

TITLE IX: GENERAL REGULATIONS

Chapter

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*Penalty  
Title I; 10-99*

AN ORDINANCE PROVIDING FOR THE REMOVAL AND DISPOSITION OF  
ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES

WHEREAS, the Town of Snow Hill is authorized by G.S. 160A-193, G.S. 160A-303 and G.S. 160A-303.2 to regulate, restrain or prohibit abandoned, nuisance and junked motor vehicles on public and private property within the Town's ordinance-making jurisdiction; and

WHEREAS, the Town of Snow Hill finds it necessary and desirable to promote or enhance:

- (1) The quality of urban attractiveness and aesthetic appearance of the Town,
- (2) The protection of property values throughout the Town
- (3) The preservation of the liveability and attractiveness of neighborhoods,
- (4) The promotion of tourism, conventions, and other opportunities for economic development for the Town,
- (5) 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
- (6) The promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of junked motor vehicles;

NOW, THEREFORE, BE IT ORDAINED by the Town of Snow Hill, North Carolina:

Section 1. Administration.

The police department or other designated public official of the Town shall be responsible for the administration and enforcement of this chapter. 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. Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the Town police department and fire department in enforcing other laws or in otherwise carrying out their duties.

Section 2. Definitions.

For purpose of this chapter, certain words and terms are defined as herein indicated:

- (a) Abandoned vehicle. As authorized and defined in G.S. 160A-



303, an abandoned motor vehicle is one that:

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
  - (2) Is left on a public street or highway for longer than seven (7) days; or
  - (3) Is left on property owned or operated by the Town for longer than twenty-four (24) hours; or
  - (4) Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.
- (b) Authorizing official. The supervisory employee of the police department or the other designated public official designated to authorize the removal of vehicles under the provisions of this chapter.
- (c) Motor vehicle or vehicle. All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.
- (d) Junked motor vehicle. As authorized and defined in G.S. 160A-303.2 the term, junked motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle and that:
- (1) Is partially dismantled or wrecked; or
  - (2) Cannot be self propelled or moved in the manner in which it originally was intended to move; or
  - (3) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100).
- (e) 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; or
  - (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
  - (3) A point of collections of pools or ponds of water; or
  - (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or

- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.; or
- (6) So situated or located that there is a danger of it falling or turning over; or
- (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or
- (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 of Snow Hill.

Section 3. Abandoned vehicle unlawful; removal authorized.

- (a) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.
- (b) Upon investigation, proper authorizing officials as defined above may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

Section 4. 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 proper authorizing officials as defined above may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

Section 5. Junked Motor Vehicle regulated; removal authorized.

- (a) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- (b) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle



must strictly comply with the location and concealment requirements of this section.

- (c) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the locational requirements or the concealment requirements of this section.
- (d) Subject to the provisions of subsection (e), upon investigation, proper authorizing officials as defined above may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens impose on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:
  - (1) Protection of property values;
  - (2) Promotion of tourism and other economic development opportunities;
  - (3) Indirect protection of public health and safety;
  - (4) Preservation of the character and integrity of the community; and
  - (5) Promotion of the comfort, happiness and emotional stability of area residents.
- (e) Permitted concealment or enclosure of junked motor vehicle:
  - (1) One junked motor vehicle, in its entirety, can be located in the rear yard as defined by the Town's zoning ordinance if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.

The proper authorizing officials as defined above have the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in the preamble of this ordinance.

- (2) More than one junked motor vehicle. Any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a



public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.

#### Section 6. Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements.

Except as set forth in Section 7 below, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the town on a specified date (no sooner than seven (7) days after the notice is affixed). The notice shall state the vehicle will be removed by the Town of Snow Hill 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.

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 governing body in writing, heard at the next regularly scheduled meeting of the governing body, and further proceeding to remove the vehicle shall be stayed until the appeal is heard and decided.

#### Section 7. Exceptions to prior notice requirement.

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. Circumstances justifying the removal of vehicles without prior notice includes:

- (a) Vehicles abandoned on the streets. For vehicles left on the public streets and highways, the governing body hereby determines that immediate removal of such vehicles may be warranted when they are:
  - (1) Obstructing traffic,
  - (2) Parked in violation of an ordinance prohibiting or restricting parking,
  - (3) Parked in a no-stopping or standing zone,
  - (4) Parked in loading zones,
  - (5) Parked in bus zones, or
  - (6) Parked in violation of temporary parking restricting imposed under code sections.
- (b) Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on city-owned property other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

#### Section 8. Removal of vehicles; post-towing notice requirements.

Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as direction by the Town of Snow Hill, 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 authorizing official as defined above 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.

The Town of Snow Hill 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 subsections (1) through (5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

If the vehicle is registered in North Carolina, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the state, notice shall be given to the registered owner with seventy-two (72) hours from the removal of the vehicle.

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

Section 9. Right to probable cause 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 chief district county judge to receive such hearing requests. The magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-222, as amended.

Section 10. 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 the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. 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 ordinance.

Section 11. Sale and disposition of unclaimed vehicle.

Any abandoned, nuisance or junked motor vehicle which is not



claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the city and in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes.

#### Section 12. Conditions on removal of vehicles from private property.

As a general policy, the Town of Snow Hill 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 of Snow Hill 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 proper authorizing official as defined above. 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.

#### Section 13. Protection against criminal or civil liability.

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

#### Section 14. Exceptions.

Nothing in this chapter shall apply to any vehicle: (1) which is located in a bona fide "automobile graveyard" or "junkyard" as defined in N.C.G.S. 136-143, in accordance with the "Junkyard Control Act", N.C.G.S. 136-141, et seq.; (2) which is in an enclosed building; (3) 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 (4) which is in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

#### Section 15. Unlawful removal of impounded vehicle.

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

Memo

Date: August 5, 2005

To: Board of Commissioners

From: Bob Clark, Town Administrator/Planner

Re: vehicles for sale in right-of-ways

8/8/05 -  
The Town Board  
approved by consent  
use of this procedure  
as recommended  
B. Clark  
T.A.

I made contact with the Highway Patrol, Division 5 and spoken with Sargent J. G. Duckworth. Sargent Duckworth indicated that the current North Carolina traffic laws and enforcement by State Troopers should address any vehicle parking or sales issues that arise in our area. He gave me a straightforward reporting and enforcement procedure. Anyone spotting a potential violator may call in the location and vehicle description to their respective Highway Patrol office. The officer tags the car using an orange sticker giving 48 hours to move the vehicle along. When this time passes and the vehicle remains the officer calls in the tow truck.

The Planning Board discussed my findings and voted to recommend we not pursue a local zoning ordinance amendment inasmuch as there is already means available to us to address the unauthorized display, sale or abandonment of vehicles in state right-of-ways.

Requested action:

I recommend the Town Board endorse the Planning Board's suggested action. If this meets with your approval I will see that complaints of apparent violators of the state law are directed to the Highway Patrol.

Below is the statute reference.

G.S. 20-161(e) When any vehicle is parked or left standing upon the right-of-way of a public highway for a period of 48 hours or more, the owner shall be deemed to have appointed any investigating law enforcement officer his agent for the purpose of arranging for the transportation and safe storage of such vehicle and such investigating law enforcement officer shall be deemed a legal possessor of the motor vehicle within the meaning of that term as it appears in G.S. 44A.2(d).

G.S. 44A-2(d). Any person who repairs, services, tows, or stores motor vehicles in the ordinary course of the person's business pursuant to an express or implied contract with an owner or legal possessor of the motor vehicle, except for a motor vehicle seized pursuant to G.S. 20-28.3, has a lien upon the motor vehicle for reasonable charges for such repairs, servicing, towing, storing, or for the rental of one or more substitute vehicles provided during the repair, servicing, or storage. This lien shall have priority over perfected and unperfected security interests. Payment for towing and storing a motor vehicle seized pursuant to G.S. 20-28.3 shall be as provided for in G.S. 20-28.2 through G.S. 20-28.5.



## CHAPTER 90: ABANDONED VEHICLES

### Section

- 90.01 Definitions
- 90.02 Abandonment prohibited
- 90.03 Liability of other persons to owners
- 90.04 Removal of abandoned vehicle by town
- 90.05 Notice of removal; hearing procedure
- 90.06 Indemnification of town
- 90.07 Towing fees
- 90.08 Exemptions

SEE PRECEDING ORDINANCE

### Statutory reference:

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

### § 90.01 DEFINITIONS.

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

"ABANDONED MOTOR VEHICLE." A motor vehicle that:

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

"JUNK MOTOR VEHICLE." An abandoned motor vehicle that also:

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

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

(G.S. § 160A-303(b))



§ 90.02 ABANDONMENT PROHIBITED.

It shall be the duty and responsibility of the owner of any abandoned or junked motor vehicle to cause the removal thereof immediately and to pay all costs incident to the removal. It shall be unlawful for any person to allow a motor vehicle owned by him to remain after notice has been given to such person to have the vehicle removed.

§ 90.03 LIABILITY OF OTHER PERSONS TO OWNERS.

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

(G.S. § 160A-303(f))

§ 90.04 REMOVAL OF ABANDONED VEHICLE BY TOWN.

Any junked or abandoned motor vehicle may be removed by the town to a storage garage or area. However, no such vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises, unless the town or a duly authorized town official or employee has declared that vehicle to be a health or safety hazard.

(G.S. § 160A-303(c))

§ 90.05 NOTICE OF REMOVAL; HEARING PROCEDURE.

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

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

(G.S. § 160A-303(c), (d))

§ 90.06 INDEMNIFICATION OF TOWN.

Any person requesting the removal of a junked or abandoned motor vehicle from private property shall indemnify the town against any loss, expense or liability incurred because of the removal, storage, or sale of that vehicle.

(G.S. § 160A-303(c))

§ 90.07 TOWING FEES.

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

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

(1) Provide by contract or ordinance for a schedule of reasonable towing fees;

(2) Provide a procedure for a prompt fair hearing to contest the towing;

(3) Provide for an appeal to district court from that hearing;

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

(5) Provide a sale procedure similar to that provided in G.S. §§ 44A-4, 44A-5, and 44A-6, except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the city may destroy it.  
(G.S. § 160A-303(d))

§ 90.08 EXEMPTIONS.

Nothing in this chapter shall apply to any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner, if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.  
(G.S. § 160A-303(g))

*See preceding Ordinance*



Section

- 91.01 Adoption of state law
- 91.02 Authority of County Board of Alcoholic Control
- 91.03 Consumption, display in public places

§ 91.01 ADOPTION OF STATE LAW.

The state law regulating intoxicating liquors, as expressly set out in G.S. Chapter 18B, and any and all other regulations governing the use and sale of intoxicating liquors, is hereby specifically adopted.

('74 Code, § 3-1)

§ 91.02 AUTHORITY OF COUNTY BOARD OF ALCOHOLIC CONTROL.

The County Board of Alcoholic Control, as specified in G.S. Chapter 18B, shall be the Board of Alcoholic Control for the town and shall have all of the powers and duties in regulating the manufacture, sale, possession, and consumption of intoxicating liquors accorded to that Board by law.

('74 Code, § 3-2)

§ 91.03 CONSUMPTION, DISPLAY IN PUBLIC PLACES.

It shall be unlawful for any person to consume or display beer, wine, whiskey, or other alcoholic beverages in or on a street or sidewalk or in a public place, except as expressly permitted by G.S. Chapter 18B.

('74 Code, § 3-3) Penalty, see § 10.99



Section

General Provisions

- 92.01 Cruelty to animals
- 92.02 Animals running at large
- 92.03 Housing of animals
- 92.04 Pens for farm animals prohibited; exception
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- 92.06 Keeping of livestock prohibited

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- 92.10 Designation of town as bird sanctuary
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- 92.12 Erection of signs

Dogs

- 92.20 Number of dogs limited
- 92.21 Dog kennel licenses
- 92.22 Registration, vaccination of dogs
- 92.23 Destruction of unregistered dogs
- 92.24 Dogs running at large
- 92.25 Impoundment of dogs; redemption by owner
- 92.26 Liability of owner for public nuisance
- 92.99 Penalty

Statutory reference:

Authority to regulate domestic animals, see G.S. § 160A-186

GENERAL PROVISIONS

§ 92.01 CRUELTY TO ANIMALS.

No person shall cruelly treat any animal in any way. Any person who inhumanely beats, underfeeds, overloads, abandons, or mistreats any animal in any way shall be deemed guilty of a violation of this section.

('74 Code, § 4-1) Penalty, see § 92.99

Statutory reference:

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

§ 92.02 ANIMALS RUNNING AT LARGE.

(A) No person shall cause or allow any horse, goat, cattle, or other animal of any kind, except domestic cats, to run at large within the town limits.

(B) All animals caught running at large shall be impounded by

the police and, unless immediately claimed, those animals shall be disposed of as deemed best by the police or other designated official. ('74 Code, § 4-2) Penalty, see § 92.99

Cross-reference:

Dogs running at large, see §§ 92.24 and 92.25

§ 92.03 HOUSING OF ANIMALS.

(A) No person shall cause or allow any stable, pen, or any other enclosure where any family pet of any kind is kept within the town limits to become unclean or insanitary.

(B) If, in the opinion of the Chief of Police or other designated official, any such pen or enclosure is deemed to be insanitary so as to create a health hazard or a nuisance from offensive odors, that official shall have the authority to close the pen or enclosure and require removal of any animal or fowl kept therein.

('74 Code, § 4-3) Penalty, see § 92.99

§ 92.04 PENS FOR FARM ANIMALS PROHIBITED; EXCEPTION.

(A) It shall be unlawful for any person to maintain a pen within the town limits for cattle, horses, hogs, chicken, or other animals or fowl commonly known as farm animals.

(B) Pens for family pets may be permitted when maintained in a sanitary condition as provided by § 92.03.

('74 Code, § 4-4) Penalty, see § 92.99

§ 92.05 WHEN DANGEROUS ANIMALS MAY BE KILLED.

The members of the Police Department or any other designated persons are authorized to kill any dangerous animal of any kind when it is necessary for the protection of any person or property in the town. ('74 Code, § 4-6)

§ 92.06 KEEPING OF LIVESTOCK PROHIBITED.

(A) It shall be unlawful to keep or maintain any cow, horse, pony, mule, sheep, goat, or other livestock on any lot within any pen, stable, or other enclosure or building within the corporate limits. However, this section shall not be deemed to prohibit the assembling of livestock for shipment or the unloading from shipment of livestock, provided that such livestock are not kept within the corporate limits for more than 24 hours prior to shipment or subsequent to unloading.

(B) Persons keeping or maintaining within the corporate limits any of the animals named in division (A) shall remove them from the corporate limits in order to comply with division (A) not later than three years from the effective date of this section.

(Ord., passed 5-2-88) Penalty, see § 92.99



## BIRD SANCTUARY

§ 92.10 DESIGNATION OF TOWN AS BIRD SANCTUARY.

The area within the corporate limits of the town and all lands owned or leased by the town outside the corporate limits is hereby designated as a bird sanctuary.  
( '74 Code, § 4-17)

Cross-reference:

Bird sanctuary established, see Charter, Article 5, Sec. 5-7

Statutory reference:

Authority to establish, see G.S. § 160A-188

§ 92.11 TRAPPING, HUNTING, OR SHOOTING WILD BIRDS PROHIBITED; EXCEPTIONS.

(A) It shall be unlawful to trap, hunt, shoot or otherwise kill, within the sanctuary established in § 92.10, any native wild bird.

(B) It shall be lawful to trap starlings or similar birds or fowl when such birds or fowl are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health and property.

(C) Violation of this section shall be a misdemeanor.  
( '74 Code, § 4-18) Penalty, see § 92.99

§ 92.12 ERECTION OF SIGNS.

The bird clubs of the town are hereby granted permission to erect such artistic signs giving notice of the regulations herein provided at such places and of such design as may be approved by the governing body.

( '74 Code, § 4-19)

## DOGS

§ 92.20 NUMBER OF DOGS LIMITED.

(A) It shall be unlawful for any person to keep on any lot or premises within the town limits more than three dogs. This limitation shall not apply to dogs which are less than six months of age.

(B) Any person failing or refusing to remove from the premises the number of dogs required to comply with this section within 48 hours from the time of notification shall be guilty of a misdemeanor.

( '74 Code, § 4-30) Penalty, see § 92.99

§ 92.21 DOG KENNEL LICENSES.

(A) Any person wishing to keep more than three dogs on any lot or premises as provided in § 92.20 shall apply to the Chief of Police for a license to operate a dog kennel.



(B) Prior to issuing a dog kennel license, the Chief of Police shall determine if the location and construction of such kennel is in compliance with the zoning ordinance, rules and regulations of the County Board of Health, and all other ordinances of the town.

('74 Code, § 4-31) Penalty, see § 92.99

§ 92.22 REGISTRATION, VACCINATION OF DOGS.

(A) The owner or custodian of any dog over the age of three months shall, on or before the day of listing taxes each year, register that dog or dogs with the Tax Lister, giving a complete description, age, color and sex.

(B) The dog or dogs shall have proof presented at the time of registration that they have been vaccinated against rabies within three months prior to the date of registration by a practicing veterinarian or by the State Health Department.

('74 Code, § 4-32) Penalty, see § 92.99

§ 92.23 DESTRUCTION OF UNREGISTERED DOGS.

Any dog not properly registered as set out in § 92.22 may be destroyed by the Police Department in its discretion.

('74 Code, § 4-33)

§ 92.24 DOGS RUNNING AT LARGE.

(A) Prohibition. It shall be unlawful for any dogs to be running at large on the streets or sidewalks of the town, unless under the control of the owner or a member of his immediate family, either by leash, collar, chain, or otherwise.

(B) Duty of Police Department. It is hereby declared the duty of the Police Department to notify the owner of any dog found running at large on the streets or sidewalks to place it under proper control or confinement.

(C) Violation. The owner of any dog who shall knowingly suffer or permit his dog to run at large on the streets or sidewalks in violation of this section shall be guilty of a misdemeanor.

('74 Code, § 4-34)

§ 92.25 IMPOUNDMENT; REDEMPTION BY OWNER.

(A) Any dog which appears to be lost, strayed, or unwanted, or which is found to be not wearing a currently valid rabies vaccination tag, as required by State law or this subchapter, shall be confined in the animal shelter for a period of 48 hours for redemption by the owner.

(1) Days the shelter is not open shall not constitute any days of confinement.

(2) Shelter operating policy shall be established by the Board of Health. ('74 Code, § 4-35)



(B) When any dog has been impounded at the animal shelter, an attempt to notify the owner shall be made, or if the owner is unknown, then notice thereof should be posted for 48 hours or until the animal is disposed of, on a bulletin board at the animal shelter, and the time and place of taking that animal, together with the time and date of posting the notice.

(C) The owner shall be entitled to resume possession of his animal upon compliance with the provisions of this subchapter and payment of shelter fees incurred. ('74 Code, § 4-36)

§ 92.26 LIABILITY OF OWNER FOR PUBLIC NUISANCE.

(A) It shall be unlawful for any owner to keep on his lot or premises any dog or dogs which bark, howl, fight, or make such other noises as to disturb the peace and quiet of the neighborhood or general public to keep such dog or dogs in unsanitary conditions, which result in a neighborhood or public nuisance.

(B) Failure to abate this condition upon notification from the Chief of Police or his duly authorized representative shall be a misdemeanor.

('74 Code, § 4-37) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) Whoever violates any provision of this chapter for which another penalty is not provided, shall be subject to the penalty provisions set forth in § 10.99.

(B) The violation of any provision of § 92.06 shall subject the offender to a civil penalty in the amount of \$50 to be recovered by the town. Violators shall be issued a written citation which must be paid within 72 hours. Each day's continuing violation of § 92.06 shall be a separate and distinct offense. Notwithstanding § 92.06 (B), said § 92.06 may also be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction or by criminal penalties as provided in G.S. § 14-4. (Ord., passed 5-2-88)

**A Resolution Authorizing and Empowering the County of Greene To Enforce its "Animal Control Ordinance" within the Corporate Limits of the Town of Snow Hill.**

WHEREAS, the County of Greene is currently providing animal control services within the Town Limits of the Town of Snow Hill; and

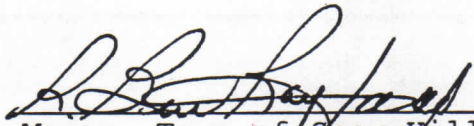
WHEREAS, The County of Greene has recently revised its Animal Control Ordinance and adopted same on the 6th day of April, 1998; and

WHEREAS, the County of Greene has requested the Town of Snow Hill to authorize and empower it to enforce its new Animal Control Ordinance within the corporate limits of the Town of Snow Hill; and


WHEREAS, the Board of Commissioners of the Town of Snow Hill has agreed to such request, on the condition, however, that ARTICLE IV of said Ordinance shall not apply within or be enforced within the corporate limits of Snow Hill;

Now, therefore, Be it hereby RESOLVED by the Board of Commissioners of the Town of Snow Hill, that the provisions of the Animal Control Ordinance adopted by Greene County on April 6, 1998, shall apply within the corporate limits of the Town of Snow Hill; and be it further RESOLVED that Greene County, and its duly authorized agents and employees, are authorized to enforce the Animal Control Ordinance adopted by it on April 6, 1998; provided, however, that neither of the aforesaid RESOLUTIONS shall apply to ARTICLE IV of such Ordinance and said ARTICLE IV shall not apply within or be enforced within the corporate limits of Snow Hill.

This 13th day of July, 1998.

  
\_\_\_\_\_  
Mayor, Town of Snow Hill

ATTEST:

  
\_\_\_\_\_  
Clerk





**GREENE COUNTY  
LEGAL DEPARTMENT**

229 KINGOLD BLVD., SUITE D  
SNOW HILL, N.C. 28580  
TELEPHONE: (919) 747-3446  
FAX: (919) 747-3884

COUNTY ATTORNEY  
R. ERIKA CHURCHILL

May 6, 1998

Mr. Ben Rayford, Mayor  
Town of Snow Hill  
201 North Greene Street  
Snow Hill, North Carolina 28580

RE: Animal Control Ordinance

Dear Ben:

Currently the County is providing animal control services within the town limits. It is my understanding that the Town has agreed for the County to enforce its ordinance within the town limits. The County has recently revised its Animal Control Ordinance. The final draft was adopted on April 6, 1998, by the Greene County Board of Commissioners.

As the intent was to adopt an ordinance that the Town and County were agreeable with, we would appreciate your consideration of this revision for adoption.

I am enclosing a copy of the revised ordinance for your review and comment. Please contact me if you have any questions or comments. Thank you.

Sincerely,

*R. Erika Churchill*

R. Erika Churchill

enc/cc: Susan Casper, Town of Walstonburg  
Karen Crutchfield, attorney  
Trevia Matthews, Town of Hookerton

April 6, 1998

## **ANIMAL CONTROL ORDINANCE**

### **Article I**

#### **SECTION 1. Purpose**

It is the purpose of this chapter to:

1. regulate ownership and possession of animals;
2. prohibit certain acts, omissions, and conditions which interfere with the health, safety and general welfare of the inhabitants of the county and those municipalities coming under the provisions of this chapter;
3. protect the public from unvaccinated, diseased, stray, roaming, dangerous or wild animals;
4. make unlawful, acts of animals that interfere with the full enjoyment by citizens of property or the peace and safety of the community;
5. protect animals from abuse or conditions harmful to their well-being;
6. provide for the peace and dignity of residents;
7. protect the public from animals causing injury to persons and property and creating a nuisance;
8. provide rules and regulations in addition federal and state laws;
9. perform any other duties authorized by applicable state laws.

#### **SECTION 2. Jurisdiction**

Except as provided in this section, the provisions of this chapter shall not be applicable to and shall not be enforced within the corporate limits or jurisdiction of any municipality in the county. A municipality may come within the provisions of this chapter at any time by mutual agreement with the county and the municipality, and by the adoption of any appropriate resolution by the governing body of such municipality pursuant to N.C.G.S. 153A-122 agreeing that this ordinance shall be enforced by the county or its designee within the corporate limits or jurisdiction of the municipality. Any provisions of this chapter which are indicated to be applicable only in a particular municipality shall not take effect until and unless such municipality adopts a resolution subjecting itself to this ordinance.

#### **SECTION 3. Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Animal Cruelty Investigators.** Persons duly appointed by the Greene County Board of County Commissioners pursuant to N.C.G.S. 19A-45 to investigate neglect, abuse or cruelty of animals.
- B. **Animal Control Officer.** The city or county employee designated as dog warden, animal control officer, animal control official or other designations that may be used whose responsibility includes animal control.



- C. **Animal Shelter.** Any facility designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this article, the county rabies ordinance and the General Statutes of North Carolina.
- D. **County.** Greene County exclusive of territory under the jurisdiction of a municipality, except as provided in section 2 of this Article.
- E. **Dangerous Animal.** Any animal whose behavior constitutes a serious risk of injuring a human or animal or damaging personal property.
- F. **Dog:** A domesticated animal (canine familiaris) of the Canidea family; provided that no wild specie of the Canidea family, such as wolf, fox, or coyote, shall be considered a domesticated animal, even though raised by humans in domesticated surroundings.
- G. **Dangerous Dog:**
  - (1) A dog that:
    - a. Without provocation has killed or inflicted severe injury on a person;
    - b. Is determined by the animal control officer to be a potentially dangerous dog and for which there has been no appeal from such determination under the provisions of this chapter.
  - Or
  - (2) Any dog owned or harbored primarily or in part for the purpose of fighting or any dog trained for fighting.
- G. **Domesticated.** Any animal kept, cared for, sheltered, fed or harbored for use as a pet labor or as a source of food or income.
- H. **Exposed to Rabies.** Any animal or human bitten by or exposed to any animal known or suspected to have been infected with rabies.
- I. **Harboring an Animal.** Feeding and/or sheltering an animal seven (7) days or more, unless the animal is being boarded for a fee.
- J. **Health Director.** The director of the Greene County Health Department.
- K. **Household.** Any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- L. **Impoundment.** Custody of an animal by the Greene County Health Department.
- M. **Inoculation.** The vaccination of a dog or cat with antirabic vaccine approved by the United States Bureau of Animal Industry, the State Department of Agriculture, and the State Board of Health at such time or times as shall be required by State law, the State Department of Environment, Health and Natural Resources, the Commission for Health Services, the State Health Director, or the local Health Director as defined in N.C.G.S. 130A, Part 6.
- N. **Kennel.** Any premises wherein any person, partnership or corporation is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs and/or cats.
- O. **Livestock.** Animals commonly associated with farming including, but not limited to, horses, mules, ponies, swine, sheep, cattle, and goats. Livestock shall not include chickens or fowl.
- P. **Owner.** A person or legal entity who has a possessory property right in an animal.
- Q. **Pet.** Any animal kept for pleasure versus utility.
- R. **Potentially Dangerous Dog.** A dog that the animal control officer determines to have:
  - (1) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or hospitalization;
  - (2) Killed or inflicted severe injury upon a domestic animal when not on its owner's premises; or
  - (3) Approached a person when not on its owner's premises in a vicious or terrorizing manner in an apparent attitude of attack.
- S. **Provocation.** Any action designed to goad, inflame, instigate or stimulate a aggressive response on the part of an animal, but provocation shall not include any actions on the part of an individual that pertain to reasonable efforts of self-defense against an unprovoked dangerous animal.
- T. **Restraint of a dangerous or potentially dangerous animal.** An animal that is either:



- (1) confined in a securely enclosed and locked pen;
  - (2) confined in any other structure designed to restrain the animal;
  - (3) securely restrained and muzzled when permitted to go beyond the owner's property.
- U. **Restraint of an animal other than a dangerous or potentially dangerous animal.** The animal is:
  - (1) Exclusively on the property of the owner or other person in charge;
  - (2) Under the control of a competent person by a chain, leash, harness or other adequate physical control;
  - (3) Sufficiently near the owner or other person in charge to be under his/her direct control and is obedient to that person's commands.
- V. **Securely Enclosed.** An enclosure on all six sides, including a top.
- W. **Severe Injury.** Any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.
- X. **Stray Animal.** Any animal within the County wandering at large or lost, or which does not have an owner.
- Y. **Trespass.** A wrongful invasion of the possession of another, including but not limited to situations where the victim of a bite or attack by an animal has wrongfully entered upon or invaded the property of another.
- Z. **Vaccination.** The administration of rabies vaccine as required by N.C.G.S. 130A-185.
- AA. **Vicious Animal.** An animal that constitutes a physical threat or makes an unprovoked attack on a human by biting, or on any manner causing abrasions or cuts on the skin, or one which habitually or repeatedly attacks or threatens farm, stock or domestic pets.
- BB. **Wild Animal.** Any animal which can normally be found in the wild state, particularly those feral, exotic, dangerous or nondomestic animals which generally do not live in or about the habitation of humans, including, but not limited to, deer, lions, monkeys, raccoons, skunks, squirrels, tigers, and snakes.

### SECTION 3. Responsibilities and Authority

- A. In administering this chapter, the County and any municipalities therein may, pursuant to an interlocal agreement, form a joint agency, designate a local agency or create an animal control department within either county or municipal government. Such animal control department may be established as the Boards of Commissioners of the local governments participating so dictate. The director shall have the authority to hire appropriate staff including animal control officers.
- B. The Greene County Health Department shall be responsible for the following:
  - 1. Enforcing all state and county laws, ordinances, and resolutions relating to the care, custody, and control of animals in the county;
  - 2. Investigate cruelty or animal abuse with regard to dogs, cats, and other animals;
  - 3. Making such canvasses of the county as is necessary for the purpose of ascertaining that all dogs and cats are vaccinated against rabies;
  - 4. Operating an Animal Shelter; and
  - 5. Make recommendations to the Greene County Board of Health concerning animal and/or rabies control in the county.
- C. Animal control officers shall have the following authority and powers:
  - 1. Take up and deliver any animal at large in violation of this chapter to the animal shelter;
  - 2. Issue appropriate permits, civil penalties and notices required for the enforcement of this chapter;
  - 3. Declare an animal as a potentially dangerous animal if he/she determines that the animal so meets the standard as defined in this chapter. Upon making a determination that an animal is a potentially dangerous animal, the animal control officer shall notify the owner of the animal in writing, stating the reason for the determination. The owner may appeal the decision of the animal control



officer by filing written objections with the animal control appeals board established in the chapter;

4. Make canvasses of the County, including homes and any businesses utilizing security dogs as necessary to ascertain that all dogs and cats are currently vaccinated against rabies; organizing and carrying out any such canvass, having sole and exclusive authority, control, and responsibility for such actions, and insuring that the provisions of this chapter and the North Carolina General Statutes related to animal control are adhered to;
  5. Investigate complaints and/or residents with regard to animals;
  6. Protect animals from neglect or abuse and assist animal cruelty investigators as needed in enforcing state laws regarding cruelty;
  7. Determine the existence of a public nuisance with regards to the keeping of animals.
  8. Enforce the laws with regard to remedies for an owner's failure to obtain proper vaccination of dogs and cats against rabies; and
  9. Investigate all reported animal bites or other physical human contact with suspected rabid animals, and submit bite reports and reports of human contacts to the County Health Director.
- D. The animal control officer shall have no authority to enforce the provisions of this chapter relating to dangerous dogs if one of the following is present:
1. The dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties;
  2. The dog is being used in a lawful hunt;
  3. Where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog or predator control dog on the property of or under the control of its owner or keeper and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or
  4. Where the injury inflicted by the dog was sustained by a person who at the time of the injury, was committing a willful trespass or other tort; was tormenting, abusing, and assaulting the dog; had tormented, abused, or assaulted the dog; or was committing or attempting to commit a crime.
- E. If the animal control officer determines that a dog has bitten a human being, then the animal control officer has the authority to:
1. require the owner to procure liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) at the owner's expense;
  2. have the dog tattooed at the owner's expense; and/or
  3. require the owner to display a sign on the premises warning of the presence of the dog on the premises.

The animal control officer may waive any or all of these requirements if the bite is inconsequential, provoked, or inflicted upon a trespasser. The animal control officer has the authority to require proof of insurance.

#### **SECTION 4. Inspection, interference, or concealment**

- A. **INSPECTIONS.** Whenever it is necessary to make an inspection to enforce any provision of this chapter, or whenever the animal control officer has reasonable cause to believe that there exists in any household or upon any premises any violation of this article, the animal control officer is hereby empowered to enter and inspect such property at any reasonable time and perform any duty imposed upon him/her by this chapter as follows:
1. If such property is unoccupied, the animal control officer shall first make a reasonable effort to locate the owner or other persons having control of the property,
  2. If such property is occupied, the animal control officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefore; and

3. If such entry is refused or cannot be obtained because the owner or other person having control or charge of the property cannot be located after due diligence, the animal control officer may seek an administrative inspection warrant as provided in N.C.G.S. Chapter 15, Article 4A.
- B. **INTERFERENCE.** It shall be unlawful for any person to interfere with, hinder, molest, resist, or obstruct the animal control officer while the animal control officer is carrying out any duty created under this chapter.
- C. **CONCEALMENT OF ANIMAL.** It shall be unlawful for any person to conceal, for the purpose of evading the rabies inoculation requirement of the North Carolina General Statutes, any uninoculated animal from the animal control officer.

## **ARTICLE II. REGULATIONS**

### **SECTION 1. Animal Bite**

- A. It shall be unlawful for an animal to bite a human being who does not ordinarily reside on the premises, except under the circumstances set forth in Article II, Section 3 ( C ).
- B. It shall be unlawful for any adult with custody of an animal to fail to timely report to the animal control officer as soon as possible that an animal has bitten a person. It shall be unlawful for any person to fail to inform the animal control officer where an animal is located if the owner has given the animal away, or caused in any way the animal to be taken from the owner's premises.
- C. All dogs or cats that bite human beings shall be immediately confined in accordance with current state law, in a place designated by the County Health Director, which can be owner's premises. If the owner or the person who controls or possesses the dog or cat refuses to confine the animal as required by this section, the County Health Director may order seizure of the animal and its confinement for statutorily required period at the expense of the owner. Following said confinement, the dog or cat may be released with the written permission of the County Health Director. The disposition of an animal, other than a dog or cat, that bites a person shall be at the discretion of the County Health Director.
- D. The owner has the duty to notify the animal control officer if the dog escapes. If the owner fails to comply with the protective provisions required by the animal control officer under this subsection, he waives the right to contest the seizure and impoundment of the dog.

### **SECTION 2. Nuisance**

- A. The keeping of any animal in such manner or in such numbers as to constitute a public nuisance is hereby prohibited. For the purposes of this section, a public nuisance shall include, but is not limited to, the following:
  1. The keeping of a dog or cat which by frequent or habitual howling, yelping, barking or otherwise, causes loud noises which disturbs the quiet, comfort or repose of a reasonably prudent person in the vicinity;
  2. Unsightly litter, foul or offensive odors of a dog or cat which remain upon or emanate from the property of the owner or custodian;
  3. The keeping of a dog or cat which interferes with persons or other domestic animals;  
or
  4. Allowing a dog or cat to damage, soil, defile, or defecate on private property other than the property of the owner/custodian or on public walks and recreation areas



unless such waste is immediately removed and properly disposed of by the owner/custodian.

- B. Upon receipt of a timely written detailed and signed complaint being made to the Greene County Health Department by any person(s) that another person(s) is maintaining or creating a nuisance as defined by this chapter, the Health Department shall notify the owner/custodian of the animal at issue that a complaint has been received, and that said complaint will be investigated with the owner/custodian to receive a written copy of the report and findings.
- C. If the results of the investigation indicate that the owner/custodian is maintaining or creating a nuisance, the Animal Control Officer shall notify the owner/custodian, in writing of said finding, ordering the nuisance to be abated within 48 hours by whatever means necessary.
- D. In the event that the owner/custodian of the animal is unknown or cannot be located, the notice and order along with a general description of the animal(s) shall be posted for the 48 hours at the animal shelter and the courthouse. If the owner/custodian remains unknown or unlocated after the posted 48 hours, the animal may be impounded or humanely destroyed at the discretion of the Health Director.
- E. Any such determination of public nuisance under this chapter may be appealed in the manner provided for dangerous dog determinations.

### **SECTION 3. Animal Care**

- A. It shall be unlawful for any person to give away any live animal, reptile or bird as a prize or as an inducement to enter any contest game or other competition; as an inducement to enter a place of amusement; offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade; or sell chances, coupons, or tickets to be redeemed for any live animal, reptile or bird.
- B. No beehive shall be kept by any person within one hundred fifty (150) feet of any household other than that of the owner of the beehive.
- C. The areas embraced within in the corporate limits of municipalities opting to be under this chapter and all land owned or leased by such municipalities outside their corporate limits are hereby designated bird sanctuaries.

It shall be unlawful for any person within a bird sanctuary to:

- 1. Shoot, hunt, kill, trap or otherwise take any bird or other wild fowl;
- 2. Collect or destroy any bird's nest or eggs; or
- 3. Disturb or annoy any bird within such sanctuary without permit issued by the state wildlife resources commission.

### **SECTION 5. Posting of a Bond**

If the animal control officer has seized an animal as authorized by this chapter, or for any other legally authorized reason, and the Health Director determines that the retention of any animal so seized might extend beyond five (5) days, then the Health Director has the authority to require the owner to post a bond or to deposit cash not to exceed two hundred dollars (\$200.00) within a reasonable time to cover the boarding costs for the animal and any foreseen, reasonable veterinarian fees required by law or deemed necessary for the animal care during the period of confinement.

### ARTICLE III. ANIMALS AT LARGE

#### SECTION 1. Animals at Large.

- A. It shall be unlawful for any owner to permit his/her animal to run at large off the premises of the owner/custodian. Such animal may be off said premises if it is under the control of a competent person and restrained by a chain, leash, harness or other means of physical control or is sufficiently near the owner or the person in charge of the animal to be under his direct restraining control and is obedient to that person's commands.
- B. In such areas as designated by the Board of County Commissioners from time to time and within the corporate limits of any municipality adopting this ordinance, every person owning or having possession, charge, custody, or control of any animal shall keep such animal exclusively upon his premises. However, such animal may be off said premises if is under the control of a competent person and restrained by a chain, leash, harness or other means of physical control. The areas designated by the Board of County Commissioners shall include the extraterritorial jurisdiction of each incorporated municipality, whether or not it adopts this provision, and the area formerly incorporated as Maury, North Carolina.
- C. Exceptions. The following situations shall be excepted from this section:
  - 1. Service Dogs. Service dogs trained to provide assistance to handicapped persons do not have to be under physical restraint while off the owner's premises if the dog is under the handicapped person's direct control and is obedient to that person's commands, providing the dog is being used as a service dog at the time.
  - 2. Law Enforcement Dogs. Dogs trained to provide law enforcement services do not have to be under physical restraint while off the owner/trainer's premises if the dog is being used for law enforcement purposes.
  - 3. Hunting Dogs. Dogs being used for hunting do not have to be under physical restraint while off the owner/custodian's premises during the time that the dogs are actively involved in a hunt.

#### SECTION 2. Protective measures for confinement of dogs.

- A. **Circumstances requiring special preventive measures.** The animal control officer shall have the authority to require the owner, custodian, or caregiver of a dog to comply with special preventive measures, as described below, after taking into consideration the following factors:
  - 1. **Nature of the particular dog.** The behavior, size, temperament, capacity for inflicting serious injury, the number of dogs involved or other such factors which would be relevant to a determination of whether or not additional preventive measures need to be imposed for a particular situation; and
  - 2. **Adequacy of confinement.** The adequacy of the enclosure or confinement, if any; and
  - 3. **Immediate surrounding area.** The likelihood that the conditions pertaining to the particular dog and the dog's confinement are detrimental to the safety, welfare or peace and tranquillity of a reasonably prudent person in the vicinity.
  - 4. **Children.** Children who live in close proximity to the premises occupied by the dog; or
  - 5. **Bite.** The dog has bitten a human being or domestic animal, without provocation or trespass, and the person bitten does not ordinarily reside on the premises; or
  - 6. **Dog Trained for Fighting or Aggressive Attack.** The dog is used for competitive dog fighting or the dog has been trained for aggressive attacks; or
  - 7. **Attitude of Attack.** The dog, without provocation or a trespass, has approached a person in an apparent attitude of attack; or



8. **Reputation of the Dog.** The dog has a known propensity, reputation, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
- B. **Special Preventive measures.** If the animal control officer determines that the circumstances require special preventive measures, then the animal control officer shall have the authority to require appropriate, specific preventive measures which shall be tailored to the circumstances and might include, but are not limited to, the following:
1. Necessary repairs to any fence or enclosure.
  2. Measures to ensure that a gate will remain secure.
  3. A secure fence or any other similar device that would provide greater assurance for the confinement of the dog.
  4. Posting of "Beware of Dog" signage.
- C. **Written Order.** If the animal control officer determines that a dog owner/custodian must take specific preventive measures, the animal control officer shall make reasonable efforts to notify the owner/custodian by a written order, stating the reasons that preventive measures are required, identifying the specific preventive measures that must be implemented, and stating the designated time period for compliance with the written order. The animal control officer shall have the authority to allow for reasonable extensions of time limits based on good faith progress of implementation of the preventive measures. Any approved extensions of time shall be in writing.
- D. **Failure to comply with written order.** It shall be unlawful for any owner/custodian to fail to comply with a written order to take preventive measures within the designated time period for compliance stated in the written order or any extension thereof.
- E. **Owner's challenge to the written order.** The owner/custodian may submit in writing a challenge to the animal control officer's determination that special preventive measures are required. The owner's/custodian's written challenge must be received by the director within ten (10) calendar days of the date of the written order. The board shall handle the appeal in accordance with the procedures set forth in Article VI, Section 4. If an appeal from the board's decision is made to superior court, and the director makes written findings concluding that the animal must be confined at the animal shelter pending review by the superior court, the owner shall post a cash bond not to exceed \$200.00 to cover the cost of the animal's care. The owner/custodian is responsible for all costs of the animal's care, even such amounts as exceeds the cash bond.

### SECTION 3. Impoundment.

Any animal which shall be found in violation of Section 1 of this Article shall be subject to immediate seizure and impounded at the animal shelter. Any person finding any animal upon his property, in violation of Section 1 of this Article, to his injury or annoyance, shall be authorized to restrain such animal in a humane manner and to thereupon either notify the animal control officer, who shall take possession of the animal for impoundment, or deliver the animal directly to the animal shelter. The animal may, consistent with the provisions of this Chapter be redeemed by the owner/custodian upon payment of the costs assessed by the animal shelter. Upon failure of the owner to redeem the animal as set forth herein, the animal shall be disposed of by the animal shelter as provided by this Chapter.

- A. **Generally.** Any dog or cat which appears to be lost, stray or unwanted, or which is found to be not wearing a currently valid rabies vaccination tag, as required by state law or this division and not under restraint in violation of this Article, shall be impounded by the department and confined in the county animal shelter in a humane manner. Impoundment of such an animal shall not relieve the custodian thereof from any penalty which may be imposed for violation of this Chapter.
- B. **Notice to Owner.** Immediately upon impounding an animal, the animal shelter attendants shall make a reasonable effort to notify the owner/custodian and inform such owner/custodian of the conditions whereby the animal may be redeemed. If the owner is



unknown or cannot be located, a notice of such impoundment showing the time of impoundment shall be posted at the animal shelter for at least 72 hours, or until the animal is disposed of.

- C. **Redemption by Owner Generally.** The owner/custodian of an animal impounded under this Chapter may redeem the animal and regain possession thereof within 72 hours (three days) after notice of impoundment is given or posted as required by the previous subsection, by complying with all applicable provisions of the Chapter, any necessary veterinarian's fee, payment of any dog taxes due, and a daily boarding fee at a rate set by resolution of the board of county commissioners. Fee rates shall be available for public inspection in the office of the clerk to the board of county commissioners and the animal shelter.
- D. **Destruction or Adoption of Unredeemed Animal Generally.** An unredeemed animal may be destroyed or adopted according to the following procedures:
1. If an impounded animal is not redeemed by the owner/custodian within the period prescribed in subsection (c) of this Section, it may be destroyed in a humane manner or offered for adoption to any responsible adult who is willing to comply with this Chapter. Such animal may be adopted or purchased by the first such person who meets adoption requirements, pays the adoption or purchase fee and rabies vaccination fee.
  2. The operator of the animal shelter shall require that all dogs and cats released for adoption or redemption from the animal shelter be spayed or neutered.
  3. The operator of the animal shelter shall require that all dogs and cats released for adoption or redemption from the animal shelter be currently vaccinated against rabies.
  4. No animal which has been impounded by reason of its being a stray, or unclaimed by its owner/custodian, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to state law.
- E. **Procedure for Redemption or Adoption of Unvaccinated Animals.** Unvaccinated animals may be redeemed or adopted according to the following provisions:
1. Any person adopting or reclaiming any dog or cat from the animal shelter shall execute a written agreement wherein the adopting or redeeming party agrees to comply with state rabies vaccination law.
  2. Payment for rabies vaccination will be the responsibility of the person redeeming or adopting the animal.
  3. Violation of this subsection by any person shall subject said person to the criminal penalties provided for in Article VI.
  4. Any dog taxes due and owing must be paid and the per diem fee as set by the Board of Health must be paid before the animal will be released.
- F. **Suspected Rabid Animals Not to be Redeemed or Adopted.** Notwithstanding any other provision of the Ordinance, animals impounded which appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with in accordance with this Article and applicable state laws.
- G. **Destruction of Wounded or Diseased Animals.** Notwithstanding any other provision of this section, any animal impounded which is badly wounded or diseased (not a rabies suspect) and has no identification may be destroyed immediately in a humane manner. If the animal has identification, the animal control department and/or the animal control shelter attendants shall attempt to notify the owner/custodian before disposing of the animal. However, if the owner/custodian cannot be readily reached, and the animal is suffering, the animal control department and/or the animal shelter attendants may destroy the animal at its discretion in a humane manner.

#### **SECTION 4. Seizure and Disposition of Animals.**

- A. **Authority to Seize Animals.** In addition to an other authority or procedure authorized by this Chapter or by any other law to seize an animal, the animal control officer shall have the authority to summarily seize any animal from any premises when the animal control officer determines that the animal in the surrounding circumstances is dangerous to the public



safety or public health. On summarily seizing an animal, the animal control officer shall provide the owner with a written order of seizure.

- B. **Obligation of Owner to Comply with Seizure Order.** When the animal control officer serves the owner with a written order of seizure, it shall be unlawful for the owner to fail to comply with the order or to interfere with the animal control officer. A sworn law enforcement officer shall accompany the animal control officer to seize the animal, if deemed necessary by the Animal Control Officer after consultation with Law Enforcement.
- C. **A Challenge to the Seizure Order.** If the owner wishes to challenge the seizure order, then the owner must submit in writing the basis of the challenge within ten calendar days of the seizure of the animal, not counting the day of seizure of the animal. The challenge must be directed to the appeals board and filed with the director. The animal control appeals board is authorized to hear and decide the challenge to the seizure order in the same manner as provided for in Article VI Section 4.
- D. **Owner's Redemption of Animal.** The owner is entitled to redeem the animal, unless the animal shelter retains the animal upon some other basis of legal authority, by paying all applicable charges, and complying with outstanding orders of the animal control officer.
- E. **Termination of Owner's Rights.** If an owner fails to comply with the requirements that constituted the basis for seizing the animal, or fails to reclaim the animal with any applicable time period, then the animal control shelter shall have the authority to humanely destroy the animal, or place the animal for sale to the public, or to place the animal for adoption, or to place the animal with a local human society for future placement.

## **Article IV. Livestock, Fowl (Applicable only within Municipalities)**

### **SECTION 1. Permit for Keeping**

- A. No mule, swine, sheep, cattle, goats, horses, other livestock shall be kept by any person; provided, however, that milking cows, milking goats, horses, ponies and exotic pets may be kept if a written permit therefor has been issued by the controlling municipality, with a written copy forwarded to the animal control officer.
- B. No person shall keep any chickens or fowl unless such person first obtains a permit to do so. Applications for such permit shall be filed with the controlling municipality, with copies forwarded to the animal control officer.
- C. No permit shall be issued under this Article allowing any person to keep, stable, pasture, feed, or water such animal, chickens, or fowl at any time within 150 feet of any household other than that of the owner of the animal, chickens or fowl.

### **Section 2. Inspection of applicant's premises.**

Before a permit required by this Article is granted, it shall be the duty of the animal control officer to make an inspection of the premises where the permit for keeping livestock and/or fowl is desired, and make a report to the officials of the controlling municipality. In making such inspection, the animal control officer shall ascertain whether or not the premises, including any stables, sheds, or other enclosures, is in a clean, sanitary and healthful condition.

### **Section 3. Issuance of Permit.**

- A. If after receiving the report of the inspection referenced in Section 2 above, the controlling jurisdiction ascertains that all ordinances of the municipality and laws of the state relating to the keeping of livestock and fowl have been complied with, a permit may be issued at the discretion of the Board of that municipality which shall allow the keeping of the requested animal(s).

- B. In issuing the permit, the controlling jurisdiction may attach specific terms, including, but not limited to, an expiration date. A permit issued under this Article may be revoked by the animal control officer any time upon violation of the terms of the permit or any other provision of this Ordinance. On such revocation, the animal in violation must be removed from the premises by the owner within seven (7) days from such expiration or revocation.
- C. Any permit issued pursuant to this Article shall not be a defense to any action brought under Nuisance, Article II, Section 2.

#### **Section 4. Enclosure Specifications.**

Each person holding permit to keep chickens or fowl within city limits shall comply with the following rules and regulations:

- A. The chicken or fowl house and run must be enclosed, and the chickens or fowl kept within it at all times.
- B. The chicken or fowl house, if required by this Article, must be used for chickens or fowl only, and it must be well ventilated, with one square foot of window for 15 square feet of floor space.
- C. The run must be well drained so there will be no accumulation of moisture.
- D. The floor and walls of the chicken or fowl house must be kept in a clean, sanitary and healthful condition, with all droppings and body excretions placed in a flyproof covered container by the owner or holder of the permit.

### **ARTICLE VI. ENFORCEMENT**

#### **Section 1. Criminal Penalties.**

Any violation of the Ordinance shall constitute a misdemeanor and the violator may be fined up to \$500.00.

#### **Section 2. Civil Penalty.**

- A. In addition to the impoundment of the animal, or in lieu thereof, the violation of Article III, Animals at Large, shall subject the owner of such animal to a civil penalty as set forth herein.
- B. The owner of the animal shall be issued a written notice of violation and penalty which shall require payment to be made to the animal shelter within 72 hours (three days) of receipt of notice by the owner. Notice of the civil penalty and violation shall be delivered in person to the owner or mailed by certified mail, return receipt requested, to the owner's last known address.
- C. Upon the owner's failure to pay the required amount within the designated 72 hour period, the director may institute a civil action in the nature of debt to recover such amount.
- D. Issuance of a notice of assessment of civil penalty for the violation of this ordinance is directed toward and against the owner/custodian of the animal. The purpose of the assessment of a civil penalty is to affect the conduct of the owner of animal be seeking to have an owner responsibly maintain sufficient restraint and confinement of his/her animal. Therefore, an owner/custodian of an animal shall be subject to escalating penalties for each violation of this ordinance allowed by the owner/custodian, whether the animal is the same animal, a different animal, or various animals belonging to the owner or under the care of the custodian. Violation of the ordinance shall subject the owner/custodian to civil penalty not to exceed \$500.00 per occurrence, the specific amount to be determined by the animal control officer taking into account the nature and severity of the offense and prior violations.



### **Section 3. Injunctions.**

Any provision of the ordinance which makes unlawful a condition existing upon or use made or real property may be enforced by injunction and order of abatement. When a violation of such a provision occurs, the director through either the county attorney or applicable municipality's attorney, or any resident of the county or applicable municipality may apply to the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

### **Section 4. Animal Control Appeals Board.**

- A. There is hereby created an animal control appeals board which shall consist of:
1. A veterinarian who is a member of the Board of Health;
  2. A County Commissioner designee to the Board of Health;
  3. A citizen representative from one of the incorporated towns in the County;
  4. A Board of Health member who is appointed by the Chair of the Board of Health;
  5. A citizen representative who does not reside in within the limits of any incorporated municipality in the County.
- B. The following shall govern the Animal Control Appeals Board:
1. The Appeals Board shall review all potentially dangerous and dangerous dog appeals and any other appeals as set forth in this ordinance;
  2. The citizen representatives shall be individuals who are appointed by the Board of County Commissioners;
  3. Each member shall serve three (3) year staggered terms, not to exceed 3 consecutive terms.
  4. The Appeals Board shall select a chair and vice chair, who shall both serve a three (3) year term. If a member in either position completes his/her appointment to the Appeals Board before the expiration of their elected slot, their tenure as chair or vice chair shall be deemed completed.
  5. A quorum of the Appeals Board shall constitute three of five members.
  6. The Director of the Health Department shall serve as Secretary to the Appeals Board.
- C. Upon determination made by the animal control officer from which an appeal is authorized in the ordinance, the owner of the animal or other aggrieved person may appeal the determination by filing written objections with the director within ten calendar days, not counting the day of receipt by the owner of the decision of the animal control officer. Upon timely receipt of an appeal, the director shall schedule a hearing before the appeals board within thirty (30) days of the filing of the appeal. Any aggrieved party may petition the county superior court for a writ of certiorari to review any decision rendered by the appeals board within thirty (30) days after receipt of the written decision of the appeals board. Any party has the right to have counsel present before the board, to examine and cross-examine witnesses and to have witnesses' testimony be sworn. Depending upon whether the violation occurred within or outside the corporate limits of any municipality, it shall be the duty of the county attorney/designee and the municipality's attorney/designee to provide legal advice to the appeals board. Provided, however, when the animal control officer has determined that a dog is a potentially dangerous dog, if the owner desires to file an appeal, the appeal must be filed in writing with the board with three (3) business days of the determination, not counting the day of receipt of the determination. The director shall schedule a hearing within ten (10) business days of the timely filed written appeal. Any appeal to superior court must be filed within ten (10) business days of receipt to the written decision of the board.



## APPENDIX II

### LIVESTOCK STABLES REGULATED

A. No person, firm, or corporation shall keep, house or pen, within the Town limits of Snow Hill, any horse, mule or pony on any lot, parcel, or tract of land except such as is permitted herein; provided, however, nothing in this subsection shall be construed to prohibit the Town of Snow Hill from requiring a special use permit or other permit for the keeping or maintaining of a horse, mule or pony.

B. No person, firm, or corporation shall keep, house or pen, within the Town limits of Snow Hill, any horse, mule or pony on any lot, parcel, or tract of land except for purposes of personal pleasure and recreation of the owner of the horse, mule or pony; provided, however, that any bona fide commercial or business equine stables in active operation as of the date of adoption of this ordinance shall be permitted to continue in operation, but same shall not be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption of this ordinance; and provided, further, that if such commercial or business equine stables shall cease operation for a period of more than 360 days, any subsequent use of the land shall thereafter conform to the regulations set forth herein.

C. No person, firm, or corporation shall keep, house or pen within the Town limits of Snow Hill, any horse, mule or pony on any lot, parcel, or tract of land containing less than two acres in size. Such lot, parcel or tract of land shall be completely enclosed by a fence or other enclosure designed to maintain a horse, pony or mule. The minimum fenced area of such lot, parcel or tract of land shall be measured exclusive of any yard or lot upon which is located the residence of the owner of the horse, mule or pony or any other residence.

D. Notwithstanding subsection (D) above, it shall be unlawful for any person, firm or corporation to keep, house or pen more than one horse, mule or pony per acre of pasture land. The minimum pasture area shall be measured exclusive of the 50 foot set back requirement set forth in Paragraph F. below.



**E.** No person, firm, or corporation shall construct or maintain any pen, runway, stall, stable, shed, barn, or enclosure for any horse, mule, or pony within the Town limits at a distance closer than 200 feet to the nearest point of any residence or other building used for the purpose of human habitation, (including the owner's or caretaker's residence) or any public meeting place, such as schools, churches, recreation center, and the like; or at a distance closer than 50 feet from the property line in any direction.

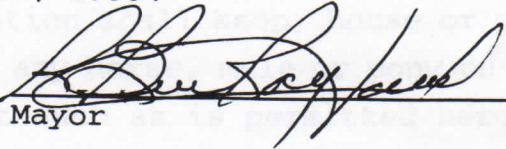
**F.** Every person, firm or corporation owning, using or occupying any stall, stable, shed, pen, runway or pasture where any horse, mule or pony shall be kept shall maintain a fly-proof, hard bottom bin or other suitable receptacle in which shall be placed at least once a day all manure and wet refuse accumulating from the animals. However, if the owner or the person using the stable removes the manure daily from the stable, shed or barn and scatters it over land for the purpose of fertilization and to a depth of no more than two inches, no bin or other receptacle shall be required, but in no instance shall manure be stored on the premises without it being deposited in the bins or receptacles as specified.

**G.** All areas in or upon which animals or fowl are stabled or maintained shall be sprayed on a regular basis with insecticide approved by the County Health Department, at intervals and to the extent necessary to adequately control insects.

**H.** It shall be unlawful for any person, firm or corporation to keep, house or pen a horse, mule or pony within the Town limits of Snow Hill without first obtaining a permit for same. A request for said permit shall be accompanied by a payment of \$20.00 and a valid certification of inoculation against equine encephalitis for each horse, mule or pony maintained upon the premises. The permit shall be issued by the Zoning Administrator of the Town of Snow Hill, or other official as directed by the Board of Commissioners of the Town, upon proof of compliance with all regulations of the Town of Snow Hill. Said permit shall be effective for a period of one year from date of issuance, and may be reissued thereafter upon the same terms and conditions as required upon initial issuance.

This ordinance shall be effective upon adoption.

Adopted this 5<sup>th</sup> day of April, 1999.

  
Mayor

Attest:

  
Clerk to the Board



## I. General Policies.

Cemetery

### **A. Veteran Supplemental Burial Benefit (Policy No. 1.0001.06)**

**1. Policy Statement.** A veteran supplemental burial benefit is hereby established to assist veterans of the United States Armed Forces. Based on availability, the Veteran Supplemental Burial Benefit provides to veterans of the United States Armed Forces the ability to purchase one (1) gravesite in the town's cemetery at a 25 percent discount based on the general gravesite rate. No more than one gravesite shall be sold at the said discounted rate per veteran under the provisions of this policy. The town reserves the right to determine eligibility.

**2. Definition.** 1) For purposes of this policy, a "veteran" is defined as a member of the United States Armed Forces including active duty members, reservists, national guardsmen, and those discharged or separated from active duty under conditions other than dishonorable having completed the required period of service. 2) For purposes of this policy, "DD-214" is defined as separation papers, discharge papers, Statement of Service or Certificate of Release/Discharge.

**3. Procedures.** A) Veterans must apply to purchase a gravesite under the provisions of this policy. B) At the time of death, any next of kin, attorney, family member or funeral director responsible for funeral and burial arrangements may apply for the veteran supplemental burial benefit on behalf of the deceased veteran. C) When applying for the Snow Hill Veteran Supplemental Burial Benefit the following documents may be required in order to receive the benefit under the provisions of this policy: DD-214, certificate of death, valid military identification and/or proof of residency. D) The cemetery superintendent or town clerk shall be responsible for determining eligibility. E) Gravesites in the town's cemetery shall be secured at the time of purchase and cannot be reserved. F) For those applicants acting on the behalf of deceased veterans, Federal and State burial benefits shall be applied towards burial expenses before activation of the supplemental burial benefit. G) Ineligibility rulings may be appealed to the Snow Hill Board of Commissioners. H) The town clerk shall maintain a record of veterans purchasing a gravesite under the provisions of this policy.

**4. History of Policy No. 1.0001.06.** On June 12, 2006, this policy was approved by the Snow Hill Board of Commissioners for implementation effective July 1, 2006.

**5. Contact.** The cemetery superintendent or town clerk may assist families in applying and obtaining necessary documentation to obtain the veteran supplemental burial benefit.

## CHAPTER 93: CEMETERIES

### Section

#### General Provisions

*Vault or  
grave liner required*

- 93.01 Cemetery interment required
- 93.02 Proper decorum to be observed
- 93.03 Groundskeeping regulations
- 93.04 Certain persons and objects prohibited on cemetery grounds
- 93.05 Prohibited conduct

#### Snow Hill Cemetery

- 93.10 Use restriction
- 93.11 Purchase of lots
- 93.12 Opening and closing graves
- 93.13 Installation of markers
- 93.14 Care and maintenance
- 93.15 Disturbing or defacing property

#### Administration

- 93.25 Superintendent of cemeteries; duties
- 93.26 Lot deeds
- 93.27 Lot prices

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#### Statutory reference:

Authority to regulate cemeteries, see G.S. Sections 160A-341 through 160A-348

## GENERAL PROVISIONS

### S 93.01 CEMETERY INTERMENT REQUIRED

No interment of the remains of any person shall be made in any other place within the town other than within the grounds of a duly designated cemetery.  
( '74 Code, S 6-1) Penalty, see S 10.99

### S 93.02 PROPER DECORUM TO BE OBSERVED

All persons when within the cemetery are reminded that the grounds thereof are sacredly dedicated to the interment and repose of the dead, and strict observance of the decorum due to such a place will be expected and required by all.  
( '74 Code, S 6-36 (a)) (Ord., passed 1-3-78) Penalty, see S 10.99



### **S 93.03 GROUNDSKEEPING REGULATION**

The Town of Snow Hill owns and maintains the cemetery, therefore:

(A) The town reserves the right to determine, establish, modify, alter, or change the grade of each and every lot, road, driveway, pathway or part thereof, and it shall not be liable to anyone for any such action.

(B) No lot owner shall make any change or alteration in or on any lot, including the removal or change in position of any memorial of any kind, without the written consent of the town, and if so made, the town will restore the lot to its former condition without notice and at the expense of the owner of the lot.

(C) No cement product of any kind will be permitted above the ground on any lot or single grave, and the Superintendent of Cemeteries is authorized and directed to remove it without notification to anyone.

(D) No coping, curbing, fencing, hedging, borders, corner posts, or enclosure of any kind will be allowed around any lot; and no walks of bricks, cinders, tile, stone, marble, terra-cotta, sand, cement, gravel, wood, or other material will be allowed on any lot or single grave. The town reserves the right to remove the same if so erected, planted or placed.

(E) No trinkets, toys, shells, jars, tin cans, sand, artificial material, or anything, which in the opinion of the town is unsightly, will be allowed on any lot or single grave. All such articles, materials, and things will be removed without notice, and the town shall not be responsible for the loss or destruction thereof.

(F) After the initial burial, only one arrangement will be allowed per marker, unless a two-urn accommodation is made a part of a marker. When, in the opinion of the town, any arrangement becomes unsightly, it will be removed without notice, and the town shall not be responsible for loss, theft or destruction of any arrangement or item placed in the cemetery.

('74 Code, S 6-36) (Ord., passed 1-3-78) Penalty, see S 10.99

#### S 93.04 CERTAIN PERSONS AND OBJECTS PROHIBITED ON CEMETERY GROUNDS

The following persons and things are forbidden to enter the cemetery grounds and are subject to be removed or rejected therefrom:

(A) Children under 12 years of age unless attended by an adult person responsible for their conduct.

(B) Delivery trucks, wagons, and vehicles, or any conveyance generally used for hauling goods or chattels, except vehicles delivering to the cemetery grounds, flower trucks bringing flowers for an interment or to be placed on a grave, and trucks of a licensed memorialist.

(C) Persons passing through the cemetery, except for the bona fide purpose of visiting a grave, lot, or to attend to cemetery business matters with an authorized representative of the town.

(D) Persons carrying firearms, except officers of the law or members of a military detail, in attendance upon an interment.

(E) Material of any description, except cut flowers, artificial arrangements, wreaths, and potted plants at times permitted.

(F) Bicycles and motorcycles, unless a special permit is first issued therefor by an officer or duly authorized representative of the town. This rule shall not apply to motorcycled police officers.

(G) Any intoxicating liquors or soft drinks.

(H) Dogs, or any other animal, are not permitted in the cemetery grounds at any time.

('74 Code, S 6-36 (h)) (Ord., passed 1-3-78) Penalty, see S 10.99

#### S 93.05 PROHIBITED CONDUCT

The following things are not permitted in or on the cemetery grounds:

(A) Loud, boisterous, or obscene language, or whistling and singing, except when a part of a memorial or interment service.

(B) Improper conduct or unseemly noise.

(C) Picnicking, lunching, camping, hunting, gathering berries or fruits or nuts, running, romping, playing, loitering, lounging, lying full length, or sitting on the ground.



(D) Cutting, picking, or pulling flowers or plants, whether cultivated or wild, breaking branches from any shrub or tree, scratching, marring, defacing, injuring, or disturbing any monument head or foot stone, building, or any other thing being a part of or placed or used in connection with the cemetery grounds, or any lot, pathway, street, or roadway therein.

(E) Putting or depositing paper, rubbish, dead or wilted flowers, shrubs, plants, branches, or any unsightly or unseemly thing on any lot, walk, drive, or other part of the cemetery, except in receptacles provided, for that purpose.

(F) Sitting or climbing on a marker, monument, mausoleum, or fixture of any kind.

(G) Peddling, begging, soliciting, or collecting.

(H) The display or distribution of signs, cards, handbills, circulars, or anything relating to any business, profession, office, or other matter.

(I) No person, including children, shall engage or play any recreational activities on the cemetery property.

(J) The placing of flowers, floral or other designs and things in alcohol or other preservatives, or under glass, or other enclosures.

(K) Fishing, hunting, trapping, molesting, or killing of any birds, water fowl, or game of any kind.

('74 Code, S 6-36 (1)) (Ord., passed 1-3-78) Penalty, see S 10.99

#### **S 93.10 USE RESTRICTION**

The town-owned cemetery known as Snow Hill Cemetery shall be used exclusively for the burial of human bodies.

('74 Code, S 6-31) (Ord., passed 1-3-78) Penalty, see S 10.99

#### **S 93.11 PURCHASE OF LOTS**

Any person desiring to purchase a lot in the Snow Hill Cemetery shall apply to the Town Clerk. Upon payment of the purchase price as set by the Board of Commissioners, the Clerk shall issue a deed to the purchaser, subject to the provisions of this subchapter. Provided however, if an application is made for grave opening at the same time an application is made for purchase of a grave lot, the fee for grave opening shall also be paid prior to issuance of the deed for said lot.

('74 Code, S 6-12)

### **S 93.12 OPENING AND CLOSING GRAVES**

The opening and closing of graves in the Snow Hill Cemetery shall be the sole duty and responsibility of the town through its duly designated agent, and it shall be unlawful for any person to attempt to conduct a funeral or bury a body without prior notification and authorization by the town.

('74 Code, S 6-13) Penalty, see S 10.99

### **S 93.13 INSTALLATION OF MARKERS**

It is the sole duty and responsibility of the town to supervise and inspect the installation of all markers and monuments, and it shall be unlawful for any person to attempt to erect any marker or monument without a permit from the Town Hall, or other than as specified herein.

### **S 93.14 CARE AND MAINTENANCE**

All matters relating to the care and maintenance of the Snow Hill Cemetery shall be under the control of the Board of Commissioners. Such matters as are necessary and proper to perpetuate the care and good appearance of said cemetery shall be considered by that Board from time to time as they see fit.

### **S 93.15 DISTURBING OR DEFACING PROPERTY**

(A) It shall be unlawful for any person in any manner to disturb any grave, deface or remove any grave marker, or to damage any flowers, shrubs, trees or other property in the Snow Hill Cemetery.

(B) The Town Clerk may authorize removal from the cemetery of any floral designs, flowers, weeds, plants or herbage of any kind, when, in his/her judgement, they become unsightly or fail to conform to the standards generally maintained in the cemetery. ('74 Code, S 6-16) Penalty, see S 10.99



## **ADMINISTRATION**

### **S 93.25 SUPERINTENDENT OF CEMETERIES; DUTIES**

(A) There shall be appointed by the Board of Commissioners a Superintendent to have charge of the town cemetery or cemeteries. It shall be the duty of the Superintendent to:

- (1) Have general supervision of the cemetery or cemeteries.
- (2) Have general supervision and direction of sale of all lots.
- (3) Have general supervision and direction of the digging of graves or disinterments.
- (4) Enforce all ordinances or laws relating to cemeteries.
- (5) Establish the lot markers.
- (6) Have general supervision and direction of the planting of all shrubbery and beautification of the cemetery or cemeteries.
- (7) Have general supervision and direction of placing of foundations for monuments and footstones and the erection of those monuments and footstones.
- (8) Personally inspect and lay out the location of every grave.  
( '74 Code, S 6-32)

(B) The Superintendent shall collect the fee established by the Board of Commissioners for the opening of all graves or exhuming of all bodies.  
( '74 Code, S 6-33) (Ord., passed 1-3-78)

### **S 93.26 LOT DEEDS**

Deeds for the cemetery lots shall be prepared by the Town Clerk and shall be signed by the Mayor and Town Clerk.  
( '74 Code, S 6-34) (Ord., passed 1-3-78)

### **S 93.27 LOT PRICES**

Prices of lots will be determined by the Board of Commissioners and filed in the office of the Town Clerk.  
( '74 Code, S 6-35) (Ord., passed 1-3-78)

**BY ORDINANCE PASSED BY THE GOVERNING BODY OF THE TOWN OF  
SNOW HILL**

## CHAPTER 94: CIVIL EMERGENCIES

### Section

- 94.01 When state of emergency deemed to exist
- 94.02 Proclamation of state of emergency
- 94.03 Form of proclamation
- 94.04 Scope of proclamation
- 94.05 Restrictions during emergency
- 94.06 Violations prohibited
- 94.07 Extension, alteration, or repeal of emergency
- 94.08 When state of emergency must be terminated
- 94.99 Penalty

### Statutory reference:

State Emergency Management Act, see G.S. Ch. 166A  
Authority to enact ordinances dealing with state of emergency,  
see G.S. § 14-288.12

### § 94.01 WHEN STATE OF EMERGENCY DEEMED TO EXIST.

A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.

('74 Code, § 7-1)

### § 94.02 PROCLAMATION OF STATE OF EMERGENCY.

In the event of an existing or threatened state of emergency endangering the lives, safety, health, and welfare of the people within the town, or threatening damage to or destruction of property, the Mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order more effectively to protect the lives and property of people within the town, to place into effect any or all of the restrictions hereinafter authorized.

('74 Code, § 7-2)

### § 94.03 FORM OF PROCLAMATION.

In accordance with § 94.02, the following proclamation shall be issued:

#### "PROCLAMATION

WHEREAS, the Governing Body of the Town of Snow Hill has duly adopted an ordinance providing that when there exists within the town a state of emergency extraordinary measures are authorized to cope with any widespread illegal activity endangering the lives, safety and property of persons within the town; and



WHEREAS, by ordinance duly adopted by the Governing Body of the Town of Snow Hill, the Mayor is authorized to proclaim the existence of such a state of emergency to all citizens and to impose certain restrictions for the protection of the lives and property;

NOW, THEREFORE, I, \_\_\_\_\_, Mayor of the Town of Snow Hill, do hereby proclaim that:

I.

A state of emergency exists within the Town of Snow Hill.

II.

Except as provided in Section IV below, and until the state of emergency as hereby proclaimed is ended, it shall be unlawful for any person

(a) to possess off his own premises, or to buy, sell, give away or otherwise transfer or dispose of any explosives, firearms, ammunition or dangerous weapons of any kind;

(b) to buy or sell beer, wine or intoxicating beverages of any kind;

(c) to organize or participate in any demonstrations, parades, marches or vigils on any public ways or public property within the Town of Snow Hill.

III.

Until the state of emergency as hereby proclaimed is ended, all persons shall remain in their homes, offices or places of business, between \_\_\_\_\_ o'clock p. m. on each day and \_\_\_\_\_ o'clock a. m. on the next day, and during such hours it shall be unlawful for any person to:

(a) be or travel upon any public street, alley or roadway or upon any public property, unless in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of himself or his family or some member thereof;

(b) participate in or carry on any business activity;

(c) keep open any place of business, place of entertainment, or any other place of public assembly.

IV.

(a) The following persons are exempt from the restrictions imposed by Section III(a) above:

(1) (List, such as law enforcement officers, etc.)

(2) Etc.

(b) The following businesses are exempt from the restrictions imposed by Section III(c) above:

- (1) (List, such as public utilities, news media, etc.)
- (2) Etc.

V.

This proclamation shall become effective at \_\_\_\_\_ o'clock \_\_\_\_ m. on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and shall remain in force until dissolved by the Mayor or Governing Body of the Town of Snow Hill."

('74 Code, § 7-3)

§ 94.04 SCOPE OF PROCLAMATION.

The Mayor is hereby authorized and empowered to limit by the proclamation set out in § 94.03 the application of all or any part of such restrictions to any area specifically designated or described within the corporate limits and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees, doctors, nurses, employees of hospitals and other medical facilities, on-duty military personnel, whether state or federal, on duty employees of public utilities, radio broadcasting and television broadcasting corporations operated for profit, and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people.

('74 Code, § 7-4)

§ 94.05 RESTRICTIONS DURING EMERGENCY.

During the existence of a proclaimed state of emergency, the Mayor may impose by proclamation any or all of the following restrictions:

(A) Prohibit or regulate the possession of explosives, firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof.

(B) Prohibit or regulate the buying or selling of beer, wine or intoxicating beverages of any kind, and their possession or consumption off one's own premises.

(C) Prohibit or regulate any demonstration, parade, march, vigil, or participation therein taking place on any of the public ways or upon any public property.

(D) Prohibit or regulate the sale of gasoline, kerosene, naphtha, or any other explosive or inflammable fluids or substances.



(E) Prohibit or regulate travel upon any public street, alley, or roadway, or upon any other public property, except by those in search of medical assistance, or other commodity or service necessary to sustain the well-being of themselves or their families.

(F) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly.

('74 Code, § 7-6)

#### § 94.06 VIOLATIONS PROHIBITED.

During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this chapter.

('74 Code, § 7-8(a)) Penalty, see § 94.99

#### § 94.07 EXTENSION, ALTERATION, OR REPEAL OF EMERGENCY.

Any proclamation may be extended, altered, or repealed, in part or in whole, during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.

('74 Code, § 7-7)

#### § 94.08 WHEN STATE OF EMERGENCY MUST BE TERMINATED.

The Mayor shall proclaim the end of the state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant, or when directed to do so by the governing body.

('74 Code, § 7-5)

#### § 94.99 PENALTY.

The violation of any provision of this chapter, or any provision of any restriction imposed by any proclamation authorized by this chapter, shall constitute a misdemeanor, punishable as provided by § 10.99.

Section

General Provisions

- 95.01 Establishment of fire limits
- 95.02 Burning trash within fire limits prohibited; exception
- 95.03 Permit required for bonfires
- 95.04 Fire exits to be kept clear
- 95.05 Exit signs required in public places
- 95.06 Passageways and exit doors in public buildings to be kept open
- 95.07 Lots to be kept free from fire hazards
- 95.08 Congregating near fires prohibited
- 95.09 Interfering with firefighters or apparatus; false alarms
- 95.10 Riding Fire Department trucks
- 95.11 Damaging fire hoses
- 95.12 Officer in command at scene of fire

Fire Prevention Code

- 95.20 Adoption of code; incorporation by reference
- 95.21 Conflicts

Cross-reference:

Fire Chief, see § 31.08

Fire Department, see §§ 32.20 through 32.22

Statutory reference:

Authority of town as to fire prevention, see G.S. §§ 160A-291 through 160A-294

GENERAL PROVISIONS

§ 95.01 ESTABLISHMENT OF FIRE LIMITS.

The fire limits shall be as follows: The corporate limits of the town plus the area encompassed within a line following and one mile beyond the corporate limits.

('74 Code, § 9-31)

§ 95.02 BURNING TRASH WITHIN FIRE LIMITS PROHIBITED.

It shall be unlawful for any person to burn or cause to be burned any trash, refuse, shavings, paper, leaves, litter or other material of any kind outside any house, on or in any street, sidewalk, alley, lot, or yard, within the fire limits of the town as established by § 95.01, without a permit so to do. This shall not apply to burning of trash in an incinerator.

('74 Code, § 9-1) Penalty, see § 10.99

*Dana  
do not issue  
permits because  
it is picked  
up by town  
9-6-11*



§ 95.03 PERMIT REQUIRED FOR BONFIRES.

No person shall burn or in any way contribute to the burning of a bonfire on any street, avenue, sidewalk, driveway, lot, or public land within the town limits unless a written permit is first obtained from the Chief of the Fire Department.

('74 Code, § 9-2) Penalty, see § 10.99

§ 95.04 FIRE EXITS TO BE KEPT CLEAR.

(A) All fire exits shall at all times be kept clear of any obstruction of any kind whatsoever.

(B) Any member of the Police or Fire Department who discovers any fire exit, fire escape, or ladder obstructed in any manner shall report it to the Chief of the Fire Department. The Chief of the Fire Department shall immediately notify the owner, agent, or tenant to remove the obstruction and immediately to clear the fire exit.

('74 Code, § 9-3) Penalty, see § 10.99

§ 95.05 EXIT SIGNS REQUIRED IN PUBLIC PLACES.

Every exit in any theatre, auditorium, or any other place of public assembly shall be plainly indicated by a sign bearing the word "Exit", which sign shall be kept lighted and clearly visible.

('74 Code, § 9-4) Penalty, see § 10.99

§ 95.06 PASSAGEWAYS AND EXIT DOORS IN PUBLIC BUILDINGS TO BE KEPT OPEN.

(A) All doors, aisles and passageways leading into or out of theatres, churches, auditoriums, and all other places of public assembly shall, at all times during any show, performance, service, exhibition, lecture, concert, or any other assembly, be kept adequately lighted, open, and free from any obstruction. Clear passage from all exits shall be maintained at all times.

(B) No person shall sit or stand in any aisle or passageway so as to obstruct and block the safe exit thereof.

('74 Code, § 9-5) Penalty, see § 10.99

§ 95.07 LOTS TO BE KEPT FREE FROM FIRE HAZARDS.

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

('74 Code, § 9-7) Penalty, see § 10.99

§ 95.08 CONGREGATING NEAR FIRES PROHIBITED.

It shall be unlawful to congregate on any street or alley near a fire in any manner which would interfere with the activity of the Fire Department.

('74 Code, § 9-8) Penalty, see § 10.99



§ 95.09 INTERFERING WITH FIREFIGHTERS OR APPARATUS; FALSE ALARMS.

(A) It shall be unlawful for any person to interfere with a firefighter in the discharge of his duty or to hinder him in the performance of that duty, or to loiter about any fire station or to handle or in any way interfere with any fire engine or other apparatus. ('74 Code, § 9-60)

(B) It shall be unlawful for any person to interfere with the fire alarm system or to injure the poles, wires, boxes, or other apparatus connected therewith. ('74 Code, § 9-62)

(C) It shall be unlawful for any person to give any false alarm of fire, by means of the fire alarm system or otherwise. ('74 Code, § 9-6)

§ 95.10 RIDING FIRE DEPARTMENT TRUCKS.

No person other than a bona fide member of the Fire Department shall mount any fire engine or vehicle before it leaves the station or while on its way to or from a fire, except upon permission of the driver or officer in command.

('74 Code, § 9-61) Penalty, see § 10.99

§ 95.11 DAMAGING FIRE HOSES.

It shall be unlawful for any person to drive over or in any way damage or mutilate any fire hose, while in use at a fire or otherwise.

('74 Code, § 9-63) Penalty, see § 10.99

§ 95.12 OFFICER IN COMMAND AT SCENE OF FIRE.

(A) The Chief of the Fire Department, or the officer in command, shall have the authority to summon aid, and refusal to help in extinguishing a fire or in protecting exposed property shall constitute a misdemeanor.

(B) The officer in charge shall also have the authority to call upon any citizen to assist in pulling down or demolishing any building or in removing goods or furniture from a building on fire or in danger of fire.

('74 Code, § 9-48) Penalty, see § 10.99

## FIRE PREVENTION CODE

§ 95.20 ADOPTION OF CODE; INCORPORATION BY REFERENCE.

(A) There is adopted by the town for the purposes of prescribing regulations governing conditions hazardous to life and property, the "Fire Prevention Code" by the American Insurance Association, successor to the National Board of Fire Underwriters,



being particularly the most current edition thereof, and the whole thereof, save and except such portions as may be hereinafter deleted, modified, or amended, of which code not less than one copy has been and is now on file in the office of the Town Clerk.

(B) The Code is adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling within the fire limits as established in § 95.01.  
('74 Code, § 9-20(a))

#### § 95.21 CONFLICTS.

In the event of a conflict between the provisions of this chapter and the provisions of the fire code adopted in § 95.20, or state law, the provisions of the fire code adopted in § 95.20 shall be deemed controlling and shall prevail. ('74 Code, § 9-20(b))

## CHAPTER 96: GARBAGE AND TRASH

### Section

#### General Provisions

- 96.01 Definition
- 96.02 Littering prohibited
- 96.03 Disposal of construction debris
- 96.04 Preparation of wet garbage

#### Mobile Garbage Containers

- 96.15 Use of containers required
- 96.16 Placement of containers
- 96.17 Certain materials prohibited in containers
- 96.18 Residents' responsibilities to prevent damage or removal; termination of service
- 96.19 Prohibited acts
- 96.20 Replacement of containers
- 96.21 Variance of requirements authorized

#### Cross-reference:

- Animal wastes, see §§ 97.02, 97.03
- Burning trash, see §§ 95.02, 95.07
- Refuse constituting a nuisance, see § 97.12

#### Statutory reference:

- Authority to regulate solid waste disposal, see G.S. § 160A-192

### GENERAL PROVISIONS

#### § 96.01 DEFINITION.

"GARBAGE", as the term is used in this chapter, shall mean all refuse, animal, fruit and other vegetable matter, all tin cans, glassware, or other containers, all rags, waste paper, floor sweepings, and any other combustible refuse, scraps, and tree trimmings. Building materials shall not be considered as garbage. ('74 Code, § 10-13)

#### § 96.02 LITTERING PROHIBITED.

It shall be unlawful for any person to throw or deposit upon any street or sidewalk, or upon any private property, any rocks, bricks, lumber, sawdust, bottles, jars, broken glass, or any paper bags, cups, or paper of any kind, or any trash, leaves, dirt, rubbish or any thing that may be unsightly or offensive or that may in any way be dangerous to traffic.

('74 Code, § 10-1) Penalty, see § 10.99



§ 96.03 DISPOSAL OF CONSTRUCTION DEBRIS.

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

('74 Code, § 10-2) Penalty, see § 10.99

§ 96.04 PREPARATION OF WET GARBAGE.

All wet garbage shall have the liquid drained off and shall be wrapped in paper before it is placed in garbage cans.

('74 Code, § 10-17) Penalty, see § 10.99

## MOBILE GARBAGE CONTAINERS

§ 96.15 USE OF CONTAINERS REQUIRED.

All occupants of single-family residences and of single-story multi-family residences not exceeding four dwelling units shall deposit all garbage and refuse in mobile refuse containers provided by the town. The town may also provide this form of collection to small offices and businesses with a low volume of refuse if this system is deemed more sanitary and efficient.

(Ord., passed 6-10-80) Penalty, see § 10.99

*Amended 11/05/01  
See Attached Sheet*

§ 96.16 PLACEMENT OF CONTAINERS.

(A) The refuse containers shall be placed within five feet of the curb or street edge or in an accessible location approved by the town, but shall not be placed in the street. The containers shall be placed in the required location for collection no earlier than 7:00 p.m. on the day preceding designated pickup day, and shall be removed from the curbside location no later than 7:00 p.m. on the designated pickup day.

(B) Except during these hours, the mobile containers and all other refuse containers shall be kept in a location no closer to the street than the front line of the residence.

(Ord., passed 6-10-80) Penalty, see § 10.99

§ 96.17 CERTAIN MATERIALS PROHIBITED IN CONTAINERS.

(A) The following materials shall not be placed on or within the mobile refuse containers: rocks, dirt, sod, gasoline, oil, flammable liquids, solvents, hot coals or ashes, heavy building materials. Violation of these prohibitions will be treated as abuse and improper use of the container.

(B) In addition, no pet litter, animal waste, or disposable diapers shall be placed within a mobile refuse container or other container for collection unless the material is first thoroughly sealed within a plastic or paper bag.

(Ord., passed 6-10-80) Penalty, see § 10.99

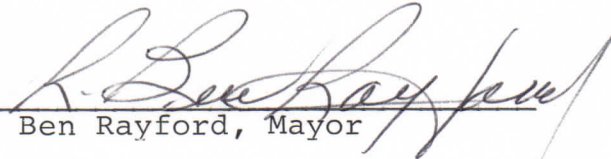
AMENDMENT TO Section 96.15 Code of Ordinances

Re-write section:

All occupants of single-family residences and multi-family residences, as well as commercial units using no more than three (3) mobile refuse containers, shall place all garbage and refuse in mobile refuse containers provided by the town. Each residential unit, and each commercial unit as set forth above, shall use individual refuse containers. Each residential unit, and each commercial unit as described above, shall participate in the solid waste collection service provided by the town and shall pay the monthly fee for same set forth on the fee schedule adopted from time to time by the town, unless such person shall provide proof to the Town that it has contracted for the collection of solid waste by a commercial waste collection service. Such proof of contract shall be provided from time to time upon request by the Town.

Billing shall be as set forth in the town water, sewer and garbage billing policies.

Amended the 5th day of November 2001.

  
R. Ben Rayford, Mayor

ATTEST:

  
Dale B. Manning, Town Clerk-Finance



§ 96.18 RESIDENTS' RESPONSIBILITIES TO PREVENT DAMAGE OR REMOVAL;  
TERMINATION OF SERVICE.

(A) The containers shall remain the property of the town and are provided and assigned to residences for the health, safety, convenience, and general welfare of the occupants.

(B) It shall be the responsibility of each resident on whose premises a mobile garbage container is placed by the town to prevent damage, loss, or removal from the premises of the container.

(C) Damage to or loss or removal of the container from the premises upon which it is originally placed by the town shall be cause for termination of garbage services to the premises. Termination of service shall be deemed not to be a prior condition to prosecution for violation of § 96.19.

(Ord., passed 6-10-80) Penalty, see § 10.99

§ 96.19 PROHIBITED ACTS.

(A) It shall be unlawful for any person to destroy or damage a mobile garbage container supplied to residents by the town, or to remove that container from the premises upon which it was originally placed by the town without permission from the town.

(B) Markings and identification devices on the containers, except as placed or specifically permitted by the town, are expressly prohibited and shall be regarded as damage to the containers.

(Ord., passed 6-10-80) Penalty, see § 10.99

§ 96.20 REPLACEMENT OF CONTAINERS.

(A) Containers which are damaged, destroyed, or stolen through abuse, neglect, or improper use of the occupant-users shall be replaced by the town at the expense of the occupants or the owner of the residence.

(B) Containers which are damaged in the course of normal and reasonable usage, or which are damaged, destroyed, or stolen through no abuse, neglect, or improper use of the occupant-users or residence owner shall be repaired or replaced by the town at no charge to the occupant-users or residence owners.

(Ord., passed 6-10-80)

§ 96.21 VARIANCE OF REQUIREMENTS AUTHORIZED.

In order to protect the public health, ensure adequate solid waste collection, and prevent undue hardships to the aged, handicapped, and disabled, the Street Superintendent is authorized to vary the requirements of this subchapter relating to placement of the container at a curbside location for collection, after

conducting a thorough investigation and finding that there is no person living within a particular residence unit who is physically capable of placing the container in the required location for pickup. (Ord., passed 6-10-80)

(A) The container shall remain on the premises of the resident on whom it is provided and assigned to maintain the cleanliness, safety, convenience, and general welfare of the neighborhood.

(B) It shall be the responsibility of each resident on whose premises a mobile garbage container is placed to prevent damage, loss, or removal from the premises of the container.

(C) Damage to the town or removal of the container from the premises upon which it is originally placed by the town shall be cause for termination of service shall be deemed not to be a proper condition for prosecution for violation of § 96.12. (Ord., passed 6-10-80) Penalty, see § 10-99

#### § 96.19 PROHIBITED ACTS.

(A) It shall be unlawful for any person to destroy or damage a mobile garbage container supplied to residents by the town, or to remove that container from the premises upon which it was originally placed by the town without permission from the town.

(B) Markings and identification devices on the container, except as placed or specifically permitted by the town, are expressly prohibited and shall be regarded as damage to the container. (Ord., passed 6-10-80) Penalty, see § 10-99

#### § 96.20 REPLACEMENT OF CONTAINERS.

(A) Containers which are damaged, destroyed, or stolen through abuse, neglect, or improper use of the occupant-owner shall be replaced by the town at the expense of the occupant or the owner of the residence.

(B) Containers which are damaged in the course of normal and reasonable usage, or which are damaged, destroyed, or stolen through abuse, neglect, or improper use of the occupant-owner or tenant-owner shall be repaired or replaced or replaced by the town at no charge to the occupant-owner or residence owner. (Ord., passed 6-10-80)

#### § 96.21 VARIANCE OF REQUIREMENTS AUTHORIZED.

In order to protect the public health, safety and adequate waste collection, and prevent undue hardship to the town, handicapped, and disabled, the Board of Health is authorized to vary the requirements of this chapter relating to placement of the container as a curbside location for collection.



## CHAPTER 97: HEALTH, SANITATION, AND NUISANCES

### Section

- 97.01 Nuisances declared
- 97.02 Investigation upon complaint of nuisance
- 97.03 Town Clerk to issue notice of abatement
- 97.04 Removal by town upon failure or refusal of owner to obey notice
- 97.05 Cost of removal to be paid by owner
- 97.06 Unpaid charges to be a lien on property
- 97.07 Additional remedies
- 97.08 Interference Prohibited
- 97.09 Food Service Establishments to comply with State Board Health Requirements
- 97.99 Penalty

### S 97.01 NUISANCES DECLARED

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

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

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

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

(D) The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building rubbish or similar items.

(E) Any dead animal remaining on streets, lots, or premises within the Town for more than eight hours.

(F) Any accumulation of human wastes or animal wastes upon any street, lot or premises.

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

#### **S 97.02 INVESTIGATION UPON COMPLAINT OF NUISANCE**

The Town Clerk upon notice from any person of the existence of any of the conditions described in S 97.01 shall cause to be made by the proper county Health Department official, or Greene County Sheriff's Department official, or Town official, such investigation as may be necessary to determine whether, in fact, such conditions exist as to constitute a public nuisance as declared in S 97.01. The Board of Commissioners of the Town of Snow Hill hereby authorizes the Greene County Health Department and Greene County Sheriff Department officials to carry out the provisions of this ordinance.

#### **S 97.03 TOWN CLERK TO ISSUE NOTICE OF ABATEMENT**

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

#### **S 97.04 REMOVAL BY TOWN UPON FAILURE OR REFUSAL OF OWNER TO OBEY NOTICE**

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



#### **S 97.05 COST OF REMOVAL TO BE PAID BY OWNER**

The actual cost incurred by the town in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the Tax Collector to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within 30 days from the receipt thereof. The Town in its discretion may collect these costs from an occupant or tenant in possession, but such shall not affect the owner's responsibility to pay the costs as set forth herein.

#### **S 97.06 UNPAID CHARGES TO BE A LIEN ON PROPERTY**

In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in S 95.05, such charges shall become a lien upon the land or premises where the public nuisance existed, and shall be collected as unpaid taxes, as provided in G.S. S 160A-193.

#### **S 97.07 ADDITIONAL REMEDIES**

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

(B) The County Health Officer or his assistant or designated officials shall have the right to enter at any reasonable time, upon reasonable notice, and inspect premises or make investigations as required by this chapter.

#### **S 97.08 INTERFERENCE PROHIBITED**

It shall be unlawful for any person to interfere with or resist the County Health Officer, Greene County Sheriff's Department officials or Town officials, or his duly authorized agent or assistant in the performance of their duties.

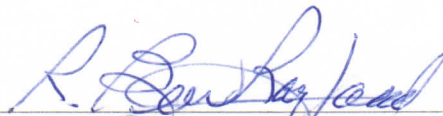
#### **S 97.09 FOOD SERVICE ESTABLISHMENTS TO COMPLY WITH STATE BOARD HEALTH REQUIREMENTS.**

All persons selling food of any kind or serving prepared meals shall comply with all the requirements of the State Board of Health.

**S 97.99 PENALTY**

- (A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of \$100 per day.
- (a) A citation for said civil penalty shall be issued by the appropriate town official.
  - (b) Each citation for a civil penalty must be paid within the designated hours of issuance.
- (2) Each and every day that the violator continues in violation shall be a separate and distinct offense.
- (B) Any violation of any provision in this chapter shall be a criminal offense and is punishable as set forth in section 10.99.
- (C) The municipality may also, in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

Adopted this the eleventh day of December 2000.

  
\_\_\_\_\_  
R. Ben Rayford, Mayor

ATTEST:   
\_\_\_\_\_  
Dale B. Manning, Town Clerk-Treasurer

*Amended 11/05/01  
See next sheet DBM*



AMENDMENT TO Sec. 10.99 Code of Ordinances, as well as Section 97.99 and Article IX, Zoning Ordinance, and Section 2 of "An Ordinance Regulating Loud and Disturbing Noise in the Town of Snow Hill"

Whenever in this code or in any ordinance of the town any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this code or ordinance the doing of any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of such provision shall be a Class 3 misdemeanor and shall be punishable by imprisonment or a fine not exceeding Five Hundred (\$500.00) Dollars. Each day that any violation of this code or of any ordinance shall continue shall constitute a separate offense.

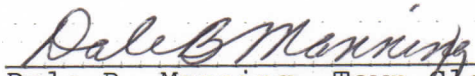
Notwithstanding the criminal penalties, such violation may subject the offender to a civil penalty in an amount of up to Five Hundred (\$500.00) Dollars per day, to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for violation of the ordinance.

Notwithstanding the above penalties, the town may enforce its lawful ordinances by appropriate equitable remedy issuing from a court of competent jurisdiction, including but not limited to injunction and/or abatement or by any remedy authorized by NCGS 160A-175 and 160A-389.

Amended the 5th day of November 2001.

  
R. Ben Rayford, Mayor

ATTEST:

  
Dale B. Manning, Town Clerk-Finance



the minimum punishment of not less than one year is specified in § 20-28(b), this statute must be read together with this section, applicable to motor vehicle misdemeanors contained in sections other than Article 3 of Chapter 20, to find the maximum term of imprisonment. *State v. Wells*, 59 N.C. App. 682, 298 S.E.2d 73 (1982), cert. denied, 308 N.C. 194, 302 S.E.2d 248 (1983).

**Transmitting Unsigned Threatening Letter.** — The misdemeanor of transmitting an unsigned threatening letter in violation of

§ 14-394 does not fall within any of the classes of misdemeanors made felonious by subsection (b) of this section. *State v. Glidden*, 317 N.C. 557, 346 S.E.2d 470 (1986).

**Attempted Kidnapping.** — To elevate the misdemeanor offense of attempted second degree kidnapping to a Class H felony under subsection (b), the indictment must specifically state that the offense was infamous, or done in secrecy and malice, or done with deceit and intent to defraud. *State v. Bell*, 121 N.C. App. 700, 468 S.E.2d 484 (1996).

### § 14-3.1. Infraction defined; sanctions.

(a) An infraction is a noncriminal violation of law not punishable by imprisonment. Unless otherwise provided by law, the sanction for a person found responsible for an infraction is a penalty of not more than one hundred dollars (\$100.00). The proceeds of penalties for infractions are payable to the county in which the infraction occurred for the use of the public schools.

(b) The procedure for disposition of infractions is as provided in Article 66 of Chapter 15A of the General Statutes. (1985, c. 764, s. 1; 1985 (Reg. Sess., 1986), c. 852, s. 17.)

#### CASE NOTES

**Cited in** *Cauble v. City of Asheville*, 314 N.C. 598, 336 S.E.2d 59 (1985); *State v. Hamrick*, 110 N.C. App. 60, 428 S.E.2d 830 (1993).

### § 14-4. Violation of local ordinances misdemeanor.

(a) Except as provided in subsection (b), if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00). (1871-2, c. 195, s. 2; Code, s. 3820; Rev., s. 3702; C.S., s. 4174; 1969, c. 36, s. 2; 1985, c. 764, s. 2; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1991, c. 415, s. 1; c. 446, s. 1; 1993, c. 538, s. 8; c. 539, s. 9; 1994, Ex. Sess., c. 24, ss. 14(b), 14(c); 1995, c. 509, s. 133.1.)

**Local Modification.** — Jacksonville: 1979, c. 511; Mecklenburg: 1983, c. 118; Onslow: 1979, c. 511, s. 2; 1991, c. 245; city of Charlotte: 1983, c. 71; city of Greensboro: 1987, c. 772; town of North Topsail Beach: 1979, c. 511, s. 2; 1991, c. 245.

**Legal Periodicals.** — For a survey of 1996 developments in constitutional law, see 75 N.C.L. Rev. 2252 (1997).

#### CASE NOTES

**In General.** — While the town or city government has no right to make criminal law, the legislature has made the violation of ordi-

nances a criminal offense. *Board of Educ. v. Town of Henderson*, 126 N.C. 689, 36 S.E. 158 (1900); *State v. Higgs*, 126 N.C. 1014, 35 S.E.



CHAPTER 97: HEALTH AND SANITATION

Section

*Repealed*

*Repealed 12/11/00  
Adopted new Nuisance Ordinance*

General Provisions

*DBM*

- 97.01 Cutting of weeds and removal of accumulations
- 97.02 Removal of dead animals
- 97.03 Human or animal wastes
- 97.04 Food service establishments to comply with State Board of Health requirements

Nuisances

- 97.10 Abatement
- 97.11 Accumulations of stagnant water a nuisance
- 97.12 Unclean premises a nuisance

County Health Officer

- 97.20 Powers and duties
- 97.21 Interference prohibited

GENERAL PROVISIONS

§ 97.01 CUTTING OF WEEDS AND REMOVAL OF ACCUMULATIONS.

4 (A) Every owner, occupant, or person in possession of a vacant lot or lot with buildings or structures within the town limits shall keep that premises or vacant lot trimmed and free from all weeds, grass, or other noxious growth.

X (B) Vacant lots shall be cut down at least twice each year, the first not later than June 15 and the second not later than August 15 of each year.

X (C) If weeds or other noxious growth are not cut in compliance with this section, the Chief of Police or other designated official shall have the weeds or noxious growth cut and the owner or person in possession of that lot shall be responsible for the cost thereof.  
( '74 Code, § 11-4)

§ 97.02 REMOVAL OF DEAD ANIMALS.

✓ It shall be the duty of the owner to remove any dead animal from the town within eight hours.  
( '74 Code, § 11-5) Penalty, see § 10.99

§ 97.03 HUMAN OR ANIMAL WASTES.

✓ It shall be unlawful for any person to deposit human wastes or to allow pets or animals to indiscriminately deposit wastes upon any street, lot, or premises.  
( '74 Code, § 11-6) Penalty, see § 10.99



§ 97.04 FOOD SERVICE ESTABLISHMENTS TO COMPLY WITH STATE BOARD OF HEALTH REQUIREMENTS.

All persons selling food of any kind or serving prepared meals shall comply with all the requirements of the State Board of Health.  
(~~'74 Code, § 11-7~~) ~~Penalty, see § 10.99~~

## NUISANCES

§ 97.10 ABATEMENT.

(A) Whenever a nuisance shall exist on any premises in the town, the Chief of Police or other designated officer shall give notice to the owner or occupant of the premises of the existence of the nuisance and shall direct that the nuisance be abated. It shall be unlawful for any person receiving a notice to abate a nuisance, given pursuant to this section, to fail to start abatement of the nuisance within 24 hours after the notice.

(B) In the event the owner or occupant of the premises shall fail to abate a nuisance on his premises after having been given notice pursuant to division (A), the town may abate the nuisance and the costs of abatement shall be certified to the Town Tax Collector and collected as taxes.

(~~'74 Code, § 11-1~~)

Statutory reference:

Authority to abate, see G.S. § 160A-193

§ 97.11 ACCUMULATIONS OF STAGNANT WATER A NUISANCE.

It shall be unlawful for any person to allow stagnant water to accumulate or stand in ponds, holes, ditches, vats, or otherwise upon any lot or premises so as to be detrimental to health. Such stagnant water shall be subject to abatement as a nuisance as provided in § 97.10.

(~~'74 Code, § 11-2~~) ~~Penalty, see § 10.99~~

§ 97.12 UNCLEAN PREMISES A NUISANCE.

Owners or occupants of premises shall be required to keep those premises free from noxious weeds, trash, or any other form of refuse which may be dangerous or detrimental to the public health. Failure to comply with this provision shall be subject to abatement as a nuisance as provided in § 97.10.

(~~'74 Code, § 11-3~~) ~~Penalty, see § 10.99~~

## COUNTY HEALTH OFFICER

§ 97.20 POWERS AND DUTIES.

(A) The enforcement of this chapter and any and all other



provisions pertaining to the health and sanitation of the town shall be under the supervision of the County Health Officer. (~~'74 Code, § 11-18~~)

(B) The County Health Officer or his assistant or designated officials shall have the right to enter at any reasonable time, upon reasonable notice, and inspect premises or make investigations as required by this chapter. (~~'74 Code, § 11-19~~)

§ 97.21 INTERFERENCE PROHIBITED.

It shall be unlawful for any person to interfere with or resist the County Health Officer <sup>3 Dept. T. Off.</sup> or his duly authorized agent or assistant in the performance of their duties.  
(~~'74 Code, § 11-20~~) Penalty, see § 10.99

Section

General Provisions

- 98.01 Approval required for awnings, posts, and sheds
- 98.02 Construction near sidewalks
- 98.03 Obstructions prohibited
- 98.04 Damage to town property abutting streets or sidewalks prohibited
- 98.05 Removal of snow and ice
- 98.06 Riding bicycles, playing on sidewalks

Excavations; Construction

- 98.15 Excavation permit required
- 98.16 Application to Town Clerk
- 98.17 Bond; failure to perform
- 98.18 Authorities' right to supervise
- 98.19 Permit required for construction; bond
- 98.20 Excavations to be secured

Parades and Demonstrations

- 98.25 Permit required
- 98.26 Application
- 98.27 Findings prerequisite to issuance
- 98.28 Participation of minors
- 98.29 Terms and conditions
- 98.30 Grounds for denial
- 98.31 Demonstrations not to obstruct streets; special permit
- 98.32 Conduct of demonstrators
- 98.33 Duty of designated demonstration leader

Cross-reference:

Assessment for street and sidewalk construction, see Charter, Article 5, Sections 5-1 through 5-6

Statutory reference:

Establishment and control of streets and sidewalks, see G.S. § 160A-296

GENERAL PROVISIONS

§ 98.01 APPROVAL REQUIRED FOR AWNINGS, POSTS, AND SHEDS.

No person shall erect any awning or posts for the support of an awning or any wooden sheds on any street or sidewalk unless the awnings shall be of a type and size that has received approval of the Town Clerk.

('74 Code, § 16-1) Penalty, see § 10.99



§ 98.02 CONSTRUCTION NEAR SIDEWALKS.

In the event any building or remodeling shall take place in close proximity to the sidewalks, an overhead covered passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

('74 Code, § 16-2) Penalty, see § 10.99

§ 98.03 OBSTRUCTIONS PROHIBITED.

(A) No obstruction of any kind or character shall be allowed upon the streets or sidewalks of the town. This shall include the indiscriminate display for sale of any goods or merchandise or the throwing of any trash of any kind.

(B) Any person constructing a building may, with prior written permit, place building material for immediate use on the streets in such a way as not to interfere with the usual traffic.

('74 Code, § 16-3) Penalty, see § 10.99

§ 98.04 DAMAGE TO TOWN PROPERTY ABUTTING STREETS OR SIDEWALKS PROHIBITED.

(A) No person shall injure or misplace any part of any bridge, culvert, ditch, drain, or other property belonging to or used by the town, nor shall they place any obstruction in any culvert, ditch, or drain so as to prevent the free flow of water on or over the streets. ('74 Code, § 16-4)

(B) It shall be unlawful to injure, tamper with, remove, paint upon, or deface any sign, sign post, street light, traffic signal, bulletin board, or any other municipal property upon the streets and sidewalks of the town. This shall not apply to town employees in the performance of their duties. ('74 Code, § 16-5)  
Penalty, see § 10.99

§ 98.05 REMOVAL OF SNOW AND ICE.

It shall be the duty of each occupant of a store building in front of which the sidewalk runs to remove snow, ice, or other obstructions from the sidewalk at the earliest possible time and as soon as weather permits.

('74 Code, § 16-6) Penalty, see § 10.99

§ 98.06 RIDING BICYCLES, PLAYING ON SIDEWALKS.

It shall be unlawful for any person to ride a bicycle or to play ball or other games on any of the sidewalks of the town.

('74 Code, § 16-7) Penalty, see § 10.99

## EXCAVATIONS; CONSTRUCTION

§ 98.15 EXCAVATION PERMIT REQUIRED.

It shall be unlawful for any person, for any purpose whatever,



to dig any ditch, trench, or hole, or otherwise to disturb, injure, alter, change, dig into or break the surface of construction of any roadway, sidewalk, either or both or any part thereof, no matter how small the part affected, without first applying for and obtaining from the Town Clerk a written permit so to do.

('74 Code, § 16-18) Penalty, see § 10.99

Cross-reference:

Excavations for building sewer installation, see § 50.15

§ 98.16 APPLICATION TO TOWN CLERK.

(A) The Town Clerk may grant a permit if he determines that it is necessary. If he is in doubt of the expediency of granting such a permit, he shall refer the application to the Board of Commissioners, and its decision shall be final.

(B) If the Town Clerk should refuse to act on any application, the applicant may appeal to the Board, who shall grant or dismiss it in their discretion.

('74 Code, § 16-19)

§ 98.17 BOND; FAILURE TO PERFORM.

(A) No permit shall be granted until the applicant shall have filed with the Mayor or Clerk and Treasurer of the town a good and sufficient indemnifying bond, with surety, payable to the town and conditioned that the applicant shall, in the exercise of his permit, repair any and all damage done to the roadway or sidewalk, or both, and restore the same to its former or better condition, immediately upon the completion of the work done by him and for which the permit was granted.

(B) The Mayor shall be the judge of the amount of the bond. Upon reference of the application by him, or on appeal by the applicant to the Board of Commissioners, the Board shall adjudge the amount and sufficiency of the bond.

('74 Code, § 16-20)

(C) If the obligor or obligors in any such bond, as aforesaid, shall fail in the performance of the conditions, or any one of the conditions laid down and set out in the bond, the authorities of the town may, upon ten days notice, cause a suitable action to be brought on the bond, and the authorities may proceed at once to remedy and repair any and all damage done in the exercise of any such permit as aforesaid, and the cost thereof shall be a charge against the parties responsible therefor. ('74 Code, § 16-21)

§ 98.18 AUTHORITIES' RIGHT TO SUPERVISE.

(A) The authorities shall have the right to supervise and direct the repair and restoration of any roadway or walk made necessary by the granting of such permit as aforesaid.



(B) The authorities may, in their discretion, elect to have the work done and performed by the town and charge the cost thereof to the person to whom the permit is granted, all of which shall be made a condition in the bond.

('74 Code, § 16-22)

#### § 98.19 PERMIT REQUIRED FOR CONSTRUCTION; BOND.

(A) It shall be unlawful for any person to build a sidewalk of any type of brick, wood, or any other material, without first obtaining a written permit from the Town Clerk, application for which shall be made as provided in § 98.16.

(B) No indemnifying bond shall be required unless the construction should result in breaking or disturbance of existing sidewalks or roadways.

('74 Code, § 16-23) Penalty, see § 10.99

#### § 98.20 EXCAVATIONS TO BE SECURED.

It shall be the duty of any person making any excavation in any street or sidewalk for any purpose whatsoever to securely cover that excavation and to place a barrier around the same at least three feet in height; and to place a sufficient number of red lights around the excavation to make the excavation clearly visible at night, and to keep those lights burning all night every night in which the excavation shall be open.

('74 Code, § 16-24) Penalty, see § 10.99

### PARADES AND DEMONSTRATIONS

#### § 98.25 PERMIT REQUIRED.

(A) There shall be no parade, demonstration, aggregation or assembling of groups on the public streets or in or around any public building of the town unless a permit has been issued therefor under the regulations set out in this subchapter.

(B) The Chief of Police or, in his absence, the next highest ranking officer of the Police Department, by authority of the Board of Commissioners, is authorized to issue permits required by this section.

('74 Code, § 16-38) Penalty, see § 10.99

#### § 98.26 APPLICATION.

(A) A written application for a permit required by this subchapter shall be filed 24 hours in advance of the proposed parade, picket line or group demonstration, on a form prescribed by the Police Department.



(B) The application shall be signed by the person or group of persons filing such application and the application shall state the proposed place, time, purpose, and size of the parade, picket line, or group demonstration, and whether or not any minors below the age of 18 years are going to participate. The application shall also specify the person to be in charge of the parade, group demonstration, or picket line in question.

('74 Code, § 16-39) Penalty, see § 10.99

Cross-reference:

Unlawful assemblies, see § 133.02

§ 98.27 FINDINGS PREREQUISITE TO ISSUANCE OF PERMIT.

The officer having authority under this subchapter to issue the permit sought pursuant to this subchapter, in considering the issuance of the permit, shall, among other considerations provided, consider and find as a requisite for issuance, that:

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

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

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

(D) That this subchapter shall not be violated at any time, and no permit, as contemplated by this subchapter shall be issued for demonstrations, parades, and such other purposes allowed under this subchapter to be used and exercised between 6:00 p.m. and 6:00 a.m. on any day.

('74 Code, § 16-41)

§ 98.28 PARTICIPATION OF MINORS.

If the application filed for a permit required by this subchapter specified that minors below the age of 18 years are to be permitted to participate in the parade, picket line, or group demonstrations in question the officer having authority under this subchapter shall base his determination upon whether or not the purpose, time, or place of the participation will be detrimental to or endanger the health, welfare, or safety of such minors.

('74 Code, § 16-40)



§ 98.29. TERMS AND CONDITIONS.

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

(B) A permit for a parade, group demonstration, or picket line issued under this subchapter shall also designate the person in charge of the parade, group demonstration, and picket line in question.

('74 Code, § 16-42) Penalty, see § 10.99

§ 98.30. GROUNDS FOR DENIAL.

The police officer having authority under this subchapter to issue a permit applied for pursuant to this subchapter shall refuse to issue the permit when the activity or purpose stated in the application would violate any provision of this code or other ordinance of the town or statute of the state, or when the activity or purpose would endanger the public health or safety or hinder or prevent the orderly movement of pedestrian or vehicular traffic on the sidewalks or streets of the town.

('74 Code, § 16-43)

§ 98.31. DEMONSTRATIONS NOT TO OBSTRUCT STREETS; SPECIAL PERMIT.

(A) It shall be unlawful for any person to obstruct or block the sidewalks or streets of the town by any exhibition, demonstration, organized demonstration, picket line, or commercial venture, so as to prevent the normal flow of pedestrian or vehicular traffic, unless a special permit has been granted pursuant to this subchapter by the Chief of Police, by authority of the Board of Commissioners, or, in the absence of the Chief of Police, then by the next highest police officer, for temporary and peaceful occupancy of a limited portion thereof for purposes other than hostile demonstrations or commercial gain.

(B) Participation in such illegal exhibition, demonstration, organized demonstration, or picket line, by any individual through leadership, organization, or physical participation therein, shall be unlawful.

('74 Code, § 16-35) Penalty, see § 10.99

§ 98.32. CONDUCT OF DEMONSTRATORS.

(A) It shall be unlawful for any person or group of persons to shout, scream, sing, or make any other noises with their voices

which shall be unreasonably loud and disturbing to the public in general. By the terms of this section, it shall be considered that shouting, screaming, singing, or the making of any other noises with voices by any person shall be considered as being unreasonably loud and disturbing when it can be heard throughout the distance of three blocks or 1200 feet, whichever is the least.

(B) Any gathering of persons or group of persons upon the sidewalks or streets of the town for the purpose of creating, or which creates, mechanical or vocal sound which is of such intensity or nature as to interfere with the rights of peaceful occupancy by property owners in the adjoining areas is unlawful and no individual shall participate in, lead, direct, or encourage such actions.

(C) Nothing provided in this section shall be construed to prevent the orderly expression of spectators at any regularly organized sport event or the peaceful assembly of any group for orderly expression or communication between those assembled.

('74 Code, § 16-36) Penalty, see § 10.99

Cross-reference:

Refusal of crowd to disperse upon police order, see § 130.02

§ 98.33 DUTY OF DESIGNATED DEMONSTRATION LEADER.

The person designated in a permit issued pursuant to this subchapter as being in charge of a parade, demonstration, or picket line shall accompany the parade, demonstration, or picket line in question and shall carry the permit with him while so accompanying the parade, demonstration, or picket line.

('74 Code, § 16-37) Penalty, see § 10.99



TITLE IX  
CHAPTER 99

CURFEW FOR MINORS

SECTION:

Section 1.01 Purpose

Section 1.02 Definitions

Section 1.03 Curfew and Enforcement

Section 1.04 Effective Date

Section 1.05 Penalty

SECTION 1.01 PURPOSE

The purpose of this chapter shall be to establish a curfew for minors in the Town of Snow Hill, thus assisting the parents and guardians task of child rearing, and to promote the health, safety, and welfare of both minors and adults in the town by creating an environment offering protection and security for all concerned.

SECTION 1.02 DEFINITIONS

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

**GUARDIAN:** A person who has legal care and management of a minor as defined by this chapter.

**MINOR:** A person who has not reached his or her sixteenth birthday and is not married, emancipated or a member of the armed services of the United States.

**OFFICER:** Any sworn law enforcement official employed by the county or state and having authority to enforce laws of the town.

**PUBLIC PLACE:** Any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include, but not be limited to any store, shop, restaurant, tavern, bowling alley, café, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment or the general public. It shall also include the front of immediate area of the above.

### SECTION 1.03 CURFEW AND ENFORCEMENT

A curfew applicable to minors is established and shall be enforced within the corporate limits of the town as follows:

- A. Time Limits: It is unlawful for any minor to be or remain upon any public place, as defined in this chapter, in the town, or on any property or right of way belonging to the town and located outside the town limits, between 11:30 PM and 5:00 AM Sunday through Saturday.
- B. Exceptions: the restrictions provided by this division shall not apply to any minor:
1. Who is accompanied by a guardian, parent or other person charged with the care and custody of such minor or person over 18 years of age authorized by a parent or guardian to accompany the minor;
  2. Who is traveling between his/her home and place of employment or between his/her home and church, municipal building (if municipal building is open for some legitimate business purpose during the hours when this curfew is in effect) or school where a function is being held;
  3. Who is seeking emergency medical care for himself/herself or some member of his immediate family;
  4. Who is engaged in travel with written parental permission.
  5. Who is engaged in bonafide interstate movement by motor vehicle through town, or beginning or ending in the town;
  6. Who is engaged in situations in which a minor is outdoors but attending activities involving the First Amendment free exercise of religion, freedom of speech, or the right of assembly;
  7. Who is engaged in travel in instances of reasonable necessity if the minor possesses a written statement signed by the parent which describes the minor, states the facts establishing such reasonable necessity, specifies the streets, the time and the origin and destination of travel;
  8. Who is engaged in situations in which a minor is on a sidewalk of the place of a next-door neighbor not congregating outdoors on another person's private property with the express permission of the owner of the other person in lawful control of the property;
  9. Who is engaged in travel by a direct route, between a minor's place of residence and a school, religious, recreational, entertainment, or any other organized community activity, including the free exercise of religion, speech or assembly.
- C. Responsibility of Adults: It shall be unlawful for any parent, guardian, or other persons charged with the care and custody of any minor to knowingly allow or permit such minor to be in or upon, or remain in or upon public place within the town within curfew hours set out in Section 1.03(A), except as otherwise provided in Section 1.03(B).



D. Responsibility of Business Establishments: It shall be unlawful for any person, firm, or corporation operating a place of business (including a place of amusement) to knowingly allow or permit any minor to be in or upon, or remain in or upon any place of business (including a place of amusement) operated by them within the curfew hours set out by section 1.03(A) except as otherwise provided in section 1.03(B).

E. Enforcement:

1. When a minor is found to be in violation of this chapter, the officer will determine if the juvenile is a first time offender, if so, he/she will then be taken to the residence of his/her parent or guardian. A written warning will be given to the adult, and an information report taken by the officer, to include the name of the juvenile and adult and the time, date and location of the offense. This report will be turned into the Greene County Sheriff's Office.

a. If, upon checking, the juvenile is found to be a repeat offender, he/she will be taken to the residence of his/her parent or guardian and the adult (parent or guardian) will be subject to a criminal citation, pursuant to section 1.03. A report will be turned into Greene County Sheriff's Office.

b. If the juvenile is under 12 years of age, a report will be made and a copy forwarded to the Greene County Department of Social Services.

F. Aiding and Abetting by adult, guardian or parent: It shall a violation of this chapter for an adult, guardian or parent to allow, permit, encourage, aid or abet a minor in the violation of 1.03(A), except as otherwise provided in 1.03(B). Action may also be taken pursuant to G.S. 14-316.1, contribution to the delinquency and neglect by parents and others.

G. Refusal of Guardian or Parent to take custody of minor: If any guardian or parent refuses to take custody of his/her minor child found in violation of this chapter, the officer with custody of the minor shall follow the procedure set out in the North Carolina Juvenile Code G.S. 7B-100 et seq.

H. Emergency Provisions: Under the authority of G.S. 14-288.12, whenever the Mayor of the town deems that an emergency exists, and there is a clear and present danger to the preservation of the public peace, health, life, or safety or to the public or private property in the town necessitating expansion of the curfew provisions set forth in 1.03(A) the Mayor may effect such expansion effective for the period of the emergency by proclamation. The proclamation shall contain a statement of the reasons for such necessity, the period of the expanded curfew, and provide that no minor under the age of 16 shall be upon or about or remain upon or about public places as defined by this chapter in the town between the hours of 11:30 PM and 5:00 AM of the following morning unless accompanied by his/her parent, guardian, or responsible adult. The proclamation may further provide that no parent or guardian of any minor under the age of 16 shall allow the child to be upon or about or remain upon or about any public place as defined by this chapter in the town between the hours of 11:30 PM and 5:00 AM of the following morning unless the child is under the direction or protection of some adult person with authority and consent of such parent or guardian for his/her being there. The proclamation shall become effective 30 minutes after being publicly announced by the Mayor or repealed by the Council in the manner in which ordinances are repealed. As soon as is reasonably possible,

the proclamation shall be reported in the local media and posted conspicuously in town.

SECTION 1.05 PENALTY

Any person, firm or corporation who violates any provision of this chapter shall be subject to a fine of up to \$500 and/or imprisonment up to six months.

This ordinance shall be effective at 12:01am on August 5, 2003.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Town Clerk-Finance



# Ordinances, Municipal Code & Laws

Welcome to the Town of Snow Hill in Greene County, North Carolina

Search the Ordinances of the Town of Snow Hill

Match ANY word

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## *Title XI* *Chapter* **Section 97.99: PENALTY**

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of \$100 per day.

(a) A citation for said civil penalty shall be issued by the appropriate town official.

(b) Each citation for a civil penalty must be paid within the designated hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) Any violation of any provision in this chapter shall be a criminal offense and is punishable as set forth in section 10.99.

(C) The municipality may also, in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

Adopted this the eleventh day of December 2000.

\_\_\_\_\_(Signature)\_\_\_\_\_  
R. Ben Rayford, Mayor

*Revised  
Nov 11, 2001*

ATTEST: \_\_\_\_\_(Signature)\_\_\_\_\_  
Dale B. Manning, Town Clerk-Treasurer

AMENDMENT TO Sec. 10.99 Code of Ordinances, as well as Section 97.99 and Article IX, Zoning Ordinance, and Section 2 of "An Ordinance Regulating Loud and Disturbing Noise in the Town of Snow Hill"

Whenever in this code or in any ordinance of the town any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this code or ordinance the doing of any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of such provision shall be a class 3 misdemeanor and shall be punishable by imprisonment or a fine not exceeding Five Hundred (\$500.00) Dollars. Each day that any violation of this code or of any ordinance shall continue shall constitute a separate offense.

Notwithstanding the criminal penalties, such violation may subject the offender to a civil penalty in an amount of up to Five Hundred (\$500.00) Dollars per day, to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for violation of the ordinance.

Notwithstanding the above penalties, the town may enforce its lawful ordinances by appropriate equitable

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remedy issuing from a court of competent jurisdiction, including but not limited to injunction and/or abatement or by any remedy authorized by NCGS 160A-175 and 160A-389.

Amended the 5th day of November 2001.

\_\_\_\_\_(Signature)\_\_\_\_\_  
R. Ben Rayford, Mayor

ATTEST: \_\_\_\_\_(Signature)\_\_\_\_\_  
Dale B. Manning, Town Clerk-Finance

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HEALTH, SANITATION,  
AND NUISANCES

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