

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: FIRE PREVENTION AND PROTECTION

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FIRE DEPARTMENT

§ 90.01 FOLLOWING FIRE EQUIPMENT.

It shall be unlawful to follow any fire apparatus which is responding to a call by automobile or any other vehicle; unless the automobile or vehicle is used for transporting firefighters to the scene of a fire at a distance closer than one city block; or to pass the apparatus, or to park within the same block in which a fire is in progress.

(1973 Code, § 4.5) Penalty, see § 10.99

§ 90.02 INTERFERING WITH FIREFIGHTERS OR ANY FIRE APPARATUS.

No person shall interfere with a firefighter in the discharge of his or her duty, or hinder him or her in the performance of the duty; nor shall any person other than members of the Fire Department loiter about any fire station, or change, handle, or meddle in any manner with any fire engine or any other fire apparatus.

(1973 Code, § 4.6) Penalty, see § 10.99

§ 90.03 ONLY FIREFIGHTERS MAY RIDE ON TRUCKS WITHOUT PERMISSION.

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

(1973 Code, § 4.7) Penalty, see § 10.99

§ 90.04 INTERFERING WITH FIRE ALARM SYSTEM.

No person shall interfere carelessly or willfully with the fire alarm system or injure the poles, wires, boxes, or other apparatuses connected therewith.

(1973 Code, § 4.8) Penalty, see § 10.99

§ 90.05 GIVING FALSE ALARM OF FIRE FORBIDDEN.

No person shall give or cause to be given any false alarm of fire by means of the fire alarm system or otherwise.

(1973 Code, § 4.9) Penalty, see § 10.99

§ 90.06 PROTECTION OF FIRE HOSE.

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

(1973 Code, § 4.10) Penalty, see § 10.99

§ 90.07 FIRE PROTECTION OUTSIDE OF TOWN.

In the event that the town agrees with the county or the owners of property outside the town to provide fire protection therefor, any employee of the Fire Department, while engaged in any duty or

activity outside the corporate limits of the town pursuant to orders of the Fire Chief or Board, shall have all of the jurisdiction, authority, rights, privileges, and immunities, including coverage under the worker's compensation laws, which they have within the corporate limits of the town.
(1973 Code, § 4.11)

FIRE HAZARDS

§ 90.25 ENCUMBRANCES BEFORE OR ON FIRE EXIT.

No person shall, at any time, place any encumbrances of any kind whatsoever before or upon any fire escape, balcony, or ladder intended as a means of escape from fire. It shall be the duty of every member of the Police and Fire Departments who shall discover any fire escape encumbered in any manner to forthwith report the same through his or her Department channels to the Chief of the Fire Department who shall immediately notify the owner or owners, their agent or agents, tenant or tenants, to remove the encumbrance and the encumbrance shall thereupon be immediately removed.
(1973 Code, § 4.12) Penalty, see § 10.99

§ 90.26 EXIT SIGNS IN THEATERS AND MOTION PICTURE HOUSES.

Every exit in any theater or motion picture house shall be plainly indicated by a sign bearing the word "Exit," which sign shall be kept lighted throughout each performance.
(1973 Code, § 4.13) Penalty, see § 10.99

§ 90.27 PASSAGEWAYS IN PLACES OF PUBLIC ASSEMBLAGE TO BE KEPT OPEN; EXIT DOORS NOT TO BE FASTENED.

All doors, aisles, and passageways within and leading into or out of the theaters, churches, and all other places of public assemblage shall, during the entire time which any show, performance, service, exhibition, lecture, concert, ball, or other assemblage may be held therein, be kept adequately lighted and free from easels, signs, standards, campstools, chairs, sofas, benches, and any other article or articles that might obstruct or delay the exit of the audience, congregation, or assemblage; and doors of the buildings while occupied shall not be fastened so that they cannot easily be opened by anyone from within. No person shall sit or stand or remain seated or standing, nor shall the owner or operator of the place allow any person to remain, in any place of public assemblage in any aisle under any circumstances, or in any exit or passage required for the safe exit of the assemblage. Clear passage from

all exits and on outside sidewalks of all theaters and other places of public assemblage shall be maintained at all times. No aisle, passageway, or stairway in any store shall be obstructed with tables, showcases, or other obstructions during the hours the store is open to the public.

(1973 Code, § 4.14) Penalty, see § 10.99

§ 90.28 LOTS KEPT FREE FROM FIRE HAZARDS.

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

(1973 Code, § 4.15) Penalty, see § 10.99

§ 90.29 DEPOSITING OF WOOD SHAVINGS PROHIBITED.

No person shall deposit wood shavings in any place out of doors within the corporate limits of the town within 80 feet of any building. This section shall not apply to buildings under construction or repair.

(1973 Code, § 4.16) Penalty, see § 10.99

§ 90.30 BUILDINGS CONSTITUTING FIRE HAZARDS.

It is hereby declared unlawful for any person or persons owning a building in the Town of Bailey to allow the building to become in bad repair or condition so as to endanger from fire a neighboring building, and any person owning any building in bad repair, who shall fail to repair the same within 30 days after notice to repair from the Board of Commissioners, then in that event the Board of Commissioners shall condemn the building and cause same to be torn down and removed.

(1973 Code, § 4.17) Penalty, see § 10.99

CHAPTER 91: STREETS AND SIDEWALKS

Section

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CONSTRUCTION; DAMAGE; REPAIR

§ 91.001 PERMIT TO DIG IN STREETS.

It shall be unlawful for any person, firm, or corporation to dig any hole, ditch, or excavation of any kind whatsoever, on any street in the town, without first securing a permit therefor, in writing, from the Town Clerk.

(1973 Code, § 5.1) Penalty, see § 91.999

§ 91.002 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.

(1973 Code, § 5.2) Penalty, see § 91.999

§ 91.003 STREET REPAIR.

It shall be the duty of every person, firm, or corporation, who shall open or dig a ditch, trench, or hole in any street, public alley, or sidewalk of the town, to put the street, public alley, or sidewalk in as good condition in all respects as it was before.

(1973 Code, § 5.3) Penalty, see § 91.999

§ 91.004 EXCAVATIONS; LEAVING UNPROTECTED.

It shall be unlawful for any person, firm, or corporation, making any excavation for any purpose whatsoever in any of the streets or sidewalks, to fail to securely cover the excavations with plank or place ropes around the same three feet from the ground, or to fail to place a sufficient number of red lights around the excavation before dark and to keep lights burning all night, every night the excavation shall be open.

(1973 Code, § 5.4) Penalty, see § 91.999

§ 91.005 STREETS NOT TO BE DAMAGED.

(A) It shall be unlawful for any person, firm, or corporation to drag or run, or cause to be dragged or run, any harrow or other implement, engine, machine, or tool upon any asphalt, bithulitic, warrenite, or other type of permanently paved street of the town, which shall be liable in any way to injure or cut the surface thereof.

(B) It shall also be unlawful to injure any dirt street in the same manner.
(1973 Code, § 5.5) Penalty, see § 91.999

§ 91.006 HOUSE MOVING.

No person shall move any house or building upon or across the public streets or sidewalks without the written consent of the Board of Commissioners and the deposit of a good and sufficient bond in the sum of \$500 to cover damage done to the street or sidewalk or to any property of any person.

(1973 Code, § 5.6) Penalty, see § 91.999

§ 91.007 DAMAGE TO BRIDGES AND CULVERTS.

No person shall injure or misplace any part of any bridge, culvert, ditch, and drain, or other property belonging to or used by the town, nor shall place any obstruction in any culvert, ditch, or drain to prevent the free flow of water on or over the streets of the town.

(1973 Code, § 5.7) Penalty, see § 91.999

§ 91.008 DAMAGE TO LIGHTS AND SIGNS.

No person shall injure, tamper with, remove, or paint upon or deface any sign, signpost, streetlight, traffic signal, or bulletin board, or other municipal property, upon the streets and sidewalks, except employees of the town in performance of their duties.

(1973 Code, § 5.8) Penalty, see § 91.999

OBSTRUCTING STREETS AND SIDEWALKS**§ 91.020 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 section.
(1973 Code, § 5.9) Penalty, see § 91.999

§ 91.021 DISPLAY OF GOODS PROHIBITED.

No person shall place for display or sale any goods, wares, or merchandise of any kind upon any of the sidewalks of the town over three feet from a business establishment and no closer than 15 feet from an intersection.
(1973 Code, § 5.18) (Am. Ord. passed 9-4-1979) Penalty, see § 91.999

§ 91.022 PLACING OBJECTS ON STREETS AND SIDEWALKS.

No brick, stone, or wood, or other substances, obstructing the free passage of persons and vehicles shall be placed or suffered to lie in any of the alleyways, streets, or other routes of the town, nor shall any person place on or in any of the streets, sidewalks, or alleyways of the town any boxes, crates, casks, or barrels of any description, or any other obstruction of any kind. Any person erecting a building may, with permission, place building material for immediate use on the streets in a way so as to not interfere with the usual traffic.
(1973 Code, § 5.19) Penalty, see § 91.999

§ 91.023 CONSTRUCTION NEAR SIDEWALKS.

Before building or remodeling at any place where the same is in close proximity to the sidewalk, a passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.
(1973 Code, § 5.20) Penalty, see § 91.999

§ 91.024 SHEDS AND AWNINGS.

No person shall erect or repair over any sidewalk or street any wooden shed or awning, or any wooden shed for the support of an awning, or erect upon any street or sidewalk any post for the support

of any awning. If any person shall violate this section, then each day that the above forbidden structure shall remain after notice shall constitute a separate violation. This shall not be construed to prevent the erection over the sidewalk of cloth or metal awnings supported upon metallic frames firmly suspended from the building, and at least seven feet above the level of the sidewalk.

(1973 Code, § 5.21) Penalty, see § 91.999

PARADES AND DEMONSTRATIONS

§ 91.040 DEFINITIONS.

For the purpose of §§ 91.040 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

GROUP DEMONSTRATION. Any assembly together or concert of action between or among two or more persons for the purpose of protesting any matter or of making known any position or promotion of the persons, or 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 two or more persons participating in or operating any vehicle in any march, ceremony, show, exhibition, or procession of any kind in or upon the public streets, sidewalks, alleys, parks, or other public grounds or places.

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

PICKET LINE. Any two or more persons formed together for the purpose of making known any position or promotion of the persons, or on behalf of any organization or class of persons.
(1973 Code, § 5.10)

§ 91.041 PERMIT REQUIRED.

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 §§ 91.020 *et seq.* and 91.040 *et seq.*

(1973 Code, § 5.11) Penalty, see § 91.999

§ 91.042 REQUIREMENTS AND ISSUANCE OF PERMITS.

The Chief of Police, or his or her designee, shall issue permits as required in § 91.041, and in the issuance thereof he or she shall:

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

(B) Refuse to issue permits for parades, picket lines, or group demonstrations to commence before 6:00 a.m. or terminate after 5:00 p.m.;

(C) Refuse to issue permits for parades or group demonstrations 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;

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

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

(1973 Code, § 5.12)

§ 91.043 CERTAIN ACTIVITIES PROHIBITED.

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:

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

(B) The taking or keeping of any dog or other vicious animal, whether leashed or unleashed.
(1973 Code, § 5.13) Penalty, see § 91.999

§ 91.044 REVOCATION OF PERMIT.

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

- (A) The violation by any participant of § 91.043; and/or
 - (B) The failure to comply with the terms and conditions of the permit.
- (1973 Code, § 5.14)

§ 91.045 INTERFERENCE PROHIBITED.

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

(1973 Code, § 5.15) Penalty, see § 91.999

§ 91.046 ADDITIONAL REGULATIONS APPLICABLE TO PICKETING.

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

(A) 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.

(B) Not more than ten pickets promoting the same objective shall be permitted to use either of the two sidewalks within a single block at any one time.

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

(D) (1) Pickets must march in single file and not abreast and must not march closer together than 15 feet, except in passing one another.

(2) Pickets shall not be allowed to walk more than five feet from the curb line and shall be in continuous motion.

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

(1973 Code, § 5.16) Penalty, see § 91.999

§ 91.047 EXCEPTIONS.

Sections 91.040 through 91.046 shall not apply to:

(A) Funeral processions; or

(B) Any governmental agency acting within the scope of its functions.
(1973 Code, § 5.17)

USE AND CLEANLINESS**§ 91.060 THROWING OR BURNING TRASH ON STREET PROHIBITED.**

No paper, straw, lemon peel, banana peel, watermelon rind, or any trash of any kind shall be thrown or swept upon any sidewalk or street of the town, nor shall any trash, refuse, or rubbish be burned thereon.

(1973 Code, § 5.24) Penalty, see § 91.999

§ 91.061 TREE TRIMMINGS.

It shall be unlawful for any person to place, or allow to be placed, any tree trimmings or shrubbery on any street or sidewalk.

(1973 Code, § 5.25) Penalty, see § 91.999

§ 91.062 SNOW AND ICE REMOVAL.

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

(1973 Code, § 5.26) Penalty, see § 91.999

§ 91.063 BICYCLES ON SIDEWALKS PROHIBITED.

It shall be unlawful for any person to ride a bicycle on any sidewalk in the business district of the town.

(1973 Code, § 5.27) Penalty, see § 91.999

§ 91.064 PLAYING BALL ON STREETS PROHIBITED.

No person shall play ball or bat or catch-ball on any of the streets of the town.
(1973 Code, § 5.28) Penalty, see § 91.999

§ 91.065 MOVING STRUCTURES UPON STREETS.

It shall be unlawful for any person, firm, or corporation to move, or have moved, any house, building, or other structure upon the street or streets of the town without first obtaining from the town a permit to do so.
(1973 Code, § 5.29) Penalty, see § 91.999

§ 91.066 USE OF NAILS AND TACKS RESTRICTED.

It is hereby declared unlawful for any person to drive any nails or tacks in the telephone, telegraph, or electric light poles, or in any house or store situated on any sidewalk or streets of the town, except with the permission of the owner first had and obtained.
(1973 Code, § 5.30) Penalty, see § 91.999

STREET DESIGNATIONS; PROPERTY NUMBERING

§ 91.080 ADOPTION BY REFERENCE.

The Nash County provisions regarding property numbering systems are hereby adopted by reference.

CHAPTER 92: NUISANCES; HEALTH AND SANITATION

Section

General Nuisances

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GENERAL NUISANCES**§ 92.01 UNNECESSARY NOISES.**

(A) *Generally.* 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 a character, intensity, and duration so as to be detrimental to the life or health of any individual is prohibited.

(1973 Code, § 11.2)

(B) *Specifically.* The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but the 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 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, loudspeaker, or any other instrument or sound amplifying devices so loudly as to disturb persons in the vicinity thereof, or in a manner so as to render the same a public nuisance; provided, however, that upon application to the Chief of Police, 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;

(5) The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in a manner so 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, or 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 three 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 that 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 that 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, or 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, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale or display of merchandise;

(16) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes, except where specific license is received from the Chief of Police;

(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 substances in the streets or elsewhere for the purpose of making noise or disturbance, except by permit from the Chief of Police.

(1973 Code, § 11.3) Penalty, see § 10.99

§ 92.02 DISCHARGE OF FIREARMS.

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.

(1973 Code, § 11.4) Penalty, see § 10.99

§ 92.03 POSTING SIGNS.

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.

(1973 Code, § 11.5) Penalty, see § 10.99

§ 92.04 FIRE BOMBS.

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

FIRE BOMB. 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 so that, upon being propelled, it will, at impact, empty its contents, which is filled with a flammable fluid or substance and which is fitted with a fuse or wick.

(B) *Prohibitions.*

(1) It shall be unlawful for any person or persons to manufacture, possess, transport, or use any Molotov cocktail or other fire bomb.

(2) 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 fire bombs, other than on his or her or their premises. The provisions of this section shall be cumulative and in addition to any other ordinance or General Statute of North Carolina on this subject.

(1973 Code, § 11.6)

(C) *Enforcement.* The Mayor of the town and, in his or her 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 this section for periods of time as they shall deem necessary.

(1973 Code, § 11.7) Penalty, see § 10.99

GENERAL HEALTH REGULATIONS

§ 92.15 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.

(1973 Code, § 9.1)

§ 92.16 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.

(1973 Code, § 9.2)

§ 92.17 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 the inspections or investigations.

(1973 Code, § 9.3)

§ 92.18 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 outbuildings at least once 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.

(1973 Code, § 9.4) Penalty, see § 10.99

§ 92.19 SEPTIC TANKS REGULATED.

Septic tanks may be installed where the sanitary sewer is not reasonably accessible; provided that 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.

(1973 Code, § 9.5)

§ 92.20 PLANTING AND PROTECTION OF TREES.

(A) Citizens may plant trees in front of their lots and around their lots on the sidewalks under the supervision of the Street Commissioner; provided that they shall not plant any that are detrimental to the town.

(B) No trees shall be planted in the streets or gutters.

(C) No person shall cut or damage any tree upon the sidewalks of the town without the permission of the Street Commissioner, or shall dig up or injure any tree or shall tack or post any advertisement upon the trees of the town.

(1973 Code, § 9.6) Penalty, see § 10.99

§ 92.21 MILK.

It shall be unlawful for any person to sell or offer for sale within the town any impure, adulterated, or unwholesome milk; or sell, or offer to sell as pure milk, any milk to which water has been added or any other substance which in its effect injures its quality or lessens its value; or to sell or offer to sell the milk from any cow that may be sick, diseased, or suffering from any bodily condition or disorder liable to render her milk unfit or unsafe to use for food, or milk obtained from a cow kept in a filthy or unventilated stable or building, or in an offensive, filthy lot or pen or shed, or that may be fed upon food or allowed to drink any liquid with risk of sickness or disease therefrom.

(1973 Code, § 9.7) Penalty, see § 10.99

§ 92.22 BUTCHERING RESTRICTED.

No person shall butcher any cattle, hogs, or sheep within the corporate limits of the town. This provision shall not apply to persons that may butcher cattle or hogs or sheep for home purposes. The Mayor may also grant special permission for it to be done at some place that will not be offensive to the town.

(1973 Code, § 9.8) Penalty, see § 10.99

§ 92.23 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.

(1973 Code, § 9.9) Penalty, see § 10.99

§ 92.24 PROTECTION OF FOODS FROM FLIES.

All dealers in cooked provisions, dresser poultry, fish, meats, fruits, vegetables and produce, merchandise, or other commodities 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.

(1973 Code, § 9.10) Penalty, see § 10.99

§ 92.25 BUSINESSES KEPT IN SANITARY CONDITION.

(A) *Generally.* 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.

(1973 Code, § 9.11)

(B) *Specifically.* All drug stores, drink stands, restaurants, markets, barbecue stands, and barbershops 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.

(1973 Code, § 9.12) Penalty, see § 10.99

§ 92.26 SERVING OF 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.

(1973 Code, § 9.13) Penalty, see § 10.99

§ 92.27 SPITTING PROHIBITED.

No person shall spit on the sidewalks or on the floors of any public buildings.

(1973 Code, § 9.14) Penalty, see § 10.99

§ 92.28 TOWN WATER TANK.

It shall be unlawful for any person (other than persons employed by the town) to climb up the water tank in the town.

(1973 Code, § 9.15) Penalty, see § 10.99

§ 92.29 COUNTY AMBULANCE ORDINANCE ADOPTED BY REFERENCE.

(A) The ambulance ordinance adopted by the Board of Commissioners of Nash County on February 1, 1971 is hereby adopted by reference as fully as though set forth herein as the ambulance ordinance of the town to the extent the ordinance is applicable within the corporate limits of the town.

(B) An official copy of the county ambulance ordinance adopted herein is on file and shall be kept on file in the office of the Town Clerk.

(1973 Code, § 9.17)

WEEDS**§ 92.45 UNCONTROLLED GROWTH OF WEEDS AND ACCUMULATION OF REFUSE DECLARED A 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 inhabitancy 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 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; or

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

§ 92.46 COMPLAINT AND INVESTIGATION.

(A) The Town Mayor, upon notice from any person of the existence of any of the conditions described in § 92.45, 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, the conditions exist as to constitute a public nuisance, as declared in § 92.45.

(B) If it appears that the conditions exist, the Town Mayor shall cause to be delivered or mailed to the owner of the property upon which the conditions exist a notice stating the reasons why the conditions constitute a violation and that a hearing will be held before the Town Mayor at a place therein fixed, not less than 15 nor more than 30 days after the delivery or mailing of the notice. The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and give evidence at the place and time fixed in the notice. Any person desiring to do so may attend the hearing and give evidence to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearing.

(Am. Ord. passed 11-3-1982)

§ 92.47 NOTICE TO ABATE NUISANCE.

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

(Am. Ord. passed 11-3-1982)

§ 92.48 FAILURE OF OWNER TO ABATE NUISANCE.

(A) If any person, having been ordered to abate a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of the order, the Town Mayor 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 of Commissioners.

(B) Any person who has been ordered to abate a public nuisance may within the time allowed by §§ 92.45 *et seq.* request the town, in writing, to remove the conditions, the cost of which shall be paid by the person making the request.

(Am. Ord. passed 11-3-1982)

§ 92.49 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.

§ 92.50 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 § 92.49, 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.

§ 92.51 PROCEDURE IS ALTERNATIVE TO OTHER AUTHORIZED PROCEDURES.

The procedure set forth in §§ 92.45 *et seq.* shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and §§ 92.45 *et seq.* shall not prevent the town from proceeding in a criminal action against any person, firm, or corporation violating the provisions of §§ 92.45 *et seq.*, as provided in G.S. § 14-4.