

**TITLE IX: GENERAL REGULATIONS**

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**CHAPTER 90: ABANDONED VEHICLES**

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**§ 90.01 DEFINITIONS.**

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

***JUNKED MOTOR VEHICLES.*** A vehicle that does not display a current license plate and that:

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

(G.S. § 160A-303.2)

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

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods and the like;
- (6) So situated or located that there is a danger of it falling or turning over;

(7) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Commissioners; or

(8) So offensive to the sight as to damage the community, neighborhood or area appearance, upon a finding that the aesthetic regulation is necessary and desirable for the protection of property values promotion of tourism, indirect protection of health and safety, preservation of the character and integrity of the community, or promotion of the comfort, happiness and emotional stability of area residents.  
(‘77 Code, § 8-3001) (Ord. 133, passed 4-28-86)

**§ 90.02 AUTHORIZED REMOVAL.**

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

(B) Upon investigation, the town building inspector or other municipal official may determine and declare that a vehicle is a health or safety hazard or a public nuisance as defined in § 90.01 and order the vehicle removed.

(‘77 Code, § 8-3002) (Ord. 133, passed 4-28-86)

Penalty, see § 10.99

**Statutory reference:**

*Authority to regulate abandoned junked motor vehicles, G.S. § 160A-303.2*

**§ 90.03 PRE-TOWING NOTICE REQUIREMENTS.**

(A) A vehicle to be towed or otherwise removed because it has been declared to be a nuisance vehicle shall be towed only after notice to the owner or person entitled to possession of the vehicle. If the names and mailing addresses of the owners of the vehicle or the real property upon which it is located can be ascertained in the exercise of reasonable diligence, the notice shall be given to both by first-class mail. The person who mails the notices shall retain a written record to show the names and addresses to which mailed and the date mailed. If the names and addresses cannot be ascertained, notice shall be given by affixing on the windshield or some other conspicuous place on the nuisance vehicle. The notice shall state that the vehicle will be removed by the town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

(B) If the owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is a nuisance vehicle, the appeal shall be made to the Board of Commissioners in writing, heard at the next regularly scheduled meeting of the Board of Commissioners, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(C) A nuisance vehicle may be removed without giving the minimum seven days' prior notice only in those circumstances where the authorizing official finds, and enters findings in appropriate records, a special need for prompt action to maintain the public health, safety and welfare.  
(‘77 Code, § 8-3003) (Ord. 133, passed 4-28-86)

**§ 90.04 POST-TOWING NOTICE REQUIREMENTS.**

(A) Any vehicle which has been determined to be a nuisance vehicle may be removed to a storage garage or area by a towing business contracting to perform services for the town. Whenever a vehicle is removed, the last-known registered owner of the vehicle shall immediately be notified, and the notice shall include the following:

- (1) A 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 bearing on the removal.

(B) This notice shall be mailed to the owner's last known address, unless waived in writing.

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

(D) Whenever a nuisance vehicle is removed and the vehicle has no valid registration or registration plate, the reasonable efforts, including the checking of the vehicle identification number, shall be made to determine the last-known registered owner of the vehicle and to notify him of the information as set forth in division (A)(1) through (5) above.  
(‘77 Code, § 8-3004) (Ord. 133, passed 4-28-86)

**§ 90.05 HEARING BEFORE SALE OR FINAL DISPOSITION.**

After removal of a vehicle declared to be a nuisance vehicle, the owner or other person entitled to possession may request in writing a hearing to determine if probable cause existed for removing the vehicle. The request must be filed with the magistrate in the county where the vehicle was towed. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S 20-219.11.  
(‘77 Code, § 8-3005) (Ord. 133, passed 4-28-86)

**§ 90.06 SALE AND DISPOSITION OF UNCLAIMED VEHICLES.**

(A) With the consent of the owner, the designated city official may dispose of any vehicle as a junked motor vehicle without holding it for any prescribed period of time.

(B) Any unclaimed junked motor vehicle, as defined by § 90.01, 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 designated city official 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 sales as junk.

(C) 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.

('77 Code, § 8-3006) (Ord. 133, passed 4-28-86)

**§ 90.07 PROCEEDS OF SALE.**

The proceeds of the sale of a junked motor vehicle declared to be a nuisance, after all costs of removal, storage, investigation and sale, and satisfaction of any lien of record on the vehicle, have been deducted therefrom, shall be held by the Clerk for 30 days and paid to the 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.

('77 Code, § 8-3007) (Ord. 133, passed 4-28-86)

**§ 90.08 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 junked, lost or stolen vehicle for disposing of the vehicle as regulated by this chapter.

('77 Code, § 8-3008) (Ord. 133, passed 4-28-86)

**§ 90.09 EXCEPTIONS.**

Nothing in this chapter shall apply to any motor vehicle in an enclosed building, any motor vehicle kept or stored at a bona fide "automobile graveyard" or "junkyard," as defined in G.S. § 136-143, or to any motor vehicle that is used on a regular basis for business or personal use.

('77 Code, § 8-3009) (Ord. 133, passed 4-28-86)





## CHAPTER 91: ANIMALS

### Section

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- 91.02 Animal fights prohibited
- 91.03 Keeping animals within town limits; stables, barns and the like
- 91.04 Bird sanctuary created; hunting prohibited
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#### **GENERAL PROVISIONS**

#### **§ 91.01 CRUELTY TO ANIMALS.**

It shall be unlawful to mistreat any animal by causing or permitting that animal unjustifiable physical pain, suffering or death, either by act of omission or neglect. Lawful taking of game animals, or activities lawfully conducted for biomedical research or training, is excepted from the provisions of this section.

('77 Code, § 8-2001) Penalty, see § 91.99

***Statutory reference:***

*For provisions concerning the protection of animals, see G.S. Chapter 19A*

**§ 91.02 ANIMAL FIGHTS PROHIBITED.**

No person shall incite or cause any dogs or other animals or any chickens to fight.

('77 Code, § 8-2002) Penalty, see § 91.99

**§ 91.03 KEEPING ANIMALS WITHIN TOWN LIMITS; STABLES, BARNES AND THE LIKE.**

(A) It shall be unlawful for any person to maintain, keep or house any hogs, pigs, mules, cattle, sheep, goats, chickens or other fowl within the corporate limits.

(B) It shall be unlawful for any person to locate, place, erect, or maintain on any property within the corporate limits of the town, a stable for housing horses or ponies, unless the stable is located at least 200 feet from all neighboring residences. Not more than one horse or pony may be kept on a lot containing less than one acre. For lots dimensioned one acre and no more than five acres in size, a maximum of three horses or ponies per acre may be kept. More than three horses or ponies per acre, but not more than five per acre may be kept on lots containing more than five acres. Every part of a lot or tract set aside for the use of horses or ponies shall be completely enclosed and maintained to prevent the animals from running at large.

(C) Before any person shall locate, erect or place any stable on any lot within the corporate limits, he or she shall make application to the town's Inspection Department. Permits may be issued, upon compliance with this chapter.

(D) Every person owning or controlling any stable or stable yard, or lot set aside for the use of horses or ponies shall maintain such as to prevent odors or the gathering of flies and other insects.

('77 Code, § 8-2003) (Ord. 113, passed 5-20-85) Penalty, see § 91.99

**§ 91.04 BIRD SANCTUARY CREATED; HUNTING PROHIBITED.**

(A) The entire area embraced within the town is hereby designated as a bird sanctuary. ('77 Code, § 8-2004)

(B) It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests within the town; provided, however, that if starlings or similar birds are found to be congregating in numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the town, then in the event the health authorities shall meet with the representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or as many clubs as are found to exist in the town, after having given at least three days' actual notice of the time and place of the meeting to the representatives of the clubs. If as a result of the meeting no satisfactory alternative is found to abate the nuisance, then the birds may be destroyed in numbers and in a manner as is deemed advisable by the health authorities under the supervision of the Chief of Police of the town.

('77 Code, § 8-2005)  
Penalty, see § 91.99

**§ 91.05 ANIMALS AS PUBLIC NUISANCES.**

(A) The existence of any of the following conditions within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance. Any animal or group of animals which:

- (1) Is repeatedly found at large;
- (2) Damages the property of anyone other than its owner;
- (3) Is vicious;
- (4) Causes fouling of the air by odors;
- (5) Causes unsanitary conditions of enclosures or surroundings;
- (6) By virtue of number or type is offensive or dangerous to the public health, safety, or welfare;
- (7) Excessively makes disturbing noises; and
- (8) Is diseased and dangerous to the public health.

(B) The Town Manager, upon notice from any person of the possible existence of any of the conditions described in division (A) above, shall cause to be made by the appropriate County Health Department official, or town official, an investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in division (A) above.

(C) If it appears that the conditions exist, the Town Manager 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 may constitute a violation and that a hearing will be held before the Town Manager at a place therein fixed, not less than ten 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 relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearings.

(D) If a determination is made that the conditions constituting a public nuisance exist, the Town Manager shall notify, in writing, the owner of the premises in question of the conditions constituting public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of the written notice.

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

(F) 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.

(G) In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in division (D) above, 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.

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

('77 Code, § 8-2006) (Ord. 114, passed 5-20-85)

§ 91.06 REGULATION OF PETS AT PUBLIC EVENTS

(A) General Policy

(1) No animals, including reptiles, will be allowed at public events sanctioned by the Town of Pilot Mountain Board of Commission.

(2) Exceptions may include seeing eye dogs and animals specifically allowed by the Town Board, or organization organizing the event, for the purpose of exhibits.

(B) Enforcement

(1) Enforcement see § 91.99

***SPECIFIC DOG REGULATIONS***

**§ 91.15 VACCINATION AND TAG REQUIRED.**

The owner or custodian of any dog over the age of six months is responsible for seeing that the dog has been vaccinated against rabies and have in their possession a valid and current certificate from a practicing veterinarian of North Carolina to that effect. All dogs are required to display a collar of some type having affixed thereto the name of the dog's owner and a current rabies vaccination tag.

('77 Code, § 8-2011) (Ord. 21, passed 8-4-75)

Penalty, see § 91.99

**§ 91.16 RESTRAINT REQUIRED.**

(A) The following words, whenever they are used in this section and § 91.17, shall be deemed to have the following meanings:

***AT LARGE.*** Any dog shall be deemed to be at large when it is not under restraint.

**COUNTY ANIMAL CONTROL OFFICER.** The person or persons employed by the county as its enforcement officer(s). (Ord. 103, passed 10-22-84)

**OWNER.** Any person, groups of persons, or corporation that owns, keeps or harbors a dog or dogs.

**RESTRAINT.** A dog is under restraint within the meaning of this chapter if it is prevented from attacking or threatening bodily harm to persons because it is:

- (1) Confined in a fenced enclosure, building or house and unable to escape;
- (2) Restricted by a leash, chain, rope or similar device under the control of the owner; or
- (3) Confined within a vehicle and unable to escape.

(B) The owner shall keep his or her dog under restraint at all times and shall not permit the dog to be at large. ('77 Code, § 8-2012) (Ord. 73, passed 4-25-83; Am. Ord. 111, passed 4-25-85) Penalty, see § 91.99

**§ 91.17 IMPOUNDMENT.**

(A) Dogs found running at large shall be taken up by the County Animal Control Officer and impounded in the shelter designated as the Surry County Animal Shelter.

(B) The owner may reclaim his or her impounded dog after complying with regulations established by the Surry County Commissioners and pays the necessary impoundment fees imposed by the county. ('77 Code, § 8-2016) (Ord. 73, passed 4-25-83; Am. Ord. 111, passed 4-25-85)

**§ 91.18 DOGS AS NUISANCES.**

(A) Any person keeping within the corporate limits of the town one or more dogs which, by prolonged or habitual barking, howling or whining, cause serious annoyance to the neighboring residents and thereby interfere with the reasonable use and enjoyment of the premises occupied by the residents, shall be guilty of maintaining a nuisance.

(B) Any person keeping within the corporate limits of the town one or more dogs and who fails to maintain his or her premises or enclosure in a sanitary condition and thereby creates obnoxious odors or serious annoyance to the neighboring residents shall be guilty of maintaining a nuisance.

(C) Upon written and signed complaint being made to the police by any resident, a representative of the police shall notify the person against whom the complaint is directed that a complaint has been received, and thereupon the person shall abate the nuisance declared in division (A) and (B) above within 24 hours from time of notification. ('77 Code, § 8-2014) Penalty, see § 91.99

**§ 91.19 DANGEROUS DOGS RUNNING AT LARGE.**

No person owning or having the custody of any dangerous dog of any kind shall allow it to run at large unmuzzled on or in any of the streets or other public places.  
(‘77 Code, § 8-2015)

**§ 91.20 DOGS IN HEAT; IMPOUNDMENT.**

No person owning or having custody of any bitch shall allow the bitch to run at large while in heat, within the town limits.  
(‘77 Code, § 8-2016) Penalty, see § 91.99

**§ 91.21 ANIMAL CONTROL OFFICER; INSPECTIONS.**

(A) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter, or other applicable law, or whenever the Animal Control Officer or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, the Animal Control Officer or his or her authorized representative is hereby empowered to enter the property at any reasonable time and to inspect the same and perform any duty imposed upon the animal control officer or his representative by this chapter or other applicable law, but only if the consent of the occupant or owner of the property is freely given or a search or inspection warrant is obtained as hereinafter provided:

(1) If the property is be occupied, he or she shall first present proper credentials to the occupant and request entry, explaining his or her reason therefor;

(2) If the property is unoccupied, he or she shall first make a reasonable effort to locate the owner or other person having charge or control of the property, present proper credentials and request entry, explaining his or her reasons therefor; or

(3) If entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the animal control officer or his or her authorized representative shall obtain a warrant to conduct a search or inspection of the property.

(B) Notwithstanding any other provision of this chapter, the Animal Control Officer or his or her authorized representative shall have the authority to enter upon any property to enforce the provisions of this chapter or other applicable law if a violation of the law is being committed in the presence of the officers of the division. Committed in the presence of the officers of the division shall not be construed to refer to any alleged violation of this chapter or other applicable law which is committed within any building or other enclosed structure unless the officer is also lawfully within the building or enclosed structure. The Police Department will assist the Surry County Animal Control Officer when necessary.  
(‘77 Code, § 8-2018) (Ord. 99, passed 8-20-84; Am. Ord. 111, passed 4-25-85)

***Cross-reference:***

*Human and animals wastes; dead animals, see*  
*§ 94.04*

**§ 91.99 NOTICE OF VIOLATIONS, PENALTY.***(A) Civil penalty.*

(1) In discharging their duties under this chapter, members of the Police Department are hereby empowered to issue citations to any person if there is reasonable cause to believe that he or she has violated any provisions of this chapter. The violation of any provision of this chapter shall subject the violator to a civil penalty of \$25. Citations so issued may be delivered in person to the violator by a police officer, or they may be mailed to the person so charged, if he cannot readily be found. Any notice or citation so delivered or mailed shall direct the alleged violator to appear at the Police Department on or before a specific day and hour named in the notice; and the period so specified shall not be less than 72 hours after its delivery to the violator.

(2) If an alleged violator of any section of this chapter does not appear in response to the notice described in division (A)(1) above at or before the day and hour named in the notice, the Police Department shall send to the violator a notice informing him or her of the violation and warning him or her that he or she will be held responsible to appear in answer to the notice, and that in the event the notice is disregarded for a period of five days from the date of the mailing of this second notice civil action may be instituted.

(3) In addition to or in lieu of a civil penalty, the town may elect to proceed in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in G.S. § 14-4. ('77 Code, § 8-2019) (Ord. 111, passed 4-25-85)

*(B) Criminal penalty.*

(1) Any owner found violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished as set out in the General Statutes of North Carolina.

(2) It shall be a misdemeanor for any person, other than the owner or lawful possessor, to remove the collar, or rabies vaccination tag from the neck of the dog or to entice any dog out of the enclosure or house on the premises of its owner or lawful possessor; to seize or molest any dog while held or led by its owner or lawful possessor. Upon conviction thereof, punishment shall be as prescribed in § 10.99. ('77 Code, § 8-2017)





## CHAPTER 92: CEMETERIES

### Section

- 92.01 Applicability; control of chapter
- 92.02 Cemetery Superintendent; duties
- 92.03 Purchasing lots; charges and transfers
- 92.04 Landscaping provisions
- 92.05 Structures and monuments
- 92.06 Disturbing graves
- 92.07 Prohibited activities
- 92.08 Vehicles; speed limits
- 92.09 Interment

### § 92.01 APPLICABILITY; CONTROL OF CHAPTER.

All lots within the Pilot Mountain Cemetery, and within any extension of the cemetery at any time hereafter made, whether owned by the town or by any other person or persons, shall be subject to and regulated and controlled by the provisions of this chapter; and in all deeds of conveyance by the town to any person or persons for any lot, the following provisions shall be included therein as a covenant running with the land: "This conveyance is made subject to an ordinance adopting rules and regulations for the control of Pilot Mountain Cemetery and providing penalties in relation thereto duly of record in the minutes of the proceedings of the Board of Commissioners of the Town of Pilot Mountain, and the grantee herein, his heirs and assigns, agree that upon the breach of any of its provisions, the title to the property shall revert to the Town of Pilot Mountain." ('77 Code, § 4-3017)

### § 92.02 CEMETERY SUPERINTENDENT; DUTIES.

(A) It shall be the duty of the Board to appoint some suitable person as Superintendent of the Pilot Mountain Cemetery, who shall serve at the will of the Board. The Superintendent shall have the powers and duties as shall be conferred upon him or her by this section and/or any ordinance, resolution or order of the Board at any time hereafter adopted or made. ('77 Code, § 4-3002)

(B) (1) It shall be the duty of the Superintendent to:

- (a) Protect and preserve the cemetery;
- (b) Supervise the digging of all graves, the interment and disinterment of bodies;
- (c) Supervise the erection of monuments and markers;
- (d) Supervise the planting of any and all shrubbery, trees and flowers; and

(e) Provide entrances and exits for persons and vehicles to and from the cemetery.

(2) The Superintendent shall not contract any debt or expend any money without first having obtained the consent and approval of the Board. ('77 Code, § 4-3003)

### **§ 92.03 PURCHASING LOTS; CHARGES AND TRANSFERS.**

(A) All persons desiring to purchase a lot in the Pilot Mountain Cemetery shall apply to the Clerk, who, upon payment of the fixed price for each lot, shall cause a deed or other instrument of receipt therefor to be given to the purchaser. ('77 Code, § 4-3001)

(B) The cost of lots in the Municipal Cemetery shall be regulated by the Board. A copy of the charges shall be filed in the office of the Clerk. ('77 Code, § 4-3018)

(C) No person who shall purchase any lot in the cemetery from the town shall thereafter convey or alien the same to any other person, except upon the written permission of the Board, nor in any event for a greater consideration than that paid for the same lot by the grantor. ('77 Code, § 4-3019)

### **§ 92.04 LANDSCAPING PROVISIONS.**

(A) No person shall plant or set any tree, shrub, flower, grass or other plant of any kind in the cemetery, except with the approval of and under the supervision of the Superintendent. ('77 Code, § 4-3004)

(B) The pruning or cutting of all trees and shrubbery is hereby prohibited unless done under the immediate supervision of the Superintendent. ('77 Code, § 4-3005)

(C) All grading, landscaping and improvements of every kind shall be made or done by the Town of Pilot Mountain only. ('77 Code, § 4-3006)

### **§ 92.05 MONUMENTS AND STRUCTURES.**

(A) No mausoleum, tomb, building or other structure of any kind shall be erected on any lot within the cemetery, or within any extension of the cemetery provided, however, mausoleums and tombs may be constructed on lots within the following sections of the extension opened July 17, 1980 and surveyed by Jones and Beasley, Inc. (R, S, T, U, V, W, X, Y) Should any mausoleum, monument or tomb at any time become unsafe, unsightly or in need of repair or re-setting, the Superintendent shall notify the owner of the lot, and shall request that person to make the needed repairs under his or her supervision, and if that person shall fail to make the repairs within 30 day thereafter, the Board may order the repairs to be made, or remove the same from the lot as the Board may elect. ('77 Code, § 4-3007) (Am. Ord. passed 11-23-81)

(B) Only one central or family monument shall be allowed on a family lot with a four-inch catwalk to be constructed around the monument. Markers shall be laid flush with the ground and shall not exceed two feet in length and one foot in width, and shall be placed at the end of the grave farthest from the monument. No coping, curb, fencing, hedging, grave mounds, borders or curb of any kind shall be allowed on any burial lot. ('77 Code, § 4-3008)

**§ 92.06 DISTURBING GRAVES.**

(A) No person shall in any way disturb any grave, deface, pull up or remove anything put or placed to mark a grave or for the ornamentation thereof, or any palling or wall around a grave, or remove any plant, post or timbers in a graveyard, except by order or with the permission of the person in charge of the graveyard, or of the owner of the grave.

(B) No person shall destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure or thing placed in the cemeteries or any fence, railing or other work, for the protection or ornamentation of any tomb, monument, gravestone or other structure aforesaid, or, for the ornamentation or protection of any cemetery, or shall unlawfully and wilfully destroy, cut, break, remove or injure any tree, shrub or plant that may have been planted, or that may be growing, in any cemetery or commit any other depredation within any cemetery.

(C) No person shall unlawfully and wilfully disturb or remove any vase, jardiniere or other receptacle for flowers or shrubs, or other thing placed on or by any grave for the ornamentation hereof. The Superintendent may at his or her discretion remove any vase, jardiniere or other receptacle for flowers, shrubs or other things if he or she determines them to be decayed or unsightly due to age and weathering.

(D) No person shall wantonly or wilfully injure or destroy any flowers, either wild or cultivated, in any cemetery.  
(‘77 Code, § 4-3009) (Am. Ord. passed 11-23-81) Penalty, see § 10.99

**§ 92.07 PROHIBITED ACTIVITIES.**

(A) No person shall sell, or offer for sale, any article or merchandise, or any fruit, drink or beverage, or any other thing of value, within the cemetery. (‘77 Code, § 4-3010)

(B) No person shall use any part of any cemetery as a playground. (‘77 Code, § 4-3011)

(C) No person shall discharge any firearms in any cemetery. (‘77 Code, § 4-3012)

(D) No person shall do any work of any kind on any lot in any cemetery belonging to any other person without first notifying the person in charge thereof, and presenting to him an order in writing from the owner or agent of the owner of the lot authorizing the bearer thereof to do the work. (‘77 Code, § 4-3014)

(E) No person authorized to do the work mentioned in the preceding section shall do the same in a manner as to interfere with the walks, decoration or general arrangement of the cemetery, except with the permission of the person in charge thereof and under his or her supervision. (‘77 Code, § 4-3015)

(F) No person shall deposit any rubbish, filth, waste or other unclean or unsightly substance in the cemetery and not used in the erection of monuments, markers or other lawful structures authorized herein, shall be promptly removed therefrom by the owner of the lot upon which the monument, marker or structure shall be located. (‘77 Code, § 4-3016)  
Penalty, see § 10.99

**§ 92.08 VEHICLES; SPEED LIMITS.**

Vehicles shall be driven only upon the roadways within the cemetery and at a rate of speed not in excess of 15 miles per hour. No vehicles shall enter the cemetery, except for the purpose of attending funerals, visiting graves or other lawful missions. ('77 Code, § 4-3013) Penalty, see § 10.99

**§ 92.09 INTERMENT.**

The town cemetery shall be for the exclusive purpose of interment of human remains. Only one interment is permitted per individual plot.  
(Ord. 211, passed - - )





## CHAPTER 93: FIRE PREVENTION; FIRE LIMITS

### Section

#### *Fire Prevention and Hazards*

- 93.01 National Fire Code adopted
- 93.02 Blasting prohibited
- 93.03 Pyrotechnics
- 93.04 Burning trash
- 93.05 Bonfires; permit required
- 93.06 Encumbrances before or on fire exits; sign locations
- 93.07 Open and clear passageways and lots
- 93.08 Certain fires to be guarded by watchmen

#### *Fire Limits*

- 93.20 Limit description
- 93.21 Compliance required

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

*Fire Department, see §§ 34.75 through 34.85*

### ***FIRE PREVENTION AND HAZARDS***

#### **§ 93.01 NATIONAL FIRE CODE ADOPTED.**

There is adopted by the Board for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the National Fire Protection Association 1 Fire Prevention Code, as amended, except as may be modified by this chapter, of which not less than three copies of this code are on file in the Clerk's office and the same is hereby adopted and incorporated as fully as if set out at length herein.

('77 Code, § 3-2021) (Am. Ord. 127, passed 11-25-85)

#### **§ 93.02 BLASTING PROHIBITED.**

No blasting of any kind shall be allowed without a permit from the Manager or the governing body.  
(77 Code, § 3-2022) Penalty, see § 10.99

#### **§ 93.03 PYROTECHNICS.**

No pyrotechnical display of any kind shall be allowed without a permit from the Manager or the Board of

Commissioners, and the sale of firecrackers is strictly prohibited.  
(‘77 Code, § 3-2023) Penalty, see § 10.99

**§ 93.04 BURNING TRASH.**

(A) No person shall 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. (‘77 Code, § 3-2024)

(B) Trash or rubbish shall not be burned on any private lot outside the fire limits, except within a safely constructed enclosure made of wire mesh or in a similar safety device. (‘77 Code, § 3-2025)  
Penalty, see § 10.99

**§ 93.05 BONFIRES; PERMIT REQUIRED.**

No person shall kindle or maintain any bonfire, or shall knowingly furnish the material for any fire, or authorize any fire to be kindled or maintained on or in any street, avenue, road or lane or public ground or upon any private lot within the limits of the town unless a written permit so to do shall have first been secured from the Chief of the Fire Department. Nothing in this section shall be construed to prohibit the burning of trash and rubbish on private lots of residences without a permit when the burning is done in conformity with the provisions of § 93.04 (B).  
(‘77 Code, § 3-2026) Penalty, see § 10.99

**§ 93.06 ENCUMBRANCES BEFORE OR ON FIRE EXITS; SIGN LOCATIONS.**

(A) 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 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 encumbrance shall thereupon be immediately removed. (‘77 Code, § 3-2027)

(B) Every exit in any theater or motion picture house shall be plainly indicated by a sign bearing the word “Exit,” which shall be kept lighted throughout each performance. (‘77 Code, § 3-2028)  
Penalty, see § 10.99

**§ 93.07 OPEN AND CLEAR PASSAGEWAYS AND LOTS.**

(A) (1) 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.

(2) No person shall sit or stand, or remain seated or standing, nor shall the owner or operator place or 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 the store shall be obstructed with tables, show cases other obstructions during the hours the store is open to the public.  
(‘77 Code, § 3-2029)

(B) It shall be unlawful for any person to permit suffer rubbish, refuse or articles of combustible inflammable nature to accumulate or remain on lot or premises. (‘77 Code, § 3-2030)  
Penalty, see § 10.99

**§ 93.08 CERTAIN FIRES TO BE GUARDED BY WATCHMAN.**

All persons, firms or corporations who shall burn any tar kiln or pit of charcoal, or set a fire to burn any brush, grass or other material, whereby property may be endangered or destroyed, shall keep and maintain a careful and competent watchman in charge of the kiln, pit, brush or other material while burning. Fire escaping from the kiln, pit, brush or other material while burning shall be prima facie evidence of neglect of these provisions.  
(‘77 Code, § 3-2031)

***FIRE LIMITS***

**§ 93.20 LIMIT DESCRIPTION.**

The fire limits shall be as follows: Main Street to Key Street to Davis Street.  
(‘77 Code, § 3-2041) (Am. Ord. 149, passed 6-27-88; Am. Ord. passed 5-24-99)

**§ 93.21 COMPLIANCE REQUIRED.**

No construction or alterations of any kind or description shall be made in either of the above set out fire districts without a building permit, and full compliance with ordinances governing construction in the town.  
(‘77 Code, § 3-2042) Penalty, see § 10.99





## CHAPTER 94: HEALTH AND SAFETY

### Section

- 94.01 Violations of county health regulations prohibited
- 94.02 Health officer; interference prohibited
- 94.03 Investigations; right of entry
- 94.04 Human and animal wastes; dead animals
- 94.05 Butchering animals in town limits
- 94.06 Stagnant water

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

*Infectious Disease Exposure Control, see*  
*§§ 34.25 through 34.34*

### **§ 94.01 VIOLATIONS OF COUNTY HEALTH REGULATIONS PROHIBITED.**

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 a county health officer.

('77 Code, § 8-5001) Penalty, see § 10.99

### **§ 94.02 HEALTH OFFICER; INTERFERENCE PROHIBITED.**

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.

('77 Code, § 8-5002) Penalty, see § 10.99

### **§ 94.03 INVESTIGATIONS; RIGHT OF ENTRY.**

The Town Manager, or health officer, or any of his or her assistants shall have the right to enter at any reasonable time any premises for the purpose of making the inspections or investigations as required by this chapter.

('77 Code, § 8-5003)

### **§ 94.04 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 animal 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 the aforesaid, shall be brought into the town, and 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 a half-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.

('77 Code, § 8-5004)

Penalty, see § 10.99

#### **§ 94.05 BUTCHERING ANIMALS IN TOWN LIMITS.**

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.

('77 Code, § 8-5005) Penalty, see § 10.99

#### **§ 94.06 STAGNANT WATER.**

No person or occupant of any property shall allow stagnant water to accumulate or remain in cellars or anywhere on their property.

('77 Code, § 8-5011) Penalty, see § 10.99





## CHAPTER 95: NUISANCES

### Section

- 95.01 Conditions constituting a nuisance
- 95.02 Investigation; hearing
- 95.03 Notification of violation; removal by town
- 95.04 Cost assessment for removal
- 95.05 Failure to pay charges
- 95.06 Violation and remedies

### § 95.01 CONDITIONS CONSTITUTING A 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 on a vacant, non-wooded lot to a height in excess of 24 inches, causing or threatening to cause a hazard detrimental to the public health or safety;

(B) The uncontrolled growth of noxious weeds grass or undergrowth within 20 feet of the property line of a developed lot, public street or sidewalk on a vacant wooded lot to a height in excess of 24 inches, causing or threatening to cause a hazard detrimental to the public health or safety;

(C) Any trees or shrubbery that shall interfere with or endanger the use of the public streets, interfere with or obstruct illumination of street lights, obscure sight distance or create a traffic hazard, interfere with the visibility of any traffic control device or sign, obstruct or impair the free passage of pedestrians on sidewalks, project into or overhang city sidewalks or other town or state rights-of-way at a vertical clearance of less than seven feet, or endanger the life, health, safety or property of the public;

(D) 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;

(E) 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;

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

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

Health Department.

('77 Code, § 8-4001) (Ord. 102, passed 10-22-84)

#### **§ 95.02 INVESTIGATION; HEARING.**

(A) The Town Manager, upon notice from any person of the possible existence of any of the conditions described in § 95.01, shall cause to be made by the appropriate County Health Department official, or town official, the investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in § 95.01.

(B) If it appears that the conditions exist, the Town Manager 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 may constitute a violation and that a hearing will be held before the Town Manager at a place therein fixed, not less than ten 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 relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearings.

('77 Code, § 8-4002) (Ord. 102, passed 10-22-84)

#### **§ 95.03 NOTIFICATION OF VIOLATION; REMOVAL BY TOWN.**

(A) If a determination is made that the conditions constituting a public nuisance exist, the Town Manager shall notify, in writing, the owner of the premises in question of the conditions constituting a public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of the written notice.

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

('77 Code, § 8-4003) (Ord. 102, passed 10-22-84)

**§ 95.04 COST ASSESSMENT FOR REMOVAL.**

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.

('77 Code, § 8-4004)

**§ 95.05 FAILURE TO PAY CHARGES.**

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 § 95.03, 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 § 160A-193.

('77 Code, § 8-4005) (Ord. 102, passed 10-22-84)

**§ 95.06 VIOLATION AND REMEDIES.**

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. § 14-4.

('77 Code, § 8-4006) (Ord. 102, passed 10-22-84)



## CHAPTER 96: STREETS AND SIDEWALKS

### Section

#### *Parades and Demonstrations*

- 96.01 Definitions
- 96.02 Permit required
- 96.03 Standards and issuance of permit
- 96.04 Revocation of permit
- 96.05 Prohibited activities
- 96.06 Interference with demonstrations prohibited
- 96.07 Additional regulations applicable to picketing
- 96.08 Exceptions

#### *Obstructions*

- 96.20 Obstructions prohibited generally
- 96.21 Littering prohibited
- 96.22 Maintenance of public areas
- 96.23 Assembly on sidewalk prohibited
- 96.24 Display of goods; placing objects on sidewalk
- 96.25 Construction near sidewalk or street
- 96.26 Sheds, awnings and signs over sidewalks prohibited
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- 96.29 Poles and wires; permit required
- 96.30 Advertising, marking or posting bills

#### *Improvements for Streets*

- 96.40 Policy established
- 96.41 Accepting new streets; requirements
- 96.42 Petition for street improvements
- 96.43 Installation of utilities
- 96.44 Property owner responsibility
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*Improvements for Sidewalks*

- 96.65 Notice to owners by town
- 96.66 Procedure
- 96.67 Failure to comply
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- 96.80 Permit to dig required
- 96.81 Application for permit; fees
- 96.82 Municipal liability
- 96.83 Supervision and control
- 96.84 Disposition of fees
- 96.85 Street repair
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- 96.87 Damage to streets prohibited
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- 96.89 House moving
- 96.90 Damage to municipal property
- 96.91 Mixing building materials; permit required
- 96.92 Driveways; permit required

*Cross-reference:*

*Driving on sidewalk area, see § 71.17*

**PARADES AND DEMONSTRATIONS****§ 96.01 DEFINITIONS.**

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

**BLOCK.** The 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.  
(77 Code, § 6-2031)

### **§ 96.02 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 this subchapter.  
(77 Code, § 6-2032) Penalty, see § 10.99

### **§ 96.03 STANDARDS AND ISSUANCE OF PERMIT.**

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

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

(2) The 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 so that adequate ambulance service to portions of the town not occupied by the parade and contiguous areas will be prevented;

(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; or

(9) The conduct of the parade will interfere with the movement of fire-fighting equipment to an extent that adequate fire protection cannot be provided to the town.  
(’77 Code, § 6-2033)

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

(1) 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;

(2) Require that the application for a permit specify whether or not minors below the age of 16 years will be permitted to participate; or

(3) 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.  
(’77 Code, § 6-2034)

**§ 96.04 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 § 96.05; or

(B) The failure to comply with the terms and conditions of the permit.  
(’77 Code, § 6-2036)

**§ 96.05 PROHIBITED ACTIVITIES.**

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.  
(’77 Code, § 6-2035) Penalty, see § 10.99

**§ 96.06 INTERFERENCE WITH DEMONSTRATIONS 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.  
(77 Code, § 6-2037) Penalty, see § 10.99

**§ 96.07 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) Pickets must march in single file and not abreast and must not march closer together than 15 feet, except in passing one another.  
(77 Code, § 6-2038)

**§ 96.08 EXCEPTIONS.**

§§ 96.01 through 96.07 shall not apply to:

(A) Funeral processions; and

(B) Any governmental agency acting within the scope of its functions.  
(77 Code, § 6-2039)

***OBSTRUCTIONS***

**§ 96.20 OBSTRUCTIONS PROHIBITED GENERALLY.**

It shall be unlawful to build, erect, construct or place any porch, steps, fence, wall or other obstruction whatsoever in or over any of the streets or sidewalks; and it shall be unlawful to obstruct any sidewalk or street with any wheelbarrow, automobile, truck or other vehicle, railroad car, chair, bench, open gate, chicken coop, box or other article, provided, that a margin not exceeding 2½ feet in width on the inside of the sidewalk in the business blocks shall be allowed for the exhibition of merchandise by abutting merchants, provided, further, that this section shall not apply to baby carriages and invalid chairs rolled on the sidewalk in a manner as not to obstruct the same.

(77 Code, § 8-2008) Penalty, see § 10.99

**§ 96.21 LITTERING PROHIBITED.**

(A) It shall be unlawful for any person, firm, organization or private corporation to throw or deposit upon any street or sidewalk, or upon any private property, except with written permission of the owner or occupant of the private property any trash, refuse, garbage, building material, cans, bottles, broken glass, paper or any type of litter. ('77 Code, § 6-2021)

(B) 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 private place within the town or upon private property. ('77 Code, § 6-2022)

(C) 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. ('77 Code, § 6-2027)

(D) It shall be unlawful for any person to place or allow to be placed any tree trimmings or shrubbery on any street or sidewalk. ('77 Code, § 6-2028)  
Penalty, see § 10.99

#### **§ 96.22 MAINTENANCE OF PUBLIC AREAS.**

(A) 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 ten 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. ('77 Code, § 6-2024)

(B) Suitable receptacles shall be provided in all parking or access areas within the meaning of division (A). The receptacles shall be plainly marked and constructed to prevent scattering of any trash, litter, rubbish or other material deposited therein. ('77 Code, § 6-2025)

#### **§ 96.23 ASSEMBLY ON SIDEWALK PROHIBITED.**

All persons are forbidden from assembling or collecting and standing so as to obstruct any sidewalk or street, and all persons so collecting and standing shall disperse and move upon the demand of any police officer. ('77 Code, § 6-2001) Penalty, see § 10.99

***Cross-reference:***

*Disorderly conduct, see § 130.01*

#### **§ 96.24 DISPLAY OF GOODS; PLACING OBJECTS ON SIDEWALK.**

(A) Businesses with a current town privilege license may display or sell their goods, wares or merchandise upon the sidewalks of the town provided that:

(1) No displays of goods, wares or merchandise may extend from the building a distance greater than 30% the width of the sidewalk.

(2) No permanent displays are allowed and all items, including the display racks or tables, shall be removed daily from the sidewalk.

(3) Any displays restricting the flow of pedestrian traffic shall be immediately removed upon the request of a Pilot Mountain police officer.  
(‘77 Code, § 6-2002)

(B) No brick, stone or wood or other substance obstructing the free passage of persons and vehicles shall be placed or suffered to lie in any of the alley ways, streets or other routes of the town, nor shall any person place on or in any of the streets, sidewalks or alley ways of the town any boxes, crates, casks or barrels of any description, or any other obstruction of any kind. Provided that any person erecting a building, may with permission place building material for immediate use on the streets in a way as to not interfere with the usual traffic. (‘77 Code, § 6-2003)  
Penalty, see § 10.99

**§ 96.25 CONSTRUCTION NEAR SIDEWALK OR STREET.**

Before building, remodeling or doing work in general at any place where the same is in close proximity to the sidewalk a passageway shall be constructed so as to leave the sidewalk and/or street unobstructed and provide an easy and safe passage. Streets and sidewalks will be left clean upon completion of work.  
(‘77 Code, § 6-2004)

**§ 96.26 SHEDS, AWNINGS AND SIGNS OVER SIDEWALKS PROHIBITED.**

(A) 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. Each day that a person violates this section after receiving notice shall constitute a separate violation. Provided that this shall not be construed to prevent the erection over the sidewalk of cloth or metal awning supported upon metallic frames firmly suspended from the building, and at least seven feet above the level of the sidewalk. (‘77 Code, § 6-2005)

(B) It shall be unlawful to hang or suspend any sign over or above the sidewalks or streets at less than eight feet, from the ground over the sidewalk and less than 15 feet from the ground above the street, securely fastened at all times. (‘77 Code, § 6-2007)  
Penalty, see § 10.99

**§ 96.27 GATES OPENING ON STREETS AND SIDEWALKS.**

No gate to any residence, lot or other enclosure shall swing or open outward over the street or sidewalk. Each day any gate is allowed to open outward over the sidewalk or street shall constitute a separate offense.  
(‘77 Code, § 6-2009) Penalty, see § 10.99

**§ 96.28 INJURING STREETS, SIDEWALKS OR TREES.**

(A) No person shall injure, deface or mar in any manner whatsoever any of the streets or sidewalks. The town shall have the right and privilege to repair any injury, defacement or mar and assess the costs thereof against the offender. (‘77 Code, § 6-2010)

(B) It shall be unlawful to pull down, cut, deface with signs, break or in any way injure any of the trees, shrubs or flowers on the streets, parks or squares. (‘77 Code, § 6-2011)

(C) No person shall break, destroy or in any manner injure any light, pump, well or tree in any street or public place, or deface, or in any manner injure, any building belonging to the town, or remove any pavement, sand, stone or turf from any street without the permission of the Manager. ('77 Code, § 6-2012)  
Penalty, see § 10.99

#### **§ 96.29 POLES AND WIRES; PERMIT REQUIRED.**

(A) No poles for electric, telegraph, telephone or other purposes shall be placed on any street without a permit therefor being obtained from the town. ('77 Code, § 6-2013)

(B) It shall be the duty of the owners of all poles supporting electric, telephone or telegraph wires, to keep the same in a safe condition, and for that purpose inspect the same once every three months. ('77 Code, § 6-2014)

(C) One duct in all underground conduit systems shall be provided for the town free of charge for the town's police or fire alarm telegraph system when required, and the town shall have the use of all poles on streets for the same purposes. ('77 Code, § 6-2015)  
Penalty, see § 10.99

#### **§ 96.30 ADVERTISING, MARKING OR POSTING BILLS.**

(A) No person shall advertise any article of any kind for sale by crying out the same on the streets or sidewalks. No person shall advertise any article of any kind, or any event of any kind, by crying out the same or by using therefor any megaphone, bell, horn or other noise, making device on any street or sidewalk. ('77 Code, § 6-2016)

(B) It shall be unlawful to advertise, or attempt to advertise, by marking or painting on any of the streets or sidewalks. ('77 Code, § 6-2017)

(C) 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 Clerk. ('77 Code, § 6-2018)  
Penalty, see § 10.99

### ***IMPROVEMENTS FOR STREETS***

#### **§ 96.40 POLICY ESTABLISHED.**

It shall be the policy of the Board to regulate the acceptance and improvement of public streets by exercising the powers and duties conferred by G.S. § 160A-296 in the best interests of the citizens of the town. ('77 Code, § 4-1001)

***Statutory reference:***

*For provisions concerning the general authority to establish and control streets, see G.S.*

§ 160A-296

**§ 96.41 ACCEPTING NEW STREETS; REQUIREMENTS.**

(A) *Dedication for public use on recorded map.* Streets shall be considered for acceptance for maintenance by the town when the proper width street is dedicated for public use and a map is recorded in the office of the County Register of Deeds. The map shall meet the requirements established by the zoning chapter.

(B) *Grading.* Streets shall be graded full width with banks at property lines sloped on private property. The grading shall be done in accordance with grades, standards and specifications established by the Board of Commissioners.

(C) *Costs.* The cost of all work done pursuant to this chapter shall be at the expense of the owner or requesting party. The town may request that a bond or deposit in an amount equal to the estimated cost of the project be made to the Clerk to guarantee completion of the project.

(D) *Sloping of banks when applicant does not control all property abutting street.* When a person filing an application with the Town Superintendent (hereinafter referred to as the "Superintendent") for acceptance of a public street does not control all property frontage abutting the street acceptance of which is desired, the applicant shall attempt to secure written approval from owners permitting sloping of banks on private property not in his or her control and furnish copies to the office of the Superintendent; provided, however, that this requirement shall not be construed to delay the project unduly.

(E) *Storm drainage generally.* As a prerequisite to acceptance of a street for maintenance, storm drainage shall be installed at the owner's expense in accordance with designs, standards and specifications of the Superintendent. The size, material, grade and length of pipe culvert required shall be as established by the Superintendent.

(F) *Basins for entrance of surface water.* As a prerequisite to acceptance of a street for maintenance, basins shall be constructed, at the expense of the person filing the application, at designated locations in accordance with the number required adequately to permit surface water entrance. Requirements for the basins shall be specified by the Superintendent.

(G) *Curbs and gutters; individual lots.* With regard to individual lots, standard curb and gutter improvements shall be constructed by an approved licensed contractor in accordance with the specifications and design approved by the Superintendent, across the full frontage of the lot at the expense of the person filing the application. The applicant shall submit two copies of a map to the Superintendent, showing the location of driveway entrances. Curb and gutter shall not be constructed until all utilities have been installed.

(H) *Developments.* With regard to developments, standard curb and gutter improvements shall be constructed, at the expense of the person filing the application, by an approved licensed contractor, in accordance with specifications and designs approved by the Superintendent. The applicant shall submit two copies of a map for approval showing the location of driveway entrances. Curb and gutter shall not be constructed until all utilities have been installed and accepted.

(I) *Crushed stone stabilization.* When utilities have been installed and accepted and curb and gutter construction is complete and acceptable, a minimum of 300 pounds per square yard of crushed stone stabilization is required over the traveled portion of a street with reference to which an application has been filed. The application of stone shall be placed in accordance with specifications of the Superintendent.

('77 Code, § 4-1002)

**§ 96.42 PETITION FOR STREET IMPROVEMENTS.***(A) Petitions for improvements.*

(1) *Execution by owners.* All petitions for street improvements must be signed in ink by the owner, of the property signed for, or by their duly authorized agents.

(2) *Execution when town owns property.* Whenever the abutting landowners on any street petition to have the same improved and the town owns property along the street whereon the improvement is desired, the Mayor is hereby authorized and empowered to sign the petition in the name of the town for the full frontage of the property owned by the town along the street.

(3) *Right to withdraw signature.* Any person shall have the right to withdraw his or her signature from a petition for the pavement or repavement of a street, but any withdrawal must be in the handwriting of the withdrawing petitioner and shall state that it is his or her own act, uninfluenced by persuasion from any person manufacturing competing products.

(4) *Effect of withdrawal of signature.* Any person who has signed a petition for the pavement or repavement of a street or portion of a street and withdraws his signature therefrom thereafter will not be considered on any petition for pavement or repavement; that is, the withdrawing person can sign any other paving petition, but the town will not pass the other petition unless the required number of fee is signed in addition to that of the party who has withdrawn his or her signature.

(5) *Misrepresentation to induce withdrawal of signers.* No person shall appeal personally to signers of the petitions to withdraw their names and in making appeals, misrepresent the facts, either as to the cost of the respective pavements or any other fact connected therewith.  
(’77 Code, § 4-1003)

*(B) Street improvements defined.* For the purposes of this subchapter, the term “street improvements” shall include the grading, regrading, paving, repaving, macadamizing and re-macadamizing of streets, alleys, sidewalks or other public places or ways, and the construction, reconstruction and altering of curbing, guttering, storm sewers, turnouts, water mains, and water, gas or sewer connections therein. (’77 Code, § 4-1004)

*(C) Street improvement project procedure.* The procedure for street improvement projects shall be as specified in G.S. § 160A-216 *et seq.* (’77 Code, § 4-1005)

**§ 96.43 INSTALLATION OF UTILITIES.**

At least 30 days before a contractor is notified that a street is ready for him or her to proceed with his or her work, the Superintendent shall notify all public utilities that the street is being turned over to the contractor for the execution of his or her contract. If those so notified are not ready or cannot get ready within the 30 days, the Superintendent shall be so notified in writing, whereupon he or she may, at his or her discretion and upon the approval of the Board, delay the sending of the notice to the contractor.

('77 Code, § 4-1006)

#### **§ 96.44 PROPERTY OWNER RESPONSIBILITY.**

All abutting property owners shall receive the same notice as is provided to public utilities under § 96.48 hereof and shall be required to make all necessary preparations for street improvements. Property owners may request a delay in the sending of notice to the contractor as provided in the section.

('77 Code, § 4-1007)

#### **§ 96.45 CONSTRUCTION SPECIFICATIONS.**

All street improvements shall be constructed in accordance with specifications furnished by the Superintendent and all work shall be done under his or her supervision.

('77 Code, § 4-1008)

#### **§ 96.46 OPENING AND IMPROVING STREETS WITHOUT PETITION.**

It shall be wholly discretionary with the Board whether any street improvement work is necessary or desirable and shall be done or not. Except for the levy of assessments, street improvements made without a petition therefor shall follow the same procedure as street improvements made pursuant to petition.

('77 Code, § 4-1009)

#### **§ 96.47 RESURFACING IMPROVEMENTS.**

(A) In all cases where a street is being repaved, the Superintendent shall be authorized to close a street or part of a street from the time the work is started until the time as in his or her judgment the street is suitable for ordinary traffic thereon. If there is a dispute as to the time when the pavement is sufficiently set or hardened or otherwise has become fit for travel, the decision of the Superintendent shall be final. It shall be the special duty of the Superintendent to see that the provisions of this section are enforced, both as to the erecting of barriers or enclosures and as to travel on any street by vehicles, during the time prohibited. It shall also be the duty of the Superintendent to serve notice as may be necessary to protect any person having a permanent line thereon, such as bus lines, taxicab lines and the like.

(B) No person shall interfere with the closing or undertaking by operating a car or otherwise traveling thereon before the enclosures have been removed therefrom and the street opened for travel.

('77 Code, § 4-1010) Penalty, see § 10.99

#### **§ 96.48 PROPERTY OWNER COSTS.**

The cost for street improvements charged against each abutting property owner shall be determined by the Board under the provisions of G.S. § 160A-218.

('77 Code, § 4-1011)

**§ 96.49 ASSESSMENTS UNDER PETITIONS.**

Assessments shall be due within 30 days from presentation and notification of the assessment. The property owners shall have the privilege of giving written notice of the intention, to pay a fourth thereof in cash and to give notes for the balance for payment of the assessments installments. The notes shall provide that if all installments are paid before maturity only interest accruing to date of payment shall be collected. ('77 Code, § 4-1012)

**§ 96.50 NEW SUBDIVISIONS; DEVELOPER'S COSTS.**

(A) Street improvements in new subdivisions shall be made as provided by the Superintendent in accordance with Chapter 151. ('77 Code, § 4-1013)

(B) Developers shall be assessed as abutting property owners for the cost of street improvements done by the town. ('77 Code, § 4-1014)

**§ 96.51 STREET LIGHT REQUIREMENTS.**

Street lights shall be installed and maintained by the town in other than business sections only at street intersections or terminations unless the distance between street intersections shall exceed 350 feet. ('77 Code, § 4-1015)

***IMPROVEMENTS FOR SIDEWALKS***

**§ 96.65 NOTICE TO OWNERS BY TOWN.**

Whenever the Board shall determine that new sidewalk construction is justified either by petition from property owner or determination of necessity from the Board, it shall, through the Clerk, notify the owner or owners of the land fronting on the, street of the time and place when the desired improvements will be considered. Consideration shall be in the form of a public hearing. ('77 Code, § 4-1021) (Ord. 160, passed 8-28-89)

**§ 96.66 PROCEDURE.**

(A) If the Board shall determine, after public hearing, to make improvements, a resolution shall be adopted to make the improvements, according to certain specifications as to material and character of construction.

(B) The owner or owners shall begin the construction thereof within ten days after notice of the resolution, and complete same in a reasonable time, in accordance with the plans and specifications adopted by the Board. ('77 Code, § 4-1022) (Ord. 160, passed 8-28-89)

**§ 96.67 FAILURE TO COMPLY.**

If the owner or owners shall fail to do so, the Board shall have the authority to cause to be constructed according to plans and specifications as aforesaid, and shall charge the cost thereof, including half the cost of any respective lot in proportion to its frontage.  
(’77 Code, § 4-1023) (Ord. 160, passed 8-28-89)

**§ 96.68 COLLECTION OF ASSESSMENTS; FAILURE TO PAY.**

Any cost assessed against property owners shall be reported to the Tax Collector who shall forthwith proceed to collect the same and account therefor in the same manner as for taxes of the town. The amount of the charges shall be and constitute from the commencement of work for which they are charged, and if any of them is not paid on demand, so much of the lot upon which it is charged as may be sufficient to pay the same with interest and cost, or for the whole of the lot shall be advertised and sold by the Tax Collector for the payment of same, under the rules and regulations as rights of redemption and in the same manner as prescribed for the sale of real estate for unpaid taxes.  
(’77 Code, § 4-1024) (Ord. 160, passed 8-28-89)

**§ 96.69 REPAIRS TO EXISTING SIDEWALKS.**

(A) Whenever the Board shall desire to repair or replace any sidewalk in the town, it may, through the Town Manager, accept a list of sidewalks to be repaired and approve a list of repairs to sidewalks based on need and availability of funds. The town will bear 100% of the costs.

(B) Whenever a property owner of an adjoining sidewalk petitions the Board for replacement of a sidewalk, the Board may, based on determination of need, require the property owner to pay half the material and replacement cost adjoining that property.  
(’77 Code, § 4-1025) (Ord. 160, passed 8-28-89)

***EXCAVATIONS***

**§ 96.80 PERMIT TO DIG REQUIRED.**

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 or poles or for any other purposes unless a written permit therefor has been issued by the Manager or some other officer of the town vested with the authority: provided, that a permit shall not be required where the work is performed under a contract with the town but in the event the work requires a sidewalk or street to be wholly or partially obstructed, the person shall notify the Clerk, the Public Works Department and the Police Department at least two hours before obstructing the sidewalk or street, unless prevented by sudden emergency.  
(’77 Code, § 4-1031) Penalty, see § 10.99

**§ 96.81 APPLICATION FOR PERMIT; FEES.**

All persons desiring a permit to make an opening in any street or sidewalk, as set forth in § 96.80, shall make written application therefor, which application shall show the location of the proposed opening, the purpose therefor and the approximate number of square yards of surface to be cut. The application shall be accompanied by a fee which shall be established by the Board.

('77 Code, § 4-1032)

**§ 96.82 MUNICIPAL LIABILITY.**

Any person obtaining a permit as provided for in §§ 96.80 and 96.81 agrees as a condition of the issuance of the 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.

('77 Code, § 4-1033)

**§ 96.83 SUPERVISION AND CONTROL.**

All excavations and work in streets, sidewalks, alleys or public places in the town shall be under the supervision and control of the Superintendent, 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 section shall be guilty of a violation thereof, and where the failure or refusal is continued after notice from the Superintendent, every day's continuance shall constitute a separate and distinct offense.

('77 Code, § 4-1034)

**§ 96.84 DISPOSITION OF FEES.**

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

('77 Code, § 4-1035)

**§ 96.85 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, and the refilling shall be done in accordance with the standards and specifications issued by the Superintendent or his duly 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 Superintendent or his or her authorized representative, every day's continuance thereafter shall constitute a separate and distinct offense.

('77 Code, § 4-1036)

**§ 96.86 LEAVING UNPROTECTED EXCAVATIONS.**

It shall be unlawful for any person, firm or corporation who obtains a permit under the sections 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 three feet from the ground 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. It shall be unlawful to cut drains or ditches across the sidewalks or streets unless boxing be used and the same covered on a level with the sidewalk.

('77 Code, § 4-1037) Penalty, see § 10.99

**§ 96.87 DAMAGE TO STREETS PROHIBITED.**

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

('77 Code, § 4-1038) Penalty, see § 10.99

**§ 96.88 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.

('77 Code, § 4-1040) Penalty, see § 10.99

**§ 96.89 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 and the deposit of good and sufficient bond in the sum of \$500 to cover any damage done to the street or sidewalk or to the property of any person.

('77 Code, § 4-1041) Penalty, see § 10.99

**§ 96.90 DAMAGE TO MUNICIPAL PROPERTY.**

No person shall injure, tamper with, remove, paint upon or deface any bridge, culvert, ditch and drain, sign, sign post, street light, traffic sign, bulletin board or other municipal property upon the streets and sidewalks or elsewhere, except employees of the town in the performance of their duties.

('77 Code, § 4-1042) Penalty, see § 10.99

**§ 96.91 MIXING BUILDING MATERIALS; PERMIT REQUIRED.**

No person shall mix any building materials on any street, sidewalk or other public place, unless a written permit therefor has been issued by the Clerk or some other officer of the town vested with the authority. All persons desiring a permit to mix building materials shall make written application therefor, which application shall show the location of the proposed mixing and the kind and approximate amounts of materials to be mixed.

The application shall be accompanied by a fee which shall be established by the Board.  
(‘77 Code, § 4-1043) Penalty, see § 10.99

**§ 96.92 DRIVEWAYS; PERMIT REQUIRED.**

(A) No person shall begin to construct, reconstruct, repair, alter or grade any driveway on the public streets, unless a written permit therefor has been issued by the Manager or some other officer of the town vested with the authority. (‘77 Code, § 4-1044)

(B) (1) All persons desiring a driveway permit shall make application therefor, which application shall show:

(a) The name and address of the owner or agent in charge of the property abutting and proposed work area;

(b) The name and address of the party doing the work;

(c) The location of the work area;

(d) Attached plans showing details of the proposed alteration;

(e) The estimated cost of the alteration; and

(f) Other information as the issuing officer shall find reasonably necessary to the determination of whether a permit should issue hereunder.

(2) The application shall be accompanied by a fee which shall be established by the Board.  
(‘77 Code, § 4-1045)

(C) The officer shall issue a permit hereunder when he or she finds:

(1) That the plans for the proposed operation have been approved by the Superintendent, to whom they shall be forwarded by the officer within a reasonable time after receipt thereof;

(2) That the work shall be done in accordance with the standard specifications of the town for work of like character;

(3) That the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and means of egress to and from the property affected and adjacent properties; and

(4) That the health, welfare and safety of the public will not be unreasonably impaired.  
(‘77 Code, § 4-1046)

(D) Driveways shall be constructed of port cement concrete in one course.  
(‘77 Code, § 4-1047)  
Penalty, see § 10.99