

**GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 1977**

Chapter 688

Senate Bill 855

An act to revise and consolidate the Charter of the Town of Princeville and to repeal prior local acts.

**THE CHARTER OF THE TOWN OF PRINCEVILLE**

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***Editor's note:***

*The town charter was adopted in Session Laws 1977, Ch. 688. Amended sections will be followed by history notes in parentheses. Provisions in brackets have been added by the editor.*

***ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES*****Section 1.1 Incorporation.**

The Town of Princeville, North Carolina, in the County of Edgecombe, and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name and style of the “Town of Princeville,” hereinafter at times referred to as the “town.”

**Section 1.2 Powers.**

The Town of Princeville shall have and may exercise all of the powers, duties, rights, privileges and immunities, which are now, or hereafter may be, conferred, either expressly or by implication, upon the Town of Princeville specifically, or upon municipal corporations generally, by this Charter, by the state constitution, or by general or local law.

**Section 1.3 Corporate limits.**

The corporate limits of the Town of Princeville shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the town, and as the same may be altered from time to time in accordance with law. An official map of the town, showing the current town boundaries, shall be maintained permanently in the office of the town clerk, and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the town shall be made.

**Section 1.4 through Section 1.10 Reserved.*****ARTICLE II. MAYOR AND BOARD OF COMMISSIONERS*****Section 2.1 Governing body.**

The mayor and board of commissioners, elected and constituted as herein set forth, shall be the governing body of the town. On behalf of the town, and in conformity with applicable laws, the mayor and board may provide for the exercise of all municipal powers, and shall be charged with the general government of the town.

**Section 2.2 Board of commissioners; composition; terms of office.**

The board of commissioners shall be composed of four (4) members, each of whom shall be elected for terms of four years in the manner provided by Article III of this Charter, provided they shall serve until their successors are elected and qualified.

At the regular municipal election to be held in 2001, the two winning candidates who receive the highest number of votes shall be elected for four-year terms, while the two winning candidates who receive the next highest number of votes shall be elected for two-year terms. Beginning at the regular municipal election to be held in 2003, and every four years thereafter two members of the Board of Commissioners shall be elected to serve for four-year terms. Beginning at the regular municipal election to be held in 2005, and every four years thereafter, two members of the Board of Commissioners shall be elected to serve for four-year terms.

(Amendment enacted 4-23-2001)

**Section 2.3 Selection of the mayor; term of office; duties.**

The mayor shall be elected for a term of four years and shall be elected by the qualified voters of the town. The mayor shall be the official head of the town government and shall preside at all meetings of the board of commissioners. The mayor shall have the right to vote only in case of a tie, in all matters before the board. The mayor shall exercise such powers and perform such duties as presently are or hereafter may be conferred upon him by the General Statutes of North Carolina, by this Charter, and by the ordinances of the town.

(Amendment enacted 5-28-1991; Amendment enacted 9-24-2001)

**Section 2.4 Mayor pro tempore.**

In accordance with applicable state laws, the board of commissioners shall appoint one of its members to act as mayor pro tempore to perform the duties of the mayor in the mayor's absence or disability. The mayor pro tempore as such shall have no fixed term of office, but shall serve in this capacity at the pleasure of the remaining members of the board.

**Section 2.5 Meetings of the board.**

In accordance with the General Statutes, the board of commissioners shall establish a suitable time and place for its regular meetings. Special meetings may be held according to the applicable provisions of the General Statutes.

**Section 2.6 Ordinances and resolutions.**

The adoption, amendment, repeal, pleading, or proving of town ordinances and resolutions shall be in accordance with the applicable provisions of the general laws of North Carolina not consistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the board. The enacting clause of all town ordinances shall be: "Be it ordained by the Board of Commissioners of the Town of Princeville."

**Section 2.7 Voting requirements; quorum.**

Official action of the board of commissioners shall be, unless required otherwise by law, by majority vote, provided that a quorum, consisting of a majority of the actual membership of the board, is present. Vacant seats are to be subtracted from the normal board membership to determine the actual membership.

**Section 2.8 Qualifications for office; vacancies; compensation.**

The compensation of board members, the filling of vacancies on the board, and the qualifications of board members shall be in accordance with applicable provisions of the General Statutes.

**Section 2.9 through Section 2.15 Reserved.*****ARTICLE III. ELECTIONS*****Section 3.1 Regular municipal elections; conduct and method of election.**

Regular municipal elections shall be held in the town every four years in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. Members of the board of commissioners shall be elected according to the nonpartisan plurality method of elections.

**Section 3.2 Election of the board of commissioners.**

There shall be elected to the board of commissioners a member to represent respectively each of the electoral districts herein established. The qualified voters of each electoral district shall nominate and

elect a candidate to fill the seat apportioned to each respective district. Every person elected to the board of commissioners shall reside in the ward which he represents or seeks to represent.

(Amendment enacted 5-28-1991)

### **Section 3.3 Electoral districts; district boundaries.**

The town shall continue to be divided into 4 single-member electoral districts, the district boundaries being drawn so that each district includes, as nearly as possible, the same number of persons residing therein.

The electoral district boundaries shall be those existing at the time of the ratification of this Charter, as the same are set forth by an official written description. The official written description of the electoral district boundaries shall be maintained permanently in the office of the town clerk, and shall be available for public inspection.

The board of commissioners is authorized, in accordance with state law, to revise from time to time the electoral district boundaries of the town. Upon alteration of the district boundaries pursuant to law, the board shall cause to be made the appropriate changes in the official written description.

(Amendment enacted 5-28-1991)

### **Section 3.4 through Section 3.10 Reserved.**

## ***ARTICLE IV. ORGANIZATION AND ADMINISTRATION***

### **Section 4.1 Form of government.**

The town shall operate under the council-manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

### **Section 4.2 Town manager.**

The board of commissioners shall appoint a town manager who shall be the head of the administrative branch of town government, and who shall be responsible to the board for the proper administration of the affairs of the town. In exercising his duties as chief administrator, the manager shall have the following powers and duties:

(a) He shall appoint and suspend or remove all town employees whose appointment or removal is not otherwise provided for by law, in accordance with such general personnel rules, regulations, policies, or ordinances as the board may adopt.

(b) He shall direct and supervise the administration of all departments, offices, and agencies of the town, subject to the general direction and control of the board, except as otherwise provided by law.

(c) He shall attend all meetings of the board and recommend any measures that he deems expedient.

(d) He shall see that all laws of the state, the town charter, and the ordinances, resolutions and regulations of the board are faithfully executed within the town.

(e) He shall prepare and submit the annual budget and capital program to the town.

(f) He shall annually submit to the board and make available to the public a complete report on the finances and administrative activities of the town as of the end of the fiscal year.

(g) He shall make any other reports that the board may require concerning the operations of the town departments, offices, and agencies subject to his direction and control.

(h) He shall perform any other duties that may be required and authorized by the board.

**Section 4.3 Town attorney.**

The board of commissioners shall appoint a town attorney who shall be licensed to engage in the practice of law in the State of North Carolina. On request by the mayor and board, it shall be the duty of the town attorney to prosecute and defend suits against the town; to advise the mayor, board of commissioners and other town officials with respect to the affairs of the town; to draft legal documents relating to the affairs of the town; to inspect and pass upon agreements, contracts, franchises and other instruments with which the town may be concerned; to attend meetings of the board as requested by the mayor or a majority of the board; and to perform other duties as the board may direct.

**Section 4.4 Town clerk.**

The town manager shall appoint a town clerk to keep a journal of the proceedings of the board, to maintain in a safe place all records and documents pertaining to the affairs of the town, and to perform such other duties as may be required by law or as the board of commissioners may direct.

**Section 4.5 Town finance officer.**

The town manager shall appoint a town finance officer to perform the duties of the finance officer as required by The Local Government Budget and Fiscal Control Act.

**Section 4.6 Town tax collector.**

The town manager shall appoint a town tax collector to collect all taxes, licenses, fees, and other moneys belonging to the town, subject to the General Statutes, the provisions of this Charter and the ordinances of the town. The town tax collector shall diligently comply with and enforce all the laws of North Carolina relating to the collection of taxes by municipalities.

**Section 4.7 Consolidation of functions.**

The board of commissioners may consolidate any two or more positions of town manager, town clerk, town tax collector, and town finance officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions, subject to the Local Government Budget and Fiscal Control Act.

**Section 4.8 Other administrative officers and employees.**

Consistent with applicable state laws, the board of commissioners may establish other positions, provide for the appointment of other administrative officers and employees, and generally organize the town government in order to promote the orderly and efficient administration of the affairs of the town.

**Section 4.9 through Section 4.15 Reserved.*****ARTICLE V. SPECIAL PROVISIONS*****Section 5.1 Street improvements; assessment of costs.**

In addition to any authority which is now or may hereafter be granted by general law to the town for making street improvements, the board of commissioners is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of Sections 5.1 through 5.6 herein.



**Section 5.2 When petition unnecessary.**

The board of commissioners may order street improvements and assess the cost thereof against the abutting property owners, exclusive of the costs incurred at street intersections, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes without the necessity of a petition, upon the finding by the board as a fact:

That the street improvement project does not exceed 1,200 linear feet, and

That such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvement, or

That it is in the public interest to connect two streets, or portions of a street already improved, or

That it is in the public interest to widen a street, or part thereof, which is already improved, provided, that assessments for widening any street or portion of street without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the town's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this article.

**Section 5.3 Street improvement defined.**

For the purposes of this article, the term "street improvement" shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

**Section 5.4 Sidewalks; assessment of costs.**

In addition to any authority which is now or may hereafter be granted by general law to the town for making sidewalk improvements, the board of commissioners is hereby authorized without the necessity of a petition, to make or to order to be made sidewalk improvements or repairs according to standards and specifications of the town, and to assess the total cost thereof against abutting property owners, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes; provided, however, that regardless of the assessment basis or bases employed, the board of commissioners may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of such street.

**Section 5.5 Assessment procedure.**

In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this article, the board of commissioners shall comply with the procedure provided by Article

10, Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

### **Section 5.6 Effect of assessments.**

The effect of the act of levying assessments under the authority of this article shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

### **Section 5.7 through Section 5.15 Reserved.**

***Editor's note:***

*The foregoing Charter was adopted as Section 1, Chapter 688 of the Session Laws of 1977.  
Sections 2 through 11 of this act are reprinted below.*

### **Section 2. Authority to conduct annexations according to general statutory standards.**

As provided herein, the Town of Princeville shall hereafter be authorized to extend its corporate limits by the procedure authorized to cities of less than 5,000 population in G.S. § 160A-31. To this end, the provisions are hereby amended by inserting in the second line thereof, immediately after the words, "the towns of," the word, "Princeville."

***Editor's note:***

*G.S. § 160A-44 was repealed by Session Laws 1983, c. 636.*

### **Section 3.**

The purpose of this act is to revise the charter of the Town of Princeville and to consolidate herein certain acts concerning the property, affairs, and government of the town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

### **Section 4.**

This act shall not be denied to repeal, modify, or in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein.

(a) Any acts concerning the property, affairs, or government of public schools in the Town of Princeville.

(b) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

**Section 5.**

The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act are hereby repealed:

Chapter 29, Private Laws of 1885

Chapter 418, Private Laws of 1905

Chapter 218, Private Laws of 1923

Chapter 133, Public-Local Laws of 1937

Chapter 355, Session Laws of 1955

Chapter 596, Session Laws of 1959

Chapter 795, Session Laws of 1963

**Section 6.**

No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

**Section 7.**

No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

- (a) The repeal herein of any act repealing such law, or
- (b) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

**Section 8.**

(a) All existing ordinances and resolutions of the Town of Princeville and all existing rules or regulations of departments or agencies of the Town of Princeville, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Princeville or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

**Section 9.**

If any of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**Section 10.**

Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed or superseded, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

**Section 11.**

All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

**Section 12.**

This act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1977.

James C. Green  
President of the Senate

Carl J. Stewart, Jr.  
Speaker of the House of Representatives



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### **§ 10.01 TITLE OF CODE.**

This codification of ordinances by and for the Town of Princeville shall be designated as the *Code of Princeville, North Carolina* and may be so cited.  
(1999 Code, § 10.01)

### **§ 10.02 INTERPRETATION.**

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.  
(1999 Code, § 10.02)

**§ 10.03 APPLICATION TO FUTURE ORDINANCES.**

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.  
(1999 Code, § 10.03)

**§ 10.04 CAPTIONS.**

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.  
(1999 Code, § 10.04)

**§ 10.05 DEFINITIONS.**

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

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

**CHARTER.** The Charter of the Town of Princeville, North Carolina.

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

**COMPUTATION OF TIME.** The time within which an act is to be done shall be computed by excluding the first and the last day; and if the last day is Saturday, Sunday, or a legal holiday, that day shall be excluded.

**BOARD OF COMMISSIONERS or BOARD.** With the Mayor, the governing body of the Town of Princeville, North Carolina.

**COUNTY.** Edgecombe County, North Carolina.

**G.S. or GENERAL STATUTES.** The latest edition of the **GENERAL STATUTES** of North Carolina, as amended.

**GENDER.** Words importing the masculine gender shall include the feminine and neuter.

**GOVERNOR.** The Governor of North Carolina.

**JOINT AUTHORITY.** All words giving a joint authority to three or more persons or officers shall be construed as giving the authority to a majority of such persons or officers.

**MAY.** The act referred to is permissive.

**MONTH.** A calendar month.

**NUMBER.** Words used in the singular include the plural, and the plural includes the singular number.

**OATH.** An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

**OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT.** An officer, office, employee, commission, or department of this municipality unless the context clearly requires otherwise.

**OFFICIAL TIME STANDARD.** Whenever certain hours are named in this code, they shall mean standard time or daylight saving time as may be in current use in this town.

**OWNER.** Applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or a part of the property.

**PERSON.** Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

**PERSONAL PROPERTY.** Every species of property except real property.

**PRECEDING** or **FOLLOWING.** Next before or next after, respectively.

**PROPERTY.** Includes real and personal property.

**REAL PROPERTY.** Includes lands, tenements, and hereditaments.

**SHALL.** The act referred to is mandatory.

**SIDEWALK.** Any portion of a street between the curblineline and the adjacent property line intended for the use of pedestrians.

**SIGNATURE** or **SUBSCRIPTION.** Includes a mark when the person cannot write.

**STATE.** The State of North Carolina.

**STREET.** Any public way, road, highway, street, avenue, boulevard, parkway, dedicated alley, lane, viaduct, bridge, and the approaches thereto within the town and shall mean the entire width of the right-of-way between abutting property lines.

**SUBCHAPTER.** A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

**TENANT or OCCUPANT.** When applied to a building or land, shall include any person who occupies the whole or a part of the building or land, whether alone or with others.

**TENSE.** Words used in the past or present tense include the future as well as the past and present.

**TOWN, MUNICIPAL CORPORATION, or MUNICIPALITY.** The Town of Princeville, in the County of Edgecombe, North Carolina.

**WRITTEN.** Any representation of words, letters or figures, whether by printing or otherwise.

**YEAR.** A calendar year, unless otherwise expressed.

**ZONING ENFORCEMENT OFFICER.** One designated by the Council.

(1999 Code, § 10.05)

**Statutory reference:**

*Computation of time, see G.S. § 1-593*

**§ 10.06 RULES OF INTERPRETATION.**

The construction of all ordinances of this town shall be by the following rules, unless the construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(A) **AND or OR.** Either conjunction shall include the other as if written “and/or,” if the sense requires it.

(B) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition shall be satisfied by the performance of an act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

(1999 Code, § 10.06)

#### **§ 10.07 SEVERABILITY.**

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

(1999 Code, § 10.07)

#### **§ 10.08 REFERENCE TO OTHER SECTIONS.**

Whenever in one section reference is made to another section hereof, that reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

(1999 Code, § 10.08)

#### **§ 10.09 REFERENCE TO OFFICES.**

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this town exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

(1999 Code, § 10.09)

#### **§ 10.10 ERRORS AND OMISSIONS.**

(A) If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, that spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published.

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

(1999 Code, § 10.10)

#### **§ 10.11 OFFICIAL TIME.**

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

(1999 Code, § 10.11)

#### **§ 10.12 REASONABLE TIME; COMPUTING TIME.**

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

(1999 Code, § 10.12)

#### **§ 10.13 ORDINANCES REPEALED.**

(A) This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced.

(B) All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

(1999 Code, § 10.13)

#### **§ 10.14 ORDINANCES UNAFFECTED.**

(A) All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

(B) Nothing in this code or the ordinance adopting this code shall be construed to repeal or otherwise affect the validity of any of the following:



(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this code;

(2) Any ordinance or resolution promising or guaranteeing the payment of money for the town or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness;

(3) Any contract or obligation assumed by the town;

(4) Any ordinance fixing the salary of any town officer or employee;

(5) Any right or franchise granted by the town;

(6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, and the like, any street or public way in the town;

(7) Any appropriation ordinance;

(8) Any ordinance which, by its own terms, is effective for a stated or limited term;

(9) Any ordinance providing for local improvements and assessing taxes therefor;

(10) Any zoning ordinance or zoning map amendment;

(11) Any ordinance dedicating or accepting any subdivision plat;

(12) Any ordinance describing or altering the boundaries of the town;

(13) The administrative ordinances or resolutions of the town not in conflict or inconsistent with the provisions of this code;

(14) Any ordinance levying or imposing taxes not included herein;

(15) Any ordinance establishing or prescribing street grades in the town; and/or

(16) Any personnel ordinance.

(C) Nor shall any ordinance be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this chapter; and all ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein. (1999 Code, § 10.14)

**Statutory reference:**

*Statutes not repealed by General Statutes, see G.S. § 164-7*

**§ 10.15 EFFECTIVE DATE OF ORDINANCES.**

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.  
(1999 Code, § 10.15)

**§ 10.16 REPEAL OR MODIFICATION OF ORDINANCES.**

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.  
(1999 Code, § 10.16)

**§ 10.17 ORDINANCES WHICH AMEND CODE; EFFECT OF NEW ORDINANCES.**

(A) All ordinances passed subsequent to this code which amend, repeal, or in any way affect this code may be numbered in accordance with the numbering system hereof and printed for inclusion herein. When subsequent ordinances repeal any chapter, section, or subsection, or any portion thereof, the repealed portions may be excluded from this code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence that the subsequent ordinances numbered or omitted are readopted as a new code by the town.

(B) Amendments to any of the provisions of the code shall be made by amending provisions by specific reference to the section number of this code in language substantially similar to the following: "Section \_\_\_\_\_ of the Code of Ordinances, Town of Princeville, North Carolina, is hereby amended as follows." The new provisions shall then be set out in full as desired.

(C) If a new section not heretofore existing in the code is to be added, language substantially similar to the following shall be used: "The Code of Ordinances, Town of Princeville, North Carolina, is hereby

amended by adding a section, to be numbered \_\_\_\_\_, which section shall read as follows:...” The new section shall then be set out in full as desired.

(D) All sections, subchapters, chapters, or provisions desired to be repealed must be specifically repealed by section, subchapter, or chapter number, as the case may be. (1999 Code, § 10.17)

**§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.**

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

(B) (1) A statutory cite included in the history indicates that the text of the section reads substantially the same as the statute. *Example:* (G.S. § 160A-11) (Ord. 10, passed 1-17-1980; Ord. 20, passed 1-1-1985)

(2) A statutory cite set forth as a “statutory reference” following the text of the section indicates that the reader should refer to that statute for further information. *Example:*

**§ 39.01 PUBLIC RECORDS AVAILABLE.**

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

***Statutory reference:***

*Inspection of public records, see G.S. §§ 132-1 et seq.*

(C) (1) If a section of this code is derived from the prior code of ordinances of the town, the prior code section number shall be indicated in the history by “(1999 Code, § ).”

(2) The history notes following sections and the references scattered throughout the code are not part of the code, but are merely for the benefit for the user of the code. (1999 Code, § 10.18)

**§ 10.99 GENERAL PENALTY.**

Any person, firm, or corporation violating any of the provisions of any section or division of this code of ordinances 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 or imprisonment not to exceed 30 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))

***Statutory reference:***

*Enforcement of ordinances, see G.S. § 160A-175*

**TITLE III: ADMINISTRATION**

Chapter

- 30. BOARD OF COMMISSIONERS**
- 31. TOWN OFFICIALS AND EMPLOYEES**
- 32. DEPARTMENTS**
- 33. CIVIL EMERGENCIES**



## CHAPTER 30: BOARD OF COMMISSIONERS

Section

### *General Provisions*

30.01 Qualifications for office

### *Meetings*

30.15 Regular meetings  
30.16 Special meetings  
30.17 Organizational meetings  
30.18 Robert's Rules of Order  
30.19 Agenda  
30.20 Order of business  
30.21 Presiding officer  
30.22 Quorum  
30.23 Official action  
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30.25 Voting  
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30.29 Minutes

### *Motions*

30.40 Substantive and procedural motions  
30.41 Motion to amend  
30.42 Motions to dispose of issue without deciding merits  
30.43 Motions to revive or reconsider an issue  
30.44 Reconsideration of matters disposed of on the merits  
30.45 Motion to terminate debate  
30.46 Miscellaneous motions

### ***Charter-reference:***

*Board of Commissioners, see Charter, Section 2.2*

**GENERAL PROVISIONS****§ 30.01 QUALIFICATIONS FOR OFFICE.**

Upon the motion of any member, the Board of Commissioners shall determine the qualifications of any member. An office may be declared vacant by majority vote of the Board membership if the member fails to meet any of the statutory or constitutional requirements of office.

(1999 Code, § 30.01)

**Statutory reference:**

*Qualifications for elective office, see G.S. § 160A-59*

*Vacancies, see G.S. § 160A-63*

**MEETINGS****§ 30.15 REGULAR MEETINGS.**

The Board shall hold a regular meeting on the fourth Monday of each month, unless that day is a legal holiday, in which case the meeting shall be held on the next day or at some other date to be determined by a vote of the Board of Commissioners. The meeting shall be held at the town hall and shall begin at 7:00 p.m.

(1999 Code, § 30.15)

**Charter-reference:**

*Meetings of the Board, see Charter, Section 2.5*

**Statutory reference:**

*Regular meetings, see G.S. § 160A-71*

**§ 30.16 SPECIAL MEETINGS.**

(A) The Mayor, the Mayor Pro Tempore, or any two members of the Board of Commissioners may at any time call a special Board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each Board member or left at his or her usual dwelling place at least six hours before the meeting. Special meetings may be held at any time when the Mayor and all members of the Board are present and consent thereto, or when those not present have signed a written waiver of notice. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or have signed a written waiver of notice.



(B) The public shall also be notified of any special meeting by giving written notification to the media of the time and place of the meeting and the subjects to be considered at least six hours prior to the meeting.

(1999 Code, § 30.16)

**Statutory reference:**

*Special meetings, see G.S. § 160A-71*

**§ 30.17 ORGANIZATIONAL MEETINGS.**

(A) At the first regular meeting in December following a general election in which Board members are elected, the newly elected members shall, as the first order of business, take and subscribe the oath of office.

(B) The oath of office shall be that prescribed by Article VI, Section 7 of the North Carolina Constitution, as set forth in § 31.01 of this code.

(C) Also at the organizational meeting, the Board shall elect from its members a Mayor Pro Tempore as provided in the town Charter. The Mayor Pro Tempore shall exercise any of the powers and duties of the Mayor during the Mayor's absence or incapacitation, as provided in G.S. § 160A-70.

(1999 Code, § 30.17)

**Statutory reference:**

*Time of municipal elections, see G.S. § 163-279*

**§ 30.18 ROBERT'S RULES OF ORDER.**

*Robert's Rules of Order* shall govern all procedural matters not addressed by the provisions of this subchapter. However, no action taken by the Board of Commissioners shall be invalidated by a failure to abide by *Robert's Rules of Order*.

(1999 Code, § 30.18)

**§ 30.19 AGENDA.**

(A) *Preparation.* The Mayor and/or Manager shall prepare the agenda for the meeting.

(B) *Requests to be placed on agenda.* A request to have any item of business placed on the agenda must be received by the Mayor or Manager in sufficient time so that the agenda may be printed and distributed in accordance with division (E) of this section, and to this end the Board may establish an appropriate deadline to receive such requests.

(C) *Requests to address Board.* Any individual or group that wishes to address the Board shall make a request to be on the agenda to the Manager. However, the Board of Commissioners shall determine at the meeting whether the individual or group will be heard by the Board.

(D) *Contents.* The agenda shall include, for each item of business placed on it, as much background information on the subject as is available and feasible to reproduce. Whenever possible a copy of all proposed ordinances shall be attached to the agenda and distributed simultaneously.

(E) *Inspection and distribution.* Copies of the agenda and attachments shall be available for public inspection as soon as they are completed. The Manager shall mail or deliver copies of the agenda and attachments to the Board members in sufficient time to ensure that they are received prior to the meeting. Additional copies of the agenda may be available for the press and interested members of the public.

(F) *Additions.* The Board may, by majority vote of the Board membership, add an item of business that is not on the agenda. Unless otherwise specified by the Board, additions to the agenda shall be taken up at the conclusion of all other regular business.  
(1999 Code, § 30.19)

### **§ 30.20 ORDER OF BUSINESS.**

(A) Items of business shall be taken up at a meeting in the order that they appear on the agenda, except as provided in division (D) of this section.

(B) Items shall be placed on the agenda according to the order of business established by the Board of Commissioners upon recommendation of the Manager.

(C) In establishing the order of business, the Board of Commissioners may authorize broad categories of business to be included as agenda items, such as “members of the public wishing to be heard,” or “matters by the Manager,” or “matters by the Attorney.”

(D) Items may be considered out of order by consent of all members present or by majority upon a motion.  
(1999 Code, § 30.20)

### **§ 30.21 PRESIDING OFFICER.**

(A) The Mayor shall preside at meetings of the Board of Commissioners, except as provided in division (C) of this section. A member must be recognized by the Mayor in order to address the Board.

(B) As presiding officer, the Mayor shall have the following powers, in addition to those conferred elsewhere in this title:

(1) To rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;

(2) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule upon objections from other members on this ground;

(3) To entertain and answer questions of parliamentary law or procedure, subject to being overruled by a two-thirds vote of the membership of the Board;

(4) To call a brief recess at any time; and

(5) To adjourn in the event of an emergency.

(C) If the Mayor becomes actively engaged in debate on a particular proposal, he or she may delegate the duty to preside over the debate to the Mayor Pro Tempore or to any other member of the Board who is not so engaged and who acquiesces in the delegation. The temporary chairperson may only preside over the debate and may not participate in it; however, he or she does not forfeit his right to vote on the issue by acting as temporary chairperson. The chairperson shall resume the duty to preside as soon as action upon the matter is concluded.

(1999 Code, § 30.21)

**§ 30.22 QUORUM.**

A quorum is necessary for the Board of Commissioners to take any official action. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether a quorum is present.

(1999 Code, § 30.22)

**§ 30.23 OFFICIAL ACTION.**

(A) The Board of Commissioners shall proceed by motion. A motion, when duly seconded, brings the matter before the Board for its consideration.

(B) A motion may be withdrawn by the introducer at any time prior to a vote if the member who seconded the motion concurs.

(C) Subject to § 30.26 and other provisions of law, official action of the Board shall be majority vote.

(1999 Code, § 30.23)

**§ 30.24 DEBATE.**

(A) Once a motion has been stated and seconded, the Mayor shall open the floor to debate upon it.

(B) The Mayor shall preside over the debate according to the following general principles.

(1) The member who makes the motion is entitled to speak first.

(2) A member who has not spoken on the issue shall be recognized before someone who has already spoken.

(3) To the extent possible, the debate shall alternate between proponents and opponents of the measure.

(1999 Code, § 30.24)

**§ 30.25 VOTING.**

(A) Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the chairperson, who shall take a vote of the remaining members on the question of excusing the member making the request.

(B) Unless excused from voting by the foregoing procedure, failure to vote by a member who is physically present in the meeting room, or who has withdrawn without being excused, shall be recorded as an affirmative vote.

(C) A member may be excused from voting on a particular issue by majority vote of the remaining members present if the matter at issue involves that member's own financial interest or official conduct. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

(D) A roll call vote shall be taken upon the request of any member.

(E) When this chapter specifies that action shall be taken by majority vote or fails to specify the vote required, that shall be interpreted to mean a vote of the majority of those present and not excused from voting. When a two-thirds vote is required, that shall be interpreted to mean a vote of two-thirds of those present and not excused from voting. When a vote of a certain percentage of the Board membership is required, that shall be interpreted to mean the specified percentage of all seats on the Board, excluding vacant seats.

(1999 Code, § 30.25)

**§ 30.26 ADOPTION OF ORDINANCES.**

(A) No ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of the Board membership. When an ordinance requires a public hearing, the ordinance shall be considered introduced at the meeting when the Board sets a date for the public hearing.

(B) Franchise ordinances and amendments shall not be finally adopted until passed at two regular meetings of the Board.  
(1999 Code, § 30.26)

**§ 30.27 EXECUTIVE SESSIONS.**

The Board of Commissioners may hold executive sessions in accordance with the Open Meetings Law (G.S. §§ 143-318.9 et seq.) and other provisions of law. The Board shall commence an executive session by a majority vote to do so and shall terminate an executive session in the same manner. Minutes shall be kept of executive sessions but shall remain sealed as provided by law.

(1999 Code, § 30.27)

***Statutory reference:***

*Executive sessions, see G.S. § 143-318.11*

**§ 30.28 PUBLIC HEARINGS.**

(A) Public hearings required by law or deemed advisable by the Board of Commissioners shall be scheduled pursuant to a motion adopted by a majority vote setting forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time of each speaker and other matters regarding the conduct of the hearing.

(B) At the appointed time the Mayor shall call the hearing to order and then preside over it. Upon the expiration of the allotted time, or when there are no individuals who wish to speak who have not done so, the Mayor shall declare the hearing ended.

(C) A quorum of the Board shall be required at all public hearings required by state law.  
(1999 Code, § 30.28)

**§ 30.29 MINUTES.**

Minutes shall be kept of all meetings of the Board of Commissioners.

**§ 30.30 CONFLICTS OF INTEREST**

No member of the Board of Commissioners shall vote on any legislative decision where the outcome of the decision is likely to have a direct, substantial, and readily identifiable financial impact on the member. No member of the Board shall vote on any zoning

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amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

No member of the Board of Commissioners shall vote on any quasi-judicial decision in a manner that would violate the applicant or affected person's right to an impartial decision maker. This includes instances in which any Commissioner has a fixed opinion prior to the hearing that is not susceptible to change, has engaged in ex-parte communications, has a close familial, business, or other associational relationship with an affected person, or has a financial interest in the outcome of the matter.

(1999 Code, § 30.29)

*MOTIONS*

**§ 30.40 SUBSTANTIVE AND PROCEDURAL MOTIONS.**

(A) (1) A *SUBSTANTIVE MOTION* is a motion that seeks to have the Board of Commissioners exercise any of its powers, duties, or responsibilities.

(2) A motion to amend a substantive motion is also a substantive motion.

(3) A substantive motion, other than to amend, is out of order while another substantive motion is pending.

(B) A *PROCEDURAL MOTION* is a motion that relates either to the manner in which the Board conducts its business in general or the manner in which the Board deals with a particular substantive issue or substantive motion that is before it.

(C) Unless otherwise specifically provided, all motions authorized by this subchapter may be amended and debated.  
(1999 Code, § 30.40)

**§ 30.41 MOTION TO AMEND.**

(A) An amendment to a motion must be germane to the subject matter of the motion, but it may achieve the opposite effect of the motion.

(B) There may be an amendment to the motion, and an amendment to an amendment, but no further amendments.

(C) Any amendment to a proposed ordinance shall be reduced to writing upon the call of any member.  
(1999 Code, § 30.41)

**§ 30.42 MOTIONS TO DISPOSE OF ISSUE WITHOUT DECIDING MERITS.**

(A) *Motion to defer consideration until a date certain.* This motion requires that a date be set when without further action by the Board a matter will again be placed on the agenda.

(B) *Motion to defer consideration indefinitely.* Adoption of this motion removes the issue from the Board's consideration until such time as a motion to revive consideration is adopted (see § 30.43(A)) or a new motion dealing with the same issue is introduced and seconded (see § 30.44(A)).

(C) *Motion to refer to a committee.* Unless this motion includes an instruction to report the matter back by a date certain, or unless a motion is adopted under § 30.43(A), a matter referred to a committee remains there until returned to the Board by the committee.  
(1999 Code, § 30.42)

### **§ 30.43 MOTIONS TO REVIVE OR RECONSIDER AN ISSUE.**

(A) *Motion to revive consideration of an issue.* Adoption of this motion brings an issue back before the Board of Commissioners for its consideration, regardless of whether the issue had been deferred indefinitely or to a date certain.

(B) *Motion to recall an issue from committee.* Adoption of this motion may bring a matter immediately before the Board, or the motion may direct a committee to report an issue back to the Board by a date certain.

(C) *Motion to reconsider a vote.* This motion may be made only at the meeting at which the vote in question was taken and only by a member who voted with the prevailing side. If adopted, the effect is to negate the earlier vote and then bring the matter back before the Board as if the earlier vote had never taken place.  
(1999 Code, § 30.43)

### **§ 30.44 RECONSIDERATION OF MATTERS DISPOSED OF ON THE MERITS.**

(A) *Renewal of motions.* A motion that is defeated may be renewed at any subsequent meeting unless a motion has been adopted in accordance with division (B) of this section.

(B) *Motion to prevent reconsideration for six months.* This motion is in order immediately following the defeat of a substantive motion and at no other time. It requires a two-thirds vote for adoption. A matter concerning which this motion has been adopted may be brought before the Board prior to the expiration of six months pursuant to a vote to suspend the rules. This motion does not bind a new Board.  
(1999 Code, § 30.44)

### **§ 30.45 MOTION TO TERMINATE DEBATE.**

A motion to call the previous question is a motion to cut off debate on a matter under consideration and put the matter to a vote. This motion shall be in order at any time, but unless each Board member present has had an opportunity to speak at least once on the issue, the motion requires a two-thirds vote for adoption. This motion is not debatable and may not be amended.  
(1999 Code, § 30.45)



**§ 30.46 MISCELLANEOUS MOTIONS.**

In addition to others authorized by this subchapter, the following motions shall be in order:

(A) Divide a complex question and consider it by paragraph;

(B) Suspend the rules. This motion shall require a two-thirds vote for adoption;

(C) Take a recess; or

(D) Adjourn. This motion may not be amended.

(1999 Code, § 30.46)

## CHAPTER 31: TOWN OFFICIALS AND EMPLOYEES

### Section

#### *General Provisions*

- 31.01 Compensation; bond; oath
- 31.02 Position classification plan
- 31.03 Pay plan

#### *Provisions Concerning Specific Officials*

- 31.15 Town Manager
- 31.16 Town Clerk
- 31.17 Town Attorney
- 31.18 Finance Officer
- 31.19 Budget Officer

### **GENERAL PROVISIONS**

#### **§ 31.01 COMPENSATION; BOND; OATH.**

(A) All officers and employees appointed by the Board of Commissioners shall serve at the pleasure of the Board except as otherwise provided by law, and shall receive for their services such compensation as may be established annually in the budget ordinance.

(B) The Board shall prescribe the required bond for each officer or employee that it deems necessary to be bonded, and no such officer or employee may begin the duties of his or her office until the required bond has been obtained.

(C) All elected and appointed officials shall take the following oath before beginning their duties:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as \_\_\_\_\_, so help me God.”



(D) This oath may be administered by the Mayor or by any other official authorized to administer oaths by G.S. § 11-7.1, and shall be subscribed and filed with the Town Clerk.  
(1999 Code, § 31.01)

***Statutory reference:***

*Compensation of municipal employees, see G.S. § 160A-162*

*Oath of municipal officers, see G.S. § 160A-61*

**§ 31.02 POSITION CLASSIFICATION PLAN.**

(A) The Manager shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the Manager the need for new positions and material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of existing positions.

(B) New positions shall be established only with the approval of the Board of Commissioners after which the Town Manager shall either allocate the new position to the appropriate class within the existing classification plan or recommend to the Board that it amend the position classification plan to establish a new class to which the new position may be allocated.

(C) When the Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, he or she shall:

- (1) Direct that the existing class specification be revised;
- (2) Reallocate the position to the appropriate class within the existing classification plan; or
- (3) Recommend that the Board amend the position classification plan to establish a new plan to which the position may be allocated.

(D) The Board may, upon the recommendation of the Manager, add classes of positions to or delete them from the position classification plan.  
(1999 Code, § 31.02)

**§ 31.03 PAY PLAN.**

The Manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions when considered in relation to each other, to general rates of pay for similar employment in the private sector and in other public jurisdictions in the area, to changes in the cost of living, to financial conditions of the town and to other

factors. To this end, the Manager shall from time to time make comparative studies of all factors affecting the level of salary ranges and shall recommend to the Board such changes in salary ranges as appear to be warranted.

(1999 Code, § 31.03)

**§ 31.04 CONFLICTS OF INTEREST**

No administrative staff member shall make a final decision on an administrative decision if the outcome of the decision would have a direct, substantial, readily identifiable financial impact on the staff member or if the applicant or other person subject to the decision is a person with whom the staff member has a close familial, business, or other associational relationship.

***PROVISIONS CONCERNING SPECIFIC OFFICIALS***

**§ 31.15 TOWN MANAGER.**

(A) *Appointment.* The Town Manager shall be appointed solely on the basis of his or her executive and administrative qualifications. He or she need not be a resident of the town or state at the time of his or her appointment. The Manager shall serve at the pleasure of the Board of Commissioners.

(B) *Powers and duties.* The Town Manager shall be the chief administrator of the town. The Manager shall be responsible to the Board for administering all municipal affairs placed in his or her charge by the Board, and in addition to those powers and duties assigned to him or her by the town Charter and by other provisions of law, the Manager shall:

(1) Appoint and suspend or remove all town officers and employees not elected by the people, except those whose appointment or removal is otherwise provided for by law, in accordance with such general personnel rules, regulations, policies, or ordinances as the Board may adopt;

(2) Direct and supervise the administration of all departments, offices, and agencies of the town, subject to the general direction and control of the Board, except as otherwise provided by law;

(3) Attend all meetings of the Board and recommend any measure that he or she deems expedient;

(4) See that all laws of the state, the town Charter, and the ordinances, resolutions, and regulations of the Board are faithfully executed within the town;

(5) Prepare and submit the annual budget and capital program to the Board;

(6) Submit annually to the Board and make available to the public a complete report of the finances and administrative activities of the town as of the end of the fiscal year;

(7) Make any other reports that the Board may require concerning operations of town departments, offices, and agencies subject to his or her direction and control; and

(8) Perform any other duties that may be required or authorized by the Board.  
(1999 Code, § 31.15)

**Charter-reference:**

*Town Manager, see Charter, Section 4.2*

**Statutory reference:**

*City Manager, see G.S. §§ 160A-147 et seq.*

**§ 31.16 TOWN CLERK.**

The Town Clerk shall:

- (A) Give notice of meetings of the Board of Commissioners;
- (B) Keep a journal of the proceedings of the Board;
- (C) Record in a book kept for the purpose all ordinances and resolutions;
- (D) Be the custodian of all town records; and

(E) Perform other such duties as are prescribed by law or by the town Charter or required by the Board or by the Manager.

(1999 Code, § 31.16)

**Charter-reference:**

*Town Clerk, see Charter, Section 4.4*

**Statutory reference:**

*City Clerk, see G.S. § 160A-171*

**§ 31.17 TOWN ATTORNEY.**

The Board of Commissioners shall appoint a Town Attorney to serve at its pleasure and shall prescribe his or her duties and fix his or her rate of compensation.

(1999 Code, § 31.17)

**Charter-reference:**

*Town Attorney, see Charter, Section 4.3*

**Statutory reference:**

*City Attorney, see G.S. § 160A-173*

**§ 31.18 FINANCE OFFICER.**

- (A) *Appointment.* The Town Manager shall appoint a Finance Officer.

(B) *Duties.* The duties of the Finance Officer shall be to:

- (1) Keep the town's accounts in accordance with generally accepted principles of governmental accounting and the rules and regulations of the North Carolina Local Government Commission;
- (2) Disburse all funds of the town in strict compliance with the Local Government Budget and Fiscal Control Act, the budget ordinance, and each project ordinance and pre-audit obligations and disbursements as required by the Local Government Budget and Fiscal Control Act;
- (3) Prepare and file with the Board of Commissioners a statement of the financial condition of the town whenever requested to do so by the Board or the Manager;
- (4) Receive and deposit all monies accruing to the town and supervise the receipt and deposit of money by other duly authorized officers or employees;
- (5) Maintain all records concerning the town's bonded debt and other obligations, and determine the amount of money that will be required for debt service or the payment of other obligations during each fiscal year, and maintain all sinking funds;
- (6) Supervise the investment of the town's idle funds; and
- (7) Perform such other duties as may be assigned to him or her by law, by the Manager, the Budget Officer, the Board, or by rules and regulations of the local government commission.  
(1999 Code, § 31.18)

***Charter-reference:***

*Finance Officer, see Charter, Section 4.5*

***Statutory reference:***

*Local Finance Officer, see G.S. §§ 159-24 et seq.*

*Local Government Budget and Fiscal Control Act, see G.S. §§ 159-7 et seq.*

**§ 31.19 BUDGET OFFICER.**

The Town Manager shall be the Budget Officer. The Budget Officer shall perform those duties and responsibilities assigned to him or her by the Local Government Budget and Fiscal Control Act, G.S. Chapter 159, Article III.  
(1999 Code, § 31.19)

***Statutory reference:***

*Budget Officer, see G.S. §§ 159-9 et seq.*





## CHAPTER 32: DEPARTMENTS

### Section

32.01 Building Inspections Department

32.02 Public Works Department

***Cross-reference:***

*Parks and Recreation Department, see §§ 96.040 through 96.043*

### **§ 32.01 BUILDING INSPECTIONS DEPARTMENT.**

There shall be a Building Inspections Department which shall have the authority and responsibility to enforce the North Carolina State Building Code. The Building Inspections Department shall have the authority and shall follow the procedures set forth in G.S. § 160D, Article 11 and Chapter 1 of the State Building Code. From time to time the Board of Commissioners may make arrangements to have the functions of the Building Inspections Department performed by other than town employees, as provided in -G.S. § 160D-1102 et seq.

(1999 Code, § 32.03)

***Statutory reference:***

*Building inspection, see G.S. § 160D, Article 11.*

### **§ 32.02 PUBLIC WORKS DEPARTMENT.**

There shall be a Public Works Department under the supervision of a Public Works Director, who shall see that all town policies and ordinances relating to town streets, sanitation, and the water and sewer utilities are administered efficiently and effectively.

(1999 Code, § 32.04)

***Statutory reference:***

*Municipal streets, see G.S. §§ 160A-296 et seq.*

*Public enterprises, see G.S. §§ 160A-311 et seq.*



## CHAPTER 33: CIVIL EMERGENCIES

### Section

- 33.01 State of emergency defined
- 33.02 Declaration by Mayor
- 33.03 Contents of proclamation
- 33.04 Publication of proclamation
- 33.05 Effect of proclamation; curfew
- 33.06 Termination of state of emergency
  
- 33.99 Penalty

### **§ 33.01 STATE OF EMERGENCY DEFINED.**

A state of emergency exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, town public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, or property, or whenever the occurrence of any such condition is imminent.

(1999 Code, § 33.01)

### **§ 33.02 DECLARATION BY MAYOR.**

(A) Whenever the Mayor finds that a state of emergency exists within all or a portion of the town, he or she shall issue a proclamation declaring such state of emergency in accordance with §§ 33.03 and 33.04.

(B) This proclamation, and any prohibitions and restrictions made effective by it, shall take effect immediately upon publication unless the proclamation sets a later time.

(1999 Code, § 33.02)

### **§ 33.03 CONTENTS OF PROCLAMATION.**

The proclamation issued by the Mayor pursuant to this chapter shall declare to all persons that a state of emergency exists and shall set forth:

(A) The area within which the state of emergency exists, which may be the entire town or a specifically described portion of it;

(B) The date and time from which the proclamation shall be effective;

(C) Any restrictions and prohibitions that shall be effective during the state of emergency and the penalties for violations; and

(D) The date and time when the state of emergency shall terminate, unless extended or earlier terminated in accordance with § 33.06.

(1999 Code, § 33.03)

#### **§ 33.04 PUBLICATION OF PROCLAMATION.**

(A) For the purpose of making effective the prohibitions and restrictions imposed by the proclamation issued pursuant to this chapter, publication may consist of reports of the substance of the proclamation's contents, including such prohibitions and restrictions, in the mass communications media serving the affected area, or other effective methods of disseminating the necessary information quickly.

(B) Notwithstanding division (A) of this section, the full text of the proclamation shall be published as soon as practicable in one or more newspapers serving the affected area and may be posted in various places or otherwise disseminated to give the clearest notice practicable of its contents.

(1999 Code, § 33.04)

#### **§ 33.05 EFFECT OF PROCLAMATION; CURFEW.**

(A) A proclamation of a state of emergency shall activate any local civil preparedness plan and shall authorize the town to seek assistance from the county, state, and federal governments in accordance with the provisions of G.S. Chapter 166A.

(B) The Mayor is authorized in the proclamation to impose a curfew applicable to all persons within the area described in the proclamation. The curfew may be made effective during all or any portion of any day during the state of emergency. During such curfew, no person may, within the area affected by the curfew:

(1) Possess off his or her own premises, buy, sell, give away, or otherwise transfer or dispose of any explosives, firearms, ammunition, or dangerous weapon of any kind;

(2) Sell beer, wines, or intoxicating beverages of any kind or possess or consume the same off his or her own premises;

(3) Sell gasoline or any similar petroleum products except when pumped or piped directly into the tank of a motor vehicle; or

(4) Travel upon any public street or highway or upon public property unless such person is in search of medical assistance, food, or other commodity or service necessary to sustain the well being of himself or herself or his or her family or some member thereof or unless such person is engaged in the performance of some function necessary to preserve the public health or safety, such as police and fire officers, other emergency service personnel, utility employees, doctors and nurses, and the like. (1999 Code, § 33.05) Penalty, see § 33.99

***Statutory reference:***

*Extension of emergency restrictions into county, see G.S. § 166A-19.22*

*Local emergency authorizations, see G.S. Ch. 166A, part 3*

*Mutual aid agreements, see G.S. § 166A-19.72*

*State emergency management, see G.S. Ch. 166A, part 2*

**§ 33.06 TERMINATION OF STATE OF EMERGENCY.**

A state of emergency and any restrictions imposed in connection therewith shall automatically terminate at the end of five days after it becomes effective, except that the same:

(A) May be continued for another five-day period by the publication of a new proclamation; or

(B) May be earlier terminated by the Mayor, who may issue a proclamation declaring the state of emergency to be over at any time he or she concludes that to be the case, and who shall issue such a proclamation if the Board concludes that the state of emergency has ended.

(1999 Code, § 33.06)

**§ 33.99 PENALTY.**

As provided in G.S. § 166A-19.31, any person who violates any provision of § 33.05(B) after a curfew has been imposed pursuant to 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, or both.

(1999 Code, § 33.99)



**TITLE V: PUBLIC WORKS**

Chapter

**50. SOLID WASTES**





## CHAPTER 50: SOLID WASTES

### Section

#### *Solid Waste Control*

- 50.01 Burning or burying solid wastes
- 50.02 Harmful materials not to be placed in containers
- 50.03 Owner to be responsible for disposal of bulky, heavy material
- 50.04 Solid waste management fee

#### *Enforcement*

- 50.15 Violations resulting from continuing conditions
- 50.16 Summary abatement
  
- 50.99 Penalty

### **SOLID WASTE CONTROL**

#### **§ 50.01 BURNING OR BURYING SOLID WASTES.**

(A) No person may burn or cause to be burned any garbage for purposes of disposal, and no person may burn or cause to be burned any refuse except as specifically authorized by § 92.12.

(B) No person may bury or cause to be buried any solid waste for purposes of disposal.  
(1999 Code, § 50.01) Penalty, see § 50.99

#### **§ 50.02 HARMFUL MATERIALS NOT TO BE PLACED IN CONTAINERS.**

No harmful materials such as hot ashes, charcoal, paint solvents, or other inflammable materials shall be placed in solid waste containers.  
(1999 Code, § 50.02) (Mo. of 12-28-1987) Penalty, see § 50.99

**§ 50.03 OWNER TO BE RESPONSIBLE FOR DISPOSAL OF BULKY, HEAVY MATERIAL.**

Building materials such as brick, broken concrete, lumber and plaster, ashes, dirt, rocks, or gravel, automobile frames and parts, dead trees, and other bulky, heavy material shall be disposed of by the owner or person controlling same.

(1999 Code, § 50.03) (Mo. of 12-28-1987) Penalty, see § 50.99

**§ 50.04 SOLID WASTE MANAGEMENT FEE.**

A solid waste management fee shall be charged to all residents of the town and all businesses and commercial establishments of the town permitted to use roll-out containers. The fee (or fees) shall be in an amount to be determined from time to time by the Town Board and listed in the town's schedule of fees and charges.

(Ord. passed 2-23-2015)

***ENFORCEMENT*****§ 50.15 VIOLATIONS RESULTING FROM CONTINUING CONDITIONS.**

(A) Whenever a violation of this chapter results from a continuing condition rather than a discrete event, a written notice shall be sent to the last known address of the responsible person, specifying the nature of the violation and what must be done to correct it, requiring the responsible person to correct the violation within ten calendar days after delivery of the notice, and informing the responsible person of the possible consequences of his or her failure to comply.

(B) Whenever a violation of this chapter results from a continuing condition rather than a discrete event, the penalties and remedies provided for in § 50.99 may not be invoked until after the ten-day correction period specified in this section has expired.

(1999 Code, § 50.15)

**§ 50.16 SUMMARY ABATEMENT.**

(A) If the Town Manager or his or her designee concludes that any condition or situation prohibited by this chapter or any other condition or situation is dangerous or prejudicial to the public health or safety, he or she may:

(1) Order appropriate town officials or employees to summarily remove, abate, or remedy everything so found and to assess the cost of this action against the respondent in accordance with divisions (B) and (C) of this section; or

(2) Order the respondent to correct the situation within a specified time period and order town officials to abate, correct, or remedy the offending condition if the respondent fails to act within the prescribed time limits.

(B) (1) The order described in division (A)(2) of this section shall inform the respondent:

(a) What condition or situation is dangerous or prejudicial to the public health or safety;

(b) That the Town Manager or his or her designee may order town officials to summarily abate, remedy, or correct the offending condition; and

(c) That the expenses incurred by the town in connection with the actions described in division (B)(1)(b) of this section, if not paid by the respondent, shall become a lien upon the land where the offending condition is located, to be collected as unpaid taxes.

(2) This order shall be sent by mail (certified, deliver to addressee only, return receipt requested) or delivered to the respondent by a town officer or employee.

(C) For the purposes of this section, the **RESPONDENT** is the person who is responsible for the offending condition, as well as the owner of the property where the offending condition is located, if different from the former.

(1999 Code, § 50.16) (Mo. of 3-23-1987)

**§ 50.99 PENALTY.**

(A) A violation of any of the provisions of this chapter shall constitute a misdemeanor punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both.

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

(C) 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 divisions (A) and (B) of this section shall constitute a separate offense.

(D) This chapter may also be enforced by any appropriate equitable action, including injunctions or orders of abatement.

(E) The town may enforce this chapter by any one or any combination of the foregoing remedies. (1999 Code, § 50.99)



**TITLE VII: TRAFFIC CODE**

Chapter

- 70. GENERAL PROVISIONS**
- 71. TRAFFIC REGULATIONS**
- 72. PARKING REGULATIONS**
- 73. TRAFFIC SCHEDULES**
- 74. PARKING SCHEDULES**



## CHAPTER 70: GENERAL PROVISIONS

Section

### *General Provisions*

- 70.01 Definitions
- 70.02 Funeral processions
- 70.03 Bicycles, toy vehicles, and the like

### *Registration; License Tax*

- 70.15 Registration of resident motor vehicles; payment of license tax
- 70.16 Registration deadline; period of registration
- 70.17 Operation of a motor vehicle without registration plate unlawful
  
- 70.99 General traffic penalty

## **GENERAL PROVISIONS**

### **§ 70.01 DEFINITIONS.**

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

**ADMINISTRATOR.** The Public Works Director or any other person designated by the Manager to perform the functions assigned by this title to the Administrator. Whenever this title authorizes or requires the **ADMINISTRATOR** to install a traffic-control device controlling parking or regulating the movement of traffic on, to, or from a state highway system street and the installation of such a device is in practice a function of the State Department of Transportation, the Administrator may discharge his or her responsibility by requesting the State Department of Transportation to install such device.

**DRIVER.** The operator of a vehicle as defined in this section. The terms **DRIVER** and **OPERATOR** and their cognates are synonymous.

**HIGHWAY** or **STREET**. The entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms **HIGHWAY** or **STREET** or a combination of the two terms shall be used synonymously.

**INTERSECTION**. The area embraced within the prolongation of the lateral curblines or, if none, then the lateral edge of roadway lines of two or more highways which join one another at any angle whether or not one such highway crosses the other. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate **INTERSECTION**. If such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate **INTERSECTION**.

**LOCAL STREET**. A street within the town that is not part of the state highway system.

**MOTOR VEHICLE**. Every vehicle that is self-propelled and every vehicle designed to run upon the highways that is pulled by a self-propelled vehicle. This shall not include mopeds as defined in G.S. § 20-4.01(27)d1.

**OPERATOR**. A person in actual physical control of a vehicle that is in motion or that has the engine running. The terms **OPERATOR** and **DRIVER** and their cognates are synonymous.

**PARKING** or **STANDING**. A vehicle is parked or is permitted to stand when it is stopped and allowed to remain in a fixed location for any duration of time, whether attended or unattended. Except where the context clearly indicates otherwise, the limitations on parking and standing in this chapter apply only to locations within a street right-of-way. In no case do these limitations apply when a vehicle is stopped to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device or as the result of an emergency or because the vehicle is disabled.

**ROADWAY**. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways, the term **ROADWAY** shall refer to any such roadway separately but not to all such roadways collectively.

**SAFETY ZONE**. A traffic island or other space that is officially set aside within a highway for the exclusive use of pedestrians and that is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

**STATE HIGHWAY SYSTEM**. A street within the town that is part of the state highway system. Whenever this title regulates parking or the movement of traffic on, to, or from a state highway system street, then to the extent that concurrence by the State Department of Transportation is necessary by passage of a concurring ordinance or otherwise, such regulation shall not become effective until such concurrence is obtained. Streets listed in this title that are part of the state highway system are designated by an asterisk (\*).



**STREET.** See **HIGHWAY.**

**TRAFFIC-CONTROL DEVICE.** Any sign, signal, marking, or other device placed or erected pursuant to a lawfully adopted ordinance and designed to regulate, warn, guide, or control traffic.

**TRAFFIC-CONTROL SIGNAL.** Any device designed to regulate, guide, or control traffic through the use of alternating or flashing lights or by some other mechanical means.

**VEHICLE.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon fixed rails or tracks, provided that for the purposes of this title bicycles shall be deemed **VEHICLES** and every rider of a bicycle upon a highway shall be subject to the provisions of this title applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, is suitable for use both inside and outside a building, and whose maximum speed does not exceed 12 mph when the device is being operated by a person with a mobility impairment. (1999 Code, § 70.01)

**Statutory reference:**

*Definitions relating to motor vehicles, see G.S. § 20-4.01*

*Department of Transportation, see G.S. §§ 136-4 et seq.*

## § 70.02 FUNERAL PROCESSIONS.

(A) A funeral procession shall be identified as such in a manner determined by the town to be adequate to give notice to the other drivers of the existence of such a procession.

(B) Each driver in a funeral procession shall drive as near to the right-hand edge of the road as practicable and shall follow the vehicle ahead as closely as possible consistent with obedience to traffic-control signals and safe driving practices.

(C) No person may drive a vehicle between the vehicles constituting a funeral procession when such vehicles are in motion and are conspicuously designated as provided in division (A) of this section. (1999 Code, § 70.02) Penalty, see § 70.99

**Statutory reference:**

*Driving on right side of highway, see G.S. § 20-146*

## § 70.03 BICYCLES, TOY VEHICLES, AND THE LIKE.

(A) No person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device may go upon any roadway except while crossing a street at a crosswalk unless the street has been designated as a play street in accordance with § 71.03.

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(B) No person upon roller skates or riding a bicycle, coaster, toy vehicle, or similar device may attach himself or herself or such a vehicle or device to any moving motor vehicle.

(C) No person may ride or drive a bicycle upon any sidewalk.

(D) The driver of a motorcycle or bicycle when upon the street shall not carry any other person upon the handlebars, frame, or tank of any such vehicle, nor shall any person so ride upon any such vehicle.

(1999 Code, § 70.03) Penalty, see § 70.99

**Statutory reference:**

*Bicycles, see G.S. §§ 20-171.1, 20-171.2*

**REGISTRATION; LICENSE TAX****§ 70.15 REGISTRATION OF RESIDENT MOTOR VEHICLES; PAYMENT OF LICENSE TAX.**

All motor vehicles that display current license plates and reside within the town for more than a total of 14 days in any calendar year shall be registered with the town in accordance with this subchapter, and the owner thereof shall pay to the town a tax of \$5 for each vehicle so registered. Upon registration of a vehicle in accordance with division (A) of this section, the town shall issue to the person registering the same an appropriately numbered plate, sticker, or any other identifying device. Upon satisfactory evidence that such device has been lost or destroyed, and payment of a fee of \$0.50, the town shall issue to the person who registered the vehicle a duplicate thereof.

(1999 Code, § 70.15)

**§ 70.16 REGISTRATION DEADLINE; PERIOD OF REGISTRATION.**

Registration under this subchapter shall be valid for the 12-month period running from January 1 to December 31. Registration shall be completed not later than February 15 of each year, or 16 days after the motor vehicle has resided in the town for 14 days, whichever is sooner.

(1999 Code, § 70.16)

**§ 70.17 OPERATION OF A MOTOR VEHICLE WITHOUT REGISTRATION PLATE UNLAWFUL.**

No person may operate or maintain within the town any motor vehicle required by § 70.15 to be registered with the town unless the motor vehicle displays the registration plate, sticker, or other identifying device issued in accordance with § 70.15(B).

(1999 Code, § 70.17) Penalty, see § 70.99

**§ 70.99 GENERAL TRAFFIC PENALTY.**

(A) Any violation of the following sections shall constitute an infraction, punishable by a fine of not more than \$50: §§ 70.02, 70.03, Chapter 71, or Chapter 73, Schedule II.

(B) Any violation of the following sections shall constitute an infraction, punishable by a fine of not more than \$1: § 70.16, Chapter 72, or Chapter 74.

(C) Any violation of the following sections shall subject the offender to a civil penalty as indicated:

(1) Sections 70.16, 72.02 (except 72.02(A)(2)), and 72.04: \$5;

(2) Sections 72.01, 72.03, 72.05, or Chapter 74, Schedules I and II: \$1; and

(3) Section 72.02(A)(2): \$25.

(D) If the offender fails to pay this penalty within ten days after being cited for a violation and notified of the penalty, the town may seek to collect it in a civil action in the nature of debt. (1999 Code, § 70.99)

***Statutory reference:***

*Violations of motor vehicle laws, see G.S. §§ 20-176 et seq.*



## CHAPTER 71: TRAFFIC REGULATIONS

### Section

- 71.01 Turning
- 71.02 No passing zones
- 71.03 Play streets
- 71.04 Blocking intersections and crosswalks
- 71.05 Speed limits

### ***Cross-reference:***

*Responsibility of operator of motor vehicle or bicycle injuring animal, see § 91.17*

### **§ 71.01 TURNING.**

Whenever, pursuant to Chapter 73, Schedule II, appropriate traffic-control devices are installed that clearly indicate that right or left turns, U-turns, or all turns are prohibited or required from a particular lane of traffic, no person may drive any vehicle contrary to the directions of any traffic-control device so installed.

(1999 Code, § 71.01) Penalty, see § 70.99

### **§ 71.02 NO PASSING ZONES.**

(A) Whenever, pursuant to division (B) of this section, appropriate traffic-control devices have been installed that clearly indicate that no passing is allowed on a portion of any street, no driver of a vehicle may overtake and pass another on any portion of a street so restricted.

(B) The Administrator may install appropriate traffic-control devices to indicate that no passing is allowed whenever and wherever he or she determines that passing would be unsafe on that portion of a street because:

- (1) The street intersects with another street;
- (2) The slope or grade of the street is such or the street curves to such an extent that a driver's view is obstructed within a distance of 500 feet; or

(3) Any other conditions exist making passing hazardous.  
(1999 Code, § 71.02) Penalty, see § 70.99

**Statutory reference:**

*Overtaking and passing vehicles, signs, see G.S. § 20-150*

**§ 71.03 PLAY STREETS.**

Whenever a street or any part thereof has been designated a play street and appropriate traffic-control devices have been installed clearly giving notice of this fact, no person may drive a vehicle upon such street or part thereof unless he or she resides there or has business there, and all persons shall exercise great care at all times when driving upon any play street.

(1999 Code, § 71.03) Penalty, see § 70.99

**§ 71.04 BLOCKING INTERSECTIONS AND CROSSWALKS.**

No driver may enter an intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians.

(1999 Code, § 71.04) Penalty, see § 70.99

**§ 71.05 SPEED LIMITS.**

(A) As provided in G.S. § 20-141(b)(1), no person may drive a vehicle on a street or in a public vehicular area in excess of 35 mph unless a different speed is established by this section or pursuant to state law.

(B) Whenever a speed limit has been established and appropriate traffic-control devices have been installed in accordance with Chapter 73, Schedule II, no person may operate a vehicle on any street in excess of the posted speed.

(1999 Code, § 71.05) Penalty, see § 70.99

## CHAPTER 72: PARKING REGULATIONS

### Section

- 72.01 Manner of parking
- 72.02 Parking prohibited in certain locations
- 72.03 Parking prohibited on certain streets at certain times
- 72.04 Parking prohibited for certain purposes
- 72.05 Loading and unloading zones

### § 72.01 MANNER OF PARKING.

(A) Except as otherwise provided in this chapter, no person may park a vehicle or permit it to stand in a roadway other than parallel with the edge of the roadway, heading in the direction of lawful traffic movement, and with the wheels of the vehicle within 18 inches of the curb or the edge of the roadway.

(B) The Administrator may mark any street where parking is permitted with lines that indicate the parking space for vehicles, and no person may park any vehicle outside such lines.  
(1999 Code, § 72.01) Penalty, see § 70.99

### § 72.02 PARKING PROHIBITED IN CERTAIN LOCATIONS.

(A) No person may park any vehicle or permit it to stand in any of the following locations:

- (1) As provided in G.S. § 20-162, in front of a private driveway;
- (2) As provided in G.S. § 20-162, within 15 feet in either direction of a fire hydrant (whether or not located in a public right-of-way) or the entrance to a fire station;
- (3) As provided in G.S. § 20-162, within 15 feet of the intersection of property lines at an intersection of highways;
- (4) Within an intersection or on a marked crosswalk;
- (5) Within 30 feet of any traffic-control signal installed at an intersection;

- (6) On a sidewalk or on the space between the sidewalk and the curb;
- (7) In any portion of a roadway intended to carry traffic at the time such vehicle is parked or left standing;
- (8) On the roadway side of any vehicle stopped, standing, or parked at the edge of a curb or street;
- (9) Alongside or opposite any street excavation or obstruction when such parking or standing would obstruct traffic;
- (10) Upon any bridge, overpass, or other elevated structure or within any tunnel or other underpass structure;
- (11) Within 50 feet of the nearest rail of a railroad crossing;
- (12) In any alley or private road in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular travel or to block the driveway entrance to any abutting property; and
- (13) In any parking space clearly marked as reserved for the handicapped, whether on public or private property, unless the driver of or a passenger in such vehicle is handicapped or a passenger in such vehicle is visually impaired.

(B) The Administrator may install no-parking signs, yellow curb markings, or other traffic-control devices to indicate where parking and standing is prohibited in accordance with division (A) of this section, but enforcement of the provisions of this section is not dependent on the installation of such devices.

(1999 Code, § 72.02) Penalty, see § 70.99

***Statutory reference:***

*Handicapped drivers and passengers, see G.S. § 20-37.6*

**§ 72.03 PARKING PROHIBITED ON CERTAIN STREETS AT CERTAIN TIMES.**

Whenever, pursuant to Chapter 74, Schedule I, the Administrator has installed signs, yellow pavement markings, or other traffic-control devices clearly indicating that parking or standing within a specified area is prohibited, or is allowed only at certain times or for a certain duration, no person may park any vehicle or permit it to stand contrary to the directions of those traffic-control devices.

(1999 Code, § 72.03) Penalty, see § 70.99



**§ 72.04 PARKING PROHIBITED FOR CERTAIN PURPOSES.**

No person may park any vehicle or permit it to stand upon any street for any of the following principal purposes:

(A) Displaying it for sale, except foreclosure and judicial sales;

(B) Washing, greasing, changing tires, or repairing such vehicle, except to the extent necessitated by an emergency;

(C) Storing the vehicle; or

(D) Advertising.

(1999 Code, § 72.04) Penalty, see § 70.99

**§ 72.05 LOADING AND UNLOADING ZONES.**

(A) Notwithstanding any other provision of this chapter, whenever streets or portions of streets are designated as vehicle loading and unloading zones in accordance with the provisions of this chapter, parking and standing are permitted in these locations, but only in accordance with the provisions of this chapter.

(B) Whenever a school loading zone is designated and clearly marked by traffic-control devices in accordance with Chapter 74, Schedule II, no person may park any vehicle or permit it to stand in any such zone for any purpose other than the expeditious loading or unloading of school passengers, and then only for a period not to exceed ten minutes.

(1999 Code, § 72.05) Penalty, see § 70.99



## CHAPTER 73: TRAFFIC SCHEDULES

### Schedule

- I. Stop intersections
- II. Speed limits

### **SCHEDULE I. STOP INTERSECTIONS.**

(A) The second-named street in the following list of intersections is hereby designated as a main traveled or through street, and the Administrator shall erect stop signs on the first-named street at the entrance to the main traveled or through street. The effect of such stop signs on vehicles and pedestrians shall be as provided in G.S. §§ 20-158 and 20-172.

<i>Stop Street</i>	<i>Through Street</i>
Beasley Street	Mutual Boulevard*
Church Street	Mutual Boulevard*
Dancy Street	Main Street*
Fifth Street	Mutual Boulevard*
First Street	Greenwood Boulevard*
Fourth Street	Main Street*
Mullin Street	Main Street*
Otis Avenue	Neville Street
Sixth Street	Greenwood Boulevard*
Third Street	Neville Street
Walston Street	Greenwood Boulevard*

(B) The Administrator shall erect or install devices to regulate vehicular and pedestrian traffic at the following intersections and locations. The effect of such stoplights or stop signs on vehicles and pedestrians shall be as provided in G.S. §§ 20-158 and 20-172.

<i>Street</i>	<i>Type of Device</i>
Cherry Street	Stop sign
Main Street*	Mechanical stoplight
Mutual Boulevard*	Mechanical stoplight

(1999 Code, Ch. 73, Sch. I) Penalty, see § 70.99

***Cross-reference:***

*Streets part of state highway system designated by (\*), see § 70.01*

**SCHEDULE II. SPEED LIMITS.**

The following speed limits shall be applicable to the following streets as indicated, and the Administrator shall install appropriate traffic-control devices clearly indicating the established speed limit:

<i>Street</i>	<i>Speed Limit</i>
Beasley Street	25 mph
Bell Street	25 mph
Black Street	25 mph
Cherry Street	25 mph
Church Street	25 mph
Dancy Street	25 mph
Fifth Street	25 mph
First Street	25 mph
Fourth Street	25 mph
Geddie Avenue	25 mph
Greenwood Boulevard*	35 mph
Howard Avenue	25 mph
Main Street*	35 mph
Mullin Street	25 mph
Mutual Boulevard*	35 mph
Neville Street	35 mph
Old Sparta Road	25 mph
Otis Avenue	25 mph
Rainey Street	25 mph
Second Street	25 mph
Sixth Street	25 mph
Snowden Street	25 mph
Third Street	25 mph

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<i>Street</i>	<i>Speed Limit</i>
Tyson Street	25 mph
Walston Street	25 mph
Walter Street	25 mph
Watson Street	25 mph
William Street	25 mph
U.S Bypass-U.S. 258-N.C. 44 from the Tar River, the western corporate limits, eastward to U.S. 258-N.C. 44, and U.S. 258-N.C. 44 from U.S. 64 Bypass-U.S. 258-N.C. 44 eastward for 0.20 mile	45 mph

(1999 Code, Ch. 73, Sch. IV) Penalty, see § 70.99

***Cross-reference:***

*Streets part of state highway system designated by (\*), see § 70.01*

## CHAPTER 74: PARKING SCHEDULES

### Schedule

- I. No parking at any time
- II. School loading zones

### **SCHEDULE I. NO PARKING AT ANY TIME.**

The Administrator shall install no parking signs, yellow curb markings, or traffic-control devices to indicate that parking and standing is prohibited at all times at the following locations:

(A) Main Street\*; and

(B) Mutual Boulevard\*.

(1999 Code, Ch. 74, Sch. I) Penalty, see § 70.99

***Cross-reference:***

*Streets part of state highway system designated by (\*), see § 70.01*





**SCHEDULE II. SCHOOL LOADING ZONES.**

The Board of Commissioners finds that a school loading zone is necessary in the following locations to permit children and other passengers to be loaded and unloaded from vehicles in safety, and the Administrator shall install appropriate traffic-control devices to give clear notice that parking or standing within the following locations is limited to ten minutes: Walston Street.

(1999 Code, Ch. 74, Sch. II) Penalty, see § 70.99



## **TITLE IX: GENERAL REGULATIONS**

### Chapter

- 90. ABANDONED AND JUNKED MOTOR VEHICLES**
- 91. ANIMALS**
- 92. FIRE PREVENTION**
- 93. NUISANCES**
- 94. STREETS AND SIDEWALKS**
- 95. MINIMUM HOUSING STANDARDS**
- 96. PARKS AND RECREATION**



## CHAPTER 90: ABANDONED AND JUNKED MOTOR VEHICLES

### Section

- 90.01 Statement of policy
- 90.02 Definitions
- 90.03 Administration
- 90.04 Abandoned vehicle unlawful; removal authorized
- 90.05 Nuisance vehicle unlawful; removal authorized
- 90.06 Junked motor vehicle regulated; removal authorized
- 90.07 Removal of vehicle; pre-towing notice requirements
- 90.08 Exceptions to prior notice requirement
- 90.09 Removal of vehicle; post-towing notice requirements
- 90.10 Right to hearing before sale or final disposition of vehicle
- 90.11 Redemption of vehicle during proceedings
- 90.12 Sale and disposition of unclaimed vehicle
- 90.13 Conditions on removal of vehicles from private property
- 90.14 Protection against liability
- 90.15 Unlawful removal of impounded vehicle
- 90.16 Exceptions
- 90.17 Fees and charges
- 90.18 Storage of unlicensed motor vehicles

### § 90.01 STATEMENT OF POLICY.

The Town Board has found it necessary and desirable to promote or enhance:

- (A) The quality of urban attractiveness and the aesthetic appearance of the town;
- (B) The protection of property values throughout the town;
- (C) The preservation of the livability and attractiveness of neighborhoods;
- (D) The promotion of tourism, conventions, and other opportunities for economic development for the town;

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(E) The attractiveness of the town's thoroughfares and commercial roads which present the primary, public visibility to visitors and to passers-by of the town; and

(F) The promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of junked motor vehicles.  
(Ord. passed 4-27-2015)

### § 90.02 DEFINITIONS.

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

***ABANDONED VEHICLE.*** As authorized and defined in G.S. § 160A-303, means one that:

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

***AUTHORIZING OFFICIAL.*** The public official), respectively, designated by the Town Manager to authorize the removal of vehicles under the provisions of this chapter.

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

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

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

***NUISANCE VEHICLE.*** A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats, or other pests;
  - (2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
  - (3) A point of collection of pools or ponds of water;
  - (4) A point of concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor;
  - (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, and the like;
  - (6) So situated or located that there is a danger of it falling or turning over;
  - (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;
  - (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
  - (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Board of Commissioners.
- (Ord. passed 4-27-2015)

**§ 90.03 ADMINISTRATION.**

(A) The Town Manager (or his or her designee) shall be responsible for the administration and enforcement of this chapter. The County Sheriff's Department (acting on behalf of the town) shall be responsible for administering the removal and disposition of vehicles determined to be abandoned on the public streets and highways within the town and on property owned by the town.

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

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

(Ord. passed 4-27-2015)

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

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

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

(Ord. passed 4-27-2015) Penalty, see § 10.99

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

(A) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(B) Upon investigation, the Town Code Enforcement Officer may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle and order the vehicle removed.

(Ord. passed 4-27-2015) Penalty, see § 10.99

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

(A) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(B) It shall be unlawful to have a junked motor vehicle on the premises of public or private property.

(C) Upon investigation, the Town Code Enforcement Officer may order the removal of a junked motor vehicle after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such findings shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following among other relevant factors may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;



(4) Preservation of the character and integrity of the community; and

(5) Promotion of the comfort, happiness, and emotional stability of area residents.

(Ord. passed 4-27-2015) Penalty, see § 10.99

**§ 90.07 REMOVAL OF VEHICLE; PRE-TOWING NOTICE REQUIREMENTS.**

(A) An abandoned, nuisance, or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the name and mailing address of the registered owner or person entitled to the possession of the vehicle or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first-class mail. The person who mails the notice shall retain a written record to show the name and address to which mailed and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the town on a specified date, no sooner than seven days after the notice is affixed. The notice shall state that the vehicle will be removed by the town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

(B) With respect to abandoned vehicles on private property, nuisance vehicles, and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle, or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the Town Board of Commissioners in writing, heard at the next regularly scheduled meeting of the Town Board of Commissioners, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(Ord. passed 4-27-2015)

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

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

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

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

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

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

(Ord. passed 4-27-2015)

**§ 90.09 REMOVAL OF VEHICLE; POST-TOWING NOTICE REQUIREMENTS.**

(A) Any abandoned, nuisance, or junked motor vehicle which has been ordered removed may, as directed by the town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the town. Whenever such a vehicle is removed, the town official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

(B) The town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in divisions (A)(1) through (A)(4) of this section, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his or her agent.

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

(D) Whenever an abandoned, nuisance, or junked motor vehicle is removed and such vehicle has no valid registration or registration plates, the authorizing town official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him or her of the information set forth in divisions (A)(1) through (A)(4) of this section.

(Ord. passed 4-27-2015)

**§ 90.10 RIGHT TO HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE.**

After the removal of an abandoned vehicle, nuisance vehicle, or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the chief district court judge to receive such hearing requests. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. § 20-219.11.

(Ord. passed 4-27-2015)

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

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying a towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this chapter.

(Ord. passed 4-27-2015)

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

Any abandoned, nuisance, or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the town or tow truck operator or towing business having

custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the town and in accordance with G.S. Chapter 44A, Article 1.

(Ord. passed 4-27-2015)

#### **§ 90.13 CONDITIONS ON REMOVAL OF VEHICLES FROM PRIVATE PROPERTY.**

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

(Ord. passed 4-27-2015)

#### **§ 90.14 PROTECTION AGAINST LIABILITY.**

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

(Ord. passed 4-27-2015)

#### **§ 90.15 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE.**

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

(Ord. passed 4-27-2015) Penalty, see § 10.99

#### **§ 90.16 EXCEPTIONS.**

Nothing in this chapter shall apply to any vehicle:

(A) Which is located in a bona fide automobile graveyard or junkyard as defined in G.S. § 136-143, in accordance with the Junkyard Control Act, G.S. §§ 136-141 et seq.;

(B) Which is in an enclosed building;

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

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

(Ord. passed 4-27-2015)

**§ 90.17 FEES AND CHARGES.**

The fees and charges for the removal and storage of abandoned or junked motor vehicles shall be determined from time to time by the Board and listed in the schedule of fees and charges maintained in the Clerk's office.

(Ord. passed 4-27-2015)

**§ 90.18 STORAGE OF UNLICENSED MOTOR VEHICLES.**

(A) No person may cause, suffer, or permit, on premises under the control of such person, the storage, outside a fully enclosed structure, of a motor vehicle that does not display current license plates and a current inspection sticker unless a permit has been issued for such vehicle under this section, provided that:

(1) The restrictions of this section shall not apply to any person until 45 days after the Administrator initially notifies the responsible person that a permit is required under this section; and

(2) This section shall not apply to persons lawfully engaged in a business necessitating such storage so long as such business has received all legally required state and local permits and licenses.

(B) An application or an initial permit under this section shall be made to the Administrator on a form prescribed by the town within 30 days after the Administrator notifies the responsible person that a permit is required under this section. Permits shall be valid for a period of six months from the date of issuance. The Administrator shall send to the permittee an application for a renewal permit at least 30 days prior to the expiration of the permit, and an application for a renewal permit must be submitted to the Administrator at least 15 days prior to expiration of the permit.

(C) Any person who submits a completed permit application pursuant to division (B) of this section shall be issued a permit under this section if:

(1) The applicant pays a semi-annual permit fee of \$50;

(2) (a) The applicant demonstrates to the reasonable satisfaction of the Administrator either that:

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1. The vehicle is operable; or

2. The vehicle is capable of being made operable and the applicant is in the process of repairing the vehicle such that it will be made operable within a period of not more than six months.

(b) When a vehicle has remained inoperable for a continuous period of six months or more after the issuance pursuant to this division (C) of a permit that was premised upon a finding of compliance with division (C)(2)(a)2. of this section, the Administrator shall regard this in subsequent applications as conclusive evidence of the applicant's inability to satisfy division (C)(2)(a)2. of this section; and

(3) The applicant demonstrates that he or she owns or leases the property on which the vehicle is stored or has the written permission of the owner or lessee of such property to store the vehicle at that location.

(D) If the Administrator denies an application for an initial or renewal permit on the basis that the applicant has failed to demonstrate that the vehicle is operable or can be made operable within a period of six months, the applicant may appeal this determination to the Board of Commissioners. The Board may find that a vehicle is capable of being made operable within a period of six months or more after the issuance of a previous permit under this section.

(E) For purposes of this section, the **ADMINISTRATOR** shall be the Town Manager or any person designated by the Town Manager to perform the functions and exercise the responsibilities assigned by this section to the Administrator.

(F) The provisions of this section shall not apply to a vehicle determined by the Administrator to be a junked motor vehicle or a nuisance motor vehicle.

(G) A violation of the provisions of this section shall subject the violator to a civil penalty. (Ord. passed 4-27-2015) Penalty, see § 10.99

## CHAPTER 91: ANIMALS

### Section

#### *General Provisions*

- 91.01 Definitions
- 91.02 Interference with Administrator prohibited
- 91.03 Impoundment provisions

#### *Care and Control of Animals*

- 91.15 Care required; abandonment prohibited
- 91.16 Cruelty to animals
- 91.17 Responsibility of person injuring animal
- 91.18 Running at large prohibited
- 91.19 Animals creating a nuisance
- 91.20 Keeping certain animals prohibited
- 91.21 Vicious animals
- 91.22 Location and maintenance of animal pens and enclosures
- 91.23 Destruction of rodents, squirrels, pigeons, and the like
- 91.24 Removal of feces deposited by dogs required

#### *Rabies Control*

- 91.35 Administrator to cooperate in vaccination programs
- 91.36 Quarantine of animals suspected of having rabies
- 91.37 Disposition of rabid animals

#### *Licensing*

- 91.50 License required
- 91.51 Issuance of license and tag
- 91.52 Duration of license; payment of tax

- 91.99 Penalty

#### ***Statutory reference:***

*Dogs, see G.S. Chapter 67*

*Municipal regulation of animals, see G.S. §§ 160A-182, 160A-186 et seq.*

*Protection of animals, see G.S. Chapter 19A*

**GENERAL PROVISIONS****§ 91.01 DEFINITIONS.**

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

**ADMINISTRATOR.** The person designated by the Town Manager to perform the functions assigned by this chapter to the Administrator.

**ANIMAL.** Any live, vertebrate creature.

**DOMESTIC ANIMAL.** An animal that typically is found in a domesticated or tame state and usually is kept as a pet. This definition includes but is not limited to dogs and cats.

**LIVESTOCK.** An animal that typically is kept principally for productive or useful purposes, rather than as a pet. The definition includes but is not limited to horses, cows, pigs, goats, sheep, mules, and chickens.

**RUNS AT LARGE.** An animal is off the premises of the owner and is not under the immediate and effective constraint of the owner or other competent person in charge of the animal.

**WILD ANIMAL.** An animal that typically is found in a nondomesticated state and that poses or reasonably appears to pose a potential danger to persons, other animals, or property.  
(1999 Code, § 91.01)

**§ 91.02 INTERFERENCE WITH ADMINISTRATOR PROHIBITED.**

(A) No person may obstruct, interfere with, hinder, or molest the Administrator in the lawful performance of any duty authorized by this chapter.

(B) No person may release or attempt to release any animal that is in the custody of the Administrator without permission from the Administrator.  
(1999 Code, § 91.02) Penalty, see § 91.99

**§ 91.03 IMPOUNDMENT PROVISIONS.**

(A) The Administrator may impound any animal that is:

- (1) Found running at large.



(2) In accordance with § 91.36, suspected of having rabies; or

(3) Found to be without proper care because of the incapacitation or absence of its owner.

(B) Whenever an animal is impounded or whenever an animal otherwise lawfully comes into the possession of the Administrator, that animal shall be taken to the county animal control shelter until released or destroyed in accordance with the provisions of this section.

(C) Whenever an animal is impounded or otherwise comes into the possession of the Administrator, the Administrator shall make reasonable efforts to identify the owner, notify him or her of the impoundment, and advise him or her of the conditions under which the animal may be reclaimed.

(D) An animal taken to the county animal control shelter shall be reclaimed by the owners or adopted by others or destroyed in accordance with the policies and procedures adopted by the county for the administration of the animal control shelter.

(1999 Code, § 91.03)

**Statutory reference:**

*Municipal animal shelters, see G.S. § 160A-493*

**CARE AND CONTROL OF ANIMALS**

**§ 91.15 CARE REQUIRED; ABANDONMENT PROHIBITED.**

(A) No owner may fail to provide his or her animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, and veterinary care when needed to prevent suffering.

(B) No owner of an animal may abandon such animal.

(1999 Code, § 91.15) Penalty, see § 91.99

**Statutory reference:**

*Abandonment of animals, see G.S. § 14-361.1*

**§ 91.16 CRUELTY TO ANIMALS.**

In accordance with G.S. § 14-360, no person shall willfully overdrive, overload, wound, injure, torture, cruelly beat, needlessly mutilate, or kill any animal or cause or procure the same.

(1999 Code, § 91.16) Penalty, see § 91.99

**Statutory reference:**

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

**§ 91.17 RESPONSIBILITY OF PERSON INJURING ANIMAL.**

(A) Any person who, as the operator of a motor vehicle or bicycle, strikes and injures a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report the incident to the animal's owner.

(B) If the owner cannot be ascertained or located with reasonable effort, the operator shall notify the Administrator by contacting the town.  
(1999 Code, § 91.17) Penalty, see § 91.99

**§ 91.18 RUNNING AT LARGE PROHIBITED.**

(A) No person owning or having possession, charge, custody, or control of any animal shall cause, permit, or allow the animal to stray or in any manner to run at large upon any public street, sidewalk, or other public property or to stray, run at large, or otherwise trespass upon the private property of another.

(B) As provided in G.S. § 67-2, no person owning or having any bitch may allow her to run at large while the bitch is in heat.

(C) As provided in G.S. § 67-12, no person may allow his or her dog over six months old to run at large at night unaccompanied by the owner or some person acting on his or her behalf.  
(1999 Code, § 91.18) Penalty, see § 91.99

**§ 91.19 ANIMALS CREATING A NUISANCE.**

No person may have or keep within the town any animal that:

(A) Habitually or repeatedly, without provocation, chases, snaps at, or attacks pedestrians, bicycles, or vehicles;

(B) Causes serious annoyance to neighboring residents and interferes with the reasonable use and enjoyment of their property by habitual barking, howling, or whining;

(C) Repeatedly turns over garbage pails, damages gardens, flowers, shrubs, or vegetables; or

(D) Habitually trespasses upon neighboring properties and carries off articles or objects not belonging to the animal's owner.  
(1999 Code, § 91.19) Penalty, see § 91.99

**§ 91.20 KEEPING CERTAIN ANIMALS PROHIBITED.**

No person may have or keep within the town any livestock or wild animals.  
(1999 Code, § 91.20) Penalty, see § 91.99

**§ 91.21 VICIOUS ANIMALS.**

As provided in G.S. § 130A-200, when an animal becomes vicious or a menace to the public health, the owner of such animal or person harboring such animal may not permit such animal to leave the premises on which kept unless on leash in the care of a responsible person.  
(1999 Code, § 91.21) Penalty, see § 91.99

**§ 91.22 LOCATION AND MAINTENANCE OF ANIMAL PENS AND ENCLOSURES.**

(A) Lots, pens, coops, and other enclosures where animals are kept or fed shall be located such distance from dwellings and places of concentrated human activity and at such distance from sources of water or food supply or food preparation as may be necessary to protect the public health.

(B) All such lots, pens, coops, and other enclosures shall be maintained at all times in a sufficiently clean and sanitary manner to protect adjacent properties from offensive odors.  
(1999 Code, § 91.22) Penalty, see § 91.99

**§ 91.23 DESTRUCTION OF RODENTS, SQUIRRELS, PIGEONS, AND THE LIKE.**

The use of firearms in the destruction of rodents, squirrels, pigeons, or similar animals or reptiles that are considered a menace to public health or property may be permitted by special permission of and after issuance of a special permit by the jurisdictional law enforcement agency.  
(Ord. passed 11-21-2014)

**§ 91.24 REMOVAL OF FECES DEPOSITED BY DOGS REQUIRED.**

(A) It shall be unlawful for any person walking or in control of any dog to allow or permit such animal to defecate upon any public property, including but not limited to parks, trails, streets, sidewalks, and school grounds, unless such person removes all feces and other animal waste so deposited by such animal before leaving the immediate premises.

(B) It shall be unlawful for any person walking or in control of any dog to allow or permit such animal to defecate upon any private property not owned by or in the possession of the person that owns such dog, unless such person removes all feces and other animal waste so deposited by such animal

before leaving the immediate premises; provided that this restriction shall not apply if the owner or other person in possession of such private property has in writing authorized the dog to be walked on such property without the removal of feces so deposited.

(C) This section shall not apply to dog being walked by persons with visual or other physical disabilities that substantially interfere with the ability of such persons to comply with its provisions.

(D) All feces removed in accordance with the provisions of this section shall be:

(1) Properly wrapped or packaged to contain odors and protect the public health, and deposited in a trash container where the person making the deposit is otherwise authorized to deposit trash; or

(2) Disposed of in another sanitary manner.

(Ord. passed 2-23-2015) Penalty, see § 91.99

### ***RABIES CONTROL***

#### **§ 91.35 ADMINISTRATOR TO COOPERATE IN VACCINATION PROGRAMS.**

The Administrator shall cooperate with and assist the county animal control officers in their efforts to see that all animals are vaccinated against rabies in accordance with the provisions of G.S.

§§ 130A-184 through 130A-200.

(1999 Code, § 91.35)

#### **§ 91.36 QUARANTINE OF ANIMALS SUSPECTED OF HAVING RABIES.**

(A) As provided in G.S. §§ 130A-196 and 130A-198, every dog or cat (except a vaccinated police dog) that has bitten any person or that shows symptoms of rabies shall be securely confined for a period of at least ten days.

(B) As provided in G.S. §§ 130A-196 and 130A-198, the owner of an animal that has bitten any person or that shows symptoms of rabies shall report the same immediately to the local health director. In addition any person bitten by an animal shall immediately report the incident to the local health director.

(C) As provided in G.S. §§ 130A-196 and 130A-198, animals quarantined in accordance with this section shall be confined in a place designated by the local health director.

(D) If rabies does not develop during the period of confinement, the animal may be released. If rabies does develop, the animal shall be disposed of as provided in § 91.37.  
(1999 Code, § 91.36)

**§ 91.37 DISPOSITION OF RABID ANIMALS.**

(A) As provided in G.S. § 130A-199, an animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its head sent to the state laboratory of public health. The heads of all dogs and cats that die during the ten-day confinement period required by G.S. § 130A-196 shall be immediately sent to the state laboratory of public health for rabies diagnosis.

(B) As provided in G.S. §§ 130A-197 and 130A-198:

(1) A dog or cat bitten by a proven rabid animal or animal suspected of having rabies that is not available for laboratory diagnosis shall be destroyed immediately by its owner, the county animal control officer, or a peace officer unless the dog or cat has been vaccinated against rabies in accordance with G.S. §§ 130A-184 et seq. and the rules of the state commission for health services more than three weeks prior to being bitten, and is given a booster dose of rabies vaccine within three days of the bite; and

(2) A person who owns or has possession of an animal which is suspected of having rabies shall immediately notify the local health director or county animal control officer and shall securely confine the animal in a place designated by the local health director. Dogs and cats shall be confined for a period of ten days. Other animals may be destroyed at the discretion of the state public health veterinarian.

(C) At the end of the confinement period under division (B)(2) of this section, the animal may be released from confinement if declared free from rabies by a licensed veterinarian or an animal control officer designated in accordance with G.S. § 130A-184(1).  
(1999 Code, § 91.37)

***LICENSING***

**§ 91.50 LICENSE REQUIRED.**

(A) Every person who keeps within the town any dog or cat over four months of age shall obtain from the town a license authorizing him or her to keep the animal.

(B) The Administrator shall issue the license required by this section upon the payment of a tax of \$1 for male dogs and cats and \$2 for female dogs and cats.  
(1999 Code, § 91.50) Penalty, see § 91.99

**§ 91.51 ISSUANCE OF LICENSE AND TAG.**

(A) The license issued pursuant to this subchapter shall contain the name, address, and telephone number of the owner and shall adequately describe the animal covered.

(B) The Administrator shall issue to each license recipient a tag for each animal covered under a license. The tag shall be of a size and construction that allow it to be easily fastened to an animal's collar or halter and shall indicate the year for which the tag is issued.  
(1999 Code, § 91.51)

**§ 91.52 DURATION OF LICENSE; PAYMENT OF TAX.**

(A) The license issued pursuant to this subchapter shall be obtained annually by January 31 of each year and shall be valid for the period running from January 1 to December 31 of the year in which obtained.

(B) After January 31 a late payment charge of 5% per month or any part thereof shall be added to the tax set forth in § 91.50. However, no civil penalty shall be assessed in accordance with § 91.99 if the license is obtained solely at the initiative of the owner and not as the result of the enforcement efforts of the Administrator.

(C) Persons moving to the town shall have 30 days in which to comply with this subchapter. The tax charged shall be prorated according to the number of months remaining in the calendar year.

(D) Persons acquiring animals after January 31 in any year or persons whose animals become four months old after January 31 in any year shall comply with this subchapter within the succeeding 30 days. The tax charged shall be prorated, according to the number of months remaining in the calendar year.  
(1999 Code, § 91.52)

**§ 91.99 PENALTY.**

(A) A violation of any of the provisions of this chapter shall constitute a misdemeanor punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both.

(B) A violation of any of the provisions of this chapter shall also subject the offender to a civil penalty of \$10. The penalty for a second violation of § 91.18(A) shall be \$15 and for a third violation and subsequent violations, the penalty shall be \$25. If the offender fails to pay this penalty within 15 calendar days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of a debt.

(C) 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 divisions (A) and (B) of this section, shall constitute a separate offense.

(D) This chapter may also be enforced by an appropriate equitable action, including injunctions or orders of abatement.

(E) The town may enforce this chapter by any one or any combination of the remedies set out in this section.

(1999 Code, § 91.99)





## CHAPTER 92: FIRE PREVENTION

### Section

- 92.01 Fire Chief defined
- 92.02 Fire limits
- 92.03 Interference with firefighters
- 92.04 False alarms; damaging equipment
- 92.05 Riding on Fire Department apparatus
- 92.06 Congregating at fires
- 92.07 Inspection of premises for fire hazards
- 92.08 Blocking or obstructing exits
- 92.09 Marking and lighting of exits
- 92.10 Maximum occupancy of rooms
- 92.11 Fire extinguishers required in nonresidential premises
- 92.12 Open burning

- 92.99 Penalty

### **Statutory reference:**

*Fire protection in municipalities, see G.S. §§ 160A-291 et seq.*  
*Setting fires unlawfully, see G.S. §§ 14-136 et seq.*

### **§ 92.01 FIRE CHIEF DEFINED.**

When used in this chapter, the term **FIRE CHIEF** refers to the Town Fire Chief, the chief of any fire department that the town has contracted with to provide fire service to the town, or to any other person designated by the Town Manager to perform the duties assigned to the Fire Chief by this chapter. (1999 Code, § 92.01)

### **Statutory reference:**

*Duties of the Fire Chief, see G.S. § 160A-292*

### **§ 92.02 FIRE LIMITS.**

(A) The primary fire limits shall be shown on the fire zone map as approved and modified from time to time by the Board of Commissioners. A copy of this map shall be maintained in the office of the Town Clerk.

(B) As provided in G.S. § 160A-436, within the primary fire zone no frame or wooden building or structure or addition thereto may be erected, altered, repaired, or moved (either into the limits or from one place to another within the limits) except in accordance with a building permit issued by the town and approved by the State Commissioner of Insurance.

(1999 Code, § 92.02) Penalty, see § 92.99

### **§ 92.03 INTERFERENCE WITH FIREFIGHTERS.**

As provided in G.S. § 58-82-1, no person may willfully interfere in any manner with firefighters engaged in the performance of their duties.

(1999 Code, § 92.03) Penalty, see § 92.99

### **§ 92.04 FALSE ALARMS; DAMAGING EQUIPMENT.**

As provided in G.S. § 14-286, no person may wantonly and willfully give a false alarm of fire or damage fire alarm, detection, or extinguishing equipment.

(1999 Code, § 92.04) Penalty, see § 92.99

***Statutory reference:***

*Blocking fire-fighting equipment, see G.S. § 20-157*

### **§ 92.05 RIDING ON FIRE DEPARTMENT APPARATUS.**

No person other than a member of the Fire Department may mount or ride upon any fire engine, wagon, or apparatus before it leaves the station or while on its way to or from a fire or at any other time, except by permission of the driver or officer in command.

(1999 Code, § 92.05) Penalty, see § 92.99

### **§ 92.06 CONGREGATING AT FIRES.**

It shall be unlawful for persons to congregate on the streets, sidewalks, or other areas adjacent to a fire so as to interfere with the operations of members of the Fire Department.

(1999 Code, § 92.06) Penalty, see § 92.99

### **§ 92.07 INSPECTION OF PREMISES FOR FIRE HAZARDS.**

(A) As provided in G.S. § 58-79-20, the Fire Chief may enter into all buildings and premises during reasonable hours to inspect for combustible materials or inflammable conditions dangerous to the safety of such building or premises.

(B) When any officer making an inspection in accordance with division (A) of this section discovers combustible materials or inflammable conditions, he or she shall order the occupant or person in charge of the premises to remove or remedy such materials or conditions. Unless the person to whom the order is directed appeals to the State Commissioner of Insurance within 24 hours, as provided in G.S. § 58-79-20, the order shall be complied with forthwith.  
(1999 Code, § 92.07)

**§ 92.08 BLOCKING OR OBSTRUCTING EXITS.**

(A) No person may block or obstruct (partially or totally) any fire escape, balcony, hallway, stairway, aisle, corridor, ramp, or other passageway or means of egress from any building, other than a single-family residence, during the hours such building is occupied.

(B) No person having control over any fire escape or other area listed in division (A) of this section may cause, suffer, or permit any such area to be blocked or obstructed (partially or totally) while the building to which these areas relate is occupied.

(C) No person may lock doors in means of egress against the path of exit travel when the building served by the means of egress is occupied.  
(1999 Code, § 92.08) Penalty, see § 92.99

**§ 92.09 MARKING AND LIGHTING OF EXITS.**

(A) In rooms accommodating or designed to accommodate more than 50 persons, doorways (other than those normally used for entrance or clearly visible from all points in the room) shall be marked by exit signs approved by the Fire Chief that are sufficiently illuminated to be readily visible when the room or space is occupied.

(B) Where the exit doorways are not visible from all locations in public corridors, directional signs approved by the Fire Chief, pursuant to uniform standards, shall be placed on walls or otherwise displayed in conspicuous locations to direct occupants to exit doorways.

(C) Fire escapes, stairways, hallways, and other means of egress shall be adequately lighted (not less than one footcandle on walking surfaces) at all times that the building served thereby is occupied.  
(1999 Code, § 92.09) Penalty, see § 92.99

**§ 92.10 MAXIMUM OCCUPANCY OF ROOMS.**

(A) All rooms accommodating or designed to accommodate 50 or more persons shall be posted with a legible sign, conspicuously located, stating the maximum number of persons permitted in that room.

(B) The owner or other person having control of the assembly of persons in any room where a sign is posted pursuant to division (A) of this section shall prevent occupancy of that room by more people than is authorized.

(C) The number of permitted occupants shall be determined by the Fire Chief, pursuant to uniform standards.

(1999 Code, § 92.10) Penalty, see § 92.99

### **§ 92.11 FIRE EXTINGUISHERS REQUIRED IN NONRESIDENTIAL PREMISES.**

The owner or other person in charge of all premises used for nonresidential purposes shall install sufficient portable fire extinguishers, of a kind and in locations prescribed by the Fire Chief, to afford reasonable protection to persons and property.

(1999 Code, § 92.11) Penalty, see § 92.99

### **§ 92.12 OPEN BURNING.**

(A) Except as provided in division (D) of this section, no person may burn or cause to be burned any material outside of a building without a permit issued by the Fire Chief.

(B) The Fire Chief shall issue the permit, authorizing the named applicant to burn specified materials at a designated location on a specified date, if he or she finds that the applicant will comply with the requirements of division (C) of this section and that no atmospheric conditions or other local circumstances exist that would make the requested burning hazardous.

(C) Burning shall be permitted only on property owned or occupied by the person doing the burning, or his or her agent, and only in accordance with the terms of the permit. Burning shall not be allowed within 50 feet of any structure, except as provided in division (D) of this section. No outside burning shall be allowed within the primary fire district. Outdoor fires shall be constantly attended, and the person in charge shall have a garden hose or other fire extinguishing equipment readily available for use.

(D) Outdoor burning of trash, leaves, grass, and the like on property owned or occupied by the person doing the burning is permissible without a permit if done within a container approved by the Fire Chief, so long as the container is located not less than 15 feet from any structure.

(E) Nothing in this section shall relieve any person of the requirements of any other provision of law governing outdoor burning or pollution from burning.

(1999 Code, § 92.12) Penalty, see § 92.99

**§ 92.99 PENALTY.**

(A) A violation of any of the following sections shall constitute a misdemeanor punishable by a fine of not more than \$25 or imprisonment for not more than 30 days, or both: §§ 92.05, 92.06, or 92.08 through 92.12.

(B) A violation of any of the sections listed in division (A) of this section shall also subject the offender to a civil penalty of \$25. If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(C) The town may seek to enforce this chapter through any appropriate equitable action.

(D) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(E) The town may seek to enforce this chapter by using any one or any combination of the remedies set out in this section.  
(1999 Code, § 92.99)



## CHAPTER 93: NUISANCES

### Section

- 93.01 Definitions
- 93.02 Summary abatement
- 93.03 Abatement in other cases; notice and the like
- 93.04 Abatement by owner
- 93.05 Appeal procedures; hearing
- 93.06 Abatement by town
- 93.07 Notice of assessment; appeal of charges
- 93.08 Personal liability of owner
- 93.09 Cost of abatement; low income and elderly persons
- 93.10 Overhead charge; civil penalties
- 93.11 Vegetation
- 93.12 Loud and disturbing noise
  
- 93.99 Penalty

### § 93.01 DEFINITIONS.

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

**ABATEMENT.** The removal, stoppage, prostration, or destruction of that which causes or constitutes a nuisance, whether by breaking or pulling it down, or otherwise destroying, or effacing it.

**OWNER.** The owner of record or any person with legal, financial, or equitable interest in the property on which the alleged public nuisance exists at the time of the violation.

**PROPERTY.** Any real property, premises, structure, or location on which a public nuisance is alleged to exist.

**PUBLIC NUISANCE.** Any fence, wall, shed, deck, house, garage, building, structure, or any part of any of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk subspace, dock, wharf, or landing dock; or any lot, land, yard, premises, or location which

in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb, or property, or cause any hurt, harm, inconvenience, discomfort, damage, or injury to any one or more individuals in the town, in any one or more of the following particulars:

- (1) By reason of being a menace, threat, and/or hazard to the general health and safety of the community;
- (2) By reason of being a fire hazard;
- (3) By reason of being unsafe for occupancy, or use on, in, upon, about, or around the aforesaid property; and/or
- (4) By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.

***SUMMARY ABATEMENT.*** Abatement of the nuisance by the town, or a contractor employed by the town, by removal, repair, or other acts without notice to the owner, agent, or occupant of the property except for the notice required by this chapter.  
(1999 Code, § 93.01)

#### **§ 93.02 SUMMARY ABATEMENT.**

(A) (1) Whenever a complaint is made to the Public Works Department of the existence of a public nuisance, as defined in § 93.01, the Public Works Department shall promptly cause to be inspected the property on which it is alleged that such public nuisance exists. Should the Public Works Department find that a public nuisance exists and that the public health, safety, or welfare may be in immediate danger, then summary abatement procedures shall be implemented and the Public Works Department may cause the nuisance to be removed or abated. The Public Works Department may notify the town if the public nuisance involves a building that appears structurally unsafe.

(2) The town, upon being notified by the Public Works Department, shall cause the building on which it is alleged such public nuisance exists to be inspected and submit a written report of such inspection and the findings to the Public Works Department.

(B) When summary abatement is authorized, notice to the owner, agent, or occupant of the property is not required. Following summary abatement, the Public Works Department shall cause to be posted on the property liable for the abatement a notice describing the action taken to abate the nuisance.  
(1999 Code, § 93.02)



**§ 93.03 ABATEMENT IN OTHER CASES; NOTICE AND THE LIKE.**

(A) If, after inspecting the property on which the nuisance is reported, the Public Works Department declares the existence of a public nuisance, but the nature thereof is not such as to require the summary abatement of such nuisance, then regular abatement procedures shall be followed. Photographs and reports of the findings and inspections shall be made and filed with the Public Works Department.

(B) The Public Works Department shall determine the individual, firm, or corporation who appears to be the titled owner of the aforesaid property and immediately cause a written notice to be served on such individual, firm, or corporation by personal service or by leaving a copy of the notice at the usual place of residence or business of such owner, or address of such owner, or by copy mailed to such owner at such place or address by United States certified mail return receipt. If service of such written notice is unable to be perfected by any of the methods described above, the Public Works Department shall cause a copy of the aforesaid notice to be published in a newspaper of general circulation in the town, once a week for two consecutive weeks, and shall further cause a copy of the aforesaid notice to be left with the individual, if any, in possession of such property on which it is alleged such public nuisance exists, or if there is no individual in possession thereof, the Public Works Department shall cause a copy of the notice to be posted at such structure, location, or premises. The Public Works Department shall also determine who the lienholder of the property, if any, is and cause a written notice to be served on such lienholder by United States mail return receipt.

(C) The aforesaid notice to the owner, and lienholder, if any, of the property shall state clearly and concisely the findings of the Public Works Department with respect to the existence of a public nuisance. The notice shall further state that unless the owner thereof shall cause the abatement of the public nuisance, pursuant to the orders contained in the Public Works Department's notice, the public nuisance shall be abated by the town at the expense of the owner.

(D) Any person who is the record owner of the premises, location, or structure at the time an order pursuant to this chapter is issued and served upon him or her, shall be responsible for complying with that order, and liable for any costs incurred by the town therewith, notwithstanding the fact that he or she conveys interests in the property to another after such order was issued and served.

(E) It shall not be a defense to the determination that a public nuisance exists that the property is boarded up or otherwise enclosed.

(1999 Code, § 93.03)

**§ 93.04 ABATEMENT BY OWNER.**

(A) Within 30 days after the posting and mailing of a notice to abate a nuisance, the owner, agent of the owner, or individual in possession of the affected property shall remove and abate such nuisance or show that no nuisance in fact exists. Such showing shall be made by filing a written statement that no nuisance exists. The statement shall be filed with the Public Works Department.

(B) The Public Works Department, upon written application by the owner within the 30-day period after the notice has been served, may grant additional time for the owner to effect the abatement of the public nuisance, provided that such extension is limited to a specific time period.  
(1999 Code, § 93.04)

### **§ 93.05 APPEAL PROCEDURES; HEARING.**

(A) The owner or occupant of the property who has been served with a notice pursuant to this chapter that a public nuisance exists and that it must be abated within 30 days, may, within seven calendar days after receipt of such notice, make a written demand to the Public Works Department for a hearing on the question of whether a public nuisance in fact exists. The hearing shall be held within seven calendar days following receipt by the Public Works Department of the written demand and at least two days' notice of the hearing shall be given to the individual who made the written demand for the hearing.

(B) The hearing shall be conducted by the Board of Commissioners. The Board may amend or modify the notice and/or order or extend the time for compliance with the Public Works Department's order by the owner by such date as the majority of the Board may determine.

(C) The owner, agent of the owner, occupant, and lienholder, if any, of the subject property shall be given the opportunity to present evidence to the Board in the course of the hearing.

(D) In those instances where the nuisance has been abated by the town, the Board shall have discretion to waive the cost of abating a nuisance, in whole or in part, if, in the course of the hearing reviewing the decision, the Board finds that any of the following did not conform to the provisions of this chapter:

- (1) The notice to remove the nuisance;
- (2) The work performed in abating the nuisance; or
- (3) The computation of charges.

(1999 Code, § 93.05)

### **§ 93.06 ABATEMENT BY TOWN.**

(A) Should any public nuisance not be abated at the expiration of time stated in the notice/order or within such additional time as the Public Works Department or Board of Commissioners may grant, the Public Works Department shall have the authority to enter upon the property and abate the public nuisance found thereon. In abating such nuisance, the Public Works Department may go to whatever extent may be necessary to complete the abatement of the public nuisance and should it be practicable

to salvage any material derived in the aforesaid abatement, the Public Works Department may sell the salvaged material at private or public sale at the best price obtainable and shall keep an accounting of the proceeds thereof.

(B) The proceeds, if any, obtained from the sale of any material salvaged as a result of an abatement of a public nuisance by the Public Works Department shall be deposited to the General Fund of the town and any deficit between the amount so received and the cost of the abatement may be levied as an assessment against the property in question by the Board of Commissioners and collected as any other assessment by the town; however, any other alternative collection method may be utilized by the town to recoup the deficit. Should the proceeds of the sale of such salvaged material exceed the cost of abatement, the surplus, if any, shall be paid to the owner of the property from which the public nuisance was abated when a proper claim to the excess is established.

(C) In abating a public nuisance, the Public Works Department may call upon any of the town departments or divisions for whatever assistance shall be deemed necessary or may by private contract cause the abatement of the public nuisance.

(D) The Public Works Department shall, after completing the removal and abatement, file a statement of costs with the Town Auditor.  
(1999 Code, § 93.06)

### **§ 93.07 NOTICE OF ASSESSMENT; APPEAL OF CHARGES.**

(A) Upon receipt of the statement of costs from the Public Works Department, the Auditor shall mail to the owner of the property upon which the public nuisance has been abated notice of the amounts set forth in the statement plus an additional amount sufficient to defray the costs of the notice and stating that the town proposes to assess against the property the amount set forth in the notice and that objections to the proposed assessment must be made in writing and received by the Auditor within 20 days from the date of mailing such notice. Upon the expiration of the 20-day period, if no objections have been received by the Auditor, the Auditor shall enter that amount in the town liens docket which shall therefore constitute a lien against the property.

(B) If objections of either the property owner or his or her representative are received by the Auditor prior to the expiration of the 20-day period, the Auditor shall refer the matter to the Public Works Department for administrative review.

(C) Upon conclusion of administrative review, the Public Works Department shall make a written determination that the amount of the charges shall be canceled, reduced, or remain the same. A copy of this determination shall be furnished to the person making the objections together with a notice of such person's right to appeal to the Board of Commissioners.

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(D) If no appeal of a determination by the Public Works Department is filed within the time period allowed, a copy of the determination will be furnished to the Auditor who shall then enter a lien in the amount determined by the Public Works Department in the town liens docket as provided in division (A) of this section.

(E) If a timely appeal is received by the Board of Commissioners, a hearing shall be scheduled and held on the matter.

(1) If, after the hearing, the Board determines that the proposed assessment does not comply with division (G) herein, the Board shall so certify to the Auditor and the proposed assessment shall be canceled.

(2) If, after the hearing, it is determined that the proposed assessment or any part of it is proper and authorized, the Board shall so certify to the Auditor who shall enter a lien in such amount as determined appropriate by the Board, in the lien docket as provided in division (A) of this section.

(F) The determination of the Board is a final administrative decision.

(G) (1) The Public Works Department, in administrative review, or the Board, on appeal, may reduce or cancel a proposed assessment if it is determined that:

(a) Any of the following did not conform to the provisions of this chapter:

1. The notice to remove the nuisance;
2. The work performed in abating the nuisance; or
3. The computation of charges.

(b) The owner of the property was eligible for a waiver of costs under § 93.09.

(2) The Public Works Department, in administrative review, or the Board, on appeal, may reduce a proposed assessment by eliminating the civil penalty portion of the invoice if it is determined that:

(a) The current owner was not in possession of the property at the time the notice required in § 93.03 was posted; or

(b) The owner did not receive the notice to remove the nuisance, did not have knowledge of the nuisance and could not, with the exercise of reasonable diligence, have had such knowledge.

(H) If, after a lien has been entered in the docket of town liens, there is a written request of an owner who alleges that the owner did not receive notice of the proposed assessment, the Auditor shall refer the matter for review pursuant to division (B) of this section.

(I) The lien may be canceled or reduced by the Public Works Department, in administrative review, or the Board, on appeal, if it is determined that the owner did not receive notice of the proposed assessment, did not previously have knowledge of the lien or of the nuisance abatement work constituting the basis of the lien, could not, in the exercise of reasonable care or diligence, have had such knowledge, and in addition, that the circumstances are such that a reduction or cancellation of the charges would have been appropriate had the matter been reviewed pursuant to this section prior to assessment. Upon receipt of a certification from the Board, pursuant to division (E) of this section, the Auditor shall cancel or reduce the lien if required by the determination of the Public Works Department and/or Board. (1999 Code, § 93.07)

### **§ 93.08 PERSONAL LIABILITY OF OWNER.**

The person who is the owner of the property at the time at which the notice required under § 93.03 of this chapter is posted shall be personally liable for the amount of the assessment including all interest, civil penalties, and other charges.

(1999 Code, § 93.08)

### **§ 93.09 COST OF ABATEMENT; LOW INCOME AND ELDERLY PERSONS.**

(A) Notwithstanding the other provisions of this chapter, the cost of abating a nuisance shall be waived for low income and elderly persons, if upon application it appears to the Public Works Department that the conditions set forth in division (B) of this section are met.

(B) To be eligible for waiver of nuisance abatement costs a person must:

- (1) Be classified as “low income,” as defined by the Public Works Department; or
- (2) Be more than 65 years of age and:

(a) A person living alone, whose total income for the preceding calendar year did not exceed one and one-half times the maximum amount a Social Security recipient at age 65 may have earned in that year without having any benefits withheld; or

(b) The head of a household which household received a total income for the preceding calendar year that did not exceed two and one-quarter times the maximum amount a Social Security recipient at age 65 may have earned in that year without having any benefits withheld.

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(C) Additionally, all persons wishing to qualify for waiver of nuisance abatement costs must:

- (1) Furnish proof of the age and/or income requirements as set forth above in the manner and form designated by the Public Works Department;
- (2) Own, or be in the process of purchasing, the property from which the nuisance is abated;  
and
- (3) Be living on the property from which the nuisance is abated.

(D) The removal of the nuisance in question must have been required by the Public Works Department and the person requesting the waiver of costs must have been officially notified by the Public Works Department to remove the nuisance.

(E) Applications for waiver of nuisance abatement costs shall be filed with the Public Works Department, on forms supplied by the town, within ten days after receipt of a notice to remove a nuisance or a work order notice unless the Public Works Department extends the time for good cause shown. All information required to be given on such form shall be supplied and verified by the applicant.

(F) The maximum amount that may be waived under this section for any one parcel of real property or any one person shall be \$500 per calendar year.

(G) No overhead charge or civil penalty shall be imposed for any real property for which a waiver, pursuant to this section, shall have been approved.  
(1999 Code, § 93.09)

**§ 93.10 OVERHEAD CHARGE; CIVIL PENALTIES.**

(A) Whenever a nuisance is abated by the town, the Public Works Department shall keep an accurate account of all expenses incurred, including an overhead charge of 25% for administration and a civil penalty of \$200 for each nuisance abated.

(B) When the town has abated a nuisance maintained by any owner of real property, for each subsequent nuisance that is abated by the town within two consecutive calendar years concerning real property, owned by the same person, an additional civil penalty of 50%, minimum of \$50, of the cost of abatement shall be added to the costs, charges, and civil penalties provided for in division (A). The civil penalty shall be imposed without regard to whether the nuisances abated by the town involve the same real property or are of the same character.  
(1999 Code, § 93.10)

**§ 93.11 VEGETATION.***(A) General provisions.*

(1) It shall be unlawful for any owner, lessee, or occupant or any agent, servant, representative, or employee of any such owner, lessee, or occupant having control of any lot or land or any part thereof in the town to permit or maintain on any such lot or land or on or along the sidewalk, street, or alley adjacent to the lot or land between the property line and the curb or middle of the alley or for ten feet outside the property line, if there is no curb, any growth of weeds, grass, or other rank vegetation to a greater height than eight inches, on the average, or any accumulation of dead weeds, grass, or brush.

(2) It shall be unlawful for any such person to cause, suffer, or allow poison ivy, ragweed, or other poisonous plants or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed, or other poisonous or harmful weed shall extend upon, cover, overhang, or border any public place or to allow seed, pollen, or other poisonous particles or emanations therefrom to be carried through the air into any public place.

*(B) Duty of owner or occupant of property.* It shall be the duty of any owner, lessee, or occupant of any lot or land to cut and remove or cause to be cut and removed all weeds, grass, or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this section.

*(C) Notice upon failure of owner to abate.* If the provisions of this section are not complied with, a person designated by the Town Manager shall serve written notice upon the owner, lessee, or occupant or any person having care and control of any such lot or land to comply therewith.

*(D) Abatement by town.* If the person upon whom the notice provided for in this section is served fails, neglects, or refuses to cut and remove or to cause to be cut and removed such weeds, grass, or other vegetation within ten days after receipt of such notice or if no person can be found in the town who either is or claims to be the owner of such lot or land or who either represents or claims to represent such owner, the person designated by the Town Manager may cause such weeds, grass, or other vegetation to be cut and removed.

*(E) Recovery of town's cost of abatement.* The actual cost of the cutting and removing of weeds, grass, or other vegetation by the town, plus \$50 for inspection and other additional costs in connection therewith, shall be certified by the person designated by the Town Manager to the County Tax Collector and shall thereupon become and be a lien upon the property upon which such weeds, grass, and other vegetation were located and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes as provided for in G.S. §§ 105-374 and 105-375. Interest shall accrue at 0.5% per month or fraction thereof from the date of completion of

the work if the bill is not paid within 30 days after completion. A lien shall attach as of the date of completion of the work and shall be settled or paid before any unpaid taxes or taxes of subsequent levies. (Ord. passed 8-25-2014) Penalty, see § 93.99

### § 93.12 LOUD AND DISTURBING NOISE.

(A) *Prohibition.* Subject to the provisions of this section, the creation of any unreasonably loud and disturbing noise in the town is prohibited. Noise of such character, intensity, and duration as to be detrimental to the health, safety, or welfare of any individual is prohibited.

(B) *Prohibited acts.* The following acts, among others, are declared to be loud and disturbing noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

(1) The use of any loud, boisterous, or raucous language or shouting so as to annoy or disturb the quiet, comfort, or repose of any reasonable person of ordinary sensibilities in the vicinity;

(2) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unreasonable period of time;

(3) The playing of any radio, phonograph, musical instrument, or sound production or amplifying equipment in such manner or with such volume, particularly during hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of any reasonable person of ordinary sensibilities in any dwelling, hotel, or other type of residence in the vicinity;

(4) The keeping of any animal which, by causing frequent or long continued noise, shall disturb the comfort and repose of any reasonable person of ordinary sensibilities in the vicinity; and

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

(C) *Noise limit.* No person shall cause, allow, or permit the operating or playing of any radio, tape player, or similar device that reproduces or amplifies sound in such a manner as to create noise at 100 feet from the device or vehicle containing that device when the device or vehicle is being operated in or on a public right-of-way or public space.

(D) *Exception.* This section shall not apply to town-sponsored or sanctioned events. (Ord. passed - -) Penalty, see § 93.99

***Statutory reference:***

*Authority to regulate, restrict, or prohibit noise, see G.S. § 153A-133*



**§ 93.99 PENALTY.**

(A) *General.* A violation of this chapter for which no other penalty is provided shall be subject to penalties as provided in § 10.99.

(B) *Noise.* A violation of § 93.12, or any part thereof, shall constitute a misdemeanor and shall subject the offender to a fine of not more than \$500 or imprisonment for not more than 30 days.

(Ord. passed - -)



## CHAPTER 94: STREETS AND SIDEWALKS

### Section

#### *General Provisions*

- 94.01 Administrator defined
- 94.02 Damaging street surfaces, street signs, other facilities
- 94.03 House and building numbers

#### *Obstructions*

- 94.15 Obstructions prohibited
- 94.16 Overhanging or protruding trees, shrubs, fences, and the like
- 94.17 Drainage-related interference with sidewalks
- 94.18 Barricades and warning devices

#### *Driveways and Excavations*

- 94.30 Driveways
- 94.31 Excavations
- 94.32 Indemnification of town

#### *Street Event Permits*

- 94.45 Application of subchapter
- 94.46 Permit required
- 94.47 Application
- 94.48 Staff review
- 94.49 Insurance
- 94.50 Permit fee
- 94.51 Standards for issuance
- 94.52 Street closings
- 94.53 Event sponsor responsible for cleanup

- 94.99 Penalty

#### ***Charter-reference:***

*Street improvements and assessments, see Charter, Article V*

***GENERAL PROVISIONS*****§ 94.01 ADMINISTRATOR DEFINED.**

As used in this chapter, the term **ADMINISTRATOR** refers to the Public Works Director or any other person designated by the Town Manager to perform the responsibilities assigned to the Administrator by this chapter.

(1999 Code, § 94.01)

**§ 94.02 DAMAGING STREET SURFACES, STREET SIGNS, OTHER FACILITIES.**

(A) No person may intentionally mutilate, deface, remove, damage, or in any manner interfere with any of the street name signs, traffic-control signs and devices, and other signs erected by any public body.

(B) No person may drag, run, or cause to be dragged or run upon any public street any harrow or other implement, machine, or tool likely to injure or cut the surface of such street.

(C) No person may intentionally damage, injure, obstruct, or otherwise interfere with any street, sidewalk, bridge, culvert, ditch, or drain owned or maintained by the town.

(1999 Code, § 94.02) Penalty, see § 94.99

**§ 94.03 HOUSE AND BUILDING NUMBERS.**

The owner of every house and every principal building shall display or cause to be displayed on the front thereof, or on the grounds in a position easily observed from the street, the number assigned to his or her house or building by the Administrator. No person may display or cause to be displayed on any house or building any number other than the number assigned by the Administrator. No person may remove, obliterate, or destroy any number displayed in accordance with division (A) of this section.

(1999 Code, § 94.03) Penalty, see § 94.99

***OBSTRUCTIONS*****§ 94.15 OBSTRUCTIONS PROHIBITED.**

(A) Except as otherwise authorized by statute or ordinance including §§ 94.30 and 94.31 and except to the extent required by the performance of some function authorized or mandated by a statute or

ordinance, no person may obstruct or impede travel in the public streets or sidewalks within the town by placing or leaving any object within the traveled portion of the public right-of-way.

(B) The prohibition of division (A) of this section applies but is not limited to goods, wares, or merchandise displayed for sale.

(C) Division (A) of this section shall not apply to temporary obstructions caused by persons engaged in construction work on abutting property when proper warning devices are maintained in accordance with § 94.18.

(1999 Code, § 94.15) Penalty, see § 94.99

**Statutory reference:**

*Keeping streets, sidewalks, and the like free from unnecessary obstructions, see G.S. § 160A-296(a)(2)*

**§ 94.16 OVERHANGING OR PROTRUDING TREES, SHRUBS, FENCES, AND THE LIKE.**

(A) No person may cause or allow (from property under his or her control) any tree limb, bush, shrub, or other growth or any trellis, fence, or other obstruction to overhang a public street at a distance of less than 12 feet above the traveled portion of such street or a public sidewalk at a distance of less than seven feet above such sidewalk.

(B) No person may cause or allow grass, vines, weeds, or other vegetation to grow from property under his or her control over, onto, or across any public street or sidewalk.

(C) Any violation of division (A) or (B) of this section is declared to be a public nuisance, and if not corrected by the responsible person within three days after the person is notified of the violation by the Administrator, the town may summarily abate such nuisance as provided in § 93.02.

(1999 Code, § 94.16) Penalty, see § 94.99

**§ 94.17 DRAINAGE-RELATED INTERFERENCE WITH SIDEWALKS.**

(A) No person may cause or permit gutters, ditches, ducts, or drain pipes to be constructed or placed on property under his or her control in such a manner that the water from such gutters, ditches, ducts, or drain pipes empties onto or runs across a public sidewalk.

(B) All owners of property abutting concrete, brick, or other permanently improved public sidewalks shall grade such property or construct a retaining wall in such a manner as to prevent the washing of dirt, grass, gravel, or other material upon the town sidewalks.

(1999 Code, § 94.17) Penalty, see § 94.99

**§ 94.18 BARRICADES AND WARNING DEVICES.**

All persons engaged in doing work that creates any dangerous condition or obstruction in the public right-of-way of any street or sidewalk shall take whatever action is necessary, including the placement of barricades and warning signs or devices, to warn the traveling public of the condition or obstruction. No person may remove, destroy, injure, or tamper with any barricade, sign, lantern, torch, or other device placed in any street or sidewalk to warn or give notice to the traveling public of any dangerous condition or obstruction.

(1999 Code, § 94.18) Penalty, see § 94.99

***DRIVEWAYS AND EXCAVATIONS*****§ 94.30 DRIVEWAYS.**

(A) Except as otherwise provided in this section, no person may open, construct, alter, or relocate any driveway across any public sidewalk or into any street, or cut any curb for such purpose, without having obtained a written permit from the Administrator.

(B) Any person who receives a permit under this section shall be responsible for repairing any damage to the sidewalk or street (including curb and gutter) caused by the driveway construction.

(C) The Administrator shall review the driveway construction and design plans and shall issue the permit unless he or she finds the driveway, if constructed as proposed, will substantially interfere with or pose a danger to persons using the street or sidewalk intersected by the driveway, or to public facilities (including utility poles, traffic signal standards, and the like), or will fail to comply with any of the provisions of this section.

(D) No driveway may be constructed closer than three feet to a fire hydrant or catch basin or closer than 30 feet to the right-of-way line of a street that intersects with the street the driveway opens onto.

(E) If the driveway crosses a drainage ditch on a lot that abuts a street without curb or gutter, then piping of sufficient size and strength (as approved by the Administrator) shall be installed beneath the driveway surface so that the drainage capability of the drainage ditch is not materially impaired.

(F) This section shall not apply to driveways that open into state-maintained streets to the extent that the state has approved the driveway, nor shall a person be required to obtain a permit under this section to the extent that the driveway is being constructed in accordance with plans approved pursuant to a review process authorized by a zoning or subdivision ordinance.

(1999 Code, § 94.30) Penalty, see § 94.99

***Statutory reference:***

*Excavations, placing pipes, and the like, see G.S. § 160A-296*

**§ 94.31 EXCAVATIONS.**

(A) Except as otherwise provided in this section, no person may dig in or excavate any street or sidewalk within the town without having obtained a written permit from the Administrator.

(B) Any person who receives a permit in accordance with this section shall be responsible for putting the street or sidewalk where any excavation is made in as good a condition as it was prior to the excavation.

(C) Before granting a permit pursuant to this section, the Administrator shall determine that the applicant has made arrangements to comply with division (B) of this section, and if the town is to do the necessary repair work, the permit shall not be issued until the applicant makes a deposit equal to the estimated costs of repair.

(D) This section shall not apply to any utility to the extent that the same subject matter is covered in a franchise ordinance applicable to that utility, nor shall this section apply to any excavation made in a state-maintained street to the extent that the state has given its permission for such an excavation to be made, except that the person making the excavation shall still be responsible for notifying the Administrator of the intended excavation 48 hours before the work begins.

(1999 Code, § 94.31) Penalty, see § 94.99

**§ 94.32 INDEMNIFICATION OF TOWN.**

Any person obtaining a permit authorized by §§ 94.30 and 94.31 agrees as a condition of the permit to indemnify the town for and hold the town harmless from any expense including but not limited to attorneys' fees, litigation costs, and judgments incurred as a result of claims made for damages arising out of operations conducted by the permit recipient pursuant to the permit.

(1999 Code, § 94.32) Penalty, see § 94.99

***STREET EVENT PERMITS***

**§ 94.45 APPLICATION OF SUBCHAPTER.**

This subchapter applies to all street fairs, festivals, carnivals, parades, marches, rallies, demonstrations, and other activities or public events that require the temporary closing or obstruction of all or a portion of any street or other public right-of-way or that substantially hinder or prevent the normal flow of vehicular or pedestrian traffic along any street or other public right-of-way. Any such activity covered by this subchapter shall be referred to herein as "the event." The requirements of this subchapter shall not apply to town-sponsored events.

(Ord. passed - -)

**§ 94.46 PERMIT REQUIRED.**

No person may run, operate, or sponsor any event in any public street or right-of-way without a permit obtained from the Board of Commissioners in accordance with this subchapter.

(Ord. passed - -) Penalty, see § 94.99

***Cross-reference:***

*Permit fee, see § 94.50*

**§ 94.47 APPLICATION.**

Application for the permit authorized by this subchapter shall be submitted in writing to the Administrator at least 45 days prior to the start of the planned event and shall contain the following information:

(A) Name, address, and telephone number of the person, organization, or entity seeking to conduct or sponsor the event;

(B) Name, address, and telephone number of the individual in charge of the event;

(C) The proposed date and time period when the event will be conducted;

(D) A sketch map showing:

(1) The area where the event is to take place;

(2) Any streets to be closed or obstructed;

(3) Any barriers or traffic-control devices to be erected;

(4) The location of any concession stand, booth, or other temporary structures or facilities; and

(5) The location of proposed fences, stands, platforms, benches, or bleachers.

(E) The approximate number of people expected to attend the event;

(F) Sufficient proof of liability insurance in accordance with § 94.49;

(G) A description of the security and traffic control plan;

(H) A petition signed by all residents of the section of street to be closed whereby all residents agree to the street closing; and



(I) Any other information determined by the Administrator to be necessary to ensure compliance with this subchapter.

(Ord. passed - -)

**§ 94.48 STAFF REVIEW.**

Upon receipt of the permit application under this subchapter, the Administrator shall circulate it to the Sheriff's Department, the Fire Chief, the Public Works Director, and other appropriate persons for their comment. The Administrator may arrange to have a conference on the application with the applicant and one or more department heads.

(Ord. passed - -)

**§ 94.49 INSURANCE.**

Before a special event permit is issued under the provisions of this chapter, the entity that will actually conduct the activity for which the permit is sought shall give evidence of liability insurance of not less than \$1,000,000 and further evidence that this liability insurance shall also afford coverage to the sponsoring entity for the specified event.

(Ord. passed - -)

**§ 94.50 PERMIT FEE.**

The permit fee is \$50.

(Ord. passed - -)

**§ 94.51 STANDARDS FOR ISSUANCE.**

(A) The Board of Commissioners shall issue the permit authorizing the event unless it finds that:

(1) The event will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the town;

(2) The applicant has failed to obtain any necessary permits or licenses, including any required building permit or privilege, or the applicant is otherwise in violation of any town ordinance;

(3) The event will work a severe hardship on persons occupying property adjacent to the site, location, or route of the event as a result of the denial of access to property or for other substantial reasons;

(4) The event, if held at the time or at the location or along the route proposed, will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic; or

(5) The applicant has failed to comply with any of the provisions of this subchapter, including the payment of any fees required.

(B) If a permit is issued in accordance with division (A) of this section, the Board may attach to it any reasonable conditions.

(C) If the Board finds that it cannot issue the permit for reasons specified in division (A) of this section, it may request the applicant to modify its application to remove any objections to the issuance of the permit.

(D) Any event conducted pursuant to a permit issued under this section shall be conducted strictly in accordance with the terms of the permit, including any conditions attached hereto.  
(Ord. passed - -) Penalty, see § 94.99

#### **§ 94.52 STREET CLOSINGS.**

(A) If the Board of Commissioners finds that the permit should be issued under this subchapter and that, to conduct the event, it is necessary to close a street or to reroute traffic, it may pass a resolution authorizing this to be done. No such resolution shall be passed affecting streets that are part of the state street system without the approval of the State Department of Transportation.

(B) The resolution shall identify the street or portion thereof to be affected and shall indicate the date and time when the street or portion thereof is to be closed or traffic thereon is to be limited in some way. The resolution shall also require that the applicant have appropriate traffic-control devices installed to give notice of the temporary traffic controls.

(C) No person may operate any vehicle contrary to the traffic-control devices installed in accordance with division (B) of this section.  
(Ord. passed - -) Penalty, see § 94.99

#### **§ 94.53 EVENT SPONSOR RESPONSIBLE FOR CLEANUP.**

The sponsor of the event shall be responsible for cleaning up any litter caused by the event, for removing all temporary obstructions, and in general returning the area where the event takes place to the condition that existed prior to the event. The Board of Commissioners may require the sponsor to post a bond or other sufficient security to guarantee compliance with this section.  
(Ord. passed - -) Penalty, see § 94.99

**§ 94.99 PENALTY.**

(A) A violation of any of the following sections shall constitute a misdemeanor punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both: §§ 94.02, 94.03, 94.15 through 94.18, 94.30 through 94.32, 94.46, 94.51(D), 94.52(C), and 94.53.

(B) A violation of any of the sections listed in this subchapter shall also subject the offender to a civil penalty of \$25. If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(C) The town may seek to enforce this chapter through any appropriate equitable action.

(D) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(E) The town may seek to enforce this chapter by using any one or any combination of the remedies set out in this section.

(1999 Code, § 94.99) (Ord. passed - -)



## CHAPTER 95: MINIMUM HOUSING STANDARDS

### Section

#### *General Provisions*

- 95.01 Findings; purpose; authority
- 95.02 Definitions
- 95.03 Rules of construction
- 95.04 Applicability
- 95.05 Conflict with other provisions

#### *Minimum Standards*

- 95.15 Compliance
- 95.16 Responsibilities of owners and occupants
- 95.17 Structural conditions
- 95.18 Basic equipment and facilities
- 95.19 Ventilation
- 95.20 Space, use, and location
- 95.21 Safe and sanitary maintenance
- 95.22 Control of insects, rodents, and infestations
- 95.23 Standards applicable to rooming houses; exceptions
- 95.24 Applicability to abandoned structures

#### *Enforcement*

- 95.35 Powers and duties of the Code Enforcement Officer
- 95.36 Inspections; right of entry for making repairs or alterations
- 95.37 Procedure for enforcement
- 95.38 Methods of serving complaints and orders
- 95.39 Costs a lien on premises
- 95.40 Alternative remedies
- 95.41 Planning Board to hear appeals
- 95.42 Violations

- 95.99 Penalty

#### ***Statutory reference:***

*Minimum housing standards, see G.S. §§ 160A-441 et seq.*

**GENERAL PROVISIONS****§ 95.01 FINDINGS; PURPOSE; AUTHORITY.**

(A) Pursuant to G.S. § 160D-1201, it is hereby found and declared that there exist in the town dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents, and other calamities; lack of ventilation, light, and sanitary facilities; and other conditions, and there exist abandoned structures which constitute health and safety hazards due to the attraction of insects, conditions creating fire hazards, dangerous conditions constituting a threat to children, and frequent use by vagrants, such that these dwellings and abandoned structures are detrimental to the health, safety, and morals and otherwise inimical to the welfare of the residents of the town.

(B) In order to protect the health, safety, and welfare of the residents of the town as authorized by G.S. § 160D it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, and for all abandoned structures, as expressly authorized by G.S. § 160D-1201.

(Ord. passed - -)

**Statutory reference:**

*Authority to adopt and enforce ordinances relating to dwellings that are unfit for human habitation, see G.S. § 160D-1201.*

**§ 95.02 DEFINITIONS.**

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

**BASEMENT.** A portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy.

**CELLAR.** A portion of a building located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

**CODE ENFORCEMENT OFFICER.** Any agent of the Code Enforcement Officer who is authorized by the Town Manager or his or her designee.

**DETERIORATED.** A dwelling is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this chapter, at a cost not in excess of 50% of its value, as determined by the finding of the inspector.

**DILAPIDATED.** A dwelling is unfit for human habitation and cannot be repaired, altered, or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of 50% of its value, as determined by the finding of the inspector.

**DWELLING.** *A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.*

**DWELLING UNIT.** *A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.*

**EXTERMINATION.** The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the inspector.

**GARBAGE.** The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

**HABITABLE ROOM.** A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets, and storage spaces.

**INFESTATION.** The presence, within or around a dwelling, of any insects, rodents, or other pests in such number as to constitute a menace to the health, safety, or welfare of the occupants or to the public.

**MULTIPLE DWELLING.** Any dwelling containing more than two dwelling units.

**OCCUPANT.** Any person over one year of age living, sleeping, cooking, or eating in or having actual possession of a dwelling unit or rooming unit.

**OPERATOR.** Any person who has charge, care, or control of a building or part thereof in which dwelling units or rooming units are let.

**OWNER.** Any person who alone or jointly or severally with others:

- (1) Shall have title to any dwelling unit, with or without accompanying actual possession thereof;
- (2) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner or as executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner; or
- (3) Is a mortgagee of record with respect to the property where such dwelling is located.

***PARTIES IN INTEREST.*** All individuals, associations, and corporations who have interests of record in a dwelling and any who are in possession thereof.

***PLUMBING.*** Includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinder), waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

***PUBLIC AUTHORITY.*** The Redevelopment Commission or any officer who is in charge of any department or branch of the government of the town or of the county or the state relating to health, fire, building regulations, or other activities concerning dwellings in the town.

***ROOMING UNIT.*** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

***ROOMING HOUSE.*** Any dwelling or that part of any dwelling containing one or more rooming units in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.

***RUBBISH.*** Combustible and noncombustible waste materials, except garbage and ashes, and the word includes paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

***SLEEPING UNIT.*** *A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.*

***SUPPLIED.*** Paid for, furnished or provided by, or under the control of the owner or operator.

***TEMPORARY HOUSING.*** Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

***UNFIT FOR HUMAN HABITATION.*** Conditions exist in a dwelling which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

(Ord. passed - -)

### § 95.03 RULES OF CONSTRUCTION.

Whenever the words ***DWELLING***, ***DWELLING UNIT***, ***ROOMING HOUSE***, ***ROOMING UNIT***, and ***PREMISES*** are used in this chapter, they shall be construed as though they were followed by the words “or any part thereof.”

(Ord. passed - -)



**§ 95.04 APPLICABILITY.**

This chapter shall be in full force and effect within the town and within the extraterritorial jurisdiction of the town as adopted and defined by the town pursuant to G.S. § 160A-360.

(Ord. passed - -)

**§ 95.05 CONFLICT WITH OTHER PROVISIONS.**

If any provision, standard, or requirement of this chapter is found to be in conflict with any provision of any other ordinance or code of the town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the town shall prevail.

(Ord. passed - -)

***MINIMUM STANDARDS***

**§ 95.15 COMPLIANCE.**

(A) Every dwelling and dwelling unit used as a human habitation or held out for use as a human habitation shall comply with all of the minimum standards of fitness for human habitation. No person shall occupy as owner-occupant or let to another for occupancy or use as a human habitation any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation.

(B) The Clerk shall not provide nor permit another to provide either public or private utility services such as water, gas, electricity, sewer, and the like, to any dwelling unit found to be substandard under this chapter which becomes vacant until such dwelling unit has been inspected and brought into compliance with this chapter and the applicable building codes.

(Ord. passed - -) Penalty, see § 95.99

**§ 95.16 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.**

(A) *Public areas.* Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(B) *Cleanliness.* Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he or she occupies and controls.

(C) *Rubbish and garbage.* Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases the owner shall be responsible for the availability of rubbish and garbage storage facilities.

(D) *Supplied plumbing fixtures.* Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.

(E) *Care of facilities, equipment, and structure.* No occupant shall willfully destroy, deface, or impair any of the facilities or equipment or any part of the structure of a dwelling or dwelling unit. (Ord. passed - -) Penalty, see § 95.99

#### **§ 95.17 STRUCTURAL CONDITIONS.**

(A) Walls or partitions or supporting members, sills, joists, rafters, or other structural members shall not list, lean, or buckle and shall not be rotted, deteriorated, or damaged and shall not have holes or cracks which might admit rodents.

(B) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(C) Foundations, foundation walls, piers, or other foundation supports shall not be deteriorated or damaged.

(D) Steps, stairs, landings, porches, or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.

(E) Adequate facilities for egress in case of fire or panic shall be provided.

(F) Interior walls and ceilings of all rooms, closets, and hallways shall be finished of suitable materials which will, by use of reasonable household methods, promote sanitation and cleanliness and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

(G) The roof, flashings, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weathertight and watertight.

(H) There shall be no chimneys or parts thereof which are defective, deteriorated, or in danger of falling or in such condition or location as to constitute a fire hazard. There shall be no hanging chimneys or flues.

(I) There shall be no use of the ground for floors or wood floors on the ground.

(J) All minimum standards prescribed by the State Building Code and State Uniform Residential Building Code shall be complied with in all respects.

(Ord. passed - -) Penalty, see § 95.99

**§ 95.18 BASIC EQUIPMENT AND FACILITIES.**

(A) *Plumbing system.* The following are the minimum plumbing standards to meet the requirements of this chapter.

(1) Each dwelling unit shall be connected to a potable water supply and to the public sewer or other approved sewage disposal system.

(2) Each dwelling unit shall contain not less than a kitchen sink; lavatory, tub, or shower; water closet; and adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(3) All plumbing fixtures shall meet the standards of the State Plumbing Code and shall be maintained in a state of good repair and in good working order.

(4) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(B) *Heating system.* Every dwelling and dwelling unit shall have facilities for providing heat in accordance with the State Building Code.

(1) *Central and electric heating systems.* Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms, and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of 70°F measured at a point three feet above the floor during ordinary winter conditions.

(2) *Other heating facilities.* Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, or gas vents whereby heating appliances may be connected so as to heat all habitable rooms with a minimum temperature of 70°F measured three feet above the floor during ordinary winter conditions.

(C) *Electrical system.* The following are the minimum electrical standards to meet the requirements of this chapter.

(1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles, connected in such manner as determined by the State Electrical Code. There shall be installed in every kitchen, bedroom, bathroom, water closet room, laundry room, furnace room, corridor or hallway, and porch at least one supplied ceiling or wall-type electric light fixture. If wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three floor or wall-type electric convenience receptacles. The electrical system of every dwelling and dwelling unit shall comply with all requirements of the State Electrical Code.

(2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

(3) Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.  
(Ord. passed - -) Penalty, see § 95.99

#### **§ 95.19 VENTILATION.**

(A) *General.* Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstructing structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of such room.

(B) *Habitable rooms.* Every habitable room shall have at least one window or skylight which can easily be opened or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight-type window size as required or shall have other approved, equivalent ventilation.

(C) *Bathroom and water closet rooms.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

(Ord. passed - -) Penalty, see § 95.99

**§ 95.20 SPACE, USE, AND LOCATION.**

(A) *Room sizes.* Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Residential Building Code. Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants, and at least 75 square feet of additional habitable floor area for each additional occupant. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(B) *Ceiling height.* At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet, six inches.

(C) *Floor area calculation.* Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than 10% of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half feet shall not be considered as part of the floor area in computing the total area of the room to determine maximum permissible occupancy.

(D) *Cellar.* No cellar shall be used for living purposes.

(E) *Basements.* No basement shall be used for living purposes unless:

(1) The floor and walls are substantially watertight;

(2) The total window area, total openable window area, and ceiling height are equal to those required for habitable rooms; and

(3) The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well, or accessway.

(Ord. passed - -) Penalty, see § 95.99

**§ 95.21 SAFE AND SANITARY MAINTENANCE.**

(A) *Exterior foundation, walls, and roofs.* Every foundation wall, exterior wall, and exterior roof shall be substantially weathertight and rodentproof, shall be kept in sound condition and good repair, shall be capable of affording privacy, shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

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(B) *Interior floors, walls, and ceilings.* Every floor, interior wall, and ceiling shall be substantially rodentproof, shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(C) *Windows and doors.* Every window, exterior door, basement or cellar door, and hatchway shall be substantially weathertight, watertight, and rodentproof and shall be kept in sound working condition and good repair.

(D) *Stairs, porches, and appurtenances.* Every inside and outside stair, porch, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

(E) *Bathroom floors.* Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(F) *Supplied facilities.* Every supplied facility, piece of equipment, or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(G) *Drainage.* Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

(H) *Noxious weeds.* Every yard and all exterior property areas shall be kept free of species of weeds or plant growths which are noxious or detrimental to health.

(I) *Egress.* Every dwelling unit shall be provided with adequate means of egress as required by the State Building Code.

(Ord. passed - -) Penalty, see § 95.99

**§ 95.22 CONTROL OF INSECTS, RODENTS, AND INFESTATIONS.**

(A) *Screens.* In every dwelling unit, for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied and installed screens and a self-closing device, and every window or other device with openings to outdoor space used or intended to be used for ventilation shall likewise be supplied with screens installed.

(B) *Rodent control.* Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.

(C) *Infestation.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodentproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(D) *Rubbish storage and disposal.* Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by town ordinance, and the owner, operator, or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

(E) *Garbage storage and disposal.* Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an incinerator unit, to be approved by the inspector, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can as required by town ordinances.

(Ord. passed - -) Penalty, see § 95.99

#### **§ 95.23 STANDARDS APPLICABLE TO ROOMING HOUSES; EXCEPTIONS.**

All of the provisions of this chapter shall be applicable to roominghouses and to every person who operates a roominghouse or who occupies or lets to another for occupancy any rooming unit in any roominghouse, except as follows.

(A) *Water closet, hand lavatory, and bath facilities.* At least one water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four rooms within a roominghouse wherever the facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

(B) *Minimum floor area for sleeping purposes.* Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(C) *Sanitary conditions.* The operator of every roominghouse shall be responsible for the sanitary maintenance of all walls, floors, and ceilings and for the sanitary maintenance of every other part of the roominghouse, and he or she shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the roominghouse is contained is leased or occupied by the operator.

(D) *Sanitary facilities.* Every water closet, flush urinal, lavatory basin, and bathtub or shower required by division (A) of this section shall be located within the roominghouse and within a room or rooms which afford privacy and are separate from the habitable rooms and which are accessible from a common hall and without going outside the roominghouse or through any other room therein.  
(Ord. passed - -) Penalty, see § 95.99

#### **§ 95.24 APPLICABILITY TO ABANDONED STRUCTURES.**

The procedures and minimum standards for the regulation of dwellings and dwelling units set out in this chapter shall apply to abandoned structures in the town, except that abandoned structures are not required to meet minimum standards that are uniquely applicable to occupied dwellings and dwelling units, such as standards for heating systems and minimum room sizes.  
(Ord. passed - -)

### ***ENFORCEMENT***

#### **§ 95.35 POWERS AND DUTIES OF THE CODE ENFORCEMENT OFFICER.**

(A) *Duties.* The Code Enforcement Officer, as appointed by the Town Manager, is hereby designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers prescribed. It shall be the duty of the Code Enforcement Officer to:

(1) Investigate the dwelling conditions and to inspect dwellings and dwelling units located in the town in order to determine which dwellings and dwelling units are unfit for human habitation and for the purpose of carrying out the objectives of this chapter with respect to such dwellings and dwelling units;

(2) Take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;

(3) Keep a record of the results of inspections made under this chapter and an inventory of those dwellings that do not meet the minimum standards of fitness prescribed in this chapter; and



(4) Perform such other duties as may be prescribed in this chapter.

(B) *Powers.* The Code Enforcement Officer is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including the powers, in addition to others granted, to:

(1) Investigate the dwelling conditions in the town in order to determine which dwellings therein are unfit for human habitation;

(2) Administer oaths and affirmations, examine witnesses, and receive evidence;

(3) Enter upon premises, subject to constitutional limitations, for the purpose of making examinations and inspections; provided such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession; and

(4) Appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of this chapter.

(Ord. passed - -)

**§ 95.36 INSPECTIONS; RIGHT OF ENTRY FOR MAKING REPAIRS OR ALTERATIONS.**

(A) Subject to constitutional limitations, for the purpose of making inspections, the Code Enforcement Officer is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling unit, or rooming unit or the person in charge thereof shall give the Code Enforcement Officer free access to such dwelling, dwelling unit, or rooming unit and its premises at all reasonable times for the purposes of such inspection, examination, and survey.

(B) Subject to constitutional limitations, every occupant of a dwelling or dwelling unit shall give the owner thereof or his or her agent or employee access to any part of such dwelling or dwelling unit and its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter.

(Ord. passed - -) Penalty, see § 95.99

**§ 95.37 PROCEDURE FOR ENFORCEMENT.**

(A) (1) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the town by a public authority or by at least five residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Code Enforcement Officer, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he or she shall, if his or her preliminary

investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the inspector at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the town.

(2) *Lis pendens*. Whenever the Code Enforcement Officer issues a complaint and notice of hearing under division (A)(1) of this section, the Code Enforcement Officer shall file a notice of lis pendens, with a copy of the complaint and notice attached, in the office of the Clerk of Superior Court of the county, all in accordance with G.S. Chapter 1, Article 11.

(B) *Procedure after hearing*. After such notice and hearing, the Code Enforcement Officer shall state in writing his or her determination whether such dwelling or dwelling unit is unfit for human habitation and, if so, whether it is deteriorated or dilapidated.

(1) (a) If the Code Enforcement Officer determines that the dwelling or dwelling unit is deteriorated, he or she shall state in writing his or her findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner, within 60 days from the date of such order, either to:

1. Repair, alter, or improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter; or
2. Vacate and close such dwelling or dwelling unit.

(b) The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under division (C) of this section.

(2) If the inspector determines that the dwelling or dwelling unit is dilapidated, he or she shall state in writing his or her findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner, within 60 days from the date of such order, either to:

(a) Repair, alter, or improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter; or

(b) Demolish or remove the dwelling or dwelling unit.

*(C) Failure to comply with order.*

(1) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit fails to comply with an order of the town issued under division (B)(1) of this section, or the owner of a dilapidated dwelling or dwelling unit fails to comply with an order of the town issued under division (B)(2) of this section, the Code Enforcement Officer may submit to the Board of Commissioners at its next regular meeting a resolution directing the Town Attorney to petition the superior court for an order directing such owner to comply with the order of the inspector, as authorized by G.S. § 160A-446(g).

(2) *In rem remedy.* If the owner of a deteriorated or dilapidated dwelling or dwelling unit fails to comply with an order of the town issued under division (B)(1) or (B)(2) of this section, and the inspector has not sought or the Board has not adopted a resolution directing the Town Attorney to seek injunctive relief as provided in division (C)(1) of this section, then the Code Enforcement Officer shall submit to the Board an ordinance directing the Code Enforcement Officer to repair, vacate and close, or to demolish the dwelling or dwelling unit in accordance with the provisions of this division (C).

(a) The Board may adopt an ordinance in accordance with the provisions of this division (C)(2) if, on the date the Board considers such ordinance, the Board concludes that the owner has still failed either to:

1. Repair, alter, or improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, or vacate and close the dwelling or dwelling unit; or

2. Demolish or remove the dwelling or dwelling unit.

(b) The ordinance shall identify the property and the owner and shall direct the inspector to repair or vacate and close or to demolish or remove the dwelling or dwelling unit unless the owner has, prior to the adoption of such ordinance, entered into an agreement with the town (as described in division (C)(2)(c) of this section) staying enforcement of the provisions of this chapter, or enters such an agreement within ten days after the adoption of such ordinance. The ordinance shall further provide that the inspector shall enforce the repair, vacation and closure, or demolition or removal order under the circumstances specified in division (C)(2)(d) of this section.

(c) The Town Manager may, on behalf of the town, enter into an agreement staying the enforcement of the minimum housing code if he or she finds that:

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1. The property owner subject to an enforcement proceeding under this chapter has obtained a building permit authorizing the work necessary to bring the dwelling or dwelling unit up to the minimum standards of fitness established by this chapter;

2. The agreement includes an itemization of the work necessary to bring the dwelling or dwelling unit up to the minimum standards of fitness established by this chapter, as well as a timetable for the completion of each major element of the work and a completion date for all such work;

3. The property owner has demonstrated to the reasonable satisfaction of the Manager that such party has available the financial and other resources necessary to complete the work in accordance with such schedule; and

4. The agreement is properly executed by the owner of the property that is subject to an enforcement proceeding under this chapter.

(d) If the inspector determines that a property owner who has entered into an agreement staying the enforcement of the minimum housing code has failed to complete at least 25% of the total cost of the work described in the agreement within 50% of the time established in the agreement for the completion of all the work, then the inspector shall so notify the property owner in writing and shall, not less than ten days after the date of such notice, proceed to enforce the repair, vacate and close, or demolition/removal order. If the inspector determines that the property owner has met the foregoing threshold of completion, then the repair, vacate and close, or demolition/removal order shall not be enforced. However, upon expiration of the agreement, if the property owner has still not brought the dwelling or dwelling unit up to the minimum standards of fitness established by this chapter, then the inspector shall invoke the provisions of §§ 95.42 and 95.99 to obtain compliance with the requirements of this chapter, including the levying of daily civil penalties.

(e) A copy of any ordinance adopted under this section shall be recorded in the Office of the Register of Deeds of the county and shall be indexed in the name of the property owner in the grantor index.

(D) *Appeals from order of Code Enforcement Officer.* An appeal from any decision or order of the Code Enforcement Officer may be taken by any person aggrieved thereby. Any appeal from the inspector shall be taken within ten days from the rendering of the decision or service of the order and shall be taken by filing with the Code Enforcement Officer and with the Board of Commissioners (herein the "Board") a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the inspector refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed. When any appeal is from a decision of the Code Enforcement Officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board, unless the inspector certifies to the Board,

after the notice of appeal is filed with him or her, that by reason of the facts stated in the certificate, a copy of which shall be furnished the appellant, a suspension of his or her requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the Code Enforcement Officer, by the Board, or by a court of record upon petition made pursuant to G.S. § 160A-446(f) and division (E) of this section.

(1) The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the inspector, but the concurring vote of four members of the Board shall be necessary to reverse or modify any decision or order of the Code Enforcement Officer. The Board shall have power also in passing upon appeals, if there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(2) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

(E) *Petition to superior court by owner.* Any person aggrieved by an order issued by the inspector or a decision rendered by the Board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the inspector pending a final disposition of the cause, as provided by G.S. § 160A-446(f).

(Ord. passed - -)

**§ 95.38 METHODS OF SERVING COMPLAINTS AND ORDERS.**

(A) Complaints or orders issued by the town shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the Code Enforcement Officer in the exercise of reasonable diligence, the Code Enforcement Officer shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publishing the same once each week for two successive weeks in a newspaper printed and published in the town.

(B) Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

(Ord. passed - -)

**§ 95.39 COSTS A LIEN ON PREMISES.**

As provided by G.S. § 160A-443(6), the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition caused to be made or done by the inspector pursuant to § 95.37 of this chapter shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by G.S. Chapter 160A, Article 10.

(Ord. passed - -)

**§ 95.40 ALTERNATIVE REMEDIES.**

Neither this chapter or any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise or to enforce this chapter by criminal process as authorized by G.S. § 14-4 and this chapter, and the enforcement of any remedy provided in this chapter shall not prevent the enforcement of any other remedy or remedies provided in this chapter or in other ordinances or laws.

(Ord. passed - -)

**§ 95.41 PLANNING BOARD TO HEAR APPEALS.**

All appeals which may be taken from decisions or orders of the town pursuant to this chapter shall be heard and determined by the Planning Board. As the appeals body, the Board shall have power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties. The Board shall perform the duties prescribed by this chapter and shall keep an accurate journal of all its proceedings.

(Ord. passed - -)

**§ 95.42 VIOLATIONS; REMEDIES.**

It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the dwelling or dwelling unit or to vacate and close and remove or demolish the dwelling or dwelling unit, upon order of the town duly made and served as provided in this chapter, within the time specified in such order, and each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to § 95.37 of this chapter, to occupy or permit the occupancy of the dwelling or dwelling unit after the time prescribed in such order for its repair, alteration, or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(Ord. passed - -) Penalty, see § 95.99

**§ 95.99 PENALTY.**

(A) The violation of any provision of this chapter shall constitute a misdemeanor, as provided by G.S. § 14-4, and shall be punishable as provided by the town.

(B) A violation of any of the provisions of this chapter shall also subject the offender to a civil penalty of \$100. As provided above in § 95.37(C), civil penalties shall not be levied for any period during which an agreement staying the enforcement of the minimum housing code is in effect. However, if such agreement expires and the dwelling or dwelling unit covered by the agreement has still not been brought up to the minimum standards of fitness established by this chapter, then the inspector may begin imposing daily civil penalties until the dwelling or dwelling unit is brought up to the minimum standards of fitness established by this chapter. If the offender does not pay the civil penalty within ten days after being notified of the violation and the amount of the penalty (or within ten days after being notified of the daily accrual of civil penalties), then the town may collect the amount owed to the town in a civil action in the nature of debt.

(Ord. passed - -)





## CHAPTER 96: PARKS AND RECREATION

### Section

#### *General Provisions*

- 96.01 Designation of town parks
- 96.02 Policies and procedures
- 96.03 Authority to accept grants, gifts, and the like
- 96.04 Third-party use of facilities

#### *Recreation Commission*

- 96.20 Created
- 96.21 Composition; terms of members; vacancies; compensation
- 96.22 Officers; rules and regulations; meetings
- 96.23 Powers and duties
- 96.24 Cooperation of town officers and departments
- 96.25 Annual report
- 96.26 Restrictions on entering contracts and incurring obligations
- 96.27 Acquisition and disposition of funds
- 96.28 Charges and fees

#### *Parks and Recreation Department; Director*

- 96.40 Department and Director created
- 96.41 Appointment of Director
- 96.42 Compensation
- 96.43 Supervision; authority

#### *Park Use Regulations*

- 96.55 Group activity; signs
- 96.56 Wildlife protected
- 96.57 Picnic shelters
- 96.58 Vehicles
- 96.59 Advertising

- 96.60 Destruction of park property
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- 96.62 Animals; running at large
- 96.63 Animals; molesting
- 96.64 Fish and aquatic life
- 96.65 Selling, peddling, and the like
- 96.66 Gambling
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- 96.68 Games and sports
- 96.69 Excavations
- 96.70 Fires
- 96.71 Dumping
- 96.72 Plant material
- 96.73 Night use
- 96.74 Adoption of rules and policies

**Statutory reference:**

*Parks and recreation, see G.S. §§ 160A-350 et seq.*

**GENERAL PROVISIONS****§ 96.001 DESIGNATION OF TOWN PARKS.**

(A) The Town Board of Commissioners hereby establishes the following town parks to be utilized for the purpose of public recreation:

- (1) Riverside Heritage Park;
- (2) Powell Park; and
- (3) Mutual Park.

(B) The above parks are for use by public through approved recreation programs as authorized by the Town Board of Commissioners and the Town Manager and in accordance with town ordinances and such policies, rules, and regulations as may be adopted pursuant to this chapter.

(Ord. passed - -)

**§ 96.002 POLICIES AND PROCEDURES.**

The Board of Commissioners, upon recommendation of the Town Manager, shall adopt from time to time, in addition to the regulations set forth in this chapter, policies and procedures governing the use

of municipal park and recreation facilities. Those policies and procedures, together with the regulations codified of this chapter, shall be made available to the public in an appropriate form as may be determined by the Town Manager.

(Ord. passed - -)

**§ 96.003 AUTHORITY TO ACCEPT GRANTS, GIFTS, AND THE LIKE.**

The town may accept any grant, gift, bequest, or donation of any personal property offered or made for recreational purposes and, with the approval of the Board of Commissioners, may accept any grant, gift, or devise of real estate. Any gift, bequest of money, or other personal property grant or devise of real estate shall be held, used, and finally disposed of in accordance with the terms or conditions under which such grant, gift, or devise is made and accepted.

(Ord. passed - -)

**§ 96.004 THIRD-PARTY USE OF FACILITIES.**

(A) *Policy.* It is the policy of the Board of Commissioners to make town park and recreation facilities available to as many residents of the town and vicinity as is reasonably possible and to do so in a manner which does not discriminate against any person or group by reason of age, sex, religion, political affiliation, national origin. However, such policy does recognize the obligation of the town to first attempt to meet the needs of its citizens before responding to the requests of nonresident individuals and groups.

(B) *Authorization by Board of Commissioners.* Recognizing the limited availability of town personnel to organize, conduct, and supervise all recreational activities at town facilities, the Board of Commissioners may from time to time, upon recommendation of the Town Manager, authorize such groups or individuals as the Board of Commissioners may deem necessary and appropriate to program activities and events at town parks or recreational facilities.

(C) *Authorization by Town Manager.* The Board of Commissioners may from time to time authorize the Town Manager to authorize the use of town recreation or park facilities by groups or individuals without prior approval by the Board of Commissioners. If such authority is granted to the Manager, the same shall be noted upon the minutes of the Board of Commissioners and among the policies and procedures which may be adopted from time to time pursuant to this chapter.

(D) *Selection.* Selection of groups or individuals who wish to conduct recreational programs and events shall be based upon determinations by the Board of Commissioners that the proposed programs or events are in the best interest of the citizenry, that such programs and events can or will be conducted in accordance with the policies and the intent of this chapter, and that they represent the maximum beneficial use of available facilities.

(E) *Access.* The Board of Commissioners, upon recommendation of the Manager, shall adopt or shall authorize the Manager to adopt policies and procedures governing access to use of town park and recreation facilities. Those policies and procedures shall be consistent with this chapter and may include but not be limited to fees for use of facilities, use of concession stands for sale of food and drink, shared use of facilities, application procedures, and forms for the use of facilities, and related matters.  
(Ord. passed - -)

### ***RECREATION COMMISSION***

#### **§ 96.020 CREATED.**

There is hereby created a commission to be known as the Recreation Commission of the town.  
(Ord. passed - -)

#### **§ 96.021 COMPOSITION; TERMS OF MEMBERS; VACANCIES; COMPENSATION.**

The Recreation Commission shall be appointed by the town and shall consist of five regular members. A plan shall be established whereby staggered appointed terms are implemented with no more than three term expirations in one year. The terms of all appointed members shall be three years with the option to serve an additional three years if approved by the Board of Commissioners. Vacancies in the Commission shall be filled for the unexpired term by appointment by the Board of Commissioners. The members shall serve without compensation.  
(Ord. passed - -)

#### **§ 96.022 OFFICERS; RULES AND REGULATIONS; MEETINGS.**

The Recreation Commission shall appoint from its membership a chairperson and other officers as it may deem necessary for the orderly procedure of its business. The Commission may adopt bylaws, rules, and regulations covering its procedure not inconsistent with the provisions of state law as approved by the Board of Commissioners. The Recreation Commission shall hold regular meetings at such times and places as it may designate.  
(Ord. passed - -)

#### **§ 96.023 POWERS AND DUTIES.**

The powers and duties of the Recreation Commission shall be to:

(A) Plan and recommend by regular and special reports to the Town Manager actions as may be necessary to create and develop an adequate and complete system of parks, playgrounds, and recreation centers and facilities; act as an advisor to the Town Manager concerning the supervision, organization, and management of parks and playgrounds, and activities thereon, recreation and social centers, playfields, swimming pools, and similar facilities in order that the best and most satisfactory provision for supervision for community sports and activities of all kinds will be properly developed; cooperate with individuals, firms, or organizations interested in public recreation; and recommend such clean and wholesome recreation and amusement for the citizens of the town as it shall deem advisable;

(B) Cooperate with any other public authority and aid assist in coordinating recreation activities, pursuant to and in accord with G.S. §§ 160A-350 et seq., and with the provisions of this chapter; and

(C) Carry out the directions of the Town Manager and, subject to the directions of the Town Manager, make recommendations to the Parks and Recreation Director in organizing and directing the use of all playgrounds, facilities, and recreational centers owned, operated, or maintained by the town. (Ord. passed - -)

**§ 96.024 COOPERATION OF TOWN OFFICERS AND DEPARTMENTS.**

All officers, departments, and department heads of the town will cooperate and render reasonable and necessary assistance to the Recreation Commission and to the Parks and Recreation Department. (Ord. passed - -)

**§ 96.025 ANNUAL REPORT.**

The Recreation Commission shall render annually to the Town Manager a full report of its work. (Ord. passed - -)

**§ 96.026 RESTRICTIONS ON ENTERING CONTRACTS AND INCURRING OBLIGATIONS.**

The Recreation Commission shall have no authority to enter into any contract or incur any obligation binding the town, other than current obligations or contracts to be fully executed within the then current fiscal year and all within the budget appropriations made by the Board of Commissioners. (Ord. passed - -)

**§ 96.027 ACQUISITION AND DISPOSITION OF FUNDS.**

The Board of Commissioners may, as its discretion, appropriate such money as it may deem necessary for the purpose of carrying on the activities of the Parks and Recreation Department. The

Recreation Commission shall act in an advisory capacity to the Parks and Recreation Director and the Town Manager in developing the annual budgetary request to be presented for consideration by the Board of Commissioners. Funds received by the Commission or the Parks and Recreation Department shall be used to supplement the Department's budget. The funds shall be paid to the town, shall be disbursed for the purpose for which the funds were accepted, and shall be disbursed in the same manner as other Department funds.

(Ord. passed - -)

### **§ 96.028 CHARGES AND FEES.**

(A) The town will charge a modest fee for reserving picnic shelter. The fee for town residents is \$15 and the fee for non-town residents is \$20. Town residents must be composed of at least 50% town residents. Fees are subject to change. When you book a reservation, you are only reserving the shelter, not the entire park. The park is open to the general public. Reservations are made through Parks and Recreation Department not more than six months in advance. Shelters may be reserved by telephone, but applicants must either come by the Parks and Recreation Office, or mail in payment within five working days from the date the reservation is made or the reservation will be cancelled. Reservations made less than five days in advance must be made in person and paid for at that time. Policies vary for school groups and nonprofit groups (for fund raisers).

(B) If access for caterers is needed in parks where there is a gate, prior arrangements must be made and a \$5 nonrefundable key deposit paid the evening before you plan to use the shelter. If the shelter is being used on Sunday, the key may be picked up on Friday afternoon. The key must be returned by 12:00 noon on the next working day. Your \$5 deposit will be returned to you upon receipt of the key. (Ord. passed - -)

### ***PARKS AND RECREATION DEPARTMENT; DIRECTOR***

### **§ 96.040 DEPARTMENT AND DIRECTOR CREATED.**

Subject to the general control and supervision of the Town Manager, there is hereby created the Department of Parks and Recreation and the office of Parks and Recreation Director.

(Ord. passed - -)

### **§ 96.041 APPOINTMENT OF DIRECTOR.**

The Parks and Recreation Director shall be appointed by the Town Manager to serve until his or her successor has been appointed and qualified.

(Ord. passed - -)

**§ 96.042 COMPENSATION.**

The Parks and Recreation Director shall be paid such compensation as may be fixed by the Board of Commissioners.

(Ord. passed - -)

**§ 96.043 SUPERVISION; AUTHORITY.**

(A) The Parks and Recreation Director shall have general supervision, direction, and control, under the direction of the Town Manager, over all matters pertaining to the public recreation, including public playgrounds, public parks, and other public property, used or intended for public, recreational purposes in the town.

(B) (1) It shall be the duty of the Parks and Recreation Director to supervise generally, administer and control the use of all the public playgrounds, public parks, and equipment owned or used by the town within the town, and used or intended for use for public recreation.

(2) The Parks and Recreation Director shall have the duty and authority to promulgate reasonable rules and regulations, not inconsistent with any ordinance adopted by the Board of Commissioners, for the proper and efficient administration of the Parks and Recreation Department and for the wholesome use of such recreational facilities and equipment by the general public.

(C) For the purpose of properly and efficiently carrying out the provisions of this chapter, the Parks and Recreation Director shall have the authority to employ and to discharge, within the limits of the budget and with the approval of the Town Manager, and subject to the personnel code of the town, all play leaders, playground directors, supervisors, recreation specialists, maintenance personnel, and such other employees as the Parks and Recreation Director may deem necessary and proper.

(D) (1) The Parks and Recreation Director shall enforce all ordinances of the town regulating playgrounds and recreational centers and their use and may, in furtherance of such duty, have the power to remove or cause to be removed and excluded from any of playgrounds, amusement facilities, and recreation centers, any person violating any of the ordinances or any rules or regulations concerning their use.

(2) He or she shall have the responsibility for the care and control of all equipment, grounds, and paraphernalia owned or controlled by the town for the use of playground or recreation purposes, and he or she shall be responsible for the custody of such property.

(Ord. passed - -)

***PARK USE REGULATIONS*****§ 96.055 GROUP ACTIVITY; SIGNS.**

(A) *Group activity.* Whenever any group, association, or organization desires to use park facilities for a particular purpose, a representative of the group, association, or organization shall first obtain a permit from the Parks and Recreation Director for such purposes. The Parks and Recreation Director will grant the permit if it appears that the group, association, or organization will not interfere with the general use of the parks and the proposed activity of the group will not unreasonably interfere with or detract from the promotion of public health, safety, and recreation.

(B) *Signs declaring park use regulations.* Signs shall be erected at the entrances to parks setting forth the hours of opening and closing the parks. Other signs regulating the use of the park areas by the public may be established throughout the parks when such regulation has been established in this section. All signs are to be observed by the public and it shall be unlawful for anyone to violate any such posted regulation.

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

**§ 96.056 WILDLIFE PROTECTED.**

The shooting or trapping of birds, squirrels, or other game in any park within the town is prohibited. (Ord. passed - -) Penalty, see § 10.99

**§ 96.057 PICNIC SHELTERS.**

(A) Picnic shelters in all town parks are available to churches, clubs, families, and other local groups which shall be set by the Board of Commissioners and published in the Manual of Town Policies and may be reserved by calling the office of the Parks and Recreation Director. This division (A) shall apply only when picnic shelters are to be used for social purposes and no fund-raising activity involved.

(B) Picnic shelters in Powell Park and Riverside Heritage Park shall be available to local groups for fund-raising purposes upon payment of a deposit to the town and upon receipt of a permit from the Parks and Recreation Director.

(C) Picnic shelters shall be available for fund-raising activities to local groups whose membership is at least partially composed of town citizens and whose purpose in renting a picnic shelter for fund-raising is nonprofit. Shelters shall not be available for rent to groups from neighboring towns unless their membership and purpose is countywide in scope. The town reserves the right to decide whether a group qualifies for use of a picnic shelter for fund-raising purposes.



(D) The only fund-raising activity permitted in the picnic shelters shall be the sale of food and drink products except that the sale or use of alcoholic beverages shall be prohibited. Permission to sell food and drink products is contingent upon approval by the appropriate County Health Department, and it is the responsibility of the applicant group to obtain Health Department approval.

(E) Permission to use picnic shelters for fund-raising purposes is contingent upon certification by the Town Clerk that the applicant has arranged for traffic control. If the town determines that increased traffic control measures are necessary, the applicant shall be required to employ the number of off-duty police officers specified by the town at the applicant's expense.

(F) An advance deposit for damage, one cleanup, utilities and other expenses to be determined by the Parks and Recreation Director shall be paid. The unused portion of this deposit (as determined by the Parks and Recreation Director), if any, will be returned provided the shelter and surrounding grounds are cleaned up by 9:00 a.m. the following day to the satisfaction of the Parks and Recreation Department representative. If cleanup is provided by the town, the charge shall be actual payroll plus 27% and actual equipment charges. The amount of the deposit shall be determined by the Board of Commissioners and published in the Manual of Town Policies.

(G) If the group desires to rent the shelter for longer than two hours, health regulations relative to restroom facilities must be followed.

(H) If an application for permit under this section is denied, the applicant may appeal to the Town Manager.

(I) Permits for the use of picnic shelters for fund-raising purposes are nontransferable.  
(Ord. passed - -)

**§ 96.058 VEHICLES.**

It shall be unlawful for any person to drive or propel any motor vehicle or other vehicle in, over, or through any park, except along and upon regularly-established roadways and parking lots. It shall be unlawful for any person to park or permit to be parked any vehicle anywhere except upon designated parking areas authorized by the Town Manager. The term **MOTOR VEHICLE** is hereby defined to include but is not limited to automobiles, trucks, minibikes, go-carts, motorbikes, motorcycles, or any other self-propelled, motorized vehicle. The term **OTHER VEHICLE** is defined to include but is not limited to bicycles.

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

**§ 96.059 ADVERTISING.**

It shall be unlawful for any person to place or erect any structure, sign, bulletin board, post, pole, or advertising device of any kind whatever in any park; to attach any notice, bill, poster, sign, wire, or

cord to any tree, shrub, fence, railing, post, or structure within any park except as they may be authorized by the Town Manager.

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

#### **§ 96.060 DESTRUCTION OF PARK PROPERTY.**

It shall be unlawful for any person to remove, destroy, mutilate, or deface any structure, monument, statue, planter, fountain, wall, fence, railing, vehicle, bench, tree, plant, or any other property in any park.

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

#### **§ 96.061 WEAPONS.**

It shall be unlawful for any person, except duly authorized town employees in the course of their duty, to shoot, fire, or explode or cause to be discharged, shot, fired, or exploded any firearm, including but not limited to toy pistols, toy guns, or other toy arms designed to forcibly hurl a projectile or missile, at any time or under any circumstances within any park. It is unlawful to carry any firearms in any park. Archery equipment, slingshots, or other similar devices may be shot or discharged only in those areas within the parks which may be specifically set aside and so posted for such purpose by the Town Manager.

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

#### **§ 96.062 ANIMALS; RUNNING AT LARGE.**

It shall be unlawful for any person to allow or permit any horses, dogs, or other animals to run at large in any park, and it shall be unlawful to ride horses in any park except upon designated and marked bridle trails.

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

#### **§ 96.063 ANIMALS; MOLESTING.**

It shall be unlawful for any person to trap, catch, wound, or kill; cause to be injured, treated cruelly, or teased; attempt to trap, catch, wound, kill, injure, or tease any bird or animal; or rob any nest of any bird or any lair, den, or burrow of any animal, in or upon any land owned by the town, except as may be specifically authorized by the Town Manager.

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

**§ 96.064 FISH AND AQUATIC LIFE.**

It shall be unlawful to fish in any waters owned or administered by the town, except such portion thereof as may be designated by the Town Manager under such policies and regulations as may be adopted by the town and conforming to the laws of the state. It shall be unlawful for any person to remove or capture or attempt to remove or capture, whether by use of seine, trap, or other device, any fish or other aquatic life in or from any of the waters within any park or park lands.

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

**§ 96.065 SELLING, PEDDLING, AND THE LIKE.**

It shall be unlawful for any person to engage in soliciting, peddling, begging, or selling goods or merchandise; to sell, hawk, or vend food or drink within the parks unless written authority is given by the Town Manager; and unless such selling, peddling, soliciting, and the like, is in accordance with other applicable provisions of this code and state and local laws and regulations.

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

**§ 96.066 GAMBLING.**

It shall be unlawful for any person to conduct or carry on any game of chance at which money, property, or other thing of value is bet, whether the valuable is in stake or not, in any park.

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

**§ 96.067 ALCOHOLIC BEVERAGES.**

It shall be unlawful for any person to consume or to display publicly any alcoholic beverages in any park. It shall be unlawful for any person under the influence of alcoholic beverages to enter or remain in any park. *ALCOHOLIC BEVERAGE* as used in this section is defined the same as the term is defined in G.S. § 18B-101.

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

**§ 96.068 GAMES AND SPORTS.**

It shall be unlawful for any person to play football, golf, baseball, or other games of like character in any area in any park where signs are posted in the area specifically prohibiting such games. At no time and under no circumstances shall such games be played in close proximity to playground equipment or park structures so as to threaten harm to persons using the park or damage to the park structures.

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

**§ 96.069 EXCAVATIONS.**

It shall be unlawful for any person to make an excavation in any park for any purpose without written permission from the Town Manager.

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

**§ 96.070 FIRES.**

It shall be unlawful for any person to make or kindle a fire in any park except in a regularly constructed or appropriate portable fireplace or grill. It shall be unlawful for any person to leave any fire unattended or to fail to completely extinguish a fire and all the embers thereof before leaving the fire.

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

**§ 96.071 DUMPING.**

No person shall deposit, dump, throw, cast, lay, or place, or cause to be deposited, dumped, thrown, cast, laid, or placed any ashes, trash, rubbish, soil or earth, paper, garbage, refuse, debris, plant clippings, limbs, or leaves in or upon any park or parklands or in any watercourse, lake, pond, or slough within such parklands.

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

**§ 96.072 PLANT MATERIAL.**

It shall be unlawful for any person to dig, cut, debark, mutilate, or cause to be transplanted, cut, bruised, debarked, or mutilated any plant material of all and any description within any parkland without written permission of the Town Manager.

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

**§ 96.073 NIGHT USE.**

All parks shall close by sundown until sunrise unless specific authorization is given by the Town Manager. Normal hours of operation of town park and recreation facilities shall be established from time to time by the Town Manager shall be conspicuously posted as may be appropriate. It shall be unlawful for any person to be present on the premises of town park and recreation facilities outside of the posted normal hours of operation, except for town employees conducting town business thereon and for emergency personnel and law enforcement personnel on official business. It shall be unlawful for any person to drive, park, or otherwise operate or leave unattended any type of vehicle on the premises of town park and recreation facilities outside of posted normal hours of operation, except for town

employees conducting town business thereon and for emergency personnel and law enforcement personnel on official business.

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

**§ 96.074 ADOPTION OF RULES AND POLICIES.**

The Board of Commissioners, upon the recommendation of the Town Manager, shall adopt such policies, rules, and regulations as may from time to time be required to implement the foregoing provisions, and the Manager shall take such actions as may reasonably be necessary to enforce this subchapter.

(Ord. passed - -)



**TITLE XI: BUSINESS REGULATIONS**

*[Reserved]*





**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. GENERAL OFFENSES**



## CHAPTER 130: GENERAL OFFENSES

### Section

- 130.01 Loitering
  - 130.02 Drinking alcoholic beverages in public
  - 130.03 Discharge of firearms and air rifles
  - 130.04 Abandoned refrigerators and similar containers
  - 130.05 Abandoned wells
- 
- 130.99 Penalty

### § 130.01 LOITERING.

(A) As used in this section, *LOITERING* shall mean lingering, aimless wandering, dawdling, congregating in groups of two or more individuals, and acting in such manner as to block, impede, or disturb the orderly flow of individual or vehicular traffic.

(B) It is unlawful for any person or group of persons to loiter, or to loiter and create loud and boisterous noise or conduct, including yelling, shouting, fighting, feigning a fight or act constituting disturbing the peace, or using or causing to be used any instrument, mechanical device, or other object, including fireworks, which creates loud, unusual, and excessive noise on any street, sidewalk, public or private driveway or parking lot or vehicular area, or on the immediate premises of any nightclub, dance hall, bar, or tavern, between the hours of 8:00 p.m. and 7:00 a.m.  
(1999 Code, § 130.01) (Ord. passed 6-27-1988) Penalty, see § 130.99

### § 130.02 DRINKING ALCOHOLIC BEVERAGES IN PUBLIC.

It shall be unlawful for any person to consume or drink alcoholic beverages, as defined in G.S. § 18B-101(4), upon any street, boulevard, alleyway, sidewalk, municipal park or building, or any property owned, leased, or under the control of the town.  
(1999 Code, § 130.02) (Ord. passed 6-27-1988) Penalty, see § 130.99

#### *Statutory reference:*

*Alcoholic beverages, see G.S. §§ 18B-100 et seq.*

**§ 130.03 DISCHARGE OF FIREARMS AND AIR RIFLES.**

(A) Subject to division (B) of this section, no person may discharge any firearm within the town.

(B) Division (A) of this section shall not apply to private citizens acting in justifiable self-defense or pursuant to the lawful directions of a police officer nor to police officers acting in the lawful performance of their duties.

(C) No person may discharge or shoot within the town any air rifle, air pistol, BB gun, pellet gun, pump gun, or similar weapon within 100 yards of any building or house or gathering of people.

(D) Division (A) of this section shall not apply to private citizens who hold a valid permit issued by the jurisdictional law enforcement agency pursuant to § 91.23 (Destruction of rodents, squirrels, pigeons, and the like), while exercising the rights granted by the permit. (1999 Code, § 130.03) (Ord. passed 11-21-2014) Penalty, see § 130.99

***Statutory reference:***

*Offenses relating to weapons, see G.S. §§ 14-269 et seq., 14-280*

**§ 130.04 ABANDONED REFRIGERATORS AND SIMILAR CONTAINERS.**

(A) No person may leave outside of any building in any place accessible to children any unattended, abandoned or discarded icebox, refrigerator, or any other container of any kind which has a substantially airtight door and which, when closed, may not be opened from the inside.

(B) No person may knowingly permit any device described in division (A) of this section to remain on premises under his or her control. (1999 Code, § 130.04) Penalty, see § 130.99

***Statutory reference:***

*Discarding or abandoning iceboxes and the like; precautions required, see G.S. § 14-318.1*

**§ 130.05 ABANDONED WELLS.**

(A) No person may knowingly permit any unused or abandoned cistern or well to remain on property under his or her control without adequately securing the top of such cistern or well so as to prevent any person from using or falling into such cistern or well.

(B) Except as otherwise provided by law, abandoned wells shall be filled. (1999 Code, § 130.05) Penalty, see § 130.99

**§ 130.99 PENALTY.**

(A) A violation of any of the provisions of this chapter shall constitute a misdemeanor punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both.

(B) A violation of any of the provisions of this chapter shall also subject the offender to a civil penalty of \$25. If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(C) The town may seek to enforce this chapter through any appropriate equitable action.

(D) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(E) The town may seek to enforce this chapter by using any one or a combination of the remedies set out in this section.

(1999 Code, § 130.99)



## **TITLE XV: LAND USAGE**

Chapter

### **150. ZONING**

***Cross-reference:***

*Parks and Recreation, see Chapter 96*





## CHAPTER 150: ZONING

### Section

#### *General Provisions*

- 150.01 Purpose
- 150.02 Authority
- 150.03 Jurisdiction
- 150.04 Definitions
- 150.05 Application of regulations
- 150.06 Continuation of nonconforming uses
- 150.07 Conflict with other laws
- 150.08 Vested Rights and Permit Choice

#### *General Regulations*

- 150.20 Open space requirements
- 150.21 Reduction of lot and yard areas prohibited
- 150.22 Official zoning map
- 150.23 Interpretation of district boundaries
- 150.24 Interpretation of district regulations
- 150.25 More than one principal building on a lot
- 150.26 Location of accessory uses or buildings
- 150.27 Street access
- 150.28 Lots with multiple frontage
- 150.29 Minimum frontage

#### *Zoning District Regulations*

- 150.40 Zoning districts designated
- 150.41 R-1 Residential 1 District
- 150.42 R-2 Residential 2 District
- 150.43 R-3 Residential 3 District
- 150.44 RA-1 Residential-Agricultural District
- 150.45 HP-DC Historic Princeville - Downtown Core District
- 150.46 MXU Mixed-Use District
- 150.47 C Commercial District
- 150.48 I Industrial District
- 150.49 Table of permitted uses

## Princeville - Land Usage

### *Supplementary District Regulations*

- 150.60 Curb cuts
- 150.61 Visibility at intersections
- 150.62 Building heights
- 150.63 Required buffers
- 150.64 Special Use Permits
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### *Off-Street Parking and Loading*

- 150.75 Off-street parking required
- 150.76 Certification of minimum parking requirements
- 150.77 Combination of required parking space
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### *Administration and Enforcement*

- 150.095 Administrative Officer
- 150.096 Planning Board
- 150.097 Certificate of zoning compliance
- 150.098 Certificate of occupancy
- 150.099 Duties of officials as to matters of appeal
- 150.100 Changes and amendments
- 150.101 Conditional Districts
- 150.102 Violations
  
- 150.103 Penalty

## **GENERAL PROVISIONS**

### **§ 150.001 PURPOSE.**

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and are designed to lessen congestion on the streets; to secure safety from fire, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the

adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of the district, its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

(1999 Code, § 150.01) (Ord. passed 7-24-1989)

#### **§ 150.002 AUTHORITY.**

The provisions of this chapter are adopted under authority granted by the General Assembly of the State of North Carolina, G.S. § 160D.

(1999 Code, § 150.02) (Ord. passed 7-24-1989)

#### **§ 150.003 JURISDICTION.**

(A) The regulations presented in this chapter shall apply to all property within the Town's Planning and Development Regulation Jurisdiction as established by an ordinance and map adopted by the Board of Commissioners in accordance with G.S. § 160D-202, which are on file in the office of the Register of Deeds of the county.

(B) The provisions of this chapter shall not apply to bona fide farms. This chapter does not exercise controls over crop lands, timber land, pasture lands, idle or other farm lands, nor over any farm house, barn, poultry house, other farm building including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Such agricultural uses maintain the openness of the land and achieve the purposes of this chapter without the need for regulation. Per G.S. § 160D-903, residences which are not occupied by the owner, lessee, or operator and other non-farm uses shall be subject to the provisions of this chapter.

(1999 Code, § 150.03) (Ord. passed 7-24-1989)

#### **§ 150.004 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense shall include the future tense. Words used in the singular number shall include the plural, and words used in the plural number shall include the singular, unless the natural construction of the wording indicates otherwise.

**ACCESSORY BUILDING OR USE.** A building or use customarily located on a lot in association with a principal building or use and incidental and subordinate to the principal building or use.

**ADMINISTRATIVE DECISION.** Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

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**ADMINISTRATIVE HEARING.** A proceeding to gather facts needed to make an administrative decision.

**ALLEY.** A public or private thoroughfare which affords only a secondary means of access to abutting property.

**ALTERATION.** Includes any of the following:

- (1) Any addition to the height or depth of a building or structure;
- (2) Any change in the location of any of the exterior walls of a building or structure; or
- (3) Any increase in the interior accommodations of a building or structure.

**BILLBOARD.** An outdoor structure or display, pictorial or otherwise, either freestanding or attached to a building, which advertises or attracts attention to a business, commodity, service, or other activity, conducted, sold, or offered elsewhere than on the premises on which the structure or display is located.

**BONA FIDE FARM PURPOSES.** Those agricultural activities set forth in G.S. § 160D-903.

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy. The term **BUILDING** shall be construed as if followed by the words “or parts thereof.”

**BUILDING HEIGHT.** The vertical distance from the mean elevation of the finished grade along the front of a building to the highest point of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

**BUILDING, PRINCIPAL.** A building in which is conducted the principal use of the lot on which it is located.

**BUILDING SETBACK LINE.** A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, eaves, gutters, and similar fixtures, and the street right-of-way line when measured perpendicularly thereto.

**CERTIFICATE OF ZONING COMPLIANCE.** A statement signed by the Zoning Enforcement Officer stating that the plans for a building, structure, or use of land complies with the requirements of the zoning ordinance, the Edgecombe County Health Department, and the North Carolina Department of Human Resources, Division of Health Services.

**CERTIFICATE OF OCCUPANCY.** A statement signed by the Zoning Enforcement Officer setting forth that the building, structure, or use of land complies with the zoning ordinance.

**COMPREHENSIVE PLAN.** Those plans officially adopted by the Town Council pursuant to G.S. 160D-501(c).

**CONDITIONAL ZONING.** A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

**DAY CARE FACILITY.** Any day care center or child care arrangement that provides day care for more than five children unrelated to the operator and for which a payment, fee, or grant is received, excluding foster homes, public or private schools which provide a course of grade school instruction to children of public school age, summer day or residence camps, or Bible schools.

**DECISION-MAKING BOARD.** A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under G.S. § 160D.

**DEVELOPMENT.** Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. § 160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

**DEVELOPMENT APPROVAL.** An administrative or quasi-judicial approval made pursuant to G.S. § 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. § 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

**DEVELOPMENT REGULATION.** A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. § 160D, or a local act or charter that regulates land use or development.

**DWELLING.** Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. This term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

**DWELLING, MULTI-FAMILY.** A building or portion thereof used or designed as residence for three or more families living independently of each other, including apartment houses, apartment hotels, and group housing projects.

**DWELLING, SINGLE-FAMILY.** A detached building designed for or occupied exclusively by one family, not including mobile homes.

**DWELLING, TWO-FAMILY.** A building or portion thereof used or designed as a residence for two or more families living independently of each other.

**DWELLING UNIT.** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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**EVIDENTIARY HEARING.** A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this Chapter.

**FAMILY.** Any number of persons living together as a single housekeeping unit.

**FRONTAGE.** The distance between the two side lot lines as measured along the front setback line.

**GENERAL COMMERCIAL.** A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods, including prepared foods and catering service, available for immediate purchase and removal from the premises by the purchaser.

**GOVERNING BOARD.** The Board of Commissioners.

**HOME OCCUPATION.** An occupation for gain or support customarily conducted on the premises by a person or family residing thereon. The term **HOME OCCUPATION** shall not be deemed to include a tourist home.

**JUNK YARD.** The use of more than 600 square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk, including the storage of automobiles or other vehicles or dismantling of such vehicles or machinery or parts thereof.

**LEGISLATIVE DECISION.** The adoption, amendment, or repeal of a regulation under G.S. § 160D or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of G.S. § 160D, Article 10.

**LEGISLATIVE HEARING.** A hearing to solicit public comment on a proposed legislative decision.

**LOT.** A parcel of land occupied or capable of being occupied by a building or groups of buildings devoted to a common use, together with the customary accessories, and open spaces belonging to the same. **LOT** shall include the words "plot," "parcel," or "tract."

**LOT, CORNER.** A lot which occupied the interior angle at the intersection of two street lines which make an angle of more than 45 degrees and less than 135 degrees with each other.

**LOT DEPTH.** The average horizontal distance between the front and rear lot lines.

**LOT OF RECORD.** A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of the county prior to the adoption of this chapter, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this chapter.

**LOT WIDTH.** The distance between side and lot lines measured at the building setback line.

**MAP AMENDMENT.** See "Zoning Map Amendment."

**MANUFACTURED HOME OR MOBILE HOME.** A structure as defined by G.S. 143-145(7) as having a permanent foundation and having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more

portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

**MANUFACTURED HOME OR MOBILE HOME PARK.** Any lot or part thereof, or any parcel of land which is used or offered as a location for six or more mobile homes used for residential purposes.

**MANUFACTURED HOME OR MOBILE HOME SUBDIVISION.** A subdivision designed and intended primarily for sale of lots for residential occupancy by mobile homes.

**NONCONFORMING USE OR STRUCTURE.** Any use of a building, structure, or land which does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments which may be incorporated into this chapter.

**OFFICIAL MAPS OR PLANS.** Any maps or plans officially adopted by the Board of Commissioners.

**OPEN SPACE.** Unroofed area, whether fenced or not.

**PARKING SPACE.** A storage space for one automobile, plus the necessary access space. Parking space sizes shall be governed by the following:

- (1) Angle parking minimum - eight and one-half feet x 20 feet (measured parallel to the vehicle).
- (2) Ninety-degree parking minimum - nine feet x 20 feet.
- (3) Parallel parking minimum - ten feet x 20 feet.

**PERSON.** Includes a firm, association, corporation, trust company, as well as an individual.

**PROPERTY OWNER.** A person, corporation, partnership, association, trust or other legal entity, or any combination thereof, that has exclusive rights and control over property, which may include a land or real estate, building(s) or dwelling(s).

**PUBLIC SEWAGE DISPOSAL SYSTEM.** A sanitary sewage disposal system with 3,000 gallons or more design capacity and/or whose effluent is discharged to surface water. This system shall be approved under rules and regulations promulgated by the North Carolina Department of Natural Resources and Community Development, Division of Environmental Management.

**PUBLIC WATER SUPPLY SYSTEM.** An approved water supply system serving ten or more residences or businesses or combination of both, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications approved by the Sanitary Engineering Section, Division of Health Services, North Carolina Department of Human Resources.

**QUASI-JUDICIAL DECISION.** A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

**REZONING.** See “Zoning Map Amendment.”

**SERVICE STATION.** A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories, and the minor repair of automobiles, excluding body working overhauling, and painting.

**SETBACK LINES.** The line on the front, rear, and sides of a lot which delineates the area within which a structure may be built and maintained, according to the district regulations.

**SHALL.** Is always mandatory and not merely directory.

**SHOPPING CENTER.** Two or more commercial establishments planned and constructed, as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and type shops to the trade area which the unit serves.

**SIGN.** An advertising or announcement device used to attract attention or to disseminate information. Sign restrictions in this chapter shall not apply to the following: traffic control devices; legal notices; noncommercial use of flags and insignias; mailbox numbers and names; house numbers and names; and noncommercial names of premises or occupants thereof which have areas of one square foot or less.

**SIGN, ACCESSORY.** An advertising device used to disseminate information concerning a person, place, or thing, pertaining to the use of the land upon which it is located.

**SIGN AREA.** The sign area shall be computed by the smallest square, triangle, rectangle, circle, or combination thereof, which will encompass the entire advertising copy area. A “V” type back-to-back or double-face sign shall be considered as the area of a single face.

**SIGN, INDEPENDENT.** One advertising device used to disseminate information concerning a person, place, or thing, not pertaining to the use of the land upon which it is located.

**SITE PLAN.** A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations



that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**SPECIAL USE PERMIT.** A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

**STORY.** That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a **STORY**.

**STORY, HALF.** A story which is situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.

**STREET.** A dedicated and accepted public right-of-way for vehicular traffic which affords access to abutting properties.

**STRUCTURE.** Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. Shall include the word “building.”

**SUBDIVISION.** The division of land for the purpose of sale or development as specified in G.S. 160D-802.

**USE.** The purpose for which land or a building or structure is arranged, designed, or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

**USED FOR.** Shall include the meaning “designed for.”

**VARIANCE.** A modification of the existing zoning ordinance by the Planning Board [serving as the Board of Adjustment] when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

**VESTED RIGHT.** The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law.

**YARD.** An open space on the same lot with a principal building, unoccupied and unobstructed by any structure from the surface of the ground upward except for drives, sidewalks, lamp posts, entrance steps, retaining walls, fences, landscaping, and as otherwise provided herein.

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**YARD, FRONT.** An open space on the same lot with a principal building, between the front line of the building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot.

**YARD, REAR.** An open space between the rear line of the principal building (exclusive of steps) and the rear property line and extending the full width of the lot.

**YARD, SIDE.**

(1) An open space between the building and the adjacent side lot line which is open and unobstructed from the surface of the ground upward by any structure other than:

(a) Sills, belt courses, and ornamental features not to exceed six inches;

(b) Cornices, roof overhang, and fixed awnings not to exceed two feet, provided that no cornice, roof overhang, or fixed awning shall be less than two feet from any lot lines;

(c) Open fire escapes, unenclosed porches, balconies, or patios not to exceed five feet; and

(d) Ordinary projection of chimneys and pilasters when placed so as not to obstruct light and ventilation.

(2) The **SIDE YARD** extends from the rear line of the front yard to the front line of the rear yard, or to the appropriate property line if front or rear yards are required by this chapter. (1999 Code, § 150.04) (Ord. passed 7-24-1989)

**ZONING MAP AMENDMENT.** An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

### § 150.005 APPLICATION OF REGULATIONS.

The regulations set forth in this chapter affect all land, every building, and every use of land and/or building and shall apply as follows.

(A) *New uses or construction.* After the effective date of this chapter, all new construction shall conform to the use, area, and bulk regulations for the district in which it is to be located.

(B) *Conforming uses.* After the effective date of this chapter, land or structures, or the uses of land or structures which conform to the regulations for the district in which it is located, may be continued provided that any structural alteration or change in use shall conform with the regulations herein specified for the district in which it is located.

(C) *Nonconforming uses.* After the effective date of this chapter, land, lots, or structures, or the uses of land, lots, or structures which would be prohibited under the regulations for the district in which it is located, shall be considered as nonconforming. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their continued use. Nonconforming structures or uses may be continued provided they conform to the provisions of § 150.006.

(1999 Code, § 150.05) (Ord. passed 7-24-1989) Penalty, see § 150.999

## § 150.006 CONTINUATION OF NONCONFORMING USES.

### (A) *Nonconforming Lots.*

- (1) *Applicability.* A nonconforming lot is a lot of record existing on the effective date of this chapter or any amendment to it that does not meet the dimensional requirements for the zoning district in which the lot is located. A nonconforming vacant lot of record is one that was recorded by plat or description in the Edgecombe County Register of Deeds prior to the adoption of this chapter or prior to the time that the lot was brought into the Town's planning and development regulation jurisdiction. This definition shall not be interpreted to include recorded lots that were in violation of any prior zoning regulations of the Town and which will remain in violation.
- (2) *Standards.*
  - (a) When two or more adjoining lots of record with continuous frontage, where no more than one is developed, are owned by one property owner [see Section § 150.004 DEFINITIONS] at any time after the adoption of this ordinance, and such lots individually or together are less than the minimum square footage and/or have less than the minimum width required in the zoning district in which they are located, then such lot(s) shall be combined to create lots which attempt to meet the minimum size requirements or which minimize the degree of nonconformity.
  - (b) Except as set forth in Subsection (a) above, in any zoning district in which residential dwellings are permitted, any lot of record existing at the time of the adoption of this chapter which has dimensions which are less than required by these regulations may be used as a building site for a residential dwelling with related accessory buildings, provided that the lot area and width are not less than 80% of the requirements in the district.
- (B) *Extensions of use.* Any non-conforming use of land or structure, shall not hereafter be enlarged or extended in any way which serves to increase the nature of non-conformity, except where the non-conforming use is a residential structure used exclusively for dwelling purposes, said structure is a permitted use and the proposed addition shall conform to all zoning requirements.
- (C) *Change of use.* Any legally established nonconforming use may be continued subject to the standards listed in this ordinance. However, once a nonconforming use is made conforming, it may not later be used for any nonconforming use or expanded in violation of this ordinance.
- (D) *Cessation of use.* If active operations are discontinued for a continuous period of six months with respect to a nonconforming use, such nonconforming use shall thereafter be used only for

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a conforming use. Should any nonconforming structure or use of land be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is relocated.

(E) *Repairs and alterations.* Normal maintenance, repair, and incidental alteration in a building occupied by a nonconforming use is permitted provided it does not extend the nonconforming use.

(F) *Damage or destruction.*

(a) If a building occupied by a nonconforming use or nonconforming building is destroyed by any means to an extent of more than 75% of its appraised value for tax purposes at the time of destruction, such building may not be restored for any nonconforming use.

(b) The above requirement does not apply to residential dwellings and accessory buildings or structures. Structures meeting these classifications may be reconstructed as long as such reconstruction does not increase the nonconformity of the original structure.

(c) A step, stoop, open porch, awnings or other appurtenances may extend up to fifty (50) percent into the front setback, provided such features do not impede pedestrian circulation. Where approved by the Zoning Enforcement Officer, wheelchair ramps may encroach up to 6 inches from any property line as long as there is no impact to the sight triangle at a driveway or intersection.

(G) *Temporary nonconforming uses of land.* Temporary nonconforming uses of land may be permitted according to the provisions of § 150.097.

(1999 Code, § 150.06) (Ord. passed 7-24-1989)

### § 150.007 CONFLICT WITH OTHER LAWS.

(A) It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restriction agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law.

(B) However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or side of yard or courts or require a lower height of building or a less number of stories or require a greater percentage of lots to be left unoccupied, or impose other standards than are required by the regulations made under authority of this chapter, the provisions of such statute or local ordinance or regulation shall govern.

(1999 Code, § 150.07) (Ord. passed 7-24-1989)

### § 150.008 VESTED RIGHTS AND PERMIT CHOICE

(A) *Vested Rights.* Vested rights shall be determined by the Zoning Enforcement Officer per G.S. § 160D-108(c).

(B) Permit Choice. Per G.S. § 160D-108(b), if an application is submitted for a development approval required pursuant to this Chapter and a development regulation changes between the time the application was submitted and a decision is made, or if a development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, the applicant may choose which version of the development regulation will apply to the application. If the applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. This section applies to all development approvals issued by the State and Town.

(1999 Code, § 150.08) (Ord. passed 7-24-1989)

**GENERAL REGULATIONS****§ 150.020 OPEN SPACE REQUIREMENTS.**

No part of a yard, court, or other open space provided around any building or structure for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required under this chapter for another building or structure.

(1999 Code, § 150.20) (Ord. passed 7-24-1989) Penalty, see § 150.999

**§ 150.021 REDUCTION OF LOT AND YARD AREAS PROHIBITED.**

No yard or lot existing at the time of passage of this chapter shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

(1999 Code, § 150.21) (Ord. passed 7-24-1989) Penalty, see § 150.999

**§ 150.022 OFFICIAL ZONING MAP.**

(A) The boundaries of each zoning district are shown on a map entitled *Town of Princeville Official Zoning Map* which is hereby made a portion of this chapter. The official zoning map shall bear the adoption date of this chapter and the signatures of the Mayor and the Town Clerk.

(B) All zoning amendments affecting the material displayed on the official zoning map shall be certified on this map by the Town Clerk, along with the amendment date.

(C) Copies of the zoning district map reproduced by any method of reproduction that gives legible and permanent copies, when certified by the local government clerk in accordance with G.S. 160A-79 or 153A-50, shall be admissible in evidence and shall have the same force and effect as would the original map.

(D) Per G.S. 160D-105, zoning district boundaries adopted pursuant to this Chapter shall be drawn on a map that is adopted or incorporated within a duly adopted development regulation. Zoning district maps that are so adopted shall be maintained for public inspection in the office of the local government clerk or such other office as specified in the development regulation. The maps may be in paper or a digital format approved by the local government.

(1999 Code, § 150.22) (Ord. passed 7-24-1989)

**§ 150.023 INTERPRETATION OF DISTRICT BOUNDARIES.**

When uncertainty exists with respect to the boundaries or districts as shown on the official zoning map, the following rules shall apply.

(A) *Delineation.* District boundary lines are generally intended to be along or parallel to property lines, lot lines, centerlines of streets, alleys, railroads, easements, other rights-of-way, and creeks, streams, or other water channels.

(B) *Official zoning map.* In the absence of specified distances on the map, dimensions or distances shall be determined by the scale of the official zoning map.

(C) *Board of Adjustment.* When the street or property layout existing on the ground is at odds with that shown on the official zoning map, the Planning Board [serving as the Board of Adjustment] shall interpret the district boundaries of this chapter.

(1999 Code, § 150.23) (Ord. passed 7-24-1989)

**§ 150.024 INTERPRETATION OF DISTRICT REGULATIONS.**

Uses not designated as permitted uses shall be prohibited. Additional uses where in character with the district may be added to the ordinance by amendment.

(1999 Code, § 150.24) (Ord. passed 7-24-1989) Penalty, see § 150.999

**§ 150.025 MORE THAN ONE PRINCIPAL BUILDING ON A LOT.**

In any district, more than one building housing a principal permitted use may be erected on a single lot, provided all requirements of this chapter shall be met for each building as though it were on an individual lot.

(1999 Code, § 150.25) (Ord. passed 7-24-1989)

**§ 150.026 LOCATION OF ACCESSORY USES OR BUILDINGS.**

Accessory buildings may be erected in any required side or rear yards, provided no separate accessory building shall be erected within ten feet of any other building, or within five feet from any lot lines. No accessory building shall be located on the side yard required on the street side of a corner lot.

(1999 Code, § 150.26) (Ord. passed 7-24-1989) Penalty, see § 150.999

**§ 150.027 STREET ACCESS.**

No building shall be erected on a lot which does not abut an open street which is either a public street, a publicly-maintained street, or an alley.

(1999 Code, § 150.27) (Ord. passed 7-24-1989) Penalty, see § 150.999

**§ 150.028 LOTS WITH MULTIPLE FRONTAGE.**

In the case of a corner lot having frontage on two or more streets, all buildings shall be set back from each such street a distance equal to the minimum for the front yard requirement for the district. If a building is constructed on a lot having frontage on two roads but not at an intersection, a setback from each road shall be provided equal to the front yard requirement for the district in which the lot is located.

(1999 Code, § 150.28) (Ord. passed 7-24-1989) Penalty, see § 150.999

**§ 150.029 MINIMUM FRONTAGE.**

Where a minimum frontage is specified in these regulations, it shall be measured at the front yard setback line.

(1999 Code, § 150.29) (Ord. passed 7-24-1989)

***ZONING DISTRICT REGULATIONS*****§ 150.040 ZONING DISTRICTS DESIGNATED.**

For the purpose of this chapter, the town is hereby divided into the following zoning districts which are hereby given the following designations:

- (A) R-1 Residential 1 District;
- (B) R-2 Residential 2 District;
- (C) R-3 Residential 3 District;
- (D) HP-DC Historic Princeville - Downtown Core District;
- (E) MXU Mixed-Use District;
- (F) C Commercial District;
- (G) I Industrial District; and
- (H) RA-1 Residential-Agricultural District.

(1999 Code, § 150.40) (Ord. passed 7-24-1989)

**§ 150.041 R-1 RESIDENTIAL 1 DISTRICT.**

(A) *Establishment; purpose.* The R-1 Residential 1 District is established as a district in which the principal use of land is for residential purposes. The regulations of this district are intended to discourage any use which because of its character would be a nuisance to the development of residences and would be detrimental to the quiet residential nature of the areas included within this district.

(B) *Permitted uses.*

- (1) Single-family dwelling attached and two-family dwellings (duplexes).
- (2) Religious Institutions.
- (3) Farming and nurseries.



(4) Home occupations, such as dressmaking, catering, baking, hairdressing, laundering, cooking, designing, accounting, and the practice of law, medicine, and dentistry, shall be permitted as accessory uses in a residence or accessory building thereof, provided that such operation shall be engaged in only by residents of the premises, that not more than 25% of the gross floor area of the residence shall be used for such occupation, that no display or products shall be visible from the streets, and no objectionable effects shall be produced or treated.

(5) Lodging or boarding provided not more than 50% of the gross floor area in one dwelling is devoted to such occupancy.

(6) Public recreation facilities, including community centers, parks, ballparks, playgrounds, assembly halls, swimming pools, athletic courts, and other such facilities.

(7) Public utilities, utility substations, pumping stations, utility towers, storage tanks, provided that each of the above uses is set back a minimum of 50 feet from all property lines.

(8) Rest homes and nursing homes.

(9) Schools, public, and state licensed private.

(10) Signs, accessory: provided no more than two signs are displayed, and these must be on the same lot with the use being advertised. Indirectly illuminated signs shall be permitted only if the signs are located more than 100 feet from residential dwellings or adjacent lots. Maximum sign area for cemeteries, religious institutions, medical centers, parks, playgrounds, and schools shall be 15 square feet. Maximum sign surface area for all other permitted signs shall be six square feet.

(11) Uses and buildings customarily accessory to the above permitted uses.

(C) *Special use permits.* After due notice and a public hearing and subject to the conditions and safeguards imposed by the Board of Commissioners, in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of § 150.064.

(1) Group housing projects.

(2) Medical clinics

(3) Hospitals.

(4) Public Safety stations.

(5) Cemeteries.

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(6) Funeral homes.

(7) Libraries.

(8) Day care centers and nursery schools.

(9) Multi-family dwellings, including townhouses, apartments, condominiums, and cooperatives.

(10) Uses and buildings customarily accessory to the above permitted special uses.

*(D) Dimensional requirements.*

(1) *Lot areas.* Minimum required lot area shall be determined according to the following uses and conditions.

(a) Minimum required lot area for each permitted use or special use (with septic tank and well) - 20,000 square feet.

(b) Minimum required lot area for each permitted use or special use (with either septic tank or well) - 10,000 square feet.

(c) Minimum required lot area for each permitted use or special use (with public water and public sewer) - 10,000 square feet.

(d) Minimum required lot area for each dwelling unit of a duplex (with public water and public sewer) - 8,000 square feet.

(e) Minimum required lot area for each multi-family dwelling unit (with public water and sewer) - 5,000 square feet.

(2) *Lot width.* Minimum required lot width - 75 feet.

(3) *Yard requirements.*

(a) Minimum required depth of front yard - 30 feet.

(b) Minimum required width of any residential side yard - ten feet.

(c) Minimum required width of any nonresidential side yard - 15 feet.

(d) Minimum required depth of any rear yard - 25 feet.

(4) *Supplementary district regulations.* All supplementary district regulations stated in §§ 150.060 through 150.064 of this chapter shall apply to the residential district. In addition, all new developments shall also meet the Design Standards of Article 4 in the Town's Subdivision Ordinance.

(1999 Code, § 150.41) (Ord. passed 7-24-1989)

#### **§ 150.042 R-2 RESIDENTIAL 2 DISTRICT.**

(A) *Establishment; purpose.* The R-2 Residential 2 District is established as a district in which the principal use of land is for residential purposes. The regulations of this district are intended to discourage any use which because of its character would be a nuisance to the development of residences and would be detrimental to the quiet residential nature of the areas included within this district.

(B) *Permitted uses.*

- (1) Any use permitted in the R-1 Residential District.
- (2) Manufactured Homes or Mobile homes.

(C) *Special use permits.* After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of §§ 150.060 through 150.064 of this chapter: those special uses permitted in the R-1 Residential District.

(D) *Dimensional requirements.*

(1) *Lot areas.* Minimum required lot area shall be determined according to the following uses and conditions.

(a) Minimum required lot area for each permitted use or special use (with septic tank and well) - 20,000 square feet.

(b) Minimum required lot area for each permitted use or special use (with either septic tank or well) - 15,000 square feet.

(c) Minimum required lot area for each residential permitted use or residential special use (with public water and public sewer) - 10,000 square feet.

(d) Minimum required lot area for each dwelling unit of a duplex (with public water and public sewer) - 6,000 square feet.

(e) Minimum required lot area for each multi-family dwelling unit (with public water and sewer) - 4,000 square feet.

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(f) Minimum required lot area for each nonresidential permitted use or nonresidential special use (with public water and sewer) - 15,000 square feet.

(2) *Lot width.* Minimum required lot width - 75 feet.

(3) *Yard requirements.*

(a) Minimum required depth of front yard - 30 feet.

(b) Minimum required width of any residential side yard - eight feet.

(c) Minimum required width of any nonresidential side yard - 15 feet.

(d) Minimum required depth of any rear yard - 25 feet.

(E) *Supplementary district regulations.* All supplementary district regulations stated in §§ 150.060 through 150.064 of this chapter shall apply to the Residential 2 District. In addition, all new developments shall also meet the Design Standards of Article 4 in the Town's Subdivision Ordinance.

(1999 Code, § 150.42) (Ord. passed 7-24-1989)

### § 150.043 R-3 RESIDENTIAL 3 DISTRICT.

(A) *Establishment; purpose.* The R-3 Residential 3 District is established as a district in which the principal use of land is for a variety of residential living styles including single-family and duplex homes, apartments, and mobile home parks. The regulations of this district are intended to discourage any use which because of its character would be a nuisance to the development of residences and would be detrimental to the quiet residential nature of the areas included in this district.

(B) *Permitted uses.* Any use permitted in the R-1 Residential 1 District.

(C) *Special use permits.* After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of § 150.064.

(1) Those special uses permitted in the R-1 Residential District.

(2) Mobile home parks.

(D) *Dimensional requirements.*

(1) *Lot areas.* Minimum required lot area shall be determined according to the following uses and conditions.

(a) Minimum required lot area for each permitted use or special use (with septic tank and well) - 20,000 square feet.

(b) Minimum required lot area for each permitted use or special use (with either septic tank or well) - 15,000 square feet.

(c) Minimum required lot area for each residential permitted use or residential special use (with public water and public sewer) - 10,000 square feet.

(d) Minimum required lot area for each dwelling unit of a duplex (with public water and public sewer) - 6,000 square feet.

(e) Minimum required lot area for each multi-family dwelling unit (with public water and sewer) - 4,000 square feet.

(f) Minimum required lot area for each mobile home in a mobile home park (with public water and sewer) - 10,000 square feet.

(g) Minimum required lot area for each mobile home in a mobile home park (with either a septic tank or well) - 15,000 square feet.

(h) Minimum required lot area for each mobile home in a mobile home park (with septic tank and well) - 20,000 square feet.

(i) Minimum required lot area for each nonresidential permitted use or nonresidential special use (with public water and sewer) - 15,000 square feet.

(2) *Lot width.* Minimum required lot width - 75 feet.

(3) *Yard requirements.*

(a) Minimum required depth of front yard - 30 feet.

(b) Minimum required width of any residential side yard - eight feet.

(c) Minimum required width of any nonresidential side yard - 15 feet.

(d) Minimum required depth of any rear yard - 25 feet.

(E) *Supplementary district regulations.* All supplementary district regulations stated in §§ 150.060 through 150.064 of this chapter shall apply to the Residential 3 Districts. In addition, all new developments shall also meet the Design Standards of Article 4 in the Town's Subdivision Ordinance.

(1999 Code, § 150.43) (Ord. passed 7-24-1989)

**§ 150.044 RA-1 RESIDENTIAL-AGRICULTURAL DISTRICT.**

(A) *Establishment; purpose.* This district is established to promote a compatible mixture of agricultural, forestry, conservation, commercial, industrial and low-density residential uses where available public services may be limited. Protection of the environment, preservation of prime farmland, and the continuation of rural lifestyles are goals this district seeks to attain.

(B) *Permitted uses.* See Table of Permitted Uses.

(C) Dimensional requirements.

1. Lot areas. Minimum required lot area shall be determined according to the following uses and conditions.
  - (a) Minimum required lot area for each permitted use or special use - 40,000 square feet.
2. Lot width. Minimum required lot width - 100 feet.

(D) Yard requirements.

(E) Minimum required depth of front yard - 50 feet.

(F) Minimum required width of any residential side yard – 25 feet.

(G) Minimum required width of any nonresidential side yard - 50 feet.

(H) Minimum required depth of any rear yard - 35 feet.

(I) Supplementary district regulations. All supplementary district regulations stated in §§ 150.060 through 150.064 of this chapter shall apply to the residential district. In addition, all new developments shall also meet the Design Standards of Article 4 in the Town's Subdivision Ordinance.

**§ 150.045 HP-DC HISTORIC PRINCEVILLE - DOWNTOWN CORE DISTRICT**

(A) *Establishment; purpose.* The HP-DC Historic Princeville-Downtown Core District is established as the historic core of the Town. It is the gateway to the community and includes a mixture of uses, primarily residential, commercial, and civic. This is also an area in Princeville where frequent flooding occurs, so any new developments should be built with flood proofing techniques and resiliency in mind.

(B) *Permitted uses.*

- (1) Single-family dwelling detached & attached (townhomes)
- (2) Two-family dwellings (duplex)
- (3) Triplexes

- (4) Quadplexes
  - (5) Religious Institutions.
  - (6) Banks & Financial Institutions.
  - (7) General Commercial (10,000 square feet or less).
  - (8) Personal Care Services such as barber & beauty shops, tailors, nail salons, etc.
  - (9) Offices; business, professional, and governmental.
  - (10) Restaurants (non-drive-thru)
  - (11) Day Care Centers
  - (12) Medical Clinics
  - (13) Post Office
  - (14) Public Safety Station
  - (15) Museum
  - (16) Library
  - (17) Community Gardens
  - (18) Farming & Nurseries
  - (19) Home occupations, such as dressmaking, catering, baking, hairdressing, laundering, cooking, designing, accounting, and the practice of law, medicine, and dentistry, shall be permitted as accessory uses in a residence or accessory building thereof, provided that such operation shall be engaged in only by residents of the premises, that not more than 25% of the gross floor area of the residence shall be used for such occupation, that no display or products shall be visible from the streets, and no objectionable effects shall be produced or treated.
  - (20) Public recreation facilities, including community centers, parks, ballparks, playgrounds, assembly halls, swimming pools, athletic courts, and other such facilities.
  - (21) Public utilities, utility substations, pumping stations, utility towers, storage tanks, provided that each of the above uses is set back a minimum of 50 feet from all property lines.
  - (22) Signs, accessory: provided no more than two signs are displayed, and these must be on the same lot with the use being advertised. Maximum sign area for non-residential uses shall be 15 square feet. Maximum sign surface area for all other permitted signs shall be six square feet.
  - (23) Uses and buildings customarily accessory to the above permitted uses.
- (C) Special use permits. After due notice and a public hearing and subject to the conditions and safeguards imposed by the Board of Commissioners, in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of § 150.064.
- (1) Cemeteries.

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- (2) Funeral homes.
  - (3) Parking lots (standalone).
  - (4) Hotel/Inn
  - (5) Group Housing
- (D) Dimensional requirements.
- (1) Lot areas. Minimum required lot area shall be determined according to the following uses and conditions.
    - (a) Minimum required lot area for each permitted use or special use (with septic tank and well) - 20,000 square feet.
    - (b) Minimum required lot area for each permitted use or special use (with either septic tank or well) - 10,000 square feet.
    - (c) Minimum required lot area for each permitted use or special use (with public water and public sewer) - 4,000 square feet.
    - (d) Minimum required lot area for each additional dwelling unit of a duplex, triplex or quadplex (with public water and public sewer) - 2,000 square feet.
  - (2) Lot width. Minimum required lot width - 40 feet.
  - (3) \*Yard requirements.
    - (a) Minimum required depth of front & street corner yard - 10 feet.
    - (b) Minimum required width of any side yard - 5 feet.
    - (c) Minimum required depth of any rear yard - 10 feet.
    - (d) \*Modifications
      - (i) The Zoning Enforcement Officer shall reduce the minimum front setback for any lot where the average established front yard on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less than the minimum required yard. In such cases, the minimum front or street yard shall be the average of the existing front yards on the developed lots within 300 feet of each side.
      - (ii) Steps, stoops, open porches, awnings or other appurtenances may extend up to fifty (50) percent into the front setback, provided such features do not impede pedestrian circulation. Where approved by the Zoning Enforcement Officer, wheelchair ramps may encroach up to 6 inches from any property line as long as there is no impact to the sight triangle at a driveway or intersection.



- (4) Supplementary district regulations.
  - (a) All supplementary district regulations stated in §§ 150.060 through 150.064 of this chapter shall apply to the Historic Princeville - Downtown Core District.
  - (b) All new developments shall also meet the Design Standards of Article 4 in the Town's Subdivision Ordinance.
  - (c) All new residential structures and substantial improvements to existing residential structures (as defined in the Town of Princeville Flood Damage Prevention Ordinance), shall be built to an elevation of four (4) above the base flood elevation to prevent future flood damage.
  - (d) All new non-residential structures and substantial improvements to existing non-residential structures (as defined in the Town of Princeville Flood Damage Prevention Ordinance), shall be built to an elevation of two (2) above the base flood elevation to prevent future flood damage and provide floodproofing measures per the Town of Princeville Flood Damage Prevention Ordinance.

#### **§ 150.046 MXU MIXED-USE DISTRICT**

(A) *Establishment; purpose.* The MXU Mixed-Use District is established to accommodate a variety of commercial, civic and residential uses. Commercial uses may include highway orientated businesses, retail, restaurants and offices. A variety of residential uses are permitted with higher densities near commercial areas to promote walkability. A variety of residential options are allowed including apartments, townhomes, and single-family dwellings.

(B) Permitted uses.

- (1) Single-family dwelling detached & attached (townhome)
- (2) Two-family dwellings (duplex)
- (3) Triplexes
- (4) Quadplexes
- (5) Multi-family developments (apartments)
- (6) Religious Institutions.
- (7) Banks & Financial Institutions.
- (8) General Commercial such as florists, hardware stores, grocery stores, pharmacies, etc.
- (9) Personal Care Services such as barber & beauty shops, tailors, nail salons, etc.
- (10) Offices; business, professional, and governmental.
- (11) Restaurants (sit down & drive-thru)
- (12) Post Office
- (13) Public Safety Stations
- (14) Museum
- (15) Library

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- (16) Community Gardens
- (17) Home occupations, such as dressmaking, catering, baking, hairdressing, laundering, cooking, designing, accounting, and the practice of law, medicine, and dentistry, shall be permitted as accessory uses in a residence or accessory building thereof, provided that such operation shall be engaged in only by residents of the premises, that not more than 25% of the gross floor area of the residence shall be used for such occupation, that no display or products shall be visible from the streets, and no objectionable effects shall be produced or treated.
- (18) Recreation facilities, including community centers, parks, ballparks, playgrounds, assembly halls, swimming pools, athletic courts, and other such facilities.
- (19) Public utilities, utility substations, pumping stations, utility towers, storage tanks, provided that each of the above uses is set back a minimum of 50 feet from all property lines.
- (20) Signs, accessory: provided no more than two signs are displayed, and these must be on the same lot with the use being advertised. Maximum sign area for non-residential uses shall be 15 square feet. Maximum sign surface area for all other permitted signs shall be six square feet.
- (21) Uses and buildings customarily accessory to the above permitted uses.
- (22) Medical clinics.
- (23) Day care centers & rest homes.
- (24) Hotel/Inn
- (25) Convenience Stores/Gasoline Sales
- (C) Special use permits. After due notice and a public hearing and subject to the conditions and safeguards imposed by the Board of Commissioners, in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of § 150.064.
  - (1) Cemeteries.
  - (2) Funeral homes.
  - (3) Vehicle Sales & Repairs
- (D) Dimensional requirements.
  - (1) Lot areas. Minimum required lot area shall be determined according to the following uses and conditions.
    - (a) Minimum required lot area for each permitted use or special use (with septic tank and well) - 20,000 square feet.
    - (b) Minimum required lot area for each permitted use or special use (with either septic tank or well) - 10,000 square feet.
    - (c) Minimum required commercial or multi-family lot area for each permitted use or special use (with public water and public sewer) - 10,000 square feet.
    - (d) Minimum required single-family attached lot area for each permitted use (with public

water and public sewer) – 5,000 square feet.

(2) Lot width. Minimum required lot width - 50 feet.

(3) Yard requirements.

(a) Minimum required depth of front & street corner yard - 25 feet.

(b) Minimum required width of any side yard - 10 feet.

(c) Minimum required depth of any rear yard - 25 feet.

(C) All supplementary district regulations stated in §§ 150.060 through 150.064 of this chapter shall apply to the Mixed-Use District.

(D) In addition, all new developments shall also meet the Design Standards of Article 4 in the Town's Subdivision Ordinance.

(E) Developments using the mixed-use zoning district shall provide a minimum of 15% allocation of gross area for non-residential land uses.

(1) To ensure compliance with the intent and standards for a mix of uses within the MXU district, a maximum fifty (50) percent of the residential units may be permitted until at least twenty-five (25) percent of the approved nonresidential square footage is permitted (issue of a building permit).

(2) The remaining residential units may be permitted upon approval of at least fifty (50) percent of approved non-residential square footage.

(3) The standards in may be modified as part of an approved development agreement or conditional zoning approval by the Board of Commissioners.

**§ 150.047 C COMMERCIAL DISTRICT.**

(A) *Establishment; purpose.* The C Commercial District is established as a district in which the principal use of land is for those retail trade purposes, which are properly located near residential areas and which cater to the everyday needs of a residential neighborhood.

(B) *Permitted uses.*

(1) Banks and financial institutions.

(2) General commercial uses such as florists, hardware stores, grocery stores, pharmacies, etc.

(3) Personal Care Services such as barber & beauty shops, tailors, nail salons, etc.

(4) Funeral homes.

(5) Post offices.

(6) Laundries, laundrettes, and dry-cleaning establishments.

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(7) Libraries.

(8) Offices; business, professional, and governmental.

(9) Parking lots (standalone).

(10) Taxicab call stands.

(11) Restaurants (sit down & drive-thru).

(12) Public Safety Stations

(13) Convenience Stores/Gasoline Sales

(14) Vehicle Sales & Repairs

(15) Accessory signs, provided that they are stationary and are not located within 50 feet of any residential structure or district; provided further that not more than one sign structure shall be allowed per 100 feet or less of lot frontage in single ownership.

(16) Signs may be indirectly illuminated but shall not be flashing. No sign shall be more than 30 square feet.

(17) Storage; provided it is within a building and the use is not visible from outside the building.

(18) Uses and buildings customarily accessory to the above permitted uses.

(C) *Special use permits.* After due notice and public hearing and subject to the conditions and safeguards imposed by the Board of Commissioners, in each case a special use permit may be granted by the Board of Commissioners for uses listed below.

(D) *Dimensional requirements.*

(1) *Lot areas.* Minimum required lot area shall be determined according to the following uses and conditions:

(a) Minimum lot size for each permitted use (with septic tank and well) - 20,000 square feet.

(b) Minimum required lot size for each permitted use (with either septic tank or well) - 15,000 square feet.

(c) Minimum required lot size for each permitted use (with public water and sewer) - 15,000 square feet.

(2) *Yard requirements.*

(a) Minimum required depth of front yard shall be 20 feet which shall be developed for sidewalks, grass, and plants, and the necessary driveways. Off-street parking shall not be permitted in

this area.

- (b) Minimum required depth of rear yard - 20 feet.
- (c) Minimum required side yard - ten feet.

(E) *Supplementary district regulations.* All supplementary district regulations stated in §§ 150.060 through 150.064 of this chapter shall apply to the Commercial District. In addition, all new developments shall also meet the applicable Design Standards of Article 4 in the Town's Subdivision Ordinance.

(1999 Code, § 150.44) (Ord. passed 7-24-1989)

### **§ 150.048 I INDUSTRIAL DISTRICT.**

(A) *Establishment; purpose.* The I Industrial District is established as a district in which the principal use of the land is for industries which can be operated in a relatively clean and quiet manner and will not be a nuisance to adjacent residential or commercial districts. The regulations are designed to prohibit the use of land for heavy industry which should be properly segregated and to prohibit any other use which would substantially interfere with the development of industrial establishments in the district.

(B) *Special use permits.* After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, in each case a special use permit may be granted by the Board of Commissioners for uses listed below. Proposed uses that include hazardous materials in storage or production shall be prohibited in the Special Flood Hazard Areas.

- (1) Amusement, recreation, and sporting goods manufacture.
- (2) Animal hospitals.
- (3) Automobile parts and accessories manufacturing.
- (4) Bottling and canning plants.
- (5) Bedding and carpet manufacturing.
- (6) Building materials sales.
- (7) Business machine manufacturing.
- (8) Clothing manufacturing.
- (9) Construction offices and equipment storage.
- (10) Drugs, medicines, and cosmetics manufacturing.
- (11) Electronic equipment manufacturing.
- (12) Farm machinery assembly, repair, and sales.

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- (13) Furniture manufacturing.
- (14) Hardware and housewares manufacturing.
- (15) Leather product manufacturing, not including the manufacture of leather.
- (16) Offices.
- (17) Office parks.
- (18) Paper products manufacturing, not including the manufacture of paper.
- (19) Petroleum, bulk storage, provided that all fire and safety regulations are met.
- (20) Plastic products manufacturing.
- (21) Printers.
- (22) Research laboratories.
- (23) Signs: Accessory provided they do not project into any public street or alley. Not more than two accessory signs shall be permitted per principal use per lot.
- (24) Storage yards, provided such yards are enclosed by a solid screening wall or fence at least six feet in height.
- (25) Textile and cordage manufacturing.
- (26) Uses and buildings customarily accessory to the above permitted uses.

*(C) Dimensional requirements.*

- (1) *Lot size.*
  - (a) Minimum required lot width - 100 feet.

(b) Minimum required lot depth - 150 feet.

(c) Minimum required lot size - 40,000 square feet.

(2) *Yard requirements.*

(a) Minimum front yard depth shall be 30 feet which shall be devoted for sidewalks, grass, plants, and the necessary driveways. Off-street parking shall not be permitted in this area.

(b) Minimum required width of side yard - 15 feet.

(c) Minimum required depth of rear yard - 20 feet.

(D) *Supplementary district regulations.* All supplementary district regulations stated in § 150.060 through 150.064 of this chapter shall apply to the Industrial District. In addition, all new developments shall also meet the applicable Design Standards of Article 4 in the Town’s Subdivision Ordinance.

(1999 Code, § 150.45) (Ord. passed 7-24-1989)

**§ 150.049 TABLE OF PERMITTED USES.**

	<b>ZONING DISTRICTS</b>							
	[P] = Permitted; [S] = Special Use Permit Required; [-] = Prohibited							
	<b>RA-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>HP-DC</b>	<b>MXU</b>	<b>C</b>	<b>I</b>
<b>RESIDENTIAL USES</b>								
Group Housing	P	S	S	S	S	-	-	-
Home Occupations	P	P	P	P	P	P	-	-
Manufactured Home/Mobile Home	P	-	P	-	-	-	-	-
Manufactured Home/Mobile Home Park	P	-	-	S	-	-	-	-
Multi-Family Developments (over 4 units)	-	S	S	S	-	P	-	-
Quadplex	-	-	-	-	P	P	-	-
Rest homes & nursing homes	-	P	P	P	-	P	-	-
Single-family dwelling - attached (Townhome)	-	S	S	S	P	P	-	-
Single-family dwelling - detached	P	P	P	P	P	P	-	-
Triplex	-	-	-	-	P	P	-	-
Two-family (duplex)	-	P	P	P	P	P	-	-
<b>COMMERCIAL/OFFICE/CIVIC USES</b>								
Banks & Financial Institutions	-	-	-	-	P	P	P	-
Bar/Tavern/Saloon	-	-	-	-	-	S	S	-
Cemeteries	P	S	S	S	S	S	-	-
Community Gardens	P	-	-	-	P	P	-	-
Convenience Store/Gasoline Sales	-	-	-	-	-	P	P	-
Day care centers & nursery schools	S	S	S	S	P	P	P	-
Farming & Nurseries	P	P	P	P	P	-	P	-
Funeral Homes	S	S	S	S	S	P	P	-

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General Commercial (10,000 square feet or less)	-	-	-	-	P	P	P	-
General Commercial (over 10,000 square feet)	-	-	-	-	-	P	P	-
Hospitals	-	-	-	-	-	S	P	-
Hotel/Inn	-	-	-	-	S	P	P	-
Laundry & dry-cleaning establishments	-	-	-	-	-	P	P	-
Libraries	-	-	-	-	P	P	P	-
Medical Clinics	-	-	-	-	S	P	P	-
Museum	-	-	-	-	P	P	P	-
Offices; business, professional, government	-	-	-	-	P	P	P	S
Parking lots (standalone)	-	-	-	-	S	S	P	S
Personal Care Services	-	-	-	-	P	P	P	-
Post office	P	-	-	-	P	P	P	-
Public Safety Stations	P	S	S	S	P	P	P	S
Public Utilities	P	P	P	P	P	P	P	P
Recreation Facilities	P	P	P	P	P	P	P	-
Religious Institutions	P	P	P	P	P	P	-	-
Restaurant (drive-thru)	-	-	-	-	-	P	P	-
Restaurants (sit down)	-	-	-	-	P	P	P	-
Schools	-	P	P	P	-	S	S	-
Taxicab stands	-	-	-	-	-	-	P	-
Vehicle Sales & Repair Services	-	-	-	-	-	S	P	S
Veterinarian (indoor kennels)	S	-	-	-	-	P	P	-
<b>INDUSTRIAL USES</b>								
Bottling & Canning	-	-	-	-	-	-	-	S
Laboratories	-	-	-	-	-	-	S	S
Manufacturing & processing	S	-	-	-	-	-	-	S
Solar Farms	S	-	-	-	-	-	-	S
Storage (inside & outside)	-	-	-	-	-	-	-	S



***SUPPLEMENTARY DISTRICT REGULATIONS*****§ 150.060 CURB CUTS.**

(A) Any business or industry which requires lowered or cut-away curbs, for purposes of ingress or egress, shall be subject to the following provisions.

- (1) No more than two combined entrances and exits shall be allowed any parcel of property, the frontage of which is less than 200 feet on any one street.
- (2) Additional entrances or exits for parcels of property having a frontage in excess of 200 feet shall be permitted after showing of actual requirements of convenience and necessity and upon approval of the Zoning Enforcement Officer.
- (3) Where frontage is 50 feet or less, only one combined entrance-exit shall be permitted.

(B) At street intersections, no curb cut shall be located within 25 feet of the intersection of two curb lines or such lines extended, or within 15 feet of the intersection of two property lines, right-of-way lines, or such lines extended, whichever is least restrictive.

(C) The distance between any two curb cuts on the same side of the street shall be not less than 15 feet. Said distance shall be measured between the points of tangency of the curb return radii and the established curb line of the abutting street.

(D) All driveways shall be constructed so as to be at least five feet from any property line, except that a curb return may become tangent to a curb line at a point where said property line extended intersects said curb line.

(E) The minimum width of any one-way driveway shall be 12 feet and the maximum width shall be 30 feet. Maximum width of any two-way driveway shall be 36 feet measured at the right-of-way line.

(F) (1999 Code, § 150.55) (Ord. passed 7-24-1989) Penalty, see § 150.999

**§ 150.061 VISIBILITY AT INTERSECTIONS.**

On a corner lot in all zoning districts nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half feet and ten feet in a triangular area formed by a diagonal line between two points on the rights-of-way lines, 20 feet from where they intersect.

(1999 Code, § 150.56) (Ord. passed 7-24-1989) Penalty, see § 150.999

**§ 150.062 BUILDING HEIGHTS.**

No building shall exceed 35 feet in height; spires, flagpoles, antennas, chimneys, and similar accessories to structures are exempt from this height limitation. When a property is located in the Special Flood Hazard Area or in the Historic Princeville – Downtown Core Zoning District, the Zoning Enforcement Officer may grant increase of up to 10% to the maximum building height (with approval the Building Inspector & Fire Marshall) when structures are replaced or renovated to increase the finished floor elevation of the structure at an elevation above base flood elevation.

(1999 Code, § 150.57) (Ord. passed 7-24-1989) Penalty, see § 150.999

**§ 150.063 REQUIRED BUFFERS.**

After the effective date of this chapter, the establishment of any commercial or industrial use in a commercial or industrial district where it abuts a lot in a residential or mixed-use district or land occupied by a residential or mixed use permitted by this chapter, there shall be provided and maintained along said property line, a continuous visual buffer a minimum of six feet in height and 20' in width. The buffer shall be a dense mix of evergreen hedges and trees or other type of evergreen foliage screening, or shall be a combined fence and shrubbery screen, the latter facing the residential use. It shall be the responsibility of the residential use to provide the buffer when such proposed use abuts a commercial or industrial district or use.

(1999 Code, § 150.58) (Ord. passed 7-24-1989) Penalty, see § 150.999

**§ 150.064 SPECIAL USE PERMITS.**

(A) *Authority; decision; duration.* The Board of Commissioners shall have authority to grant special use permits in specific zoning districts, subject to any conditions either set forth below through the quasi-judicial process and an evidentiary public hearing.

(B) *Public Hearing Process.* The Board of Commissioners shall hold an evidentiary public hearing on the proposal. The applicant and other property owners likely to be affected by the application shall be given an opportunity to be heard.

(C) *Notice.* Per G.S. 160D-406(b), notice of evidentiary hearings conducted pursuant to this ordinance shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the this ordinance. In the absence of evidence to the contrary, the town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

The Board of Commissioners may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board

is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

(D) *Decision.* The Board of Commissioners shall approve, deny or approve with conditions the special use permit. No special use permit approval shall be granted unless it complies with the following findings of fact:

- (1) The proposed special use permit represents an overall conformance with the adopted goals, recommendations and policies of the Town’s officially Adopted Comprehensive Plan, Official Zoning Map and any other applicable planning documents adopted by the Town;
- (2) There exists adequate infrastructure (transportation, utilities, etc.) to support the proposed use and plan;
- (3) The proposed use and plan will not cause undue traffic congestion or create a traffic hazard;
- (4) The proposed use and plan shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;
- (5) The establishment of the proposed use and plan shall not impede the orderly development and improvement of surrounding property;
- (6) The establishment, maintenance or operation of the proposed use and plan shall not be detrimental to or endanger the public health, safety or general welfare.

(E) *Appeals.* An appeal from the decision of the Board of Commissioners regarding a special use permit may be made by an aggrieved party and shall be made to the Superior Court of Edgecombe County in the nature of certiorari. Any such petition shall be filed with the clerk of the superior court within thirty (30) days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

(F) *Time & Validity.* An approved special use permit shall become null and void if no significant work is done or development is made on the site within two (2) years after approval. The Board of Commissioners may grant a single one-year extension upon written request of the applicant made at least 30 days before the expiration of the approved site plan.

(G) *Substantial Changes.* Any substantial change to a special use permit as noted below shall be reviewed and approved or denied by the Board of Commissioners. The following changes to a special use permit shall be considered substantial and require approval by the Board of Commissioners:

- (1) When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.

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(2) Modification of special performance criteria, design standards, or other requirements specified by the special use permit.

(3) When there is an increase in the total density originally authorized by the approved special use permit.

(4) When the total floor area of a development is increased more than 10% beyond the total floor area last approved by Board of Commissioners. Changes of less than 10 percent may be approved by the Zoning Enforcement Officer.

(H) *Special use permit provisions.* The Board of Commissioners shall have authority to grant permission for the establishment of the following uses, subject to any specific conditions, either set forth below or which the Board of Commissioners may deem necessary.

(1) *Group housing projects.* A group housing project, which consists of a group of two or more buildings situated on a parcel of land which contains at least two acres of land and which is not subdivided into the customary streets and lots, shall be exempt from the lot and yard dimensional requirements of this chapter providing the plan for the project is approved by the Board of Commissioners on finding that the intensity of development shall be no greater and the preservation of open space no less than would be the case in other residential development in the same district.

(2) *Manufactured home or Mobile home parks.*

(a) Site requirements:

1. Every mobile home park shall be located on a tract of land no less than five acres in size. Every park shall contain at least ten mobile home spaces as defined in this chapter.
2. Each mobile home space shall be clearly established on the ground by permanent markers or monuments.

(b) Stand requirements:

1. No more than one mobile home may be parked on any mobile home space. No living compartment or structure other than a "Florida room" or other prefabricated structure specifically designed for mobile home use or extension shall be added to any mobile home parked within the jurisdiction of this chapter.
2. The supports of all mobile homes parked within an authorized park shall rest upon an adequate footing.
3. No mobile home stand shall be located closer than:
  - a. Thirty feet from a public street right-of-way;
  - b. Twelve feet from the exterior boundary of the mobile home park;
  - c. Twenty-five feet from another mobile home stand, a mobile home addition, or other structure; or
  - d. Ten feet from the edge of any driveway.

(c) All mobile home spaces shall abut a street.

(d) A driveway and parking space sufficient to accommodate at least one automobile shall be constructed per each mobile home space, and they shall be paved

according to the North Carolina Department of Transportation Secondary Roads Policies and Procedures.

- (e) The mobile home stand and the mobile home space shall be graded to provide adequate storm drainage away from the mobile home and such that there will exist no more than two feet difference between the chassis of the mobile home and the finished grade of the mobile home stand.
- (f) The mobile home stand shall be located on ground so as not to be susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.
- (g) Each mobile home stand shall have adequate access for both the mobile home and autos, with a minimum width of 20 feet unless more is deemed necessary because of topographical conditions or street curvature.
- (h) Utilities required.
  1. Installation. It is mandatory that all utilities be installed according to the town ordinances governing utilities.
  2. Mobile home stand utilities. Each mobile home stand shall be equipped with plumbing and electrical connections.
  3. Mobile home equipment. Each mobile home shall have a flush toilet, lavatory, bathtub or shower, adequate hot water facilities, cooking facilities, and electricity wiring, and shall be required to connect with the utilities provided at each mobile home space.
  4. Each mobile home park shall be connected to a public sewer system if available or to a system constructed in compliance with the regulations of the County Health Department and other applicable State Agencies, if a public municipal sewer system is unavailable. All sewage wastes from each mobile home park, including water basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned shall be piped into the mobile home park sewage disposal system.
  5. Each mobile home space shall be provided with at least a three-inch diameter sewer riser pipe where collection systems are provided. The sewer riser pipe shall be so located on each space that the sewer connection to the mobile home drain outlet will approximate a vertical position.
  6. A two-foot by two-foot concrete apron shall be installed around all septic tank connection riser pipes for support and protection. The septic tank connection shall be located a distance of at least 100 feet from the well supply.
  7. The sewer connection shall have a nominal inside diameter of at least three inches, and the slope of any portion thereof shall be at least one-fourth inch per foot. The sewer connection shall consist of one pipeline only without any branch fittings. All joints shall be watertight including connection from trailer to sewer riser pipe.
  8. All materials used for sewer connections shall be semi-rigid, corrosion-resistant, nonabsorbent, and durable. The inner surface shall be smooth.
  9. Provision shall be made for plugging the sewer pipe when a mobile home

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does not occupy a space. Surface drainage shall be diverted away from the rise. The rim of the riser pipe shall extend at least four inches above ground elevation.

10. Each mobile home park shall obtain water from a public water supply when available, or from a source approved by the County Health Department, or applicable State Agency. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual mobile home shall be obtained only from faucets or other plumbing connections located within each mobile home.
- (i) Solid waste disposal.
    1. The storage, collection, and disposal of solid waste in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or pollution.
    2. All solid waste containing garbage shall be stored in standard fly-tight, watertight, rodent-proof containers, with a capacity not more than 20 gallons, which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing garbage. The mobile home park management shall be responsible for the proper storage, collection, and disposal of solid waste.
    3. Stands shall be provided for all containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
    4. All solid waste containing garbage shall be collected at least once weekly except for the months of May, June, July, August, and September when it shall be collected twice weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All solid waste containing garbage shall be collected and transported in covered vehicles or covered containers.
    5. Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the solid waste by transporting to a disposal site approved by the town.
  - (j) *Fire protection.* Fire hydrants shall be installed as to provide unobstructed access within a distance of 500 feet from any mobile home space.
  - (k) *Street lights.* All streets in the mobile home park shall be adequately illuminated from sunset until sunrise. The minimum size street light shall be a 175 watt mercury vapor (approximately 7,000 lumen class), or its equivalent, spaced at intervals of not more than 300 feet.
  - (l) *Streets and driveways.*
    1. Access to the park shall be directly from a public-maintained road. Two-way access streets within the park shall be paved 22 feet wide. One-way streets shall be paved 12 feet wide. The figures for these street widths are without parking allowance.
    2. Closed ends of dead-end streets shall be provided with a vehicular turning

circle at least 80 feet in diameter, measured on the centerline of the street. Closed ends of dead-end drives or roads shall not exceed 400 feet in length.

3. Each mobile home stand shall have adequate access for both the mobile home and autos with a minimum width of 20 feet unless more is deemed necessary because of topographical conditions or street curvature.

(m) *External yards and buffering.* The mobile home park shall have a planting strip five feet wide (minimum) adjacent to the park boundary extending along the entire perimeter of the mobile home park. It shall be planted with evergreen shrubbery and adequately landscaped with grass in such a manner as to be harmonious with the landscaping of the adjacent properties and in keeping with the general character of the surrounding neighborhood.

(n) *Signs for identification of mobile home parks.* Not more than two signs with a total area of not more than one-half square foot for each mobile home space and in no case larger than 50 square feet, located on private property, but no closer than five feet to any property line. Only indirect non-flashing lighting may be used for illumination, and the sign must be constructed in such manner as to prevent a direct view of the light source from any public right-of-way.

(o) *Recreation areas.*

1. Adequate and suitable recreation areas to serve the needs of the anticipated population shall be provided.
2. No less than 8% of the gross site area shall be devoted to recreation area.
3. The area shall consist of at least the following:
  - a. One or more playgrounds for children containing a minimum of 20% of total area in the mobile home park; and
  - b. No single playground shall contain less than 5,000 square feet.

(p) *Non-residential uses.*

1. It shall be unlawful to sell on a commercial basis mobile homes or trailers within a mobile home park, except that an individual mobile home owner shall be exempt from this section in that he or she may be allowed to sell the mobile home in which he or she maintains occupancy.
2. One mobile home may be used as an administrative office within the mobile home park.
3. Regulations. It shall be the duty of the operator of the mobile home park to keep an accurate register containing a record of all mobile home owners, mobile homes, and occupants of the mobile home park.
4. The operator shall keep the register available at all times for inspection by law enforcement officials, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.

(3) *Multi-family Developments.*

(a) *Open space recreation facilities.*

1. *Open space.* A minimum of 15% of the gross acreage shall be reserved as open space.
2. *Recreation space.* A minimum of 50% of the open space shall be developed

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for active recreational purposes.

- (b) *Parking.* Automobile parking spaces and drives shall not be located closer than 30 feet to the front or 20 feet to the side or rear of any dwelling.
- (c) *Dwelling-to-dwelling relationship.*
  - 1. Building walls having both window and door openings shall be located no closer than 50 feet to another building.
  - 2. Building walls having only window openings or only door openings shall be located no closer than 25 feet to another building.
- (d) *Courtyard.* Any group of buildings forming a courtyard shall have at least 25% of the perimeter of such courtyard open for access by emergency vehicles.
- (e) *Landscaping and project perimeter requirements.* Landscaping shall be included to buffer the development from its surrounding neighbors. No building shall be erected, reconstructed, altered, or moved nearer the exterior project property lines than 25 feet or the applicable district yard requirements, whichever is greater. Yard spaces for one building shall not overlap yard space for another building.
- (f) *Solid waste disposal.*
  - 1. The storage, collection, and disposal of solid waste shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or pollution.
  - 2. All solid waste containing garbage shall be stored in standard fly-tight, watertight, rodent-proof containers, with a capacity not more than 32 gallons. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing garbage. The management of the complex shall be responsible for proper storage and collection of solid waste.
  - 3. Stands shall be provided for all containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
  - 4. Dumpsters shall be screened by an evergreen wall or solid fence at least six feet tall.
  - 5. All solid waste containing garbage shall be collected at least once weekly except for the months of May, June, July, August, and September when it shall be collected twice weekly. Where suitable collection service is not available from municipal or private agencies, the management shall provide this service. All solid waste containing garbage shall be collected and transported in covered vehicles or covered containers.
  - 6. The solid waste disposal regulations shall be subject to any additional requirements imposed by the town and/or the Public Works Director.
- (g) *Utilities.* Multi-family complexes shall be located where public or community water, sanitary sewers, and storm drainage utilities are available.

#### (4) *Shopping centers.*

- (a) *Site area.* No shopping center district site shall contain less than two acres.
- (b) *Required perimeter yards.* No building shall be less than 50 feet from any street line or 25 feet from any side or rear lot lines.
- (c) *Landscaping on project perimeters required.* Evergreen landscaping shall be included to buffer the shopping center project perimeters.



- (d) *Solid waste disposal.* A plan for solid waste storage, collection, and disposal shall be submitted to the town and approved prior to issuance of a special use permit.
  - (e) *Utilities.* Shopping center developments shall be located where public water, sanitary sewer, and storm drainage utilities are available.
  - (f) *Road facilities.*
    - 1. Shopping center sites of more than ten acres shall be tangent to two or more major thoroughfares or one major thoroughfare and two or more minor thoroughfares as designated on the thoroughfare plan.
    - 2. Shopping center sites of between three and ten acres shall be tangent to one major thoroughfare and one minor thoroughfare as designated on the thoroughfare plan.
    - 3. Shopping center sites of less than three acres shall be served by a major thoroughfare as designated on the officially adopted thoroughfare plan.
    - 4. Maximum permissible lot coverage. The total ground area covered by the principal buildings and all accessory buildings including any roofed area shall not exceed 30% of the total site area.
- (5) *Cemeteries.*
- (a) *Exceptions.* The provisions of this section shall not apply to private cemeteries on religious institution grounds, adjacent to the main building, or family cemeteries on farms.
  - (b) *Minimum size.* A cemetery shall contain not less than two acres of land in contiguous ownership.
  - (c) *Structures.* Chapels, mortuaries, mausoleums, and sales and administrative offices may be developed within the cemetery. No more than two such buildings shall be permitted in any cemetery. Access to the buildings shall be from within the cemetery. No building permitted by these requirements shall be located closer than 150 feet to any residential dwelling structure on land adjoining the cemetery.
  - (d) *Access.* Access to the cemetery shall be provided by way of private drives extending from a public street and of sufficient width to accommodate two-way traffic. Parking shall be provided entirely on private internal roads. All internal driveways and parking areas shall be paved.
  - (e) *Buffering.* A perimeter strip of 50 feet in depth shall be maintained around the entire cemetery. There shall be no burial sites, buildings or other structures located within the buffer strip, and the strip shall be landscaped or fenced so as to effectively screen the cemetery and burial activities therein from view from outside of the cemetery. A buffering plan shall be submitted to and approved by the Board of Commissioners prior to the issuance of a special use permit.

(1999 Code, § 150.59) (Ord. passed 7-24-1989; Ord. passed 10-26-2015) Penalty, see § 150.999

## § 150.065 SITE PLANS.

(A) *Site plan approval.* Site plans shall be submitted for any development related activities within the Town's Planning and Development Regulation Jurisdiction.

(1) *Procedure.* Site plans may be submitted as part of a special use permit application to be reviewed and approved in accordance with §150.064 SPECIAL USE PERMITS or if the

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use is permitted by right in the underlying zoning district per §150.047 TABLE OF PERMITTED USES to which the property is located, it must be reviewed and approved for compliance with this ordinance by the Zoning Enforcement Officer. A site plan prepared and certified by a professional engineer, landscape architect or professional land surveyor. Five prints of the site plan at a scale of not less than one inch equals 100 feet, together with all information required by this chapter, shall be submitted. All plans shall be on either 24 x 36-inch material or suitable for folding to that size.

(2) *Information required.*

Required Information:	
(a) Plot & Location Plan	<ol style="list-style-type: none"> <li>1. Location and dimensions of building(s) on site showing distance to side lot lines and centerlines of adjacent streets;</li> <li>2. Location and dimensions of proposed and existing driveways and curb cuts on site and adjacent properties;</li> <li>3. Location and general design of proposed and existing sidewalks and open space with existing plan material and proposed landscaping;</li> <li>4. Location and dimensions of proposed and existing surface parking and loading areas</li> <li>5. Existing widths of any streets and sidewalks adjoining the tract giving right-of-way and pavement widths;</li> <li>6. Front, side, and rear yard setbacks;</li> <li>7. Proposed elevations at control points such as driveways, ramps, and the like;</li> <li>8. Zoning of the tract;</li> <li>9. Owner;</li> <li>10. Vicinity map to scale showing location of tract;</li> <li>11. Certified topographic map of parcel at a minimum two-foot contour interval, showing existing and proposed contours;</li> <li>12. Provisions for the adequate disposition of natural and stormwater in accordance with the adopted design criteria and standards of the town indicating location, sizes, types, and grades of ditches, catch basins, and pipes, and connections to existing drainage; and</li> <li>13. USGS datum used for all elevations shown and showing location and elevation of benchmark used.</li> </ol>
(b) Utility Plan	<ol style="list-style-type: none"> <li>1. Location of all existing underground utilities such as water, sewer, and storm drainage, and the like, both within the property and in adjacent streets;</li> <li>2. Location of all surface facilities such as sidewalks, curbs, gutters, and the like; and</li> <li>3. Fencing, walls, and screening to be preserved, erected, or planted; type, height and location.</li> </ol>

(3) *Improvements.*

(a) Prior to approval of any site plan, the owner or developer shall submit cost estimates and a time schedule of installation of each phase of the required site improvements. The site improvements shall be installed in their entirety or shall be guaranteed with a performance security in an amount of 125% of the estimated cost for the remaining improvements. Such security shall be made in one or more of the following: surety bond, letter of credit or other form of guarantee that provides equivalent security to a surety bond or letter of credit. As each phase of the improvements is installed and is inspected and approved by the Zoning Enforcement Officer, the performance security will be reduced by the cost of the installed improvement.

(b) Upon completion of the required improvements, the owner or developer may apply to the Zoning Enforcement Officer for a certificate of completion and discharge of the performance security. If the work is found by the Zoning Enforcement Officer to conform to the approved site plan, applicable regulations, and town ordinances, he or she shall issue the certificate.

(4) *Filing fees.* Shall be paid in accordance with the Town's officially adopted fee schedule.

(4) *Time and validity of approved site plans.* An approved site plan shall become null and void if no significant work is done or development is made on the site within two (2) years after approval. The Zoning Enforcement Officer may grant a single one-year extension upon written request of the applicant made at least 30 days before the expiration of the approved site plan.

### **§ 150.065 DEVELOPMENT AGREEMENTS.**

(A) Development projects often occur in multiple phases over several years, requiring a long term commitment of both public and private resources.

(B) To better structure and manage development approvals for such developments and ensure their proper integration into local capital facilities programs, local governments need flexibility to negotiate such developments.

(C) The Town may enter into development agreements with developers, subject to the procedures of G.S. 160D, Article 10.

### ***OFF-STREET PARKING AND LOADING***

### **§ 150.075 OFF-STREET PARKING REQUIRED.**

(A) There shall be provided at the time of the erection of any building; or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this subchapter.

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(B) Such parking space may be provided in a parking garage or properly graded open space. (1999 Code, § 150.70) (Ord. passed 7-24-1989) Penalty, see § 150.999

**§ 150.076 CERTIFICATION OF MINIMUM PARKING REQUIREMENTS.**

(A) Each application for a certificate of zoning compliance submitted to the Zoning Enforcement Officer as provided for in this chapter shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space.

(B) This information shall be in sufficient detail to enable the Zoning Enforcement Officer to determine whether or not the requirements of this subchapter are met. (1999 Code, § 150.71) (Ord. passed 7-24-1989)

**§ 150.077 COMBINATION OF REQUIRED PARKING SPACE.**

The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for religious institutions, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays. (1999 Code, § 150.72) (Ord. passed 7-24-1989)

**§ 150.078 REMOTE PARKING SPACE.**

If the off-street parking space required by this chapter cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use. (1999 Code, § 150.73) (Ord. passed 7-24-1989)

**§ 150.079 MINIMUM PARKING REQUIREMENTS.**

The following off-street parking spaces shall be required.

<i>Use</i>	<i>Required Parking</i>
<b><i>Residential and Related Uses</i></b>	
Any residential use consisting of one or more dwelling units	2 parking spaces on the same lot for each dwelling unit dwelling
Doctors' or dentists' office in his or her residence	5 parking spaces in addition to residence requirements
Professional office (other than doctor or dentist) or customary home occupations in operator's residence	3 parking spaces in addition to residence requirements
Rooming or boarding houses	1 parking space for each room to be rented
<b><i>Public and Semi-Public Uses</i></b>	

Auditoriums	1 parking space for each 4 seats
Religious Institutions	1 parking space for each 4 seats
Clinics	3 parking spaces for each staff doctor, plus 1 parking space for each employee
Elementary schools and junior high schools	2 parking spaces for each classroom and administrative office, plus 1 bus space for each 40 pupils
Hospitals	1 parking space for each bed intended for patient use, exclusive of bassinets
Nursing homes	1 parking space for each 2 beds intended for patient use, plus 1 parking space for each employee
Public or private clubs	1 parking space for each 200 square feet of gross floor area
Public utility buildings	1 parking space for each employee
Senior high schools	1 parking space for each 4 students for which the building was designed, plus 1 parking space for each classroom and administrative office
Stadiums	1 parking space for each 4 spectator seats
<b><i>Business Uses</i></b>	
Banks	1 parking space for each 300 square feet of gross floor space, plus 1 for each employee
Filling stations	2 spaces for each service bay, plus 1 space for each vehicle used in operation, plus 1 space for each employee
Funeral homes	1 parking space for each 3 seats in the chapel or parlor
General or professional offices	1 parking space for each 100 square feet of gross floor space
Hotels (not including any retail uses)	1 parking space for each room to be rented, plus 1 additional parking space for each 2 employees
Theaters	1 parking space for each 3 seats in the auditorium
Tourist homes, motels, motor courts	1 parking space for each room to be rented, plus 1 additional parking space for each employee

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<b><i>Retail Uses Not Otherwise Indicated</i></b>	
High generator retail and service establishments, such as auto accessory, department store, variety store, coin-operated dry cleaners and laundries, drug, food, variety stores	1 space for each 200 square feet, plus 2 spaces for each 3 employees, plus 1 space for each vehicle used in operation
Low generator retail and service establishments, such as appliance, drapery, feed store, floor or wall covering, florist, hobby shop, furniture, paint, hardware, interior decorator, upholstery	1 space for each 600 square feet, plus 2 spaces for each vehicle used in operation
Medium generator retail and service establishments, such as bakery, barber, beauty shops, dry cleaning, laundry pick-up stations, dry goods, apparel shop, sporting goods, shoe repair	1 space for each 300 square feet, plus 2 spaces for each 3 employees, plus 1 space for each vehicle used in operation
Shopping centers	5-1/2 spaces for each 1,000 square feet of gross leasable floor space
<b><i>Industrial and Wholesale Uses</i></b>	
Industrial uses	1 parking space for each employee on the largest shift
Wholesale uses	1 parking space for each 200 square feet, plus 2 spaces for each 3 employees, plus 1 space for each vehicle used in operation

(1999 Code, § 150.74) (Ord. passed 7-24-1989)

**§ 150.080 OFF-STREET LOADING.**

The number of off-street loading berths required by this section shall be considered as the absolute minimum and the developer shall evaluate his or her own needs to determine if they are greater than the minimum specified by this section. For purposes of this section, an off-street loading berth shall have minimum plan dimensions of 12 feet by 25 feet and 14 feet overhead clearance with adequate means for ingress and egress. A loading space requirement may be modified or waived through a variance by the Planning Board [serving as the Board of Adjustment] on application in the case of a bank, theater, assembly hall, or other building of similar limited loading space requirements.

<b><i>Square Feet of Gross Floor Area</i></b>	<b><i>Required Number of Berths</i></b>
0 - 25,000	1
25,000 - 40,000	2

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40,000 - 100,000	3
100,000 - 160,000	4
160,000 - 240,000	5
240,000 - 320,000	6
<i>Square Feet of Gross Floor Area</i>	<i>Required Number of Berths</i>
320,000 - 400,000	7
Each 90,000 above 400,000	1

(1999 Code, § 150.75) (Ord. passed 7-24-1989) Penalty, see § 150.999

**ADMINISTRATION AND ENFORCEMENT**

**§ 150.095 ADMINISTRATIVE OFFICER.**

The Zoning Enforcement Officer is hereby authorized to enforce the provisions of this chapter. Appeal from the decision of the Zoning Enforcement Officer shall be made to the Planning Board [serving as the Board of Adjustment].

(1999 Code, § 150.85) (Ord. passed 7-24-1989)

**§ 150.096 PLANNING BOARD.**

(A) *Creation.* There shall be and is hereby created a Planning Board consisting of five members, including three residents of the town and two residents of the extraterritorial jurisdictional area. The Planning Board shall also act as the Board of Adjustment in evidentiary hearings for quasi-judicial decisions.

(B) The membership of the planning board shall represent the corporate limits and the ETJ by population proportion. The population proportions shall be based on the latest decennial census numbers.

(C) All members of the Board shall have voting power on all matters of business. The town resident members of the Board shall be appointed by the Board of Commissioners. Residents of the extraterritorial jurisdiction shall be appointed by the County Commissioners. The members of the Board shall have initial terms of office as follows: one member appointed for a term of one years; two members appointed for terms of two years; and two members appointed for terms of three years. At completion of the initial term of office for each member, all additional appointments to vacancies of the Board shall be for three-year terms.

(D) *Meetings.* The Board shall elect one of its members as chairperson and shall appoint a Secretary and such other subordinates as may be authorized by the Board of Commissioners. The Board shall draw up and adopt the rules of procedures under which it will operate. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his or her absence or failure to vote, indicating

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such fact, and also keep records of its examination and any other official action.

(E) *Conflicts of interest.* No member of the Planning Board shall vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter is reasonably likely to have a direct, substantial, readily identifiable financial impact on the member. For legislative decisions, if the member has a close familial, business, or other associational relationship with the landowner of the subject site or the applicant for a text amendment, the members shall abstain from voting. When exercising quasi-judicial functions, Planning Board [serving as the Board of Adjustment] members shall refrain from voting or participating in any matter in a manner that would violate affected persons' constitutional right to an impartial decision maker. This includes instances in which a member has a fixed opinion that is not susceptible to change, has had undisclosed ex-parte communication, has a close familial, business, or other association relationship with any affected party, or has a financial interest in the outcome of the matter.

(F) *Filing and notice for an appeal or variance.* Appeals from the enforcement and interpretation of this chapter and requests for variances shall be filed with the Zoning Enforcement Officer specifying the grounds thereof. The Zoning Enforcement Officer shall transmit to the Planning Board [serving as the Board of Adjustment] all applications and records pertaining to such appeals and variances. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Planning Board that by reason of facts stated in the certificate a stay would in his or her opinion cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application or notice to the officer from whom the appeal is taken and due cause shown.

(1) *Evidentiary Public Hearing of the appeal.* After receipt of notice of an appeal, the Board chairperson shall schedule the time for an evidentiary public hearing which shall be at a regular or special meeting within 36 days from the filing of such notice of appeal.

(2) *Notice.* Per G.S. 160D-406(b), notice of evidentiary hearings conducted pursuant to this ordinance shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the this ordinance. In the absence of evidence to the contrary, the town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

(3) The planning board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

(4) *Fees for appeals or variances.* Fees shall be paid per the Town's officially adopted fee schedule.

(G) *Powers and duties.* The Planning Board [serving as the Board of Adjustment] shall have the following powers and duties:



(1) *Administrative Appeal.* To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Zoning Enforcement Officer or other administrative officials in the carrying out or enforcement of any provision of this chapter. A simple majority vote of members of the Board shall be necessary to reverse, wholly or partly, any order, requirement, decision, permit, determination, or refusal; and

(2) *Variances.* To hear and decide variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. In granting any variance, the Planning Board may prescribe appropriate conditions and safeguards in conformity with this chapter. A variance from the terms of this chapter shall not be granted by the Board unless and until the following written findings of fact are made:

(1) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

(H) A concurring vote of four-fifths of the board shall be required to grant a variance.

(I) *Appeal from the Planning Board [serving as the Board of Adjustment].* Appeal from the decision of the Planning Board [serving as the Board of Adjustment in this capacity] on quasi-judicial decisions may be made to the County Superior Court within 30 days after the decision is made by the Board, but not thereafter.

(1999 Code, § 150.86) (Ord. passed 7-24-1989)

### **§ 150.097 CERTIFICATE OF ZONING COMPLIANCE.**

(A) *Certificate required.* No land shall be used or occupied and no building hereafter structurally altered, erected, or moved, shall be used, or its use changed, until a certificate of zoning compliance shall have been issued by the Zoning Enforcement Officer stating that the building and/or the proposed use thereof complies with the provisions of this chapter. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of zoning compliance, either for the whole or a part of a building, shall be applied for at least ten days prior to construction, and the certificate permit must be issued before actual construction begins. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer and copies shall be furnished on request, to any person having a proprietary or tenancy interest in the building erected. No permit for excavation

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or erection of any building or part of a building, or for repairs to, or alteration of, a building shall be issued until after a statement of its intended use has been filed by the applicant.

(B) *Temporary certificate.* The Zoning Enforcement Officer may issue a temporary certificate of zoning compliance for bazaars, carnivals, religious revivals, construction offices (including mobile homes), and similar uses. Such certificate shall be issued for a fixed period of time, but not to exceed 90 days, and shall be subject to such limitations as the Zoning Enforcement Officer may impose to protect the character of the district affected.

(C) *Application procedures.* Each application for a certificate of zoning compliance shall be accompanied by a plan in duplicate, drawn to scale, one copy of which shall be returned to the owner upon approval. The plan shall be accompanied by a letter of recommendation from the County Soil and Water Conservation District and a letter of approval and an improvements permit from the County Health Department. The plan shall include:

- (1) The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
- (2) The location of the lot with respect to adjacent rights-of-way;
- (3) The shape, dimensions, and location of all buildings, existing and proposed, on the lot;
- (4) The nature of the proposed use of the building or land, including the extent and location of the use, on the lot;
- (5) The location and dimensions of off-street parking and loading space and the means of ingress and egress to such space; and
- (6) Any other information which the Zoning Enforcement Officer may deem necessary for consideration in enforcing the provisions of this chapter.

(D) *Construction and use shall be in conformity with plan.* A certificate of zoning compliance issued on the basis of plans and applications approved by the Zoning Enforcement Officer authorizes arrangement and construction set forth in the plan. Use arrangement or construction at variance with that authorized shall be deemed in violation of this chapter and punishable as provided by §§ 150.101 and 150.999.

(1999 Code, § 150.87) (Ord. passed 7-24-1989) Penalty, see § 150.999

### § 150.098 CERTIFICATE OF OCCUPANCY.

(A) A certificate of occupancy issued by the Zoning Enforcement Officer is required in advance of:

- (1) Occupancy or use of a building hereafter erected, altered, or moved; or
- (2) Change of use of any building or land.

(B) A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a certificate of zoning compliance and shall be issued within ten days

after the erection or structural alteration of such building, or part, shall have been completed in conformity with the provisions of this chapter. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this chapter. If the certificate of occupancy is denied, the Zoning Enforcement Officer shall state in writing the reasons for refusal and applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

(1999 Code, § 150.88) (Ord. passed 7-24-1989)

**§ 150.099 DUTIES OF OFFICIALS AS TO MATTERS OF APPEAL.**

It is the intention of this chapter that all questions arising in connection with the enforcement of this ordinance shall be presented first to the Zoning Enforcement Officer and that such questions shall be presented to the Planning Board [serving as the Board of Adjustment] only on appeal from the Zoning Enforcement Officer; and that from the decision of the Planning Board [serving as the Board of Adjustment], recourse shall be had to superior court as provided by G.S. 160D-406(k).

(1999 Code, § 150.89) (Ord. passed 7-24-1989)

**§ 150.100 TEXT AMENDMENTS AND REZONINGS (ZONING MAP AMENDMENTS).**

The Board of Commissioners may amend, supplement, or change the text regulations and the official zoning map according to the following procedures.

(A) *Action by the applicant.* The following action shall be taken by the applicant:

(1) *Initiation of amendments.* Proposed changes or amendments may be initiated by the Town Board, Planning Board, Zoning Enforcement Officer or by one or more interested parties;

(2) *Application.* An application for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulations or district boundary to be applied, and the names and addresses of the owner or owners of the property. Such application shall be filed with the Zoning Enforcement Officer not later than ten days prior to the Planning Board meeting at which the application is to be considered; and

(3) *Fee.* Fees shall be paid in accordance with the Town’s officially adopted fee schedule.

(B) *Action by the Planning Board.* The following action shall be taken by the Planning Board. The Planning Board shall consider and make recommendations to the Board of Commissioners concerning each proposed zoning amendment. The Planning Board may hold separate public hearings or may sit concurrently with the public hearing held by the Board of Adjustment.

(1) Upon determination of compliance by the Zoning Enforcement Officer, the Planning Board shall review and provide a recommendation to the Board of Commissioners on the application at the next available, regularly scheduled meeting.

(2) If the Planning Board is able to reach a recommendation without further deliberation, the Planning Board shall submit a recommendation on the application and refer it to the Board

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of Commissioners for their consideration at the next available public hearing.

- (3) If the Planning Board determines that further deliberation on the application is required, the Planning Board shall deliver its recommendation to the Board of Commissioners within 30 days of its first consideration on the matter. If no recommendation is received from the Planning Board within 30 days of its first consideration on the matter, the Board of Commissioners shall proceed in its consideration of the matter without a recommendation from the Planning Board.
- (4) The Planning Board shall advise and comment on whether the proposed amendment is consistent with the Town's adopted comprehensive plan. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that the request is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

*(C) Action by the Board of Commissioners.*

- (1) *Notice and legislative public hearing.*
  - (a) No amendment shall be adopted by the Board of Commissioners until after public notice and legislative public hearing. Notice of legislative public hearing shall be given once a week for two consecutive calendar weeks in a newspaper of general circulation in the town. The notice shall be published the first time not less than ten days nor more than 25 days prior to the date of the public hearing.
  - (b) The owners of the affected parcel(s) of land and the owners of parcels of land abutting the subject property shall be notified of the hearing/meeting by first class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are abutting even if separated by a street, railroad, or other transportation corridor. Such notification shall be postmarked at least ten (10) but not more than twenty-five (25) days prior to the date of the meeting at which the matter is to be heard.
  - (c) As an alternative, to the mailed notice requirements in subsection (b) above and per NCGS 160D-602(b), the town may elect to serve notice through a full community notification for pending actions that affect more than fifty (50) properties, owned by at least fifty (50) different property owners. The town shall publish notice of the hearing/meeting in a newspaper of general circulation in the town. Two advertisements shall be published in separate calendar weeks. Each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail.
  - (d) In addition to providing published or mailed notice, as required in above, a sign shall be placed in a prominent location on the subject property(ies) or on an adjacent public

street or highway right-of-way with a notice of the pending action/hearing and a phone number to contact for additional information. The notice shall be posted within the same time period specified for mailing notices of the hearing.

(2) *Board of Commissioners action.* Before taking such lawful action as it may deem advisable, the Board of Commissioners shall consider the Planning Board's recommendation on each proposed zoning amendment. If no recommendation is received from the Planning Board within 30 days after public hearing by the Board of Commissioners, the proposed amendment shall be deemed to have been approved by the Planning Board. A simple majority of the Board of Commissioners shall be required to amend this chapter following a favorable recommendation by the Planning Board. A three-fourths majority vote by the Board of Commissioners shall be required to amend this chapter when the Planning Board recommends against such amendment.

In accordance with NCGS 160D, all text amendments and rezonings shall be made in accordance with the Town's adopted comprehensive plan. Prior to adopting or rejecting any such request, the Board of Commissioners shall adopt a statement describing the proposal's consistency or inconsistency with the Town's adopted comprehensive plan.

(2) *Citizen Comment.*

(a) If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to this ordinance to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Board of Commissioners.

(b) Any resident or property owner who submits a written statement of citizen concern may withdraw their written statement any time prior to the meeting at which the item will be considered.

(3) *Denial.* When an application for amendment is denied by the Board of Commissioners, a period of 12 months must elapse before another application for the same property previously involved may be submitted.

(4) *Notice.*

(a) Whenever there is a rezoning after October 1, 1985 involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. Properties are considered abutting even if separated by a transportation corridor.

(b) The person or persons mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud. This provision shall apply only when tax maps are available for the area to be zoned.

**§ 150.101 CONDITIONAL DISTRICTS.**

(A) Conditional Districts are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Town Council in accordance with G.S. 160D-501. Conditional Districts provide for orderly and flexible development under the general policies of this ordinance without the constraints of some of the prescribed standards guiding by-right development. Because Conditional District developments are constructed in a comprehensive manner, they can establish their own building, street, block, and lot pattern which may be unique from other surrounding blocks or neighborhoods. This Conditional District may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure.

(B) Conditional District rezoning requests shall be processed in the same legislative process as a general zoning map amendment/rezoning request.

(C) Within an approved Conditional District, no use shall be permitted except pursuant to the conditions imposed by the applicant on the Conditional District in the approval of the rezoning. The Town Council and the applicant may mutually agree to additional reasonable and appropriate conditions or safeguards to serve the purpose and intent of this section, and to preserve public welfare, and justice. The applicant/property owner's written consent to any related conditions must be provided to ensure enforceability. The provisions of the Conditional District Master Plan shall replace all conflicting development regulations set forth in this ordinance which would otherwise apply to the development site. The Planning Board may recommend and the Town Council (with mutual approval of the applicant) may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site. The applicant will have a reasonable opportunity to consider and respond to any conditions and site-specific standards proposed by either the Planning Board or the Board of Commissioners prior to final action.

(D) A Conditional District shall consist of an existing conditions map and general site master plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the Town Council. The Conditional District Master Plan, is a site specific that is a condition of the Conditional District rezoning. A Conditional District Master Plan shall, at a minimum, illustrate the following:

- (1) The underlying zoning districts and a full list of proposed uses consistent in character with those zoning districts. Such use classifications may be selected from any of the uses, whether permitted, by right or with supplemental standards, allowed in the general zoning district upon which the Conditional District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional District;

- (2) General traffic routes (external and internal) to and from the development with major access points identified;
  
- (3) Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios and impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development;
  
- (4) A proposed development schedule if the project is to be phased.

**§ 150.102 VIOLATIONS.**

In case any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the Zoning Enforcement Officer or any appropriate authority of the town or any adjacent, nearby, or neighboring property owner who would be affected by such violation in addition to other remedies may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy of such building, structure, or land. (1999

Code, § 150.91) (Ord. passed 7-24-1989)

**§ 150.103 PENALTY.**

Any person violating any provision of this chapter, or who shall violate or fail to comply with any order made thereunder; or who shall continue to work upon any structure after having received written notice from the Zoning Enforcement Officer to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed \$50. Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to such owner, the agent of the owner, or the contractor and left at his or her known place of residence or place of business. (1999 Code, § 150.99) (Ord. passed 7-24-1989)

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