

TITLE IX: GENERAL REGULATIONS

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GENERAL HEALTH REGULATIONS**§ 90.01 UNLAWFUL TO VIOLATE COUNTY HEALTH REGULATIONS.**

It shall be unlawful for any person, firm or corporation to violate any lawfully adopted rule or regulation of the County Board of Health. The enforcement of this section shall be under the supervision of the County Health Officer.
(Prior Code, § 9.1) Penalty, see § 10.99

§ 90.02 UNLAWFUL TO INTERFERE WITH HEALTH OFFICER.

It shall be unlawful for any person to hinder, obstruct or delay the health officer or any of his or her assistants in the lawful discharge of their duties.
(Prior Code, § 9.2) Penalty, see § 10.99

§ 90.03 RIGHT OF ENTRY.

The County Health Officer or any of his or her assistants shall have the right to enter any premises at any reasonable hour for the purpose of making inspections or investigations.
(Prior Code, § 9.3)

§ 90.04 HUMAN AND ANIMAL WASTE; DEAD ANIMALS.

(A) It shall be unlawful for any person to urinate or deposit any human waste on any street, lot or premises except in an approved sanitary facility. No butcher, fishmonger, huckster, or vendor of merchandise of any kind shall leave any refuse on the streets, or uncovered by earth, on the lots of the Town. All putrid or decayed animals or vegetable matter must be removed from all cellars and out buildings at least once in every 48 hours during the months of May, June, July, August and September, and at least once a week during the other months of the year.

(B) No animal that died by disease or accident and no meat therefrom, nor any animal or meat therefrom killed while feverish, bruised, disabled, injured with broken bones, or otherwise, heavy with young, jaded or fatigued from long driving or shipping, or killed or kept in some building or in so close proximity with fumes of gas, or disease or spoiled meat as to become contaminated therefrom or rendered unwholesome or unhealthy thereby, or manipulated with tools used on diseased or other dead carcasses as aforesaid, shall be brought into town, held or offered for sale as food therein.

(C) Owners of animals dying in the town shall, upon notice of their death, immediately remove same. Removal of the animal at least 1/2 mile beyond the corporate limits of the town must be accomplished within 12 hours from the time of the animal's death.

(D) Any animal killed by a railroad train or rail car within the corporate limits of the town shall be removed by the railroad. For failure to observe this section, after having been notified by the Chief of Police or Mayor, a fine shall be imposed on the company as provided in § 10.99.
(Prior Code, § 9.4)

§ 90.05 SEPTIC TANKS REGULATED.

Septic tanks may be installed where the sanitary sewer is not reasonably accessible, provided the tank is constructed in accordance with the specifications of the North Carolina State Board of Health, and a permit therefor is issued by the Town Clerk or other designated official.
(Prior Code, § 9.5)

§ 90.06 PLANTING AND PROTECTION OF TREES.

Citizens may plant trees in front of their lots and around their lots on the sidewalks under the supervision of the Superintendent of Streets, provided they shall not plant any that are detrimental to the town. No trees shall be planted in the streets or gutters. No person shall cut or damage any tree upon the sidewalks of the town without the permission of the Superintendent of Streets or shall dig up or injure any tree or shall tack or post any advertisement upon any tree of the town.
(Prior Code, § 9.6) Penalty, see § 10.99

§ 90.07 BUTCHERING RESTRICTED.

No person shall butcher any cattle, hogs or sheep within the corporate limits of the town. This shall not apply to persons that may butcher cattle or hogs or sheep for home purposes, and the Mayor may grant special permission for it to be done at some place that will not be offensive to the town.
(Prior Code, § 9.7) Penalty, see § 10.99

§ 90.08 REMOVAL OF STAGNANT WATERS.

Stagnant waters in cellars or upon lots shall be removed on notice from the police to the person permitting the same to remain.
(Prior Code, § 9.8)

§ 90.09 PROTECTION OF FOODS FROM FLIES.

All dealers in cooked provisions, dresser poultry, fish, meats, fruits, vegetables and produce, merchandise or other commodity of whatever nature sold for food shall have all buildings where the articles are kept for sale, screened with wire doors and windows against flies, and no articles shall be exposed outside of the place of business, except under a wire screen sufficiently fine to prevent flies from getting upon same.
(Prior Code, § 9.9)

§ 90.10 BUSINESSES KEPT IN SANITARY CONDITION.

(A) All persons doing business in the town shall keep their premises in a sanitary condition. Garbage, including fish boxes, decayed meats, fruits, vegetables or any other thing which attracts flies or creates offensive odors, shall be burned or removed.
(Prior Code, § 9.10)

(B) All drug stores, drink stands, restaurants, markets, barbecue stands and barber shops must be kept in a sanitary condition. Any place declared unsanitary by the health officer shall be immediately closed and remain closed until put in a sanitary condition.
(Prior Code, § 9.11)

§ 90.11 SERVING DRINKS AND ICE CREAM.

All drug stores and drink stands or other public drinking places where drinks and ice cream are served to the public shall use individual sanitary cups and spoons.
(Prior Code, § 9.12)

§ 90.12 SPITTING PROHIBITED.

No person shall spit on the sidewalks or on the floors of any public buildings.
(Prior Code, § 9.13) Penalty, see § 10.99

§ 90.13 KEEPING HOGS.

All hogs in the corporate limits of the town shall be kept in floored pens which shall be 18 inches from the ground at the lowest point. Provided that this shall not apply to acre lots where not more than 4 hogs are kept. No person or firm shall feed any slops, grain, fruit or any other food or feedstuff to any hog or hogs at any place within the corporate limits of the town for more than 4 days in any 1 month under a penalty for each offense. It shall be unlawful for any person to maintain a hog pen, hog lot or

other enclosure for hogs within 150 feet of any residence. Provided this shall not apply to persons or firms that have hogs for commercial purposes, so long as the hogs are kept in a pen or enclosure, covered so as not to allow any water or rain to appear; but they shall not be kept in an open lot or pen. For any violation of this section there shall be a fine under the provisions of § 10.99 for each day that the condition shall exist.

(Prior Code, § 9.14) Penalty, see § 10.99

WEEDS; ACCUMULATION OF REFUSE

§ 90.25 UNCONTROLLED GROWTH OF WEEDS AND ACCUMULATION OF REFUSE DECLARED PUBLIC NUISANCE.

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

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

(B) 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.

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

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

(Prior Code, § 9.21)

§ 90.26 COMPLAINT AND INVESTIGATION.

The Town Clerk, upon notice from any person of the existence of any of the conditions described in § 90.25, shall cause to be made by the appropriate County Health Department official, or town official, the investigation as may be necessary to determine whether, in fact, any conditions exist as to constitute a public nuisance as declared in § 90.25.

(Prior Code, § 9.22)

§ 90.27 NOTICE TO ABATE NUISANCE.

Upon a determination that the conditions constituting a public nuisance exist, the Town Clerk shall notify, in writing, the owner, occupant or person in possession of the premises in question of the conditions constituting a public nuisance and shall order the prompt abatement thereof within 30 days from the receipt of the written notice.

(Prior Code, § 9.23)

§ 90.28 FAILURE OF OWNER TO ABATE NUISANCE.

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

(Prior Code, § 9.24)

§ 90.29 COST INCURRED BY OWNER.

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

(Prior Code, § 9.25)

§ 90.30 CHARGES BECOME A LIEN.

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 § 90.29, the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

(Prior Code, § 9.26)

§ 90.31 PROCEDURE IS ALTERNATIVE TO OTHER AUTHORIZED PROCEDURES.

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

(Prior Code, § 9.27)

Statutory reference:

Similar provisions, see G.S. § 160A-193

GENERAL NUISANCES

§ 90.45 UNNECESSARY NOISE.

(A) It shall be unlawful for any person, firm or corporation to create or assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the town. Noise of the character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

(Prior Code, § 11.11)

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

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

(2) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle;

(3) The use or operation of any piano, manual or automatic, phonograph, radio, loud speaker, or any other instrument, or sound amplifying devices so loudly as to disturb persons in the vicinity thereof, or in a manner as renders the same a public nuisance; provided, however, that upon application to the Mayor, permits may be granted to responsible organizations to produce programs in music, speeches or general entertainment;

(4) The keeping of any animal or bird which by causing frequent or loud continued noise shall disturb the comfort and repose of any person in the vicinity;

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

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

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

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

(9) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays except in the case of urgent necessity in the interest of public safety and then only with a permit from the Town Clerk, which permit may be renewed for a period of 3 days or less while the emergency continues;

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

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

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

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

(14) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood;

(15) The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise;

(16) The use of any mechanical loud speakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the Board;

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

(18) The firing or discharging of squibs, crackers, gunpowder or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance except by permit from the Board.
(Prior Code, § 11.12) Penalty, see § 10.99

§ 90.46 FIREARMS REGULATED.

It shall be unlawful for any person to discharge any firearm or air rifle of any type within the corporate limits except a peace officer in the performance of his or her duty.
(Prior Code, § 11.13) Penalty, see § 10.99

§ 90.47 POSTING BILLS; OTHER ADVERTISING.

No person shall stick, paint, brand, stamp, write or put upon any house, fence, wall, pavement, post or upon any property, owned by any person, firm or corporation, or owned by the town, any printed, written, painted or other advertisement, bill, notice, sign or poster, without first having obtained the written permission of the owner of the property and having received a permit from the Town Clerk.
(Prior Code, § 11.14) Penalty, see § 10.99

§ 90.48 FIRE BOMBS PROHIBITED; ENFORCEMENT.

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

FIREBOMB. Any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

MOLOTOV COCKTAIL. Any breakable container or any container which is designed in a manner that upon being propelled it will at impact empty its contents which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(B) It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

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(C) It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his, her or their premises. The provisions of this subchapter shall be cumulative and in addition to any other ordinance or General Statute of North Carolina on this subject.

(Prior code, § 11.15)

(D) The Mayor of the Town, and in his absence, the Mayor Pro Tempore, and in the absence of both officials, the Chief of Police of the Town, shall be and they are hereby authorized to enforce the preceding divisions for periods of time as they shall deem necessary.

(Prior Code, § 11.16) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. §§ 160A-183 through 160A-185; Ch. 14; §§ 160A-189 through 160A-190

Section

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91.03	Removal by town
91.04	Cost of removal; notice to owner
91.05	Sale of abandoned vehicles
91.06	Disposition of sales and vehicles
91.07	Immunity

CHAPTER 91: ABANDONED VEHICLES

§ 91.01 DEFINITIONS.

(A) A motor vehicle shall be deemed to have been abandoned for the purposes of this subchapter in the following circumstances:

(1) It is left unattended upon a street or highway for longer than 12 hours in violation of a law or ordinance prohibiting parking;

(2) It is left unaccompanied on property owned or operated by the Town for a period longer than 24 hours;

(3) It is left unaccompanied on any public street or highway for a period longer than 7 days;
or

(4) It is left on private property without the consent of the owner, occupant, or lessee thereof for longer than 2 hours.
(Prior code, § 11.31)

(B) Whenever a motor vehicle is found to be an abandoned motor vehicle as defined in division (A) above and, in addition, is found to be inoperable, or is partially dismantled or wrecked, or is more than 5 years old and worth less than \$100, or does not display a current license plate, it shall be deemed to be a junked motor vehicle.
(Prior Code, § 11.32)

§ 91.02 DUTY OF OWNER TO REMOVE.

If a motor vehicle is abandoned or junked on a public street or highway, it shall be the duty and responsibility of the owner of the 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 abandoned on a public street or highway after notice has been duly given to a person to have the vehicle removed.

(Prior Code, § 11.33)

§ 91.03 REMOVAL BY TOWN.

Whenever any motor vehicle is abandoned or junked on a public street or highway, or on property owned or operated by the town, or on private property, any vehicle may be removed by or under the direction of the Town Chief of Police to a storage garage or area; provided, no vehicle shall be removed from private property without the written request or permission of the owner, lessee, or occupant thereof unless the same has been declared by the Building Inspector or the Board to be a health or safety hazard.

(Prior Code, § 11.34)

§ 91.04 COST OF REMOVAL; NOTICE TO OWNER.

(A) When an abandoned or junked motor vehicle is removed from private property at the request of the owner, lessee or occupant thereof, the person at whose request the vehicle is removed shall be required to pay or otherwise indemnify the town for any expenses incurred by reason of the removal and storage of the vehicle.

(B) The owner of any vehicle removed hereunder from any public street or highway, or any property owned or operated by the town, or any private property, shall pay to the town all reasonable costs incident to the removal and storage of the vehicle and to locating the owner thereof.

(C) Written notice of each removal of an abandoned or junked vehicle and of the possible sale or disposition thereof shall be given as promptly as possible to the owner thereof at his or her last known address according to the latest registration certificate of title on file with the North Carolina Department of Motor Vehicles.

(D) Notice need not be given to the registered owner when the vehicle does not display a license plate and the vehicle identification numbers have been removed or defaced so as to be illegible.

(Prior Code, § 11.35)

§ 91.05 SALE OF ABANDONED VEHICLES.

If an abandoned motor vehicle is worth \$100 or more and should the owner thereof refuse to pay the aforementioned costs or should the identity or whereabouts of the owner be unknown and unascertainable after a diligent search, it shall, after being held by the town for 30 days and after 20-days' written notice to the registered owner at his or her last known address if his or her identity is known, and to the holders of all liens of record against the vehicle, and to the North Carolina Department of Motor Vehicles, be sold by the Chief of Police or his or her designee at public auction. Provided, however, that any person having an interest in the vehicle may redeem it at any time before the sale by paying all costs accrued to date.
(Prior Code, § 11.36)

§ 91.06 DISPOSITION OF SALES AND VEHICLES.

(A) The proceeds of the sale of an abandoned motor vehicle shall be paid to the Town Treasurer who shall pay from the proceeds the costs of removal, storage, investigation, sale, and liens, in that order. The remainder of the proceeds of sale, if any, shall be paid over to the registered owner, or held by the Town Treasurer for 60 days if the registered owner cannot be located with reasonable diligence. If the owner does not claim the remainder of the proceeds within 60 days after the sale, the funds shall be deposited into the town general fund and the owner's rights therein shall be forever extinguished.

(B) With the consent of the owner, the Chief of Police or his designee may dispose of any vehicle as a junked motor vehicle without holding it for any prescribed period of time. If an unclaimed abandoned motor vehicle appears to be worth less than \$100, the Chief of Police or his or her designee may dispose of the vehicle as a junked vehicle.

(C) Any unclaimed junked motor vehicle as defined by this subchapter shall be held for a period of at least 15 days. The owner of any vehicle may claim his or her vehicle during the 15-day retention period by exhibiting proof of ownership to the Chief of Police and after paying all reasonable costs incident to the removal and storage of the vehicle plus administrative expenses. If after the vehicle is held 15 days it remains unclaimed, the vehicle may be destroyed or sold at private sale as junk. Within 15 days after final disposition of a junked motor vehicle, written notice thereof shall be given to the Department of Motor Vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined.

(D) Vehicles not displaying a license plate, and whose identification numbers have been removed or defaced so as to be illegible may be destroyed or sold at a private sale, without regard to value, after being held for 48 hours.

(E) The proceeds of the sale of a junked motor vehicle, after all costs of removal, storage, investigation and sale, and satisfaction of any liens of record on the vehicle have been deducted therefrom, shall be held by the Town Treasurer for 30 days and paid to the registered owner upon demand. If the owner does not appear to claim the remainder of the proceeds within 30 days after disposal of the vehicle, the funds shall be deposited into the town general fund and the owner's rights therein shall be forever extinguished.
(Prior Code, § 11.37-11.40)

§ 91.07 IMMUNITY.

Neither the town nor any 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 vehicle for disposing of the vehicle as contemplated by this chapter.
(Prior Code, § 11.41)

Statutory reference:

Similar provisions, see G.S. § 160A-303

Section

Damaging Streets and Sidewalks
CHAPTER 92: STREETS AND SIDEWALKS

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- 92.03 Excavations; leaving unprotected
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DAMAGING STREETS AND SIDEWALKS**§ 92.01 DIGGING IN STREETS; PERMIT REQUIRED.**

(A) No person shall make any excavation or opening or dig any ditch, trench, tunnel or hole in, along, across or under any street, sidewalk or other public place for the purpose of laying or placing therein any pipe, wires, poles or for any other purposes, unless a written permit therefor has been issued by the town. Provided, that a permit shall not be required where the work is performed under a contract with the town but in the event that it becomes necessary to the work that a sidewalk or street must be wholly or partially obstructed, the person shall notify the town at least 2 hours before obstructing the sidewalk or street, unless prevented by sudden emergency.
(Prior Code, § 5.1)

(B) All persons desiring a permit in order to make an opening in any street or sidewalk, as set forth in division (A) above, shall make written application therefor, which application shall show the location of the proposed opening, the purpose thereof and the approximate number of square yards of surface to be cut. The application shall be accompanied by the fee required by division (C) below. The fee required for making any opening in any street or sidewalk shall be as follows:

	<i>Unimproved Street</i>	<i>Macadam Street</i>	<i>Improved Street</i>
Per square yard of surface	\$.50	\$4	\$8
Minimum fee	\$.50	\$4	\$8

(Prior Code, § 5.2)

(C) Any person obtaining a permit as provided for in divisions (A) and (B) above herein agrees, as a condition of the issuance of said permit to indemnify and hold harmless the town against any claims or expenses, including attorney's fees for bodily injury or property damage for accidents or occurrences arising out of the person's operations, excluding only the liability of the town for its sole negligence except in connection with general supervision of work performed by the person.
(Prior Code, § 5.3)

§ 92.02 STREET REPAIR.

When any part of any street, sidewalk, alley or other public place of the town shall be torn or dug up for any purpose, the person making the excavation or opening shall have the duty of refilling the excavation or opening so as to restore it to essentially the same condition that existed prior to the excavation or opening, and the refilling shall be done in accordance with the standards and specifications issued by the Commissioner of Public Works or his or her authorized representative.
Any person, firm

or corporation neglecting, refusing, or failing to comply with any provisions of this section shall be guilty of a violation thereof; and where the neglect, refusal or failure is continued, after notice from the Commissioner of Public Works or his or her authorized representative, every day's continuance thereafter shall constitute a separate and distinct offense.

(Prior Code, § 5.4)

§ 92.03 EXCAVATIONS; LEAVING UNPROTECTED.

It shall be unlawful for any person, firm or corporation who obtains a permit under the divisions of this subchapter to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk or public place of the town without placing and maintaining proper guard rails and signal lights or other warnings at, in or around the same, sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care from injuries on account of same.

(Prior Code, § 5.5) Penalty, see § 92.99

§ 92.04 SUPERVISION AND CONTROL.

All excavations and work in streets, sidewalks, alleys or public places of the town shall be under the supervision and control of the Commissioner of Public Works, whose duty it shall be to inspect the same from time to time during the progress thereof. Upon the completion thereof, he or she shall make a final inspection and see that the street, sidewalk or public place is restored to a condition as good in all respects as before the excavation or work was made or done, and that all debris, materials, tools and equipment are removed therefrom. Any person refusing or failing to comply with any provision of this division shall be guilty of a violation thereof; and where the failure or refusal is continued after notice from the Commissioner of Public Works, every day's continuance shall constitute a separate and distinct offense.

(Prior Code, § 5.6)

§ 92.05 DISPOSITION OF FEES.

All fees collected under the provisions of this subchapter shall be paid into the general fund.

(Prior Code, § 5.7)

§ 92.06 VIOLATION.

All persons found guilty of violation of this subchapter shall be guilty of a misdemeanor and shall be fined not more than \$50 or imprisoned for not more than 30 days.

(Prior Code, § 5.8)

§ 92.07 SIDEWALK CONSTRUCTION.

No sidewalk of any description shall be built by any individual, firm or corporation, of any brick, wood, or other material without a written permit from the town.
(Prior Code, § 5.9)

§ 92.08 DAMAGE TO MUNICIPAL PROPERTY.

No person shall injure, tamper with, remove or paint upon or deface any bridge, culvert, ditch, drain, sign, sign post, street light, traffic signal or bulletin board or other municipal property except employees of the town in performance of their duties.
(Prior Code, § 5.10) Penalty, see § 92.99

OBSTRUCTIONS**§ 92.20 PLACING OBJECTS ON SIDEWALKS.**

It shall be unlawful for any person to store, pile, deposit, erect, keep or place, or cause, permit or suffer to be stored, piled, deposited, erected, kept or placed upon any sidewalk in the town, any rubbish, wood, coal, boxes, barrels, stone, brick, lumber, dirt, merchandise, shipping case, stand, stall, booth or showcase or other obstruction of any kind, except as herein or otherwise provided by law or ordinance.
(Prior Code, § 5.21) Penalty, see § 92.99

§ 92.21 DISPLAY OF MERCHANDISE.

It shall be unlawful for any person, firm or corporation to place or set out for exhibition any goods, wares, or merchandise directly connected with the business transacted by him or her, on the sidewalk in front of a place of business, store or building owned, controlled or occupied by him or her.
(Prior Code, § 5.22) Penalty, see § 92.99

§ 92.22 PARADES AND DEMONSTRATIONS; DEFINITIONS.

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

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

GROUP DEMONSTRATION. Any assembly together or concert of action between or among 2 or more persons for the purpose of protesting any matter or of making known any position or promotion of persons, or of or on behalf of any organization or class of persons, or for the purpose of attracting attention of the assembly.

PARADE. Any assemblage of 2 or more persons participating in or operating any vehicle in any march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, alleys, parks, or other public grounds or places.

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

PICKET LINE. Any 2 or more persons formed together for the purpose of making known any position or promotion of persons, or on behalf of any organization or class of persons.
(Prior Code, § 5.23)

(B) It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk, alley, or other public place within the town unless a permit therefor has been issued by the town in accordance with the provisions of this subchapter.
(Prior Code, § 5.24)

(C) The Chief of Police shall issue a permit for the proposed parade unless he or she finds that:

(1) Parades, picket lines or group demonstrations are to commence before 6:00 a.m. or terminate after 5:00 p.m.;

(2) Parades or group demonstrations are to be held at the same time and place as those designated in a permit issued pursuant to a written application previously received by the Chief of Police or his or her designee;

(3) The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(4) The conduct of the parade will require the diversion of so great a number of police officers of the town to properly police the line of movement of the parade and of contiguous areas so that adequate police protection cannot be provided the remainder of the town;

(5) The conduct of the parade will require the diversion of so great a number of ambulances that adequate ambulance service to portions of the town not occupied by the parade and contiguous areas will be prevented;

Newton Grove - General Regulations

(6) The concentration of persons, animals and vehicles at assembly points of the parade will substantially interfere with adequate fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;

(7) The conduct of the parade is reasonably likely to result in violence to persons or property causing serious harm to the public;

(8) The parade is to be held for the primary purposes of advertising a product, good, or event, and is designed to be held primarily for private profit;

(9) The conduct of the parade will interfere with the movement of firefighting equipment to the extent that adequate fire protection cannot be provided to the town.
(Prior Code, § 5.25)

(D) The Chief of Police or his designee shall issue permits as required in the preceding division, and in the issuance thereof he or she shall:

(1) Require a written application for permit to be filed not less than twenty-four (24) hours in advance of a parade, picket line, or group demonstration which application shall specify the time and place for the commencement of any picket line and the time, place, route and duration of any parade or group demonstration.

(2) Require that the application for a permit specify whether or not minors below the age of 18 years will be permitted to participate.

(3) Require that the application for a permit shall specify and the permit shall designate the person or persons in charge of the activity. A person shall be required to accompany the parade, picket line, or group demonstration and shall carry a permit with him or her at that time. The permit shall not be valid in the possession of any other person.
(Prior Code, § 5.26)

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

(1) The carrying on or about the person any firearm, or any weapon or article, including but not limited to, blackjacks, nightsticks, or flashlights which by their use might constitute a deadly weapon;

(2) The taking or keeping of a dog or other vicious animal, whether leashed or unleashed.
(Prior Code, § 5.27)

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

(1) The violation by any participant of division (E) of this subchapter; or

(2) The failure to comply with the terms and conditions of the permit.

(Prior Code, § 5.28)

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

(Prior Code, § 5.29)

(H) Picket lines and picketing shall be subject to the following additional regulations:

(1) Picketing may be conducted only on the sidewalks reserved for pedestrian movement, and may not be conducted on the portion of a street used primarily for vehicular traffic;

(2) Not more than 10 pickets promoting the same objective shall be permitted to use either of the 2 sidewalks within a single block at any 1 time;

(3) Pickets may carry written or printed placards or signs not exceeding 2 feet in width and 2 feet in length promoting the objective for which the picketing is done; provided, the words used are not derogatory or defamatory in nature;

(4) Pickets must march in single file and not abreast and must not march closer together than 15 feet, except in passing one another; and (Pickets shall not be allowed to walk more than 5 feet from the curb line and shall be in continuous motion.)

(5) If pickets promoting different objectives desire to use the same sidewalk for picketing, etc. would result in the presence of more than 10 pickets thereon, the Chief of Police shall allot time to each group of pickets for the use of the sidewalk on an equitable basis.

(Prior Code, § 5.30)

(I) Divisions (A) through (H) shall not apply to:

(1) Funeral processions; or

(2) Any governmental agency acting within the scope of its functions.

(Prior Code, § 5.31)

§ 92.23 ASSEMBLY ON SIDEWALK.

All crowds or assemblages of persons that shall congregate on the streets or sidewalks of this town, thereby obstructing the street to the inconvenience of pedestrians, shall be dispersed by the police, and any person who refuses to obey the warning of the officer shall be deemed to violate this division.

(Prior Code, § 5.32)

USE AND CLEANLINESS**§ 92.35 THROWING OR DEPOSITING TRASH.**

It shall be and is hereby declared to be unlawful for any person, firm, organization or private corporation to place, throw or in any manner deposit and leave temporarily or permanently any paper, trash, bottle, can, refuse, garbage or other debris, any scrapped automobile, truck or tractor or any part thereof on the right-of-way of any public street or alleyway in the town.

(Prior Code, § 5.41) Penalty, see § 10.99

§ 92.36 LITTERING.

It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place within the town, or upon private property.

(Prior Code, § 5.42) Penalty, see § 10.99

§ 92.37 ACCESS AREAS TO BE MAINTAINED.

Every owner, lessee, tenant, occupant or person in charge of any commercial establishment or premises which maintains any paved or unpaved areas for the use of the public, either for parking or as access area and incident to the carrying on of the principal business of any commercial establishment or premises and which parking or access areas abut or lie within 10 feet of any public street or other public way, shall keep and maintain the areas clean and free from trash, litter, rubbish and any materials liable to be blown, deposited or cast upon the street or other public way.

(Prior Code, § 5.43)

§ 92.38 RECEPTACLES TO BE PROVIDED.

Suitable receptacles shall be provided in all parking or access areas within the meaning of § 92.37 hereof. The receptacles shall be plainly marked and constructed to prevent scattering of any trash, litter, rubbish or other materials deposited therein.

(Prior Code, § 5.44)

STANDARDS FOR ACCEPTANCE

§ 92.50 STREET CONSTRUCTION.

No street will be accepted for maintenance or ownership by the town unless water lines are installed in the street and unless the street is constructed according to applicable state or town specifications.

(Prior Code, § 5.51) (Ord. passed 6-30-1981)

§ 92.99 PENALTY.

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

(B) Any owner, lessee, tenant, occupant or person in charge of any commercial establishment or premises within the meaning of § 92.37 hereof who fails to abide by the provisions of §§ 92.35 *et seq.* shall be subject to a penalty of \$50 in addition to the penal provisions of the state law for violations of municipal ordinances.

(Prior Code, § 5.45)

Statutory reference:

Similar provisions, see G.S. § 160A-296 through 160A-299

Section

Fire Department

CHAPTER 93: FIRE PROTECTION AND PREVENTION

- 93.01 Organization
- 93.02 Command of Department
- 93.03 Fire Chief designated as Fire Inspector; authority; duties
- 93.04 Chief, Assistant Chief to have powers of police officers
- 93.05 Authority to summon assistance
- 93.06 Record of fires to be kept
- 93.07 Riding on fire apparatus
- 93.08 Interfering with Fire Department equipment and apparatus
- 93.09 Tampering with and/or using fire alarms

Fire Hazards

- 93.20 Fire exists; encumbrance prohibited
- 93.21 Exit signs in theaters to be kept well-lighted
- 93.22 Places of public assemblage; egress to be unobstructed

Fire Limits

- 93.35 Description

Alarm Systems

- 93.50 Regulations adopted by reference

FIRE DEPARTMENT**§ 93.01 ORGANIZATION.**

The Fire Department shall consist of a Chief, an Assistant Chief and a sufficient number of firefighters to maintain and operate the department in an efficient manner, under the supervision and control of the Board.
(Prior Code, § 4.1)

§ 93.02 COMMAND OF DEPARTMENT.

The Chief, or in his or her absence the Assistant Chief, shall command the Fire Department. All firefighters shall report to the officer in command. Firefighters who refuse to obey his or her orders shall be subject to dismissal from the Fire Department.
(Prior Code, § 4.2)

§ 93.03 FIRE CHIEF DESIGNATED AS FIRE INSPECTOR; AUTHORITY; DUTIES.

The Chief of the Fire Department shall be the Fire Inspector, and shall have authority to enter all buildings at any reasonable time for the purpose of inspecting the premises.
(Prior Code, § 4.3)

§ 93.04 CHIEF, ASSISTANT CHIEF TO HAVE POWERS OF POLICE OFFICERS.

The Chief and the Assistant Chief shall be, and they are hereby vested with all the powers of, police officers of the town insofar as they shall have the power to make arrests within the town during the existence of a fire.
(Prior Code, § 4.4)

§ 93.05 AUTHORITY TO SUMMON ASSISTANCE.

During the continuance of any fire the Chief or Assistant Chief shall have the power to call upon any and all persons to assist in extinguishing the same, or in pulling down or blowing up any building, or in removing any goods, wares, merchandise or furnishings from any building on fire or in danger thereof.
(Prior Code, § 4.5)

§ 93.06 RECORD OF FIRES TO BE KEPT.

The Fire Inspector shall keep, or shall cause to be kept, an accurate record of all fires occurring in the town. For each fire the following information shall be secured and kept:

- (A) Location of premises;
- (B) Owner;
- (C) Brief description of premises, whether of brick, stone, concrete, iron or wood;
- (D) How occupied, whether as a dwelling, storehouse, factory, workshop or otherwise;
- (E) Amount and nature of damage as to both real and personal property;
- (F) Amount of insurance;
- (G) Cause of fire; and
- (H) Date.

(Prior Code, § 4.6)

§ 93.07 RIDING ON FIRE APPARATUS.

It shall be unlawful for any person, except a member of the Fire Department, to ride on any truck, vehicle or apparatus of the Department, while going to or returning from a fire, except by permission of the Chief of the Fire Department.

(Prior Code, § 4.7) Penalty, see § 92.99

§ 93.08 INTERFERING WITH FIRE DEPARTMENT EQUIPMENT AND APPARATUS.

No person shall interfere with any firefighter in the discharge of his or her duty, or meddle with any apparatus stored in the fire house belonging to the Fire Department.

(Prior Code, § 4.8) Penalty, see § 92.99

§ 93.09 TAMPERING WITH AND/OR USING FIRE ALARMS.

It shall be unlawful to use or interfere with any telephone or alarm system belonging to the town, except in case of fire calls.

(Prior Code, § 4.9) Penalty, see § 92.99

FIRE HAZARDS**§ 93.20 FIRE EXITS; ENCUMBRANCE PROHIBITED.**

It shall be unlawful to encumber any fire escape, balcony or ladder, which is intended as a means of escape from fire. It shall be the duty of all police officers and firefighters who shall discover the encumbered fire escape, to report same, through his or her department to the Chief of the Fire Department, who shall immediately notify the owner, agent or tenant to vacate or remove the encumbrance immediately.

(Prior Code, § 4.11)

§ 93.21 EXIT SIGNS IN THEATERS TO BE KEPT WELL-LIGHTED.

It shall be the duty of the Fire Inspector to see that every theater or motion picture house shall keep the Exit signs well lighted throughout each performance.

(Prior Code, § 4.12)

§ 93.22 PLACES OF PUBLIC ASSEMBLAGE; EGRESS TO BE UNOBSTRUCTED.

All doors, aisles and passageways within and leading into or out of theaters, churches and other places of public assemblage shall be lighted during the entire time in which any show, performance, service, exhibition, lecture, concert, ball or other assemblage is taking place and shall be free from signs, easels, chairs, sofas, benches and any other articles that might obstruct or delay the exit of the audience.

(Prior Code, § 4.13)

FIRE LIMITS

§ 93.35 DESCRIPTION.

The territory described by the town shall be known as the fire district of the Town of Newton Grove.

(Prior Code, § 4.21)

Statutory reference:

Similar provisions, see G.S. §§ 160A-21 et seq.

ALARM SYSTEMS

§ 93.50 REGULATIONS ADOPTED BY REFERENCE.

The town's alarm system policy is hereby adopted and incorporated by reference as if fully set out herein.

Section

94.01 Animals at large

94.02 Dogs

CHAPTER 94: ANIMALS

Cross-reference:

Health and Sanitation; Nuisances, see Ch. 90

§ 94.01 ANIMALS AT LARGE.

No horse, goat, cattle, or other animals, except dogs, shall be permitted to run at large within the town limits. All animals caught running at large shall be impounded by the police and unless claimed within 4 days shall be disposed of as the town shall deem best.

(Prior Code, § 11.21)

§ 94.02 DOGS.

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

(B) 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 same under proper control or confinement.

(C) The owner of any dog who shall knowingly suffer or permit his or her dog to run at large on the streets or sidewalks in violation of this division shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding \$50 or imprisonment not exceeding 30 days, as provided by G.S. § 14-4.

(Prior Code, § 11.22)

Statutory reference:

Similar provisions, see G.S. §§ 160A-186 through 160A-188

