Buildings</i>	<i>From Passenger Railways</i>	<i>From Public Highways</i>	<i>Separation of Magazines</i>
16,000	18,000	940	420	285	94
18,000	20,000	975	435	290	98
20,000	25,000	1055	470	315	105
25,000	30,000	1,130	500	340	112
30,000	35,000	1,205	525	360	119
35,000	40,000	1,275	550	380	124
40,000	45,000	1,340	570	400	129
45,000	50,000	1,400	590	420	135
50,000	55,000	1,460	610	440	140
55,000	60,000	1,515	630	455	145
60,000	65,000	1,565	645	470	150
65,000	70,000	1,610	660	485	155
70,000	75,000	1,655	675	500	160
75,000	80,000	1,695	690	510	165
80,000	85,000	1,730	705	520	170
85,000	90,000	1,760	720	530	175
90,000	95,000	1,790	730	540	180
95,000	100,000	1,815	745	545	185
100,000	110,000	1,835	770	550	195
110,000	120,000	1,855	790	555	205
120,000	160,000	1,875	810	560	215
130,000	140,000	1,890	835	565	225
140,000	150,000	1,000	850	570	235
150,000	160,000	1,935	870	580	245
160,000	170,000	1,965	890	590	255
170,000	180,000	1,990	905	600	265

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<i>Pounds Over</i>	<i>Pounds Not Over</i>	<i>From Inhabited Buildings</i>	<i>From Passenger Railways</i>	<i>From Public Highways</i>	<i>Separation of Magazines</i>
180,000	190,000	2,010	920	605	275
190,000	200,000	2,030	935	610	285
200,000	210,000	2,055	955	620	295
210,000	230,000	2,100	980	635	315
230,000	250,000	2,155	1,010	650	335
250,000	275,000	2,215	1,040	670	360
275,000	300,000	2,275	1,075	690	385

(C) All types of blasting caps in strengths through No. 8 shall be rated at one and one-half pounds of explosives per 1000 caps.

(D) When a building containing explosives is not barricaded, the distances shown in division (B) of this section shall be doubled.

(E) When two or more storage magazines are located on the same property, each magazine shall comply with minimum distances specified from inhabited buildings, railways, and highways, and in addition they shall be separated from each other by not less than the distances shown for separation of magazines in division (B) of this section, except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified separation of magazines distances, then the two or more magazines, as a group, shall be considered as one magazine, and the total quantity of explosives stored in the group must be treated as if stored in a single magazine located on the site of any magazine of the group and shall comply with the distances specified from other magazines, inhabited buildings, railways, and highways.

(F) Division (B) of this section applies only to the manufacture and permanent storage of commercial explosives. It is not applicable to transportation of explosives or any handling of temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

('87 Code, Appendix A) (Ord. passed 7-13-81) Penalty, see § 10.99

**APPENDIX B: TABLE OF RECOMMENDED SEPARATION DISTANCES
OF AMMONIUM NITRATE AND BLASTING AGENTS FROM
EXPLOSIVES OR BLASTING AGENTS**

(A) The table is set forth as follows:

<i>Donor Weight</i>		<i>Minimum Separation Distance of Receptor When Barricaded (Feet)</i>		<i>Minimum Thickness of Artificial Barricades (Inches)</i>
<i>Pounds Over</i>	<i>Pounds Not Over</i>	<i>Ammonium Nitrate</i>	<i>Blasting Agent</i>	
—	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35

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<i>Donor Weight</i>		<i>Minimum Separation Distance of Receptor When Barricaded (Feet)</i>		<i>Minimum Thickness of Artificial Barricades (Inches)</i>
<i>Pounds Over</i>	<i>Pounds Not Over</i>	<i>Ammonium Nitrate</i>	<i>Blasting Agent</i>	
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	215	60
275,000	300,000	64	230	60

(B) Recommended separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives and blasting agents referred to in division (A) of this section as the donor. Ammonium nitrate, by itself, is not considered to be a donor when applying division (A). Ammonium nitrate, ammonium-nitrate fuel oil, or combinations thereof are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate should be included in the mass of the donor.

(C) When the ammonium nitrate or blasting agent is not barricaded, the distances shown in division (A) of this section shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like, which may enclose the donor. Where storage is in bullet-resistant magazines recommended for explosives or where the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in division (B) of Appendix A are not required.

(D) The distances in division (A) of this section apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the National Plant Food Institute (see Definition and Test Procedures for Ammonium Nitrate Fertilizer, National Plant Food Institute, November 1964), and ammonium nitrate failing to pass this test shall be stored at separation distances determined by competent persons and approved by the authority having jurisdiction.

(E) The distances of division (A) of this section apply to nitrocarbonitrates and blasting agents which pass the insensitivity test prescribed in the United States Department of Transportation regulations.

(F) Earth or sand dikes or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the donor when the trees are bare of leaves, are also acceptable.

(G) When the ammonium nitrate must be counted in determining the distances to be maintained from inhabited buildings, passenger railways, and public highways, it may be counted at one-half its actual weight because its blast effect is lower.

('87 Code, Appendix B) (Ord. passed 7-13-81) Penalty, see § 10.99

CHAPTER 94: NUISANCES; HEALTH AND SANITATION

Section

General Provisions

- 94.01 Conditions constituting nuisance
- 94.02 Investigation; notice to abate
- 94.03 Abatement by town
- 94.04 Other remedies

Noxious Odors and Smoke

- 94.15 Excessive smoke, dust, noise prohibited
- 94.16 Abatement

Noise

- 94.30 Unnecessary noise prohibited
- 94.31 Prohibited acts enumerated

Scrap Materials

- 94.45 Declaration of policy
- 94.46 Accumulation of scrap materials

- 94.99 Penalty

Statutory reference:

Authority to regulate noise, see G.S. § 160A-184

GENERAL PROVISIONS

§ 94.01 CONDITIONS CONSTITUTING 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) The uncontrolled growth of noxious weeds or grass to a height in excess of 18 inches causing or threatening to cause a hazard detrimental to the public health or safety.

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

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

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

('87 Code, § 94.10) (Ord. passed 12-2-74; Am. Ord. passed 9-6-88) Penalty, see § 94.99

§ 94.02 INVESTIGATION; NOTICE TO ABATE.

(A) The Town Manager, upon notice from any person of the existence of any of the conditions described in § 94.01, shall cause to be made by the appropriate County Health Department official or town official such investigation as may be necessary to determine whether, in fact, those conditions exist.

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

('87 Code, § 94.11) (Ord. passed 12-2-74)

§ 94.03 ABATEMENT BY TOWN.

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

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

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

(‘87 Code, § 94.12) (Ord. passed 12-2-74)

§ 94.04 OTHER REMEDIES.

The procedure set forth in this subchapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this subchapter shall not prevent the town from proceeding in a criminal action against any person, firm, or corporation violating the provisions of this subchapter as provided in § 94.99

(‘87 Code, § 94.13) (Ord. passed 12-2-74)

NOXIOUS ODORS AND SMOKE

§ 94.15 EXCESSIVE SMOKE, DUST, NOISE PROHIBITED.

(A) No person, firm, or corporation shall operate or cause to be operated within the town, or within one mile outside the corporate limits, any business or other operation emitting excessive smoke, dust, or noise or create any condition causing offensive odors, so as to adversely affect the health of any of the citizens of the town.

(B) Each day of operation in violation of this section shall constitute a separate offense.

(‘87 Code, § 94.01) (Ord. passed 12-2-74) Penalty, see § 94.99

§ 94.16 ABATEMENT.

The Chief of Police is hereby designated as the officer responsible for removing, abating, and remedying any violation of § 94.15. The Chief of Police shall give personal notice to any violator stating that if the violation is not voluntarily removed, abated, or remedied within 24 hours after the notice, a warrant shall be issued against that person, firm, or corporation in violation thereof, in the same manner as described in §§ 94.03 and 94.04 of this chapter.

(‘87 Code, § 94.02) (Ord. passed 12-2-74)

*NOISE***§ 94.30 UNNECESSARY NOISE PROHIBITED.**

Subject to the provisions of this subchapter, the creation of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of a character, intensity, and duration as to be detrimental to the life or health of any individual is prohibited.

('87 Code, § 95.01) (Ord. passed 12-2-74) Penalty, see § 94.99

§ 94.31 PROHIBITED ACTS ENUMERATED.

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) 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 after or as brakes are being applied and deceleration of the vehicle is intended; or the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of the device for any unnecessary and unreasonable period of time.

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

(C) Playing of any television, radio, phonograph, or musical instrument in a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence.

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

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

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

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

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

(I) The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety, and then only with a permit from the Building Inspector, which permit may be renewed for a period of three days or less while the emergency continues.

(J) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same is in session, or within 150 feet of any hospital, which unreasonably interferes with the working of the institution, provided conspicuous signs are displayed in the street indicating that the same is a school, court, or hospital street.

(K) The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in the streets adjacent to churches indicating that the same is a church street.

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

(M) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.

(N) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturb the quiet and peace of the neighborhood.

(O) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show, or sale or display of merchandise.

(P) The use of any mechanical loudspeaker or amplifier on trucks or other moving vehicles for advertising or other purposes, except where specific license is received from the Police Department.

(Q) The conducting, operating, or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between hours of 11:00 p.m. and 7:00 a.m.

(R) The firing or discharging of a gun, squibs, crackers, gunpowder, or other combustible substance in the streets or elsewhere, for the purpose of making a noise or disturbance, except by permit from the Police Department.

(S) The unnecessary spinning of the tires of a motor vehicle by its operator on the pavement of any public street, alley, or public parking lot resulting in a screeching noise.
(‘87 Code, § 95.02) (Ord. passed 12-2-74) Penalty, see § 10.99

*SCRAP MATERIALS***§ 94.45 DECLARATION OF POLICY.**

(A) The Board hereby declares that the uncontrolled accumulation of scrap materials on any premises constitutes a danger to the health, safety, and welfare of the citizens of the town in that such accumulations can furnish shelter and breeding places for vermin, present physical dangers to the safety and well-being of children and other citizens, pose a danger of fire, and depreciate property values or cause a loss of business by detracting from the character of residential and commercial neighborhoods.

(B) For the purposes of this subchapter, scrap materials shall include, but not be limited to, nonoperable machines and parts, metals, wood, plastics, and all other materials and substances which may pose such threats or dangers as are herein sought to be abated.

(Ord. passed 9-1-89) Penalty, see § 94.99

§ 94.46 ACCUMULATION OF SCRAP MATERIALS.

No person may cause, suffer, or permit scrap materials to accumulate or remain on premises under his or her control unless the scrap materials are:

(A) Surrounded by a fence of sufficient height, strength, and construction to deny persons, especially small children, access to them and to shield neighboring properties from the view of them;
or

(B) Are so stored within a structure or within a container outside of a structure as to minimize substantially the dangers set forth in § 94.45.

(Ord. passed 9-1-89) Penalty, see § 94.99

§ 94.99 PENALTY.

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

(B) (1) Any violation of the provisions of §§ 94.45 and 94.46 shall constitute a misdemeanor, punishable as provided in G.S. § 14-4.

(2) A violation of any of the provisions of §§ 94.45 and 94.46 shall subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within 15 calendar days after being cited by a designated official of the town for a violation, the penalty may be recovered by the town in a civil action in the nature of debt.

(3) Each day that any violation continues after a person has been notified that such violation exists and that he or she is subject to the penalties specified in this section shall constitute a separate offense.

(4) This subchapter may be enforced by any appropriate action for injunctions, orders of abatement, and by any other action which may be appropriate as designed by ordinance or other applicable law.

(5) The town may enforce §§ 94.45 and 94.46 by any one of or any combination of the foregoing remedies.
(Ord. passed 9-1-89)

CHAPTER 95: ABANDONED VEHICLES

Section

- 95.01 Definitions
- 95.02 Abandonment prohibited
- 95.03 Liability of other persons to owners
- 95.04 Removal of abandoned vehicle by town
- 95.05 Notice of removal; hearing procedure
- 95.06 Indemnification of town
- 95.07 Towing fees
- 95.08 Exemptions

Statutory reference:

Removal, disposal of junked and abandoned motor vehicles, see G.S. § 160A-303

§ 95.01 DEFINITIONS.

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

ABANDONED MOTOR VEHICLE. A motor vehicle that:

- (1) Has been left upon a street or highway in violation of a law, provision of this code, or other ordinance of the town prohibiting parking;
- (2) Is left on property owned or operated by the town for longer than 24 hours;
- (3) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours;
- (4) Is left on any public street or highway for longer than seven days;
- (5) Is left on any privately owned public vehicular area contrary to an ordinance adopted under authority of G.S. § 160A-301(d);
- (6) Is left on private property in a properly designated fire lane;

(7) Is left on public or private property in a space properly designated as reserved for the handicapped or visually impaired or in a manner that obstructs a curb cut or curb ramp for handicapped persons; or

(8) May for any other reason lawfully be towed by a law enforcement officer (except that vehicles seized for evidence or pursuant to a levy under execution or otherwise seized or forfeited under any state statute shall not be considered abandoned vehicles under this chapter).

JUNKED MOTOR VEHICLE. An abandoned motor vehicle that also:

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

MOTOR VEHICLE. All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.
(‘87 Code, § 90.01) (Am. Ord. passed 9-6-88)

§ 95.02 ABANDONMENT PROHIBITED.

It shall be the duty and responsibility of the owner of any abandoned or junked motor vehicle to cause the removal thereof immediately and to pay all costs incident to the removal. It shall be unlawful for any person to allow a motor vehicle owned by him or her to remain after notice has been given to such person to have the vehicle removed.
(‘87 Code, § 90.02) Penalty, see § 10.99

§ 95.03 LIABILITY OF OTHER PERSONS TO OWNERS.

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, lost, or stolen motor vehicle for disposing of the vehicle as provided in this chapter.
(G.S. § 160A-303(f)) (‘87 Code, § 90.03)

§ 95.04 REMOVAL OF ABANDONED VEHICLE BY TOWN.

Any junked or abandoned motor vehicle may be removed by the town to a storage garage or area. However, no such vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises, unless the town or a duly authorized town official or employee has declared that vehicle to be a health or safety hazard.
(G.S. § 160A-303(c)) ('87 Code, § 90.04)

§ 95.05 NOTICE OF REMOVAL; HEARING PROCEDURE.

(A) When any junked or abandoned motor vehicle is removed, the town shall give notice to the owner as required by G.S. § 20-219.11(a) and (b).
(G.S. § 160A-303(c))

(B) Regardless of whether a town does its own removal and disposal of motor vehicles or contracts with another person to do so, the town shall provide a hearing procedure for the owner. For purposes of this section, the definitions in G.S. § 20-219.9 apply.
(G.S. § 160A-303(d))
(‘87 Code, § 90.05)

§ 95.06 INDEMNIFICATION OF TOWN.

Any person requesting the removal of a junked or abandoned motor vehicle from private property shall indemnify the town against any loss, expense, or liability incurred because of the removal, storage, or sale of that vehicle.
(G.S. § 160A-303(c)) ('87 Code, § 90.06)

§ 95.07 TOWING FEES.

(A) If the town operates in such a way that the person who tows the vehicle is responsible for collecting towing fees, all provisions of G.S. Chapter 20, Article 7A apply.

(B) If the town operates in such a way that it is responsible for collecting towing fees, it shall:

- (1) Provide by contract or ordinance for a schedule of reasonable towing fees;
- (2) Provide a procedure for a prompt fair hearing to contest the towing;
- (3) Provide for an appeal to district court from that hearing;

(4) Authorize release of the vehicle at any time after towing by the posting of a bond or paying of the fees due; and

(5) Provide a sale procedure similar to that provided in G.S. §§ 44A-4, 44A-5, and 44A-6, except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the city may destroy it.

(G.S. § 160A-303(d)) ('87 Code, § 90.07)

§ 95.08 EXEMPTIONS.

Nothing in this chapter shall apply to any vehicle in an enclosed building, any vehicle 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 to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(G.S. § 160A-303(g)) ('87 Code, § 90.08)

CHAPTER 96: ANIMALS

Section

- 96.01 Definitions
- 96.02 Animal control officer; animal control facility
- 96.03 County animal control regulations applicable within town
- 96.04 Inhumane treatment prohibited
- 96.05 Animals running at large
- 96.06 Collars on dogs required
- 96.07 Injured, sick, or diseased animals
- 96.08 Animal constituting a public nuisance
- 96.09 Animal bites
- 96.10 Impoundment
- 96.11 Number of dogs allowed to be kept on premises in Town of Haw River
- 96.12 Stables
- 96.13 Hog pens
- 96.14 Fowl houses
- 96.15 Citation

- 96.99 Penalty

§ 96.01 DEFINITIONS.

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

ANIMAL CONTROL FACILITY. A facility designated or contracted for by the town which acts as the town's official animal control facility, whether the facility is owned or operated by the town or other governmental entity.

ANIMAL CONTROL OFFICER. Any agency and its lawful employees which has been duly contracted for or appointed by the Town Council and designated as its official ***ANIMAL CONTROL OFFICER*** or any officer of the Town Police Department.

AT LARGE. Any animal, reptile, dog or fowl shall be deemed to be at large when it is off the property of its owner and not under control of a competent person.

CAT. Any female or male cat.

DOG. Any female or male dog.

FOWL. Any and all domestic and game birds.

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

PREMISES. The principal residence of an owner. This does not include a vacant lot upon which no residence is located.

PUBLIC NUISANCE.

(1) Any dog, cat, fowl, other animal or reptile, including but not limited to any horse, mule, cow, hog or other stock animal which habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicyclists, or vehicles; turns over garbage pails; or damages gardens, flowers, or vegetables.

(2) Any facility maintained by the owner of a dog, cat, fowl, other animal or reptile, including but not limited to any horse, mule, cow, hog or other stock animal on his or her premises or any activity carried on or allowed by an owner that causes an offensive odor, injury, or damage to the health or life of any person or that interferes with the peaceful enjoyment of one's property.

(3) Any dog that allowed by its keeper or other custodian to bark, whine, howl, or make any other noise for a protracted period so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

RABIES SUSPECT. Any animal believed to have rabies or bitten by an animal suspected of having been running at large.

TOWN. The Town of Haw River.
(‘87 Code, § 91.01) (Ord. passed 10-7-75; Am. Ord. passed 3-6-78; Am. Ord. passed 7-13-81; Am. Ord. passed 6-7-10)

§ 96.02 ANIMAL CONTROL OFFICER; ANIMAL CONTROL FACILITY.

(A) The provisions of this chapter shall be enforced by the animal control officer or other law enforcement officers.

(B) The county animal control officer is hereby designated as the animal control officer for the town.

(C) The County Animal Shelter is hereby designated as the animal control facility for the town, as defined in § 96.01.

(‘87 Code, § 91.02) (Ord. passed 4-4-78; Am. Ord. passed 6-7-10)

§ 96.03 COUNTY ANIMAL CONTROL REGULATIONS APPLICABLE WITHIN TOWN.

The county animal control ordinance adopted pursuant to G.S. § 153A-122 shall be applicable within the town limits.

(‘87 Code, § 91.03) (Res. passed 1-6-86; Am. Ord. passed 6-7-10)

§ 96.04 INHUMANE TREATMENT PROHIBITED.

It shall be unlawful for any owner to fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. It shall be unlawful for any person to beat, cruelly treat, torment, overload, overwork, secure animal by use of chaining for an extended period or otherwise abuse any animal, or cause or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(‘87 Code, § 91.04) (Ord. passed 10-7-75; Am. Ord. passed 3-6-78; Am. Ord. passed 7-13-81; Am. Ord. passed 6-7-10) Penalty, see § 96.99

Statutory reference:

Authority to define, prohibit abuse of animals, see G.S. § 160A-182

§ 96.05 ANIMALS RUNNING AT LARGE.

(A) It shall be unlawful for the owner of any dog or cat to permit his or her dog or cat to run at large on the streets or sidewalks in the town unless the dog is under the control of a competent person either by leash, collar, chain, or otherwise. No person, whether he or she be the owner or user of any animal or reptile, including but not limited to any fowl, horse, mule, cow, hog or other animal, shall permit the same to run at large in the town.

(B) When an animal at large is reasonably believed to present a clear and present danger to the community and attempts to seize the animal are ineffective, the animal control officer or any other law enforcement officer may tranquilize and/or by use of any other non-lethal method tranquilize and subdue the animal in an attempt to facilitate a seizure of the animal, but if this is not feasible, the animal control officer or any other law enforcement officer may destroy the animal

(‘87 Code, § 91.05) (Ord. passed 10-7-75; Am. Ord. passed 3-6-78; Am. Ord. passed 7-13-81; Am. Ord. passed 6-7-10) Penalty, see § 96.99

Statutory reference:

Authority to regulate running-at-large of domestic animals, see G.S. § 160A-186

§ 96.06 COLLARS ON DOGS REQUIRED.

Every owner is required to see that his or her dog is wearing a collar with the owner's name and address stamped on or otherwise firmly attached to it. This collar shall be worn at all times.

('87 Code, § 91.06) (Ord. passed 10-7-75; Am. Ord. passed 3-6-78; Am. Ord. passed 7-13-81; Am. Ord. passed 6-7-10) Penalty, see § 96.99

§ 96.07 INJURED, SICK, OR DISEASED ANIMALS.

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

('87 Code, § 91.07) (Ord. passed 10-7-75; Am. Ord. passed 3-6-78; Am. Ord. passed 7-13-81; Am. Ord. passed 6-7-10)

§ 96.08 ANIMAL CONSTITUTING A PUBLIC NUISANCE.

It shall be unlawful for any owner to keep or have within the town any animal or reptile, including but not limited to any dog, cat, fowl, horse, mule, cow, hog or other stock animal if the animal is reported as creating a public nuisance. Any animal or reptile including but not limited to any dog, fowl, horse, mule, cow, hog or other stock animal is a public nuisance if the animal control officer or other law enforcement officer has, after investigation and written notice to the owner, made a determination that the animal or reptile is a public nuisance as defined in § 96.01.

('87 Code, § 91.08) (Ord. passed 10-7-75; Am. Ord. passed 3-6-78; Am. Ord. passed 7-13-81; Am. Ord. passed 6-7-10) Penalty, see § 96.99

§ 96.09 ANIMAL BITES.

(A) Any dog, cat or other animal that bites a person shall be reported to the animal control officer immediately and quarantined for no less than ten days. It shall be the responsibility of the animal control officer to decide whether to quarantine the animal at the animal control facility, at the owner's home, or at the owner's expense and request in a veterinary hospital.

(1) Before an owner is allowed to quarantine his or her animal at home, he or she must show proof that the animal has been vaccinated against rabies (dogs only) and that the vaccination is still in effect. The owner must also satisfy the animal control officer that the animal can be securely confined at the home.

(2) If the animal control officer decides that the animal should be quarantined at the animal control facility, the owner shall surrender the animal and bear the expense of the confinement.

(B) After ten days, if the animal is determined to be free of rabies, the owner shall be notified by the animal control officer that, upon payment of the fees established by the animal control facility, he or she can reclaim his or her animal. However, if the animal does show signs of rabies during the observation period, the animal shall be destroyed and examined by the State Board of Health.

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

(D) Any dead dog or cat which has been involved in a bite or any animal under quarantine that dies during observation shall be immediately beheaded and tested by the State Board of Health.

(E) All wild carnivores involved in bites shall be beheaded immediately and sent to the State Board of Health for testing. Other animals will be beheaded for testing at the discretion of the animal control officer after consultation with the local health director in accordance with G.S. § 130A-196. ('87 Code, § 91.09) (Ord. passed 10-7-75; Am. Ord. passed 3-6-78; Am. Ord. passed 7-13-81; Am. Ord. passed 6-7-10)

§ 96.10 IMPOUNDMENT.

(A) Any animal or reptile, including but not limited to any dog, cat, fowl, horse, mule, cow, hog or other stock animal running at large in violation of § 96.05 or any dog found not wearing a collar as provided in § 96.06 may be taken up by the animal control officer or any other law enforcement officer and impounded at the animal control facility.

(B) Any stray or lost animal or any animal involved in an animal bite incident may be taken up by the animal control officer or other law enforcement officer and impounded at the animal control facility.

(C) Upon proper impoundment, the animal shall be released, detained, adopted, euthanized, or sold according to the ordinance establishing and controlling the animal control facility and state law.

(D) The fees for impoundment shall be those as established by the duly authorized animal control facility.

('87 Code, § 91.10) (Ord. passed 10-7-75; Am. Ord. passed 3-6-78; Am. Ord. passed 7-13-81; Am. Ord. passed 6-7-10)

Statutory reference:

Authority to impound, see G.S. § 160A-186

§ 96.11 NUMBER OF DOGS ALLOWED TO BE KEPT ON PREMISES IN TOWN OF HAW RIVER.

(A) It shall be unlawful for any person to keep or maintain more than two dogs on any lot or parcel of land having less than 30,000 square feet, and an additional 7,000 square feet shall be required for an additional dog. A total of no more than three dogs shall be allowed on any lot or parcel of land within the town limits regardless of square footage. Provided, however, this limitation shall not apply to dogs which are less than five months of age.

(B) This restriction on the number of dogs will not apply to any dog on any lot or parcel of land on the date of enactment of this section. The Town Manager or other staff as he or she shall designate will establish a procedure for parties to register dogs with the Town of Haw River for verification and compliance with this provision.

(Ord. passed 6-7-10) Penalty see § 96.99

§ 96.12 STABLES.

In order to maintain any horse, mule, cow or other stock animal on any tract of property within the town, the tract of property must exceed three acres and have a stable. It shall be unlawful for any person who owns or maintains a stable in the corporate limits of the town, in which horses, mules or other stock animals are kept, to maintain such stable within 100 feet of any residence, business or church or within 100 feet from any street. It shall be unlawful in any event to keep such stable in an unclean or unsanitary condition. Such stable shall be thoroughly clean, and manure and other refuse accumulating therein shall be removed.

(Ord. passed 6-7-10) Penalty, see § 96.99

§ 96.13 HOG PENS.

Hog pens within the corporate limits of the town shall be located at least 200 feet away from any residence, business or church and hog pens shall be located at least 200 feet away from any street, and hog pens shall be raised with a floor at least 24 inches from the ground.

(Ord. passed 6-7-10) Penalty, see § 96.99

§ 96.14 FOWL HOUSES.

Structures housing fowl within the corporate limits of the town shall be located at least 200 feet away from any residence, business or church and structures housing fowl shall be located at least 200 feet away from any street, and all fowl houses shall be raised with a floor at least 24 inches from the ground. (Ord. passed 6-7-10) Penalty, see § 96.99

§ 96.15 CITATION.

(A) In addition to the remedy of impounding any animal or reptile, including but not limited to any dog, cat, fowl, horse, mule, cow, hog or other stock animal found at large, any town official authorized by the Chief of Police may issue to the known owner or person having control or custody of the animal or reptile, including but not limited to dog, cat, fowl, horse, mule, cow, hog or other stock animal a citation giving notice of violation of § 96.05 herein; any person violating any other provision of this chapter may be issued a citation giving notice of violation of the provisions of this chapter. Such authorized town official shall be authorized to secure the name and address of the owner or person in violation. Citations so issued will be delivered in person to the person charged. Citations issued under this chapter shall also be punished as provided in § 96.99

(B) The Chief of Police shall cause citations for all animals or reptiles, including but not limited to dogs, cats, fowl, horses, mules, cows, hogs or other stock animals to be serially numbered in triplicate and shall cause the records of these tickets to be so maintained that they can be accounted for. A report shall be made regularly to the Town Council.

(‘87 Code, § 91.11) (Ord. passed 10-7-75; Am. Ord. passed 3-6-78; Am. Ord. passed 7-13-81; Am. Ord. passed 6-7-10)

§ 96.99 PENALTY.

Any person, firm, or corporation violating any of the provisions of any section or subsection of this chapter for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 for first offense, \$250 for second offense, \$500 for third and subsequent offenses or imprisonment not to exceed 20 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense.

(G.S. § 14-4(a) (Am. Ord. passed 6-7-10)

Statutory reference:

For provisions concerning enforcement of ordinances, see G.S. § 160A-175

CHAPTER 97: RESIDENTIAL SALES

Section

- 97.01 Definitions
- 97.02 Time limitations
- 97.03 Space limitations
- 97.04 Permit required
- 97.05 Enforcement

- 97.99 Penalty

§ 97.01 DEFINITIONS.

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

RESIDENTIAL SALE. Sale of goods from a dwelling, including any offer to sell goods, either retail or at auction. **RESIDENTIAL SALE** includes the terms **YARD SALE**, **GARAGE SALE**, **RUMMAGE SALE**, or any other term commonly used to describe this type of sale.

DWELLING. Any building or portion thereof designed, arranged, or used for living quarters, excluding motels, hotels, or other structures designed for transient residence.

GOODS. Merchandise for sale typically used in personal household or family settings.

CALENDAR YEAR. January 1 through December 31.
(Ord. passed 5-3-04)

§ 97.02 TIME LIMITATIONS.

It shall be unlawful to conduct a residential yard sale for more than two consecutive days with operating hours from 6:00 a.m. to 6:00 p.m., or to conduct more than three separate sales at the same dwelling within any calendar year.

(Ord. passed 5-3-04) Penalty, see § 97.99

§ 97.03 SPACE LIMITATIONS.

(A) Under the provisions of this section, a person may not place on display any goods closer than ten feet from the front property line of the dwelling.

(B) Displays may not extend beyond the property line of the permitted dwelling.

(C) Articles for sale may be displayed inside the garage, in the yard, and/or on a driveway, but so as not to hinder emergency equipment access to any structures on the property.

(D) Nothing in this section shall be construed as preempting additional restrictions imposed by the Town of Haw River or the State of North Carolina.

(Ord. passed 5-3-04) Penalty, see § 97.99

§ 97.04 PERMIT REQUIRED.

(A) A permit must be obtained in person at the Town of Haw River Municipal Building for each sale. An administrative fee of \$2 must be paid in advance of the sale, and permits will be address specific.

(B) Failure to produce an authorized permit upon request by a town official may result in a warning or fine.

(Ord. passed 5-3-04) Penalty, see § 97.99

§ 97.05 ENFORCEMENT.

Enforcement of this chapter shall be the responsibility of the Zoning Enforcement Officer, and the town Police Department may enforce this chapter by citation.

(Ord. passed 5-3-04)

§ 97.99 PENALTY.

(A) *Civil penalties.* Civil penalties shall be assessed for violations of this chapter as follows:

- (1) A warning citation for the first violation;
- (2) \$25 for the second violation; and
- (3) \$50 for each successive violation.

(B) *Criminal penalties.* A violation of this chapter shall constitute a misdemeanor, punishable by a fine of up to \$100 as authorized by G.S. § 14-4.