CODE OF ORDINANCES

Town of

MORRISVILLE, NORTH CAROLINA

Codified through

Ordinance 2014-040.

Supplement No. 8.2
CODE OF ORDINANCES
TOWN OF
MORRISVILLE, NORTH CAROLINA

Published by Order of the Mayor and Town Council

MUNICIPAL CODE CORPORATION
Tallahassee, Florida 1994

OFFICIALS
of the
TOWN OF
MORRISVILLE, NORTH CAROLINA
AT THE TIME OF THIS CODIFICATION

Jackie Holcombe
Mayor

Liz Johnson
Mayor Pro-Tem

Steve Diehl
Margaret Broadwell
PREFACE

This Code constitutes a complete codification of the general and permanent ordinances of the Town of Morrisville, North Carolina.

Source materials used in the preparation of the Code were the ordinances adopted by the mayor and Town Council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and
local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix.

<table>
<thead>
<tr>
<th>Index</th>
<th>Abbreviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHARTER</td>
<td>CHT:1</td>
</tr>
<tr>
<td>CHARTER COMPARATIVE</td>
<td>CHTCT:1</td>
</tr>
<tr>
<td>TABLES</td>
<td>CHTCT:3</td>
</tr>
<tr>
<td>CODE</td>
<td>CD1:1</td>
</tr>
<tr>
<td>CODE COMPARATIVE</td>
<td>CCT:1</td>
</tr>
<tr>
<td>TABLE</td>
<td></td>
</tr>
<tr>
<td>STATE LAW REFERENCE</td>
<td>SLT:1</td>
</tr>
<tr>
<td>TABLE</td>
<td></td>
</tr>
<tr>
<td>CHARTER INDEX</td>
<td>CHTi:1</td>
</tr>
<tr>
<td>CODE INDEX</td>
<td>CDi:1</td>
</tr>
</tbody>
</table>

Indexes

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

Supplements

A special feature of this publication is supplemental updates, which are maintained in the Town Clerks office and published online to be effective until incorporated in the Town Code of Ordinances. With this system, the Town Code of Ordinances will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be incorporated into the Town Code of Ordinance and made available with publication to the Town’s website.
All deleted pages will be maintained with changes indicated for historical reference purposes.

Acknowledgments

The initial publication was made available under the direct supervision of Jan Shekitka, Supervising Editor, and Laura Johnson, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Evelyn Lumley, Town Clerk, and Frank Gray, Town Attorney, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the town readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the town's affairs.

MUNICIPAL CODE CORPORATION
Tallahassee, Florida

ADOPTING ORDINANCE
ORDINANCE NO.

An Ordinance Adopting and Enacting a New Code for the Town of Morrisville; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective.

Be It Ordained by the Board of Commissioners of the Town of Morrisville:


Section 2. All ordinances of a general and permanent nature enacted on or before October 11, 1993, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished in accordance with G.S. 14-4. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the town may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in the form as to indicate the intention of
the board of commissioners to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after October 11, 1993 that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective

Passed and adopted by the board of commissioners this * day of *.

Ernest Lumley
____________________
Mayor

Evelyn Lumley
____________________
Town Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the Board of Commissioners of the Town of Morrisville, North Carolina held on the * day of *.

Evelyn Lumley
____________________
Town Clerk
TABLE OF CONTENTS

Officials of the Town at the Time of this Codification. . . . . iii

Preface. . . . . v

Adopting Ordinance (Reserved)

PART I
CHARTER

Charter. . . . . CHT:1
Charter Comparative Table--Session Laws. . . . . CHTCT:1
Charter Comparative Table--Ordinances. . . . . CHTCT:3

PART II
CODE OF ORDINANCES

<table>
<thead>
<tr>
<th>Chapter</th>
<th>General Provisions</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>General Provisions</td>
<td>CD1:1</td>
</tr>
<tr>
<td>2.</td>
<td>Administration</td>
<td>CD2:1</td>
</tr>
<tr>
<td></td>
<td>Art. I. In General</td>
<td>CD2:2</td>
</tr>
<tr>
<td></td>
<td>Art. II. Finance</td>
<td>CD2:3</td>
</tr>
<tr>
<td>3--5.</td>
<td>Reserved</td>
<td>CD3:1</td>
</tr>
<tr>
<td>6.</td>
<td>Animals</td>
<td>CD6:1</td>
</tr>
<tr>
<td>7--9.</td>
<td>Reserved</td>
<td>CD7:1</td>
</tr>
<tr>
<td>10.</td>
<td>Buildings and Building Regulations</td>
<td>CD10:1</td>
</tr>
<tr>
<td></td>
<td>11--13. Reserved</td>
<td>CD11:1</td>
</tr>
<tr>
<td>14.</td>
<td>Civil Emergencies</td>
<td>CD14:1</td>
</tr>
<tr>
<td></td>
<td>Art. I. In General</td>
<td>CD14:1</td>
</tr>
<tr>
<td></td>
<td>Art. II. Emergencies</td>
<td>CD14:1</td>
</tr>
<tr>
<td></td>
<td>15--17. Reserved</td>
<td>CD15:1</td>
</tr>
<tr>
<td>18.</td>
<td>Environment</td>
<td>CD18:1</td>
</tr>
<tr>
<td></td>
<td>Art. I. In General</td>
<td>CD18:3</td>
</tr>
<tr>
<td></td>
<td>Art. II. Noise</td>
<td>CD18:4</td>
</tr>
<tr>
<td></td>
<td>Art. III. Nuisances</td>
<td>CD18:11</td>
</tr>
<tr>
<td></td>
<td>Div. 1. Generally</td>
<td>CD18:11</td>
</tr>
<tr>
<td></td>
<td>Div. 2. Noxious Weeds, Grass and Refuse</td>
<td>CD18:12</td>
</tr>
<tr>
<td></td>
<td>Div. 3. Junked Motor Vehicles</td>
<td>CD18:15</td>
</tr>
<tr>
<td></td>
<td>Div. 4. Abandoned Structures</td>
<td>CD18:24</td>
</tr>
<tr>
<td></td>
<td>Art. III. Storm Drainage</td>
<td>CD18:29</td>
</tr>
<tr>
<td></td>
<td>19--21. Reserved</td>
<td>CD19:1</td>
</tr>
<tr>
<td>22.</td>
<td>Fire Prevention and Protection</td>
<td>CD22:1</td>
</tr>
</tbody>
</table>
Art. I.  In General  

Art. II. Fire Prevention Code  

Art. III. Open Burning  

Art. IV. Pit-Burning  

Art. IV. Commercial Business Emergency Amplification Requirements  

23--25. Reserved  

26. Floods  

Art. I. Flood Damage Prevention  

Div. 1. General  

Div. 2. Statutory Authorization, Finding of Fact  

Div. 3. General Provisions  

Div. 4. Administration  

Div. 5. Flood Hazard Reduction  


27--29. Reserved  

30. Law Enforcement  

Art. I. In General.  

Art. II. Alarm Systems  

31. Reserved  

32. Licenses and Business Regulations  

Art. I. In General  

Art. II. Privilege License Fee Regulations  

Div. 1. In General  

Div. 2. Levy  

Div. 3. Licenses  

Div. 4. Enforcement and Collection  

33. Reserved  

34. Offenses  

35--37. Reserved  

38. Parks and Recreation  

Art. I. In General  

Art. II. Parks and Recreation Advisory Committee  

Art. III. Parks and Recreation Facilities  

39--45. Reserved  

46. Planning and Development  

47--49. Reserved  

50. Solid Waste  

51--53. Reserved  

54. Streets, Sidewalks and Other Public Places  

Art. I. In General  

Art. II. Parades, Picket Lines and Group Demonstrations  

Art. III. Street Address Numbering System  

55. Reserved  

56. Telecommunications  

Art. I. In General
<table>
<thead>
<tr>
<th>Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. II. Cable Telecommunications</td>
</tr>
<tr>
<td>57. Reserved</td>
</tr>
<tr>
<td>58. Traffic and Vehicles</td>
</tr>
<tr>
<td>Art. I. In General</td>
</tr>
<tr>
<td>Art. II. Operation of Vehicles</td>
</tr>
<tr>
<td>Art. III. Traffic Control Devices</td>
</tr>
<tr>
<td>Art. IV. Stopping, Standing and Parking</td>
</tr>
<tr>
<td>Art. V. Authorized Modes of Transportation on Sidewalks and Greenways</td>
</tr>
<tr>
<td>Art. VI. Golf Cart Ordinance</td>
</tr>
<tr>
<td>59--658. Reserved</td>
</tr>
<tr>
<td>66. Vegetation</td>
</tr>
<tr>
<td>Art. I. In General</td>
</tr>
<tr>
<td>Art. II. Trees and Shrubs</td>
</tr>
<tr>
<td>67. Vehicles for Hire</td>
</tr>
<tr>
<td>Art. I. In General</td>
</tr>
<tr>
<td>Art. II. Taxicabs</td>
</tr>
</tbody>
</table>

Code Comparative Table--Ordinances | CCT:1 |
State Law Reference Table | SLT:1 |
Code Index | CDi:1 |
PART I

CHARTER*

* Editor’s Note: Printed herein is the Charter of the Town of Morrisville, as adopted by chapter 776 of the Session Laws of 1947, and ratified by the legislature on April 3, 1947. Amendments to the charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.


Sec. 1. Incorporation.
Sec. 2. Corporate boundaries; ratification of certain actions.
Sec. 3. Composition of governing body.
Sec. 3.1 Style of Governing Board
Sec. 4. Residence of electors.
Sec. 5. Board of commissioners--General powers.
Sec. 6. Same--Levying of taxes.
Sec. 7. Same--Spending of tax funds collected.
Sec. 8. Same--Appointment of treasurer.
Sec. 9. Same--Elections.
Sec. 9.1. Same--Election districts.
Sec. 10. Same--Vacancies.
Sec. 11. Same--Compensation.
Sec. 12. Ratification.
Sec. 1. Incorporation.

That the Town of Morrisville, in the County of Wake, be and the same is hereby incorporated, by the name and style of "The Town of Morrisville," and shall be subject to all of the provisions contained in G.S. ch. 160 [G.S. ch. 160A], not inconsistent with the Constitution and Laws of North Carolina or of the United States, also subject to the general law relating to municipal corporations not inconsistent with this Act.

Sec. 2. Corporate boundaries; ratification of certain actions.

[1.] That the corporate limits of said town shall be as follows:

Beginning at a point on the center line of the Southern Railway sixty-nine and five-tenths (69.5) feet North of bridge over Crabtree Creek and running S. 68° 00' W. seven hundred thirteen and six-tenths (713.6) feet to a concrete monument; thence N. 36° 00' W. thirty-seven hundred and sixty-six and eight-tenths (3766.8) feet to a concrete monument; thence N. 78° 15' E. seventeen hundred one and two-tenths (1701.2) feet to a point in center of Southern Railway track; thence N. 68° 15' E. eight hundred ninety-five and four-tenths (895.4) feet to a concrete monument; thence S. 15° 03' E. thirty-one hundred seventy-four (3174.0) feet to a concrete monument; thence S. 49° 26' W. five hundred ninety-one and five-tenths (591.5) feet to the point of beginning, containing 148.44 acres, according to a survey and map made by Max Collins, Jr., and checked by W.B. Jones in January 1949.

[2.] The actions of the Board of Commissioners of the Town of Morrisville taken to annex the following described areas are hereby ratified, validated, and confirmed, and the corporate limits of the Town of Morrisville are hereby declared to include such areas:

(a) First tract. All that certain tract of land lying in Wake County on the western side of N.C. Highway No. 54 and on the eastern side of the Southern Railway property and belonging, now or formerly, to W.A. Green according to a survey by C.R. Edgerton in April 1964, and being more particularly described according to that survey, as follows:

Beginning at an iron stake in the western margin of N.C. Hwy. 54, said point being the southeastern corner of the tract owned by L. Edward Gallup and also located S 68° 15' W 68.18 feet from the northwest corner of lot no. 1 in the Green Woods Subdivision as shown on the map recorded in Map Book 1975, Vol. II, Page 234 of the Wake County Registry, and runs thence S 68° 15' W 518.7 feet to an iron stake in the eastern margin of the Southern Railway Company property; then with said eastern margin of the railway property, parallel to and 100.0 feet from the centerline of the track, S 13° 59' E 224.8 feet to a point; thence S 17° 39' E 125.45 feet to a point; thence S 19° 32' E 97.73 feet to an iron stake, a corner of the E.G. Herndon estate; thence leaving the railway company property and running with said Herndon line, N 84° 00' E 418.0 feet to an iron stake in the.
western margin of N.C. Hwy. 54; thence with said margin of the highway, N 02° 06' W 261.6 feet to a point; thence N 85° 57' W 106.65 feet to a point; thence N 09° 47' W 105.32 feet to a point; thence N 13° 37' W 111.1 feet to the point of beginning, containing 5.76 acres.

(b) Second tract. All that tract of land lying in Wake County on the eastern side of N.C. Hwy. 54 and comprised of two parcels, one parcel being Green Woods Subdivision as shown in Book of Maps 1975, Vol. II, Page 234, and the other parcel being that shown on a map by Boney & Newcomb dated April 1971, containing 31.9 acres and entitled "Addition to Corporate Limits," Town of Morrisville. The Second Tract is more particularly described as follows:

Beginning at an iron stake in the eastern margin of N.C. Highway No. 54, said point being the northwest corner of Green Woods Subdivision, and running thence with the line between said subdivision and the property of Stella C. Green, N 80° 03' 38" E 202.71 feet; thence S 88° 00' 00" E 394.07 feet; thence S 89° 03' 45" E 345.65 feet; thence N 30° 39' 19" W 52.59 feet; thence N 46° 51' 51" W 86.32 feet; thence N 09° 36' 51" W 103.81 feet; thence N 24° 58' 11" E 87.69 feet; thence N 49° 33' 11" W 155.74 feet; thence N 08° 34' 06" W 64.81 feet; thence N 35° 49' 36" W 140.96 feet; thence N 17° 50' 36" W 41.76 feet to a point in the line of Mobile City; thence with the line of the Mobile City property, S 81° 06' 54" E 1094.78 feet to a concrete monument; thence S 37° 30' 09" E 1797.81 feet to a concrete monument in the northern margin of the Airport Road (SR No. 1002); thence with said road margin S 46° 00' 25" W 342.74 [feet] to the corner of Henry M. Hooks' property; thence with his line, N 28° 48' 09" W 300.25 feet to an iron stake; thence S 46° 00' 31" W 149.90 feet to an iron stake in the line of Willie H. Bishop; thence with said line, N 29° 48' 28" W 442.79 feet to an iron stake; thence N 29° 41' 43" W 207.29 feet to Bishop's northeast corner; thence S 45° 49' 21" W 133.88 feet to an iron stake, the corner between said Bishop and Richard N. Wells; thence with Wells' line S 44° 49' 25" W 73.85 feet to an iron stake, the corner of the 31.9 acre parcel mentioned above; thence with the line of said parcel and Richard N. Wells, S 39° 59' W 209.33 feet to an old angle iron; thence S 34° 59' E 376.51 feet to an iron pipe, Wilba Brown's corner; thence with Brown's line S 76° 32' W 396.70 feet to an iron pipe; thence S 19° 51' E 33.30 feet to an iron pipe, Emmett Hollway's corner; thence as Hollway's line S 15° 23' W 361.04 feet to an iron pipe, Luther G. Burton's corner with Hollway and Julia W. Cotten; thence with the Cotten line, S 73° 31' W 230.72 feet to a marked tree; thence S 70° 34' W 431.57 feet to an iron pipe; thence S 70° 38' W 185.27 feet to an iron pipe, the corner between Julia W. Cotten and Peggy C. Ridout in the line of the present Town limits; thence with said Town limits, N 15° 03' W 1198.22 feet to a railroad cross tie; thence S 68° 51' W 292.15 feet to an iron pipe in the eastern margin of N.C. Hwy. 54; thence with the eastern margin of the highway, N 01° 34' W 203.5 feet to an iron pipe, the Southwest corner of Green Woods Subdivision; thence continuing with Hwy. 54, N 02° 55' 15" W 100.46 feet; thence N 07° 43' 54" W 177.95 feet; thence N 09° 56' 22" W 114.59 feet to the point of beginning, containing 70.84 acres.
Any and all official acts, actions, expenditures and levies of taxes or assessments by the Mayor and Board of Commissioners of the Town of Morrisville since March 7, 1975, with respect to or affecting the territory and properties described in Section 1(a) [paragraph 2(a) of this section] of this act and since August 4, 1970, with respect to or affecting the territory and properties described in Section 1(b) [paragraph 2(b) of this section] of this act, are hereby ratified, validated and confirmed.

Any and all official votes, acts, and actions of any member of the Board of Commissioners of the Town of Morrisville who has resided or who resides in any of the territory described in Section 1 [paragraph 2. of this section] of this act are hereby ratified, validated and confirmed.

The November 1973 election of H.C. Sears, III; the November 1975 election of Harry D. Dewey and Emma G. Walton; and the November 1977 election of Emma G. Walton to the Town Board by the qualified voters of the Town of Morrisville are hereby ratified, validated and confirmed.

(Annexation by cities of less than 5,000 generally, G.S. 160A-33 et seq.)

Sec. 3. Composition of governing body.

That the officers of said corporation shall consist of a mayor and six Council Members, to be elected in accordance with the general laws pertaining to municipal elections.


Sec. 3.1 Style of Governing Board

That the style of the Governing board shall be Town Council and its members shall be designated Mayor, Mayor Pro Tem, and Council Member. Throughout the remainder of the Town Charter references to Board of Commissioners or Commissioner shall hereby be referred to as Town Council and Council Member, respectfully as of the effective date September 1st, 2008.

(Ord 2008-051, 7-22-08)

Sec. 4. Residence of electors.

That all resident citizens within said corporation's limit who reside therein four months
prior to the election shall be entitled to vote at said election provided they shall be qualified to
vote for Members of the General Assembly.

*Editor’s Note: This provision has been superseded by G.S. 163-55 which requires only 30 days to attain
residency for voting.

State Law References: Qualifications to vote, G.S. 163-55; residence defined, G.S. 163-57.

Sec. 5. Town Council--General powers.

That said Council Members and mayor shall have the power to pass all bylaws, rules and
regulations for good government of the corporation not inconsistent with the laws of North
Carolina and the United States. (Ord. No. 2004-083 of 8-23-2004 ratified by the voters on 11-2-
2004) (Ord. 2008-051/7-22-08)

*State Law References: Administration of council-manager cities, G.S. 160A-147 et seq. State Law
References: G.S.160A – 102 Charter Amendments by ordinance approval by a vote of the people in a general
election.

Sec. 6. Same--Levying of taxes.

That the commissioners shall have the power to levy a tax on all property located within
the corporate limits not to exceed $1.00 on the $100.00 valuation of property for general
purposes and shall have all other taxing powers and privileges conferred by the general laws of
North Carolina pertaining to municipalities, particularly [G.S.] 160A-206 et seq.

*Editor’s Note: This provision has been superseded by G.S. 160A-209(d) which allows property taxes to be
levied up to a rate of $1.50 on the $100.00 valuation of property.


Sec. 7. Same--Spending of tax funds collected.

That the commissioners shall have the power to spend the funds collected by taxes in
behalf of said corporation for general municipal purposes, including the expenses incident to
obtaining this charter.

*State Law References: Finance officers, G.S. 159-25(a)(2); power to administer taxes, G.S. 160A-206;
power to levy taxes for certain purposes, G.S. 160A-209.
Sec. 8. Same--Appointment of treasurer.

That the commissioners when organized shall have the power to appoint a treasurer, who shall act as secretary, and who shall keep all funds belonging to the corporation and pay the same out under orders of the Town Council. The treasurer shall also keep a record of all of the proceedings of the Town Council and give such bond for the faithful performance of his office as the commissioners require.
(Ord. 2008-051/7-22-08)

* State Law References: Finance officers, G.S. 159-24, 159-25.

Sec. 9. Same--Elections.

(a) At the regular municipal election to be held in 1981, and every four years thereafter, a Mayor shall be elected to serve for a four-year term.

(b) At the regular municipal election to be held in 1981, the two candidates for the Town Council who receive the highest number of votes shall be elected for four-year terms, while the three candidates for the Town Council who receive the next highest number of votes shall be elected for two-year terms. Beginning at the regular municipal election to be held in 1983, and every four years thereafter, three members of the Town Council shall be elected to serve for four-year terms. Beginning at the regular municipal election to be held in 1985, and every four years thereafter, three members of the Town Council shall be elected to serve for four-year terms. (Ord. No. 2004-083 of 8-23-2004 ratified by the voters on 11-2-2004) (Ord. 2008-051/7-22-08)


(c) Subject to any referendum petitioned for and conducted pursuant to G.S. 160A-103, this ordinance shall be effective 30 days after publication of notice in a newspaper of general circulation in the Town.
(Sess. Laws 1975, ch. 802, § 2; Ord. of 12-8-80, §§ 1, 2)


Sec. 9.1. Same--Election districts.

(a) The Town of Morrisville shall be divided into four single-member election districts. The seven-member Town Council shall be composed of two members elected at large, and one member representing each of the election districts. Candidates for the election district seats shall reside in and represent the election districts, but all candidates shall be elected by all
the qualified voters of the Town, as provided by G.S. 160A-101(2).

(b) The four election districts shall be designated as District 1, District 2 District 3 and District 4. The boundaries for these election districts are set forth on the map maintained permanently in the office of the Town Clerk.

(c) Beginning at the regular municipal election to be held in 2004 and every four years thereafter, one at-large Council Member, the Council Members from District 2 and District 4, and the Mayor shall be elected. Beginning at the regular municipal election in 2007 and every four years thereafter, one at-large Council Member, and the Council Members from District 1 and District 3 shall be elected.

(d) The Town shall continue to have its elections conducted under the nonpartisan plurality method of election.

(e) A map showing the current boundaries of Districts 1, 2, 3 and 4 is attached to this ordinance and incorporated herein by reference. The Town Council may amend the boundaries of the election districts from time to time in accordance with G.S. 160A-22 and 160A-23.

Sec. 10. Same--Vacancies.

That in the event of a vacancy occurring in the Town Council and/or mayor, the remaining number shall fill the vacancy.

Sec. 11. Same--Compensation.

That the commissioners of said Town shall be authorized and empowered to allow reasonable compensation to the officers herein provided for and all municipal employees and all persons who render services to said Town under the authority of the Town Council.

Sec. 12. Ratification.

That this Act shall be in force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 3rd day of April, 1947.
This table shows the location of the sections of the basic Charter and any amendments thereto that were adopted by Special Act.

<table>
<thead>
<tr>
<th>Session Laws Year</th>
<th>Chapter</th>
<th>Section this Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1947</td>
<td>776</td>
<td>1--12</td>
</tr>
<tr>
<td>1949</td>
<td>640</td>
<td>1</td>
</tr>
<tr>
<td>1975</td>
<td>802</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>1977</td>
<td>1202</td>
<td>1, 2</td>
</tr>
</tbody>
</table>

CHTCT:1
This table shows the location of amendments to the Charter that were adopted by ordinance.

<table>
<thead>
<tr>
<th>Date</th>
<th>Section</th>
<th>Section this Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-8-80(Ord.)</td>
<td>1, 2</td>
<td>9</td>
</tr>
<tr>
<td>6-8-87(Ord.)</td>
<td>1-4</td>
<td>9.1</td>
</tr>
<tr>
<td>8-23-2004, 2004-083</td>
<td>1-3</td>
<td>5, 9, 9.1</td>
</tr>
<tr>
<td>7-22-08(Ord)</td>
<td>3.1</td>
<td>5, 8, 9, 9.1, 10, 11</td>
</tr>
</tbody>
</table>
PART II

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

Sec. 1-3. Provisions considered continuation of existing ordinances.
Sec. 1-4. Catchlines, history notes and references.
Sec. 1-5. Severability of parts of Code.
Sec. 1-6. General penalty; enforcement of ordinances; continuing violations.
Sec. 1-7. Amendments to Code; effect of new ordinances; amendatory language.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Morrisville, North Carolina" and may be so cited. Such Code may also be cited as the "Morrisville Town Code."


In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the Town Council or the context clearly requires otherwise:

Town Council. The phrase "Town Council" shall mean the governing body of the Town of Morrisville, North Carolina.

Charter. The word "charter" shall mean the Charter of the Town of Morrisville as printed in Part I of this Code.

Code. The word "Code" shall mean the Code of Ordinances, Town of Morrisville, North Carolina, as designated in section 1-1.

Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is Saturday, Sunday or a legal holiday, it shall be excluded. When the period of time is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

State Law References: Computation of time, G.S. 1-593.

County. The word "county" shall mean the County of Wake in the State of North Carolina, except as otherwise provided.

Gender. Words importing the masculine gender shall include the feminine and neuter.

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

Month. The word "month" shall mean a calendar month.

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

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officers, employees, boards, etc. Whenever reference is made to officers, employees, boards and the like by title only, they shall be construed as if followed by the words "of the Town of Morrisville, North Carolina."

Official time standard. Whenever certain hours are named in this Code, they shall mean standard time or
daylight saving time, as may be in current use in this town.

Owner. The word "owner," applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such property.

Person. The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

Personal property. The term "personal property" includes every species of property, except real property as defined in this section.

Preceding, following. The words "preceding" and "following" shall mean next before and next after, respectively.

Property. The word "property" shall include real and personal property.

Real property. The term "real property" shall include lands, tenements and hereditaments.

Shall; may. The word "shall" is mandatory, and the word "may" is permissive.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

Signature or subscription. A "signature" or "subscription" includes a mark when the person cannot write.

State. The word "state" shall be construed to mean the State of North Carolina, except as otherwise provided.

Statute references. The terms "General Statutes" or "G.S." shall refer to the latest edition of the General Statutes of North Carolina, as amended.

Street. The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the town and shall mean the entire width of the right-of-way between abutting property lines.

Tenant or occupant. The word "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

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

Town. The words "the town" shall mean the Town of Morrisville, in the County of Wake and in the State of North Carolina, except as otherwise provided.

Writing. The words "writing" and "written" shall include printing and any other mode of representing words and letters.
Year. The word "year" shall mean a calendar year.

State Law References: Similar definitions and rules of construction, G.S. 12-3.

Sec. 1-3. Provisions considered continuation of existing ordinances.

The provisions appearing in this Code, so far as they are the same as those of ordinances adopted prior to the adoption of this Code and included herein, shall be considered as continuations thereof and not as new enactments.

Sec. 1-4. Catchlines, history notes and references.

(a) The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections nor as any part thereof, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(b) The history notes following sections of the Code and the references scattered throughout the Code are for the benefit of the user only and are not a part of this Code.

Sec. 1-5. Severability of parts of Code.

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since they would have been enacted by the Town Council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Sec. 1-6. General penalty; enforcement of ordinances; continuing violations.

(a) Unless otherwise specifically provided, violation of any provision of this Code or any other town ordinance shall be a misdemeanor, as provided by G.S. 14-4.

(b) Any provision of this Code or any other town ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law.

(c) Any provision of this Code or any other town ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the general court of justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the town may
apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular. In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Code or such ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the town may execute the order of abatement. The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(d) The provisions of this Code and any other town ordinance may be enforced by any one, all or a combination of the remedies authorized and prescribed by this section.

(e) Except as otherwise specifically provided, each day's continuing violation of any provision of this Code or any other town ordinance shall be a separate and distinct offense.

State Law References: Enforcement of ordinances, G.S. 160A-175.

Sec. 1-7. Amendments to Code; effect of new ordinances; amending language.

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

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section ________ of the Code of Ordinances, Town of Morrisville, North Carolina, is hereby amended to read as follows: . . . ."
The new provisions shall then be set out in full as desired.

(c) If a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, Town of Morrisville, North Carolina, is hereby amended by adding a section, to be numbered ________, which section reads as follows: . . . ." The new section shall then be set out in full as desired.

(d) All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

(a) By contract or by town personnel, supplements to this Code shall be prepared on an annual basis. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the Town Council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

1. Organize the ordinance material into appropriate subdivisions.

2. Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.

3. Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.

4. Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ________ to ________" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated into the Code).

5. Make other nonsubstantive changes necessary to preserve the original meanings of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.


Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

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

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

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

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

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

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

(7) Any budget or appropriation ordinance;

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

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

(10) Any zoning or subdivision ordinance;

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

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

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

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

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

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

Cross References: Zoning and subdivision regulations, § 46-1.
Statutes not repealed by General Statutes, G.S. 164-7.
Chapter 2
ADMINISTRATION*

Article I. In General

Sec. 2-1. Extraterritorial planning and zoning jurisdiction.
Sec. 2-2. Absentee ballots.
Secs. 2-3--2-100. Reserved.

Article II. Finance

Sec. 2-101. Uncollectible tax receivables.
Sec. 2-102--2-120. Reserved

* State Law Reference: Cities and towns, G.S. 160A-1 et seq.
ARTICLE I.

IN GENERAL

Sec. 2-1. Extraterritorial planning and zoning jurisdiction.

(a) The extraterritorial jurisdiction boundaries as delineated on the map entitled "Town of Morrisville, North Carolina, revisions to ETJ, May 18, 1987," now on file in town hall and open to inspection to the public, are hereby adopted as the official boundaries of the town's extraterritorial planning and zoning jurisdiction.

(b) The town clerk is hereby directed to maintain this official ETJ map permanently in the offices of town hall. The map shall be recorded with the office of the register of deeds for the county.

(c) The town staff and planning board are hereby directed to study the areas newly included in the town's jurisdiction by this section and to recommend to the town board appropriate zoning for these parcels of land.

(Ord. of 7-27-87, §§ 1--3)

* Cross References: Planning and development, ch. 46.

Sec. 2-2. Absentee ballots.

Absentee ballots shall be allowed in regular town elections in accordance with G.S. 163-226 et seq. and G.S. 163-245 et seq.

(Res. No. 93-7A, § 1)

* State Law References: Authority to adopt a resolution regarding absentee voting, G.S. 163-302.
ARTICLE II.

FINANCE

Sec. 2-101. Uncollectible Tax Receivables

(a). This section shall be known and may be cited as the property tax write-off policy of the town.

(b). This section is effective in regard to all property taxes, both real and personal, in all areas of the town where such taxes are collected.

(c). It is the purpose of this section to aid in easing the task of bookkeeping by allowing for the omission of entries which no longer are considered relevant.

(d). The provisions of this section shall apply to uncollectible property tax receivables as a result of bankruptcy, insolvency or limitations imposed by statute.

(e). Those tax receivables found to be uncollectible shall be written off (forgiven and removed from the town's tax scroll) in the following manner:

(1) Once all notices have been published in accordance with the department of state treasurer's policies manual, attempts at notification by certified mail have proved unsuccessful (undeliverable), the finance officer will prepare a list of such uncollectible tax receivables recommended for writing off.

(2) The list, as described in subsection (1) of this section, shall be presented to the Town Council during the first June meeting of every year.

(3) The Town Council will vote as to whether or not to accept the recommendations of the finance officer for the writing off of taxes.

(4) If the Council accepts the recommendations of the finance officer, the finance officer is empowered to remove those uncollectible tax receivables from the town's tax scrolls. However, if the board does not accept all of the recommendation, the finance officer will continue to carry these tax receivables on the books and continue pursuing collection.

(Ord. No. 92-52, § 5, 6-22-92)

*State Law References: Local government finance, G.S. 159-1 et seq.*
Secs. 2-102--2-120. Reserved.
Chapters 3--5

RESERVED
Chapter 6

ANIMALS*

Sec. 6-1 Hunting wildlife within the corporate limits prohibited.
Sec. 6-2. County animal control ordinance adopted; enforcement.

* **Editors Note:** Ord. No. 01-45, § 1, adopted Aug. 13, 2001, repealed former ch. 6 in its entirety, which pertained to animals and derived from and ordinance adopted June 12, 1973; an ordinance adopted May 24, 1982, §§ 18-1--18-9, 18-11--18-28; Ord. No. 90-18, §§ 1, 3, adopted March 26, 1990; Ord. No. 97-11, §§ 1, 3, adopted March 10, 1997; and Ord. No. 00-12, §§ 1, 4, adopted March 13, 2000. Sections 2 and 3 of Ord. No. 01-45 enacted new provisions which have been included herein as § 6-1 at the editor's discretion. Ord. No. 2004-133 replaced a section of the code that was inadvertently removed by Ord. No. 01-45.
Sec. 6-1. Hunting wildlife within the corporate limits prohibited

(a) It shall be unlawful for any individual to hunt wildlife within the corporate limits of the town using firearms or any other weapon.

(b) Violation of this subsection shall constitute a misdemeanor punishable by a fine not to exceed $500.00 or imprisonment for not longer than thirty (30) days. (Ord. No. 2004-133 of 9-27-2004)

* Cross Reference: discharging firearms within corporate limits prohibited §34-2)

Sec. 6-2. County animal control ordinance adopted; enforcement.

(a) The current county animal control ordinance and subsequent amendments are hereby adopted for use within the corporate limits of the town.

(b) The county is hereby authorized to enforce all provisions of its duly adopted animal control ordinance within the corporate limits of the town and to respond to all calls for service under its ordinance.
(Ord. No. 01-45, §§ 2, 3, 8-13-01)

* Editor’s Note: Please see www.wakegov.com for to verify Wake County’s Animal Control Ordinance.
Chapters 7--9

RESERVED
Chapter 10

BUILDINGS AND BUILDING REGULATIONS*

Sec. 10-1. Fire limits established.
Sec. 10-2. Building permit fee schedule.
Sec. 10-3. Concealed handguns prohibited in recreational facilities; posting required.
Sec. 10-4. Possession or display of firearms regulated.

* Cross References: Abandoned structures, § 18-146 et seq.; fire prevention and protection, ch. 22; floods, ch. 26; planning and development, ch. 46; construction debris, § 50-1; streets, sidewalks and other public places, ch. 54; utilities, ch. 62.

Sec. 10-1. Fire limits established.

The boundaries of the village core district, as shown on the current town land use plan, are hereby established as the primary fire limits of the town.
(Ord. No. 92-55, § 1, 7-13-92)


Sec. 10-2. Building permit fee schedule.

The building permit fee schedule and the inspection and development fee schedules are set from time to time by the mayor and Town Council and are on file and available for public inspection in the town offices.
(Ord. No. 90-55, § 1, 10-8-90; Ord. No. 92-13, § 1, 2-24-92)

Sec. 10-3. No concealed handguns; posting of signs required.

(a) It shall be unlawful to carry a concealed handgun on or in athletic fields and appurtenant facilities during an organized athletic event scheduled with or by the Town, swimming pools and appurtenant facilities, and facilities used for athletic events including, but not limited to, a gymnasium, located in the following Town parks and facilities:

Morrisville Community Park
Morrisville Aquatics and Fitness Center
Shiloh Park
Cedar Fork Community Center
Crabtree Creek Nature Park

(b) The town manager is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within town hall, town parks and each building or portion of a building owned, operated, occupied, managed or controlled by the town, as well as the appurtenant premises to such buildings, indicating that carrying a concealed handgun is prohibited therein.

(c) Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The town manager shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.
Sec. 10-4. Possession or display of firearms regulated.

(a) It shall be unlawful for any person to carry or possess a concealed handgun in any town owned or operated building, including any appurtenant premises such as a parking lot.

In addition, it shall be unlawful for any person to carry, display or possess, whether concealed or carried openly, any handgun, rifle, pistol, or other firearm in any town owned building, including appurtenant premises such as a parking lot, and including public parks or recreation areas. Nothing in this subsection shall prohibit a person from storing a firearm within a locked motor vehicle while the vehicle is on these grounds or areas. Nothing in this section shall prohibit the lawful carrying of a concealed handgun in public parks or recreation areas not listed in section 10-3 (a). (Ord. No. 96-12, § 1, 3-11-96, Ord. 2012-033/8.28.2012)
Chapters 11--13

RESERVED
Chapter 14

CIVIL EMERGENCIES*

* Cross References: Water shortage conservation measures, § 18-2; fire prevention and protection, ch. 22; floods, ch. 26.
State Law References: Municipal emergency management, G.S. 166A-7 et seq.

Article I. In General

Secs. 14-1–14-40. Reserved.

Article II. Emergencies

Sec. 14-41. Existence of state of emergency.
A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property.
(Ord. of 8-27-79, § 3-7)

Sec. 14-42. Mayor to proclaim state of emergency; curfew.
In the event of an existing or threatened state of emergency endangering the lives, safety, health, and welfare of the people within the town or threatening damage to or destruction of property, the mayor is hereby authorized and empowered to issue, in writing, a public proclamation declaring the existence of a state of emergency, and, in order more effectively to protect the lives, safety and property within the town, to define and impose a curfew applicable to all persons within the jurisdiction of the town.
(Ord. of 8-27-79, § 3-8)
Sec. 14-43. Curfew defined.

Curfew, as used in this article, shall mean a prohibition against any person walking, running, loitering, standing, or motoring upon any street, alley, roadway or other public property.
(Ord. of 8-27-79, § 3-9)

Sec. 14-44. Certain acts prohibited during emergency.

During the existence of a proclaimed state of emergency when a curfew has been imposed, no person subject to such curfew shall:

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

(2) Possess off one's premises, buy, sell, give away, or otherwise transfer or dispose of any explosives, firearms, ammunition or dangerous weapon of any kind;

(3) Sell beer, wine, or intoxicating beverages of any kind or to possess or consume the same off one's premises;

(4) Sell gasoline or any other similar petroleum products, or any other inflammable substances, except as expressly authorized by the provisions of the curfew imposed.

(Ord. of 8-27-79, § 3-10)

Sec. 14-45. Exemptions from curfew.

The mayor is hereby authorized and empowered to limit the application of a curfew to any area specifically designated and described within the corporate limits of the town and to specific hours of the day or night; and to exempt from the curfew police officers, firefighters, doctors, nurses and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the town.

(Ord. of 8-27-79, § 3-11)

Sec. 14-46. Cessation upon mayor's proclamation.

The mayor shall proclaim the end of a state of emergency and curfew as soon as circumstances warrant or when directed to do so by the Town Council.

(Ord. of 8-27-79, § 3-12)
Chapters 15--17

RESERVED

CD15:1
Chapter 18

ENVIRONMENT

Article I. In General
Sec. 18-1. Smoking restricted.
Sec. 18-2. Water shortage conservation measures.
Secs. 18-3--18-40. Reserved.

Article II. Noise
Sec. 18-41. Loud, disturbing noises prohibited, general
Sec. 18-42. Definitions
Sec. 18-43. Noise measurement
Sec. 18-44. Particular sounds prohibited
Sec. 18-45. Sounds impacting residential life
Sec. 18-46. Amplified Sound
Sec. 18-47. Motor Vehicles
Sec. 18-48. Exceptions
Sec. 18-49. Enforcement Penalties
Secs. 18-50--65. Reserved.

Article III. Nuisances
Secs. 18-66--18-80. Reserved.

Division 1. Generally

Division 2. Noxious Weeds, Grass and Refuse
Sec. 18-81. Jurisdiction.
Sec. 18-82. Unlawful conditions deemed public nuisance.
Sec. 18-83. Investigation.
Sec. 18-84. Nuisance abatement procedures.
Sec. 18-85. Notification and collection of civil penalties.
Sec. 18-86. Recovery of town abatement costs.
Sec. 18-87. Creation of lien.
Sec. 18-88. Additional remedies.
Secs. 18-89--18-110. Reserved.

Division 3. Junked Motor Vehicles
Sec. 18-111. Definitions.
Sec. 18-112. Administration.
Sec. 18-113. Abandoned vehicle unlawful; removal authorized.
Sec. 18-114. Nuisance vehicle unlawful; removal authorized.
Sec. 18-115. Junked motor vehicle regulated; removal authorized.
Sec. 18-116. Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements.
Sec. 18-117. Exceptions to prior notice requirement.
Sec. 18-118. Removal of vehicles; post-towing notice requirements.
Sec. 18-119. Right to probable cause hearing before sale or final disposition of vehicle.
Sec. 18-120. Redemption of vehicle during proceedings.
Sec. 18-121. Sale and disposition of unclaimed vehicle.
Sec. 18-122. Conditions on removal of vehicles from private property.
Sec. 18-123. Protection against criminal or civil liability.
Sec. 18-124. Exceptions.
Sec. 18-125. Towing and storage.
Secs. 18-126--18-145. Reserved.

Division 4. Abandoned Structures

CD18:1
Sec. 18-146. Findings; intent.
Sec. 18-147. Duties of code enforcement administrator.
Sec. 18-148. Powers of the code enforcement administrator.
Sec. 18-149. Standards for enforcement.
Sec. 18-150. Procedure for enforcement.
Sec. 18-151. Methods of service of complaints and orders.
Sec. 18-152. In rem action by code enforcement administrator; placarding.
Sec. 18-153. Costs a lien on premises.
Sec. 18-154. Alternative remedies.
Secs. 18-155–18-200. Reserved.

Article III. Storm Drainage

Sec. 18-201. Purpose.
Sec. 18-202. Definitions.

* Editor’s note: Ordinance 02-34 adopted on 7-22-2002 did not specifically address any section of the code to be updated, however Ordinance 02-34 did specifically designate an amendment to previously adopted Ordinance 95-69.

ARTICLE I.
IN GENERAL

Sec. 18-1. Smoking restricted.

(a) **Definition.** The term "smoking" shall mean the inhaling, exhaling, burning or carrying of a lighted pipe, cigar, cigarette or other combustible tobacco product.

(b) **Prohibited in municipal buildings.** It shall be unlawful for any person to smoke in any building or facility or portion of a building or facility owned, leased, operated, occupied, managed or controlled by the town.

(c) **Prohibited in municipal vehicles.** It shall be unlawful for any person to smoke in any vehicle owned or leased by the town.

(d) **Penalty.** Violation of this section shall subject the offender to a civil penalty in the amount of $25.00 per offense.

(e) **Conflict of laws.** If any portion of this section or the enforcement thereof is found to be preempted by state or federal law, such preemption shall not operate to invalidate the rest of the section and the section shall remain in full force and effect.

(Ord. No. 93-57, §§ 1--5, 8-23-93)

* State Law References: Smoking in public places, G.S. 143-595 et seq.

Sec. 18-2. Water shortage conservation measures.

(a) For the protection of the public health, welfare and safety of the town, the town manager is authorized to adopt water conservation measures, and to enforce such conservation measures when the town manager determines that an emergency exists in the town because of an impending shortage of water due to a prolonged drought or problems with the town's treated water supply and/or distribution system ("water emergency"). The town manager may impose such water conservation measures on all water users of the town for such period of time as the manager determines constitutes a water emergency.

(b) The conservation methods, adopted in the form of a town policy shall apply to all persons using town water, including hose customers located outside of the town's jurisdictional boundaries. The conservation measures may restrict business and industrial uses of water, and may restrict such uses as irrigation, the washing of motor vehicles and equipment, outdoor surfaces, buildings, and machinery, and the use of water for ornamental fountains and swimming pools. The conservation measures may also include provisions for interruption of water service and for the establishment of water conserving schedules of uses.

(c) The town manager or his designee is hereby authorized to impose fines on any party who violates the provisions of any mandatory water conservation measures invoked under this ordinance after at least one written or oral warning for violation has been issued by the town enforcement personnel for the same water customer at the same address during the same period.
of mandatory conservation.

(d) Those who violate the mandatory water conservation measures invoked under this ordinance will receive one written or oral warning for violation. Any subsequent violations will be subject to civil penalties of $100 for the first violation, $250 for the second violation, and $500 for the third and each subsequent violation thereafter.

(Ord. No. 95-69, 9-11-95)(Ord. No. 02-34 of 7-22-2002)

* Cross References: Civil emergencies, ch. 14; water and sewer service, § 62-56 et seq.

Secs. 18-3--18-40. Reserved.

ARTICLE II.

NOISE*

* State Law References: Nuisances and public health generally, G.S. 130A-1 et seq.; authority to prohibit or regulate conditions detrimental to health, safety or welfare of citizens, G.S. 130A-19, 153A-140, 160A-174(a), 160A-193; authority to regulate, restrict or prohibit noise, G.S. 160A-184.

Editors Note: Adoption of Ordinance 2008-106 on 12.17.2008 replaced Ordinance 91.39, Article II Sects 18.41 – 18.65.

Sec. 18-41. Loud, disturbing noises prohibited, generally.

Subject to the provisions of sections 18-43 through 18-48, it shall be unlawful for any person to create or assist in creating any unreasonably loud, disturbing noise in the town taking into consideration the volume, duration, frequency and other characteristics of the sound. A person shall be deemed to create or assist in creating noise if that person owns, manages or operates any residence, business, or location at which the noise is generated.

(Ord. 2008-106, 12-17-08)

Sec. 18-42. Definitions.

For the purpose of this division, the following words and phrases are defined below unless it shall be apparent from the context that a different meaning is intended:

Emergency work shall mean any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

Motor vehicle or vehicle, as used herein, shall mean any vehicle propelled on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, automobiles, motorcycles or buses. It shall exclude trains and emergency response vehicles such as police, fire and rescue vehicles.
Noise control officer, as used herein, shall mean any police officer or other person so designated by the town manager. Person shall mean any individual, association, partnership or corporation, including any officer, employee, department, agency or instrumentally [instrument] of the United States, the state or any political subdivision thereof.

Technical terms:
(1) A-weighted sound level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).
(2) Decibel (dB): A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals per square meter.
(3) Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression, and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
(4) Sound pressure level: 20 times the logarithms to the base 10 of the ratio of the root mean squared (RMS) sound pressure to the reference pressure of 20 micropascals per square meter.
(5) Sound-level meter: An instrument which includes a microphone, amplifier, RSM detector, integrator or time average, output meter and weighting network used to measure sound pressure levels.
(6) Sound level: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute Specifications for sound level meters (ANSI S1.41971 or the latest approved version thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
(7) Slow response: A measuring technique to obtain an average value when measuring a noise level that fluctuates over a range of four dB or more. By way of illustration only, a sound level meter set on "slow response" would record a sound level between two and six decibels less than the reading for a steadying signal of the same frequency and amplitude when a tone of 1,000 Hz and for a duration of 0.5 seconds is applied.
(8) Amplified sound: Any sound using amplifying equipment, whose source is outside or whose source is inside and the sound propagates to the outside or to other dwellings or interior locations under separate ownership or occupancy.
(9) Noise: As used herein, unreasonably loud, disturbing sound levels taking into consideration the volume, duration, frequency and other characteristics of the sound.

Sec. 18-43. Noise measurement.

For the purpose of determining dB(A)'s as referred to in this article, sound levels shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute (ANSI) or its successor body.
Sec. 18-44. Particular sounds prohibited.

The following acts and activities, among others, are hereby declared to be unreasonably loud and disturbing sound levels in violation of section 18-41. This enumeration shall not be construed to be an exclusive list of activities or acts which violate section 18-41:

1. The sounding of a railroad locomotive whistle or horn for the period of time beyond that which is reasonably necessary to warn or alert others at road crossings at grade level of some real or potential danger.

2. The use of any gong, bell or siren upon any motor vehicle.

3. The discharge into the open air of the exhaust of any stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which effectively prevents unreasonably loud and disturbing or explosive sounds there from.

4. The use of any mechanical device operated by compressed air unless the sounds created are effectively muffled and reduced.

5. The sounding of any chime, bell or gong attached to any building or premises, which disturbs the quiet or repose of any person in the vicinity thereof.

6. The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of a residential neighborhood.

7. The firing or discharging of any kind of gun and the firing, discharge or ignition of squibs, firecrackers, gunpowder or other pyrotechnics, except with a permit as set forth in section 18-48, which shall be subject to the approval of the Town and the Wake County Fire Marshal, provided that squibs, firecrackers and other pyrotechnics may only be fired, discharged or ignited at public events.

8. The keeping of any animal or bird by which causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity.

9. The keeping or maintenance of any dog within corporate limits, when such dog habitually barks, howls or whines so as to cause serious annoyance to persons residing within a reasonable distance of the location where any such dog is kept or maintained and when such barking, howling, or whining interferes with the reasonable use and enjoyment of property owned or occupied by persons living within a reasonable distance of the location where the dog is kept or maintained (see section 18-49 for penalties and enforcement).

(Ord. 2008-106, 12-17-08)

Sec. 18-45. Sounds impacting residential life.

(a) The following acts and activities shall be unlawful in any residentially zoned area of the town or within 1,000 feet of any occupied residential structure in all zoning districts of the town:

1. Operating a front-end loader or other truck for refuse collection except on Monday through Saturday between the hours of 7:00 a.m. and 8:00 p.m. The violator is the
operator of the front-end loader or truck, the employer of the operator or the person which possesses or controls the front-end loader or truck used by the operator.

(2) It is unlawful to construct, demolish, alter or repair any building or other structure in the town other than between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday. Commercial construction on Sunday is prohibited except where permitted by the Town Manager. The Town Manager may permit emergency work, whether commercial or residential, at any time in order to preserve the public health and safety at any time. Private/Homeowner residential construction is permitted on Sundays from 12:00 PM until dusk. Permit requirements/restrictions for residential areas would include:

- No loud music,
- No land clearing,
- No grading or other use of earth moving equipment,
- Commercial construction limited to interior work only except for projects less that 1,000 sq.ft.

(3) Operating any garage or service station so as to cause unreasonable loud, disturbing sound to be emitted between the hours of 9:00 p.m. and 7:00 a.m. on any day.

(4) Operating electric and gas lawnmowers and other motor-driven domestic tools out-of-doors between the hours of 9:00 p.m. and 7:00 a.m. Monday through Saturday and between the hours of 9:00 p.m. and 9:00 a.m. on Sundays; except the mowing of golf course greens is additionally permitted on any day year-round between the hours of 6:00 a.m. and 9:00 p.m.

(5) Creating or causing any sounds to be created or emitted which sounds register more than 60 db(A) at any point on or within the nearest complainant's property line.

(Ord. 2008-106, 12-17-08, Ord. 2011-040, 05-24-11)

Sec. 18-46. Amplified sound.

(a) It shall be unlawful to:

(1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering 60 db(A) or greater between the hours of 9:00 a.m. and 9:00 p.m., or 50 db(A) or greater between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the town. To determine if this limit is being exceeded, sounds may be measured from any point on or within the property line of the nearest residentially occupied property.

(2) As to multifamily structures including townhomes, apartments, condominiums, or other residential structures or arrangements where property lines cannot readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering 60 db(A) or greater between 9:00 a.m. and 9:00 p.m., or 50 db(A) or greater between the hours of 9:00 p.m. and 9:00 a.m., as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest
residentially occupied property, except in accordance with a permit obtained from the town.

(3) As to places of public entertainment, including, but not limited to, restaurants, taverns and bars, coffeehouses and private clubs, to operate or allow the operation of any sound amplification equipment so as to create sounds registering more 60dB(A) between 9:00 a.m. and 9:00 p.m., or 50 dB(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, hotel, motel, hospital, or rest home, except in accordance with a permit obtained from the town.

(4) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than 60 db(A) at or on the boundary of the nearest public right-of-way or park.

(5) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than 60 db(A) at any point 50 feet or more from any electromechanical speaker emitting sound between the hours of 9:00 a.m. and 9:00 p.m., or 50 db(A) 50 feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m.

(b) The foregoing limitations on the operation of sound amplification equipment shall not apply to the operation of horns, sirens, loudspeakers or other emergency warning devices actually being used in emergency circumstances.

(Ord. 2008-106, 12-17-08)

Sec. 18-47. Motor vehicles.

It shall be unlawful to operate or allow the operation of any motor vehicle in the town:

(1) By engaging in jackrabbit starts, spinning tires, racing engines or other operations which create unreasonably loud and disturbing noises.

(2) Off the boundaries of a public street for racing or other operations which create unreasonably loud and disturbing noises.

(3) To amplify sound produced by a radio, tape player, compact disc player or other sound-making device or instrument from within the motor vehicle so that the sound is plainly audible outside the vehicle. This subsection shall not apply to motor vehicles used for business or political purposes which, in the normal course of conducting business, use sound-making devices.

(Ord. 2008-106, 12-17-08)

Sec. 18-48. Exceptions.

The following acts and activities are exempt from the provisions of this article:

(1) Sound emanating from scheduled outdoor athletic events.
(2) Noise of safety signals, warning devices, emergency pressure relief valves and all church bells. For purposes of this section, the term "church bells" shall not include electronic devices or artificial sound reproduction systems intended to sound like church bells.

(3) Noise resulting from any authorized emergency vehicle.

(4) Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law, or for which a local permit has been granted by the town, provided such activity is of a temporary duration lasting no longer than two hours during any 24-hour period. Regulation of noise emanating from activities under permit shall be according to the conditions and limits stated in this article and according to any additional conditions stated on the permit.

(5) Unamplified and amplified sound at street fairs or other celebrations conducted, sponsored or sanctioned by the town.

(6) Unamplified and amplified sound at community concerts conducted, sponsored or sanctioned by the town.

(7) Noise from noisemakers on holidays and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to G.S. ch. 14, art. 54 (G.S. 14-410 et seq.).

(8) All noises coming from the normal operations of properly equipped aircraft, but not including scale model aircraft.

(9) Electric and gas lawnmowers and agricultural equipment used between daylight hours 7:00 a.m. and 9:00 p.m. Monday through Saturday and between the hours of 9:00 a.m. and 9:00 p.m. on Sundays when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition. The mowing of golf course greens is additionally permitted to begin at 6:00 a.m. year-round.

(10) Practice sessions or performances by marching bands.

(11) Noise from trains and associated railroad rolling stock when operated in proper repair and manner.

(12) Emergency work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril. This emergency exception includes maintenance, backup or upkeep ("maintenance") strictly necessary to keep emergency equipment, such as generators, in operating order as prescribed by the manufacturer, provided such maintenance is done only on weekdays between the hours of 9 a.m. and 4 p.m., sounds created do not exceed 60 db(A), the equipment is maintained as far from the property line as reasonably possible to serve its purpose, and the equipment has all the manufacturer's standard mufflers and noise-reducing equipment intact.

(13) Noise created by the normal operations of the parks and recreation, police, public works and utilities departments of the town, including firearms training for police officers.

(14) Unamplified sound originating from recreational activities at public or private recreational, civic or community clubs and churches and similar establishments, when such noise is created by patrons and/or guests during the legitimate operation of the establishment between the hours of 7:00 a.m. through 9:00 p.m.

(Ord. 2008-106, 12-17-08, Ord. 2011-040, 05-24-11)
Sec. 18-49. Enforcement and penalties.
(a) Civil penalty. Violation of this article (noise control ordinance) shall subject the offender(s) to a civil penalty in the amount of $100.00. In the event there is more than one violation within any 30-day period, then the civil penalty shall be increased for each additional violation over one during such period, as follows. The date of the first violation shall establish the beginning date for the initial 30-day period. The next violation within that 30-day period shall be considered the second violation. Any violations that follow within that 30-day period shall be numbered sequentially. The penalty shall be:

Second offense within same 30-day period: $250.00
Third offense within same 30-day period: $500.00
Fourth offense within same 30-day period: $750.00
Fifth and any subsequent offense within same 30-day period: $1,000.00

(1) Once the 30-day period has run from the "first violation," the next violation shall be considered to be a first violation for the purposes of establishing a new 30-day period. Each subsequent violation that follows more than 30 days from the previous first violation shall be a new first violation for the purpose of establishing a new 30-day period. In the event there are more than six violations within any 12-month period, then each violation after six shall subject the violator(s) to a civil penalty of $1,000.00.

(2) Violators shall be issued a written citation which must be paid within 72 hours of the issue date and time. The town attorney, or designee, is authorized to file suit on behalf of the town to collect any unpaid citations, and the police chief, or designee, is authorized to verify and sign complaints on behalf of the town in such suits. A police officer, animal control officer enforcing subject matter jurisdiction, or other employee duly authorized to enforce the noise control ordinances may issue a citation for violations of this article.

(b) Remedies. This article may also be enforced through equitable remedies issued by a court of competent jurisdiction.

(c) Criminal penalty. In addition to, or in lieu of, such civil penalties or other remedies, violation of this article shall constitute a misdemeanor.

(Ord. 2008-106, 12-17-08)

Secs. 18-50--18-65. Reserved.

ARTICLE III.

NUISANCES*

* State Law References: Nuisances and public health generally, G.S. 130A-1 et seq.; authority to prohibit or regulate conditions detrimental to health, safety or welfare of citizens, G.S. 130A-19, 153A-140, 160A-174(a),
DIVISION 1.

GENERALLY

Secs. 18-66-18-80. Reserved.
DIVISION 2.

NOXIOUS WEEDS, GRASS AND REFUSE*

* Cross References: Vegetation, ch. 66.

Sec. 18-81. Jurisdiction.

The provisions of this division shall be enforced within the corporate limits and within one mile thereof as authorized by G.S. 160A-193.
(Ord. No. 95-1, § 1, 12-16-94)

Sec. 18-82. Unlawful conditions deemed public nuisance.

The existence of any of the following enumerated and described conditions are hereby found, deemed, and declared to be dangerous and prejudicial to the health, safety, morals, and general welfare of the inhabitants of the town and constitute a public nuisance:

1. The uncontrolled growth of noxious weeds or grass to a height in excess of 10 inches for improved property or in excess of 18 inches for unimproved property causing or threatening to cause a hazard detrimental to the public health or safety;

2. Any condition which is a breeding ground or harbor for mosquitoes or a breeding ground or harbor for rats, snakes, or other pests, or has the potential for becoming a breeding ground or harbor for such pests;

3. Any accumulation of rubbish, trash, tires, motor vehicle parts or junk, mattresses, boxes, paper, brush, old clothes, or rags causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing an attractive nuisance, which is or may be dangerous or prejudicial to the public health;

4. Any accumulation of animal waste, food waste, garbage, vegetable matter, or any other rotten matter that is offensive by virtue of odors or vapors or by the inhabitance therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health;

5. Privies;
(6) The open storage of any abandoned icebox, refrigerator, stove, glass, furniture, building material, building rubbish, or similar items;

(7) Any condition which violates the rules and regulations of the county health department;

(8) Any other condition specifically declared to be a danger to the public health, safety, and general welfare of inhabitants of the town and a public nuisance by the Town Council, which proceeding may be initiated by the town manager or his/her designee before the board after giving written notice thereof. Such notice shall state the condition existing, the location and that the board will be requested on a day certain, after a public hearing at which the person notified may appear and be heard, to declare that the conditions existing constitute a danger to the public health, safety, and general welfare of the inhabitants of the town and a public nuisance. After such declaration by the board in the form of an ordinance, the condition will be abated as provided for in this chapter, provided no administrative appeal shall lie from a proceeding pursuant to the subsection and initiated by the town manager or his designee before the Town Council.

(Ord. No. 95-1, § 1, 12-16-94, Ord. 2013-087, 10-22-13)

Sec. 18-83. Investigation.

Upon notice from any person of the possible existence of any of the conditions described in section 18-82, the code enforcement officer shall make such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in section 18-82.

(Ord. No. 95-1, § 1, 12-16-94)

Sec. 18-84. Nuisance abatement procedures.

When any public nuisance as set out in section 18-82 is found to exist on any property within the town, the following procedures shall be followed:

(1) The code enforcement officer of the town shall notify the owner and any tenant of the premises where the nuisance is located that conditions exist which constitute a public nuisance and that the conditions must be abated within 15 days from receipt of the notice. The notice shall be sent by certified mail, return receipt requested.

(2) If the conditions that constitute a public nuisance are not abated within 15 days from receipt of the notice, the owner of the property is in violation of the ordinance and shall be subject to a civil penalty in the amount of fifty dollars ($50.00) per violation. Each day the nuisance continues constitutes a separate violation. Such penalty is payable to the town in accordance with section 18-85.

(3) If the conditions that constitute a public nuisance recur three (3) times within one
calendar year, at the same property location, then on that third occurrence the property will be deemed to be in repeat violation. The owner of the property that is in repeat violation of the ordinance shall be subject to a civil penalty in the amount of one hundred dollars ($100.00) per violation starting on the third violation that shall be issued without further opportunity to abate the nuisance. Each day the nuisance continues constitutes a separate violation. Such penalty is payable to the town in accordance with section 18-85.

(4) If the conditions that constitute a public nuisance are not abated within 30 days of receipt of the notice, the Town, may cause the conditions constituting a public nuisance to be abated, and the cost of the abatement shall constitute a lien against the land.

(5) Within the 15 day period referenced in subsection (1), the owner of the property where the nuisance exists may appeal the findings of the code enforcement officer to the Town Council by giving written notice of appeal to the Planning Department. No civil penalty will be assessed nor will any nuisance abatement activity be undertaken by the town until there has been a determination on the property owner's appeal by the Town Council. In the event no appeal is received, the code enforcement officer may proceed to assess a civil penalty and/or abate the nuisance.

(6) If no appeal is made to the Town Council as herein set out, or the board adopts an ordinance directing the code enforcement officer to assess civil penalty and/or abate the declared nuisance, the officer shall assess civil penalty and/or abate the nuisance by causing the condition to be removed or otherwise remedied. The code enforcement officer may utilize employees of the town or hire a private contractor to go upon the premises and remove or otherwise abate such nuisance under the direct supervision of the code enforcement officer. The code enforcement officer shall obtain permission of the property owner to enter such property or obtain an administrative warrant from the county magistrate to enter the property for the purpose of abating the nuisance.

(7) In certain instances or may reduce or eliminate civil penalties. All appeals and forgiveness of civil penalties shall be in accordance with the current Planning Department Zoning Enforcement and Accounts Receivable Collections Policies and Procedures.

Sec. 18-85. Notification and collection of civil penalties.

If the nuisance is not abated within 15 days of receipt of notice thereof by the property owner according to section 18-84, subsection (1) above, the code enforcement officer shall notify the finance department to commence the levy of the civil penalty effective immediately. The code enforcement officer shall notify the finance department each seven-day period thereafter.
that the nuisance violation continues. It shall be the duty of the finance officer to mail a statement of civil penalty charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within 30 days from the receipt thereof. (Ord. No. 95-1, § 1, 12-16-94)

**Sec. 18-86. Recovery of town abatement costs.**

The actual cost incurred by the town in removing or otherwise remedying a public nuisance pursuant to this division shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the finance officer to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within 30 days from the receipt thereof. (Ord. No. 95-1, § 1, 12-16-94)
Sec. 18-87. Creation of lien.

If 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 in section 18-85 and 18-86, such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. 160A-193.

(Ord. No. 95-1, § 1, 12-16-94)

Sec. 18-88. Additional remedies.

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

(Ord. No. 95-1, § 1, 12-16-94)

Secs. 18-89--18-110. Reserved.

DIVISION 3.

JUNKED MOTOR VEHICLES*


Sec. 18-111. Definitions.

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

Abandoned vehicle, as authorized and defined in G.S. 160A-303, means one that:

(1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking.

(2) Is left on a public street or highway for longer than seven days.

(3) Is left on property owned or operated by the town for longer than 24 hours.

(4) Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two hours.

CD18:16
**Authorizing official** means the police department or the code enforcement administrator, respectively, designated to authorize the removal of vehicles under the provisions of this division.

**Junked motor vehicle,** as authorized and defined in G.S. 160A-303.2, means a vehicle that does not display a current license plate lawfully thereon 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.
3. Is more than five years old and appears to be worth less than $100.00.

**Motor vehicle or vehicle** means all machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

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

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

(Ord. No. 90-24, § 2, 5-14-90)
Sec. 18-112. Administration.

The police department and code enforcement administrator shall be responsible for administering the removal and disposition of vehicles determined to be abandoned on the public streets and highways within the town, and on property owned by the town. The code enforcement administrator shall be responsible for administering the removal and disposition of abandoned, nuisance or junked motor vehicles located on private property. The town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this division and applicable state laws. Nothing in this division shall be construed to limit the legal authority or powers of officers of the town police department in enforcing other laws or in otherwise carrying out their duties.

(Ord. No. 90-24, § 1, 5-14-90; Ord. No. 90-38, § 1, 7-9-90)

Sec. 18-113. Abandoned vehicle unlawful; removal authorized.

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

(b) Upon investigation, the code enforcement officer and/or Police Department may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

(c) In addition to or in lieu of the misdemeanor penalty, any person, violator, owner, agent, property manager, tenant, or other parties of interest, violating any provision of this ordinance, or violating or failing to comply with any order made hereunder after having received written notice from the Code Enforcement Officer, the Town Manager, and/or any of his/her assignee(s), shall be liable to the town for a civil penalty in the amount of fifty dollars ($50.00) per violations per day. Each day’s violation shall constitute a separate act subject to civil penalty. Any penalty shall be payable in full within thirty (30) days after notice thereof to the violator. Such penalty is payable to the town as established in Section 18-85.

Sec. 18-114. Nuisance vehicle unlawful; removal authorized.

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

(b) Upon investigation, the code enforcement officer and/or police department may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle, and order the vehicle removed.

(c) In addition to or in lieu of the misdemeanor penalty, any person, violator, owners, agent, property manager, tenant, or other parties of interest, violating any provision of this ordinance, or violating or failing to comply with any order made hereunder after having received written notice from the Code Enforcement Officer, the Town Manager, and/or any of his/her assignee(s), shall be liable to the town for a civil penalty in the amount of fifty dollars ($50.00) per violation per day. Each day’s violation shall constitute a separate act subject to civil penalty. Any penalty shall be payable in full within thirty (30) days after notice thereof to the violator. Such penalty is payable to the town as established in Section 18-85.


Sec. 18-115. Junked motor vehicle regulated; removal authorized.

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

(b) It shall be unlawful to have more than one junked motor vehicle on the premises of public or private property. A single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.

(c) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the locational requirements or the concealment requirements of this section.

(d) Subject to the provisions of subsection (e), upon investigation, the code
enforcement officer and/or police department may order the removal of a junked motor vehicle as defined in this division after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:

(1) Protection of property values.
(2) Promotion of economic development opportunities.
(3) Indirect protection of public health and safety.
(4) Preservation of the character and integrity of the community.
(5) Promotion of the comfort, happiness and emotional stability of area residents.
(e) Permitted concealment or enclosure of junked motor vehicle:

(1) One junked motor vehicle, in its entirety, can be located in the rear yard as defined by the town's zoning ordinance if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.

(2) More than one junked motor vehicle. Any other junked motor vehicles must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicles cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations. The code enforcement officer and/or police department have the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives of this division.

(f) In addition to or in lieu of the misdemeanor penalty, any person, violator, owners, agent, property manager, tenant, or other parties of interest, violating any provision of this ordinance, or violating or failing to comply with any order made hereunder after having received written notice from the Code Enforcement Officer, the Town Manager, and/or any of his/her assignees), shall be liable to the town for a civil penalty in the amount of fifty dollars ($50.00) per violation per day. Each day’s violation shall constitute a separate act subject to civil penalty. Any penalty shall be payable in full within thirty (30) days after notice thereof to the violator. Such penalty is payable to the town as established in Section 18-85.


* State Law References: Removal of unauthorized vehicles from private property, G.S. 20-137.9, 20-219.2,
Sec. 18-116. Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements.

(a) Except as set forth in section 18-117, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice shall retain a written record to show the names and addresses to which mailed and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the town on a specified date (no sooner than seven days after the notice is affixed). The notice shall state that the vehicle will be removed by the town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

(Ord. No. 90-24, § 6, 5-14-90)(Ord. No. 02-10 of 2-25-2002)


Sec. 18-117. Exceptions to prior notice requirement.

The requirement that notice is given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice include:

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

   a. Obstructing traffic.

   b. Parked in violation of an ordinance prohibiting or restricting parking.

   c. Parked in a no stopping or standing zone.
d. Parked in loading zones.

e. Parked in bus zones.

f. Parked in violation of temporary parking restrictions imposed under Code sections.

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

(Ord. No. 90-24, § 7, 5-14-90)


Sec. 18-118. Removal of vehicles; post-towing notice requirements.

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

(1) The description of the removed vehicle.

(2) The location where the vehicle is stored.

(3) The violation with which the owner is charged, if any.

(4) The procedure the owner must follow to redeem the vehicle.

(5) The procedure the owner must follow to request a probable cause hearing on the removal.

(b) The town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsections (a)(1) through (5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.
(c) If the vehicle is registered in this state, notice shall be given within 24 hours. If the vehicle is not registered in this state, notice shall be given to the registered owner within 72 hours from the removal of the vehicle.

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

(Ord. No. 90-24, § 8, 5-14-90)


Sec. 18-119. Right to probable cause hearing before sale or final disposition of vehicle.

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

(Ord. No. 90-24, § 9, 5-14-90)


Sec. 18-120. Redemption of vehicle during proceedings.

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

(Ord. No. 90-24, § 10, 5-14-90)

Sec. 18-121. Sale and disposition of unclaimed vehicle.

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the town and in accordance with G.S. 44A-1 et seq.
(Ord. No. 90-24, § 11, 5-14-90)


Sec. 18-122. Conditions on removal of vehicles from private property.

As a general policy, the town will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the town from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the code enforcement administrator and/or police department. The town may require any person requesting the removal of an abandoned nuisance or junked motor vehicle from private property to indemnify the town against any loss, expense or liability incurred because of the removal, storage or sale thereof.
(Ord. No. 90-24, § 12, 5-14-90; Ord. No. 90-38, § 1, 7-9-90)


Sec. 18-123. Protection against criminal or civil liability.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle, for disposing of such vehicle as provided in this division.
(Ord. No. 90-24, § 13, 5-14-90)


Sec. 18-124. Exceptions.

Nothing in this division shall apply to any vehicle:

(1) Which is located in a bona fide automobile graveyard or junkyard as defined in G.S. 136-143, in accordance with the Junkyard Control Act, G.S. 136-141 et seq.
(2) Which is in an enclosed building.

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

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

(Ord. No. 90-24, § 14, 5-14-90)

Sec. 18-125. Towing and storage.

All towing and storage charges incurred in connection with impounded vehicles shall constitute a lien upon such vehicles as provided in G.S. section 44A-2, and no stored vehicle shall be released until all such charges have been paid to the owner of the garage where the impounded vehicle is stored or the lien has been extinguished as provided in G.S. section 20-222.

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

(Ord. No. 90-24, § 15, 5-14-90)(Ord. No. 02-10 of 02-25-2002)


Secs. 18-126--18-145. Reserved.

DIVISION 4.

ABANDONED STRUCTURES*

* Cross References: Buildings and building regulations, ch. 10.

Sec. 18-146. Findings; intent.

It is hereby found that there exist within the town abandoned structures which the Town Council finds to be hazardous to the health, safety and welfare of the residents of the town due to the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. Therefore, pursuant to the authority granted by G.S. 160A-441, it is the intent of this division to provide for the repair, closing or demolition of any such abandoned structures in accordance with the same provisions and procedures as are set forth by law for the repair, closing or demolition of dwellings unfit for human habitation.

(Ord. of 4-4-78, § 1)
Sec. 18-147. Duties of code enforcement administrator.

The code enforcement administrator is hereby designated as the town officer to enforce the provisions of this division. It shall be the duty of the code enforcement administrator to:

(1) Locate abandoned structures within the town and determine which structures are in violation of this division.

(2) Take such action pursuant to this division as may be necessary to provide for the repair, closing or demolition of such structures.

(3) Keep an accurate record of all enforcement proceedings begun pursuant to the provisions of this division.

(4) Perform such other duties as may be prescribed in this division or assigned to him by the Town Council.

(Ord. of 4-4-78, § 2)

Sec. 18-148. Powers of the code enforcement administrator.

The code enforcement administrator is authorized to exercise such powers as may be necessary to carry out the intent and the provisions of this division, including the following powers in addition to others granted:

(1) Investigate the condition of buildings within the town in order to determine which structures are abandoned and in violation of this division.

(2) Enter upon premises for the purposes of making inspections.

(3) Administer oaths and affirmations, examine witnesses, and receive evidence.

(4) Designate such other officers, agents and employees of the town as he deems necessary to carry out the provisions of this division.

(Ord. of 4-4-78, § 3)

Sec. 18-149. Standards for enforcement.

(a) Every abandoned structure within the town shall be deemed in violation of this division whenever such structure constitutes a hazard to the health, safety or welfare of the town citizens as a result of:

(1) The attraction of insects or rodents.

(2) Conditions creating a fire hazard.
(3) Dangerous conditions constituting a threat to children.

(4) Frequent use by vagrants as living quarters in the absence of sanitary facilities.

(b) In making the preliminary determination of whether or not an abandoned structure is in violation of this division, the code enforcement administrator may, by way of illustration and not limitation, consider the presence or absence of the following conditions:

(1) Holes or cracks in the structure's floors, walls, ceilings or roof which might attract or admit rodents and insects, or become breeding places for rodents and insects.

(2) The collection of garbage or rubbish in or near the structure which might attract rodents or insects, or become breeding places for rodents and insects.

(3) Violations of the state building code, the state electrical code or the fire prevention code which constitute a fire hazard in such structure.

(4) The collection of garbage, rubbish or combustible material which constitute a fire hazard in such structure.

(5) The use of such structure or nearby grounds or facilities by children as a play area.

(6) Violations of the state building code which might result in danger to children using the structure or nearby grounds or facilities as a play area.

(7) Repeated use of such structure by transients and vagrants, in the absence of sanitary facilities, for living, sleeping, cooking or eating.

(Ord. of 4-4-78, § 4)

Sec. 18-150. Procedure for enforcement.

(a) Preliminary investigation; notice; hearing. Whenever a petition is filed with the code enforcement officer by at least five residents of the town charging that any structure exists in violation of this division or whenever it appears to the code enforcement officer, upon inspection, that any structure exists in violation hereof, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such structure a complaint stating the charges and containing a notice that a hearing will be held before the code enforcement officer at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such structure. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the code enforcement officer.
**Procedure after hearing.** If, after notice and hearing, the code enforcement officer determines that the structure under consideration is an abandoned structure and in violation of this article in accordance with the standards herein set forth, he or she shall record at the Wake County Register of Deed a Lis Pendens and shall state in writing his findings of fact in support of such determination, stating whether said abandoned structure is deteriorated or dilapidated, and shall issue and cause to be served upon the owner thereof an order:

1) If the repair to correct unsafe conditions of said abandoned structure bringing it up to the standards described in the North Carolina State Building Code can be made at a reasonable cost in relation to the present value of the structure, the order shall require the owner, within a specified period of time, to repair such a structure so as to render it in compliance with the order of the code enforcement officer. Such order may also direct and require the owner to vacate and close the structure until the repairs have been made and/or the unsafe and dangerous character of such structure has been corrected.

2) If the repair of said abandoned structure bringing it up to the standards described in the North Carolina State Building Code cannot be made at a reasonable cost of the present value of the structure, the order shall require the owner, within a specified period of time either to repair such structure so as to bring it into compliance with the standards described in the North Carolina State Building Code or to demolish and remove such structure.

---

**State Law References:** Authority for above section, G.S. § 160A-443.

---

(c) If the owner fails to comply with an order to repair the structure, the code enforcement officer may:

1) Cause such structure to be repaired, and pending such repairs, may order such structure vacated and closed.

2) Cause to be posted on the main entrance of any structure so closed, a placard with the following words: “Notice is hereby given that this building is in an unsafe and dangerous condition; may constitute a fire hazard by reason of structural defects and general state of decay, deterioration and disrepair; may be hazardous or dangerous to children or members of the public generally; and may be dangerously infested with rodents or insects. Said building has been condemned under the building laws of the State of North Carolina and the Town of Morrisville.”

(d) If the owner fails to comply with an order to remove or demolish the structure, the code enforcement officer may:

1) Cause such structure to be removed or demolished.

2) Cause to be posted, pending removal or demolition, on the main entrance of any structure a placard with the following words: “Notice is hereby given that this building is in an unsafe and hazardous condition; may constitute a fire hazard by reasons of structural defects and general state of decay, deterioration and disrepair; may be hazardous or dangerous to children or members of the public generally; and may be dangerously infested with rodents.
or insects. Said building has been condemned under the building laws of the State of North Carolina and the Town of Morrisville.”

(e) **Duties of code enforcement officer.** The duties of the code enforcement officer set forth in subsections (c) and (d) shall not be exercised until the Town Council, by ordinance, shall have ordered the hearing officer to proceed to effectuate the purpose of this article with respect to the particular structure which the officer shall have found to be in violation of this article. No such ordinance shall be adopted to require demolition of a structure until the owner has first been given a reasonable opportunity to bring it into conformity with this article. Such ordinances shall be recorded in the Office of the Register of Deeds of Wake County and shall be indexed in the name of the property owner in the grantor index. Upon adoption by the Town Council of an ordinance authorizing and directing the property owner to do so, as provided by G.S. 160A-443(5) and section 14-1509c) of this division, the code enforcement officer shall proceed to cause such structure to be removed or demolished, as directed by the ordinance of the board and shall cause to be posted on the main entrance of such structure a placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor.

(f) **Petition to superior court by owner.** Any person aggrieved by an order issued by the code enforcement officer shall have the right, within 30 days after issuance of the order, to petition the superior court for a temporary injunction restraining the code enforcement officer pending a final disposition of the cause, as provided by G.S. 160A-446(f).

Sec. 18-151. Methods of service of complaints and orders.

Complaints or orders issued by the code enforcement administrator pursuant to this division shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the code enforcement officer in the exercise of reasonable diligence, the code enforcement administrator shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publication in the manner prescribed in the North Carolina Rules of Civil Procedure. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

Failure on the part of any owner or party in interest to receive or have served upon him any complaint, notice or order herein provided for shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person.

**State Law References:** Service of complaints and orders, G.S. § 160A-445.
Sec. 18-152. In rem action by code enforcement administrator; placarding.

This section is hereby deleted because these issues are referenced in Section 18-150.
(Ord. of 4-4-78, § 7)(Ord. No. 02-10 of 2-25-2002)

Sec. 18-153. Costs a lien on premises.

As provided by G.S. 160A-446(6), the amount of the cost of any removal or demolition caused to be made or done by the code enforcement administrator pursuant to this division shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by the general statutes.
(Ord. of 4-4-78, § 8)

Sec. 18-154. Alternative remedies.

Neither this division nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this division by criminal process, and the enforcement of any remedy provided in this division shall not prevent the enforcement of any other remedy or remedies provided in this division or in other ordinances or laws.
(Ord. of 4-4-78, § 9)

Sec. 18-155. Appeal to Board of Adjustment

Appeals may be taken from any decision or order of the code enforcement administrator to the Zoning Board of Adjustment, in accordance with the procedures specified in G.S. 160A-446.
(Ord. No. 02-10 of 02-25-2002)

Secs. 18-156--18-200. Reserved.

ARTICLE III.

STORM DRAINAGE*

* Cross References: Buildings and building regulations, ch. 10; floods, ch. 26, streets, sidewalks, and other public places, ch. 54; use of sanitary sewer system, § 62-161 et seq; water quality protection, § 62-186 et seq.

Sec. 18-201. Purpose.

[The purpose of this article is] to protect the public health, safety, and welfare by controlling the discharge of pollutants into the stormwater conveyance system and to protect surface and ground water quality.

CD18:30
Sec. 18-202. Definitions.

[For the purposes of this article, the following words, terms and phrases shall have the meanings set out in this section.]

**Illicit connection.** Any unlawful connection that allows the discharge of non-stormwater to the stormwater conveyance system or waters of the state as defined in this article.

**Illicit discharge.** Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission, or other discharge of any substance other than stormwater into a stormwater conveyance, the waters of the state, or upon the land in such proximity to the same, such that the substance is likely to reach a stormwater conveyance or the waters of the state.

**Pollution.** Man-made or man-induced alteration of the chemical, physical, biological, thermal, and/or radiological integrity of water.

**Stormwater.** Any flow resulting from, and occurring during or following, any form of natural precipitation.

**Stormwater conveyance or stormwater conveyance system.** Any feature, natural or man-made, that collects and transports stormwater, including but not limited to roads with drainage systems, catch basins, curbs, gutters, ditches, channels, pipes, culverts, storm drains, and any other feature or structure designed or used for collecting or conveying stormwater.

**Waters of the state.** Surface waters within or flowing through the boundaries of the state including any intermittent or perennial stream, river, creek, brook, swamp, lake, or wetland.

(Ord. No. 00-01, § A, 1-10-00)
Chapter 22

FIRE PREVENTION AND PROTECTION*

* Cross References: Buildings and building regulations, ch. 10; civil emergencies, ch. 14; firefighters authorized to direct traffic at fires, § 58-4.


Article I. In General

Secs. 22-1--22-35. Reserved.

Article II. Fire Prevention Code

Sec. 22-36. Jurisdiction.
Sec. 22-37. Purpose.
Sec. 22-38. Relationship to other laws and standards.
Sec. 22-40. Duties of fire chief.
Sec. 22-41. Authority to enter premises.
Sec. 22-42. Inspection of buildings and premises.
Sec. 22-43. Permits.
Sec. 22-44. Site plan approval.
Sec. 22-45. New construction approval.
Sec. 22-46. Immediately dangerous or hazardous conditions.
Sec. 22-47. Notice of violation; order to correct.
Sec. 22-48. Enforcement.
Sec. 22-49. Appeals.
Sec. 22-50. Installation of aboveground tanks.
Sec. 22-51. Inspection of kox box rapid entry system.
Sec. 22-52. Alarm communication system.
Sec. 22-53. Installation of hazardous material data storage box.
Sec. 22-54. Contents, types and locations of data storage box.
Sec. 22-55. Street addresses.
Sec. 22-56. Definitions.
Sec. 22-57. Administration and application.
Sec. 22-58. Display of street address numbers.
Sec. 22-59. Enforcement.
Sec. 22-60. Severability.
Sec. 22-61. Inspection schedule.
Sec. 22-62. Fire hydrant and fire lane regulations.
Sec. 22-63. Private Fire Hydrant policy.
Sec. 22-64. Hydrant water flow estimates.
Secs. 22-65--75. Reserved.

Article III. Open Burning

Sec. 22-76. Purpose and scope.
Sec. 22-77. Definitions.
Sec. 22-78. Permissible open burning with a permit.
Sec. 22-79. Permissible open burning without a permit.

Article IV. Pit-Burning

Sec. 22-80. Purpose and scope.
Sec. 22-81. Definitions.
Sec. 22-82. Permissible pit-burning with a permit.

Article V. Commercial Business Emergency Systems Amplification Requirements

CD22:1

Supp. No. 7.1
Sec. 22-83. Purpose and scope.
Sec. 22-85. Radio Coverage.
Sec. 22-86. Enhanced Amplification Systems.
Sec. 22-87. Testing Procedures Methods to Conduct Tests.
Sec. 22-88. Annual Tests.
ARTICLE I.

IN GENERAL

Secs. 22-1-22-35. Reserved.

ARTICLE II.

FIRE PREVENTION CODE

Sec. 22-36. Jurisdiction.

This article is effective in all areas of the municipality and the municipal extraterritorial jurisdiction.
(Ord. No. 92-54, § 2, 9-1-92; Ord. No. 94-62, 3-27-95)

Sec. 22-37. Purpose.

It is the purpose of this article to prescribe regulations consistent with the most current edition of the state Building Code, Fire Prevention (North Carolina Fire Prevention Code) and the appendices A-H of the International Fire Code and nationally recognized good practices for the safeguarding of life and property from hazards of fire and explosions arising from the storage, handling, and use of flammable, combustible and hazardous substances, materials and devices and from conditions hazardous to life and property in the use or occupancy of buildings or premises.
(Ord. No. 92-54, § 3, 9-1-92; Ord. No. 94-62, 3-27-95; Ord. No. 03-23a of 03-10-2003; Ord. 2013-096, 10-22-13)

Sec. 22-38. Relationship to other laws and standards.

The provisions of the state Fire Prevention Code, as amended periodically, are incorporated by reference in this article. If any provision of this article is in material conflict with a provision of the state Fire Prevention Code, then the state code provision shall take precedence over the conflicting provision of this article.
(Ord. No. 92-54, § 4, 9-1-92; Ord. No. 94-62, 3-27-95)

*State Law References: Adoption of technical codes by reference, G.S. 160A-76.*


(a) The provisions of this article shall apply to new and existing conditions, and to the repair, use, occupancy and maintenance of existing buildings or structures specified in the state Fire Prevention Code, and to other conditions hazardous to life or property in the opinion of the fire chief or his designee.
Sec. 22-40. Duties of fire chief.

The duties of the fire chief shall include but are not limited to:

(1) Keeping the town manager and the Town Council informed of the progress and development of the fire department.

(2) Keeping the town manager and the Town Council informed of any matters pertaining to the present condition and future expansion of the fire department.

(3) Serving as the town manager's and Town Council advisor concerning requirements of the state fire insurance rating bureau.

(4) Conducting fire prevention inspections and electrical inspections of public schools required by G.S. 115C-1 et seq., and fire prevention inspections of licensed day care facilities, licensed foster care homes and licensed rest home facilities as required by state law.

(5) Conducting periodic fire inspections of buildings, structures and premises within the Town's corporate limits and within the Town's extraterritorial jurisdiction, as set forth in section 22-42.

(6) Conducting investigations (jointly with other fire and law enforcement officials) of fires of a suspicious nature so as to determine their point of origin and cause.

(7) Assisting school authorities in developing and managing fire prevention programs for each public school.

(8) Maintaining an adequate staff of fire inspectors certified by the state code officials’ qualification board to properly execute all provisions of this article.

Sec. 22-41. Authority to enter premises.

(a) The fire chief or his designee may, at all reasonable hours, enter any building or premises for the purpose of conducting any inspection or investigation which, under provisions of this article, he deems necessary to be made.
(b) The fire chief or his designee shall be permitted by the owner, lessee, manager or operator of any building or premises to enter and inspect the building or premises at the time and for the purpose stated in this section.
(Ord. No. 92-54, § 7, 9-1-92; Ord. No. 94-62, 3-27-95)

Sec. 22-42. Inspection of buildings and premises.

(a) It shall be the duty of the fire chief to inspect, or cause to be inspected, according to the attached schedule, all buildings and premises except the interiors of one- and two-family dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or to endanger life from fire, and enforcing the state Fire Prevention Code, or any violations of the provisions or intent of this article creating a fire hazard. The fire chief or his designee shall charge inspection fees for inspections of buildings according to the approved Budget User Fee Schedule, except when such buildings are occupied by an organization that is tax-exempt under Section 501 (c)(3) of the IRS code or churches or owned or occupied by state or local government, and for all reinspections made to ascertain compliance with a notice of violation and order of correction issued under section 22-47.

(b) Installation or modification to a fire suppression, detection and/or notification system without plan review and approval by the fire code official shall result in a penalty fee as outlined in the Budget User Fee Schedule. Required inspections for the suppression, detection and or notification system will not be conducted until the fee is paid.

* State Law References: Inspection of premises, G.S. 58-79-1 et seq.

Sec. 22-43. Permits.

Chapter 14 of the Fire Prevention Code, Permits and Certificates, is hereby adopted by reference. Every business or user of a building or structure required to obtain a mandatory permit under the state Fire Prevention Code must obtain such permit no later than 30 days after notification by the fire chief or his designee. The fire chief or his designee shall issue all applicable Fire Prevention Code permits to businesses which require such permits under the state Fire Prevention Code. Permits will be valid for 12 or 24 months from the date of issuance and is determined by the inspection frequency of the facility as required per Section 22-61. Permit fees will be in accordance with the Budget User Fee Schedule.
(Ord. No. 92-54, § 9, 9-1-92; Ord. No. 94-62, 3-27-95, Ord. 2009-078/10.27.09, Ord. 2012-032/3.27.12)

Sec. 22-44. Site plan approval.

The fire chief or his designee shall review construction or development site plans to ensure compliance with Chapter 5 and Appendix A - Hof the state Fire Prevention Code before final site plan approval is granted.
Sec. 22-45. New construction approval.

(a) The fire chief or his designee shall review and approve all commercial and multifamily residential building plans to ensure compliance with the state Fire Prevention Code before final approval is granted.

(b) The fire chief or his designee shall conduct inspections of buildings under construction to ensure compliance with the provisions of the state Fire Prevention Code before the building inspector issues a certificate of occupancy for the building.

Sec. 22-46. Immediately dangerous or hazardous conditions.

Whenever the fire chief or his designee finds in any building or upon any premises dangerous conditions or materials as described below, he shall order such dangerous conditions or materials removed or remedied in such manner as the fire chief may specify:

(1) Dangerous storage or unlawful amounts of combustible, flammable or explosive or otherwise hazardous materials.

(2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, flammable or explosive or otherwise hazardous materials.

(3) Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly combustible materials.

(4) Accumulations of dust or waste material in air conditioning or ventilation systems, or of grease in kitchen or other exhaust ducts, or inadequate clearances to unprotected combustible materials from hoods, grease extractors and ducts.

(5) Obstructions to or in fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors or windows liable to interfere with the operations of the fire department or impede egress of occupants in the case of fire.

(6) Overcrowding in violation of occupancy limits established pursuant to the state Building Code and required under the state Fire Prevention Code.
Sec. 22-47. Notice of violation; order to correct.

When the fire chief or his designee determines that a violation of this article exists or that any commercial building or structure required to have a permit under the state Fire Prevention Code does not have a valid permit in effect, he shall issue a notice of violation and order to correct the violation. Such notice and order shall:

1. State the nature of the violation and the penalty to be imposed.

2. Direct the violator to pay any unpaid fees and/or civil penalties by mailing the order and a check or money order to the Town, or by personally paying the amount at the Town Hall.

3. Notify the offender that a failure to pay unpaid fees or penalties within the prescribed time may subject the offender to civil action in the nature of debt for the collection of any unpaid fee or additional penalties and may be collected by penalty plus any additional penalties, together with the cost of the action to be taxed by the court.

4. Provide and state that any unpaid penalty must either be paid as set forth above, or the failure to pay must be cleared with the fire chief within a specified period of time from the issuance of the violation notice and correction order. The notice and order shall further state that if the violation is not corrected and the order is not cleared within the specified time period, the filing of a civil complaint for the collection of any unpaid penalty may be initiated, together with other legal proceedings, including the filing of criminal charges. As used in this section, an order will be deemed cleared when either full payment has been made, or when arrangements for payment have been made, or when the offender has made a prima facie showing to the fire chief that the notice and order was issued as a result of mistake, inadvertence or inexcusable neglect and when all identified violations of Fire Prevention Codes have been corrected.

Service of notice of violation and order to correct shall be made upon the owner, operator or occupant, or other person having control over the premises where the violation exists. Service shall be made by delivering a copy of the notice and order by hand delivery or by registered or certified mail, return receipt requested, sent to the owner, operator, occupant or tenant at his last known address listed in the county tax assessor's records, or by leaving a copy of the notice and order with an agent or employee of such person. If the owner, operator, occupant or tenant cannot be located on the premises, the fire chief or his designee may effectuate service by affixing a copy of the violation notice and order prominently on the main entrance of the building where the violation exists. Where correcting the violation will require improvement to real property or may result in administrative penalties against the property owner, the property owner must be notified by mailing a copy of the notice and order to the owner's address as listed in the
Sec. 22-48. Enforcement.

(a) Failure to comply with the provisions of this article shall constitute a misdemeanor under G.S. 160A-175 and G.S. 14-4. Additionally, the fire chief or his designee may enforce the provisions of this article in civil court and seek any and all appropriate remedies authorized by G.S. 160A-175, subject to the restrictions of this section. Each day's continuing violation shall constitute a separate and distinct offense.

(b) Compliance with the fire chief's notice of violation and order to correct.

(1) Immediate action orders. The fire chief or his designee may issue immediate correction orders for violations of the state Fire Prevention Code that constitute an imminent hazard to life and property. Any condition listed in section 22-46 shall be deemed an imminent hazard. Failure to correct such violation within 24 hours shall result in imposition of a civil penalty in the amount approved in the Budget User Fee Schedule per day, per violation, until the violation has been completely corrected and the fire chief's correction order to correct shall so state. The order shall also state that if the violation is not corrected within 24 hours, a civil complaint for collection of penalties and any unpaid fees owed under this article may be initiated and that other legal proceedings including criminal prosecution related to the violation may be initiated. Repeated violations shall subject the violator to higher civil penalties set forth in the Budget User Fee Schedule.

(2) Other correction orders. All other correction orders issued under this article for violations that do not constitute imminent hazards shall be corrected within 30 days. Failure to correct such violations within 30 days shall result in imposition of civil penalty in the amount approved in the Budget User Fee Schedule per day per violation as well as a reinspection fee, until all identified violations have been completely corrected, and the correction order shall so state. The correction order shall also state that if the violation is not corrected within 30 days, a civil complaint for the collection of penalties and any unpaid fees owed under this article may be initiated, and that other legal proceedings including criminal prosecution may be initiated.

(Ord. No. 92-54, § 14, 9-1-92; Ord. No. 94-62, 3-27-95, Ord. 2009-078, 10-27-09)

Sec. 22-49. Appeals.

(a) Any person who has been served with a notice of violation and order for correction of violations of the state Fire Prevention Code may appeal the notice and order to the state department of insurance, state building code council within ten days from date of issuance.

(Ord. No. 92-54, § 13, 9-1-92; Ord. No. 94-62, 3-27-95)
(b) Any person who has been served with a notice of violation and order for correction of violations of the provisions of this article which are not violations of the state Fire Prevention Code or which relate to fees or penalties charged under this article may appeal to the town manager, whose decisions shall be final. Appeals must be filed within ten days from the date of issuance of the order.

(Ord. No. 92-54, § 15, 9-1-92; Ord. No. 94-62, 3-27-95)

Sec. 22-50. Installation of aboveground tanks.

(a) For purposes of this section, the term "motor fuel" shall mean a refined or blended petroleum product used for the propulsion of self-propelled motor vehicles, including all products commonly or commercially known or sold as gasoline.

(b) It shall be unlawful for any person, firm or corporation to erect or maintain an aboveground storage tank capable of holding 1,000 gallons or more of motor fuel. It shall also be unlawful for any person, firm or corporation to allow such aboveground storage tank to be erected or maintained on property owned by that person, firm or corporation.

(c) Aboveground storage tanks less than 1,000 gallons shall be thermally protected against a flammable liquid fuel fire for a minimum of two hours.

(d) To the extent that this section conflicts with any provision of the state Fire Prevention Code adopted by the town, this section shall control.

(Ord. No. 91-23, § 1, 6-10-91; Ord. No. 92-54, § 16, 9-1-92; Ord. No. 94-62, 3-27-95)

Sec. 22-51. Installations of knox box rapid entry system.

(a) All new or newly renovated commercial buildings equipped with an automatic fire sprinkler system and/or building fire alarm system shall provide a "knox box" key entry system. All existing commercial buildings with a sprinkler system and/or fire alarm system shall provide a "knox box" by March 31, 2013. This knox box shall be mounted on the exterior entrance of the dedicated riser room. The knox box shall be mounted on the wall at five feet above finished floor on the door handle side of the dedicated sprinkler riser room or fire alarm access door. This knox box shall be ordered through the fire department and shall be in place before a certificate of occupancy is issued. Forms are available from the fire department. Average delivery time is five to six weeks. Keys to access the facility or tenant spaces within the facility shall be provided to the fire department by the owner/manager or tenant.

(b) A dedicated sprinkler riser room is required providing an entry door to the room from the exterior of the building. The exterior door leading to the dedicated sprinkler riser room shall be labeled with minimum three-inch lettering designating "SPRINKLER RISER ROOM" in a contrasting color. Durable vinyl lettering is suggested.

(Ord. No. 94-62, 3-27-95, Ord 2012-032/3.27.2012)
Sec. 22-52. Alarm communication system.

(a) All buildings equipped with automatic sprinkler systems are to have alarm communication equipment that complies with NFPA 72. Equipment must be fully functional and reporting to a U.L. approved central receiving station (NFPA 72) before a certificate of occupancy is issued for the facility.

(b) All new fire alarm systems shall be addressable systems. Only one fire panel per building, a fire wall or other means of separation for this purpose does not constitute two separate spaces requiring individual panels. Combination alarms will not be allowed within the Town Limits. For purpose of this section, combination alarm shall include devices combining burglary and fire alarms, devices combining burglary and hold-up alarms, and devices combining burglary and trouble alarms. There must be a distinct separation in the transmittal of any specific alarm activation.

(c) All new fire alarm systems shall be addressable systems. Only one fire panel per building, a fire wall or other means of separation for this purpose does not constitute two separate spaces requiring individual panels. Combination alarms will not be allowed within the Town Limits. For purpose of this section, combination alarm shall include devices combining burglary and fire alarms, devices combining burglary and hold-up alarms, and devices combining burglary and trouble alarms. There must be a distinct separation in the transmittal of any specific alarm activation.

(d) When a building is protected by an automatic sprinkler system and has a fire alarm system, the fire alarm control panel or a remote annunciator of the fire alarm control panel shall be placed in the sprinkler riser room. This control panel shall have the capacity of silencing and resetting the alarm system. Adjacent to the fire alarm control panel shall be a framed zone map. Sprinkler zone nomenclature shall correspond with the zone map. (Ord. No. 94-62, 3-27-95, Ord. 2009-078, 10-27-09, Ord. 2013-096, 10-22-13)

Sec. 22-53. Installation of hazardous material data storage box.

All commercial enterprises, businesses or industries in the Town which use, store or manufacture Extremely Hazardous Substances (EHS’s) that must be reported under state Right-to-Know Laws, G.S. 95-173, et seq., or under Title III of the federal Super Fund Amendments and Reauthorization Act and the regulations promulgated thereunder and the state Building Code, must have an approved on-site hazardous materials data storage box at each facility where hazardous materials may be found. (Ord. No. 94-62, 3-27-95, Ord. 2012-032/3.27.2012, Ord. 2013-096, 10-22-13)

Sec. 22-54. Contents, types and locations of data storage box.

(a) This data storage box must contain keys providing access to secured portions of the facility. The box shall contain current information to assist fire departments and hazardous materials teams responding to emergencies at the facility, including but not limited to facility
maps or plans showing the type and location of hazardous materials, Tier II forms, lists of chemicals with CAS numbers, telephone numbers for facility employees and other persons to be contacted in case of such emergencies.

(b) All information requested on the data storage sheets must be on forms provided by the Town or on a substantially similar format approved by the fire chief and must be placed in the data storage box. Such information must be updated continuously to insure its accuracy.

(c) The data storage box shall be of the type designated and approved by the county local emergency planning committee and shall be located at or near the primary entrance to the facility and installed in accordance with directives of the fire chief of the fire department serving the facility.

Sec. 22-55. Street addresses.

In accordance with section 505.1 of the state Fire Code, all new and existing buildings shall display a number or address in such a manner as to be plainly visible and legible from the street or roadway. The purpose and intent of this section is to provide a uniform system of street addresses for all properties and buildings throughout the Town in order to facilitate provision of adequate public safety and emergency response service and to minimize difficulty in locating properties and buildings.

Sec. 22-56. Definitions.

(a) The following words and phrases when used in this section shall have the following interpretation assigned to them.

(1) **Address administrator.** The Town employee designated to assign street address numbers to properties in the Morrisville area.

(2) **Building.** A totally enclosed structure having a roof supported by columns or walls. For the purpose of this article, each separate and distinct unit within a single structure shall also be considered a separate building.

(3) **Official address number.** The street address assigned by the address administrator which uniquely identifies a particular building or lot. This term is synonymous with "street address number".

(4) **Driveway/private street.** An access way owned and maintained by private interests leading to a building, use or structure.

(5) **Public street.** A dedicated and accepted public right-of-way for vehicular traffic.

(Ord. No. 94-62, 3-27-95)

Supp. No. 7.1
Sec. 22-57. Administration and application.

(a) The Town will be responsible for the interpretation and administration of this section including:

(1) Assigning all numbers for properties and buildings;

(2) Maintaining address records of each property and building;

(3) Changing existing addresses when necessary to achieve sequential house numbering along a road or regularizing an existing numbering scheme;

(4) Designating individual unit addresses within multifamily housing.

(b) This requirement shall apply within the corporate limits of the Town and with the Town's accepted extra-territorial jurisdiction.

(Ord. No. 94-62, 3-27-95)

Sec. 22-58. Display of street address numbers.

(a) Street address numbers shall be clearly displayed so that the location can be identified easily from the street.

(1) The official address number of single-family residential units shall be displayed on the side of the dwelling which is most clearly visible from the street during both day and night.

(2) If the official address number is not visible from the public street or private street that serves as the primary access road to the building on which the address number is located, or if the subject residential building is located more than 50 feet from such access road, the address numbers shall also be displayed at the end of the driveway or easement nearest the road which provides access to the building. Each number or letter shall be at least six inches in height and three-fourths inch in width, and in a contrasting color to the mounting surface.

(3) Numerals identifying the address number of a single-family dwelling displayed on a roadside mailbox shall be at least three inches in height and of contrasting color.

(4) Each numeral for buildings containing multiple dwelling units shall be at least eight inches in height and shall be placed on the side of the building facing the road or on the end of the building nearest the road in such a manner as to be readily visible.
a. Individual units of multifamily dwellings shall be identified with a system approved by the Town. The numbers or letters shall be a minimum of three inches in height.

b. All lettering and numerals used for addresses on multifamily units shall be of a contrasting color to the mounting surface.

(5) Building addresses for non-residential buildings may be displayed in one of two options:

a. Option I: Addresses placed directly on the building. Under this option, the letters or numerals will be placed in the front upper quarter portion of the building or on the side of the building which is most clearly visible from the street or streets accessing the building. In instances where the building is served by two streets, address letters or numerals may be required on sides facing both streets.

b. Option II: Building addresses placed on a sign with individual addresses placed on the door of each leased/owned space. Under this option a sign permit must be obtained from the Town.

c. Numerals or letters for nonresidential buildings shall be installed in accordance with Table 22-58.1 or as designated by the fire official.

d. Numerals or letters shall be displayed in a color that contrasts with the color of the background to which it is affixed.

e. The fire official will have the right to authorize and approve alternate methods of displaying street address numbers that are in keeping with the content of this article when strict adherence to these standards cannot reasonably be met.

### TABLE 22-58.1

<table>
<thead>
<tr>
<th>Distance from building to street or to the front of the first row of parking area, whichever is less</th>
<th>Minimum size of letter/numeral</th>
</tr>
</thead>
<tbody>
<tr>
<td>0--50'</td>
<td>6 inches in height and 3/4 inch in width</td>
</tr>
<tr>
<td>51--75'</td>
<td>12 inches in height and 1 inch in width</td>
</tr>
<tr>
<td>76' and greater</td>
<td>18 inches in height and 1 1/2 inches in width</td>
</tr>
</tbody>
</table>

Note: On multi-story buildings the size of the letter/numeral will be increased in proportion to the building height and distance from the street.

(Ord. No. 94-62, 3-27-95, Ord. 2012-032/3.27.2012)
Sec. 22-59. Enforcement.

(a) No building permit shall be issued until an official street address number has been assigned for the building lot or unit.

(b) No certificate of occupancy shall be issued until the official street address number or numbers are properly displayed.

(c) Owners or occupants of buildings that do not comply with the provisions of this section will be notified in accordance with section 22-47 of this article.  
(Ord. No. 94-62, 3-27-95)

Sec. 22-60. Severability.

If all or part of this article or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given separate effect and to this end the provisions of this article are declared to be severable.  
(Ord. No. 94-62, 3-27-95)

Sec. 22-61. Inspection Schedule.

(a) Fire inspections are billed accordingly with the Town’s Budget User Fee Schedule.  Non-profit organizations that are 501 (c) (3) per IRS standards are exempt from the initial fire inspection fees.  This exemption does not apply to reinspection fees or permit fees.  
(Ord. 2012-032/10.27.2012)

(b) The Fire Inspection Schedule is as follows:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Once every year</td>
<td>Hazardous, Institutional, High-Rise, Assembly, Educational, and Residential, except one-and two-family dwellings and only interior common areas of dwelling units of multi-family occupancies</td>
</tr>
<tr>
<td>Once every two years</td>
<td>Industrial and Business, Mercantile, Storage, and miscellaneous Group U occuoccupancies</td>
</tr>
</tbody>
</table>

(Ord. No 2008-076, 6-24-08, Ord. 2009-078, 10-27-09)

(b) After Hours Fire Prevention Inspections
(1) The Fire Department offers fire inspections after normal business hours. The program is a voluntary fire inspection service designed to provide contractors with code certified fire inspectors after normal office business hours from 8:00 am to 5:00 pm. After-Hours Inspections are dependent upon the availability of inspectors. The Fire Prevention & Inspection Department reserves the right to deny requests as appropriate and/or necessary.

(2) Projects eligible for after-hours inspections:
   a. New Construction
   b. Alterations
   c. Up-fits
   d. Change of use, in which fire alarm or sprinkler inspection is required.

(3) A two (2) day notice is required (not including holidays and/or weekends) to schedule an After-Hours Inspection. However, the Fire Marshal or the Director of Inspections has the discretion to waive this requirement when they deem necessary.

(4) Exceptions to the After-Hour Inspection process:
   a. The After-Hour Inspections program is for non-emergency inspections only.
   b. Client must have a valid permit prior to scheduling an After-Hours Inspection and Client must pay After-Hours Inspection fees prior to date of inspection.

Sec. 22-62. Fire Hydrant and Fire Lane Regulations.

(a) Parking prohibited near fire hydrants and in fire lanes.

(1) It shall be unlawful for any person to stop, stand or park any vehicle or equipment within 25 feet in either direction of a fire hydrant and ten feet in front of or behind the hydrant between street right-of-way unless a greater or lesser distance is designated by action of the Town Council and appropriate signs or markings are displayed.

(2) Fire lanes shall be marked with painting/outlining or signage or a combination thereof as outlined below. Requirements for fire lanes to be marked utilizing both paint and signs in conjunction shall be determined by the Fire Chief or his designee. Said specifications shall include, but are
not limited to, to the following:

a. Signs shall measure 12 inch by 18 inch and have red letters on a white reflective background.

b. Signs must be metal construction only. Plastic or wooden signs are not acceptable.

c. Signs shall be mounted at a minimum height of four feet to the maximum of seven feet.

d. Signs shall be placed along the fire lane at intervals not to exceed 50 feet and as designated by the Fire Code Official.

e. Signs shall be placed on both sides of the lane when striping is required on both sides of the lane by the North Carolina Fire Code.

f. Outlining or painting the fire lane & hydrant zone on the roadway surfaces shall be done as follows:

1. Curb top and side shall be painted red and the words, “NO PARKING FIRE LANE” shall be stenciled in reflective white on the top and side of all red curbs at a maximum interval of 50 feet. Letters shall be a minimum of three inches (3”) in height with a minimum ¾ inch stroke.

2. Alternatively, if the roadway has no curbing, a 6 inch wide red stripe with the words “NO PARKING FIRE LANE” in white may be painted along the curb and parallel with the roadway. The lettering shall be a minimum 3 inches high with a ¾ inch stroke.

g. Existing fire lanes shall continue in effect as installed until such time as they are in need of re-stripping due to wear or re-paving. Responsibility for properly maintaining the fire lanes and signs shall be that of the owner of the property or owner’s designee,

(Ord. 2012-032/3.27.2012)

(b) Access to fire hydrants. It shall be unlawful for any person(s) or contractor(s)
performing construction work to block or otherwise prevent access to a fire hydrant for any reason. The general contractor shall be responsible for keeping fire hydrants fully accessible and operational during construction work.

(c) *Landscape clearance.* A minimum six-foot clearance around all fire hydrants must be maintained free of any plant material, except grass used for lawn purposes. In addition, landscaping material is not permitted to block access or impair the use of any fire hydrant.

(d) *Unauthorized use of fire hydrants.* It shall be unlawful for any person to use or tamper with any fire hydrant within the Town or to release water from any public fire hydrant, except duly authorized Town employees in the discharge of their duties, unless approval is first obtained from the fire chief.

(Ord. No. 94-62, 3-27-95)
Sec. 22-63. Private Fire Hydrant Policy.

(a) Private Fire Hydrants. The following ordinance is promulgated in order to regulate the inspection, testing, maintenance, correction, and repair of all privately owned fire hydrants, fire hydrants located on private property in the Town of Morrisville and those fire hydrants located in the rights of way of a public streets, roads, or highways of the Town of Morrisville and that the Town of Morrisville and the Town Cary do not own.

(b) Purpose. Provide standards and requirements for the inspection, testing, maintenance, correction, and repair of all privately owned fire hydrants.

(1) Any hydrant located on private property and deemed by the Town of Cary to be non-public shall be considered a "Private Hydrant". The owner, operator, or occupant of any building shall be responsible for compliance with these regulations. For condominiums, the condominium association shall be responsible for compliance with these regulations. Where the phrase "property owner" is used throughout these regulations, it is intended to include any person(s) identified in this section. Fire hydrants, both public, and private are considered to be part of a fixed fire extinguishing system. Therefore, no person shall tamper with, render inoperative or inaccessible, or operate a fire hydrant except as necessary during emergencies, maintenance, drills or prescribed testing.

(2) Ensure that every private fire hydrant to which the Fire Department of the Town of Morrisville or other municipal fire department connects in the event of a fire or other emergency will function as designed to produce the water necessary to respond appropriately to the fire or other emergency.

(3) It is in the public health, safety and welfare to enforce annual inspection of all privately owned fire hydrants in the Town of Morrisville fire district. Protect the public health, safety and general welfare of the Town of Morrisville.

(c) Definitions.

Emergency Impairment: A condition where a private fire hydrant is out of service due to an unexpected occurrence, such as frozen or ruptured hydrant components or an interruption of the water supply to the system.

Fire Department: The Fire Department of the Town of Morrisville.

Hydrant: A private fire hydrant as defined below.

Impaired Hydrant: A private fire hydrant which is not operational due to an emergency impairment or a preplanned impairment.
Impairment: A shutdown of a private fire hydrant which renders the hydrant non-operational and therefore out of service.

Impairment Tag: A tag affixed to a private fire hydrant to indicate that the hydrant is out of service. The Fire Department may determine the requirements of an impairment tag and the means and location of its attachment to a hydrant.

Inspection: A visual examination of a private fire hydrant to verify that it appears to be in operating condition and is free from physical damage.

Maintenance: Work performed to keep a private fire hydrant operable or to make repairs.


Owner: The person that holds record title to the property upon which a private fire hydrant is located. For fire hydrants located in the right of way of a public street, roads, and highway in the Town of Morrisville that are not owned by the Town of Morrisville, the owner is the person that owns the fire hydrant itself.

Owner’s Designee: Where the owner is not the occupant of the premises upon which a private fire hydrant is located, the occupant, management firm, or managing individual designated by the owner through specific provisions in the lease, written use agreement, or management contract owner to assume the responsibility to inspect, test, and maintain, correct and repair a private fire hydrant located on the owner's property.

Person: Any institution, public or private corporations, individual, partnership, fire district, or other entity.

Pre-planned Impairment: A condition where a private fire hydrant is out of service due to work that has been planned in advance.

Private Fire Hydrant: A valued connection to a water main for the purpose of supplying water to a fire hose or other fire protection apparatus and that is not located within the right of way of a public street, road and highway of the Town of Morrisville. A private fire hydrant also includes any fire hydrant located in a right of way of a public street, road and highway in the Town of Morrisville that is owned by a fire district or any person other than the Town of Morrisville.
Qualified: Having knowledge of the installation, construction, operation, maintenance, correction or repair of a fire hydrant and the hazards involved.

Record: Written documentation of the inspection, testing, maintenance, correction, or repair of a private fire hydrant.

Shall: Indicates a mandatory requirement.

Testing: A procedure of periodic physical and operational checks used to determine whether a private fire hydrant is capable of being operated as intended and will perform as intended, e.g. water-flow tests. These tests follow up on the original tests at intervals specified in this Ordinance.

(d) General Requirements

(1) Responsibility for properly maintaining a private fire hydrant shall be that of the owner of the property or the owner's designee.

(2) Where the owner of a private fire hydrant has designated an occupant, management firm, or managing individual, through specific provisions in the lease, written use agreement, or management contract, to be responsible for the inspection, testing and designee shall comply with the requirements of this Ordinance and shall be subject to enforcement of this Ordinance in the event of a failure to so comply.

(3) By means of periodic inspections, tests, maintenance, correction, and repair, every private fire hydrant shall be maintained in proper working condition, consistent with this Ordinance, the NFPA Standard, and the manufacturer's specifications or recommendations.

(4) Inspection, testing, maintenance, correction and repair shall be implemented with the procedures meeting or exceeding those established in this Ordinance and the NFPA Standard, and shall be in accordance with the manufacturer's specifications or recommendations. This Ordinance shall control in the event of a conflict among any of the aforementioned applicable standards. Inspection, testing, maintenance, correction, and repair shall be performed by a qualified contractor, utilities contractor, fire protection contractor, plumbing contractor all licensed in the State of North Carolina.

(5) The owner or owner's designee shall notify the Fire Department of the Town of Morrisville and the Town of Cary before testing or shutting down a private fire hydrant or its water supply.
(6) This notification shall include the purpose for the shutdown, the private fire hydrant involved, and the estimated time that the hydrant will be impaired.

(7) The owner or owner's designee shall notify the Fire Department when the private fire hydrant is returned to service.

(8) The owner or owner's designee shall promptly correct or repair any deficiencies, damaged parts, or impairments found while performing the inspection, testing, and maintenance requirements of this Ordinance.

(9) The owner or owner's designee shall promptly correct or repair any deficiencies, damaged parts, or impairments of any private fire hydrant of which the owner or owner's designee has knowledge or, in the exercise of reasonable care, ought to have knowledge.

(e) Inspection, Testing, Maintenance, Correction and Repair

(1) This section shall provide the minimum requirements for the routine inspection, testing, maintenance, correction, and repair of private fire hydrants. These functions shall be permitted to be carried out simultaneously.

(2) On or before October 1 of each year, the owner or the owner's designee shall inspect, test, maintain, and if necessary, correct, and repair each private fire hydrant to ensure proper functioning, with the necessary repair. Shall complete an annually a Fire Hydrant Inspection Report, the approved version of which is attached hereto. Once completed, a copy of this form shall be forwarded to the Town of Morrisville Fire Marshal’s Office within thirty (30) days upon completion of the inspection.

(f) Identification and notification of impaired hydrant.

(1) The owner or owner's designee shall notify the Fire Department in advance of a preplanned impairment of a private fire hydrant.

(2) The owner or the owner's designee shall notify the Fire Department immediately of an emergency impairment of a private fire hydrant.

(3) The owner or owner's designee shall affix an impairment tag to an impaired hydrant at the commencement of a preplanned impairment and at the time of discovery of an emergency impairment.

(4) Once the necessary inspection and testing confirm that repairs have restored a private fire hydrant to operational status, the owner or the owner's designee shall remove the impairment tag and shall notify the Fire Department that the hydrant is operational.

(g) Records.
(1) Records shall indicate the procedure performed concerning the inspection, testing, maintenance, correction, and repair of a private hydrant. Such records shall include the organization that performed the work, the results, and the date, as well as such other pertinent information as the Fire Department shall require as noted in the attached Fire Hydrant Inspection Report. Once completed, a copy of this form shall be forwarded to the Town of Morrisville Fire Marshal’s Office within thirty (30) days upon completion of the inspection.

(h) Enforcement, violations and penalties.

(1) A civil penalty may be imposed for a violation of this Ordinance as called for in the Budget User Fee Schedule. Each week that the violation continues shall constitute a separate violation of this Ordinance.

(2) Prior to any non-emergency use (maintenance, drills, or prescribed testing); written authorization from the Utilities Manager is required before the operation of any hydrant. Emergency use requires immediate notification of the Fire Department. Unauthorized operation of any fire hydrant is a violation of the Town of Morrisville and the Town of Cary and subject to fines as listed in the Town of Cary Ordinance.

Sec.22-64. Hydrant water flow estimates.

(a) Purpose and scope.

(1) To perform a fire flow test on fire hydrants when required for hydraulic calculations of sprinkler systems and water flow requirements for projects.

(2) If recent (less than one year old) fire flow test information is available in the Town’s files in the vicinity of the desired test location, the information will be provided to the applicant at no charge.

(3) If it is determined that a new fire flow test is needed, a written request and an appropriate fee must accompany the fire flow test request from the applicant prior to the commencement of the test.

(4) The Town Fire Department will schedule flow tests after Applicant has submitted a Fire Flow Request form. Flow tests are performed by Fire District personnel, or by a qualified representative of Applicant acceptable to both the Town and Fire Department. To ensure that the system is not operated in a manner that will endanger the water system or its customers, a Morrisville Town or Fire Department employee must be present to operate the hydrants and supervise the procedure. A minimum hourly fee according to the Budget User Fee Schedule will be charged by Town to witness and supervise the flow test.
Information provided is an indication of the water supply characteristics in the immediate area on the date and time noted. The Town and Fire Department does not guarantee that this data will be representative of the water supply characteristics at any time in the future.

SECS. 22-65--22-75. RESERVED.

ARTICLE III.

OPEN BURNING

SEC. 22-76. PURPOSE AND SCOPE.

(a) Purpose. The purpose of this article is to control air pollution resulting from the open burning of combustible materials and to establish open burning regulations within the Town of Morrisville's jurisdiction.

(b) Scope. This article applies to all operations involving open burning. The authority to conduct open burning under this article does not exempt or excuse any person from the consequences, damages or injuries which may result from this conduct. It does not excuse or exempt any person from complying with all applicable laws, ordinances, rules or orders of any other governmental entity having jurisdiction even though the open burning is conducted in compliance with this article.

(Ord. No. 98-5, 2-9-98)

SEC. 22-77. DEFINITIONS.

Dangerous materials means explosives or containers used in the holding or transporting of explosives.

Nuisance means causing physical irritation exacerbating a documented medical condition, visibility impairment, or evidence of soot or ash on property or structure other than the property on which the burning is done.

Open burning means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a stack, chimney, or a permitted air pollution control device.

Person as used in section 22-76:

(1) The person in operational control over the open burning, or

(2) The landowner or person in possession or control of the land when he has directly or indirectly allowed the open burning or has benefited from it.
**Synthetic material** means man-made material, including tires, asphalt materials such as shingles or asphaltic roofing materials, construction materials, packaging for construction materials, wire, electrical insulation, and treated or coated wood.  
(Ord. No. 98-5, 2-9-98)

**Sec. 22-78. Permissible open burning with a permit.**

The following types of open burning are permissible with a permit:

1. Small outdoor warming fires used on construction sites or other areas are permissible, subject to the following conditions:
   a. A permit issued by the fire department shall be obtained prior to operating any type of warming fire.
   b. Warming fires shall be initiated and contained in approved containers at all times.
   c. Warming fires shall be attended by a responsible individual at all times and approved containers shall be appropriately ventilated in at least three places.
   d. Warming fires in approved containers shall be located not less than 15 feet from any structure.
   e. An appropriate means of controlling the fire (i.e. extinguishers) shall be available while the fire is burning.
   f. Only untreated lumber shall be burned in warming fires. Burning construction materials like insulation, asphaltic materials, or treated lumber is prohibited. Warming fires shall not be used to dispose of paper, trash, excess construction materials or other synthetic salvageable materials.

2. Fires purposely set to forest lands for forest management practices acceptable to the division of forest resources.

3. Fires purposely set to agricultural lands for disease and pest control and fires set for other agricultural or apicultural practices acceptable to the department of agriculture.

4. Fires purposely set for wildlife management practices acceptable to the wildlife management commission.

5. Fires for the disposal of dangerous materials when it is the safest and most practical method of disposal.
(6) Fires for the disposal of material generated as a result of a natural disaster, such as tornado, hurricane, or flood if the state department of environmental health and natural resources regional office supervisor grants permission for the burning. The person desiring to do the burning shall document to the DEHNR regional office supervisor of the appropriate regional office that there is no other practical method of disposal of the waste. Factors that the regional office supervisor shall consider in granting permission for the burning include type, amount, and nature of combustible substances. The regional office supervisor shall not grant permission for the burning if the primary purpose of the fire is to dispose of synthetic materials or refuse or recovery of salvageable materials.

(7) Fires purposely set by manufacturers of fire extinguishing materials or equipment, testing laboratories, or other persons, for the purpose of testing or developing these materials or equipment in accordance with a valid standard qualification program.

(Ord. No. 98-5, 2-9-98)

Sec. 22-79. Permissible open burning without a permit.

The following types of open burning are permissible without a permit:

(1) Camp fires and fires used solely for outdoor cooking and other recreational purposes, or for ceremonial occasions.

(2) Fires purposely set for the instruction and training of firefighting personnel, including fires at permanent firefighting training facilities, or when conducted under the supervision of or with the cooperation of one or more of the following agencies:
   a. The division of forest resources.
   b. The North Carolina Department of Insurance.
   c. North Carolina community colleges, including:
      1. The North Carolina Fire College, or
      2. The North Carolina Rescue College.

(3) Fires not described in subparagraph (2) of this section, purposely set for the instruction and training of firefighting personnel, provided that:
   a. The regional office supervisor of the appropriate regional office and the AHMB have been notified according to the procedures and deadlines contained in the appropriate regional notification form. This form may be
obtained by writing the appropriate regional office.

b. The regional office supervisor has granted permission for the burning. Factors that the regional office supervisor shall consider in granting permission for the burning include type, amount, and nature of combustible substances. The regional office supervisor shall not grant permission for the burning of salvageable items, such as insulated wire and electric motors or if the primary purpose of the fire is to dispose of synthetic materials or refuse. The regional office supervisor of the appropriate regional office shall not consider previously demolished structures as having training value. However, the regional office supervisor of the appropriate regional office may allow an exercise involving the burning of motor vehicles burned over a period of time by a training unit or by several related training units. Any deviations from the dates and times of exercises, including additions, postponements, and deletions, submitted in the schedule in the approved plan shall be communicated verbally to the regional office supervisor of the appropriate regional office at least one hour before the burn is scheduled.

(Ord. No. 98-5, 2-9-98)
ARTICLE IV.

PIT-BURNING

Sec. 22-80. Purpose and scope.

(a) **Purpose.** The purpose of this article is to control air pollution resulting from the pit-burning of combustible materials and to establish pit-burning regulations within the Town's jurisdiction.

(b) **Scope.** This article applies to all operations involving pit-burning. The authority to conduct pit-burning under this article does not exempt or excuse any person from the consequences, damages or injuries which may result from this conduct. It does not excuse or exempt any person from complying with all applicable laws, ordinances, rules or orders of any other governmental entity having jurisdiction even though the pit-burning is conducted in compliance with this article.

(Ord. No. 01-53, 9-10-01)

Sec. 22-81. Definitions.

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

*Land clearing* means the uprooting or clearing of vegetation in connection with construction for buildings; right-of-way; agricultural, residential, commercial, or industrial development; mining activities; or the initial clearing of vegetation to enhance property value; but does not include routine maintenance or property clean-up activities.

*Nuisance* means causing physical irritation exacerbating a documented medical condition, visibility impairment, or evidence of soot or ash on property or structure other than the property on which the burning is done.

*Pit-burning* means using a portable combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

*Public road* means any road that is part of the state highway system; or any road, street, or right-of-way dedicated or maintained for public use by the Town.

*Structure* means a building in which people may live or work or one intended for housing farm or other domestic animals.

(Ord. No. 01-53, 9-10-01)
Sec. 22-82. Permissible pit-burning with a permit.

The burning of waste materials, trees, brush and other vegetable matter in connection with land clearing activities is permissible with the following limitations and requirements:

1. Pits must be located a minimum of 1,000 feet from any structure, and a minimum of 250 feet from any public road.

2. The pits dug for burns shall be a minimum size of seven feet deep, nine feet wide, and 35 feet in length.

3. The fire department will be responsible for issuing a pit-burning permit. A pit-burning permit application must be submitted and permit fee paid prior to the issuing of the permit.

4. The location of the pit must be approved by the fire department prior to the fire department issuing a permit. The pit must be located outside building pad areas, and pits must be cleaned out and backfilled with compacted select backfill at the completion of burning operations.

5. Prevailing winds at the time of burning must not exceed ten miles per hour. Prevailing winds at the time of burning shall be away from any area, including public road within 300 feet of the burning as measured from the edge of the pavement or other roadway surface, which may be significantly affected by smoke, ash, or other air pollutants from the burning.

6. Only collected land clearing may be burned (no construction or yard waste materials). Heavy oils, asphaltic materials, items containing natural or synthetic rubber, tires, grass clippings, collected leaves, paper products, plastics, general trash, garbage, or any materials containing painted or treated wood materials shall not be burned. Leaves still on trees or brush may be burned.

7. Burning is only allowed Monday through Friday, and burning shall be conducted only between the hours of 8:00 a.m. and 6:00 p.m.

8. The pit must be monitored 24 hours a day or covered at the end of the day with a minimum of 12 inches of soil such that the fire is extinguished and no smoke leaves the pit.

9. The permittee must check with state forestry services to ensure there are no burning bans or additional burning restrictions in effect prior to burning.

10. Burning is not allowed on "Code Red" ozone days.

11. A path for four-wheel emergency vehicles shall be provided.
(13) The pit-burning permit may be revoked by Town staff (town manager, fire chief, town engineer, or their designees) if the pit-burning is determined to be a nuisance.

(14) Burning must comply with applicable state air quality standards.

(15) Pit-burning portable combustion devices shall meet manufacturers’ specifications for operation and upkeep to ensure complete burning of material charged into the pit. Manufacturers specifications shall be kept on site and be available for inspection by staff.

(16) The owner or operator of the pit-burning operation shall not allow ash to build up in the pit to a depth higher than one-third of the depth of the pit or to the point where the ash begins to impede combustion, whichever occurs first.

(17) The owner or operator of the pit-burning operation shall not load material into the pit such that it will protrude above portable combustion device or the top of the pit, whichever is lower.

(18) Only distillate oil, kerosene, diesel fuel, natural gas, or liquefied petroleum gas may be used to start the fire.

(Ord. No. 01-53, 9-10-01)
Article V.

Commercial Business Emergency Systems Amplification Requirements.

Sec. 22-83. Purpose and scope.

(a) **Purpose.** The purpose of this article is to provide minimum standards to insure a reasonable degree of reliability for emergency services communications from within certain buildings and structures within the Town to and from emergency communications centers. It is the responsibility of the emergency service provider to get the signal to and from the building site.

(b) **Scope.** This article applies to all new buildings greater than fifty thousand (50,000) square feet; existing buildings over fifty thousand (50,000) square feet when modifications, alterations or repairs exceed fifty percent (50%) of the value of the existing building(s) and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more enlarged by more (50%); and all sublevels, regardless of the occupancy, over ten thousand (10,000) square feet.

(Ord. 2009-078, 10-27-09)

Sec. 22-85. Radio Coverage.

(a) Except as otherwise provided in this article, no person shall erect, construct or modify any building or structure or any part thereof or cause the same to be done, which fails to support adequate radio coverage for firefighters and police officers.

(b) The Town’s fire department with consideration of the appropriate police, fire and emergency medical department services shall determine the frequency range or ranges that must be supported.

(c) For the purposes of this section, adequate radio coverage shall constitute a successful communications test between the equipment in the building and the communications center for all appropriate emergency service providers for the building.

(d) The BDA system should be capable of operation on an independent battery and/or generator system for a period of at least twenty-four (24) hours without external power input or maintenance. The battery system should automatically charge in the presence of external power input.

(e) The location of the BDA equipment must be in an area that has twenty-four (24) hour, seven (7) day a week access for the emergency service personnel, and in an area that is free of hazardous materials such as fuels asbestos, etc.
All BDA equipment, cable and antenna systems should be grounded with a single point ground system of five (5) ohms or less. The ground system must include an internal tie point within three (3) feet of the amplification equipment. System transient suppression for the telephone circuits, ac power, radio frequency (RF) cabling and grounding protection are required as needed.

A minimum average in-building field strength of 3.9uV (-95 dBm) throughout 95% of the area of each floor of the building for inbound and outbound signals transmitted from or to the appropriate emergency service radio systems providing coverage for public safety services (law enforcement, fire, and medical) to the building. (95% coverage or reliability means the radio will receive and transmit 100% of the time within 95% of the building's area) If the field strength OUTSIDE the building, where the receive antenna system for the in-building system is located, is less than the -95 dBm, then the minimum required in-building field strength shall equal the field strength being delivered to the receive antenna of the building.

The Noise floor must be determined and the in-bound signal must be 15 dBm above the noise floor determined level, meeting the requirements of current version of TSB-88A standards.

The BDA System must be rebanding capable and/or compliant.

This BDA System should also accommodate the 24 MHz of public safety spectrum, being redesigned for broadband use to allow for nationwide interoperable broadband communications by public safety users (763-775 MHz, 793-805 MHz). The install should include all appropriate bi-directional Amplifier/repeaters, cable hangers, coax cable extensions (measured to distance and cut to size), RF splitters, proper antenna placement, proper antenna type, RF connectors, lightning protection, and grounding equipment. Installation should be as clean and professional as possible to minimize visual impact at each location. The vendor is required to furnish (2) complete bound system manuals upon completion of the system installation along with one electronic copy. This manual should include the following; a complete instructions manual for all equipment in the system be provided, Instructions for the determination of trouble reporting, including all trouble report telephone numbers and personnel contact information be provided with the system. A complete schematics and parts list for all equipment in the system.

Sec. 22-86. Enhanced amplifications systems.

Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required adequate radio coverage; radiating cable system(s), internal multiple antenna system(s) with an acceptable frequency range and an

Supp. No. 7.1
amplification system(s) as needed, voting receiver system(s) as needed, or any other City / Town’s approved system(s).

(b) If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery or generator system for a period of at least twenty-four (24) hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power.

(c) Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling and humidity requirements of the equipment that will be utilized to meet the requirements of this code. The area where the amplification equipment is located almost must be free of hazardous materials such as fuels, asbestos, etc.

(d) All communications equipment, including amplification systems, cable and antenna systems shall be grounded with a single point ground system of five (5) ohms or less. The ground system must include an internal tie point within three (3) feet of the amplification equipment. System transient suppression for the telephone circuits, ac power, radio frequency (RF) cabling and grounding protection are required as needed.

(e) A blueprint showing the location of the amplification equipment and associated antenna systems which includes a view showing building access to the equipment; and schematic drawings of the electrical, backup power, antenna system and any other associated equipment relative to the amplification equipment including panel locations and labeling shall be provided to the Fire Department by builder.

(Ord. 2009-078, 10-27-09)

Sec. 22-87. Testing procedures –Method to Conducts Tests.

(a) Tests shall be made using frequencies close to the frequencies used by the Police and appropriate emergency services. If testing is done on the actual frequencies, then this testing must be coordinated within the City's Fire Department. All testing must be done on frequencies authorized by the FCC. A valid FCC license will be required if testing is done on frequencies different from the Police, Fire or emergency medical frequencies.

(b) Measurements Shall be Made Using the Following Guidelines With a service monitor using a unity gain antenna on a small ground plane measurements shall be made with the antenna held in a vertical position at three (3) to four feet above the floor; A calibrated service monitor (with a factory calibration dated within twenty-four (24) months may be used to do the test); The telecommunications unit representative for the City / Town may also make simultaneous measurements to verify that the equipment is making accurate measurements. A variance of 3 dB between the instruments will be allowed; and if measurements in one location are varying, then average measurements must be used. All testing shall be done in
the presence of a Fire Department representative at no expense to the Town or City appropriate emergency services department. Signal strength, both inbound and outbound as defined above, shall be measured on each and every floor above and below ground including stairwells, basements, penthouse facilities and parking areas of the structure. The structure shall be divided into fifty (50) foot grids and the measurements shall be taken at the center of each grid.

(Ord. 2009-078, 10-27-09)

Sec. 22-88. Annual Tests.

(a) Annual tests will be conducted by the Town’s telecommunications unit or appropriate emergency services department. If communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria. The re-testing will be done at no expense to the City or the appropriate emergency services departments as required in the original testing procedures.

(b) Police and Fire personnel, after providing reasonable notice to the owner or his/her representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present. Certificates of Occupancy may be denied for new and existing buildings for failure to comply with these requirements.

(Ord. 2009-078, 10-27-09)
Chapter 22

FIRE PREVENTION AND PROTECTION*

* Cross References: Buildings and building regulations, ch. 10; civil emergencies, ch. 14; firefighters authorized to direct traffic at fires, § 58-4.


Article I. In General

Secs. 22-1--22-35. Reserved.

Article II. Fire Prevention Code

Sec. 22-36. Jurisdiction.
Sec. 22-37. Purpose.
Sec. 22-38. Relationship to other laws and standards.
Sec. 22-40. Duties of fire chief.
Sec. 22-41. Authority to enter premises.
Sec. 22-42. Inspection of buildings and premises.
Sec. 22-43. Permits.
Sec. 22-44. Site plan approval.
Sec. 22-45. New construction approval.
Sec. 22-46. Immediately dangerous or hazardous conditions.
Sec. 22-47. Notice of violation; order to correct.
Sec. 22-48. Enforcement.
Sec. 22-49. Appeals.
Sec. 22-50. Installation of aboveground tanks.
Sec. 22-51. Inspection of knox box rapid entry system.
Sec. 22-52. Alarm communication system.
Sec. 22-53. Installation of hazardous material data storage box.
Sec. 22-54. Contents, types and locations of data storage box.
Sec. 22-55. Street addresses.
Sec. 22-56. Definitions.
Sec. 22-57. Administration and application.
Sec. 22-58. Display of street address numbers.
Sec. 22-59. Enforcement.
Sec. 22-60. Severability.
Sec. 22-61. Inspection schedule.
Sec. 22-62. Fire hydrant and fire lane regulations.
Sec. 22-63. Private Fire Hydrant policy.
Sec. 22-64. Hydrant water flow estimates.
Secs. 22-65--75. Reserved.

Article III. Open Burning

Sec. 22-76. Purpose and scope.
Sec. 22-77. Definitions.
Sec. 22-78. Permissible open burning with a permit.
Sec. 22-79. Permissible open burning without a permit.

Article IV. Pit-Burning

Sec. 22-80. Purpose and scope.
Sec. 22-81. Definitions.
Sec. 22-82. Permissible pit-burning with a permit.

Article V. Commercial Business Emergency Systems Amplification Requirements

CD22:1

Supp. No. 7.1
Sec. 22-83. Purpose and scope.
Sec. 22-85. Radio Coverage.
Sec. 22-86. Enhanced Amplification Systems.
Sec. 22-87. Testing Procedures Methods to Conduct Tests.
Sec. 22-88. Annual Tests.
ARTICLE I.

IN GENERAL

Secs. 22-1--22-35. Reserved.

ARTICLE II.

FIRE PREVENTION CODE

Sec. 22-36. Jurisdiction.

This article is effective in all areas of the municipality and the municipal extraterritorial jurisdiction.
(Ord. No. 92-54, § 2, 9-1-92; Ord. No. 94-62, 3-27-95)

Sec. 22-37. Purpose.

It is the purpose of this article to prescribe regulations consistent with the most current edition of the state Building Code, Fire Prevention (North Carolina Fire Prevention Code) and the appendices A-H of the International Fire Code and nationally recognized good practices for the safeguarding of life and property from hazards of fire and explosions arising from the storage, handling, and use of flammable, combustible and hazardous substances, materials and devices and from conditions hazardous to life and property in the use or occupancy of buildings or premises.
(Ord. No. 92-54, § 3, 9-1-92; Ord. No. 94-62, 3-27-95; Ord. No. 03-23a of 03-10-2003; Ord. 2013-096, 10-22-13)

Sec. 22-38. Relationship to other laws and standards.

The provisions of the state Fire Prevention Code, as amended periodically, are incorporated by reference in this article. If any provision of this article is in material conflict with a provision of the state Fire Prevention Code, then the state code provision shall take precedence over the conflicting provision of this article.
(Ord. No. 92-54, § 4, 9-1-92; Ord. No. 94-62, 3-27-95)

* State Law References: Adoption of technical codes by reference, G.S. 160A-76.


(a) The provisions of this article shall apply to new and existing conditions, and to the repair, use, occupancy and maintenance of existing buildings or structures specified in the state Fire Prevention Code, and to other conditions hazardous to life or property in the opinion of the fire chief or his designee.
Sec. 22-40. Duties of fire chief.

The duties of the fire chief shall include but are not limited to:

(1) Keeping the town manager and the Town Council informed of the progress and development of the fire department.

(2) Keeping the town manager and the Town Council informed of any matters pertaining to the present condition and future expansion of the fire department.

(3) Serving as the town manager's and Town Council advisor concerning requirements of the state fire insurance rating bureau.

(4) Conducting fire prevention inspections and electrical inspections of public schools required by G.S. 115C-1 et seq., and fire prevention inspections of licensed day care facilities, licensed foster care homes and licensed rest home facilities as required by state law.

(5) Conducting periodic fire inspections of buildings, structures and premises within the Town's corporate limits and within the Town's extraterritorial jurisdiction, as set forth in section 22-42.

(6) Conducting investigations (jointly with other fire and law enforcement officials) of fires of a suspicious nature so as to determine their point of origin and cause.

(7) Assisting school authorities in developing and managing fire prevention programs for each public school.

(8) Maintaining an adequate staff of fire inspectors certified by the state code officials’ qualification board to properly execute all provisions of this article.

Sec. 22-41. Authority to enter premises.

(a) The fire chief or his designee may, at all reasonable hours, enter any building or premises for the purpose of conducting any inspection or investigation which, under provisions of this article, he deems necessary to be made.
Sec. 22-42. Inspection of buildings and premises.

(a) It shall be the duty of the fire chief to inspect, or cause to be inspected, according to the attached schedule, all buildings and premises except the interiors of one- and two-family dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or to endanger life from fire, and enforcing the state Fire Prevention Code, or any violations of the provisions or intent of this article creating a fire hazard. The fire chief or his designee shall charge inspection fees for inspections of buildings according to the approved Budget User Fee Schedule, except when such buildings are occupied by an organization that is tax-exempt under Section 501 (c)(3) of the IRS code or churches or owned or occupied by state or local government, and for all reinspections made to ascertain compliance with a notice of violation and order of correction issued under section 22-47.


(b) Installation or modification to a fire suppression, detection and/or notification system without plan review and approval by the fire code official shall result in a penalty fee as outlined in the Budget User Fee Schedule. Required inspections for the suppression, detection and or notification system will not be conducted until the fee is paid.

* State Law References: Inspection of premises, G.S. 58-79-1 et seq.

Sec. 22-43. Permits.

Chapter 14 of the Fire Prevention Code, Permits and Certificates, is hereby adopted by reference. Every business or user of a building or structure required to obtain a mandatory permit under the state Fire Prevention Code must obtain such permit no later than 30 days after notification by the fire chief or his designee. The fire chief or his designee shall issue all applicable Fire Prevention Code permits to businesses which require such permits under the state Fire Prevention Code. Permits will be valid for 12 or 24 months from the date of issuance and is determined by the inspection frequency of the facility as required per Section 22-61. Permit fees will be in accordance with the Budget User Fee Schedule.


Sec. 22-44. Site plan approval.

The fire chief or his designee shall review construction or development site plans to ensure compliance with Chapter 5 and Appendix A - Hof the state Fire Prevention Code before final site plan approval is granted.
Sec. 22-45. New construction approval.

(a) The fire chief or his designee shall review and approve all commercial and multifamily residential building plans to ensure compliance with the state Fire Prevention Code before final approval is granted.

(b) The fire chief or his designee shall conduct inspections of buildings under construction to ensure compliance with the provisions of the state Fire Prevention Code before the building inspector issues a certificate of occupancy for the building.

Sec. 22-46. Immediately dangerous or hazardous conditions.

Whenever the fire chief or his designee finds in any building or upon any premises dangerous conditions or materials as described below, he shall order such dangerous conditions or materials removed or remedied in such manner as the fire chief may specify:

1. Dangerous storage or unlawful amounts of combustible, flammable or explosive or otherwise hazardous materials.

2. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, flammable or explosive or otherwise hazardous materials.

3. Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly combustible materials.

4. Accumulations of dust or waste material in air conditioning or ventilation systems, or of grease in kitchen or other exhaust ducts, or inadequate clearances to unprotected combustible materials from hoods, grease extractors and ducts.

5. Obstructions to or in fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors or windows liable to interfere with the operations of the fire department or impede egress of occupants in the case of fire.

6. Overcrowding in violation of occupancy limits established pursuant to the state Building Code and required under the state Fire Prevention Code.
Sec. 22-47. Notice of violation; order to correct.

When the fire chief or his designee determines that a violation of this article exists or that any commercial building or structure required to have a permit under the state Fire Prevention Code does not have a valid permit in effect, he shall issue a notice of violation and order to correct the violation. Such notice and order shall:

(1) State the nature of the violation and the penalty to be imposed.

(2) Direct the violator to pay any unpaid fees and/or civil penalties by mailing the order and a check or money order to the Town, or by personally paying the amount at the Town Hall.

(3) Notify the offender that a failure to pay unpaid fees or penalties within the prescribed time may subject the offender to civil action in the nature of debt for the collection of any unpaid fee or additional penalties and may be collected by penalty plus any additional penalties, together with the cost of the action to be taxed by the court.

(4) Provide and state that any unpaid penalty must either be paid as set forth above, or the failure to pay must be cleared with the fire chief within a specified period of time from the issuance of the violation notice and correction order. The notice and order shall further state that if the violation is not corrected and the order is not cleared within the specified time period, the filing of a civil complaint for the collection of any unpaid penalty may be initiated, together with other legal proceedings, including the filing of criminal charges. As used in this section, an order will be deemed cleared when either full payment has been made, or when arrangements for payment have been made, or when the offender has made a prima facie showing to the fire chief that the notice and order was issued as a result of mistake, inadvertence or inexcusable neglect and when all identified violations of Fire Prevention Codes have been corrected.

Service of notice of violation and order to correct shall be made upon the owner, operator or occupant, or other person having control over the premises where the violation exists. Service shall be made by delivering a copy of the notice and order by hand delivery or by registered or certified mail, return receipt requested, sent to the owner, operator, occupant or tenant at his last known address listed in the county tax assessor's records, or by leaving a copy of the notice and order with an agent or employee of such person. If the owner, operator, occupant or tenant cannot be located on the premises, the fire chief or his designee may effectuate service by affixing a copy of the violation notice and order prominently on the main entrance of the building where the violation exists. Where correcting the violation will require improvement to real property or may result in administrative penalties against the property owner, the property owner must be notified by mailing a copy of the notice and order to the owner's address as listed in the
Sec. 22-48. Enforcement.

(a) Failure to comply with the provisions of this article shall constitute a misdemeanor under G.S. 160A-175 and G.S. 14-4. Additionally, the fire chief or his designee may enforce the provisions of this article in civil court and seek any and all appropriate remedies authorized by G.S. 160A-175, subject to the restrictions of this section. Each day's continuing violation shall constitute a separate and distinct offense.

(b) Compliance with the fire chief's notice of violation and order to correct.

(1) Immediate action orders. The fire chief or his designee may issue immediate correction orders for violations of the state Fire Prevention Code that constitute an imminent hazard to life and property. Any condition listed in section 22-46 shall be deemed an imminent hazard. Failure to correct such violation within 24 hours shall result in imposition of a civil penalty in the amount approved in the Budget User Fee Schedule per day, per violation, until the violation has been completely corrected and the fire chief's correction order to correct shall so state. The order shall also state that if the violation is not corrected within 24 hours, a civil complaint for collection of penalties and any unpaid fees owed under this article may be initiated and that other legal proceedings including criminal prosecution related to the violation may be initiated. Repeated violations shall subject the violator to higher civil penalties set forth in the Budget User Fee Schedule.

(2) Other correction orders. All other correction orders issued under this article for violations that do not constitute imminent hazards shall be corrected within 30 days. Failure to correct such violations within 30 days shall result in imposition of civil penalty in the amount approved in the Budget User Fee Schedule per day per violation as well as a reinspection fee, until all identified violations have been completely corrected, and the correction order shall so state. The correction order shall also state that if the violation is not corrected within 30 days, a civil complaint for the collection of penalties and any unpaid fees owed under this article may be initiated, and that other legal proceedings including criminal prosecution may be initiated.

(Ord. No. 92-54, § 14, 9-1-92; Ord. No. 94-62, 3-27-95, Ord. 2009-078, 10-27-09)

Sec. 22-49. Appeals.

(a) Any person who has been served with a notice of violation and order for correction of violations of the state Fire Prevention Code may appeal the notice and order to the state department of insurance, state building code council within ten days from date of issuance.
(b) Any person who has been served with a notice of violation and order for correction of violations of the provisions of this article which are not violations of the state Fire Prevention Code or which relate to fees or penalties charged under this article may appeal to the town manager, whose decisions shall be final. Appeals must be filed within ten days from the date of issuance of the order.
(Ord. No. 92-54, § 15, 9-1-92; Ord. No. 94-62, 3-27-95)

Sec. 22-50. Installation of aboveground tanks.

(a) For purposes of this section, the term "motor fuel" shall mean a refined or blended petroleum product used for the propulsion of self-propelled motor vehicles, including all products commonly or commercially known or sold as gasoline.

(b) It shall be unlawful for any person, firm or corporation to erect or maintain an aboveground storage tank capable of holding 1,000 gallons or more of motor fuel. It shall also be unlawful for any person, firm or corporation to allow such aboveground storage tank to be erected or maintained on property owned by that person, firm or corporation.

(c) Aboveground storage tanks less than 1,000 gallons shall be thermally protected against a flammable liquid fuel fire for a minimum of two hours.

(d) To the extent that this section conflicts with any provision of the state Fire Prevention Code adopted by the town, this section shall control.
(Ord. No. 91-23, § 1, 6-10-91; Ord. No. 92-54, § 16, 9-1-92; Ord. No. 94-62, 3-27-95)

Sec. 22-51. Installations of knox box rapid entry system.

(a) All new or newly renovated commercial buildings equipped with an automatic fire sprinkler system and/or building fire alarm system shall provide a "knox box" key entry system. All existing commercial buildings with a sprinkler system and/or fire alarm system shall provide a "knox box" by March 31, 2013. This knox box shall be mounted on the exterior entrance of the dedicated riser room. The knox box shall be mounted on the wall at five feet above finished floor on the door handle side of the dedicated sprinkler riser room or fire alarm access door. This knox box shall be ordered through the fire department and shall be in place before a certificate of occupancy is issued. Forms are available from the fire department. Average delivery time is five to six weeks. Keys to access the facility or tenant spaces within the facility shall be provided to the fire department by the owner/manager or tenant.

(b) A dedicated sprinkler riser room is required providing an entry door to the room from the exterior of the building. The exterior door leading to the dedicated sprinkler riser room shall be labeled with minimum three-inch lettering designating "SPRINKLER RISER ROOM" in a contrasting color. Durable vinyl lettering is suggested.
(Ord. No. 94-62, 3-27-95, Ord 2012-032/3.27.2012)
Sec. 22-52. Alarm communication system.

(a) All buildings equipped with automatic sprinkler systems are to have alarm communication equipment that complies with NFPA 72. Equipment must be fully functional and reporting to a U.L. approved central receiving station (NFPA 72) before a certificate of occupancy is issued for the facility.

(b) All new fire alarm systems shall be addressable systems. Only one fire panel per building, a fire wall or other means of separation for this purpose does not constitute two separate spaces requiring individual panels. Combination alarms will not be allowed within the Town Limits. For purpose of this section, combination alarm shall include devices combining burglary and fire alarms, devices combining burglary and hold-up alarms, and devices combining burglary and trouble alarms. There must be a distinct separation in the transmittal of any specific alarm activation.

(c) When a building is protected by an automatic sprinkler system and has a fire alarm system, the fire alarm control panel or a remote annunciator of the fire alarm control panel shall be placed in the sprinkler riser room. This control panel shall have the capacity of silencing and resetting the alarm system. Adjacent to the fire alarm control panel shall be a framed zone map. Sprinkler zone nomenclature shall correspond with the zone map.

(Sec. 22-52) (Ord. No. 94-62, 3-27-95, Ord. 2009-078, 10-27-09, Ord. 2013-096, 10-22-13)

Sec. 22-53. Installation of hazardous material data storage box.

All commercial enterprises, businesses or industries in the Town which use, store or manufacture Extremely Hazardous Substances (EHS’s) that must be reported under state Right-to-Know Laws, G.S. 95-173, et seq., or under Title III of the federal Super Fund Amendments and Reauthorization Act and the regulations promulgated thereunder and the state Building Code, must have an approved on-site hazardous materials data storage box at each facility where hazardous materials may be found.


Sec. 22-54. Contents, types and locations of data storage box.

(a) This data storage box must contain keys providing access to secured portions of the facility. The box shall contain current information to assist fire departments and hazardous materials teams responding to emergencies at the facility, including but not limited to facility maps or plans showing the type and location of hazardous materials, Tier II forms, lists of chemicals with CAS numbers, telephone numbers for facility employees and other persons to be contacted in case of such emergencies.

(b) All information requested on the data storage sheets must be on forms provided by the Town or on a substantially similar format approved by the fire chief and must be placed in the data storage box. Such information must be updated continuously to insure its accuracy.

(Sec. 22-54)
(c) The data storage box shall be of the type designated and approved by the county local emergency planning committee and shall be located at or near the primary entrance to the facility and installed in accordance with directives of the fire chief of the fire department serving the facility.

(Ord. No. 94-62, 3-27-95)

Sec. 22-55. Street addresses.

In accordance with section 505.1 of the state Fire Code, all new and existing buildings shall display a number or address in such a manner as to be plainly visible and legible from the street or roadway. The purpose and intent of this section is to provide a uniform system of street addresses for all properties and buildings throughout the Town in order to facilitate provision of adequate public safety and emergency response service and to minimize difficulty in locating properties and buildings.

(Ord. No. 94-62, 3-27-95)

Sec. 22-56. Definitions.

(a) The following words and phrases when used in this section shall have the following interpretation assigned to them.

1. **Address administrator.** The Town employee designated to assign street address numbers to properties in the Morrisville area.

2. **Building.** A totally enclosed structure having a roof supported by columns or walls. For the purpose of this article, each separate and distinct unit within a single structure shall also be considered a separate building.

3. **Official address number.** The street address assigned by the address administrator which uniquely identifies a particular building or lot. This term is synonymous with "street address number".

4. **Driveway/private street.** An access way owned and maintained by private interests leading to a building, use or structure.

5. **Public street.** A dedicated and accepted public right-of-way for vehicular traffic.

(Ord. No. 94-62, 3-27-95)

Sec. 22-57. Administration and application.

(a) The Town will be responsible for the interpretation and administration of this section including:

1. Assigning all numbers for properties and buildings;
(2) Maintaining address records of each property and building;

(3) Changing existing addresses when necessary to achieve sequential house numbering along a road or regularizing an existing numbering scheme;

(4) Designating individual unit addresses within multifamily housing.

(b) This requirement shall apply within the corporate limits of the Town and with the Town's accepted extra-territorial jurisdiction. (Ord. No. 94-62, 3-27-95)

Sec. 22-58. Display of street address numbers.

(a) Street address numbers shall be clearly displayed so that the location can be identified easily from the street.

(1) The official address number of single-family residential units shall be displayed on the side of the dwelling which is most clearly visible from the street during both day and night.

(2) If the official address number is not visible from the public street or private street that serves as the primary access road to the building on which the address number is located, or if the subject residential building is located more than 50 feet from such access road, the address numbers shall also be displayed at the end of the driveway or easement nearest the road which provides access to the building. Each number or letter shall be at least six inches in height and three-fourths inch in width, and in a contrasting color to the mounting surface.

(3) Numerals identifying the address number of a single-family dwelling displayed on a road side mailbox shall be at least three inches in height and of contrasting color.

(4) Each numeral for buildings containing multiple dwelling units shall be at least eight inches in height and shall be placed on the side of the building facing the road or on the end of the building nearest the road in such a manner as to be readily visible.

a. Individual units of multifamily dwellings shall be identified with a system approved by the Town. The numbers or letters shall be a minimum of three inches in height.

b. All lettering and numerals used for addresses on multifamily units shall be of a contrasting color to the mounting surface.

(5) Building addresses for non-residential buildings may be displayed in one
of two options:

a. Option I: Addresses placed directly on the building. Under this option, the letters or numerals will be placed in the front upper quarter portion of the building or on the side of the building which is most clearly visible from the street or streets accessing the building. In instances where the building is served by two streets, address letters or numerals may be required on sides facing both streets.

b. Option II: Building addresses placed on a sign with individual addresses placed on the door of each leased/owned space. Under this option a sign permit must be obtained from the Town.

c. Numerals or letters for nonresidential buildings shall be installed in accordance with Table 22-58.1 or as designated by the fire official.

d. Numerals or letters shall be displayed in a color that contrasts with the color of the background to which it is affixed.

e. The fire official will have the right to authorize and approve alternate methods of displaying street address numbers that are in keeping with the content of this article when strict adherence to these standards cannot reasonably be met.

TABLE 22-58.1

<table>
<thead>
<tr>
<th>Distance from building to street or to the front of the first row of parking area, whichever is less</th>
<th>Minimum size of letter/numeral</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–50’</td>
<td>6 inches in height and 3/4 inch in width</td>
</tr>
<tr>
<td>51–75’</td>
<td>12 inches in height and 1 inch in width</td>
</tr>
<tr>
<td>76’ and greater</td>
<td>18 inches in height and 1 1/2 inches in width</td>
</tr>
</tbody>
</table>

Note: On multi-story buildings the size of the letter/numeral will be increased in proportion to the building height and distance from the street.

(Ord. No. 94-62, 3-27-95, Ord. 2012-032/3.27.2012)

Sec. 22-59. Enforcement.

(a) No building permit shall be issued until an official street address number has been assigned for the building lot or unit.

(b) No certificate of occupancy shall be issued until the official street address number or numbers are properly displayed.
(c) Owners or occupants of buildings that do not comply with the provisions of this section will be notified in accordance with section 22-47 of this article. 
(Ord. No. 94-62, 3-27-95)

Sec. 22-60. Severability.

If all or part of this article or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given separate effect and to this end the provisions of this article are declared to be severable. 
(Ord. No. 94-62, 3-27-95)

Sec. 22-61. Inspection Schedule.

(a) Fire inspections are billed accordingly with the Town’s Budget User Fee Schedule. Non-profit organizations that are 501 (c) (3) per IRS standards are exempt from the initial fire inspection fees. This exemption does not apply to reinspection fees or permit fees. 
(Ord. 2012-032/10.27.2012)

(b) The Fire Inspection Schedule is as follows:

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Once every year</td>
<td>Hazardous, Institutional, High-Rise, Assembly except those noted below,</td>
</tr>
<tr>
<td></td>
<td>and Residential except one- and two-family dwellings and only interior</td>
</tr>
<tr>
<td></td>
<td>common areas of dwelling units of multi-family occupancies.</td>
</tr>
<tr>
<td>Once every two years</td>
<td>Industrial and Educational (Except public schools), Assembly occupancies</td>
</tr>
<tr>
<td></td>
<td>with an occupant load less than 100, Business, Mercantile, Storage,</td>
</tr>
<tr>
<td></td>
<td>Churches, Synagogues, and miscellaneous Group U occupancies</td>
</tr>
</tbody>
</table>

(Ord. No 2008-076, 6-24-08, Ord. 2009-078, 10-27-09)

(b) After Hours Fire Prevention Inspections

(1) The Fire Department offers fire inspections after normal business hours. The program is a voluntary fire inspection service designed to provide contractors with code certified fire inspectors after normal office business hours from 8:00 am to 5:00 pm. After-Hours Inspections are dependent upon the availability of inspectors. The Fire Prevention & Inspection
Department reserves the right to deny requests as appropriate and/or necessary.

(2) Projects eligible for after-hours inspections:
   a. New Construction
   b. Alterations
   c. Up-fits
   d. Change of use, in which fire alarm or sprinkler inspection is required.

(3) A two (2) day notice is required (not including holidays and/or weekends) to schedule an After-Hours Inspection. However, the Fire Marshal or the Director of Inspections has the discretion to waive this requirement when they deem necessary.

(4) Exceptions to the After-Hour Inspection process:
   a. The After-Hour Inspections program is for non-emergency inspections only.
   b. Client must have a valid permit prior to scheduling an After-Hours Inspection and Client must pay After-Hours Inspection fees prior to date of inspection.

Sec. 22-62. Fire Hydrant and Fire Lane Regulations.

(a) Parking prohibited near fire hydrants and in fire lanes.

(1) It shall be unlawful for any person to stop, stand or park any vehicle or equipment within 25 feet in either direction of a fire hydrant and ten feet in front of or behind the hydrant between street right-of-way unless a greater or lesser distance is designated by action of the Town Council and appropriate signs or markings are displayed.

(2) Fire lanes shall be marked with painting/outlining or signage or a combination thereof as outlined below. Requirements for fire lanes to be marked utilizing both paint and signs in conjunction shall be determined by the Fire Chief or his designee. Said specifications shall include, but are not limited to, the following:

   a. Signs shall measure 12 inch by 18 inch and have red letters on a white reflective background.
b. Signs must be metal construction only. Plastic or wooden signs are not acceptable.

c. Signs shall be mounted at a minimum height of four feet to the maximum of seven feet.

d. Signs shall be placed along the fire lane at intervals not to exceed 50 feet and as designated by the Fire Code Official.

e. Signs shall be placed on both sides of the lane when striping is required on both sides of the lane by the North Carolina Fire Code.

f. Outlining or painting the fire lane & hydrant zone on the roadway surfaces shall be done as follows:

1. Curb top and side shall be painted red and the words, “NO PARKING FIRE LANE” shall be stenciled in reflective white on the top and side of all red curbs at a maximum interval of 50 feet. Letters shall be a minimum of three inches (3") in height with a minimum ¾ inch stroke.

2. Alternatively, if the roadway has no curbing, a 6 inch wide red stripe with the words “NO PARKING FIRE LANE” in white may be painted along the curb and parallel with the roadway. The lettering shall be a minimum 3 inches high with a ¼ inch stroke.

g. Existing fire lanes shall continue in effect as installed until such time as they are in need of re-stripping due to wear or re-paving. Responsibility for properly maintaining the fire lanes and signs shall be that of the owner of the property or owner’s designee,

(Ord. 2012-032/3.27.2012)

(b) Access to fire hydrants. It shall be unlawful for any person(s) or contractor(s) performing construction work to block or otherwise prevent access to a fire hydrant for any reason. The general contractor shall be responsible for keeping fire hydrants fully accessible and operational during construction work.

(c) Landscape clearance. A minimum six-foot clearance around all fire hydrants
must be maintained free of any plant material, except grass used for lawn purposes. In addition, landscaping material is not permitted to block access or impair the use of any fire hydrant.

(d)  Unauthorized use of fire hydrants. It shall be unlawful for any person to use or tamper with any fire hydrant within the Town or to release water from any public fire hydrant, except duly authorized Town employees in the discharge of their duties, unless approval is first obtained from the fire chief.
(Ord. No. 94-62, 3-27-95)
Sec. 22-63. Private Fire Hydrant Policy.

(a) **Private Fire Hydrants.** The following ordinance is promulgated in order to regulate the inspection, testing, maintenance, correction, and repair of all privately owned fire hydrants, fire hydrants located on private property in the Town of Morrisville and those fire hydrants located in the rights of way of a public streets, roads, or highways of the Town of Morrisville and that the Town of Morrisville and the Town Cary do not own.

(b) **Purpose.** Provide standards and requirements for the inspection, testing, maintenance, correction, and repair of all privately owned fire hydrants.

(1) Any hydrant located on private property and deemed by the Town of Cary to be non-public shall be considered a "Private Hydrant". The owner, operator, or occupant of any building shall be responsible for compliance with these regulations. For condominiums, the condominium association shall be responsible for compliance with these regulations. Where the phrase "property owner" is used throughout these regulations, it is intended to include any person(s) identified in this section. Fire hydrants, both public, and private are considered to be part of a fixed fire extinguishing system. Therefore, no person shall tamper with, render inoperative or inaccessible, or operate a fire hydrant except as necessary during emergencies, maintenance, drills or prescribed testing.

(2) Ensure that every private fire hydrant to which the Fire Department of the Town of Morrisville or other municipal fire department connects in the event of a fire or other emergency will function as designed to produce the water necessary to respond appropriately to the fire or other emergency.

(3) It is in the public health, safety and welfare to enforce annual inspection of all privately owned fire hydrants in the Town of Morrisville fire district. Protect the public health, safety and general welfare of the Town of Morrisville.

(c) **Definitions.**

*Emergency Impairment:* A condition where a private fire hydrant is out of service due to an unexpected occurrence, such as frozen or ruptured hydrant components or an interruption of the water supply to the system.

*Fire Department:* The Fire Department of the Town of Morrisville.

*Hydrant:* A private fire hydrant as defined below.

*Impaired Hydrant:* A private fire hydrant which is not operational due to an emergency impairment or a preplanned impairment.
**Impairment:** A shutdown of a private fire hydrant which renders the hydrant non-operational and therefore out of service.

**Impairment Tag:** A tag affixed to a private fire hydrant to indicate that the hydrant is out of service. The Fire Department may determine the requirements of an impairment tag and the means and location of its attachment to a hydrant.

**Inspection:** A visual examination of a private fire hydrant to verify that it appears to be in operating condition and is free from physical damage.

**Maintenance:** Work performed to keep a private fire hydrant operable or to make repairs.

**NFPA Standard:** Publication 25 of the National Fire Protection Association (NFPA) entitled Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems 2002, and any subsequent amendments or revisions thereto.

**Owner:** The person that holds record title to the property upon which a private fire hydrant is located. For fire hydrants located in the right of way of a public street, roads, and highway in the Town of Morrisville that are not owned by the Town of Morrisville, the owner is the person that owns the fire hydrant itself.

**Owner's Designee:** Where the owner is not the occupant of the premises upon which a private fire hydrant is located, the occupant, management firm, or managing individual designated by the owner through specific provisions in the lease, written use agreement, or management contract owner to assume the responsibility to inspect, test, and maintain, correct and repair a private fire hydrant located on the owner's property.

**Person:** Any institution, public or private corporations, individual, partnership, fire district, or other entity.

**Pre-planned Impairment:** A condition where a private fire hydrant is out of service due to work that has been planned in advance.

**Private Fire Hydrant:** A valued connection to a water main for the purpose of supplying water to a fire hose or other fire protection apparatus and that is not located within the right of way of a public street, road and highway of the Town of Morrisville. A private fire hydrant also includes any fire hydrant located in a right of way of a public street, road and highway in the Town of Morrisville that is owned by a fire district or any person other than the Town of Morrisville.
Qualified: Having knowledge of the installation, construction, operation, maintenance, correction or repair of a fire hydrant and the hazards involved.

Record: Written documentation of the inspection, testing, maintenance, correction, or repair of a private fire hydrant.

Shall: Indicates a mandatory requirement.

Testing: A procedure of periodic physical and operational checks used to determine whether a private fire hydrant is capable of being operated as intended and will perform as intended, e.g. water-flow tests. These tests follow up on the original tests at intervals specified in this Ordinance.

(d) General Requirements

(1) Responsibility for properly maintaining a private fire hydrant shall be that of the owner of the property or the owner's designee.

(2) Where the owner of a private fire hydrant has designated an occupant, management firm, or managing individual, through specific provisions in the lease, written use agreement, or management contract, to be responsible for the inspection, testing and designee shall comply with the requirements of this Ordinance and shall be subject to enforcement of this Ordinance in the event of a failure to so comply.

(3) By means of periodic inspections, tests, maintenance, correction, and repair, every private fire hydrant shall be maintained in proper working condition, consistent with this Ordinance, the NFPA Standard, and the manufacturer's specifications or recommendations.

(4) Inspection, testing, maintenance, correction and repair shall be implemented with the procedures meeting or exceeding those established in this Ordinance and the NFPA Standard, and shall be in accordance with the manufacturer's specifications or recommendations. This Ordinance shall control in the event of a conflict among any of the aforementioned applicable standards. Inspection, testing, maintenance, correction, and repair shall be performed by a qualified contractor, utilities contractor, fire protection contractor, plumbing contractor all licensed in the State of North Carolina.

(5) The owner or owner's designee shall notify the Fire Department of the Town of Morrisville and the Town of Cary before testing or shutting down a private fire hydrant or its water supply.
(6) This notification shall include the purpose for the shutdown, the private fire hydrant involved, and the estimated time that the hydrant will be impaired.

(7) The owner or owner's designee shall notify the Fire Department when the private fire hydrant is returned to service.

(8) The owner or owner's designee shall promptly correct or repair any deficiencies, damaged parts, or impairments found while performing the inspection, testing, and maintenance requirements of this Ordinance.

(9) The owner or owner's designee shall promptly correct or repair any deficiencies, damaged parts, or impairments of any private fire hydrant of which the owner or owner's designee has knowledge or, in the exercise of reasonable care, ought to have knowledge.

(e) Inspection, Testing, Maintenance, Correction and Repair

(1) This section shall provide the minimum requirements for the routine inspection, testing, maintenance, correction, and repair of private fire hydrants. These functions shall be permitted to be carried out simultaneously.

(2) On or before October 1 of each year, the owner or the owner's designee shall inspect, test, maintain, and if necessary, correct, and repair each private fire hydrant to ensure proper functioning, with the necessary repair. Shall complete an annually a Fire Hydrant Inspection Report, the approved version of which is attached hereto. Once completed, a copy of this form shall be forwarded to the Town of Morrisville Fire Marshal’s Office within thirty (30) days upon completion of the inspection.

(f) Identification and notification of impaired hydrant.

(1) The owner or owner's designee shall notify the Fire Department in advance of a preplanned impairment of a private fire hydrant.

(2) The owner or the owner's designee shall notify the Fire Department immediately of an emergency impairment of a private fire hydrant.

(3) The owner or owner's designee shall affix an impairment tag to an impaired hydrant at the commencement of a preplanned impairment and at the time of discovery of an emergency impairment.

(4) Once the necessary inspection and testing confirm that repairs have restored a private fire hydrant to operational status, the owner or the owner's designee shall remove the impairment tag and shall notify the Fire Department that the hydrant is operational.

(g) Records.
(1) Records shall indicate the procedure performed concerning the inspection, testing, maintenance, correction, and repair of a private hydrant. Such records shall include the organization that performed the work, the results, and the date, as well as such other pertinent information as the Fire Department shall require as noted in the attached Fire Hydrant Inspection Report. Once completed, a copy of this form shall be forwarded to the Town of Morrisville Fire Marshal’s Office within thirty (30) days upon completion of the inspection.

(h) Enforcement, violations and penalties.

(1) A civil penalty may be imposed for a violation of this Ordinance as called for in the Budget User Fee Schedule. Each week that the violation continues shall constitute a separate violation of this Ordinance.

(2) Prior to any non-emergency use (maintenance, drills, or prescribed testing); written authorization from the Utilities Manager is required before the operation of any hydrant. Emergency use requires immediate notification of the Fire Department. Unauthorized operation of any fire hydrant is a violation of the Town of Morrisville and the Town of Cary and subject to fines as listed in the Town of Cary Ordinance.

Sec.22-64. Hydrant water flow estimates.

(a) Purpose and scope.

(1) To perform a fire flow test on fire hydrants when required for hydraulic calculations of sprinkler systems and water flow requirements for projects.

(2) If recent (less than one year old) fire flow test information is available in the Town’s files in the vicinity of the desired test location, the information will be provided to the applicant at no charge.

(3) If it is determined that a new fire flow test is needed, a written request and an appropriate fee must accompany the fire flow test request from the applicant prior to the commencement of the test.

(4) The Town Fire Department will schedule flow tests after Applicant has submitted a Fire Flow Request form. Flow tests are performed by Fire District personnel, or by a qualified representative of Applicant acceptable to both the Town and Fire Department. To ensure that the system is not operated in a manner that will endanger the water system or its customers, a Morrisville Town or Fire Department employee must be present to operate the hydrants and supervise the procedure. A minimum hourly fee according to the Budget User Fee Schedule will be charged by Town to witness and supervise the flow test.

CD22:22
(5) Information provided is an indication of the water supply characteristics in the immediate area on the date and time noted. The Town and Fire Department does not guarantee that this data will be representative of the water supply characteristics at any time in the future.

Secs. 22-65--22-75. Reserved.

ARTICLE III.

OPEN BURNING

Sec. 22-76. Purpose and scope.

(a) Purpose. The purpose of this article is to control air pollution resulting from the open burning of combustible materials and to establish open burning regulations within the Town of Morrisville's jurisdiction.

(b) Scope. This article applies to all operations involving open burning. The authority to conduct open burning under this article does not exempt or excuse any person from the consequences, damages or injuries which may result from this conduct. It does not excuse or exempt any person from complying with all applicable laws, ordinances, rules or orders of any other governmental entity having jurisdiction even though the open burning is conducted in compliance with this article.

(Ord. No. 98-5, 2-9-98)

Sec. 22-77. Definitions.

Dangerous materials means explosives or containers used in the holding or transporting of explosives.

Nuisance means causing physical irritation exacerbating a documented medical condition, visibility impairment, or evidence of soot or ash on property or structure other than the property on which the burning is done.

Open burning means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a stack, chimney, or a permitted air pollution control device.

Person as used in section 22-76:

(1) The person in operational control over the open burning, or

(2) The landowner or person in possession or control of the land when he has directly or indirectly allowed the open burning or has benefited from it.
Synthetic material means man-made material, including tires, asphalt materials such as shingles or asphaltic roofing materials, construction materials, packaging for construction materials, wire, electrical insulation, and treated or coated wood.  
(Ord. No. 98-5, 2-9-98)

Sec. 22-78. Permissible open burning with a permit.

The following types of open burning are permissible with a permit:

(1) Small outdoor warming fires used on construction sites or other areas are permissible, subject to the following conditions:

a. A permit issued by the fire department shall be obtained prior to operating any type of warming fire.

b. Warming fires shall be initiated and contained in approved containers at all times.

c. Warming fires shall be attended by a responsible individual at all times and approved containers shall be appropriately ventilated in at least three places.

d. Warming fires in approved containers shall be located not less than 15 feet from any structure.

e. An appropriate means of controlling the fire (i.e. extinguishers) shall be available while the fire is burning.

f. Only untreated lumber shall be burned in warming fires. Burning construction materials like insulation, asphaltic materials, or treated lumber is prohibited. Warming fires shall not be used to dispose of paper, trash, excess construction materials or other synthetic salvageable materials.

(2) Fires purposely set to forest lands for forest management practices acceptable to the division of forest resources.

(3) Fires purposely set to agricultural lands for disease and pest control and fires set for other agricultural or apicultural practices acceptable to the department of agriculture.

(4) Fires purposely set for wildlife management practices acceptable to the wildlife management commission.

(5) Fires for the disposal of dangerous materials when it is the safest and most practical method of disposal.

CD22:24

Supp. No. 7.1
(6) Fires for the disposal of material generated as a result of a natural disaster, such as tornado, hurricane, or flood if the state department of environmental health and natural resources regional office supervisor grants permission for the burning. The person desiring to do the burning shall document to the DEHNR regional office supervisor of the appropriate regional office that there is no other practical method of disposal of the waste. Factors that the regional office supervisor shall consider in granting permission for the burning include type, amount, and nature of combustible substances. The regional office supervisor shall not grant permission for the burning if the primary purpose of the fire is to dispose of synthetic materials or refuse or recovery of salvageable materials.

(7) Fires purposely set by manufacturers of fire extinguishing materials or equipment, testing laboratories, or other persons, for the purpose of testing or developing these materials or equipment in accordance with a valid standard qualification program.

(Ord. No. 98-5, 2-9-98)

Sec. 22-79. Permissible open burning without a permit.

The following types of open burning are permissible without a permit:

(1) Camp fires and fires used solely for outdoor cooking and other recreational purposes, or for ceremonial occasions.

(2) Fires purposely set for the instruction and training of firefighting personnel, including fires at permanent firefighting training facilities, or when conducted under the supervision of or with the cooperation of one or more of the following agencies:

a. The division of forest resources.

b. The North Carolina Department of Insurance.

c. North Carolina community colleges, including:

1. The North Carolina Fire College, or

2. The North Carolina Rescue College.

(3) Fires not described in subparagraph (2) of this section, purposely set for the instruction and training of firefighting personnel, provided that:

a. The regional office supervisor of the appropriate regional office and the AHMB have been notified according to the procedures and deadlines contained in the appropriate regional notification form. This form may be
obtained by writing the appropriate regional office.

b. The regional office supervisor has granted permission for the burning. Factors that the regional office supervisor shall consider in granting permission for the burning include type, amount, and nature of combustible substances. The regional office supervisor shall not grant permission for the burning of salvageable items, such as insulated wire and electric motors or if the primary purpose of the fire is to dispose of synthetic materials or refuse. The regional office supervisor of the appropriate regional office shall not consider previously demolished structures as having training value. However, the regional office supervisor of the appropriate regional office may allow an exercise involving the burning of motor vehicles burned over a period of time by a training unit or by several related training units. Any deviations from the dates and times of exercises, including additions, postponements, and deletions, submitted in the schedule in the approved plan shall be communicated verbally to the regional office supervisor of the appropriate regional office at least one hour before the burn is scheduled.

(Ord. No. 98-5, 2-9-98)
ARTICLE IV.

PIT-BURNING

Sec. 22-80. Purpose and scope.

(a) Purpose. The purpose of this article is to control air pollution resulting from the pit-burning of combustible materials and to establish pit-burning regulations within the Town's jurisdiction.

(b) Scope. This article applies to all operations involving pit-burning. The authority to conduct pit-burning under this article does not exempt or excuse any person from the consequences, damages or injuries which may result from this conduct. It does not excuse or exempt any person from complying with all applicable laws, ordinances, rules or orders of any other governmental entity having jurisdiction even though the pit-burning is conducted in compliance with this article.

(Ord. No. 01-53, 9-10-01)

Sec. 22-81. Definitions.

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

Land clearing means the uprooting or clearing of vegetation in connection with construction for buildings; right-of-way; agricultural, residential, commercial, or industrial development; mining activities; or the initial clearing of vegetation to enhance property value; but does not include routine maintenance or property clean-up activities.

Nuisance means causing physical irritation exacerbating a documented medical condition, visibility impairment, or evidence of soot or ash on property or structure other than the property on which the burning is done.

Pit-burning means using a portable combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

Public road means any road that is part of the state highway system; or any road, street, or right-of-way dedicated or maintained for public use by the Town.

Structure means a building in which people may live or work or one intended for housing farm or other domestic animals.

(Ord. No. 01-53, 9-10-01)
Sec. 22-82. Permissible pit-burning with a permit.

The burning of waste materials, trees, brush and other vegetable matter in connection with land clearing activities is permissible with the following limitations and requirements:

(1) Pits must be located a minimum of 1,000 feet from any structure, and a minimum of 250 feet from any public road.

(2) The pits dug for burns shall be a minimum size of seven feet deep, nine feet wide, and 35 feet in length.

(3) The fire department will be responsible for issuing a pit-burning permit. A pit-burning permit application must be submitted and permit fee paid prior to the issuing of the permit.

(4) The location of the pit must be approved by the fire department prior to the fire department issuing a permit. The pit must be located outside building pad areas, and pits must be cleaned out and backfilled with compacted select backfill at the completion of burning operations.

(6) Prevailing winds at the time of burning must not exceed ten miles per hour. Prevailing winds at the time of burning shall be away from any area, including public road within 300 feet of the burning as measured from the edge of the pavement or other roadway surface, which may be significantly affected by smoke, ash, or other air pollutants from the burning.

(7) Only collected land clearing may be burned (no construction or yard waste materials). Heavy oils, asphaltic materials, items containing natural or synthetic rubber, tires, grass clippings, collected leaves, paper products, plastics, general trash, garbage, or any materials containing painted or treated wood materials shall not be burned. Leaves still on trees or brush may be burned.

(8) Burning is only allowed Monday through Friday, and burning shall be conducted only between the hours of 8:00 a.m. and 6:00 p.m.

(9) The pit must be monitored 24 hours a day or covered at the end of the day with a minimum of 12 inches of soil such that the fire is extinguished and no smoke leaves the pit.

(10) The permittee must check with state forestry services to ensure there are no burning bans or additional burning restrictions in effect prior to burning.

(11) Burning is not allowed on "Code Red" ozone days.

(12) A path for four-wheel emergency vehicles shall be provided.
(13) The pit-burning permit may be revoked by Town staff (town manager, fire chief, town engineer, or their designees) if the pit-burning is determined to be a nuisance.

(14) Burning must comply with applicable state air quality standards.

(15) Pit-burning portable combustion devices shall meet manufacturers’ specifications for operation and upkeep to ensure complete burning of material charged into the pit. Manufacturers specifications shall be kept on site and be available for inspection by staff.

(16) The owner or operator of the pit-burning operation shall not allow ash to build up in the pit to a depth higher than one-third of the depth of the pit or to the point where the ash begins to impede combustion, whichever occurs first.

(17) The owner or operator of the pit-burning operation shall not load material into the pit such that it will protrude above portable combustion device or the top of the pit, whichever is lower.

(18) Only distillate oil, kerosene, diesel fuel, natural gas, or liquefied petroleum gas may be used to start the fire.

(Ord. No. 01-53, 9-10-01)
Article V.

Commercial Business Emergency Systems Amplification Requirements.

Sec. 22-83. Purpose and scope.

(a) Purpose. The purpose of this article is to provide minimum standards to insure a reasonable degree of reliability for emergency services communications from within certain buildings and structures within the Town to and from emergency communications centers. It is the responsibility of the emergency service provider to get the signal to and from the building site.

(b) Scope. This article applies to all new buildings greater than fifty thousand (50,000) square feet; existing buildings over fifty thousand (50,000) square feet when modifications, alterations or repairs exceed fifty percent (50%) of the value of the existing building(s) and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more enlarged by more (50%); and all sublevels, regardless of the occupancy, over ten thousand (10,000) square feet.

(Ord. 2009-078, 10-27-09)

Sec. 22-85. Radio Coverage.

(a) Except as otherwise provided in this article, no person shall erect, construct or modify any building or structure or any part thereof or cause the same to be done, which fails to support adequate radio coverage for firefighters and police officers.

(b) The Town’s fire department with consideration of the appropriate police, fire and emergency medical department services shall determine the frequency range or ranges that must be supported.

(c) For the purposes of this section, adequate radio coverage shall constitute a successful communications test between the equipment in the building and the communications center for all appropriate emergency service providers for the building.

(d) The BDA system should be capable of operation on an independent battery and/or generator system for a period of at least twenty-four (24) hours without external power input or maintenance. The battery system should automatically charge in the presence of external power input.

(e) The location of the BDA equipment must be in an area that has twenty-four (24) hour, seven (7) day a week access for the emergency service personnel, and in an area that is free of hazardous materials such as fuels asbestos, etc.
(f) All BDA equipment, cable and antenna systems should be grounded with a single point ground system of five (5) ohms or less. The ground system must include an internal tie point within three (3) feet of the amplification equipment. System transient suppression for the telephone circuits, ac power, radio frequency (RF) cabling and grounding protection are required as needed.

(g) A minimum average in-building field strength of 3.9uV (-95 dBm) throughout 95% of the area of each floor of the building for inbound and outbound signals transmitted from or to the appropriate emergency service radio systems providing coverage for public safety services (law enforcement, fire, and medical) to the building. (95% coverage or reliability means the radio will receive and transmit 100% of the time within 95% of the building's area) If the field strength OUTSIDE the building, where the receive antenna system for the in-building system is located, is less than the -95 dBm, then the minimum required in-building field strength shall equal the field strength being delivered to the receive antenna of the building.

(h) The Noise floor must be determined and the in-bound signal must be 15 dBm above the noise floor determined level, meeting the requirements of current version of TSB-88A standards.

(i) The BDA System must be rebanding capable and/or compliant.

(j) This BDA System should also accommodate the 24 MHz of public safety spectrum, being redesigned for broadband use to allow for nationwide interoperable broadband communications by public safety users (763-775 MHz, 793-805 MHz). The install should include all appropriate bi-directional Amplifier/repeaters, cable hangers, coax cable extensions (measured to distance and cut to size), RF splitters, proper antenna placement, proper antenna type, RF connectors, lightning protection, and grounding equipment. Installation should be as clean and professional as possible to minimize visual impact at each location. The vendor is required to furnish (2) complete bound system manuals upon completion of the system installation along with one electronic copy. This manual should include the following; a complete instructions manual for all equipment in the system be provided, Instructions for the determination of trouble reporting, including all trouble report telephone numbers and personnel contact information be provided with the system. A complete schematics and parts list for all equipment in the system.

Sec. 22-86. Enhanced amplifications systems.

(a) Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required adequate radio coverage; radiating cable system(s), internal multiple antenna system(s) with an acceptable frequency range and an
amplification system(s) as needed, voting receiver system(s) as needed, or any other City / Town’s approved system(s).

(b) If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery or generator system for a period of at least twenty-four (24) hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power.

(c) Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling and humidity requirements of the equipment that will be utilized to meet the requirements of this code. The area where the amplification equipment is located almost must be free of hazardous materials such as fuels, asbestos, etc.

(d) All communications equipment, including amplification systems, cable and antenna systems shall be grounded with a single point ground system of five (5) ohms or less. The ground system must include an internal tie point within three (3) feet of the amplification equipment. System transient suppression for the telephone circuits, ac power, radio frequency (RF) cabling and grounding protection are required as needed.

(e) A blueprint showing the location of the amplification equipment and associated antenna systems which includes a view showing building access to the equipment; and schematic drawings of the electrical, backup power, antenna system and any other associated equipment relative to the amplification equipment including panel locations and labeling shall be provided to the Fire Department by builder.

(Ord. 2009-078, 10-27-09)

Sec. 22-87. Testing procedures – Method to Conduct Tests.

(a) Tests shall be made using frequencies close to the frequencies used by the Police and appropriate emergency services. If testing is done on the actual frequencies, then this testing must be coordinated within the City's Fire Department. All testing must be done on frequencies authorized by the FCC. A valid FCC license will be required if testing is done on frequencies different from the Police, Fire or emergency medical frequencies.

(b) Measurements Shall be Made Using the Following Guidelines With a service monitor using a unity gain antenna on a small ground plane measurements shall be made with the antenna held in a vertical position at three (3) to four feet above the floor; A calibrated service monitor (with a factory calibration dated within twenty-four (24) months may be used to do the test); The telecommunications unit representative for the City / Town may also make simultaneous measurements to verify that the equipment is making accurate measurements. A variance of 3 dB between the instruments will be allowed; and if measurements in one location are varying, then average measurements must be used. All testing shall be done in
the presence of a Fire Department representative at no expense to the Town or City appropriate emergency services department. Signal strength, both inbound and outbound as defined above, shall be measured on each and every floor above and below ground including stairwells, basements, penthouse facilities and parking areas of the structure. The structure shall be divided into fifty (50) foot grids and the measurements shall be taken at the center of each grid.

(Ord. 2009-078, 10-27-09)

Sec. 22-88. Annual Tests.

(a) Annual tests will be conducted by the Town’s telecommunications unit or appropriate emergency services department. If communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria. The re-testing will be done at no expense to the City or the appropriate emergency services departments as required in the original testing procedures.

(b) Police and Fire personnel, after providing reasonable notice to the owner or his/her representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present. Certificates of Occupancy may be denied for new and existing buildings for failure to comply with these requirements.

(Ord. 2009-078, 10-27-09)
Chapter 26

FLOOD DAMAGE PREVENTION*

Article I
Flood Damage Prevention

Division 1. General
Secs. 26-1--26-35. Reserved.
Sec. 26-36. Definitions.

Division 2. Statutory Authorization, Finding of Fact, Purpose and Objectives
Sec. 26-37. Findings of fact.
Sec. 26-38. Statement of purpose.

Division 3. General Provisions
Sec. 26-40. Lands to which this article applies.
Sec. 26-41. Basis for establishing the Special Flood Hazard Areas and Future Conditions Flood Hazard Areas.
Sec. 26-42. Establishment of Floodplain permit.
Sec. 26-43. Compliance.
Sec. 26-44. Abrogation and greater restrictions.
Sec. 26-45. Interpretation.
Sec. 26-46. Warning and disclaimer of liability.
Sec. 26-47. Penalties for Violation.

Division 4. Administration
Sec. 26-66. Designation of Floodplains Administrator.
Sec. 26-67. Floodplain Development Application Permit and Certification requirements.
Sec 26-68. Duties, responsibilities of Floodplains Administrator.
Sec. 26-69. Corrective procedure.
Sec 26-70. Variance procedures.
Secs. 26-71--26-85. Reserved.

Division 5. Provisions for Flood Hazard Reduction
Sec. 26-86. General standards.
Sec. 26-87. Specific standards.
Sec. 26-88. Reserved.
Sec. 26-89. Standards for Floodplains without established base flood elevations.
Sec. 26-90. Reserved.
Sec. 26-91. Floodways and non-encroachment areas.
Sec. 26-92. Reserved.

Sec. 26-93. Effect on right and liabilities under the existing flood damage prevention ordinance.
Sec. 26-94. Effect upon outstanding floodplain developing permits.
Sec. 26-95. Effective date.

* Cross References: Buildings and building regulations, ch. 10; civil emergencies, ch. 14.

State Law References: Municipal authority to enact and enforce floodway regulation ordinances, G.S. 160A-458.1; authority to construct dikes, etc., for the control of beach erosion and flooding, G.S. 160A-491.

Editors Note: Replaced entire Chapter 26 through Supp. 6 by approved Ord. No. 2006-040 (4.24.2006).
ARTICLE I.

FLOOD DAMAGE PREVENTION

DIVISION 1.

GENERAL

Secs. 26-1--26-35. Reserved.

Sec. 26-36. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

*Accessory Structure (Appurtenant Structure)* means a structure located on the same parcel of property as the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling of shop building.

*Addition (to an existing building)* means an extension or increase in the floor area or height of a building or structure.

*Appeal* means a request for a review of the floodplain administrator’s interpretation of any provision of this article.

*Base Flood* means the flood having a one (1) percent chance of being equaled or exceeded in any given year based on current conditions hydrology.

*Base Flood Elevation (BFE)* means a determination of the water surface elevations of the base flood based on current conditions hydrology as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard, establishes the “Regulatory Flood Protection Elevation” in Special Flood Hazard Areas.

*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

*Building* see “Structure.”

*Chemical Conditions Hydrology* means the flood discharges associated with the land-use conditions existing within the drainage area of a watercourse at the time a flood study of the watercourse was conducted. Current conditions flood discharges and historical flood study information is published in the Flood Insurance Study.
**Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Disposal** means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

**Elevated Building** means a non-basement building which has its lowest floor elevated floor above ground level by foundation walls, pilings, columns, posts, piers or shear walls.

**Encroachment** means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Existing Manufactured Home Park or Manufactured Home Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) was completed before the original effective date of the floodplain management regulations adopted by the community.

**Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Boundary and Floodway Map (FBFM)** means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

**Flood Insurance** means the insurance coverage provided under the National Flood Insurance Program.

**Flood Insurance Rate Map (FIRM)** means an official map of the community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas, the Future Conditions Flood Hazard Areas, and the risk premium zones applicable to the community are delineated.

**Flood Insurance Study (FIS)** means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

**Flood Prone Area** see Floodplain
**Floodplain** means any land area susceptible to inundation by water from any source.

**Floodplain Administrator** is the individual appointed to administer and enforce the floodplain management regulations.

**Floodplain Development Permit** means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

**Floodplain Management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain Management Regulations** means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power, which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**Floodproofing** means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

**Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Flood Zone** means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

**Freeboard** means the height added to the Base Flood Elevation (BFE) or the Future Conditions Flood Elevation to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

**Functionally Dependent Facility** means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

**Future Conditions Flood** means the flood having a one (1) percent chance of being equaled or exceeded in any given year based on future conditions hydrology.

**Future Conditions Flood Elevation** means a determination of the water surface elevations of the one percent (1%) annual chance flood based on future conditions hydrology as published in the Flood Insurance.
Study. This elevation, when combined with the freeboard, establishes the “Regulatory Flood Protection Elevation” in Future Conditions Flood Hazard Areas.

**Future Conditions Flood Hazard Area** means the land area that would be inundated by the one percent (1%) annual chance flood based on future conditions hydrology as determined in Division 3 Section 26-41 of this ordinance.

**Future Conditions Hydrology** means the flood discharges associated with projected land-use conditions based on Wake County’s June 2003 Countywide Equivalent Zoning Classification data and the Town of Morrisville Land Use Plan dated 1999, as amended, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway such as bridge and culvert construction, fill, and excavation. Future conditions flood discharges are published in the Flood Insurance Study.

**Hazardous Waste Facility** means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

**Highest Adjacent Grade** means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

**Historic Structure** means any structure that is:

(a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
(b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(c) individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
(d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

**Lowest Adjacent Grade (LAG)** means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

**Lowest floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or limited storage in an area other than a basement area is not considered a building’s lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

**Manufactured Home** means a structure, transportable in one or more sections, which is built on a
permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreation vehicle”.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Mean Sea Level means for purposes of this article, the National Geodetic Vertical Datum (NGVD) corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

New Construction means structures for which the “start of construction” commenced on or after the original version of the Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.

Non-Encroachment Area means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

Post-FIRM means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

Pre-FIRM means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map for the area.

Principally Above Ground means that at least 51% of the actual cash value of the structure is above ground.

Public Safety and/or Nuisance means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational Vehicle (RV) means a vehicle, which is:

- built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- designed to be self-propelled or permanently towable by a light duty truck; and
- designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
**Reference Level** is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.

**Regulatory Flood Protection Elevation** means the elevation above mean sea level to which the reference level of all structures and other development located within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas must be protected.

(a) In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard.

(b) In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

(c) In Future Conditions Flood Hazard Areas this elevation shall be the Future Conditions Flood Elevation plus (2) feet of freeboard.

**Remedy a Violation** means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced including protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this article or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

**Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Salvage Yard** means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

**Solid Waste Disposal Facility** means, as defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.

**Solid Waste Disposal Site** means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

**Special Flood Hazard Area (SFHA)** means the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year based on current conditions hydrology, as determined in Division 3, Section 26-41 of this ordinance.

**Start of Construction** includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building,
whether or not that alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

*Substantial Improvement* means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. The term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. However, the term does not include either:

(a) any correction of existing violations of State or community health, sanitary or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,

(b) any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designated as a historic structure.

*Variance* means a grant of relief from the requirements of this article.

*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Divisions 4 and 5 is presumed to be in violation until that documentation is provided.

*Water Surface Elevation WSE* means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

*Watercourse* means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.


**Cross References:** Definitions and rules of construction generally, § 1-2.

**Sec. 26-37. Findings of fact.**

(a) The flood prone areas within the jurisdiction of Morrisville are subject to periodic inundation which could result in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which could adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods.
or hazards.  

Sec. 26-38. Statement of purpose.

In order to accomplish its purposes, this article includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters.

4. Controlling filling, grading, dredging and other development which may increase flood damage.

5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.  

DIVISION 2.

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES


It is the purpose of this article to promote public health, safety, and general welfare and to minimize public and private loss due to flood conditions within flood prone areas by provisions designed to:

1. to protect human life and health;

2. to minimize expenditure of public money for costly flood control projects;

3. to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. to minimize prolonged business losses and interruptions;

5. to minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets and bridges) that are located in flood prone areas;

6. to help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
(7) to ensure that potential buyers are aware that property is in a Special Flood Hazard Area or Future Conditions Flood Hazard Area.

DIVISION 3.

GENERAL PROVISIONS

Sec. 26-40. Lands to which this article applies.

This article shall apply to all Special Flood Hazard Areas and Future Conditions Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) of the Town of Morrisville and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

Sec. 26-41. Basis for establishing the Special Flood Hazard Areas and Future Conditions Flood Hazard Areas.

The Special Flood Hazard Areas and Future Conditions Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Wake County, North Carolina dated May 2, 2006, which are adopted by reference and declared a part of this article.

Sec. 26-42. Establishment of floodplain development permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas determined in accordance with Division 3, Section 26-41 of this ordinance.

Sec. 26-43. Compliance.

No structure or land shall hereafter be located, extended, converted, altered or developed in any way without full compliance with the terms of this article and other applicable regulations.

Sec. 26-44. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. No. 92-3A, § 17.9, 1-13-92)

Sec. 26-45. Interpretation.
In the interpretation and application of this article, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor for the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under State statutes.

Sec. 26-46. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This article does not imply that land outside the Special Flood Hazard Areas and Future Conditions Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the Town of Morrisville or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

Sec. 26-47. Penalties for violation.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Morrisville from taking such other lawful action as is necessary to prevent or remedy any violation.


DIVISION 4.

ADMINISTRATION*

* Cross References: Administration, Ch. 2.

Sec. 26-66. Designation of Floodplain Administrator.

The Directorate of Development Services or other designee, herein after referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this article.

Supp. No. 6
Sec. 26-67. Floodplain development application permit and certification requirements.

(1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the floodplain administrator prior to any development activities located within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:

(a) A plot plan drawn to scale, which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

ii) the boundary of the Special Flood Hazard Area or Future Conditions Flood Hazard Area as delineated on the FIRM or other flood map as determined in Division 3, Section 26-41, or a statement that the entire lot is within the Special Flood Hazard Area or Future Conditions Flood Hazard Area;

iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Division 3, Section 26-41;

iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Division 3, Section 26-41;

v) the Base Flood Elevation (BFE) or Future Conditions Flood Elevation where provided as set forth in Division 3, Section 26-41; Division 4, Section 26-68 (11 & 12); or Division 5, Section 26-69;

vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development;

vii) certification of the plot plan by a registered land surveyor or professional engineer.

(b) Proposed elevation and method thereof, of all development within a Special Flood Hazard Area or Future Conditions Flood Hazard Area including but not limited to:

i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE or Zone X (Future) will be flood-proofed; and
iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

(c) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

(d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);

ii) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Division 5, Section 26-87(4)(d), when solid foundation perimeter walls are used in Zone AE and Zone X (Future);

(e) Usage details of any enclosed areas below the regulatory flood protection elevation.

(f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

(g) Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)

(h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Division 5, Sections 26-87 (6 & 7) of this ordinance are met.

(i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

(a) A description of the development to be permitted under the floodplain development permit.

(b) The Special Flood Hazard Area or Future Conditions Flood Hazard Area determination for the proposed development per available data specified in Division 3, Section 26-41.
(c) The regulatory flood protection elevation required for the reference level and all attendant utilities.

(d) The regulatory flood protection elevation required for the protection of all public utilities.

(e) All certification submittal requirements with timelines.

(f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

(g) The flood openings requirements, if in Zone AE or Zone X (Future).

(3) Certification Requirements.

(a) Elevation Certificates

(i) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. The floodplain administrator shall review the certificate data submitted. The permit holder shall correct deficiencies detected by such review prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

(ii) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder’s risk. The floodplain administrator shall review the certificate data submitted. The permit holder immediately and prior to further work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(iii) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. The permit holder immediately and prior shall correct deficiencies detected by such review to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the
certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(b) **Floodproofing Certificate**

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data and plan. The applicant prior to permit approval shall correct deficiencies detected by such review. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(c) If a manufactured home is placed within Zone AE or Zone X (Future) and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Division 5, Section 26-87(3).

(d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer’s certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(e) **Certification Exemptions.** The following structures, if located within Zone AE or Zone X (Future), are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

(i) Recreational Vehicles meeting requirements of Division 5, Section 26-87(6)(a);

(ii) Temporary Structures meeting requirements of Division 5, Section 26-87(7); and

(iii) Accessory Structures less than 150 square feet meeting requirements of Division 5, Section 26-87(8).

(Ord. No. 2006-040, 04-24-2006)

**Sec. 26-68. Duties, responsibilities of the Floodplain Administrator.**

The Floodplain Administrator shall perform, but not be limited to, the following duties:
(1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas to assure that the requirements of this article have been satisfied.

(2) Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit.

(3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Division 5, Section 26-91 are met.

(6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Division 4, Section 26-67(3).

(7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Division 4, Section 26-67(3).

(8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with Division 4, Section 26-67(3).

(9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Division 4, Section 26-67(3) and Division 5, Section 26-87(2).

(10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas or Future Conditions Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(11) When Base Flood Elevation (BFE) data has not been provided in accordance with Division 3, Section 26-41, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other
source, including data developed pursuant to Division 5, Section 26-89(2)(b), in order to
administer the provisions of this ordinance.

(12) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area
data has been provided in accordance with Division 3, Section 26-41, obtain, review, and
reasonably utilize any floodway data or non-encroachment area data available from a Federal,
State, or other source in order to administer the provisions of this ordinance.

(13) When the lowest ground elevation of a parcel or structure located within Zone AE is above the
Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map
Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA)
issued by FEMA in the floodplain development permit file.

(14) Permanently maintain all records that pertain to the administration of this ordinance and make
these records available for public inspection.

(15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development
permit progresses, the floodplain administrator shall make as many inspections of the work as
may be necessary to ensure that the work is being done according to the provisions of the local
ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a
right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of
the community at any reasonable hour for the purposes of inspection or other enforcement action.

(16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed,
reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may
order the work to be immediately stopped. The stop-work order shall be in writing and directed
to the person doing the work. The stop-work order shall state the specific work to be stopped, the
specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed.
Violation of a stop-work order constitutes a misdemeanor.

(17) Revoke floodplain development permits as required. The floodplain administrator may revoke
and require the return of the floodplain development permit by notifying the permit holder in
writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial
departure from the approved application, plans, or specifications; for refusal or failure to comply
with the requirements of State or local laws; or for false statements or misrepresentations made in
securing the permit. Any floodplain development permit mistakenly issued in violation of an
applicable State or local law may also be revoked.

(18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the
community. The floodplain administrator and each member of his or her inspections department
shall have a right, upon presentation of proper credentials, to enter on any premises within the
territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or
other enforcement action.

(19) Follow through with corrective procedures of Division 4, Section 26-69.
(20) Review, provide input, and make recommendations for variance requests.

(21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Division 3, Section 26-41 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

(22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

Sec. 26-69. Corrective procedures.

(1) Violations to be Corrected: When the floodplain administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

(2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner’s last known address or by personal service, stating:

(a) that the building or property is in violation of the Flood Damage Prevention Ordinance;

(b) that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

(c) that following the hearing, the floodplain administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

(3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one-hundred-eighty (180) calendar days. Where the floodplain administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

(4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing
body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(5) **Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

(Ord. No. 2006-040, 04-24-2006)

Sec. 26-70. Variance procedures.

(1) The Morrisville Board of Adjustment as established by the Town of Morrisville, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this article.

(2) Any person aggrieved by the decision of the appeal board may appeal such decision to the superior court, as provided in Chapter 7A North Carolina General Statutes.

(3) Variances may be issued for:

   (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

   (b) functionally dependent facilities if determined to meet the definition as stated in Division 1, Section 26-36 of this ordinance, provided provisions of Division 4, Section 26-70(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages.

   (c) any other type of development provided it meets the requirements stated in this section.

(4) In passing upon variances, the appeal board shall consider all relevant factors, all standards specified in other sections of this article, and:

   (a) the danger that materials may be swept onto other lands to the injury of others;

   (b) the danger to life and property due to flooding or erosion damage;

   (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

   (d) the importance of the services provided by the proposed facility to the community;

   (e) the necessity to the facility of a waterfront location as defined under Division 2 of this article as a functionally dependent facility, where applicable;
(f) the availability of alternative locations for the proposed use, not subject to flooding or erosion damage, for the proposed use;

(g) the compatibility of the proposed use with existing and anticipated development;

(h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

(i) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(5) A written report addressing each of the above factors shall be submitted with the application for a variance.

(6) Upon consideration of the factors listed above and the purposes of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this article.

(7) Any applicant to whom a variance in granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

(8) The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(9) Conditions for Variances:

(a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot on one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (a)(4)a. through k. of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(b) Variances shall not be issued within any designated floodway or non-
encroachment area if the variance would result if any increase in flood levels during the base flood discharge.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances shall only be issued prior to development permit approval.

(e) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship; and

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(10) A variance shall not be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities desiring to locate in Special Flood Hazard Areas or Future Conditions Flood Hazard Areas.


Secs. 26-71--26-85. Reserved.

DIVISION 5.

PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 26-86. General standards

In all areas of special flood hazard the following standards are required:

(1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse and lateral movement of the structure.

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(4) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities
shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(8) Any alteration, repair, reconstruction or improvements to a structure, which complies with the provisions of this article, shall meet the requirements of “new construction” as contained in this article.

(9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

(10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area or Future Conditions Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Division 4, Section 26-67 (3) of this ordinance.

(11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

(12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
(14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.


Sec. 26-87. Specific standards.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided and in Future Conditions Flood Hazard Areas where Future Conditions Flood Elevations data has been provided, as set forth in Division 3, Section 26-41 or in Division 4, Section 26-68(11-12), the following provisions, in addition to Division 5, Section 26-86, are required:

1) Residential construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article I of this ordinance.

2) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Division 1, Section 26-36. Structures located in AE and X (future) zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Division 4, Section 26-67(3).

3) Manufactured Homes.
   a) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Division 1 of this ordinance.
   b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
(c) All enclosures or skirting below the lowest floor shall meet the requirements of Division 5, Section 26-87(4)(a), (b), and (c).

(d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.

(4) Elevated buildings. Fully enclosed area, of new construction and substantially improved which is below the lowest floor:

   a. shall not be Designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

   b. shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

   c. shall include, in Zones AE and X (Future), flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria;

      i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

      ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

      iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

      iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

      v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

      vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood
underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) *Additions/Improvements.*

(a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(d) Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(6) *Recreational Vehicles.* Recreational vehicles shall either:

(a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

(b) meet all the requirements for new construction.

(7) *Temporary Non-Residential Structures.* Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval;
(a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;

(b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;

(c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area or Future Conditions Flood Hazard Areas, to which the temporary structure will be moved.

(8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area or Future Conditions Flood Hazard Area, the following criteria shall be met:

(a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

(b) Accessory structures shall not be temperature-controlled;

(c) Accessory structures shall be designed to have low flood damage potential;

(d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(e) Accessory structures shall be firmly anchored in accordance with Division 5, Section 26-86 (1);

(f) All service facilities such as electrical shall be installed in accordance with Division 5, Section 26-86; and

(g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Division 5, Section 26-87 (4)(c).

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Division 4, Section 26-67(3)


Sec. 26-88. Reserved
Sec. 26-89. Standards for floodplains without established base flood elevations.
Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Division 3, Section 26-41, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Division 5, Sections 26—86-87, shall apply:

(1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

   (a) If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Division 4, Section 26-68(11 & 12).

   (b) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Division 3, Section 26-41 to be utilized in implementing this ordinance.

   (c) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Division 1.


Sec. 26-90. Reserved

Sec. 26-91. Floodways and non-encroachment areas.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Division 3, Section 26-41 are areas designated as floodways. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Division 5, Section 26—86-87 shall apply to all development within such areas:

(1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:

   (a) the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hyrologic and hydraulic analyses performed in

accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit, or

(b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

(2) If Article 5, Section 26-91 (1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of sections 26—86-92.

(3) No manufactured homes shall be permitted, except replacement manufactured homes in existing manufactured home park or subdivision, provided the following provisions are met:

a) the anchoring and the elevation standards of Division 5, Section 26-87 (3); and

(b) the no encroachment standard of Division 5, Section 26-91 (1).


Sec. 26-92. Reserved.

DIVISION 6.

LEGAL STATUS PROVISIONS

Sec. 26-93. Effect on rights and liabilities under the existing flood damage prevention ordinance. This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance 92-3A enacted on January 13, 1992 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued hereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance 92-3A of the Town of Morrisville enacted on January 13, 1992, as amended, which are not reenacted herein are repealed.

(Ord. No. 2006-040, 04-24-2006)

Section 26-94. Effect upon outstanding floodplain developing permits. Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

(Ord. No. 2006-040, 04-24-2006)
Chapters 27--29

RESERVED
Chapter 30

LAW ENFORCEMENT*

* Cross References: Administration, ch. 2.
State Law References: Municipal law enforcement generally, G.S. 160A-281 et seq.

Secs. 30-1--30-35. Reserved.

Article II. Alarm Systems

Sec. 30-36. Definitions.
Sec. 30-37. False alarm policy.
Sec. 30-38. Automatic dialing protection devices prohibited.
Sec. 30-39. Prohibited acts.
Sec. 30-40. Enforcement of provisions; methods of enforcement.
Sec. 30-41. Appeal to town manager.
Sec. 30-42. Duties of the chief of police

ARTICLE I.

IN GENERAL

Secs. 30-1--30-35. Reserved.

ARTICLE II.

ALARM SYSTEMS*

State Law References: Giving false fire alarms, G.S. 14-286; making false ambulance request, G.S. 14-286.1; alarm systems defined, G.S. 74D-2.

Sec. 30-36. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context requires otherwise:

Alarm system means any type of electronic hold-up or burglar alarm installed in any nonresidential property within the corporate limits of the town.
**Alarm user** means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

**Automatic dial protection device** means an automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically initiates to the police department, a recorded message or code signal indicating a need for police response.

**Employee** means any person holding an entry key, code and/or card to enter the property whether it be a full time or part time person, or a person conducting any business therein.

**False alarm** means an alarm signal generated by an alarm system which results in the dispatching of police department personnel to the alarm system premises, when the alarm system is improperly set off due to faulty alarm panel, electronic card reader, door sensor, window sensor, glass breakage sensor, floor sensor, infrared system or motion detector for any reason including installation, repair, or any employee entering the property for any lawful reason, but improperly entering the alarm code or causing the alarm to activate for any reason or for any reason other than the alarms intended purpose for which the alarm system was designed and installed. A false alarm does not include any alarm system signal generated by severe weather conditions, utility service interruption beyond the control of the owner/operator, an act of God or the premises are unlawfully entered by any employee or alarm user.

(Ord. No. 01-46, § 1, 8-13-01, Ord. 2009-090, 10-27-2009)

**Sec. 30-37. False alarm policy.**

(a) If an alarm system generates three false alarms in any quarter, the chief of police shall notify the owner or operator of the premises where the alarm system is installed by certified mail, that such alarm system is in violation of the alarm policy set forth by the town board. Such alarm system will be placed under probation for the remainder of that quarter. The probationary period shall begin when the chief of police receives a receipt showing the above mentioned party has received the certified letter.

(b) If, at any time during the probationary quarter following the written notice by the chief of police, the same alarm system generates a false alarm, the business where the system is installed shall be liable to the town for any and all civil penalty as called for in the budget fee schedule.

(Ord. No. 01-46, § 2, 8-13-01, Ord. 2009-090, 10-27-2009)

**Sec. 30-38. Automatic dialing protection devices prohibited.**

No automatic dial protection device shall be used to report, or cause to be reported, any recorded message to the police department.

(Ord. No. 01-46, § 3, 8-13-01)

**Sec. 30-39. Prohibited acts.**

(a) It shall be unlawful for any person to violate any provision of this article.

(b) It shall be unlawful for any person to activate a burglary or robbery alarm for the purpose of
summoning police when no burglary or robbery, or other crime dangerous to life or property, is being committed or attempted on the premises, or otherwise to cause a false alarm.

(c) It shall be unlawful for an alarm user to fail to reimburse the town, in accordance with the provisions of this article, for response(s) by the police department to any false alarm(s).
(Ord. No. 01-46, § 4, 8-13-01)

Sec. 30-40. Enforcement of provisions; methods of enforcement.

The town may enforce the provisions of this article by one or combination of the following methods:

(1) Civil penalty. Any person who violates any provision of this article may be fined by a civil penalty of $100.00 which may be recovered by the town in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days from the date the violator is notified of the penalty. Any other service charges imposed by this article may be collected by the town as a civil penalty in a civil action.

(2) Equitable remedy. The town may apply to a court of competent jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.
(Ord. No. 01-46, § 5, 8-13-01)

Sec. 30-41. Appeal to town manager.

Any owner of premises subject to a civil penalty under the terms of this article may, within 30 days after notification of such penalty, appeal the penalty to the town manager. The town manager is authorized to affirm, compromise, or waive the entire penalty based on evidence provided to him by the owner of the premises.
(Ord. No. 01-46, § 6, 8-13-01)

Sec. 30-42. Duties of the chief of police

The chief of police shall be responsible for recording all pertinent date and information regarding false burglar or hold-up alarms within the town's corporate limits and shall report all such information to the town manager once a month.
(Ord. No. 01-46, § 7, 8-13-01)
Chapter 32

LICENSES AND BUSINESS REGULATIONS*

*Editors Note: Ord. No. 95-25, adopted Mar. 27, 1995, did not specifically amend this Code; hence, its provisions have been added under a new ch. 32, licenses and business regulations, as art. II, §§ 32-36--32-91 at the discretion of the editor.

Article I. In General
Secs. 32-1--32-35. Reserved.

Article II. Privilege License Fee Regulations

Division 1. In General
Sec. 32-36. Definitions.
Sec. 32-37. Construction of this article.
Secs. 32-38--32-45. Reserved.

Division 2. Levy
Sec. 32-46. Levy of fee.
Sec. 32-47. Who must pay fees.
Sec. 32-48. Period of license; due date.
Sec. 32-49. Proration of privilege license fee.
Sec. 32-50. Refunds.
Sec. 32-51. Separate businesses.
Sec. 32-52. Computation of fee based on gross receipts.
Sec. 32-53 Exemptions
Secs. 32-54--32-60. Reserved.

Division 3. Licenses
Sec. 32-61. Application.
Sec. 32-62. Reasons for refusal or revocation of a license.
Sec. 32-63. Unqualified applicants; right to a conference.
Sec. 32-64. Town to issue license; payment of privilege license fee a prerequisite.
Sec. 32-65. Amount of privilege license fee disputed.
Sec. 32-66. Revocation.
Sec. 32-67. Forms and contents of license.
Sec. 32-68. Assignments.
Sec. 32-69. Changes in the business conducted by licensee during the privilege license fee year.
Sec. 32-70. Town to furnish duplicates.
Sec. 32-71. Record of conferences.
Sec. 32-72. Providing notice to an applicant or licensee.
Secs. 32-73--32-80. Reserved.

Division 4. Enforcement and Collection
Sec. 32-81. Duty to determine whether privilege license fee due.
Sec. 32-82. Town to investigate.
Sec. 32-83. Duty to keep books.
Sec. 32-84. Duty to permit inspection.
Sec. 32-85. Duty to post license.
Sec. 32-86. Notice of deficiency.
Sec. 32-87. Request for a conference.
Sec. 32-88. Conference held.
Sec. 32-89. Deficiency to become final.
Sec. 32-90. Collection of deficiency.
Sec. 32-91. Enforcement of article.
STATE LAW REFERENCE: Applicable to new and existing businesses as specified, G.S. 105-33.

ARTICLE I.
IN GENERAL

Secs. 32-1--32-35. Reserved.

ARTICLE II.
PRIVILEGE LICENSE FEE REGULATIONS

DIVISION 1.
IN GENERAL

Sec. 32-36. Definitions.

The following words, whenever they are used in this article, shall be deemed to have the following meanings:

Business: Any trade, occupation, profession, business, franchise, or commercial enterprise or establishment that buys or sells goods, makes products, or provides services for the purpose of gain or profit. Not-for-profit organizations that provide services or sell products for profit are included for the portion of the operation that is for gain or profit.

Person: Any individual, trustee, executor, other fiduciary, corporation, unincorporated association, limited liability corporation, general or limited partnership, sole proprietorship, company, firm, or other legal entity representing a business as defined above and used herein.

Seasonal in nature: A business taxed by this article on an annual basis but operated within the town for less than six months of the year.

Engaged (or engaging) in business within this town: Engaging in business activity of any type, either as owner or operator of such business:

(1) By maintaining a business location within the town;

(2) By soliciting business within the town; or

(3) By picking up or delivering merchandise or performing services within the town.
Sec. 32-37. Construction of this article.

This article is enacted for revenue purposes only. Therefore, it should be construed to require payment of the maximum fee permitted under its terms. In addition, issuance of a privilege license in accordance with this article does not excuse a licensee from compliance with the applicable ordinance or statute. This ordinance does not prevent the town from imposing fees on additional businesses, from increasing or decreasing the amount of any privilege license fee, or from regulating any business taxed.

Secs. 32-38–32-45. Reserved.

DIVISION 2.

LEVEY

Sec. 32-46. Levy of fee.

An annual privilege license fee is hereby levied on each business conducted within the Town of Moriville Corporate Limits. Privilege License Fees are determined annually by the Town of Morrisville’s Town Council in accordance with the State of North Carolina Revenue Laws and are stated in the Town of Morrisville Privilege License Fee Schedule.

Sec. 32-47. Who must pay fee.

Each person, except those otherwise exempt by this ordinance, that conducts business within the Town of Morrisville Corporate Limits is subject to Privilege License Fees. A person “conducts business” when he/she engages in one act of business taxed under this ordinance. One conducts the business “within the town” if he/she maintains a business location within the corporate town limits, or if, either personally or through agents (1) solicits business within the corporate town limits or (2) picks up or delivers goods within the corporate town limits.

Sec. 32-48. Period of license; due date.

A license issued in accordance with this ordinance is good for a twelve-month period beginning July 1 and ending June 30. To avoid any late charges penalties, all privilege license fees are due and payable to the town by July 1 each year. In the event a business begins operation after July 1 of a year, the privilege license fee for that year is due before the business is begun.

(Ord. No. 95-25, 3-27-95) (Ord. No. 02-16 of 4-22-2002)
Sec. 32-49. Proration of privilege license fee.

If a business is begun after January 31 and before July 1, the amount of the privilege license fee due is half the amount otherwise due. If a business is seasonal in nature and if the amount of privilege license fee is not based on gross receipts, the amount of the privilege license fee due is half the amount otherwise due.
(Ord. No. 95-25, 3-27-95)(Ord. No. 02-16 of 4-22-2002)

Sec. 32-50. Refunds.

If for any reason a licensee discontinues his or her business during the license year, he or she is not entitled to a refund.
(Ord. No. 95-25, 3-27-95)

Sec. 32-51. Separate businesses.

A separate privilege license is required and a separate privilege license fee must be paid for each place of business unless two or more places of business under common ownership are contiguous to each other, communicate directly with and open into each other, and are operated as a unit. In addition, a separate privilege license fee must be paid for each business taxable under this ordinance conducted by the business at any one location; however, the town may issue a single license for all taxable business conducted at one location by a single business.

Sec. 32-52. Computation of fee based on gross receipts.

Whenever this ordinance levies a privilege license fee computed on the basis of gross receipts, “gross receipts” means the amount reported as gross receipts on a business’s state income tax return, or on the federal income tax return filed.

If a business has not been in operation long enough for the information required in the above paragraph to be available, the Town of Morrisville shall estimate gross receipts for the business on the basis of gross receipts of comparable businesses, or any other information that the town considers useful.

On or before July 31 immediately after the license year, each licensee who paid the privilege license fee for the past license year based on estimated gross receipts shall submit to the Town of Morrisville a sworn final report showing the amount of gross receipts for the license year. If the amount shown is more than estimated gross receipts, the licensee shall pay the amount of additional fee that would have been due had the estimate been accurate. If the amount shown is less than the estimated gross receipts the town shall refund to the licensee the difference between the actual privilege license fee paid and the amount of privilege license fee that would have been due had the estimate been accurate. (Ord. No. 02-16 of 04-22-2002)
Sec. 32-53 Exemptions.

(a) Generally except as otherwise provided in this section or by state law, no person is exempt from the payment of a privilege license fee levied by this article.

(b) Charitable organizations. A person who operates a business for a religious, educational, civic, patriotic, charitable, or fraternal purpose, when the entire gross income of the business is used for such a purpose, is exempt from paying any privilege license fee levied by this article.

(c) Blind persons and members of the armed forces and merchant marine. Blind persons and persons who serve in the United States armed forces or the merchant marine are exempt from paying any privilege license fee levied by this article to the extent provided by G.S. 105-249 and G.S. 105-249.1.

(d) Must obtain license. Upon request from the Town, a person claiming exemption from paying a privilege license fee levied by this ordinance shall produce information to the Town staff to establish the basis for the exception.


Secs. 32-54--32-60. Reserved.

DIVISION 3.

LICENSES

Sec. 32-61. Application.

A person shall apply to the Town of Morrisville for each privilege license required by this ordinance no less than 30 days before the date the privilege license fee is due. The application, which shall be submitted on forms provided by the Town, shall contain:

(a) The name of the applicant and whether the applicant is an individual, a partnership, corporation, or some other entity.

(b) The nature of the business.

(c) Where the business is conducted.

(d) An address where notices and statements may be mailed to as required by this ordinance.

(e) Whether the business is regulated by a state occupational licensing board subject to G.S. Chapter 93B, and if so, the serial number of the state license the applicant currently holds.

(f) Any other information the Town determines to be necessary to compute the amount of privilege license fee due.
Emergency business contact information to be supplied to the Town’s Fire and Police Departments.

Zoning compliance certificate (to be completed by the Town of Morrisville Planning Department).

A person’s name and telephone number of a business representative who may be contacted regarding privilege license fee questions.

Physical location including the street number and address where the business is conducted.

Sec. 32-62. Reasons for refusal or revocation of a license.

The Town may refuse to issue a privilege license or shall revoke a license for either of the following reasons:

1. The applicant misrepresents a fact relevant to the amount of privilege license fee due or his or her qualifications for a privilege license.

2. The applicant refuses to provide information necessary to compute the amount of privilege license fee due.

Sec. 32-63. Unqualified applicants; right to a conference.

After receipt of the completed application, if the Town believes that a reason exists for refusing a license under section 32-62 of this article, the town shall refuse to accept payment of the privilege license fee and shall not issue the license. At the applicant's request, the town shall, in accordance with section 32-72 of this article, give the applicant a written statement of the reason for refusing the license delivered by certified mail. The applicant may, within ten days after the day the statement is received, request a conference to discuss the refusal. In the request the applicant shall specify why the application for a license should not be refused. The Town shall arrange the conference within a reasonable time.

If the Town refuses to issue a license, the applicant may reapply for a license at any time thereafter. If the reason for which the application was refused no longer exists, and if no other reason exists for refusing to issue a license, the Town shall issue the license in compliance with section 3-64 of this article.

Sec. 32-64. Town to issue license; payment of privilege license fee a prerequisite.

After receipt of the completed application, if the town believes that no reason exists for refusal of a license under section 32-62 of this article, the Town shall determine the amount of privilege license fee due and notify the applicant of that amount. The Town shall not issue a license until the privilege license fee is paid.
Sec. 32-65. Amount of privilege fee disputed.

If disputes arise over the amount the town determines to be due, the applicant may either refuse to pay and request a conference with the town to discuss the determination or pay the amount and request a conference to discuss the right to a refund. If a conference is requested, the town shall arrange it within a reasonable time.
(Ord. No. 95-25, 3-27-95)

Sec. 32-66. Revocation.

The Town shall revoke a license if a reason exists to revoke it as set forth in section 32-62 of this article. Before revoking a license, the Town shall give the licensee written notice of the grounds for revocation, in accordance with section 32-72 of this article. The licensee may within ten days after the day on which notice is served request a conference with the town in writing. The request shall specify the reason why the license should not be revoked. The Town shall arrange the conference within a reasonable time.

If the licensee fails to request a conference within ten days after the day on which the notice is served, the Town shall revoke the license. If the licensee requests a conference, the Town may not revoke the license until after the conference.

If the Town revokes a license, the former licensee may apply for a new privilege license any time thereafter. If the reason for which the license was revoked no longer exists and if no other reason exists for refusing to issue a license, the Town shall issue a license in accordance with section 32-64 of this article.

Sec. 32-67. Forms and content of license.

A privilege license shall show the name of the person and/or business licensed, the place where the business is conducted (if it is to be conducted at one place), the nature of the business licensed, the period for which the license is issued, and the amount of privilege license fee paid. In addition, if a machine is licensed, the privilege license shall show the serial number of the machine. The Town shall keep a copy of each privilege license issued.
(Ord. No. 95-25, 3-27-95)

Sec. 32-68. Assignments.

A license may be assigned if:

(1) A business licensed under this article and carried on at a fixed place is sold as a unit to any person, and

(2) The purchaser is to carry on the same business at the same place.
Such a change shall be reported to the town in accordance with section 32-69 of this article. Otherwise, each privilege license issued under this article is not assignable.
(Ord. No. 95-25, 3-27-95)(Ord. No. 02-16 of 4-22-2002)

Sec. 32-69. Changes in the business conducted by licensee during the privilege license fee year.

A licensee or an assignee shall report a change in the information contained in the license application to the Town within ten days after the change occurs. If information shown on the license itself is affected, the licensee or assignee shall surrender the license to the Town when reporting the change.

(1) Changes affecting the amount of privilege license fee due. If there are no reasons for revoking the license under section 32-62 of this article and the change results in the imposition of a separate or additional privilege license fee, the Town shall reissue a license reflecting the change upon payment of the separate or additional privilege license fee.

(2) Changes not affecting the amount of privilege license fee due. If there are no reasons for revoking the license under section 32-62 of this article and the change does not result in an imposition of a separate or additional privilege license fee, the town shall reissue a license reflecting the change upon payment of a fee of fifteen ($15.00) dollars.

(3) Change requiring refusal of a license. If there is reason for revoking the license under section 32-62 of this article, the town shall refuse to reissue a license and shall begin proceedings to revoke the license in accordance with section 32-49 of this article.

Sec. 32-70. Town to furnish duplicates.

Upon satisfactory proof that a license has been lost or destroyed, the Town shall furnish a duplicate privilege license for a fee of ten ($10.00) dollars.

Sec. 32-71. Record of conferences.

The Town shall maintain for three years a record of each conference held in accordance with this article. The record shall contain the applicant's or licensee's name, the date of the conference, and a brief statement of the issues discussed and the result reached. After three years, the Town shall dispose of the record in accordance with G.S. 121-5.
Sec. 32-72. Providing notice to an applicant or licensee.

Whenever this article requires the Town to give a written statement or notice to an applicant or a licensee, the town may do so in one of three ways:

(1) By personally delivering the notice to the applicant or licensee;

(2) By mailing the statement or notice to the applicant or licensee by certified mail and returning the receipt requested to the address specified for that purpose in the license application; or

(3) By causing the statement or notice to be served on the applicant or licensee in accordance with the procedures for service of process under Rule 4, North Carolina Rules of Civil Procedure.


Secs. 32-73--32-80. Reserved.

DIVISION 4

ENFORCEMENT AND COLLECTION

Sec. 32-81. Duty to determine whether privilege license fee is due.

Each person has the duty to determine whether the business he or she conducts is taxed under this article and if so, whether that privilege license fee has been paid for the current tax year.

(Ord. No. 95-25, 3-27-95)

Sec. 32-82. Town to investigate.

If the Town has reason to believe that a person is conducting a business in the Town in violation of this article, the Town shall conduct an investigation to determine the person's privilege license fee liability from the information available.


Sec. 32-83. Duty to keep books.

Each person who conducts business taxed under this article shall keep all records and books necessary to compute the privilege license fee liability. If a person fails to keep books and records as required, the Town shall make a determination of that person's privilege license fee liability from the information available.

(Ord. No. 95-25, 3-27-95)

Sec. 32-84. Duty to permit inspection.

CD32:9

Supp. No. 5
Each person who conducts business in the Town shall permit the Town to inspect the business premises during normal business hours to determine the nature of the business conducted there and to examine the books and records to determine the nature and amount of business transacted.
(Ord. No. 95-25, 3-27-95)

Sec. 32-85. Duty to post license.

A licensee shall post the license or licenses conspicuously in the place of business licensed. If the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper Town officials. If a machine is licensed, the license shall be affixed to the machine.
(Ord. No. 95-25, 3-27-95)

Sec. 32-86. Notice of deficiency.

If the Town determines that a person has not paid the full amount of privilege license fee due under this article, either for the current license year or for a prior license year, the Town shall give the person written notice of the deficiency, in accordance with section 32-72 of this article. The notice of deficiency shall specify the total amount of privilege license fee due; the section of this article upon which the privilege license fee is based; the amount of privilege license fee paid; any interest due; the balance owed; the manner and time period in which the person may respond to the notice of the deficiency; and the consequences of failing to respond as specified.
(Ord. No. 95-25, 3-27-95)

Sec. 32-87. Request for a conference.

The person may, within ten days after the day on which notice is served, request a conference in writing. The request shall specify the person's objections to the notice of deficiency. By way of illustration but limitation, a person who receives a notice of deficiency may object on the following grounds:

(1) That the fee has already been paid; or
(2) That the Town miscalculated the amount due;
(3) That the Town based the calculation on incorrect or insufficient information concerning either the nature or the amount of business conducted.

Sec. 32-88. Conference held.

If the taxpayer requests a conference, the Town shall not proceed to collect the deficiency until hearing the taxpayer's objections and determining that the deficiency should become final. The Town shall maintain a record of each conference held for three years in accordance with Section 32-87 of this article. The record shall contain the name of the taxpayer, the date of the
conference, a brief statement of the issues discussed, and the results of the discussion. After three years, the Town shall dispose of the record in compliance with G.S. 121-5.

Sec. 32-89. Deficiency to become final.

If the taxpayer fails to request a conference under section 32-87 of this article, the deficiency becomes final and the Town shall proceed to collect the deficiency.
(Ord. No. 95-25, 3-27-95)

Sec. 32-90. Collection of deficiency.

(a) The Town may use any of the following methods to collect a deficiency:

(1) Criminal prosecution in accordance with section 32-91(a) of this article;

(2) Equitable relief in accordance with section 32-91(b) of this article;

(3) The remedies of levy, sale, attachment, and garnishment in accordance with G.S. 160A-207; or

(4) The remedies of levy and sale of real and personal property of the taxpayer within the town in accordance with the provisions of G.S. 105-109.

(b) Any person who commences or continues to conduct a business taxed under this article without payment of the privilege license fee is liable for the additional tax of five percent every 30 days as imposed by G.S. 105-109.
(Ord. No. 95-25, 3-27-95)

Sec. 32-91. Enforcement of article.

(a) Criminal remedies. Conducting business within this Town without having paid the privilege license fee imposed by this article, or without valid license issued in accordance with this article, or without posting a license in compliance with section 32-85 of this article is a misdemeanor, punishable as provided in G.S. 105-109. Each day that a person conducts business in violation of this article is a separate offense. Payment of a fine imposed in criminal proceedings in accordance with this section does not relieve a person of the liability for privilege license fee imposed under this article.

(b) Equitable remedies. In addition to the criminal remedies set forth in subsection (a) of this section and in compliance with G.S. 160A-175(d), the Town may seek an injunction against any person who conducts a business in violation of this article.
(Ord. No. 95-25, 3-27-95)
Chapter 33

RESERVED

CD33:1
Chapter 34

OFFENSES*

Sec. 34-1 Definitions
Sec. 34-2. Ask, Beg or Solicitation of money, alms, or other contributions.
Sec. 34-3. Consumption and possession of alcoholic beverages on Town Property.
Sec. 34-4. Discharging firearms within corporate limits prohibited.

State Law References: Authority for municipality to regulate begging, G.S. 160A-179.
Cross References: Hunting wildlife within corporate limits prohibited, § 6-1.
Sec. 34-1. Definitions

(a) **Aggressive Manner:**

(1) Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise be intimidated into giving money or other thing of value;

(2) Continuing to solicit from a person after the person has given a negative response to such soliciting;

(3) Intentionally touching or causing physical contact with another person without that person’s consent in the course of soliciting;

(4) Intentionally blocking or interfering with the safe and free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

(5) Using violent or threatening gestures toward a person soliciting;

(6) Following the person being solicited, with the intent of asking that person for money or other things of value;

(7) Speaking in a volume unreasonably loud under the circumstances;

(8) Soliciting money from anyone who is waiting in line for entry to a building for another purpose.

(b) **Public place or place open to the public:** for the purpose of this article are defined as areas generally visible to public view and includes roads, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways or entrances in buildings or dwellings and the grounds enclosing them.

(c) **Beg, ask, solicit:** includes, without limitation, the spoken, printed or written word or other such acts as are conducted in furtherance of the purpose of obtaining money, alms or contributions.

(d) **Alcoholic beverages:** for the purpose of this Chapter are defined as any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.
(e) **Malt beverages:** for the purpose of this Chapter are defined as beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage except unfortified or fortified wine as defined by this Chapter, containing at least one-half of one percent (0.5%), and not more than fifteen percent (15%) alcohol by volume. Any malt beverage containing more than six percent (6%) alcohol by volume shall bear a label clearly indicating the alcohol content of the malt beverage.

(f) **Unfortified wine:** for the purposes of this Chapter are defined as any wine of sixteen (16%) or less alcohol by volume made by fermentation from grapes, fruits, berries, rice, or honey: or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, or honey that is contained in the base wine and produced in accordance with the regulations of the United States.

Sec. 34-2 Ask, Beg or Solicitation of money, alms, or other contributions

It shall be unlawful for any person to ask, beg or solicit money, alms, or contributions in an aggressive or intimidating manner:

(a) From any operator or occupant of a motor vehicle while that vehicle is on a state or town maintained street or highway; or

(b) On private property if the owner, tenant, lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating solicitations are not welcomed on the property; or

(c) While in a public place or place open to the public, forcing oneself upon another by making repeated demands for money, alms, or solicitations; or

(d) Within twenty (20) feet of any entrance or exit of any bank or automated teller machine during the hours of operation without consent of the owner or other person legally in possession of such facilities.

(Ord No. 2006-034, 4-24-06)

Sec. 34-3. Consumption and possession of alcoholic beverages on Town property.

(a) Except as permitted in subsection (b), it shall be unlawful for any person to consume or possess an open container of alcoholic beverages, on any public street, public alley, public parking lot, or on property owned by the Town, including parks and greenways.

(b) The consumption or possession of malt beverages and/or unfortified wine may be permitted on public streets, public alleys, public parking lots, or on property owned by the Town in connection with a Town-sponsored event, or for a private event only if approved by the Town Manager or his designee. Any such event involving the consumption or possession of malt beverages and/or unfortified wine must also obtain all required ABC licenses or permits.

(Ord 2011-011/03.22.2011)
Sec. 34-4. Discharging firearms within corporate limits prohibited.

(a) It shall be unlawful for any individual to discharge a firearm within the corporate limits of the town.

(b) Violation of this section shall constitute a misdemeanor punishable by a fine not to exceed $500.00 or imprisonment for not longer than 30 days.
(Ord. No. 00-12, § 2, 4, 3-13-00)
Chapters 35--37

RESERVED

CD35:1
Chapter 38

PARKS AND RECREATION*


Article I. In General
Sec. 38-1. Heavy trucks, tractor-trailers prohibited at facilities.
Secs. 38-2--38-40. Reserved.

Article II. Parks and Recreation Advisory Committee
Sec. 38-41. Creation; appointment of members; residency.
Sec. 38-42. Length of appointment; terms.
Sec. 38-43. Compensation.
Sec. 38-44. Officers.
Sec. 38-45. Officers' duties.
Sec. 38-46. Meetings.
Sec. 38-47. Attendance.

Article III. Parks and Recreation Facilities
Sec. 38-49. Regulations for Use of Public Parks and Recreation Facilities.
ARTICLE I.

IN GENERAL

Sec. 38-1. Heavy trucks, tractor-trailers prohibited at facilities.

(a) It shall be unlawful for any truck 10,000 pounds gross vehicle weight or greater, or any tractor-trailer to enter upon, use, park, stop or stand on any of the parks and recreation facilities of the town.

(b) Violation of this section shall subject the offender to a civil penalty in the amount of $25.00.

(Ord. No. 91-18, §§ 1, 2, 4-22-91)

* Cross References: Traffic and vehicles, ch. 58.

Secs. 38-2--38-40. Reserved.

ARTICLE II.

PARKS AND RECREATION ADVISORY COMMITTEE*

* Cross References: Boards, commissions and committees, § 2-81 et seq.

State Law References: Municipal authority to create parks and recreation commission, G.S. 160A-354.

Sec. 38-41. Creation; appointment of members; residency.

There is hereby created the town parks and recreation advisory committee composed of five regular members and an alternate member, each of whom must reside within the town or within the town's extraterritorial jurisdiction. Each member of the committee shall be appointed by the board of commissioners. The alternate member of the committee shall have the same duties and privileges of a regular member of the committee, except that the alternate member may vote upon any matter before the committee only in the absence of at least one regular member of the committee.

(Ord. No. 90-51, § 1, 9-24-90; Ord. No. 96-18, § 1, 4-9-96)

Sec. 38-42. Length of appointment; terms.

Terms of the original members of the parks and recreation advisory committee shall be staggered. Thereafter, all members shall be appointed to serve for two-year terms. A member may serve no more than two consecutive terms.

(Ord. No. 90-51, § 2, 9-24-90)
Sec. 38-43. Compensation.  

Members of the parks and recreation advisory committee shall serve without monetary compensation. Members shall be reimbursed for travel and subsistence to professional recreation meetings, conferences and workshops, with such reimbursement being made in compliance with the general policies of the town, as long as any such travel or subsistence is approved in advance by the town manager.

(Ord. No. 90-51, § 6, 9-24-90)

Sec. 38-44. Officers.  

There shall be a chairman and vice-chairman of the parks and recreation advisory committee. An annual election of the chairman and vice-chairman shall be held by the committee members and shall occur at the regular monthly meeting in January. Officers shall serve for one year from election, with eligibility for reelection. If an officer's appointment to the committee is terminated, a replacement to the office shall be elected by the committee, from its membership, at the meeting following the termination.

(Ord. No. 90-51, § 7, 9-24-90)

Sec. 38-45. Officers' duties.  

(a) The parks and recreation advisory committee chairman shall preside at all meetings and sign all documents relative to action taken by the committee.

(b) When the chairman is absent, the vice-chairman shall perform the duties of the chairman. When both the chairman and vice-chairman are absent, a temporary chairman shall be selected by those members who are present.

(c) The recreation director shall serve as secretary to the committee. The secretary shall mail to all members copies of official reports and the official minutes of all regular and special meetings, prior to the next scheduled meeting.

(Ord. No. 90-51, § 8, 9-24-90)

Sec. 38-46. Meetings.  

The parks and recreation advisory committee meetings shall be held on a monthly basis unless determined otherwise by the committee. The chairman or in his absence, the vice-chairman, may call a special meeting of the committee at any time. Special meetings may also be scheduled upon request of at least two committee members. A quorum of three members of the committee shall be in attendance before action can be taken.

(Ord. No. 90-51, § 4, 9-24-90)
Sec. 38-47. Attendance.

An appointed member who misses more than three consecutive regular meetings loses his status as a member of the parks and recreation advisory committee until reappointed or replaced by the board of commissioners. Absences due to sickness, death or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the committee. However, in the event of a long illness, or other such cause for prolonged absence, the member may be replaced.
(Ord. No. 90-51, § 5, 9-24-90)


(a) The parks and recreation advisory committee shall serve as the advisory body for the department of recreation and the board of commissioners. The committee shall suggest policies to the recreation department, the recreation director, and the board of commissioners, within its powers and responsibilities as stated in this article. The committee shall serve as a liaison between the recreation department, the recreation director, the board of commissioners, and the citizens of the community. The committee shall consult with and advise the department, the director and the board in matters affecting recreation policies, programs, personnel, finances and the acquisition and disposal of lands and properties related to the total community recreation program, and to its long-range, projected program for recreation.

(b) The committee shall assume duties for recreation purposes as follows:

(1) Make recommendations for the establishment of a system of supervised recreation for the town.

(2) Recommend setting apart for use as parks, playgrounds, recreation centers, water areas or other recreation areas and structures, any lands or buildings owned by or leased to the town with approval by the town board; suggest improvements of the lands and for the construction, equipping and staffing of the buildings and structures as necessary to the recreation director within those funds allocated to the department.

(3) Advise in the acquisition of lands and structures through gifts, purchase, lease or loan.

(4) Advise in the acceptance by the town of any grant, gift, bequest, or donation of any personal or real property offered or made available for recreational purposes and which is judged to be of present or possible future use for recreation. Any gift, bequest of money or other property, grant or devise of real property or personal property so acquired shall be held by the town, used, and finally disposed of in accordance with the terms under which the grant, gift or devise is made and accepted.
(5) Advise in the construction, equipping, operation and maintenance of parks, playgrounds, recreation centers and all buildings and structures necessary or useful to department function, and advise in regard to other recreation facilities which are owned or controlled by the town or leased or loaned to the town.

(Ord. No. 90-51, § 3, 9-24-90)

ARTICLE III.

PARKS AND RECREATION FACILITIES

Sec. 38-49. Regulations for Use of Public Parks and Recreation Facilities.

The Town parks, greenways, and recreation facilities are for the purpose of public recreation and use through general public access and approved recreational programs as authorized by the Town and in accordance with all Town ordinances and such policies, rules and regulations as may be adopted pursuant to this Code. These sites include any property or facility that is owned, leased, or managed by the Town for the purpose of public recreation. All Town-owned, leased or managed parks and facilities within the Town corporate limits are subject to this ordinance:

(a) **Hours of Operation**

Normal hours of operation for Town outdoor parks and greenways shall be during daylight hours only except for Town authorized events, programs, use of lighted facilities, and operation hours set for indoor facilities. Special hours of operation shall be established from time to time by the Town Manager or their designee and shall be posted as may be appropriate.

(b) **Use of vehicles restricted**

(1) It shall be unlawful for any person to drive or propel any motor vehicle over or through any park, except along and upon regularly established roadways and parking lots. The term "motor vehicle" includes, but is not limited to, automobiles, trucks, mini-bikes, go-carts, motor bikes, motorcycles or any other self-propelled motorized vehicle.

(2) It shall be unlawful for any person to drive or propel any other vehicle including, but not limited to, bicycles or skateboards over or through any park except along and upon regularly established roadways, sidewalks, parking lots, greenways or other areas specifically designated by the Town for the use of those vehicles.

(3) It shall be unlawful for any person to drive a motor vehicle at more than 15 miles per hour in any park.

(4) It shall be unlawful for any person to park or permit to be parked any vehicle anywhere on the premises of a park or greenway except upon designated parking areas.
(5) It shall be unlawful for any person to drive, park or otherwise operate or leave unattended any type of vehicle on the premises of a Town park and recreation facility outside of the normal hours of operation or during Town authorized programs, except for Town employees conducting Town business thereon and for emergency personnel and law enforcement personnel on official business.

(c) Signs, etc.

It shall be unlawful for any person to place or erect any structure, sign, bulletin board, post, pole or advertising device of any kind in any park, or to attach any notice, bill, poster, sign, wire or cord to any tree, shrub, fence, railing, post or structure within any park except as authorized by the Town Manager or Director of Parks, Recreation & Cultural Resources department.

(d) Destruction of park property

(1) It shall be unlawful for any person to remove, dig, destroy, mutilate or deface any man-made or natural structure, monument, statue, planter, fountain, wall, fence, railing, vehicle, bench, tree, plant, sports field, natural feature or any other property in any park.

(2) No person shall engage in any activity that causes damage to park property. These activities would include, but not be limited to golfing, metal detecting, or geocaching.

(e) Fireworks

It shall be unlawful for any person to possess, discharge, or explode fireworks of any kind within any park except for those contractors involved with activities sanctioned by the Town.

(f) Animals

(1) It shall be unlawful for any person owning or having possession, charge, custody or control of any animal to take the animal into or allow the animal to enter any public park without being under the restraint of a leash and under control at all times unless the animal is a dog and the park is designated as a dog park.

(2) It shall be unlawful for any person to hunt, trap, catch, wound or kill or cause to be injured, treated cruelly or teased, or attempt to trap, catch, wound, kill, injure or tease any bird, animal, or fish or to rob any nest of any bird or any lair, den or burrow of any animal in or upon any land owned, leased or managed by the Town unless the person is performing said activity under authorization of the Town for the purpose of removing a nuisance animal.

(3) It shall be unlawful for any person owning or having possession, charge, custody or control of any animal in any public park to fail to clean up and properly dispose of the animal’s waste discharged in the park.
(g) **Selling, peddling, for profit business, etc.**

It shall be unlawful for any person to engage in soliciting, peddling, begging, or selling goods, services or merchandise, or to conduct business for profit, within the parks or recreation facilities unless written authority is given by the Town, and unless such selling, peddling, or soliciting is in accordance with other applicable provisions of this Code and state and local laws and regulations.

(h) **Disorderly conduct**

1. It shall be unlawful for any person to restrict passage of vehicles or pedestrians into or through a park area.
2. It shall be unlawful for any person to perform any acts that endangers the well-being of themselves or others or significantly interferes with other persons’ abilities to enjoy a recreation area within any park in the Town.

(i) **Alcoholic beverages**

1. It shall be unlawful for any person to possess, consume or to display publicly any alcoholic beverage in any park except as permitted by Sec 34-3 of this code.
2. It shall be unlawful for any person under the influence of alcoholic beverages, narcotics or other drugs to enter or remain in any park.

(j) **Games and sports**

It shall be unlawful for any person to play football, baseball, soccer or other games of similar character in any area in any park in such proximity to playground equipment or park structures as to threaten harm to other persons using the park or cause damage to the park structures.

(k) **Excavations**

It shall be unlawful for any person to make an excavation in any park for any purpose without written permission from the Town.

(l) **Fires**

It shall be unlawful for any person to make or kindle a fire in any park except in a regularly constructed or appropriate cooking grill. It shall be unlawful for any person to leave any fire unattended or to fail to completely extinguish a fire and all the embers thereof before leaving such fire.

(m) **Dumping or Littering**

It shall be unlawful to deposit, dump, throw, cast, lay or place or cause to be deposited, dumped, thrown, cast, laid or placed any ashes, trash, rubbish, soil or earth, paper, garbage, refuse, debris, plant clippings, limbs or leaves in or upon any park or park land, or in any watercourse, lake, pond or slough within such park lands. All waste material must be deposited in the proper waste or recycling containers.
(n) **Park and Facility use**

1. During regular hours of operation, parks and facilities are open to the public and activities will be based primarily on free play by individuals or small groups.

2. Scheduled activities and facility rentals will be held at various times during and outside of regular hours of operation. Those activities or rentals sanctioned by the Town will hold priority to the use of the parks or recreation facilities over any other user or activity.

3. It shall be unlawful for any person to be present on the premises of a Town park and recreation facility outside of the normal posted hours of operation, except for Town employees conducting Town business thereon, emergency personnel and law enforcement personnel on official business, and persons attending or participating in events sanctioned by the Town.

4. It shall be unlawful for any person to enter any portion or area of a park that has been posted as closed or off limits by the Town due to weather conditions, maintenance, repair, flooding, potential hazards or any other factors as determined by the Town.

5. No person, organization or team shall call, hold or organize use of a park space or facility for more than 20 people for any meeting, concert, practice, game, entertainment, or other gathering whether private or open to the public without first obtaining the proper Town facility rental authorizations and applicable permits.

(o) **Enforcement**

1. Duly sworn law enforcement officers with jurisdiction within the Town of Morrisville shall have the duty and responsibility to enforce this Ordinance.

2. All Town employees shall have the responsibility to inform a person in violation of the ordinance that their actions are in violation or to contact a duly sworn law enforcement officer to report the violation, if necessary.

3. Violation of this ordinance shall constitute a Class 3 misdemeanor and subject the violator to a fine of fifty dollars ($50). In addition, violation of this ordinance shall subject the offender to a civil penalty in the amount of fifty dollar ($50). Each violation constitutes a separate offense.
Chapters 39--45

RESERVED

CD39:1
Chapter 46

PLANNING AND DEVELOPMENT*

* Cross References: Extraterritorial planning and zoning jurisdiction, § 2-1; buildings and building regulations, ch. 10; streets, sidewalks and other public places, ch. 54.

State Law References: Planning and regulation of development, G.S. 160A-360 et seq.

Sec. 46-1. Unified Development Ordinance Regulations.

The Unified Development Ordinance regulations of the Town are not printed herein but are on file and available in the office of the town clerk.
Chapters 47--49

RESERVED

CD47:1
Chapter 50
SOLID WASTE*

* Cross References: Nuisances, § 18-41 et seq.


Sec. 50-1. Construction debris.

(a) All construction refuse, lumber and debris shall be removed or caused to be removed by the property owner within ten days from the completion of any construction activity.

(b) If any person while transporting or hauling any garbage, trash, rubbish or excavation material from a construction site shall throw, drop or deposit or allow to be thrown, dropped or deposited any such material from the transporting vehicle, such person shall promptly clean up and remove the rubbish or materials in a manner satisfactory to the town manager. If such person fails to do so, the town may clean up and remove the rubbish and material and collect the cost of such cleanup and removal from the person violating this section.

(c) Violation of this section shall subject the offender to a civil penalty in the amount of $50.00 per violation. Each day's continuing violation shall be a separate and distinct offense. The penalty shall be due and payable within seven days after the violator has been notified by the town of the penalty. Payment of any such civil penalty shall be in addition to any amount paid to the town for the cost of trash cleanup or removal. (Ord. of 1-12-87, §§ 1--3)

Cross References: Buildings and building regulations, ch. 10.
Chapters 51--53

RESERVED

CD51:1
Chapter 54

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

Cross References: Buildings and building regulations, ch. 10; storm drainage, § 18-201 et seq.; infrastructure inspection fees, § 62-261 et seq.; planning and development, ch. 46; traffic and vehicles, ch. 58.


Article I. In General

Secs. 54-1--54-35. Reserved.

Article II. Parades, Picket Lines and Group Demonstrations

Sec. 54-36. Definitions.
Sec. 54-37. Penalty.
Sec. 54-38. Permit--Required.
Sec. 54-39. Same--Application.
Sec. 54-40. Same--Fee.
Sec. 54-41. Standards for issuance or revocation of permit.
Sec. 54-42. Notice of action on permit application.
Sec. 54-43. Alternative permit.
Sec. 54-44. Duties of permittee.
Sec. 54-45. Duty of parade chairperson.
Sec. 54-46. Conduct during parade.
Sec. 54-47. Interference prohibited.
Sec. 54-48. Exceptions.
Secs. 54-49--54-70. Reserved.

Article III. Street Address Numbering System

Sec. 54-71. Definitions.
Sec. 54-72. Purpose and intent.
Sec. 54-73. Administration and application.
Sec. 54-74. Display of street address numbers.
Sec. 54-75. Enforcement.
ARTICLE I.

IN GENERAL

Secs. 54-1–54-35. Reserved.

ARTICLE II.

PARADES, PICKET LINES AND GROUP DEMONSTRATIONS*

* Cross References: Driving through funeral processions prohibited, § 58-34.
  State Law References: Right of assembly and petition, N.C. Const., art. I, § 12; picketing or parading, G.S. 14-225.1;
powers of local authorities regarding processions and assemblages, G.S. 20-169; authority of local government to regulate
congregations and assemblies, G.S. 130A-258.

Sec. 54-36. Definitions.

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

Block means that portion of any street lying between its intersections with other streets.

Group demonstration means 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 such
persons, or of or on behalf of any organization or class of persons, or for the purpose of attracting attention to
such assembly.

Parade means any parade, march, ceremony, show, exhibition or procession of any kind in or upon the
public streets, sidewalks, alleys, parks or other public grounds or places.

Picket line means any two or more persons formed together for the purpose of making known any
position or promotion of such persons, or of or on behalf of any organization or class of persons.
(Ord. No. 90-42, § 1, 7-23-90)
  Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 54-37. Penalty.

The violation of any provision of this article shall constitute a misdemeanor punishable in accordance
with section 1-6.
(Ord. No. 90-42, § 14, 7-23-90)
Sec. 54-38. 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 article.
(Ord. No. 90-42, § 2, 7-23-90)

Sec. 54-39. Same--Application.

A person seeking the issuance of a parade permit shall file a written application with the police chief of the town not less than 72 hours in advance of such parade, picket line or group demonstration. The chief or his designee is authorized to issue permits as required in the preceding section. Where good cause is shown, the chief or his designee shall have the authority to consider any application which is filed in less than the prescribed filing period. The application shall be signed by the applicant and notarized and shall include, but not be limited to, the following:

1. The name, address and telephone number of the person seeking to conduct the parade.
2. If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible head of such organization.
3. The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct.
4. The date when the parade is to be conducted.
5. The route to be traveled, the starting point and the termination point.
6. The approximate number of persons, animals and vehicles participating in the parade; the type of animals and a description of the vehicles; and whether or not any minors under the age of 18 years shall participate.
7. The hours when the parade will start and terminate.
8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.
9. The location by streets of any assembly areas for the parade.
10. The time when units of the parade will begin to assemble at any such assembly area or areas.
11. If the parade is to be sponsored by, or on behalf of, any person other than the applicant, the applicant for such permit shall file with the application a written authorization from the person proposing to hold the parade authorizing the applicant to apply for the permit on his behalf.

of minors, G.S. 48A-2; obstructing highways, roads and streets, G.S. 136-90.

Sec. 54-40. Same--Fee.

A nonrefundable fee of $25.00 shall be paid by the person applying for the parade permit at the time of application to cover expenses incidental to processing the application.
(Ord. No. 90-42, § 4, 7-23-90)

Sec. 54-41. Standards for issuance or revocation of permit.

The police chief shall issue a permit for a proposed parade unless he finds that:

1. The safe conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
2. The conduct of the parade will require the diversion of so great a number of law enforcement personnel of the town to properly police the line of movement of the parade and of contiguous areas that adequate police protection cannot be provided to the remainder of the town.
3. The conduct of the parade will require the diversion of so great a number of ambulances and rescue units that adequate ambulance and rescue service to portions of the town and contiguous areas not occupied by the parade will be impeded.
4. The concentration of persons, animals and vehicles at assembly points of the parade will substantially interfere with adequate police and fire protection of, or ambulance and rescue service to, areas contiguous to such assembly areas.
5. The parade is to be held for the primary purpose of advertising a product, goods or an event and is designed to be held primarily for private profit or gain.
6. The conduct of the parade will interfere with the movement of firefighting equipment to such an extent that adequate fire protection cannot be provided to the town.

Upon issuance of a parade permit, a copy shall be sent to the town manager and the fire chief. The police chief shall have the authority to revoke a parade permit issued under this article upon violation of the standards for issuance as set forth in this section.
(Ord. No. 90-42, § 6, 7-23-90)

Sec. 54-42. Notice of action on permit application.

(a) The police chief shall act upon the permit application under this article as expeditiously as reasonably possible, and within 48 hours shall notify the applicant in writing of his decision. The notice shall also inform the applicant of the appeal procedure available under subsection (b) of this section and the conference available under section 54-43 for an alternative permit.

(b) Any person aggrieved shall have the right to appeal the denial of a parade permit to the Town.
Council, and the board shall hear the appeal at its first regularly scheduled meeting after receipt of the appeal. (Ord. No. 90-42, § 7, 7-23-90)


Sec. 54-43. Alternative permit.

If the police chief denies an application for a parade permit based upon one or more of the findings prescribed in section 54-42, the chief or his designee shall, upon the request of the applicant, confer with the applicant for the purpose of trying to negotiate modifications to the planned parade that will eliminate the objections found under section 54-42. The police chief is authorized to grant an alternative permit specifying a date, time or route different from that contained in the application. The alternative permit is valid only upon the filing by the applicant with the police chief or his designee of a written acceptance of the alternative permit. An alternative permit is void if not accepted in the manner prescribed in this section. An alternative permit shall conform to the requirements of and shall have the effect of a parade permit under this article. (Ord. No. 90-42, § 8, 7-23-90)

Sec. 54-44. Duties of permittee.

A permittee under this article shall comply with all permit directions and conditions and with applicable laws and ordinances. (Ord. No. 90-42, § 9, 7-23-90)

Sec. 54-45. Duty of parade chairperson.

The parade chairperson or other person leading the parade shall carry the parade permit upon his person during the conduct of the parade. The parade chairperson shall be physically present at the parade and shall be responsible for compliance with all provisions of the parade permit. (Ord. No. 90-42, § 10, 7-23-90)

State Law References: Authority of local government to regulate congregations and assemblies, G.S. 130A-258.

Sec. 54-46. Conduct during parade.

(a) Interference. No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in the parade.

(b) Driving through parades. No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) Parking along parade route. The police chief shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route of a parade. The police chief shall cause signs to be posted to this effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(d) Dangerous weapons. No dangerous weapon of any kind may be possessed either exposed or concealed by any participant in the parade, or any person affiliated with and present at the parade, or any person present

CD54:5
upon any street, sidewalk or other public place within 500 feet of the parade.

(e) **Handcarried signs.** No sign or poster carried by hand in the parade shall be of greater density than eight-ply cardboard. No support for such sign or poster shall be of a metallic substance or thicker than one by three-fourths inches.

(f) **Parade route.** Every parade shall follow the route designated and approved by the police chief and described on the parade permit.

(g) **Exceptions.** This section shall not apply to the following persons while acting lawfully and within the scope of their duties and authority:

1. Law enforcement officers.
2. Officers and soldiers of the armed forces, militia and National Guard.

(Ord. No. 90-42, § 11, 7-23-90)

**State Law References:** Picketing or parading, G.S. 14-225.1; weapons at parades prohibited, G.S. 14-277.2; authority of municipalities to regulate use of highways by processions or assemblages, G.S. 20-169; authority of municipalities to regulate streets, G.S. 136-66.4; obstructing highways and roads, G.S. 136-90; chief of police, G.S. 160A-281; powers and duties of police officers, G.S. 160A-285, 160A-286; authority of municipalities to regulate parking, G.S. 160A-301.

**Sec. 54-47. 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 police chief.

(Ord. No. 90-42, § 12, 7-23-90)

**Sec. 54-48. Exceptions.**

The provisions of this article shall not apply to:

1. Funeral processions.
2. Students going to or from school classes or participating in educational or recreational activity where such activity is under the supervision and direction of proper school authorities.
3. Any governmental agency acting within the scope of its functions.
4. Picketing or other orderly processions on the sidewalks that do not violate any other town or state law.

(Ord. No. 90-42, § 13, 7-23-90)

**Secs. 54-49–54-70. Reserved.**
ARTICLE III.

STREET ADDRESS NUMBERING SYSTEM*

*State Law References: Development of a coordinated street system, G.S. 136-66.2; authority of municipalities regarding streets, G.S. 136-66.4.

Sec. 54-71. Definitions.

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

Address administrator means the town employee designated to assign street address numbers to properties in the town area.

Building means a totally enclosed structure having a roof supported by columns or walls. For the purpose of this article, each separate and distinct unit within a single structure shall also be considered a separate building.

Driveway/private street means an accessway owned and maintained by private interests leading to a building, use or structure.

Official address number means the street address assigned by the address administrator which uniquely identifies a particular building or lot. This term is synonymous with "street address number."

Public street means a dedicated and accepted public right-of-way for vehicular traffic.

(Ord. No. 91-8, § 2, 2-11-91)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 54-72. Purpose and intent.

The purpose and intent of this article is to provide a uniform system of road addresses for all properties and buildings throughout the town in order to facilitate provision of adequate public safety and emergency response services and to minimize difficulty in locating properties and buildings.

(Ord. No. 91-8, § 1, 2-11-91)

Sec. 54-73. Administration and application.

(a) The town will be responsible for the interpretation and administration of this article, including:

(1) Assigning all numbers for properties and buildings.

(2) Maintaining address records of each property and building.

(3) Changing existing addresses when necessary to achieve sequential house numbering along a road CD54:7
or regularizing an existing numbering scheme.

(4) Designating individual unit addresses within multifamily housing.

(b) This article shall apply within the corporate limits of the town and within the town's accepted extraterritorial jurisdiction.
(Ord. No. 91-8, § 3, 2-11-91)

Sec. 54-74. Display of street address numbers.

Street address numbers shall be clearly displayed as follows so that the location can be identified easily from the street:

(1) The official address number shall be displayed on the front of a building or at the entrance to a building which is most clearly visible from the street during both day and night.

(2) If the official address number is not visible from the public street or private street that serves as the primary access road to the building on which the address number is located, or if the subject building is located more than 75 feet from such access road, the address numbers shall also be displayed at the end of the driveway or easement nearest the road which provides access to the building.

(3) Numerals identifying the address number of a single-family dwelling shall be at least four inches in height except that numerals displayed on a roadside mailbox shall be at least two inches in height.

(4) Numerals for buildings containing multiple dwelling units shall be at least six inches in height and shall be placed on the side of the building facing the road or on the end of the building nearest the road.

(5) The requirements of subsection (4) above shall not apply if individual units in a multifamily dwelling building meet the requirements of subsection (1) or (2).

(6) Numerals for nonresidential buildings shall be at least six inches in height and meet all other requirements of subsection (4) above.

(7) Numerals shall be displayed in a color that contrasts with the color of the background to which it is affixed.

(8) The address administrator will have the right to authorize and approve alternate methods of displaying street address numbers that are in keeping with the intent of this article when strict adherence to these standards cannot reasonably be met.
(Ord. No. 91-8, § 4, 2-11-91)

Sec. 54-75. Enforcement.
(a) No building permit shall be issued until an official street address number has been assigned for the building lot or unit.

(b) No certificate of occupancy shall be issued until the official street address number is properly displayed.

(c) Owners or occupants of buildings already constructed that do not comply with the provisions of this article will be notified and requested to meet such requirements within 60 days from the date of the notification. A warning notice will be issued after 60 days if the requirements of this article have not been met. If the owner or occupant does not comply with the requirements within 30 days of delivery of a warning notice by certified mail or by hand delivery to the building in violation, enforcement action as set forth in subsection (d) below may be initiated.

(d) Violation of this article is an infraction punishable in accordance with section 1-6. Each day the violation continues after the offending owner or occupant has been notified as set forth in subsection (c) above shall constitute a separate violation of this article.

(Ord. No. 91-8, § 5, 2-11-91)
Chapter 55

RESERVED

CD55:1
Chapter 56

TELECOMMUNICATIONS

Article I. In General
Secs. 56-1–56-35. Reserved.

Article II. Cable Telecommunications
Sec. 56-36. Definitions.
Sec. 56-37. Application fee and application bond.
Sec. 56-38. Term of franchise.
Sec. 56-39. Termination and expiration of franchise.
Sec. 56-40. Transfer of cable telecommunications system.
Sec. 56-41. Franchise and other fees.
Sec. 56-42. Limitations of franchise.
Sec. 56-43. Additional town rights in franchise.
Sec. 56-44. Initial service area.
Sec. 56-45. Emergency alert override system.
Sec. 56-46. Interconnection.
Sec. 56-47. Access funding.
Sec. 56-48. Channels, new developments and access utilization.
Sec. 56-49. Rights of individuals.
Sec. 56-50. Liability and indemnification.
Sec. 56-51. Filing and communications with regulatory agencies.
Sec. 56-52. Miscellaneous provisions.
ARTICLE I.

IN GENERAL

Secs. 56-1–56-35. Reserved.

ARTICLE II.

CABLE TELECOMMUNICATIONS

Sec. 56-36. Definitions.

For the purposes of this article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein, when not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, words in the singular number include each of the other genders. The words "shall" and "must" always are mandatory and not merely directory.

Access shall mean any programming or channel designated for use by any other person other than the company.

Basic services shall mean all subscriber services provided by the grantee in one or more service tiers, including the delivery of broadcast signals, access channels and origination channels, covered by the regular monthly charge paid by all subscribers to a particular service tier, excluding optional services for which a separate charge is made.

Cable telecommunications shall mean cable television and communications.

Cable telecommunications service shall mean the provision of improved television or telecommunications intelligence or entertainment services to the public for compensation or not and distributing the same by wire or fiber cable or other means.

Cable telecommunications system shall mean a system of antennas, cables, fiber optics, wires, lines, towers, wave guides, or other conductors, converters, equipment or facilities, designed and constructed for the purpose of producing, originating, amplifying, and distributing any type of signal including, but not limited to, audio, video, and other forms of electronic, digital or electrical signals.

Channel shall mean a 6 MHZ band of frequencies in the electromagnetic spectrum (or any other means of transmission, including but not limited to optical fibers, which is capable of carrying the equivalent signal or signals), and includes uses of all or any portion of such band of frequencies.

Construction completion date shall mean the date, after receiving a request from franchisee, on which the town or its designee issues a certificate of completion to a franchisee. That certificate shall not be unreasonably withheld.
FCC shall mean the Federal Communications Commission.

Franchise shall mean and include any authorization granted by the town in terms of a franchise privilege, permit license or otherwise to construct, or have constructed, operate and maintain a cable telecommunications system. Any such authorization, in whatever term granted, and the fees charted thereunder shall neither supersede nor take the place of any license, license fee or permit authorization which might otherwise be required for the privilege of transacting and carrying on cable telecommunications service under any other town ordinance licensing or regulating business within such areas.

Full cable telecommunications service shall mean all cable telecommunications services.

Grantee or franchisee or company shall mean the person, firm, or corporation to whom a franchise, as defined herein, is granted by the town board under this article, and the lawful successor, transforee or assignee of said person, firm, or corporation.

Gross revenues shall mean any and all compensation received by grantee or any firm in which grantee has part ownership as a result of the exercise of the franchise granted hereunder excluding any privilege or use taxes. "Gross revenues" include by way of illustration, but are not limited to, regular subscriber service fees, installation fees, disconnect and reconnect fees, pay TV, leased channel revenues, advertising revenues, converter and remote control rental revenues, or any other income from the system.

Initial service area shall mean that geographical area within the incorporated limits of the town as of the date of acceptance of a franchise pursuant to this article.

Person shall mean any person, firm, partnership, association, corporation or organization of any kind.

Service package or tier of service shall mean one or more communications channels or services which are offered as a unit by the grantee to subscribers and for which a separately identifiable rate or charge is made.

Street shall mean the surface of and the space above and below any publicly owned or maintained property or right-of-way, street, road, highway, freeway, land, path, alley, court, sidewalk, parkway or drive, now or hereafter existing as such within the town.

Subscriber shall mean any person or entity lawfully receiving any portion of the cable telecommunications service of a grantee pursuant to this article.

Town shall mean the Town of Morrisville or the area within the present and future territorial town limits of the town and such territory outside of the town over which the town has jurisdiction or control by virtue of any law.

Town board shall mean the Town Board of the Town of Morrisville, North Carolina, or its designee.

Sec. 56-37. Application fee and application bond.
CD56:4

(a) **Application fee.** Applicants for a franchise hereunder shall pay a nonrefundable "Application Fee" to the Town of Morrisville of $3,000.00, which sum shall be due and payable to the town under submission to the town of an application for a franchise.

(b) The town board shall review the applicant's legal, character, financial, technical, and other qualifications and the adequacy and feasibility of its construction arrangements and its compliance with the terms of this article. If the town board finds the application is in compliance with this article and is satisfied with the ability of the applicant to perform and is satisfied with the legal, character, financial and technical qualifications and construction arrangements, the town shall grant applicant a franchise.

(Ord. No. 95-64, § II, 8-14-95)

Sec. 56-38. Term of franchise.

The duration of a franchise granted pursuant to this article shall not be more than 15 years from the effective date.

(Ord. No. 95-64, § III, 8-14-95)

Sec. 56-39. Termination and expiration of franchise.

(a) The town reserves the right to terminate, at any time, any franchise granted hereunder and rescind all rights and privileges associated therewith in the event that:

(1) Grantee has not complied in some material respect with a provision of this article or of a supplemental written agreement entered into by and between the town and the grantee; or in some material respect of terms or conditions of any franchise or permit issued hereunder; or

(2) Grantee has made a material, false statement in the application for the franchise, knowing it to be false; or

(3) The grantee, contrary to the best interest of public convenience and welfare, is not providing subscribers with regular, adequate, and proper service; consistent with the terms of any franchise granted hereunder; or

(4) The grantee becomes insolvent, enters into receivership or liquidation, files for bankruptcy or for composition of creditors, is unable or unwilling to pay his debts as they mature or is in financial difficulty of sufficient consequence so as to jeopardize the continued operation of the cable telecommunications system unless the grantee is in due process of contesting such debts; or

(5) Grantee violates any FCC order or ruling or the order or ruling of any other governmental body having jurisdiction over the grantee unless the grantee is lawfully contesting the legality of applicability of such order.

(b) In the event that the town shall decide to terminate for cause a franchise granted hereunder, it shall give the grantee 60 days written notice of its intention to terminate and stipulate the cause. If, during the
60-day period, the cause shall be cured to the satisfaction of the town, the town shall declare the notice to be
null and void. In any event, before a franchise may be terminated, the grantee must be provided with an
opportunity to be heard before the town board in accordance with due process procedures. If a grantee's
franchise is terminated, the decision shall be subject to judicial review as provided by law.

(c) In the event that any part of the cable telecommunications system is discontinued for any reason
for a continuous period of 30 days or the franchise held by a grantee to construct, operate, or maintain a cable
telecommunications system is terminated by the town board, pursuant to the terms of this article, and all
negotiations to settle the differences between the parties have failed (provided, however, that such negotiations
shall not be required), the town board may advertise and seek another grantee to operate the system. If a
franchise is granted to another person, the terminated grantee may be required to sell the entire cable
telecommunications system to the new grantee at a price to be determined by three competent, independent
appraisers, one each appointed by the terminated grantee, the new grantee, and the town board. The appraisers
appointed shall use the then-best methods of appraising to determine this value. The cost of the appraisers shall
be shared equally by the terminated grantee and the new grantee. The terminated grantee shall execute such
deeds, bills of sale and other documents as may be necessary to effectuate this sale. The terminated grantee shall
fully cooperate with these appraisers.

(d) In the event of the early termination of the franchise as herein provided, the town shall have the
option to purchase the cable business for the fair market value of said capital improvements. The town may also
require the grantee to sell any capital improvements as provided in this section to any successor grantee as set
forth in subsection (c) hereof. In any event, the town may require the grantee to continue to provide service for a
reasonable period not to exceed six months in order to assure uninterrupted service to subscribers.

(e) The town shall give to grantee notice of its intent to exercise the option to purchase at least 90
days prior to the expiration of the term of this franchise and/or such renewals thereof as are authorized. If the
franchise is terminated or expires, notice of intent to exercise the option to purchase shall be contained in the
notice of intention to terminate.

(f) Should the grantee's franchise be terminated or expire, and not purchased as above provided, and
at such times as the successor is ready to provide service, but no later than six months from termination or
expiration, the grantee shall begin removal of all property owned by it and in place on public or private
rights-of-way, unless permitted by the town to abandon said property in place. In so removing such plants,
structures, and equipment, the grantee shall refill, at its own expense, any excavation made by it and shall leave
such public and private places in as good condition as that prevailing prior to the company's installation of its
equipment and appliances without affecting, altering, or disturbing in any way the electric distribution or
telephone cable, wire, or attachments or any poles. The town board or other officer or his appointee, shall
inspect and approve the condition of such public ways and public places and cables, wire attachments, and
poles after removal. Liability insurance and indemnity provided for herein shall continue in full force and effect
during the entire period of removal.

In the event of any such removal, the grantee shall restore the public rights-of-way to a condition
satisfactory to the town. Upon abandonment, which shall only be done as the town directs, the grantee
shall transfer ownership of all such abandoned property to the town and submit to the town an
instrument in writing, subject to the approval of the town attorney, effecting such transfer.
If the town or the state is forced to remove the system, the work shall be done at the expense of the terminated grantee.
(Ord. No. 95-64, § IV, 8-14-95)

Sec. 56-40. Transfer of cable telecommunications system.

(a) No transfer of control of the cable telecommunications system other than a pro forma transfer to a parent or a wholly owned subsidiary corporation shall take place, whether by force or voluntary sale, lease, mortgage, assignment, encumbrance, foreclosure, attachment, merger, or any other form of disposition, without prior notice to and approval by the town board. The notice shall include full identifying particulars of the proposed transaction and the town board shall act by resolution. The town board shall have 60 days within which to approve or disapprove a transfer of control; if no action is taken within 60 days, approval shall be deemed to have been given.

(b) Notice of such transfer, together with copies of all documents pertaining thereto shall be in writing filed with the town clerk at least 30 days prior thereof and expressly conditioned upon full compliance with the terms of the franchise issued and this article. The transferee shall agree in writing to comply with all provisions of this article and such other provisions and requirements as the town board might require.

(c) For the purpose of this section the term "control" is not limited to majority stock ownership, but includes actual working control in whatever manner exercised. A rebuttable presumption that a transfer of control has occurred shall arise upon the acquisition or accumulation by any person or group of persons of ten percent of the voting shares of the company.

(d) In the absence of extraordinary circumstances, the town board will not approve any transfer or assignment of the franchise before completion of initial construction of the energized system or within the first two years of operation thereafter.
(Ord. No. 95-64, § V, 8-14-95)

Sec. 56-41. Franchise and other fees.

(a) Within 60 days after each quarter of its fiscal year, after acceptance of a franchise, the grantee shall pay to the town for constructing, operating, and maintaining the cable telecommunications system as defined herein, and for the privilege of providing the cable telecommunications service as defined herein during the ensuing fiscal year, a sum equal to five percent of its gross revenue for its preceding quarter. The payment of this fee is in addition to any privilege or use tax or ad valorem taxes which the town may levy.

Within four months after the expiration of the grantee's fiscal year, the grantee shall file with the town an audited financial statement prepared by a certified public accountant showing in detail the gross subscriber revenues, as defined herein, of the grantee during such fiscal year. At any time, the town board, its employee or other designated representative, shall have the right to inspect all financial documents. Acceptance of payments hereunder shall not be construed as a release or as an accord and satisfaction of any claim the town may have for further or additional sums payable under this article or for the performance of any other obligations hereunder. In the event of holding over after expiration or
other termination of any franchise granted hereunder, without the consent of the town, the grantee shall pay to the town reasonable compensation and damages, of not less than 100 percent of its total gross profits during said period.

(b) Company and Town of Morrisville agree that the five percent franchise fee provided for herein shall be reviewed every five years during the term of this franchise, and the franchise fee, at the sole option of the town board, shall be adjusted if the town board determines that an adjustment is necessary in order to maintain franchise fee at a level consistent with:

(1) Franchise fees being paid by cable telecommunications companies operating under similar conditions.

(2) The costs incurred by the town in administering this franchise.

(3) The value of the company's right to use town street and public easements.

(4) Any applicable statutes, laws, rules and regulations.

If the franchise fee is adjusted, such adjustment shall be effective at the beginning of the next immediate full quarter of the company's fiscal year during which such adjustment is made. The town may unilaterally adjust the franchise fee upward only after giving notice to the company and holding a hearing.

(Ord. No. 95-64, § VI, 8-14-95)

Sec. 56-42. Limitations of franchise.

(a) In addition to the limitations otherwise herein appearing, the franchise is subject to the following limitations: The grantee shall at all times during the life of any franchise hereunder be subject to all lawful exercise of the police power by the town and other duly authorized regulatory state and federal bodies and shall comply with any and all ordinances which the town has adopted or shall adopt applying to the public generally and to other grantees, and shall be subject to all laws of the State of North Carolina, and the United States.

(b) Time shall be of the essence of any franchise granted hereunder. The grantee shall not be relieved of its obligations to comply promptly with a provision of this article by the failure of the town to enforce prompt compliance. Failure of the town to enforce any breach by the grantee shall not constitute a waiver by the town.

(c) Any franchise granted hereunder shall not relieve the grantee of any obligation under any pole or conduit use agreements both from the town and the telephone company, or others maintaining poles or conduits in the streets of the town, whenever the grantee finds it necessary to make use of said poles or conduits.

(d) Any poles, cable, electronic equipment or other appurtenances of the grantee to be installed in, under, over, along, across or upon a street shall be so located so as to cause minimum interference with the public use of the street and to cause minimum interference with the rights of other users of the streets or of property owners who adjoin any of the streets. All such installations shall be subject to the prior approval of the town.
(e) In the event of disturbance of any street or private property by grantee, he shall, at his own expense and in a manner approved by the town, replace and restore such street and private property in as good a condition as before the work causing such disturbance was done.

(f) Grantee shall construct, maintain, and operate the cable telecommunication system so as to cause minimum inconvenience to the general public. All excavations shall be properly guarded and protected and shall be replaced and the surface restored promptly after completion of the work at its sole cost and expense. The grantee shall at all times comply with all excavation ordinance requirements of the town.

(g) The grantee shall, upon reasonable notice from any person holding a building moving permit issued by the town, temporarily alter his facilities to permit the moving of such building. The actual cost of such altering shall be borne by the person requesting the altering and the grantee shall have the right to request payment in advance. For the provision of the ordinance, reasonable notice shall be construed to mean at least 48 hours prior to the move.

(h) If, at any time, in case of fire or disaster in the town, it shall become necessary in the judgement of the town manager or the chief of the fire department or their designee to cut or move any of the wires, cables, amplifiers, appliances, or appurtenances thereto of the grantee, such cutting or moving may be done and any repairs rendered necessary thereby shall be made by the grantee at no expense to the town.

(Ord. No. 95-64, § VII, 8-14-95)

Sec. 56-43. Additional town rights in franchise.

(a) The town may from time to time add to or modify or delete provisions of this article as it shall deem necessary in the exercise of its regulatory powers provided that such revisions are reasonable and in keeping with the public interest and welfare. Such revisions shall be made only after a public hearing, for which the grantee shall have received written notice at least 30 days prior to such hearing, is held.

(b) The town reserves the right, upon reasonable notice, to require the grantee at his expense, to protect, support, temporarily disconnect, relocate or remove from the town's streets any property of the grantee by reason of traffic conditions, public safety, street construction or excavation, change or establishment of street grade, installation of sewers, drains, water pipes, power or communication lines, tracts, or other types of structure or improvements by governmental agencies or any structures of public improvement. Reasonable notice for this provision of the article shall be construed to mean at least 30 days except in the case of emergencies where no specific notice period shall be required.

(c) In the event of the failure by the grantee to complete any work required by (b) above or any work required by town law or ordinance within the time established and to the satisfaction of the town, the town may cause such work to be done and the grantee shall reimburse the town the costs thereof within 30 days after receipt of an itemized list of such costs.

(d) The town reserves the right, in the event of an emergency or disaster, to require the grantee to make available to the town manager or his appointee, at his request, grantee's facilities at no cost, for emergency use during such emergency or disaster period.

CD56:8
(e)  The town reserves the right during the life of any franchise granted hereunder to have access to all plans, contracts and engineering, accounting, financial, statistical, customer, and service records relating to the property and the operations of the grantee and to all other records required to be kept hereunder upon reasonable request.

(f)  The town reserves the right during the life of any franchise granted hereunder, to install and maintain free of charge upon the poles and conduits of the grantee any wire and pole fixtures necessary for municipal networks such as police and fire, on the condition that such installations and maintenance thereof do not interfere with the operations of the grantee.

(g)  The town reserves the right during the life of any franchise granted hereunder, to reasonably inspect and supervise at the grantee's cost, all construction or installation work performed subject to the provisions of the article to ensure compliance with the terms of the article. The town may also perform measurements upon and randomly inspect any portion of a grantee's system to ensure compliance with the technical standards under which the grantee is authorized to operate. Upon the town's request, the grantee will perform the tests, submitting the results to the town.

(h)  The town reserves the right during the life of any franchise granted hereunder, to upon 90 days' notice hold a public hearing for the expressed purpose of reviewing the general and specific performance of the grantee with regard to all franchise provisions contained herein or in the future adopted by the town.

(i)  Neither the granting of any franchisee nor any governing provision of such franchise shall constitute a waiver or bar to the exercise of any governmental right or power of the town.

(j)  Nothing in this article shall in any way or to any extent be construed to waive, modify or abridge the town's right of eminent domain in respect to the grantee.

(k)  Any right or power in, or duty impressed upon any officer, employee, department or board of the town shall be subject to transfer by the town board by law to any other officer, employee, department or board of the town. The town reserves all rights not specifically granted herein, and the enumeration of the rights herein shall not be construed to be a limitation of any right or power the town may otherwise have.

(l)  The town shall have the authority to order a hearing every five years on the provision of additional capacity. If after such a hearing, the town determines:

1. That a requirement for additional capacity exists; and

2. That consideration has been made or will be made for adequate rates to allow the company a fair rate of return on its additional investment;

then the town may direct that such additional capacity shall be provided to the extent economically feasible and consistent with provision of paragraph (2) above.

(Ord. No. 95-64, § VIII, 8-14-95)
Sec. 56-44. Initial service area.

(a) The grantee of any franchise hereunder is empowered to provide service to all potential subscribers now or in the future who are located within the town limits as of the effective date of the franchise.

(b) In the event the continued use of a street is denied for any reason, the grantee will make every reasonable effort to provide service over alternate routes.
(Ord. No. 95-64, § IX, 8-14-95)

Sec. 56-45. Emergency alert override system.

The company shall incorporate into its cable telecommunications system, the capability which will permit the town, in times of emergency, to override the audio portion of all channels simultaneously, by telephone or other communicating medium to be provided by the company.

(1) The company shall designate a channel which will be used for emergency broadcasts of both audio and video.

(2) The company shall cooperate with the town in the use and operation of the emergency alert override system.
(Ord. No. 95-64, § X, 8-14-95)

Sec. 56-46. Interconnection.

The company shall interconnect its cable system with any or all other cable systems in nearby areas, upon the directive of the town. To accomplish this requirement, the company shall familiarize itself with the technical demands necessary to cause such interconnection.

(1) Interconnection of the systems may be done by direct cable connection, microwave link, satellite, or other appropriate method.

(2) Upon receiving a directive from the town to interconnect, the company shall immediately initiate negotiations with the other affected system or systems in order that all costs may be shared equitably among cable companies for both construction and operation of the interconnection link. Such interconnection shall be made within the time limit established by the town.

(3) The company may be granted reasonable extensions of the time to interconnect, or the town may rescind its order to interconnect upon petition by the company to the town. The town shall grant the request, if it finds the company has negotiated in good faith and has failed to obtain approval from the other affected systems, or the cost of interconnection would cause an unreasonable or unacceptable increase in subscriber rates.

(4) The company shall cooperate with any interconnection corporation, regional interconnection authority or town, county, state and federal regulatory agency established for the purpose of regulating, financing, or otherwise providing for the interconnection of cable systems beyond the
boundaries of the town. Further, the company will cooperate with other cable telecommunications system operators in an attempt to standardize the number of channels likely to be interconnected, to standardize a suitable frequency plan that would be compatible with existing microwave coverage in the area that would permit the maximum number of systems to interconnect, and to standardize the actual channel assignments.

(5) The company shall design and operate the system so as to facilitate interconnection as stated above.

(Ord. No. 95-64, § XI, 8-14-95)

**Sec. 56-47. Access funding.**

(a) The town shall have the right to establish an authority or commission to administer for the town all community media (access) activities.

(b) The town shall have the right to direct the grantee to collect fees from customers to support the annual operating requirements of a community media (access) operation. The fee shall be collected and remitted to the town for deposit in a special revenue fund, designated for this purpose each month.

(c) Each month, the grantee shall contribute a sum equivalent of one-half of one percent of gross revenues to a special revenue fund designated for the acquisition of capital assets, to fulfill the capital requirements of the community media (access) operation.

(Ord. No. 95-64, § XII, 8-14-95)

**Sec. 56-48. Channels, new developments and access utilization.**

The town shall have the authority to order a public hearing from time to time on the provision of channel capacity for public bandwidth on the network. If after such a hearing, the town determines:

(1) That there exists a reasonable demand for additional bandwidth; and

(2) That provisions have been made or will be made to allow the company a fair rate of return on its investment, the town shall order the company to provide such additional capacity within a reasonable amount of time.

If the town finds that additional public bandwidth is desirable, the company shall within three months from receipt of written notice from the town, make additional bandwidth available.

(Ord. No. 95-64, § XIII, 8-14-95)

**Sec. 56-49. Rights of individuals.**

(a) Company shall not deny service, deny access, or otherwise discriminate against subscribers, channel users, or other users, or any citizen on the basis of race, color, religion, national origin, sex or sexual orientation. Company shall comply at all times with all other applicable federal, state and local laws and regulations, and all executive and administrative orders relative to nondiscrimination which are hereby...
incorporated and made part of the article by reference.

(b) No signals shall be transmitted from a subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the subscriber. No person shall be required to grant such permission. The request for such permission shall be contained in a separate document with a prominent statement that the subscriber is authorizing the permission in full knowledge of its provision. The authorization shall be revocable at any time by the subscriber without penalty of any kind whatsoever.

(c) Except in respect to an approved transfer of all or part of the company, the company, or any of its agents or employees or agents or employees of the Town of Morrisville, shall not, without the specific written authorization (contained in a separate document) of the subscriber involved, sell or otherwise make available to any party:

(1) Any lists or other material containing the names and addresses of such subscribers, or

(2) Any list or other material which identifies the individual viewing habits of subscribers.

(d) No person shall be required to sign an authorization allowing the company to make this information available to any party.

(Ord. No. 95-64, § XIV, 8-14-95)

Sec. 56-50. Liability and indemnification.

(a) It shall be expressly understood and agreed by and between the town, employees and officials and any grantee hereunder that the grantee shall save the town, its employees and officials harmless and indemnify it and them from all loss sustained by the town, its employees and officials on account of any suit, judgement, execution, claim or demand whatsoever, including but not limited to, copyright infringement and all other damages arising out of the award of a franchise on the installation or operation or maintenance of the cable telecommunications system authorized herein, whether or not any act of omission complained of its authorized, allowed or prohibited by this article and any franchise granted hereunder.

(b) The grantee shall pay, and by his acceptance of any franchise granted hereunder agrees that he will pay, all expenses incurred by the town, employees and officials in defending itself with regard to all damages and penalties mentioned in subsection (a) above. These expenses shall include all reasonable out of pocket expenses, such as consultant or attorney fees, and shall also include the reasonable value of any services rendered by the town attorney or his staff or any other employees of the town.

(Ord. No. 95-64, § XV, 8-14-95)

Sec. 56-51. Filing and communications with regulatory agencies.

The grantee shall simultaneously file and maintain with the town board copies of all petitions, applications and communications, relative to any franchise granted pursuant to this article, transmitted by the grantee to, or received by the grantee from all federal and state regulatory commissions or agencies having competent jurisdiction to regulate the operations of any broad band telecommunications network authorized hereunder.
Sec. 56-52. Miscellaneous provisions.

(a) **Compliance with laws.** Grantee agrees to comply full with all local ordinances, state and federal laws, and with all rules issued by all regulatory agencies now or hereafter in existence.

(b) **Severability.** If any section, sentence, clause or phrase of the ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remainder of this article, and any portions in conflict are hereby repealed; provided, however, that in the event that the FCC declares any section invalid, then such section or sections will be renegotiated by the town and the grantee.

(c) **Captions.** The captions to sections are inserted solely for information and shall not affect the meaning or interpretation of the article.

(d) **No recourse against the town.** The grantees shall have no recourse whatsoever against the town or its officers, boards, commissioners, agents, or employees for any loss, cost, expense or damage arising out of any provision or requirement of this article or because of its enforcement.

(e) **Nonenforcement.** The grantee shall not be relieved of its obligation to comply promptly with any of the provisions of the franchise by any failure of the town to enforce prompt compliance.

(f) This article and any disputes arising from its adoption, or from any franchise granted pursuant thereto shall be governed by the laws of the State of North Carolina and the town consistent with applicable FCC rules and regulations required to be observed in the enforcement of this article.

(g) This article shall not be deemed conclusive as to the terms and conditions of any franchise hereinafter issued hereunder. The final terms and conditions of such franchise shall be determined by the franchise ordinance.

(h) **Franchise required.** It shall be unlawful for any person, firm, or corporation to construct, operate or maintain a cable telecommunications system in the town as defined without a franchise.

(i) **New franchises.** The provisions of this article shall apply only to franchises issued after the effective date of this article [August 14, 1995]. Any previously existing franchise shall comply with the cable standards ordinance in effect at the time the franchise was granted.

(Ord. No. 95-64, § XVII, 8-14-95)
Chapter 57

RESERVED

CD57:1
Chapter 58

TRAFFIC AND VEHICLES*

* Cross References: Heavy trucks prohibited at park facilities, § 38-1; streets, sidewalks and other public places, ch. 54.


Article I. In General

Sec. 58-1. Obedience to traffic regulations.
Sec. 58-2. Obedience to police.
Sec. 58-3. Authority of police in special cases.
Sec. 58-4. Firefighters authorized to direct traffic at fires.
Sec. 58-5. Public employees subject to traffic regulations.
Sec. 58-6. Persons propelling pushcarts or riding bicycles or animals subject to traffic regulations.
Sec. 58-7. Exemptions to authorized emergency vehicles.
Sec. 58-8. Boarding or alighting while vehicle in motion.
Sec. 58-10. Riding without permission.
Sec. 58-11. Riders must stay inside vehicle.
Sec. 58-12. Limitations of riders in front seat.

Article II. Operation of Vehicles

Sec. 58-31. Stop before entering a through street.
Sec. 58-32. Stop before entering certain street intersections.
Sec. 58-33. Stop when traffic obstructed.
Sec. 58-34. Driving through funeral processions.
Sec. 58-35. Turning at channelized intersections.
Sec. 58-36. Limitation on turning around.
Sec. 58-37. Limitations on backing.
Sec. 58-38. Vehicles emerging from alley or driveway.
Sec. 58-39. Vehicles driven on sidewalk prohibited.
Sec. 58-40. Commercial vehicles prohibited on certain streets.
Sec. 58-41. Speed limit on through highways and state-maintained streets.
Sec. 58-42. Speed on non-highway streets and in vicinity of schools
Sec. 58-43. Driving on roadways laned for traffic.
Sec. 58-44. Driving over fire hose.
Secs. 58-45--58-60. Reserved.

Article III. Traffic Control Devices

Sec. 58-61. Obedience to official traffic control devices.
Sec. 58-62. Traffic control signal legend.
Sec. 58-63. Flashing signals.
Sec. 58-64. Obedience to no-turn signs and turning markers.
Sec. 58-65. Obedience to no parking zone and safety zone markers.
Sec. 58-66. Obedience to traffic signs and signals; deliberately avoiding traffic-control devices prohibited.
Sec. 58-67. Quiet zone.
Sec. 58-68. Play streets.
Sec. 58-69. School zones.
Sec. 58-70. Recreational streets.
Sec. 58-71. Temporary street closings and designation of parking or no parking zones due to special events.
Secs. 58-72--58-90. Reserved.
Article IV. Stopping, Standing and Parking

Sec. 58-91. Vehicles not to obstruct traffic.
Sec. 58-92. Service vehicles to be equipped with warning devices.
Sec. 58-93. Parallel parking.
Sec. 58-94. Vehicles backed up to curb.
Sec. 58-95. Stopping on left side to curb prohibited.
Sec. 58-96. Parking within lines.
Sec. 58-97. Illegal parking.
Sec. 58-98. Standing or parking for advertising prohibited.
Sec. 58-99. Reserved parking spaces.
Sec. 58-100. Taxicabs parked in same block.
Sec. 58-101. Stopping, standing or parking prohibited.
Sec. 58-102. Moving of vehicles into prohibited area.
Sec. 58-103. Vehicles moving from parked positions.
Sec. 58-104. Lights on parked vehicles.
Sec. 58-105. Vehicles stopping in streets prohibited; exceptions.
Secs. 58-106—58-120. Reserved.

Article V. Authorized Modes of Transportation on Sidewalks and Greenways

Sec. 58-121. Purpose.
Sec. 58-122. Definitions
Sec. 58-123. General Provisions
Sec. 58-124. Safety
Sec. 58-125. Penalty Violation
Sec. 58-126—58-132. Reserved

Article V. Golf Cart Regulation

Sec. 58-136. Establishment of Golf Cart Ordinance
Sec. 58-137. Purpose
Sec. 58-138. Authority to Regulate
Sec. 28-139. Definition
Sec. 28-140. Streets and Roadways Permitted
Sec. 58-141. Rules and Regulations
Sec. 58-142. Enforcement
Sec. 58-143—58-150. Reserved
ARTICLE I.

IN GENERAL

Sec. 58-1. Obedience to traffic regulations.

No person shall do any act forbidden or fail to perform any act required in this chapter.
(Ord. of 8-27-79, § 4-5)

Sec. 58-2. Obedience to police.

No person shall willfully fail, or refuse, to comply with any lawful order, or direction, by a police officer.
(Ord. of 8-27-79, § 4-6)

Sec. 58-3. Authority of police in special cases.

In the event of a fire or other emergency, or when necessary to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of this chapter.
(Ord. of 8-27-79, § 4-7)

Sec. 58-4. Firefighters authorized to direct traffic at fires.

Members of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic in the immediate vicinity.
(Ord. of 8-27-79, § 4-8)

* Cross References: Fire prevention and protection, ch. 22.

Sec. 58-5. Public employees subject to traffic regulations.

Unless otherwise provided in this chapter or by state statutes, the provisions of this chapter shall apply to the driver of any vehicle owned by, or used in the service of, the United States Government, this state, county or town.
(Ord. of 8-27-79, § 4-9)

* Cross References: Officers and employees, § 2-61 et seq.

Sec. 58-6. Persons propelling pushcarts or riding bicycles or animals subject to traffic regulations.

Every person propelling any pushcart, or riding a bicycle or an animal, or driving any animal-drawn vehicle upon a roadway shall be subject to the provisions of this chapter applicable

CD58:3

Supp. No. 8.2
to the driver of any vehicle, except those provisions which, by their very nature, can have no application.
(Ord. of 8-27-79, § 4-10)

**Sec. 58-7. Exemptions to authorized emergency vehicles.**

(a) The provisions of this chapter regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles except that the driver when operating such vehicle in an emergency, unless otherwise directed by a police officer, may:

(1) Park or stand, notwithstanding the provisions of this chapter;

(2) Proceed past a red or stop signal, or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the speed limits as long as he does not endanger life or property;

(4) Disregard regulations governing direction of movement, or turning in specified directions as long as he does not endanger life or property.

(b) The foregoing exemptions shall not protect the driver of any such vehicle from the consequences of his reckless disregard for the safety of others.
(Ord. of 8-27-79, § 4-11)

* State Law References: Similar provisions, G.S. 20-156.

**Sec. 58-8. Boarding or alighting while vehicle in motion.**

No person shall board or alight from any public conveyance or other vehicle while such conveyance or vehicle is in motion.
(Ord. of 8-27-79, § 4-57)

**Sec. 58-9. Unlawful riding.**

(a) No person shall ride on any public, conveyance or vehicle, or any portion thereof not designed or intended for the use of passengers.

(b) This section shall not apply to any employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in spaces intended for merchandise.
(Ord. of 8-27-79, § 4-58)

**Sec. 58-10. Riding without permission.**

No person shall enter, jump on, or ride any automobile, or other vehicle, without the consent of the owner or driver.
(Ord. of 8-27-79, § 4-59)
Sec. 58-11. Riders must stay inside vehicle.

No person when riding shall allow any part of his body to protrude beyond the limits of the vehicle in which he is riding, except to give such signals as are by law required, and no person shall hang on to any vehicle whatsoever.
(Ord. of 8-27-79, § 4-60)

Sec. 58-12. Limitations of riders in front seat.

No driver of or person in charge of any motor vehicle shall permit more than three persons, including driver, to ride in the front, or driver's seat of a motor vehicle.
(Ord. of 8-27-79, § 4-61)


ARTICLE II.

OPERATION OF VEHICLES*


Sec. 58-31. Stop before entering a through street.

(a) Those streets and portions of streets designated as through streets and where signs are erected are hereby declared to be through streets for the purpose of this section.

(b) When stop signs are placed, erected, or installed upon streets intersecting a through street at the entrance thereto, or at the entrance to any intersection, every driver of a vehicle shall stop in obedience to such signs before entering the intersection and shall not proceed into, or across, the through street until he has first determined that no conflict with traffic will be involved.
(Ord. of 8-27-79, § 4-28)

Sec. 58-32. Stop before entering certain street intersections.

Those intersections, where signs are erected, are hereby declared to be stop intersections when entered from the streets first named, and when stop signs are placed, erected, or installed at such intersections every driver of a vehicle or streetcar shall stop in obedience to such signs before entering the intersection, and shall not proceed into, or across, the through street until he has first determined that no conflict with traffic will be involved.
(Ord. of 8-27-79, § 4-29)
Sec. 58-33. Stop when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk, unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating, without obstructing the passage of other vehicles, or pedestrians, notwithstanding any traffic control signal indication to proceed.
(Ord. of 8-27-79, § 4-30)

Sec. 58-34. Driving through funeral processions.

No person shall drive through a funeral procession, except fire department vehicles, police patrols and ambulances, when the same are responding to calls.
(Ord. of 8-27-79, § 4-31)

* Cross References: Parades, picket lines and group demonstrations, § 54-36 et seq.

Sec. 58-35. Turning at channelized intersections.

Upon a street at any intersection, and within any intersection where traffic has been channelized by lines painted on the street, or direction of traffic is indicated by arrows on the street, or is indicated by appropriate signs above the intersections, drivers of vehicles shall observe the direction of every such sign, and in preparation for a turn before approaching such intersections, shall, with proper regard for the safety of others using the street, move into the proper allocated lane at least 50 feet before reaching the intersection, and shall make no turn to either right or left unless within a lane in which such turn is permitted.
(Ord. of 8-27-79, § 4-32)

Sec. 58-36. Limitation on turning around.

No driver shall turn any vehicle so as to proceed in the opposite direction in the business district.
(Ord. of 8-27-79, § 4-33)

Sec. 58-37. Limitations on backing.

No driver shall back a vehicle into any intersection, or over a crosswalk, and shall not in any event, or at any place, back a vehicle unless such movement can be made in safety, and he shall have given ample warning to those who may be behind, by hand and horn or other signal.
(Ord. of 8-27-79, § 4-34)

Sec. 58-38. Vehicles emerging from alley or driveway.

The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk areas extending across any alleyway, and upon entering the roadway he shall yield the right-of-way to all pedestrians.
and vehicles approaching on such roadway.
(Ord. of 8-27-79, § 4-35)

**Sec. 58-39. Vehicles driven on sidewalk prohibited.**

No person shall drive a vehicle within any sidewalk area except at a permanent or temporary driveway.
(Ord. of 8-27-79, § 4-36)

**Sec. 58-40. Commercial vehicles prohibited on certain streets.**

No person shall operate any commercial vehicle exceeding one-half-ton capacity at any time upon certain streets or parts of streets described on the official traffic map, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.
(Ord. of 8-27-79, § 4-37)

**Sec. 58-41. Speed limit on through highways and state-maintained streets.**

A person may operate a vehicle on any street of the town designated as a through highway or state-maintained street, at a rate of speed posted thereon as provided by ordinances of the town with concurring regulations of the state highway commission; provided, that at no time shall the speed be greater than is reasonable and prudent under the conditions then existing or to conform with the state speed laws.
(Ord. of 8-27-79, § 4-40)

**Sec. 58-42. Speed on non-highway streets and in vicinity of schools.**

No person shall operate a vehicle on a Town street in excess of 25 miles per hour unless otherwise posted and provided herein:

(a) No person shall operate a vehicle in excess of 20 miles per hour on the following streets:
 Boxford Road
 East Seve Court
 Rock Nest Court
 Walton’s Creek Road
 Jeremiah Street

(c) No person shall operate a vehicle in excess of 30 miles per hour on the following streets:
 Creek Park Drive

(d) No person shall operate a motor vehicle in excess of 35 miles per hour on the following streets:
Airtech Drive
Carrington Mill Blvd.
Copley Parkway
Crabtree Crossing Parkway (north of Morrisville Parkway)
Dominion Drive
International Drive
McCrimmon Parkway
Nova Drive
Odyssey Drive
Paramount Parkway
Parkside Valley Drive
Perimeter Park Drive West
Slater Road
Southcenter Court
Southport Drive
Town Hall Drive
Trans Air Drive
Triangle Parkway
Waldron Court
Watkins Road

(e) No person shall operate a motor vehicle in excess of 25 miles per hour within the following established school zones:

Cedar Fork Elementary School Zone
Sterling Montessori School Zone

(f) Speed limits set by this ordinance shall not become effective until appropriate signs giving notice thereof are erected upon the streets affected.
(Ord. 2009-007, 2-24-09, Ord. 2003, 7-28-03)

*Cross Reference: School zones § 58-69

Sec. 58-43. Driving on roadways laned for traffic.

Every driver of a vehicle on any roadway which has been clearly marked with lanes for traffic, shall drive as nearly as practical entirely within a single lane and shall not move from such lane until he has first determined that such movement can be made with safety.
(Ord. of 8-27-79, § 4-42)

Sec. 58-44. Driving over fire hose.

No person shall drive a vehicle over any hose of the fire department when laid down on any street or driveway, to be used at any fire, without the consent of the fire department official in command.
(Ord. of 8-27-79, § 4-43)


Secs. 58-45--58-60. Reserved.
ARTICLE III.

TRAFFIC CONTROL DEVICES*

* State Law References: Vehicle control signs and signals, G.S. 20-158; G.S. 14-4

Sec. 58-61. Obedience to official traffic control devices.

(a) The driver of every vehicle shall obey the directions of any official traffic control device placed, erected or installed in accordance with the traffic ordinances of the town, unless otherwise directed by a police officer, or otherwise provided in this chapter.

(b) No provision of this article for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being placed to give notice thereof.

(Ord. of 8-27-79, § 4-17)

Sec. 58-62. Traffic control signal legend.

(a) Whenever traffic is controlled by traffic control signals exhibiting the word "Go," "Caution" or "Stop," or exhibiting differently colored lights successively, one at a time, the following colors only shall be used and such terms and lights shall indicate as follows:

(1) Green alone, or "Go."
   a. Vehicular traffic facing the signal may proceed straight through, or turn right unless a sign at such place prohibits either such turn. But vehicular traffic shall yield the right-of-way to other vehicles, and to pedestrians, lawfully within the intersection at the time such signal is exhibited.
   b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Yellow alone, or "Caution," when shown following or overlapping the green or "Go" signal.
   a. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.
   b. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
Red with green arrow.

a. Vehicular traffic facing such a signal may cautiously enter the intersection, only to continue the movement in the direction indicated by such arrow but shall not interfere with other traffic.

b. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(Ord. of 8-27-79, § 4-18)

Sec. 58-63. Flashing signals.

Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows:

(1) Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal only with caution.

(Ord. of 8-27-79, § 4-19)

Sec. 58-64. Obedience to no-turn signs and turning markers.

Whenever authorized signs are placed, erected, or installed indicating that no right or left or "U" turn is permitted, no driver of a vehicle shall disobey the directions of any such sign, and when authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles traversing, or turning, no driver of a vehicle shall disobey the directions of such indications.

(Ord. of 8-27-79, § 4-20)

Sec. 58-65. Obedience to no parking zone and safety zone markers.

(a) Whenever authorized signs or markings are placed, erected or installed indicating no parking zones or safety zones, no driver of a vehicle shall disobey the regulations in connection therewith.

(Ord. of 8-27-79, § 4-21)

(b) No Parking Zones are established and indicated by “No Parking” signs. It shall be unlawful to stop, stand or park a motorized vehicle at any time in a No Parking Zone as follows:
(1) On either side of Dominion Drive; and
(2) On either side of Nova Drive; and
(Ord. No. 02-38 of 8-26-2002)

(3) The east side of Treybrook Drive from Church Street to Town Hall Drive; and
(4) The dead end of International Drive; and
(5) The dead end of Copley Parkway; and
(6) The travel lane of Town Hall Drive from Morrisville-Carpenter Road to McCrimmon Parkway; and
(Ord. 2007-086 (6-25-07)

(7) North Side of Kudrow Lane near the entrance to the greenway; and
(Ord. 2007-184 (12-18-07)

(8) Kit Creek Road, as posted, from Church Street to the western limits of the Kitts Creek Subdivision; and
(9) Legendary Lane, as posted from Kit Creek Road to the cul-de-sac at the end of Legendary Lane; and
(10) Grand Liberty Boulevard, as posted, from Kit Creek Road to Legendary Lane; and
(11) Grantsboro Lane, as posted, from Kit Creek Road to Legendary Lane; and
(12) Glade Valley Lane, as posted, from Kit Creek Road to Legendary Lane; and
(13) Gold Rock Lane, as posted, from Glade Valley Lane to Legendary Lane; and
(Ord. 2009-112/10.27.2009)

(14) Aventon Lane from the cul-de-sac on the road’s north side to the limits of the Kitts Creek Subdivision at the Southern boundary; and
(15) Somers Drive, as posted, from Aventon Lane to the existing portion Somers Drive in Phase 2; and
(16) Survada Lane, as posted, from Aventon Lane to the existing portion of Survada Lane in Phase 2; and
(17) Hildebran Lane, as posted, from Survada Lane to the existing portion of Hildebran Lane in Phase 2; and
(Ord. 2012-021/1.24.2012)

(18) The East side of Chessway Dr, as posted from Airport Blvd to Rapidfalls Rd; and
(19) The South side of Rapidfalls Rd, as posted from Airport Blvd to Rapidfalls Rd; and
(20) The North side of Chessridge Way, as posted from Chessway Dr to Davis Dr; and
(21) The North side of Chessridge Way in its entirety, as posted; and
(22) The South side of Historic Cir, as posted from Kitts Creek Rd to Roundhouse Ln; and
(23) The North side of Paddy Ln, as posted from Insfree Pl to Chapel Hill Rd; and
(24) Both sides of Insfree Pl from end to end; and
(25) Both sides of Kathleen Ct from end of Cul-de-sac to Paddy Ln; and
(26) Both sides of Checkerberry Dr. from Jeremiah St to Foxglove Dr.; and
(27) Both sides of Foxglove Dr, as posted from Jeremiah St to dead end; and
(28) Both sides of Sedum Ln, as posted from Checkerberry Dr. to Foxglove Dr.; and
(29) The North side of Grace Point Rd., as posted from Church St. to Barbee Rd.; and

CD58:12

Supp. No. 8.2
Both sides of Denmark Manor Dr., as posted from Ebenezer Ln. to Suffolk Green Ln.; and
Both Sides Suffolk Green Ln., as posted from end to end; and
Both sides of Stockton Gorge Rd., as posted from end to end.
The West side of Governess Lane

Any person, firm, or corporation violating this ordinance shall be subject to citation.

*Cross Reference: Stopping, standing or parking prohibited § 58-101

Sec. 58-66. Obedience to traffic signs and signals; deliberately avoiding traffic-control devices prohibited.

(a) No person shall drive a vehicle upon or across public or private through driveways, curb cuts, or otherwise for the purpose of proceeding from any street to an intersecting street with the intent of avoiding traffic signs or signals erected or installed for vehicular traffic control.

(b) (1) It shall be unlawful to operate a motor vehicle in such a manner as to avoid or attempt to avoid an official traffic-control device by driving across a sidewalk, through a parking lot, or across any other private property.

(2) Violation of this subsection (b) shall constitute an infraction punishable by a penalty of $86.00 per violation for cost of court.

Sec. 58-67. Quiet zone.

Whenever authorized signs are placed, erected, or installed indicating a zone of quiet, no person operating a motor vehicle within any such zone shall sound the horn, or other warning device of the vehicle, except in an emergency.

Sec. 58-68. Play streets.

Whenever authorized signs are placed, erected, or installed indicating any street, or part thereof, as a play street, no person shall drive a vehicle upon any such street, or part thereof, except drivers of vehicles having business or whose residences are within such closed area, and then such drivers shall exercise the greatest care in driving upon the street, or part thereof.

Sec. 58-69. School zones.

Whenever authorized signs are placed, erected, or installed indicating any street, or part
thereof is a designated school zone, all drivers of motor vehicles using such street, or part thereof, shall exercise the greatest care in driving upon such street, or part thereof, for the protection of children and follow the posted and established speed limit in accordance with the standards published in the Manual of Uniform Traffic Control Devices.

*Cross Reference: Speed on non-highway streets and in vicinity of schools § 58-42

Sec. 58-70. Recreational streets.

Whenever authorized signs are placed, erected, or installed indicating any street, or part thereof as a recreational street, no person shall drive a motor vehicle upon such street, or part thereof, during the times indicated. All such streets shall be properly designated by the Town Council.

(Ord. of 8-27-79, § 4-26)

Sec. 58-71. Temporary street closings and designation of parking or no parking zones due to special events.

(a) The chief of police, or designee, is authorized to temporarily close to vehicular traffic, or restrict to local traffic, any street or streets within the town when the chief deems it necessary to meet the particular needs of a special event and to temporarily alter vehicular parking areas by permitting parking on streets where parking is normally prohibited or prohibiting parking on streets or in areas where parking is normally permitted.

(b) The authority granted herein is subject to the following:

(1) The area and boundaries of any street closing will consist of only those areas directly related to the special event and shall include any public street, sidewalk, or publicly owned area that is within or constitutes the boundary of the event.

(2) No street, or portion thereof, may be closed for more than eight hours without the approval of the town manager.

(3) The fire chief shall be notified in advance of all street closings.

(4) Alteration of normal parking in areas affected by the special event will only be allowed for the 12 hours immediately prior to the event and during the event.

(Ord. of 8-27-79, § 4-27; Ord. No. 01-56, §§ 1--3, 9-10-01)

Secs. 58-72--58-90. Reserved.
ARTICLE IV.

STOPPING, STANDING AND PARKING*

* State Law References: Parking generally, G.S. 20-161 et seq.; municipal regulation of parking, G.S. 160A-301.; fine for violation of town ordinance, G.S. 14-4 (b); Authority to regulate parking of vehicles, G.S. 160A-301.

CD58:15

Supp. No. 8.2
Sec. 58-91. Vehicles not to obstruct traffic.

No vehicle shall so stand on any street as to interrupt, or interfere with, the passage of public conveyances or other vehicles.

(Ord. of 8-27-79, § 4-45)

Sec. 58-92. Service vehicles to be equipped with warning devices.

No person shall permit or cause to permit any construction, service, or maintenance vehicles to stand or be parked within the right-of-way of public roads and streets of the town in such a manner as to obstruct, impede, or interfere with the normal traffic use on the streets; provided, that such vehicles may be temporarily used outside of the right-of-way or on a necessary portion thereof; facing in the same direction as the flow of traffic; provided further, that warning signs indicating "Men Working," together with red flags thereon shall be placed not less than 200 feet in the front and rear of such vehicle or equipment. Such red flags shall be displayed on the signs from sunup to sundown, and after sundown red flares or lanterns shall be displayed adjacent to the warning signs. These warning signs and signals shall be displayed as long as such vehicle is being so used.

(Ord. of 8-27-79, § 4-46)

Sec. 58-93. Parallel parking.

Where not otherwise indicated by this chapter, and where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb and not more than 12 inches therefrom.

(Ord. of 8-27-79, § 4-49)

Sec. 58-94. Vehicles backed up to curb.

No vehicle shall remain backed up to the curb, except when actually loading or unloading. If the vehicle is horse-drawn, the horse shall stand parallel to the curb and face the direction of the traffic.

(Ord. of 8-27-79, § 4-50)

Sec. 58-95. Stopping on left side to curb prohibited.

No vehicle shall stop with its left side to the curb in the business district, except that on one-way streets vehicles shall stop headed in the direction of traffic.

(Ord. of 8-27-79, § 4-51)

Sec. 58-96. Parking within lines.
On any place which is marked off with lines indicating the parking spaces, cars shall be parked between the lines.
(Ord. of 8-27-79, § 4-52)

Sec. 58-97. Illegal parking.

No person shall stand or park a vehicle upon any street for the principal purpose of:

1. Displaying it for sale.
2. Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.
3. Storage thereof by garages, dealers or other persons when such storage is not incident to the bona fide use and operation of such automobile or other vehicles.
4. Storage of any detached trailer, or van when the towing unit has been disconnected, or for the purpose of transferring merchandise, or freight, from one vehicle to another.

Sec. 58-98. Standing or parking for advertising prohibited.

No person shall stand or park on any street any vehicle for the primary purpose of advertising.
(Ord. of 8-27-79, § 4-54)

Sec. 58-99. Reserved parking spaces.

Those streets, or portions of streets, where signs are placed, or marked off in any way to designate a specific purpose shall be reserved and no automobile or other vehicle except those for which the space has been designated shall park therein.
(Ord. of 8-27-79, § 4-47)

Sec. 58-100. Taxicabs parked in same block.

Not more than two taxicabs owned by the same company shall be parked in one block at the same time, except such taxicabs as may be parked in established taxi stands and designated as such.
(Ord. of 8-27-79, § 4-48)

Sec. 58-101. Stopping, standing or parking prohibited.

(a) No person shall stop, stand, or park a vehicle, attended or unattended, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or traffic control device in any of the following places:
(1) On the sidewalk.

(2) Within an intersection or in front of a private driveway.

(3) On a crosswalk.

(4) Within 30 feet of any flashing beacon, stop sign, or traffic control signal located at the side of a street or roadway.

(5) On either side of any street approaching a railroad underpass, or overhead bridge, within 50 feet in any direction of the outer edge of such underpass or overhead bridge.

(6) On either side of any approaching grade crossing within 50 feet of the closest rail; provided, that where existing permanent structures are located along the street and closer than 50 feet, parking may be permitted in front of such structures, unless otherwise prohibited if the parking does not interfere with the view in either direction of an approaching locomotive or train.

(7) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

(8) Upon any bridge or other elevated structure.

(9) Within 15 feet in either direction of the entrance to a hotel, theater, hospital, sanitarium, or any public building or a fire hydrant or a fire station.

(10) On the roadway side of any vehicle stopped, standing, or parked at the edge or curb of a street.

(11) Within 25 feet from the intersection of curblines or if none, then within 15 feet of the intersection of property lines at an intersection of highways or streets.

(Ord. of 8-27-79, § 4-55)

(12) In any bicycle lane within Morrisville as indicated by “No Parking” signs.

(Ord. 2007-110/7-23-07)

(8) The east side of Treybrook Drive from Church Street to Town Hall Drive;

(Ord. 2007-086 (6-25-07)

(9) The dead end of International Drive;

(Ord. 2007-086 (6-25-07)

(10) The dead end of Copley Parkway;
(Ord. 2007-086 (6-25-07)

(11) The travel lane of Town Hall Drive from Morrisville-Carpenter Road to McCrimmon Parkway;
(Ord. 2007-086 (6-25-07)

(12) North Side of Kudrow Lane near the entrance to the greenway;
(Ord. 2007-184 (12-18-07)

(7) Kit Creek Road, as posted, from Church Street to the western limits of the Kitts Creek Subdivision;
(Ord. 2009-112/10.27.2009)

(8) Legendary Lane, as posted from Kit Creek Road to the cul-de-sac at the end of Legendary Lane;
(Ord. 2009-112/10.27.2009)

(9) Grand Liberty Boulevard, as posted, from Kit Creek Road to Legendary Lane;
(Ord. 2009-112/10.27.2009)

(10) Grantsboro Lane, as posted, from Kit Creek Road to Legendary Lane;
(Ord. 2009-112/10.27.2009)

(11) Glade Valley Lane, as posted, from Kit Creek Road to Legendary Lane; and
(Ord. 2009-112/10.27.2009)

(12) Gold Rock Lane, as posted, from Glade Valley Lane to Legendary Lane.
(Ord. 2009-112/10.27.2009)

(c) Any person, firm or corporation violating Section 58-101 (b) shall be subject to a civil penalty in the amount of $10.00 per violation. This penalty shall be due and payable at Town Hall within thirty (30) days after issuance of the appropriate citation. Failure to pay the civil penalty shall subject the offender to an additional late fee of $5.00 per month until the penalty is paid in full.

(d) Section 58-101 (c) shall be effective upon adoption by ordinance and upon appropriate “No Parking” signs being erected in the designated locations.

Sec. 58-102. Moving of vehicles into prohibited area.

No person shall move a vehicle into any prohibited area, or sufficiently away from the curb to make such distance unlawful.
(Ord. of 8-27-79, § 4-56)

Sec. 58-103. Vehicles moving from parked positions.
Vehicles moving from parked positions shall move out in the direction headed, or if they are parked at any angle with the curb they shall back out on that angle until they have cleared the other vehicles and shall then proceed in the direction they are most nearly headed.
(Ord. of 8-27-79, § 4-39)

**Sec. 58-104. Lights on parked vehicles.**

The displaying of lights upon a vehicle, when lawfully parked at night upon a street in accordance with this article, shall not be required when there is sufficient light to reveal any person within a distance of 200 feet upon such street.
(Ord. of 8-27-79, § 4-38)

**Sec. 58-105. Vehicles stopping in streets prohibited; exceptions.**

No person shall stop in any street except for the purpose of parking as prescribed in this article, unless such stop is made necessary by the approach of fire apparatus, by the approach of a funeral or other procession which is given the right-of-way, by the stopping of a public conveyance, by the lowering of railway gates, by the giving of traffic signals, by the passing of some other vehicle or a pedestrian, or by some emergency; and in any case covered by these exceptions such vehicle shall stop so as not to obstruct any footway, pedestrian aisle, safety zone, crossing or street intersection if such can be avoided.
(Ord. of 8-27-79, § 4-44)

**Secs. 58-106--58-120. Reserved.**

__ARTICLE V.__

**AUTHORIZED MODES OF TRANSPORTATION ON SIDEWALKS AND GREENWAYS**
Sec. 58-121. Purpose.

The purpose of this ordinance is to protect the health, safety and well-being of the citizens of the Town of Morrisville by regulating the safe use of Town sidewalks and greenways. (Ord. No. 2007-030, 09.24.2007)

Sec. 58 – 122. Definitions

(1) Access Points. Designated areas and passageways that allow the public to reach a trail from adjacent streets or community facilities.

(2) Access Trail. Any trail that connects the main trail to a town, road, or another trail system.

(3) Accessible. A term used to describe a site, building, facility, or trail that complies with the Americans with Disabilities Act (ADA) Accessibility Guidelines and can be approached, entered, and used by people with disabilities.

(4) Accessible Route. A continuous, unobstructed path connecting all accessible elements and spaces of a facility or building that meets the requirements of ADAAG.

(5) At-Grade Crossing. A trail crossing and a roadway on the same elevation. Ideally, a safe at-grade crossing has either light automobile traffic or a traffic signal that can be activated by trail users.

(6) Authorized Vehicle. Any of the following vehicles which also meets the general provisions of this ordinance.

1. Human-Powered
   a) Bicycle. A vehicle with two or more wheels designed to transport, by the act of pedaling, one or more persons seated on the one or more saddle seats on its frame or on trailer.
   b) Mountain Bike. A sturdy bicycle distinguished by horizontal handlebars, heavy-duty brakes, wide tires, and low gearing often used for off-road cycling designed for trail riding and used for both recreational and competitive bicycling.
   c) Roller Skates. A shoe or boot with two or four wheels or casters attached to its sole for skating on hard surfaces.
   d) Rollerblades. A shoe with rollers fixed in a line to the sole.
   e) Scooter. A vehicle consisting of a long footboard between two small end wheels, controlled by an upright steering handle attached to the front wheel.
   f) Skateboard. A short narrow board having a set of four wheels mounted under it, ridden in a standing or crouching position.
   g) Tricycle. A vehicle used especially by small children, that have three wheels, one at the front and two at the back, and is usually propelled by pedals.

2. Motorized
a) **All-Terrain Vehicle (ATV).** A wheeled or tracked vehicle, other than a snowmobile or work vehicle, designed primarily for recreational use or for the transportation of property or equipment exclusively on trails, undeveloped road rights-of-way, marshland, open country, or other unprepared surfaces.
b) **Dirt Bike.** A lightweight motorcycle designed for use on rough surfaces, such as dirt roads or trails.
c) **Golf Cart.** A vehicle designed originally to carry two passengers and their golf clubs.
d) **Kart (Gocart or Go-Cart).** A miniature gas or electric powered car.
e) **Moped.** A lightweight motorized vehicle that can be pedaled as well as driven by a low-powered gasoline or electric engine.
f) **Motorcycle.** A two-wheeled motor vehicle resembling a heavy bicycle, sometimes having two saddles and a sidecar with a third wheel.
g) **Motorized Scooter.** A vehicle consisting of a passenger seating or standing area between two small end wheels, controlled by an upright steering handle attached to the front wheel. May also be gas or electric powered.
h) **Segway.** A two-wheeled, self-balancing transportation device.

(7) **Automobile.** A mechanical vehicle designed for use on streets and highways for the conveyance of goods and people to include but not limited to the following:
- Passenger cars
- Light duty trucks
- Sport utility vehicles
- Vans
- Mini-vans

(8) **Bike Lane.** A portion of a roadway that has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

(9) **Bike Path (Shared-Use Path, Bicycle Path, Bike Trail, Bikeway, Multi-use Path/Trail).** Any corridor that is physically separated from motorized vehicular traffic by an open space or barrier, and that is either within the highway right-of-way or within an independent right-of-way. Besides bicycles these paths may also be shared by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users. The term bicycle path is becoming less common, since such facilities are rarely used exclusively by bicyclists.

(10) **Bike Route.** A shared right-of-way located on streets and roadways designated with appropriate "bike route" directional and informational signs. These signs help encourage use, and warn motorists that bicycles may be present.

(11) **Boardwalk.** A fixed planked structure, usually built on pilings in areas of wet soil or water to provide dry crossings.

(12) **Bollard.** A barrier post, usually 30 to 42 inches in height, used to block vehicular traffic at trail access points.
(13) Bridge. A structure, including supports, erected over a depression (stream, river, chasm, canyon, or road) and having a deck for carrying trail traffic. If the bridge is over two feet above the surface, it should have railings.

(14) Connectors. Paths or on-road routes in heavily built environments that provide key connections between or within trail or greenway corridors.

(15) Crosswalk. Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(16) Emergency audible and visual equipment. Lights & sirens used on designated authorized emergency response vehicles.

(17) Greenway. Open space corridors that can be managed for conservation, recreation, or alternative transportation.

(18) Operator. Means a person who travels on a vehicle from which that person is intended to and can operate said vehicle.

(19) Other Public Rights-of-Way. Means any rights-of-way other than a public roadway or public bicycle path that is under the jurisdiction and control of this State or a local political subdivision of the State and is designed for use and used by vehicular and/or pedestrian traffic.

(20) Passenger. Means a person who travels on a bicycle in any manner except as an operator.

(21) Protective Bicycle Helmet. Means a piece of headgear that meets or exceeds the impact standards for protective bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.

(22) Public Bicycle Path. Means a right-of-way under the jurisdiction and control of this State or a local political subdivision of the State for use primarily by bicycles and pedestrians.

(23) Public Roadway. Means a right-of-way under the jurisdiction and control of this State or a local political subdivision of the State for use primarily by motor vehicles.

(24) Park. Any area that is predominately open space with natural vegetation and landscaping used principally for active or passive recreation.

(25) Pedestrian. Any person traveling by foot, or any mobility-impaired person using a wheelchair, whether manually operated or motorized.

(26) Private pedestrian connection. Any private site or common area of a Planned Unit Development which abuts the Greenway may establish a pedestrian connection to the Greenway provided it is designed and constructed so as to prevent access by motorized private vehicles.
(27) **Recreational Vehicle.** Any motorcycle, motorbike, trail bike, all-terrain vehicle, go-cart or any similar type of vehicle that is designed principally for use off-road. This term shall not include any vehicle that is designed or used principally for agricultural purposes.

(28) **Right of Way.** The right of one trail user or vehicle to proceed in a lawful manner in preference to another trail user or vehicle (as in yielding the right of way).

(29) **Rights-of-Way.** A linear corridor of land held in fee simple title or an easement over another’s land, for use as a public entity for a public purpose (highway, road, railroad, trail, utilities, etc.); usually includes a designated amount of land on either side that serves as a buffer for adjacent land uses.

(30) **Service Vehicle.** Includes fire, police, and other vehicles used to provide service or maintenance operated under the authorization of the Town.

(31) **Sidewalk.** A paved strip (typically concrete or asphalt) which runs parallel to vehicular traffic and is separated from the road surface by at least a curb and gutter.

(32) **Trail.** Route on land or water with protected status and public access for recreation or transportation purposes such as walking, jogging, motorcycling, hiking, bicycling, ATVing, horseback riding, mountain biking, canoeing, kayaking, and backpacking.

(33) **Trail System(s).** A collection of individual trails that may or may not be connected to one another, whereby each retains its distinctiveness, and yet belongs to the system.

(34) **Walkway.** An area for general pedestrian use (other than a sidewalk or path) such as courtyards, plazas, and pedestrian malls.

(35) **Wheelchair.** Mobility aid, designed for and used by individuals with mobility impairments; may be manually operated or motorized.

(Ord. No. 2007-030, 09.24.2007)

**Sec. 58 – 123. General Provisions**

(1) Provisions of NC GS ~ 20-171.1 et seq. are incorporated by reference into this ordinance.

(2) Any authorized vehicle under this ordinance used on a sidewalk or greenway, in addition to all other requirements of this ordinance, must:
(a) Be able to fit within a rectangular area meeting the following dimensions (3 feet in width x 20 feet in length).
(b) Emit zero exhaust emissions.
(c) Not exceed posted speed limits on greenways.

(3) Bicycle racing on sidewalks or greenways is prohibited.

(4) Every authorized vehicle under this ordinance shall be equipped with brakes which will enable its driver to stop the bicycle within 25 feet from a speed of 12 mph to 0 mph.

(5) Only authorized emergency vehicles shall be equipped with emergency audible and visual equipment.

(6) No pedestrian or person utilizing an authorized vehicle under this ordinance on sidewalks, trails, and greenways located in the Town of Morrisville shall operate such vehicle in a manner that endangers others.

(7) No pedestrian or person utilizing an authorized vehicle under this ordinance on sidewalks, trails, and greenways located in the Town of Morrisville shall operate such vehicle under the influence of alcohol, drugs, or other impairing substances.

(8) The use of public paths, sidewalks, or greenways to gain unlawful or uninvited access to private property is prohibited.

(Ord. No. 2007-030, 09.24.2007)

Sec. 58 – 124. Safety

(1) Every operator of an authorized vehicle under this ordinance shall exercise due care to avoid collision with any pedestrian and shall use audible signals when necessary, such as before overtaking and passing pedestrians.

(2) Every driver of an authorized vehicle under this ordinance shall exercise proper precaution upon observing a child or any obviously confused, incapacitated, or intoxicated person on a sidewalk or greenway.

(3) Every person operating an authorized vehicle under this ordinance upon and along a sidewalk, greenway or across a roadway shall have all the rights and duties applicable to a pedestrian under the same circumstances.¹

(4) The driver of an authorized vehicle under this ordinance crossing a sidewalk, greenway or crosswalk shall yield the right of way to any pedestrian and all other traffic on the sidewalk.

¹ The 2007 General Assembly enacted Session Law 2007-336 entitled “Regulation of Golf Carts in Morrisville”. The act authorizes the Town of Morrisville to regulate golf carts on public streets or highways within the town or on property owned or leased by the town.
(5) Except for authorized service vehicles, no person shall operate any vehicle that is not authorized under this ordinance upon a sidewalk or greenway.

(6) No person riding upon any authorized vehicle under this ordinance shall attach the same or himself to any vehicle upon a sidewalk or greenway.

(7) Person riding an authorized vehicle under this ordinance on a sidewalk or greenway shall not ride more than two abreast except on paths or parts of paths set aside for the exclusive use of an authorized vehicle under this ordinance.

(8) No person shall operate any authorized vehicle under this ordinance that is not in such mechanical condition so as to be operated safely.

(9) No person operating an authorized vehicle under this ordinance shall carry any package, bundle, or article which prevents the use of one hand in the control and operation of the vehicle. A person operating an authorized vehicle under this ordinance shall keep at least one hand on the controls at all times.

(10) Every authorized vehicle under this ordinance shall be equipped with a lighted lamp in front visible up to three hundred feet and taillight or rear reflector visible up to two hundred feet when used within the Town at any time from dusk to dawn. Reference to NC GS 20-129(e).

(11) Every person operating or riding as a passenger of an authorized vehicle under this ordinance shall do so in accordance with the North Carolina Bicycle Helmet Law.

Sec. 58 – 125. Penalty for Violation

(a) Unless otherwise specifically provided, violation of this Code or any other Town ordinance shall be a misdemeanor, as provided by G.S. 14-4.

ARTICLE VI.
GOLF CART REGULATION

*Cross Reference: Safety § 58-24

Sec. 58–136. Establishment of a Golf Cart Ordinance

The establishment of a golf cart ordinance is necessary to address the interests of public safety. Golf carts are not designed or manufactured to be used on public streets, roads and highways, hereinafter “road(s),” and the Town of Morrisville in no way advocates or endorses their operation on public streets and roads. The Town of Morrisville, by regulating such operation is merely trying to address safety issues associated with golf cart use on public streets. Adoption of this Ordinance is not to be relied upon as a determination that operation on roads is safe or advisable if done in accordance with this Ordinance.

All persons who operate or ride upon carts on roads do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The Town of Morrisville has no liability under any theory of liability for permitting carts to be operated on roads under special legislation granted by the State Legislature 153A-245. Any person who operates a cart must procure liability insurance sufficient to cover the risks involved in using a cart on the streets/roads in the corporate limits of Morrisville.

Sec. 58–137. Purpose

The purpose of this ordinance shall be to establish a Golf Cart Ordinance within the Town of Morrisville to promote the health, safety and welfare of persons operating cart(s) within the Town of Morrisville and to protect the safety of their passengers and other users of public streets/roads.

Sec. 58–138. Authority to Regulate

Pursuant to G.S. 160A-300.6, the Town is authorized, by ordinance, to require the registration and regulation of the operation of golf carts upon any public street or road within the Town.

Sec. 58–139. Definitions

For the purpose of this section, the following words and phrases shall have the following meanings.

(1) Golf Cart. A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20
“Operation of a golf cart” means to drive or to be in physical control of a golf cart that is moving or has on its engine.

(2) Driver's License. A valid license issued to operate a motor vehicle issued by North Carolina or any other state.


(4) Operator. Only persons over 16 years of age and holding a valid driver’s license may operate a golf cart on roads.

Sec. 58–140. Streets and Roadways Permitted

The following streets and roadways include areas approved for golf cart use:

Barkridge Court
Beaver Glen Court
Bending Oak Way
Crabtree Crossing Parkway
Creek Park Drive
Crystlewood Court
Dallavia Court
Delafield Court
E. Seve Court
Fairwood Drive
Grande Drive
Grattan Court
Guldahl Court
Hampton Pines Drive
Ivy Hollow Court
Kelton Cottage Way
Kirkeenan Circle
Open Court
Pember Place
Preston Grande Way
Prestonian Place
Rainbrook Drive
Ridge Creek Drive
Sarazen Meadow Way
Scottingham Lane
Seagrave Place
Trellingwood Drive
Truehart Way
Sec. 58–141. Rules and Regulations

This ordinance is to establish guidance in the interest of public safety.

(1) Golf carts shall not be operated on or alongside a public road or street with a posted speed limit greater than 35 miles per hour.

(2) Golf carts may cross a road with a posted speed limit greater than 35 mph. However, once this segment of road has been transversed, the golf cart is still required to travel only on or along a roadway with a speed limit of 35 mph or less. Golf carts must cross in a manner that is the most direct route in order to decrease crossing distance, i.e. no riding along a road or crossing at an angle. Under no circumstance is a golf cart allowed to cross a control access facility other than at bridges which cross over or under a control access facility.

(3) Any person who operates a golf cart must be responsible for all liability associated with operation of the golf cart and must have liability insurance coverage which will cover the use of a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.

(4) Any person who operates a golf cart must be at least sixteen (16) years of age or older. No person may operate a golf cart unless that person is licensed to drive upon the public streets, roads and highways of North Carolina and then, only in accordance with such valid driver’s license. Golf cart operators must carry their driver’s license on their person at all times while operating a golf cart on public roads.

(5) No golf cart may be operated in a careless and reckless manner.

(6) Any person who operates a golf cart on public streets and roads must adhere to all laws, regulations and ordinances, pertaining to the possession and use of alcoholic beverages, and all other illegal drugs. In addition, no golf cart containing any open container of alcohol shall be operated on public roads.

(7) The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the Town of Morrisville which governs the operation of motor vehicles.

(8) An operator may not allow the number of people in the golf cart at any one time to exceed the maximum capacity specified by the manufacturer. The operator shall not allow passengers to ride on any part of a golf cart not designed to carry passengers, such as the part of the golf cart designed to carry golf bags.
(9) In no instance shall a golf cart be operated at a speed greater than 20 miles per hour. No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions.

(10) Golf carts must be operated to the extreme right edge of the roadway and must yield to all vehicular and pedestrian traffic.

(11) Golf carts must park in designated parking spaces and in such a manner that multiple golf carts can utilize the space. All parking rules and limits apply. No parking on sidewalks is allowed.

(12) Golf carts must have basic equipment supplied by the manufacturer, including a vehicle identification or serial number. Such equipment must include all safety devices as installed by said manufacturer, additionally, including a rear view mirror and a rear mounted triangular reflector required of slow moving vehicles as required by North Carolina law.

(13) Golf carts without lights may be operated only during daylight hours. Golf carts meeting the requirements set forth below may operate between the hours of 7:00am and 9pm.

a. Golf carts having two (2) operating headlights, one on each side of the front of the golf cart and two (2) operating red tail lights, one on each side of the rear of the cart, exhibiting a red light visible under like conditions and all four (4) lights must be visible from a distance of at least 200 feet; and

b. In lieu of the red lamp, the golf cart may be equipped at the rear with two red reflectors of a diameter of not less than three inches which are so designated and located as to height and which are maintained so that each reflector is visible for at least 500 feet when approached by a motor vehicle displaying lawful undimmed headlights; and

c. If a mechanical turn signal indicator is not installed, then hand signals are required for turns.

(14) The Chief of Police, or his/her designee, may prohibit the operation of golf carts on any street or road if the Chief determines that the prohibition is necessary in the interest of safety.

(15) Unless otherwise authorized by this ordinance, no golf cart may be operated on any street or road not otherwise listed in this ordinance.
Sec. 58–142. Enforcement

(1) Violation of the provisions of this Ordinance shall constitute an infraction in accordance with Chapter 14-4(b) of the North Carolina General Statutes.

(2) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars ($50.00).

Secs. 58-142--58-150. Reserved.
Chapters 59--65

RESERVED

CD59:1
Chapter 66

VEGETATION*

* Cross References: Nuisances, § 18-81 et seq.

Article I. In General

Secs. 66-1—66-35. Reserved.

Article II. Trees and Shrubs

Sec. 66-36. Definitions.
Sec. 66-37. Purpose.
Sec. 66-38. Reserved.
Sec. 66-39. Tree topping.
Sec. 66-40. Removal of stumps.
Sec. 66-41. Interference with town employees or officials.
Sec. 66-42. Permits required.
ARTICLE I.

IN GENERAL

Secs. 66-1–66-35. Reserved.

ARTICLE II.

TREES AND SHRUBS

Sec. 66-36. Definitions.

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

Park trees means trees, shrubs and bushes in public parks, and all areas owned by the town or to which the public has free access as a park.

Street trees means trees, shrubs and bushes on land lying within the rights-of-way on either side of all streets, avenues or ways within the town.

(Ord. of 2-11-85, § 2)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 66-37. Purpose.

(a) The purpose of this article is to regulate the planting, maintenance and removal of trees on municipally owned public property and rights-of-way within the town and on municipally owned property wherever located. In order to protect and conserve trees on public property and rights-of-way, this article provides for the pruning, treatment and removal of trees and shrubs as is deemed necessary by the Town Council. This article is also intended to provide for the trimming or removal of trees on public land when they obscure street lights, interfere with utility lines, or constitute a hazard to pedestrian or vehicular traffic, or otherwise endanger the public health, safety or welfare.

(b) Another purpose of this article is to encourage the protection of trees and express the town's intent to use trees to create a more natural and amenable human environment. This article is not intended to be punitive nor to cause hardship to any person who uses the utmost care and diligence to protect trees within the town or on town property.

(Ord. of 2-11-85, § 1)

Sec. 66-38. Reserved.

Sec. 66-39. Tree topping.

It shall be unlawful as normal practice except as described below for any person or town employee to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of
limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the
normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees that
interfere with or are an imminent threat to utility wires or other obstructions where other pruning practices are
impractical may be exempted from this section at the determination of the planning board.
(Ord. of 2-11-85, § 5)

Sec. 66-40. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of
the stump shall not project above the surface of the ground.
(Ord. of 2-11-85, § 6)

Sec. 66-41. Interference with town employees or officials.

It shall be unlawful for any person to prevent, delay or interfere with town employees or officials, or any
of its agents, while engaging in and about the planting, cultivation, mulching, pruning, spraying or removing of
any street trees, park trees or trees on public grounds, as authorized in this article.
(Ord. of 2-11-85, § 7)
Cross References: Officers and employees, § 2-61 et seq.

Sec. 66-42. Permits required.

It shall be unlawful for any person, other than town officials or employees, to prune, treat or remove any
street tree or park tree within the town without first filing an application and procuring a permit from the police
department. The town maintains the right to review the application and the tree in question in determining
whether or not to issue a permit.
(Ord. of 2-11-85, § 8)
Chapter 67

VEHICLES FOR HIRE*

* Cross References: Streets, sidewalks and other public places, ch. 54; traffic and vehicles, ch. 58.

Article I. In General

Secs. 67-1—67-30. Reserved.

Article II. Taxicabs

Sec. 67-31. Purpose.
Sec. 67-32. Definitions.
Sec. 67-33. Permit required for taxicab service.
Sec. 67-34. Conduct of drivers.
Sec. 67-35. Inspection decal.
Sec. 67-36. Vehicle inspections and certification by the chief.
Sec. 67-37. Vehicle service and maintenance records.
Sec. 67-38. Compliance with traffic and other laws.
Sec. 67-39. Enforcement and penalties.
Sec. 67-40. Appeal from refusal.
Sec. 67-41. Hiring with intent not to pay.
ARTICLE I.

IN GENERAL

Secs. 67-1—67-30. Reserved.

ARTICLE II.

TAXICABS

Sec. 67-31. Purpose.

[The purpose of this article is] to protect the public health, safety and welfare of the residents of the town when using taxicab service and to promote the orderly development and maintenance of safe and reliable privately operated taxicab transportation service in the town.

(Ord. No. 01-47, § 1, 8-13-01)

Sec. 67-32. Definitions.

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

Chief means the chief of police of the town and his or her designee(s). The chief is responsible for the administration of this chapter.

Driver means any person driving a taxicab, either as an owner or under the direction, employment, control, or service of the owner as herein defined.

Owner means every person having control, whether by outright ownership, lease, or otherwise of any taxicab for hire.;ol0;Operating permit means the permit, issued by the chief of police or his or her designee, under which a person may operate a passenger vehicle for hire.

Permit means an operating permit and a driver's permit, as the context requires.

Person includes both singular and plural, and means and includes any individual, firm, corporation, association, partnership or society, exclusive of public agencies.

Taxicab means and includes every vehicle driven or propelled by gasoline, electric motor or other mechanical devices, other than motor buses operating along regular routes and schedules, or between fixed termini, which shall be used for the purpose of carrying, transporting or conveying any person or persons from one place to another, for which services a charge or fee is made. Any taxicab parked or traveling on the streets of the town shall be subject to the provisions of this article.

Taxicab service means any passenger transportation service, available for hire, on call or demand over
the public streets of the town where the service is not provided over a defined route but between such points and
over such routes, as may be directed by the passenger(s) or person(s) hiring same, and irrespective of whether
the operations extend beyond portions of the town.
(Ord. No. 01-47, § 2, 8-13-01)

Sec. 67-33. Permit required for taxicab service.

No person shall operate any taxicab service within the corporate limits of the town without first
obtaining an operating permit from the town authorizing such operation.

(1) If the applicant is in compliance with this article, is of good moral character and there are no
ground(s) for denial of the permit under the provisions of the article, a permit will be issued. Any
applicant denied a permit shall be given written notice of the ground(s) for denial.

(2) Application requirements. Each applicant for a taxicab driver's permit shall make application on
forms to be provided by the town, supplying the following information:

a. The applicant's full name and address.

b. The applicant's physical condition, with particular reference to hearing, eyesight, abuse of
   alcoholic beverages and/or controlled substances, as diagnosed by a physician.

c. The applicant's physical description, including age, race, height, color of eyes and hair.

d. The length of time the applicant has resided at his/her current address.

e. The applicant's place(s) of residence and employment for the two years immediately
   proceeding the date of application

f. The applicant's criminal record.

g. The applicant's driver's history including, but not limited to North Carolina.

h. A statement from the driver's insurance company confirming current liability coverage
   and the policy expiration date.

i. Two photos of the driver.

j. A $10.00 non-refundable application fee with each application.

The application shall be signed and sworn to by the applicant before a notary certified in the
state.

(3) Taxicab service permits shall be denied or revoked on the following grounds:

CD67:3
a. Failure to have or maintain automobile insurance as required by the laws of the state.

b. Failure to maintain vehicles in good and safe order in compliance with motor vehicle laws.

c. False statements made on the application submitted.

d. Failure to pay any fees as required under this article.

e. Repeated and persistent violations by the permittee or drivers employed by the permit holder of the traffic laws of the town and the state.

f. Employment of a driver who does not have a valid taxicab driver's permit under the provisions of this article.

g. Violation of any of the provisions of this article by the permit holder.

h. The person is determined to be, by the chief of police, not of good moral character, based on the responses listed on the application or has been convicted of a crime involving moral turpitude, soliciting for prostitution, the sale or use of narcotics or dangerous drugs, or other similar crimes, unless a period of five years has elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later.

(Ord. No. 01-47, § 3, 8-13-01)

Exception: Notwithstanding the preceding, taxicab drivers and operators who are duly licensed in another jurisdiction may come into town to pick up or deliver persons if their services were requested by the passenger, provided they do not solicit fares within town limits. Further, nothing in this Article shall prohibit taxicab drivers and operators who are duly licensed in another jurisdiction from passing through town without soliciting fares.

(Ord. No. 2007-025, 2-26-07)

Sec. 67-34. Conduct of drivers.

No driver shall (i) deceive or attempt to deceive any passenger who may ride or desire to ride in his/her passenger vehicle for hire as to his/her destination or the rate to be for hire as to his/her destination or the rate of fare to be charged, (ii) convey or cause to be conveyed any passenger to any place other than as directed by the passenger, or (iii) take a longer route to the requested destination than is necessary, unless it is so requested by the passenger(s), except for shared ride service provided for in subsection (4) of this section.

1) Drivers shall comply with all reasonable and lawful requests of the passenger as to the speed of travel and the route to be taken.

2) No driver shall have in his/her possession a lighted cigarette, cigar, pipe, or tobacco of any kind while a passenger is being transported in his/her passenger vehicle for hire.
(3) No driver shall allow the seating capacity of his/her passenger vehicle for hire to be exceeded. The seating capacity shall be based on the number of seat belts in the passenger vehicle.

(4) If agreed to by the first passenger, a passenger vehicle for hire transporting passengers may answer other calls, or pick up additional passengers, prior to taking the first passenger to his or her destination, provided that the first passenger consents to the amount of additional time above that normally required for the exclusive-ride trip as estimated in advance by the driver. Passenger vehicles for hire shall specify any fare discounts to passengers participating in a ride sharing. If a child under 16 years of age and unaccompanied by a person 16 years of age or older is the original passenger, no other passengers shall be permitted in the passenger vehicle for hire.

(5) No driver shall refuse or neglect to convey an orderly prospective passenger on the basis of race, color, religion, handicap, age, sex, or national origin or neglect to convey an orderly prospective passenger upon request, unless the driver has made visual contact with the prospective passenger and forms a belief that is reasonable under the circumstances, that transporting such person might be unsafe for the driver, or is forbidden by provision of this article, or unless the "off-duty" placard is visible to a prospective passenger.

(6) A driver shall not knowingly use, sell, handle or transport illegal controlled substances at any time.

(7) A driver shall not convey any information to any passenger or other person as to where illegal controlled substances may be obtained.

(8) It shall be unlawful for a driver to operate his/her vehicle in a manner which threatens a passenger or the general public, or to threaten or otherwise abuse a passenger.

(9) Operating permit holders shall be responsible for the compliance of their affiliated drivers with this section. Failure of a driver to comply may result in issuance of civil penalties and other sanctions to the operating permit holder and the driver pursuant to this section.

(10) All drivers must have in their possession a valid North Carolina driver's license.

(Ord. No. 01-47, § 4, 8-13-01)

Sec. 67-35. Inspection decal.

The chief may require that a taxicab that has been inspected and found to be in a clean and proper condition display an inspection decal issued by the chief and displayed in a location to be determined by the chief. At such times as the chief commences issuing inspection decals, no taxicab shall be operating on the streets of the town without displaying a current valid inspection decal.

(Ord. No. 01-47, § 5, 8-13-01)

Sec. 67-36. Vehicle inspections and certification by the chief.

The owner of a taxicab shall have the chief of police inspect the vehicle within 60 days of applying for
an initial license or license renewal. no license or renewal thereof shall be granted unless the applicant presents
a signed and dated statement from the chief certifying that the vehicle is in safe operating condition.

All taxicab(s) for hire shall be inspected once a year. Any taxicab for hire which is found, after any such
inspection, to be unsafe for a passenger vehicle for hire shall be immediately ordered out of service by the chief
of police, and before again being placed in service shall be delivered to the chief of police at a designated point
of inspection.
(Ord. No. 01-47, § 6, 8-13-01)

Sec. 67-37. Vehicle service and maintenance records.

The owner of a taxicab shall maintain a legible, written record of all service maintenance and repairs
performed on the vehicle, the dates the work was done, the mechanic doing the work, and the location of the
facility where the work was done. Such records shall be retained by the owner and shall be made available to
the chief for at least three years.
(Ord. No. 01-47, § 7, 8-13-01)

Sec. 67-38. Compliance with traffic and other laws.

Each operator and driver of a taxicab shall comply with all provisions of this article and other town
ordinances, state law, rules, and regulations regulating the operation, stopping, standing and parking of vehicles,
the conduct of business, and any other applicable provision of law.

(1) No driver shall stop, stand, or park a vehicle for more than 15 minutes at a business, on a street,
or on any public vehicular area except to receive or discharge a passenger.

(2) Upon any violation of the provisions of this section, the driver's permit of the violator may be
suspended or revoked in accordance with procedures provided in this section.
(Ord. No. 01-47, § 8, 8-13-01)

Sec. 67-39. Enforcement and penalties.

(a) Civil penalty. In addition to all other remedies and sanction available to the town or imposed
under law, there is hereby imposed a civil penalty in the amount of $50.00 for the first violation of any
provision of this article in any 12-month period and $100.00 for any subsequent violation and each thereafter, in
a 12-month period.

(1) The levying of civil penalties may be initiated by any police officer giving written notice of the
violation along with a statement that a civil penalty is being imposed. The notice shall inform the
recipient that he or she may appeal the civil penalty within ten days to the chief. If an appeal is
made, a hearing shall be held before the chief. Following the hearing, the chief shall affirm or
reverse the imposition of the penalty. A notice of violation that is not appealed, or one affirmed
after appeal, shall be considered finally assessed.

(2) For the second and successive violations of any of the provisions of this article during any
12-month period, the civil penalty shall be double that for the first violation.

(3) Civil penalties shall be paid within 30 days to the finance department of the town. If not so paid, the town may initiate a civil action in the name of the town to collect any unpaid penalty. Permits shall remain revoked until the penalty or penalties have been satisfied.

(4) Any permit required to be issued or renewed under this article shall not be issued or renewed in the event civil penalties for violations remain unpaid by the applicant or by an employee of the applicant.

(b) *Misdemeanor.* In addition to the levying of civil penalties for violations of this article, violations shall also be punishable as a misdemeanor offense under G.S. 14-4, each day's continuing violation constituting a separate offense.

(Ord. No. 01-47, § 9, 8-13-01)

**Sec. 67-40. Appeal from refusal.**

(a) In case of refusal by the chief to grant a permit under this section, the applicant shall have the right to appeal, in writing within ten days of each successive administrative refusal, to the town manager.

(b) Each written notice of appeal shall be filed with the town clerk.

(c) The scope of the town manager's review shall be limited to that of fact finding only.

(d) The town manager's decision on the question of granting or refusing such permit shall be final and conclusive.

(e) After refusal by the administration or the chief of police the applicant shall make no new application within 12 months from the date he submitted the original application. Pending any appeal from a decision of driver's permit, it shall be unlawful for such applicant to drive a taxicab within the town or within one mile of the corporate limits thereof.

(Ord. No. 01-47, § 10, 8-13-01)

**Sec. 67-41. Hiring with intent not to pay.**

Any person who engages, uses, employs or hires any truck, automobile, taxicab, ambulance or other vehicle and who fails or refuses to pay for same, with intent to cheat and defraud the owner and/or agent of the owner of the rental price, charge, fee or fare, therefore, shall be guilty of a misdemeanor.

(Ord. No. 01-47, § 11, 8-13-01)
# CODE COMPARATIVE TABLE

## ORDINANCES

This is a chronological listing of the ordinances of the town used in this Code. Repealed or superseded laws and any omitted materials are not reflected in this table.

<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Date</th>
<th>Section</th>
<th>Section this Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>93-7A(Res.)</td>
<td>1</td>
<td>2-2</td>
<td></td>
</tr>
<tr>
<td>6-12-73(Ord.)</td>
<td></td>
<td>6-12</td>
<td></td>
</tr>
<tr>
<td>5-6-74(Ord.)</td>
<td>1, 2</td>
<td>18-90</td>
<td></td>
</tr>
<tr>
<td>4-4-78(Ord.)</td>
<td>1-9</td>
<td>18-146--18-154</td>
<td></td>
</tr>
<tr>
<td>8-7-79(Ord.)</td>
<td>3-4</td>
<td>34-1</td>
<td></td>
</tr>
<tr>
<td>8-27-79(Ord.)</td>
<td>3-7--3-12</td>
<td>14-41--14-46</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4-5--4-11</td>
<td>58-1--58-7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4-17--4-27</td>
<td>58-61--58-71</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4-28--4-37</td>
<td>58-31--58-40</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4-38</td>
<td>58-104</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4-39</td>
<td>58-103</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4-40--4-43</td>
<td>58-41--58-44</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4-44</td>
<td>58-105</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4-45, 4-46</td>
<td>58-91, 58-92</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4-47, 4-48</td>
<td>58-99, 58-100</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4-49--4-52</td>
<td>58-93--58-96</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4-54</td>
<td>58-98</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4-55, 4-56</td>
<td>58-101, 58-102</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4-57--4-61</td>
<td>58-8--58-12</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4-95--4-106</td>
<td>58-121--58-132</td>
<td></td>
</tr>
<tr>
<td>11-5-79(Ord.)</td>
<td>5-2</td>
<td>62-37</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5-3</td>
<td>62-36</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5-4--5-19</td>
<td>62-38--62-53</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5-21--5-31</td>
<td>62-54--62-64</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5-32--5-37</td>
<td>62-86--62-91</td>
<td></td>
</tr>
<tr>
<td>5-24-82(Ord.)</td>
<td>8-1--8-5</td>
<td>6-1--6-5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8-6--8-8</td>
<td>6-8--6-10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8-9, 8-10</td>
<td>6-6, 6-7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8-11--8-20</td>
<td>6-41--6-50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8-21--8-28</td>
<td>6-71--6-78</td>
<td></td>
</tr>
<tr>
<td>2-11-85(Ord.)</td>
<td>1</td>
<td>66-37</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>66-36</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3--8</td>
<td>66-38--66-43</td>
<td></td>
</tr>
<tr>
<td>6-10-85(Ord.)</td>
<td></td>
<td>18-81--18-84</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>18-86--18-89</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>18-85</td>
<td></td>
</tr>
<tr>
<td>11-24-86(Ord.)</td>
<td>6-2--6-15</td>
<td>62-111--62-124</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6-16</td>
<td>62-125, 62-126</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6-18</td>
<td>62-127</td>
<td></td>
</tr>
<tr>
<td>1-12-87(Ord.)</td>
<td>1</td>
<td>18-44--50-1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2, 3</td>
<td>50-1</td>
<td></td>
</tr>
<tr>
<td>7-27-87(Ord.)</td>
<td>1--3</td>
<td>2-1</td>
<td></td>
</tr>
</tbody>
</table>

CCT:1

Supp. No. 7
<table>
<thead>
<tr>
<th>Act No.</th>
<th>Date</th>
<th>Sections</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>89-5A</td>
<td>2-13-89</td>
<td>1(1)--1(VII)</td>
<td>42-36--42-42</td>
</tr>
<tr>
<td>90-17</td>
<td>2-12-90</td>
<td>1--4</td>
<td>42-37</td>
</tr>
<tr>
<td>90-16A</td>
<td>3-12-90</td>
<td></td>
<td>42-39</td>
</tr>
<tr>
<td>90-18</td>
<td>3-26-90</td>
<td>1</td>
<td>6-12</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3</td>
<td>6-12</td>
</tr>
<tr>
<td>90-21</td>
<td>4-9-90</td>
<td>6</td>
<td>62-2</td>
</tr>
<tr>
<td>90-23</td>
<td>5-14-90</td>
<td>1--8</td>
<td>18-82--18-89</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9</td>
<td>18-81</td>
</tr>
<tr>
<td>90-24</td>
<td>5-14-90</td>
<td>1</td>
<td>18-112</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
<td>18-111</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3--15</td>
<td>18-113--18-125</td>
</tr>
<tr>
<td>90-38</td>
<td>7-9-90</td>
<td>1</td>
<td>18-112</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>18-114, 18-115</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>18-122</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
<td>18-83</td>
</tr>
<tr>
<td>90-42</td>
<td>7-23-90</td>
<td>1</td>
<td>54-36</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
<td>54-38</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4</td>
<td>54-40</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6--13</td>
<td>54-41--54-48</td>
</tr>
<tr>
<td></td>
<td></td>
<td>14</td>
<td>54-37</td>
</tr>
<tr>
<td>90-51</td>
<td>9-24-90</td>
<td>1, 2</td>
<td>38-41, 38-42</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3</td>
<td>38-48</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4, 5</td>
<td>38-46, 38-47</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6--8</td>
<td>38-43--38-45</td>
</tr>
<tr>
<td>90-55</td>
<td>10-8-90</td>
<td>1</td>
<td>10-2</td>
</tr>
<tr>
<td>91-8</td>
<td>2-11-91</td>
<td>1</td>
<td>54-72</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
<td>54-71</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3--5</td>
<td>54-73--54-75</td>
</tr>
<tr>
<td>91-18</td>
<td>4-22-91</td>
<td>1, 2</td>
<td>38-1</td>
</tr>
<tr>
<td>91-23</td>
<td>6-10-91</td>
<td>1</td>
<td>22-50</td>
</tr>
<tr>
<td>91-39</td>
<td>8-26-91</td>
<td>1, 2</td>
<td>18-42, 18-43</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3</td>
<td>18-41</td>
</tr>
<tr>
<td>91-49</td>
<td>10-14-91</td>
<td>1</td>
<td>18-81--18-89</td>
</tr>
<tr>
<td>92-3A</td>
<td>1-13-92</td>
<td>17,1--17.3</td>
<td>26-37--26-39</td>
</tr>
<tr>
<td></td>
<td></td>
<td>17.4</td>
<td>26-36</td>
</tr>
<tr>
<td></td>
<td></td>
<td>17.5--17.11</td>
<td>26-40--26-46</td>
</tr>
<tr>
<td></td>
<td></td>
<td>17.12</td>
<td>26-68</td>
</tr>
<tr>
<td></td>
<td></td>
<td>17.13, 17.14</td>
<td>26-66, 26-67</td>
</tr>
<tr>
<td></td>
<td></td>
<td>17.15</td>
<td>26-69</td>
</tr>
<tr>
<td></td>
<td></td>
<td>17.16--17.21</td>
<td>26-86--26-91</td>
</tr>
<tr>
<td>92-13</td>
<td>2-24-92</td>
<td>1</td>
<td>10-2</td>
</tr>
<tr>
<td>92-45</td>
<td>6-8-92</td>
<td>1--7</td>
<td>62-1</td>
</tr>
<tr>
<td>92-52</td>
<td>6-22-92</td>
<td>1--5</td>
<td>2-101--2-105</td>
</tr>
<tr>
<td>92-55</td>
<td>7-13-92</td>
<td>1</td>
<td>10-1</td>
</tr>
<tr>
<td>92-63B</td>
<td>8-10-92</td>
<td>1, 2</td>
<td>42-39</td>
</tr>
<tr>
<td>92-65</td>
<td>8-24-92</td>
<td>1--3</td>
<td>6-11</td>
</tr>
<tr>
<td>92-54</td>
<td>9-1-92</td>
<td>2--16</td>
<td>22-36--22-50</td>
</tr>
<tr>
<td></td>
<td></td>
<td>19</td>
<td>22-51</td>
</tr>
<tr>
<td>92-69</td>
<td>9-14-92</td>
<td>1--3</td>
<td>62-1</td>
</tr>
<tr>
<td>93-57</td>
<td>8-23-93</td>
<td>1--5</td>
<td>18-1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2-9-94(Ord.)</td>
<td>Added 62-136--62-154</td>
</tr>
<tr>
<td>94-34</td>
<td>5-23-94</td>
<td>Added</td>
<td>62-101, 62-102</td>
</tr>
<tr>
<td>94-61</td>
<td>9-12-94</td>
<td>1(I)--1(VII)</td>
<td>42-36--42-42</td>
</tr>
<tr>
<td>94-62</td>
<td>3-27-95</td>
<td>Amd</td>
<td>22-36--22-50</td>
</tr>
</tbody>
</table>

CCT:2
<table>
<thead>
<tr>
<th>Supp. No. 7</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>95-1</td>
<td>12-16-94</td>
<td>Added</td>
<td>22-51--22-64</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2Rpld</td>
<td>18-81--18-88</td>
<td></td>
</tr>
<tr>
<td>95-6</td>
<td>1-9-95</td>
<td>Added</td>
<td>62-103</td>
<td></td>
</tr>
<tr>
<td>95-8</td>
<td>1-23-95</td>
<td>1--6Added</td>
<td>62-104</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>7Added</td>
<td>62-104(note)</td>
<td></td>
</tr>
<tr>
<td>95-10</td>
<td>1-23-95</td>
<td>1</td>
<td>30-36</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
<td>30-37</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3Added</td>
<td>30-37.1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4</td>
<td>30-38</td>
<td></td>
</tr>
<tr>
<td>95-24</td>
<td>3-27-95</td>
<td>Added</td>
<td>62-3</td>
<td></td>
</tr>
<tr>
<td>95-25</td>
<td>3-27-95</td>
<td>Added</td>
<td>32-1--32-91</td>
<td></td>
</tr>
<tr>
<td>95-64</td>
<td>8-14-95</td>
<td>1--XVIIAdded</td>
<td>56-36--56-52</td>
<td></td>
</tr>
<tr>
<td>95-69</td>
<td>9-11-95</td>
<td></td>
<td>18-2</td>
<td></td>
</tr>
<tr>
<td>96-12</td>
<td>3-11-96</td>
<td>1Added</td>
<td>10-3, 10-4</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2Added</td>
<td>42-1</td>
<td></td>
</tr>
<tr>
<td>96-18</td>
<td>4-9-96</td>
<td>1</td>
<td>38-41</td>
<td></td>
</tr>
<tr>
<td>96-32-A</td>
<td>9-9-96</td>
<td>1</td>
<td>32-52(d)</td>
<td></td>
</tr>
<tr>
<td>96-48</td>
<td>11-12-96</td>
<td>1(62-161), (62-162)</td>
<td>62-261, 62-262</td>
<td></td>
</tr>
<tr>
<td></td>
<td>11-25-96</td>
<td>Rpld</td>
<td>62-1--62-154</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Added</td>
<td>62-1--62-201</td>
<td></td>
</tr>
<tr>
<td>97-11</td>
<td>3-10-97</td>
<td>1</td>
<td>6-1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2Rpld</td>
<td>6-7</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3Added</td>
<td>6-13--6-15</td>
<td></td>
</tr>
<tr>
<td>98-5</td>
<td>2-9-98</td>
<td>Added</td>
<td>22-76--22-79</td>
<td></td>
</tr>
<tr>
<td>99-48</td>
<td>8-9-99</td>
<td>62-163.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>00-01</td>
<td>1-10-00</td>
<td>A--D</td>
<td>18-201--18-204</td>
<td></td>
</tr>
<tr>
<td>00-12</td>
<td>3-13-00</td>
<td>Rpld</td>
<td>6-11</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1</td>
<td>Added</td>
<td>6-11(a)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
<td></td>
<td>34-2(a)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4</td>
<td></td>
<td>6-11(b), 34-2(b)</td>
</tr>
<tr>
<td>00-13</td>
<td>3-13-00</td>
<td>1, 2</td>
<td>58-66</td>
<td></td>
</tr>
<tr>
<td>01-45</td>
<td>8-13-01</td>
<td>1 Rpld</td>
<td>6-1--6-15,</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6-41--6-50,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6-71--6-78</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2, 3</td>
<td>Added</td>
<td>6-1</td>
</tr>
<tr>
<td>01-46</td>
<td>8-13-01</td>
<td>Rpld</td>
<td>30-36--30-38</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1--7</td>
<td>Added</td>
<td>30-36--30-42</td>
</tr>
<tr>
<td>01-47</td>
<td>8-13-01</td>
<td>1--11</td>
<td>67-31--67-41</td>
<td></td>
</tr>
<tr>
<td>01-53</td>
<td>9-10-01</td>
<td>1--11</td>
<td>22-80--22-82</td>
<td></td>
</tr>
<tr>
<td>01-56</td>
<td>9-10-01</td>
<td>1--11</td>
<td>58-71</td>
<td></td>
</tr>
<tr>
<td>02-16</td>
<td>4-22-02</td>
<td>1--3</td>
<td>32-47--32-72</td>
<td></td>
</tr>
<tr>
<td>02-34</td>
<td>7-22-02</td>
<td></td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>02-45</td>
<td>8-26-02</td>
<td></td>
<td>58-42, 58-65, 58-69</td>
<td></td>
</tr>
<tr>
<td>03-23(a)</td>
<td>3-10-03</td>
<td>1</td>
<td>22-37</td>
<td></td>
</tr>
<tr>
<td>03-37</td>
<td>8-28-03</td>
<td>1</td>
<td>58-42</td>
<td></td>
</tr>
<tr>
<td>03-46</td>
<td>10-27-03</td>
<td>1</td>
<td>2-81</td>
<td></td>
</tr>
<tr>
<td>03-54</td>
<td>12-16-03</td>
<td>1</td>
<td>62-71--62-261</td>
<td></td>
</tr>
<tr>
<td>2004-133</td>
<td>9-27-04</td>
<td>1</td>
<td>6-1</td>
<td></td>
</tr>
<tr>
<td>2004-148</td>
<td>11-22-04</td>
<td>Repealed</td>
<td>42</td>
<td></td>
</tr>
<tr>
<td>2005-147</td>
<td>9-26-05</td>
<td>Repealed</td>
<td>2-121</td>
<td></td>
</tr>
<tr>
<td>2006-040</td>
<td>4-24-06</td>
<td></td>
<td>26-35--26-94</td>
<td></td>
</tr>
<tr>
<td>2006-140</td>
<td>9-25-06</td>
<td></td>
<td>32-37, 32-46, 32-53</td>
<td></td>
</tr>
<tr>
<td>2007-025</td>
<td>2-26-07</td>
<td>1</td>
<td>67</td>
<td></td>
</tr>
<tr>
<td>2007-030</td>
<td>9-24-07</td>
<td></td>
<td>58-121--58-125</td>
<td></td>
</tr>
<tr>
<td>2007-086</td>
<td>6-25-07</td>
<td></td>
<td>58-101</td>
<td></td>
</tr>
</tbody>
</table>

CCT:3
<table>
<thead>
<tr>
<th>CCT:4</th>
<th>Supp. No. 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-110</td>
<td>7-23-07</td>
</tr>
<tr>
<td>2008-076</td>
<td>6-24-08</td>
</tr>
<tr>
<td>2008-106</td>
<td>12-17-08</td>
</tr>
<tr>
<td>2009-007</td>
<td>02-24-09</td>
</tr>
<tr>
<td>2009-078</td>
<td>10-27-09</td>
</tr>
<tr>
<td>2009-080</td>
<td>7-28-09</td>
</tr>
<tr>
<td>2009-090</td>
<td>10-27-09</td>
</tr>
<tr>
<td>2009-112</td>
<td>10-27-09</td>
</tr>
<tr>
<td>2010-023</td>
<td>5-25-10</td>
</tr>
<tr>
<td>2010-068</td>
<td>10-26-10</td>
</tr>
<tr>
<td>2011-001</td>
<td>3-22-11</td>
</tr>
<tr>
<td>2011-003</td>
<td>1-25-11</td>
</tr>
<tr>
<td>2011-040</td>
<td>5-24-11</td>
</tr>
<tr>
<td>2012-021</td>
<td>1-24-12</td>
</tr>
<tr>
<td>2012-032</td>
<td>3-27-12</td>
</tr>
<tr>
<td>2012-033</td>
<td>8-28-12</td>
</tr>
<tr>
<td>2012-049</td>
<td>4-24-12</td>
</tr>
<tr>
<td>2013-001</td>
<td>4-23-13</td>
</tr>
<tr>
<td>2013-036</td>
<td>3-26-13</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# STATE LAW REFERENCE TABLE

*revised 10-24-13*

This table shows the location within this Charter and Code, either in the text or notes following the text, of references to the General Statutes of North Carolina.

<table>
<thead>
<tr>
<th>G.S.</th>
<th>Section this Code</th>
<th>G.S.</th>
<th>Section this Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-593</td>
<td>1-2</td>
<td>20-169</td>
<td>Ch. 54, Art. II</td>
</tr>
<tr>
<td>Ch. 7A</td>
<td>26-69</td>
<td></td>
<td>54-46</td>
</tr>
<tr>
<td>7A-170 et seq.</td>
<td>18-119</td>
<td>Ch. 58</td>
<td></td>
</tr>
<tr>
<td>7A-273</td>
<td>18-119</td>
<td>20-171.1 et seq.</td>
<td>Ch. 58, Art. V</td>
</tr>
<tr>
<td>7A-292</td>
<td>18-119</td>
<td>20-219.3</td>
<td>18-114--18-118</td>
</tr>
<tr>
<td>12-3</td>
<td>1-2</td>
<td>18-120, 18-121</td>
<td></td>
</tr>
<tr>
<td>14-4</td>
<td>1-6</td>
<td>18-123</td>
<td></td>
</tr>
<tr>
<td></td>
<td>18-41</td>
<td>18-125</td>
<td></td>
</tr>
<tr>
<td></td>
<td>18-88</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>22-48</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>62-123</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>67-39</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ch. 58, Art. III</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14-4(b)</td>
<td>62-70</td>
<td>20-219.11</td>
<td>18-117</td>
</tr>
<tr>
<td></td>
<td>Ch. 58, Art. IV</td>
<td>20-219.11, 20-219.12</td>
<td>18-119, 18-120</td>
</tr>
<tr>
<td>14-151.1</td>
<td>54-46</td>
<td>20-219.12</td>
<td>18-125</td>
</tr>
<tr>
<td>14-225.1</td>
<td>18-120</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>14-277.2</td>
<td>18-125</td>
<td></td>
</tr>
<tr>
<td></td>
<td>54-46</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14-284.2</td>
<td>44A-1 et seq.</td>
<td>20-222</td>
<td>18-125</td>
</tr>
<tr>
<td>14-286</td>
<td>18-121</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ch. 30, Art. II</td>
<td>44A-2</td>
<td>18-125</td>
</tr>
<tr>
<td></td>
<td>Ch. 30, Art. II</td>
<td>44A-4 et seq.</td>
<td>18-121</td>
</tr>
<tr>
<td>14-288.12</td>
<td>Ch. 14, Art. II</td>
<td>48A-2</td>
<td>54-39</td>
</tr>
<tr>
<td>14-399</td>
<td>14-404</td>
<td>58-79-1 et seq.</td>
<td>22-42</td>
</tr>
<tr>
<td></td>
<td>54-42</td>
<td>Ch. 30, Art. II</td>
<td>74D-2</td>
</tr>
<tr>
<td></td>
<td>Ch. 50</td>
<td>87-10</td>
<td>62-59</td>
</tr>
<tr>
<td></td>
<td></td>
<td>89C-19</td>
<td>62-106</td>
</tr>
<tr>
<td>14-409.3</td>
<td>18-150</td>
<td>Ch. 93B</td>
<td>32-61</td>
</tr>
<tr>
<td>20-1 et seq.</td>
<td>Ch. 58</td>
<td>14-1509(c)</td>
<td>22-53</td>
</tr>
<tr>
<td>20-137.6 et seq.</td>
<td>Ch. 18, Art. III, Div. 3</td>
<td>105-249</td>
<td>32-52</td>
</tr>
<tr>
<td>20-137.7</td>
<td>18-111</td>
<td>105-249.1</td>
<td>32-52</td>
</tr>
<tr>
<td>20-137.9</td>
<td>18-114--18-118</td>
<td>105-33(c)</td>
<td>Ch. 32</td>
</tr>
<tr>
<td>20-137.10</td>
<td>18-116--18-118</td>
<td>105-347</td>
<td>Char. § 6</td>
</tr>
<tr>
<td></td>
<td>18-121</td>
<td>106-421</td>
<td>Ch. 18, Art. III, Div. 2</td>
</tr>
<tr>
<td>20-137.13</td>
<td>18-123</td>
<td>105-109</td>
<td>32-90, 32-91</td>
</tr>
<tr>
<td>20-138 et seq.</td>
<td>Ch. 58, Art. II</td>
<td>115C-1 et seq.</td>
<td>22-40</td>
</tr>
<tr>
<td>20-156</td>
<td>58-7</td>
<td>121-5</td>
<td>32-71</td>
</tr>
<tr>
<td>20-157</td>
<td>58-44</td>
<td>126-9</td>
<td>Ch. 42</td>
</tr>
<tr>
<td>20-158</td>
<td>Ch. 58, Art. III</td>
<td>Ch. 130A, art. 10</td>
<td>62-109</td>
</tr>
<tr>
<td>20-161 et seq.</td>
<td>Ch. 58, Art. IV</td>
<td>130A-1 et seq.</td>
<td>Ch. 18, Art. II, Ch. 18, Art. III \ Ch. 18, Art. III, Div. 2 \ Ch. 18, Art. III, Div. 3</td>
</tr>
</tbody>
</table>

SLT1
<table>
<thead>
<tr>
<th>G.S.</th>
<th>Section this Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-114</td>
<td></td>
</tr>
<tr>
<td>Ch. 50</td>
<td></td>
</tr>
<tr>
<td>130A-19</td>
<td>Ch. 18, Art. II, Ch. 18, Art. III</td>
</tr>
<tr>
<td>Ch. 18, Art. III, Div. 2, Ch. 18, Art. III, Div. 3</td>
<td>18-114</td>
</tr>
<tr>
<td>Ch. 50</td>
<td></td>
</tr>
<tr>
<td>130A-34 et seq.</td>
<td>Ch. 18, Art. III, Div. 2, Ch. 18, Art. III, Div. 3</td>
</tr>
<tr>
<td>18-114</td>
<td></td>
</tr>
<tr>
<td>130A-258</td>
<td>Ch. 54, Art. II</td>
</tr>
<tr>
<td>54-45</td>
<td></td>
</tr>
<tr>
<td>130A-290 et seq.</td>
<td>Ch. 18, Art. III, Div. 2</td>
</tr>
<tr>
<td>Ch. 18, Art. III, Div. 3</td>
<td>18-114</td>
</tr>
<tr>
<td>136-66.1</td>
<td>Ch. 54</td>
</tr>
<tr>
<td>136-66.2</td>
<td>Ch. 54, Art. III</td>
</tr>
<tr>
<td>136-66.4</td>
<td>Ch. 54</td>
</tr>
<tr>
<td></td>
<td>Ch. 54, Art. III</td>
</tr>
<tr>
<td></td>
<td>54-46</td>
</tr>
<tr>
<td>136-90</td>
<td>54-39</td>
</tr>
<tr>
<td></td>
<td>54-46</td>
</tr>
<tr>
<td>136-93</td>
<td>62-59</td>
</tr>
<tr>
<td></td>
<td>62-111</td>
</tr>
<tr>
<td>136-141 et seq.</td>
<td>18-124</td>
</tr>
<tr>
<td>136-143</td>
<td>18-124</td>
</tr>
<tr>
<td>143-15</td>
<td>26-87</td>
</tr>
<tr>
<td>143-213(18)</td>
<td>62-162</td>
</tr>
<tr>
<td>143-215.1</td>
<td>62-109</td>
</tr>
<tr>
<td></td>
<td>62-110</td>
</tr>
<tr>
<td></td>
<td>62-162</td>
</tr>
<tr>
<td></td>
<td>62-164</td>
</tr>
<tr>
<td></td>
<td>62-165</td>
</tr>
<tr>
<td>143-215.1(b)</td>
<td>62-165</td>
</tr>
<tr>
<td>143-215.3(a)(14)</td>
<td>62-162</td>
</tr>
<tr>
<td>143-215.6(b)</td>
<td>62-123</td>
</tr>
<tr>
<td></td>
<td>62-171</td>
</tr>
<tr>
<td>143-595 et seq.</td>
<td>18-1</td>
</tr>
<tr>
<td>153A-140</td>
<td>Ch. 18, Art. II</td>
</tr>
<tr>
<td>Ch. 18, Art. III</td>
<td></td>
</tr>
<tr>
<td>Ch. 18, Art. III, Div. 2, Ch. 18, Art. III, Div. 3</td>
<td>18-114</td>
</tr>
<tr>
<td>Ch. 50</td>
<td></td>
</tr>
<tr>
<td>153A-239</td>
<td>Ch. 54</td>
</tr>
<tr>
<td>159-1 et seq.</td>
<td>Ch. 2, Art. V</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>G.S.</th>
<th>Section this Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>159-24, 159-25</td>
<td>Char. § 8</td>
</tr>
<tr>
<td>159-25(a)(2)</td>
<td>Char. § 7</td>
</tr>
<tr>
<td>Ch. 160</td>
<td>Char. § 1</td>
</tr>
<tr>
<td>Ch. 160A</td>
<td>Char. § 1</td>
</tr>
<tr>
<td>Ch. 160A, art. 10</td>
<td>62-86</td>
</tr>
<tr>
<td>160A-1</td>
<td>Char. §§ 1--12</td>
</tr>
<tr>
<td>160A-1 et seq.</td>
<td>Ch. 2</td>
</tr>
<tr>
<td>160A-22</td>
<td>2-1</td>
</tr>
<tr>
<td>160A-22, 160A-23</td>
<td>Char. § 9.1</td>
</tr>
<tr>
<td>160A-29</td>
<td>2-1</td>
</tr>
<tr>
<td>160A-33 et seq.</td>
<td>Char. § 2</td>
</tr>
<tr>
<td>160A-39</td>
<td>2-1</td>
</tr>
<tr>
<td>160A-63, 160A-64</td>
<td>Char. § 10, Char. § 11</td>
</tr>
<tr>
<td>160A-66</td>
<td>Ch. 2, Art. II</td>
</tr>
<tr>
<td>160A-76</td>
<td>22-38</td>
</tr>
<tr>
<td>160A-101</td>
<td>Char. § 3</td>
</tr>
<tr>
<td>160A-147 et seq.</td>
<td>Ch. 2, Art. III</td>
</tr>
<tr>
<td></td>
<td>Char. § 5</td>
</tr>
<tr>
<td>160A-171</td>
<td>2-1</td>
</tr>
<tr>
<td>160A-174(a)</td>
<td>Ch. 18, Art. II, Ch. 18, Art. III</td>
</tr>
<tr>
<td></td>
<td>Ch. 18, Art. III, Div. 2, Ch. 18, Art. III, Div. 3, 18-114</td>
</tr>
<tr>
<td></td>
<td>Ch. 50</td>
</tr>
<tr>
<td>160A-175</td>
<td>1-6</td>
</tr>
<tr>
<td></td>
<td>22-48</td>
</tr>
<tr>
<td>160A-175(d)</td>
<td>32-91</td>
</tr>
<tr>
<td>160A-179</td>
<td>34:1-2</td>
</tr>
<tr>
<td>160A-184</td>
<td>Ch. 18, Art. II</td>
</tr>
<tr>
<td>160A-193</td>
<td>Ch. 18, Art. II, Ch. 18, Art. III</td>
</tr>
<tr>
<td></td>
<td>Ch. 18, Art. III, Div. 2, Ch. 18, Art. III, Div. 3, 18-81</td>
</tr>
<tr>
<td></td>
<td>18-87</td>
</tr>
<tr>
<td></td>
<td>18-114</td>
</tr>
<tr>
<td></td>
<td>Ch. 50</td>
</tr>
<tr>
<td>160A-206</td>
<td>Char. § 7</td>
</tr>
<tr>
<td>160A-207</td>
<td>32-90(a)(3)</td>
</tr>
<tr>
<td>160A-209</td>
<td>Char. § 6, Char. § 7</td>
</tr>
<tr>
<td>160A-209(d)</td>
<td>Char. § 6</td>
</tr>
<tr>
<td>160A-218</td>
<td>62-86</td>
</tr>
<tr>
<td>160A-281</td>
<td>54-39</td>
</tr>
<tr>
<td></td>
<td>54-42</td>
</tr>
<tr>
<td></td>
<td>54-46</td>
</tr>
<tr>
<td>160A-281 et seq.</td>
<td>Ch. 30</td>
</tr>
<tr>
<td>G.S.</td>
<td>Section this Code</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------------</td>
</tr>
<tr>
<td></td>
<td>54-42</td>
</tr>
<tr>
<td></td>
<td>54-46</td>
</tr>
<tr>
<td>160A-286</td>
<td>54-39</td>
</tr>
<tr>
<td></td>
<td>54-42</td>
</tr>
<tr>
<td></td>
<td>54-46</td>
</tr>
<tr>
<td>160A-291 et seq</td>
<td>Ch. 22</td>
</tr>
<tr>
<td>160A-292</td>
<td>22-40</td>
</tr>
<tr>
<td>160A-285</td>
<td>54-39</td>
</tr>
<tr>
<td></td>
<td>54-42</td>
</tr>
<tr>
<td></td>
<td>54-46</td>
</tr>
<tr>
<td>160A-296</td>
<td>18-117</td>
</tr>
<tr>
<td></td>
<td>Ch. 54</td>
</tr>
<tr>
<td>160A-296 et seq</td>
<td>Ch. 58</td>
</tr>
<tr>
<td>160A-301</td>
<td>54-46</td>
</tr>
<tr>
<td></td>
<td>Ch. 58, Art. IV</td>
</tr>
<tr>
<td>160A-303</td>
<td>Ch. 18, Art. III, Div. 3</td>
</tr>
<tr>
<td></td>
<td>18-120-18-123</td>
</tr>
<tr>
<td>160A-303.1</td>
<td>Ch. 18, Art. III, Div. 2</td>
</tr>
<tr>
<td>160A-303.2</td>
<td>Ch. 18, Art. III, Div. 3</td>
</tr>
<tr>
<td></td>
<td>18-120-18-123</td>
</tr>
<tr>
<td>160A-300.6</td>
<td>56-136-14</td>
</tr>
<tr>
<td>160A-312</td>
<td>Ch. 62</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>160A-350 et seq</td>
<td>Ch. 38</td>
</tr>
<tr>
<td>160A-360 et seq</td>
<td>2-1</td>
</tr>
<tr>
<td></td>
<td>Ch. 46</td>
</tr>
<tr>
<td>160A-412</td>
<td>Ch. 10</td>
</tr>
<tr>
<td>160A-435</td>
<td>10-1</td>
</tr>
<tr>
<td>160A-441</td>
<td>18-146</td>
</tr>
<tr>
<td>160A-443</td>
<td>18-150</td>
</tr>
<tr>
<td>160A-446(6)</td>
<td>18-153</td>
</tr>
</tbody>
</table>
ABANDONMENT
   Abandoned structures . . . . 18-146 et seq.
       See: NUISANCES
   Abandoned vehicles
       Nuisance regulations . . . . 18-111 et seq.
       See: NUISANCES
   Junked, abandoned and nuisance vehicles . . . . 18-111 et seq.
       See: NUISANCES

ABOVEGROUND TANKS
   Fire prevention code
       Installation of . . . . 22-50

ABSENTEE BALLOTS
   Generally . . . . 2-2

ACCEPTANCE
   Subdivision plats
       Ordinances not affected by Code . . . . 1-9(11)

ADDRESSES
   Fire prevention code provisions re street addresses . . . . 22-55, 22-58
   Street address numbering system . . . . 54-71 et seq.
       See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

ADVERTISING
   Standing or parking for advertising prohibited . . . . 58-98

AFFIRMATION. See: OATH, AFFIRMATION, SWEAR OR SWORN

AGENCIES OF TOWN. See: DEPARTMENTS AND OTHER AGENCIES OF TOWN

AGreements. See: CONTRACTS AND AGREEMENTS

ALARM SYSTEMS
   Appeal to town manager . . . . 30-41
   Automatic dialing protection devices prohibited . . . . 30-38
   Definitions . . . . 30-36
   Duties of the chief of police . . . . 30-42
   Enforcement of provisions; methods of enforcement . . . . 30-40
   False alarm policy . . . . 30-37
   Fire prevention code provisions re alarm communications . . . . 22-52
   Prohibited acts . . . . 30-39
ALCOHOLIC BEVERAGES
   Emergencies, certain acts prohibited during . . . . . 14-44(3)
   Public consumption in alcoholic beverages prohibited . . . . . 34-3

ALIGHTING
   Vehicle in motion . . . . . 58-8

ALLEYS. See also: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS
   Vehicles emerging from . . . . . 58-38

AMBULANCES
   Traffic exemptions for authorized emergency vehicles . . . . . 58-7

AMENDMENTS
   Code amendments . . . . . 1-7

AMMUNITION
   Emergencies, certain acts prohibited during . . . . . 14-44(2)

ANCHORS AND ANCHORING
   Flood hazard reduction standards re anchoring . . . . . 26-86(1)

ANIMALS AND FOWL
   Barking, howling or whining dogs
      Noises
         Expressly prohibited . . . . . 18-44(9)
         County animal control ordinance adopted; enforcement . . . . . 6-1
   Dogs
      Barking dogs . . . . . 18-44(9)
      Noises
         Particular sounds prohibited . . . . . 18(44)
      Traffic regulations, persons riding animals subject to . . . . . 58-6

ANNEXATIONS
   Ordinances not affected by Code . . . . . 1-9(12)

APPEALS
   Fire prevention code . . . . . 22-49
   Flood damage prevention . . . . . 26-99
   Flood hazard reduction standards . . . . . 26-89(h)

APPROACHES. See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

APPROPRIATIONS

CDi:2
Ordinances not affected by Code . . . . . 1-9(7)

AREAS OF SHALLOW FLOODING (AO zones)
    Flood hazard reduction standards . . . . . 26-91

ASSOCIATIONS
    Persons; definitions and rules of construction extended and applied to . . . . . 1-2

AUTHORIZED EMERGENCY VEHICLES
    Traffic exemptions for . . . . . 58-7

AVENUES. See: STREETS, SIDEWALKS, GREENWAYS AND OTHER PUBLIC PATHWAYS

BACKING
    Traffic
        Limitations on backing . . . . . 58-37

BALLOTS
    Absentee ballots . . . . . 2-2

BARKERS. See: BEGGING, PEDDLERS, CANVASSERS AND SOLICITORS

BARKING
    Dogs
        Noises. . . . . 18-44(9)

BEER. See: ALCOHOLIC BEVERAGES

BEGGERS See: PEDDLERS, BEGGERS, CANVASSERS AND SOLICITORS
    Regulation of………….34- 1. 34-2

BICYCLES
    Prohibited in No Parking Lane............ 58-101
    Definitions Related to. . . . . . 58-122 (6)
    Racing………….58-123 (C)

See: MOTOR VEHICLES AND TRAFFIC

TOWN COUNCIL
    Definitions and rules of construction . . . . . 1-2
    Emergencies
        Generally . . . . . 14-41 et seq.
        See: EMERGENCIES

BOARDING

CDi:3
Vehicle in motion . . . . 58-8

BOND ISSUES
   Ordinances not affected by Code . . . . 1-9(2)

BONDS, SURETY OR PERFORMANCE
   Cable telecommunications application bond . . . . 56-37
      See: TELECOMMUNICATIONS
   General penalty; enforcement of ordinances; continuing violations re nuisances . . . . 1-6(c)

BOULEVARDS. See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

BOUNDARIES
   Describing or altering
      Ordinances not affected by Code . . . . 1-9(12)
   Extraterritorial planning and zoning jurisdiction . . . . 2-1
   Fire limits established . . . . 10-1

BRIDGES. See also: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS
   Parking prohibitions . . . . 58-101(a)(5), (8)

BRUSH. See: WEEDS AND BRUSH

BUDGETS
   Ordinances not affected by Code . . . . 1-9(7)

BUILDINGS
   Building inspector
      Flood damage prevention duties . . . . 26-66, 26-67
   Building permit
      Fee schedule . . . . 10-2
      Flood hazard areas, requirements for building permits in . . . . 26-88
   Construction debris . . . . 50-1
   Fire chief
      Inspection of buildings and premises . . . . 22-42
   Fire limits established . . . . 10-1
   Fire prevention code
      Generally . . . . 22-36 et seq.
         See: FIRE PREVENTION
   Flood hazard reduction
      See: FLOOD DAMAGE PREVENTION
   General penalty; enforcement of ordinances; continuing violations re nuisances . . . . 1-6(c)
   Noises
      Prohibited . . . . 18
   Street address numbering system . . . . 54-71 et seq.

CDi:4
See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

Town property
Concealed handguns prohibited in recreation facilities; posting required . . . . 10-3
Possession or display of firearm regulated . . . . 10-4
Weeds, grass and refuse nuisance regulations . . . . 18-81 et seq.
See: NUISANCES

BURGLAR ALARMS
Alarm systems . . . . . 30-36 et seq.
See: ALARM SYSTEMS

BUSHES
Trees and shrubs
Generally . . . . . 66-36 et seq.
See: TREES AND SHRUBBERY

CABLE TELECOMMUNICATIONS. See: TELECOMMUNICATIONS

CANVASSERS. See: PEDDLERS, CANVASSERS AND SOLICITORS

CATASTROPHE
Emergencies
Generally . . . . . 14-41 et seq.
See: EMERGENCIES

CEREMONIES. See: PARADES, PICKET LINES AND GROUP DEMONSTRATIONS

CHANNELIZED INTERSECTIONS
Traffic regulations re turning . . . . . 58-35

CHARTER
Definitions and rules of construction . . . . 1-2

CHURCHES
Sundays
Noises
Exceptions . . . . . 18-48(14)

CIVIL EMERGENCIES
Emergencies . . . . . 14-41 et seq.
See: EMERGENCIES

CIVIL LIABILITY
Junked, abandoned and nuisance vehicles
Protection against criminal or civil liability re sale . . . . . 18-123
CODE ENFORCEMENT ADMINISTRATOR
Abandoned structures
  Duties of . . . . . 18-147
  In rem action by; placarding . . . . . 18-152
  Powers of . . . . . 18-148

CODE OF ORDINANCES*
  Amendments to Code; effect of new ordinances; amendatory language . . . . . 1-7
  Catchlines, history notes and references . . . . . 1-4
  Definitions and rules of construction . . . . . 1-2
  General penalty; enforcement of ordinances; continuing violations . . . . . 1-6
  How Code designated and cited . . . . . 1-1
  Ordinances not affected by Code . . . . . 1-9
  Provisions considered continuation of existing ordinances . . . . . 1-3
  Severability of parts of Code . . . . . 1-5
  Supplementation of Code . . . . . 1-8

CODES
  Technical codes. See that subject

COMBUSTIBLES AND INFLAMMABLES
  Fire prevention code . . . . . 22-36 et seq.
    See: FIRE PREVENTION
  Sales
    Emergencies, certain acts prohibited during . . . . . 14-44(4)

COMMERCIAL VEHICLES
  Certain streets, prohibited on . . . . . 58-40

COUNCIL MEMBERS. See: TOWN COUNCIL

COMPLAINTS
  Abandoned structures
    Methods of service of complaint . . . . . 18-151

CONSERVATION
  Trees and shrubs
    Generally . . . . . 66-36 et seq.
      See: TREES AND SHRUBBERY

CONTRACTS AND AGREEMENTS
  Ordinances not affected by Code . . . . . 1-9

CORPORATIONS

CDi:6
Persons; definitions and rules of construction extended and applied to . . . . 1-2

COUNTY
County animal control ordinance adopted; enforcement . . . . 6-1
Definitions and rules of construction . . . . 1-2

COURT
General penalty; enforcement of ordinances; continuing violations re nuisances . . . . 1-6(c)

CRIMINAL LIABILITY
Junked, abandoned and nuisance vehicle disposition
Protection against criminal liability . . . . 18-123

CRISIS
Emergencies
Generally . . . . 14-41 et seq.
See: EMERGENCIES

CRYING
Beggars, Peddlers, barkers, etc.
Particular sounds prohibited . . . . 18-44(9)

CURBS
Avoiding traffic signals........58-66(a)
Parallel parking............58-93
Parking prohibitions . . . . 58-101(a)(10)
Stopping on left side to curb prohibited . . . . 58-95
Vehicles backed up to . . . . 58-94

CURFEW
Emergency . . . . 14-42 et seq.
See: EMERGENCIES

DANGEROUS OR HAZARDOUS CONDITIONS
Fire prevention code
Immediately dangerous or hazardous conditions . . . . 22-46

DANGEROUS WEAPONS. See also: FIREARMS AND WEAPONS
Parades, carrying of . . . . 54-46(d)

DEBRIS
Construction debris . . . . 50-1

DEDICATIONS
Subdivision plats
Ordinances not affected by Code . . . . 1-9(11)

DEMOLITION
Demolished buildings
Abandoned structures . . . . 18-146 et seq.
See: NUISANCES
General penalty; enforcement of ordinances; continuing violations re nuisances . . . . 1-6(c)

DEMONSTRATIONS
Parades, picket lines and group demonstrations . . . . 54-36 et seq.
See: PARADES, PICKET LINES AND GROUP DEMONSTRATIONS

DEPARTMENTS AND OTHER AGENCIES OF TOWN
Definitions and rules of construction . . . . 1-2
Emergencies
Generally . . . . 14-41 et seq.
See: EMERGENCIES
Joint authority
Definitions and rules of construction . . . . 1-2

DEVELOPMENT. See: PLANNING AND DEVELOPMENT

DILAPIDATED BUILDINGS
Abandoned structures . . . . 18-146 et seq.
See: NUISANCES

DISASTERS
Emergencies
Generally . . . . 14-41 et seq.
See: EMERGENCIES

DISEASE CONTROL
Animals
General regulations . . . . 6-1 et seq.
See: ANIMALS AND FOWL

DRAINS AND DRAINAGE
Storm drainage
Definitions . . . . 18-202
Purpose . . . . 18-201

DRIVEWAYS. See also: STREETS, SIDEWALKS, GREENWAYS AND OTHER PUBLIC WAYS
Vehicles emerging from . . . . 58-38
DROUGHTS
Flood hazard reduction
General regulations . . . . 26-36 et seq.
See: FLOOD DAMAGE PREVENTION

ELECTIONS
Absentee ballots . . . . . 2-2

ELECTRICITY
Fire prevention code
Generally . . . . 22-36 et seq.
See: FIRE PREVENTION

ELEVATED STRUCTURES
Parking prohibitions . . . . 58-101(a)(8)

EMERGENCIES
Certain acts prohibited during emergency . . . . 14-44
Cessation of state emergency upon mayor's proclamation . . . . 14-46
Curfew
Cessation upon mayor's proclamation . . . . 14-46
Defined . . . . 14-43
Exemption from . . . . 14-45
Mayor to proclaim state of emergency; curfew . . . . 14-42
Exemptions from curfew . . . . 14-45
Fire prevention code
Generally . . . . 22-36 et seq.
See: FIRE PREVENTION
Flood hazard reduction
General regulations . . . . 26-36 et seq.
See: FLOOD DAMAGE PREVENTION
Mayor
Cessation of state emergency upon proclamation . . . . 14-46
State of emergency
Existence of . . . . 14-41
Mayor to proclaim; curfew . . . . 14-42

EMERGING FROM ALLEY OR DRIVEWAY
Vehicles . . . . 58-38

EMPLOYEES. See: OFFICERS AND EMPLOYEES

ENTRANCES
Hotels, theater, etc.
Parking prohibitions . . . . 58-101(a)(9)
ENVIRONMENT
Abandoned structures . . . . . 18-146 et seq.
   See: NUISANCES
Motor vehicles . . . . . 18-111 et seq.
   See: NUISANCES
Noise
   Generally . . . . . 18-41 et seq.
      See: NOISE
Nuisances . . . . . 18-66 et seq.
   See: NUISANCES
Smoking restricted . . . . . 18-1
Storm drainage . . . . . 18-201 et seq.
   See: DRAINS AND DRAINAGE
Trees and shrubs
   Generally . . . . . 66-36 et seq.
      See: TREES AND SHRUBBERY
Water shortage conservation measures . . . . . 18-2
Weeds, grass and refuse . . . . . 18-81 et seq.
   See: NUISANCES

EXCAVATIONS
Noises
   Particular sounds prohibited . . . . . 18-44
   Parking prohibitions . . . . . 58-101(a)(7)

EXHAUST
Noises
   Particular sounds prohibited . . . . . 18-44(3)

EXHIBITIONS. See: PARADES, PICKET LINES AND GROUP DEMONSTRATIONS

EXPLOSIVES
   Emergencies, certain acts prohibited during . . . . . 14-44(2)

FALSE ALARMS
   Policy re systems . . . . . 30-37

FEES
   Building permit fee schedule . . . . . 10-2
   Parades, picket lines and group demonstrations permit fee . . . . . 54-40

FINANCES
   Abandoned structures
      Costs a lien on premises . . . . . 18-153
Ordinances not affected by Code . . . . 1-9(2)

FINES, FORFEITURES AND OTHER PENALTIES
General penalty; enforcement of ordinances; continuing violations . . . . 1-6
Ordinances not affected by Code . . . . 1-9(1)
Penalties for specific acts, omissions, violations, etc. See specific subjects as indexed

FIRE HOSE
Driving over . . . . . . 58-44

FIRE HYDRANTS
Fire prevention code provisions . . . . 22-62, 22-63, 22-64
Parking prohibitions . . . . . . 58-101(a)(9)

FIRE LIMITS
Established . . . . . . 10-1

FIRE PREVENTION
Abandoned structures . . . . . . 18-146 et seq.
See: NUISANCES
Fire prevention code
Aboveground tanks, installation of . . . . . 22-50
Addresses. See within this subheading: Street Addresses
Administration and application . . . . . 22-57
Alarm communication system . . . . . 22-52
Appeals . . . . . . 22-49
Application of provisions . . . . . . 22-39
Data storage box
Contents, types and locations . . . . . 22-54
Installation of hazardous material data storage box . . . . . 22-53
Definitions . . . . . . 22-56
Enforcement . . . . . . 22-48, 22-59
Enter premises, authority to . . . . . . 22-41

Fire chief
Duties of . . . . . . 22-40
Fire hydrant regulations
Generally . . . . . . 22-62
Hydrant water meter policy . . . . . . . . . 22-63
Hydrant water flow estimates, . . . . . . . . . 22-64
Immediately dangerous or hazardous conditions . . . . . 22-46
Inspection of buildings and premises . . . . . 22-42
Inspection schedule . . . . . . . . . . . . . . . 22-61
Installations of knox box rapid entry system . . . . . 22-51
Jurisdiction . . . . . . 22-36
New construction approval . . . . . . 22-45
Notice of violation; order to correct . . . . . . 22-47
Permits . . . . . . 22-43
Purpose . . . . . . 22-37
Relationship to other laws and standards . . . . . . 22-38
Severability . . . . . . 22-60
Site plan approval . . . . . . 22-44
Street addresses
  Display of street address numbers . . . . . . 22-58
  Generally . . . . . . 22-55

Flood hazard reduction
  General regulations . . . . . . 26-36 et seq.
  See: FLOOD DAMAGE PREVENTION

Open burning
  Definitions . . . . . . 22-77
  Permissible open burning
    Permit, with . . . . . . 22-78
    Permit, without . . . . . . 22-79
  Purpose and scope . . . . . . 22-76

Pit-burning
  Definitions . . . . . . 22-81
  Permissible pit-burning with a permit . . . . . . 22-82
  Purpose and scope . . . . . . 22-80

Traffic
  Firefighters authorized to direct traffic at fires . . . . . . 58-4

FIRE STATIONS
  Entrances
    Parking prohibitions . . . . . . 58-101(a)(9)

FIREARMS AND WEAPONS
  Discharging firearms within corporate limits prohibited . . . . . . 34-4
  Emergencies, certain acts prohibited during . . . . . . 14-44(2)
  Parades, carrying dangerous weapons . . . . . . 54-46(d)
  Town property
    Concealed handguns prohibited in recreational facilities; posting required . . . . . 10-3
    Possession or display of firearms regulated . . . . . . 10-4

FIRMS
  Persons; definitions and rules of construction extended and applied to . . . . . 1-2

FIXTURES
  General penalty; enforcement of ordinances; continuing violations re nuisances . . . . . . 1-6(c)

CDi:12
FLASHING BEACONS
  Parking prohibitions . . . . 58-101(a)(4)

FLASHING SIGNALS
  Traffic regulations . . . . 58-63

FLOOD DAMAGE PREVENTION
  Abrogation and greater restrictions . . . . 26-44
  Anchoring
    Flood hazard reduction standards . . . . 26-91
  Appeals . . . . 26-68(10)
  Areas of special flood hazard
    Application of provisions . . . . 26-40
    Basis for establishing . . . . 26-41
  Building permits
    Requirements for in flood hazard areas . . . . 26-68
  Compliance . . . . 26-43

Definitions . . . . 26-36
Findings of fact . . . . 26-37
Flood hazard areas
  Requirements for Floodplain permit in . . . . 26-68
Flood hazard reduction
  Anchoring . . . . 26-91
  Construction materials and methods . . . . 26-86(2)
  Enforcement
    Actions in event of failure to take corrective action . . . . 26-89(f)
    Appeal . . . . 26-89(h)
    Failure to comply with order . . . . 26-89(i)
    Inspection of work in progress . . . . 26-89(a)
    Order to take corrective action . . . . 26-89(g)
    Revocation of permits . . . . 26-89(c)
    Right of entry . . . . 26-89(d)
    Stop orders . . . . 26-89(b)
    Violations to be corrected . . . . 26-89(e)
Floodways . . . . 26-88
  General standards for all areas of special flood hazard . . . . 26-86
  Manufactured homes . . . . 26-87(4)
  Nonresidential construction . . . . 26-87(2)
  Residential construction . . . . 26-87(1)
  Streams without established base flood elevations and/or floodways, standards for . . . . 26-90
  Subdivision proposals . . . . 26-86(4)
  Utilities . . . . 26-86(3)
Floodplain Administrator
  Designation of administrator . . . . 26-66
Duties, responsibilities of . . . . . . 26-67
Floodplain permit
    Establishment of . . . . . . 26-42
Floodways
    Flood hazard. . . . . 26-41
Interpretation of provisions . . . . . 26-45
Manufactured homes
    Flood hazard reduction standards . . . . . 26-89
Nonresidential construction
    Flood hazard reduction standards . . . . . 26-87(2)
Residential construction
    Flood hazard reduction standards . . . . . 26-87(1)
Statement of purpose . . . . . . 26-38
Subdivision proposals
    Flood hazard reduction standards . . . . . 26-86(11-14)
Utilities
    Flood hazard reduction standards . . . . . 26-86(12)
Variances
    Conditions for . . . . . . 26-70(1)
Warning and disclaimer of liability . . . . . 26-46

FLOWERS
    Trees and shrubs
        Generally . . . . . . 66-36 et seq.
        See: TREES AND SHRUBBERY

FORFEITURES. See: FINES, FORFEITURES AND OTHER PENALTIES

FOWL. See: ANIMALS AND FOWL

FRANCHISES
    Ordinances not affected by Code . . . . . 1-9(5)
    Telecommunications
        Cable . . . . . . 56-36 et seq.
        See: TELECOMMUNICATIONS

FRONT SEAT
    Motor vehicles
        Limitations of riders in front seat . . . . . 58-12

FUNERAL PROCESSIONS
    Driving through . . . . . . 58-34

FURNITURE
    General penalty; enforcement of ordinances; continuing violations re nuisances . . . . . 1-6(c)
GARBAGE AND TRASH
   Construction debris . . . . 50-1
   Weeds, grass and refuse nuisance regulations . . . . 18-81 et seq.
   See: NUISANCES

GASOLINE
   Sales
      Emergencies, certain acts prohibited during . . . . 14-44(4)

GENDER
   Definitions and rules of construction . . . . 1-2

GOVERNING BODY. See: TOWN COUNCIL

GRADE CROSSINGS
   Parking prohibitions . . . . 58-101(a)(6)

GRADES AND GRADING
   Street grades
      Ordinances not affected by Code . . . . 1-9(15)

GRASS
   Weeds, grass and refuse nuisance regulations . . . . 18-81 et seq.
   See: NUISANCES

GREENWAYS AND SIDEWALKS
   Regulation of Modes of Transportation on…… 58-121 et seq.

GROUP DEMONSTRATIONS. See: PARADES, PICKET LINES AND GROUP DEMONSTRATIONS

GROUPS
   Persons; definitions and rules of construction extended and applied to . . . . 1-2

G.S. (General Statutes of North Carolina)
   Definitions and rules of construction . . . . 1-2

HANDCARRIED SIGNS
   Parade route . . . . 54-46(e)

HAWKERS. See: BEGGERS, PEDDLERS, CANVASSERS AND SOLICITORS

HAZARDOUS CONDITIONS. See: DANGEROUS OR HAZARDOUS CONDITIONS
HEALTH AND SANITATION
   Abandoned structures . . . . . 18-146 et seq.
      See: NUISANCES
   Animals
      General regulations . . . . . 6-1 et seq.
      See: ANIMALS AND FOWL
   Fire prevention code
      Generally . . . . . 22-36 et seq.
      See: FIRE PREVENTION
   Flood hazard reduction
      General regulations . . . . . 26-36 et seq.
      See: FLOOD DAMAGE PREVENTION
   General penalty; enforcement of ordinances; continuing violations re nuisances . . . . . . 1-6(c)
   Junked, abandoned and nuisance motor vehicle . . . . . 18-111 et seq.
      See: NUISANCES
   Weeds, grass and refuse nuisance regulations . . . . . 18-81 et seq.
      See: NUISANCES

HEARINGS
   Abandoned structures; procedure for enforcement . . . . . 18-150
   Junked, abandoned and nuisance vehicles
      Right to probable cause hearing before sale or final disposition . . . . . . 18-119

HEREDITAMENTS. See: PROPERTY

HIGHWAYS. See: STREETS, SIDEWALKS, GREENWAYS AND OTHER PUBLIC WAYS

HORNS
   Noises
      Expressly prohibited . . . . . 18-46(b)

HOSPITALS
   Entrances
      Parking prohibitions . . . . . 58-101(a)(9)
      Noise limitations near . . . . . . . . . . 18-46 (3)

HOTELS AND MOTELS
   Entrance
      Parking prohibitions . . . . . 58-101(a)(9)
      Noise limitations near . . . . . . . . . . 18-46 (3)

HOWLING
   Dogs
      Noises
         Expressly prohibited . . . . . 18-44(9)
ILLEGAL PARKING. See also: MOTOR VEHICLES AND TRAFFIC
    Generally . . . . . 58-97
    No Parking……58-101

IMPROVEMENTS. See: PUBLIC WORKS AND IMPROVEMENTS

IN REM ACTION
    Abandoned structures
        In rem action by code enforcement administrator; placarding . . . . . 18-152

INDEBTEDNESS OF TOWN
    Ordinances not affected by Code . . . . . 1-9(2)

INDIVIDUALS
    Persons; definitions and rules of construction extended and applied to . . . . . 1-2

INSECT OR RODENT CONTROL
    Abandoned structures . . . . . 18-146 et seq.
        See: NUISANCES

INSIDE VEHICLES
    Motor vehicle requirements re riders must stay inside vehicle . . . . . 58-11

INSPECTIONS
    Fire chief
        Inspection of buildings and premises . . . . . 22-42
    Flood hazard reduction
        Inspection of work in progress . . . . . 26-89(a)
    Taxicabs
        Inspection decal . . . . . 67-35
        Vehicle inspections and certification by the chief . . . . . 67-36

INTERFERENCE
    Parades . . . . . 54-46 et seq.
    Trees
        Interference with town officers and employees . . . . . 66-41

INTERSECTIONS
    Parking prohibitions . . . . . 58-101(a)(11)
    Traffic regulations . . . . . 58-32 et seq.
        See: MOTOR VEHICLES AND TRAFFIC

INTOXICATING BEVERAGES. See: ALCOHOLIC BEVERAGES
INVESTIGATIONS
   Abandoned structures . . . . . . 18-150

ITINERANT VENDORS. See: PEDDLERS, CANVASSERS AND SOLICITORS

JOINT AUTHORITY
   Definitions and rules of construction . . . . . 1-2

JUNKED MOTOR VEHICLES
   Nuisance regulations . . . . . . 18-111 et seq.
   See: NUISANCES

LAND. See: PROPERTY

LANES. See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

LAW ENFORCEMENT
   Alarm system . . . . . . 30-36 et seq.
   See: ALARM SYSTEMS

LEGEND
   Traffic control signal legend . . . . . . 58-62

LIABILITY
   Flood damage prevention
      Warning and disclaimer of liability . . . . . . 26-46
   Junked, abandoned and nuisance vehicle disposion
      Protection against criminal or civil liability . . . . . . 18-123

LICENSES AND PERMITS
   Building permit
      Fee schedule . . . . . . 10-2
   Fire prevention code permit . . . . . . 22-43
   Flood damage prevention
      Establishment of development . . . . . . 26-42
   Flood hazard reduction standards
      Revocation of permit . . . . . . 26-89(c)
   Parades, picket lines and group demonstrations
      Permit requirements . . . . . . 54-38 et seq.
      See: PARADES, PICKET LINES AND GROUP DEMONSTRATIONS
   Privilege license fee regulations
      Construction of provisions . . . . . . 32-37
      Definitions . . . . . . 32-36
      Enforcement and collection
         Books, duty to keep . . . . . . 32-83
Collection of deficiency . . . . . . 32-90
Conference
    Held . . . . . . 32-88
    Request for . . . . . . 32-87
Deficiency to become final . . . . . . 32-89
Duty to determine whether privilege license fee due . . . . . . 32-81
Enforcement of provisions . . . . . . 32-91
Inspection, duty to permit . . . . . . 32-84
Notice of deficiency . . . . . . 32-86
Posting of licenses . . . . . . 32-85
Town to investigate . . . . . . 32-82

Levy
Computation of fee based on gross receipts . . . . . . 32-52
Exemptions . . . . . . 32-53
Fee . . . . . . 32-46
Period of license; due date . . . . . . 32-48
Privilege license requirements . . . . . . 32-47
Proration of privilege license fee . . . . . . 32-49
Refunds . . . . . . 32-50
Separate businesses . . . . . . 32-51

Licenses
Amount of privilege license fee disputed . . . . . . 32-65
Application . . . . . . 32-61
Assignments . . . . . . 32-68
Changes in the business conducted by licensee during the privilege license fee year . . . . . . 32-69
Forms and contents of license . . . . . . 32-67
Providing notice to an applicant or licensee . . . . . . 32-72
Reasons for refusal or revocation of a license . . . . . . 32-62
Record of conferences . . . . . . 32-71
Revocation . . . . . . 32-66
Town to furnish duplicates . . . . . . 32-70
Town to issue license; payment of privilege license fee a prerequisite . . . . . . 32-64
Unqualified applicants; right to a conference . . . . . . 32-63

Taxicabs
Permit required for taxicab service . . . . . . 67-33

Trees and shrubs
Permits required re treatment . . . . . . 66-42

LIENS
Abandoned structures
Costs a lien on premises . . . . . . 18-153
General penalty; enforcement of ordinances; continuing violations re nuisances . . . . . . 1-6(c)
Weeds, grass and refuse nuisances
Creation of lien re abatement . . . . . . 18-87
LIGHTS AND LIGHTING
    Parked vehicles, lights on . . . . . 58-104

LINES
    Parking within lines . . . . . 58-96

LITTER AND LITTERING
    Junked, abandoned and nuisance vehicles . . . . . 18-111 et seq.
        See: NUISANCES

LOCAL IMPROVEMENTS. See: PUBLIC WORKS AND IMPROVEMENTS

MAPS. See: SURVEYS, MAPS AND PLATS

MARCHES. See: PARADES, PICKET LINES AND GROUP DEMONSTRATIONS

MARKERS
    Traffic control markers . . . . . 58-64 et seq.
        See: MOTOR VEHICLES AND TRAFFIC

MAY; SHALL
    Definitions and rules of construction . . . . . 1-2

MAYOR
    Emergencies
        Cessation upon mayor's proclamation . . . . . 14-46
        Mayor to proclaim . . . . . 14-42

MISDEMEANORS
    General penalty; enforcement of ordinances; continuing violations . . . . . 1-6
    Penalties for specific acts, omissions, violations, etc. See specific subjects as indexed

MOBILE HOMES AND MOBILE HOME PARKS
    Flood hazard reduction standards for manufactured homes . . . . . . 26-87(4)

MONIES OF TOWN. See: FINANCES

MONTH
    Definitions and rules of construction . . . . . 1-2

MORRISVILLE. See: TOWN

MOTOR VEHICLES AND TRAFFIC

CDi:20
Advertising
   Standard or parking for prohibited . . . . . 58-98

Animals
   Persons riding to obey traffic regulations . . . . . 58-6

Authorized emergency vehicles
   Exemptions to . . . . . 58-7

Backing
   Curbs, vehicles backed up to . . . . . 58-94
   Limitations on . . . . . 58-37

Bicycle paths
   Riding on . . . . . 58-121 et seq.

Boarding or alighting while vehicle in motion . . . . . 58-8

Certain vehicles prohibited on certain streets . . . . . 58-40

Channelized intersections, turning at . . . . . 58-35

Closing of streets
   Temporary street closings and designation of parking or no parking zones due to special events . . . . . 58-71

Construction debris, transporting of . . . . . 50-1(b)

Curbs
   Stopping on left side to prohibited . . . . . 58-95
   Vehicles backed up to . . . . . 58-94

Emergencies, certain acts prohibited during . . . . . 14-44(1)

Emerging from alley or driveway
   Vehicles . . . . . 58-38

Exhaust
   Noises
      Expressly prohibited . . . . . 18-44(3)

Fire hose
   Driving over . . . . . 58-44

Firefighters authorized to direct traffic at fires . . . . . 58-4

Flashing signals . . . . . 58-63

Front seats, limitations of riders in . . . . . 58-12

Funeral processions
   Driving through . . . . . 58-34

Greenways
   Modes of Travel on . . . . . 58-121 et seq.

Illegal parking . . . . . 58-97

Inside vehicle, riders must stay . . . . . 58-11

Intersections
   Stop before entering certain street intersections . . . . . 58-32
   Turning at channelized intersections . . . . . 58-35

Junked, abandoned and nuisance vehicles . . . . . 18-111 et seq.
   See: NUISANCES

Legend
   Traffic control signal legend . . . . . 58-62
Lights
   Parked vehicles . . . . . 58-104

Lines
   Parking within . . . . . 58-96

Municipal vehicles
   Smoking prohibited in . . . . . 18-1(c)

Noise prohibitions
   Regulations . . . . . 18-41 et seq.

Non-highway streets
   Speed on . . . . . 58-42

No-parking zone
   Obedience to signs . . . . . 58-65
   Prohibited Zones Specified . . . . 58-101

Obedience
   Traffic regulations . . . . . 58-1

Obstructions
   Stop when traffic obstructed . . . . . 58-33
   Vehicles not to obstruct traffic re parking . . . . . 58-91

Parades, picket lines and group demonstrations
   Driving through parades . . . . . 54-46(b)
   Generally . . . . . 54-36 et seq.
       See: PARADES, PICKET LINES AND GROUP DEMONSTRATIONS
   Parking along parade route . . . . . 54-46(c)

Parallel parking . . . . . 58-93

Parking, stopping and standing
   Advertising, stopping or parking for prohibited . . . . . 58-98
   Certain places, stopping or standing or parking prohibited in . . . . . 58-101
   Certain street intersections, stop before entering . . . . . 58-32
   Curbs, vehicles backed up to . . . . . 58-94
   Illegal parking . . . . . 58-97
   Left side to curb, stopping on prohibited . . . . . 58-95
   Lights on parked vehicles . . . . . 58-104
   Lines, parking within . . . . . 58-96
   Moving of vehicles into prohibited area . . . . . 58-102
   Parade route, parking along . . . . . 54-46(c)
   Parallel parking . . . . . 58-93
   Parked positions, vehicles moving from . . . . . 58-103
   Reserved parking spaces . . . . . 58-99
   Taxicabs parked in same block . . . . . 58-100
   Through street, stop before entering . . . . . 58-31
   Traffic obstructed, stop when . . . . . 58-33
   Vehicles not to obstruct traffic . . . . . 58-91
   Vehicles stopped in streets prohibited; exceptions . . . . . 58-105
   Warning devices, service vehicle to equipped with . . . . . 58-92

Play streets
Signs . . . . . 58-68  
Police  
Authority of police in special cases . . . . . 58-3  
Obedience to . . . . . 58-2  
Public employees subject to traffic provisions . . . . . 58-5  
Push carts, persons riding bicycles or animals subject to traffic regulations . . . . . 58-6  
Quiet zones  
Signs . . . . . 58-67  
Recreational streets . . . . . 58-70  
Reserved parking spaces . . . . . 58-99  
Riding without permission . . . . . 58-10  
Roadways  
Laned for traffic, driving on . . . . . 58-43  
Safety zone markers . . . . . 58-65  
Schools  
Speed in vicinity of . . . . . 58-42  
Zones on . . . . . 58-69  
Service vehicles  
Warning devices, to be equipped with . . . . . 58-92  
Sidewalks  
Modes of Transportation riding on . . . . . 58-121 et. seq  
Vehicles driven on prohibited . . . . . 58-39  
Smoking  
Municipal vehicles, prohibited in . . . . . 18-1(c)  
Sound  
Amplified from radio, other device inside car, prohibited ..... 18-47 (3)  
Speed limits  
Modes of transportation on sidewalks and greenways.........58-123(D)  
Non-highway streets and in vicinity of schools . . . . . 58-42  
Through highways and state maintained streets . . . . . 58-41  
State maintained streets  
Speed limit on . . . . . 58-41  
Stopping and standing. See herein: Parking, Stopping and Standing  
Taxicabs  
Parked in same block . . . . . 58-100  
Temporary street closings and designation of parking or no parking zones due to special events  
Signs . . . . . 58-71  
Through streets/highways  
Speed limit on . . . . . 58-41  
Stop before entering a . . . . . 58-31  
Traffic-control signs, signals, devices and markings  
Deliberately avoiding traffic-control devices prohibited . . . . . 58-66  
Flashing signals . . . . . 58-63  
No-parking zone and safety zone markers, obedience to . . . . . 58-65  
No-turn signs and turning markers, obedience to . . . . . 58-64  

CDi:23
Obedience to devices . . . . 58-61
Obedience to, traffic signs and signals . . . . 58-66
Play streets . . . . 58-68
Quiet zones . . . . 58-67
Recreational streets . . . . 58-70
School zones . . . . 58-69
Temporary street closings and designation of parking or no parking zones due to special events . . . . 58-71
Traffic control signal legend . . . . 58-62

Turns and turning
  Channelized intersections . . . . 58-35
  Limitation on turning around . . . . 58-36
  Obedience to no-turn signs and turning markers . . . . 58-64

Unlawful riding . . . . 58-9
Vehicles for hire . . . . 67-1 et seq.
  See: VEHICLES FOR HIRE

Warning devices
  Service vehicles to be equipped with . . . . 58-92

Weeds, grass and refuse nuisance regulations . . . . 18-81 et seq.
  See: NUISANCES

MOTORCYCLES
  Noise..... ........................................18-41 et seq.

MOVING BUILDINGS
  Boarding or alighting while vehicle in motion . . . . 58-8

MUNICIPAL BUILDINGS. See: PUBLIC BUILDINGS, PLACES, ETC.

MUNICIPAL VEHICLES
  Smoking prohibited in . . . . 18-1(c)

NEW CONSTRUCTION
  Fire prevention code
    New construction approval . . . . 22-45

NOISE
  Construction noise . . . . 18-45 (2)
  Particular sounds prohibited . . . . 18-45
  Penalty . . . . 18-49

NO-PARKING ZONES
  Traffic obedience to . . . . 58-65
  Specific Zones..........58-101
NORTH CAROLINA. See: STATE

NOXIOUS WEEDS
Weeds, grass and refuse nuisance regulations . . . . 18-81 et seq.
See: NUISANCES

NUISANCES
Abandoned structures
Alternative remedies . . . . 18-154
Code enforcement administrator
Duties of . . . . 18-147
In rem action by; placarding . . . . 18-152
Powers of . . . . 18-148
Costs a lien on premises . . . . 18-153
Enforcement standards . . . . 18-149
Findings; intent . . . . 18-146
In rem action by code enforcement administrator; placarding . . . . 18-152
Methods of service of complaints and orders . . . . 18-151
Procedure for enforcement
Failure to comply with order . . . . 18-150(c)
Petition to superior court by owner . . . . 18-150(d)
Preliminary investigation; notice; hearing . . . . 18-150(a)
Procedure after hearing . . . . 18-150(b)

Fire prevention code
Immediately dangerous or hazardous conditions . . . . 22-46
General penalty; enforcement of ordinances; continuing violations . . . . 1-6(c)

Junked motor vehicles
Abandoned vehicle unlawful; removal authorized . . . . 18-113
Administration . . . . 18-112
Conditions on removal of vehicles from private property . . . . 18-122
Criminal or civil liability, protection against . . . . 18-123
Definitions . . . . 18-111
Exception to prior notice requirement . . . . 18-117
Exceptions . . . . 18-124
Junked motor vehicle regulated; removal authorized . . . . 18-115
Nuisance vehicle unlawful; removal authorized . . . . 18-114
Probable cause hearing before sale or final disposition of vehicle, right to . . . . 18-119
Redemption of vehicle during proceedings . . . . 18-120
Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements . . . . 18-116
Removal of vehicles; post-towing notice requirements . . . . 18-118
Sale and disposition of unclaimed vehicle . . . . 18-121
Unlawful removal of impounded vehicle . . . . 18-125

Noise . . . . 18-41 et seq.
See: NOISE
Noxious weeds, grass and refuse
  Additional remedies . . . . 18-88
Investigation . . . 18-83
Jurisdiction . . . 18-81
Lien, creation of . . . . 18-87
Notification and collection of civil penalties . . . . 18-85
Nuisance abatement procedures . . . . 18-84
Recovery of town abatement costs . . . . 18-86
Unlawful conditions deemed public nuisance . . . . 18-82

NUMBERS AND NUMBERING
  Definitions and rules of construction . . . 1-2
Street address numbering system . . . . 54-71 et seq.
  See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

OATH, AFFIRMATION, SWEAR OR SWORN
  Definitions and rules of construction . . . 1-2

OBLIGATIONS
  Ordinances not affected by Code . . . 1-9(3)

OBSTRUCTIONS
  Parked vehicles not to obstruct traffic . . . 58-91
Parking prohibitions . . . . 58-101(a)(7)
Stop when traffic obstructed . . . . 58-33

OCCUPANT OR TENANT
  Definitions and rules of construction . . . 1-2

OFFENSES
  Alcoholic beverages, consumption and possession on Town Property . . . . 34-3
Discharging firearms within corporate limits prohibited . . . . 34-4
General penalty; enforcement of ordinances; continuing violations . . . . 1-6
Ordinances not affected by Code . . . . 1-9(1)
Penalties for specific acts, omissions, violations, etc. See specific subjects as indexed

OFFICERS AND EMPLOYEES
  Code enforcement administrator . . . . 18-147 et seq.
  See: CODE ENFORCEMENT ADMINISTRATOR
Definitions and rules of construction . . . . 1-2
Emergencies
  Generally . . . . 14-41 et seq.
  See: EMERGENCIES
Fire chief . . . . 22-40
Joint authority
Definitions and rules of construction . . . . 1-2
Parade chairperson . . . . 54-45
Police chief . . . . 30-42
Salaries
  Ordinances not affected by Code . . . . 1-9(4)
Traffic
  Public employee subject to traffic regulations . . . . 58-5
Trees and shrubs
  Interference with town employees or officials . . . . 66-41

ORDERS
Abandoned structures
  Methods of service of orders . . . . 18-151

ORGANIZATIONS
Persons; definitions and rules of construction extended and applied to . . . . 1-2

OWNERS
Abandoned structures
  Petition to superior court by owner . . . . 18-150(d)
Definitions and rules of construction . . . . 1-2

PARADES, PICKET LINES AND GROUP DEMONSTRATIONS
Conduct during parade
  Dangerous weapons . . . . 54-46(d)
  Driving through . . . . 54-46(b)
  Exceptions . . . . 54-46(g)
  Handcarried signs . . . . 54-46(e)
  Interference . . . . 54-46(a)
  Parade route . . . . 54-46(f)
  Parking along parade route . . . . 54-46(c)
Definitions . . . . 54-36
Duties of permittee . . . . 54-44
Exceptions . . . . 54-48
Interference prohibited . . . . 54-47
Parade chairperson, duty of . . . . 54-45
Penalty . . . . 54-37
Permit
  Alternative permit . . . . 54-43
  Application . . . . 54-39
  Fee . . . . 54-40
  Notice of action on permit application . . . . 54-42
  Required . . . . 54-38
  Standards for issuance or revocation of . . . . 54-41
PARALLEL PARKING
Generally . . . . . . . . . . . 58-93

PARKING
No Parking Zones . . . . . . 58-101
Regulations . . . . . . 58-91 et seq.

PARKS AND RECREATION
Alcoholic beverages
Consumption and possession on Town property . . . . . . 34-3
Facilities
Regulation for Use of Public Parks and Recreation Facilities
Recreational streets . . . . . . 58-70
Trees and shrubs
Generally . . . . . . . . . . . 66-36 et seq.
See: TREES AND SHRUBBERY

PARKWAYS. See: STREETS, SIDEWALKS, GREENWAYS AND OTHER PUBLIC WAYS

PARTNERSHIPS
Persons; definitions and rules of construction extended and applied to . . . . . . 1-2

PATHS: SEE GREENWAYS AND SIDEWALKS

PEDDLERS, BEGGERS, CANVASSERS AND SOLICITORS
Noises
Expressly prohibited . . . . . . 18-44(6)
Regulation of . . . . . . . . . . . 34-1, 34-2

PENALTIES. See: FINES, FORFEITURES AND OTHER PENALTIES

PERMISSION
Riding vehicle without permission . . . . . . 58-10

PERSON
Definitions and rules of construction . . . . . 1-2

PERSONNEL. See: Town Personnel Policy

PETITIONS
Abandoned structures
Petition to superior court by owner . . . . . . 18-150(d)

PETROLEUM PRODUCTS
Sales
Emergencies, certain acts prohibited during . . . . 14-44(4)

PICKET LINES. See: PARADES, PICKET LINES AND GROUP DEMONSTRATIONS

PLACARDS AND PLACARDING
Abandoned structures
In rem action by code enforcement administrator; placarding . . . . . 18-152

PLANNING AND DEVELOPMENT
Extraterritorial planning and zoning jurisdiction . . . . . 2-1
Flood hazard reduction
General regulations . . . . . 26-36 et seq.
See: FLOOD DAMAGE PREVENTION
Unified Development Ordinance regulations . . . . . 46-1

PLATS. See: SURVEYS, MAPS AND PLATS

PLAY
Streets, traffic regulations . . . . . 58-68

PLUMBING
Flood hazard reduction
General regulations . . . . . 26-36 et seq.
See: FLOOD DAMAGE PREVENTION

POLICE DEPARTMENT
Alarm systems
Duties of the chief of police . . . . . 30-42
Emergencies
Generally . . . . . 14-41 et seq.
See: EMERGENCIES
Law enforcement . . . . . 30-1 et seq.
See: LAW ENFORCEMENT
Taxicabs
Vehicle inspections and certification by the chief . . . . . 67-36
Traffic
Authority of police in special cases . . . . . 58-3
Obedience to police . . . . . 58-2

PRECEDING, FOLLOWING
Definitions and rules of construction . . . . . 1-2

PRIVATE DRIVEWAYS
Avoiding traffic-control devices . . . . . 58-66
PRIVILEGE LICENSE FEE
   Regulations enumerated . . . . 32-37 et seq.
   See: LICENSES AND PERMITS

PROCESSIONS. See: PARADES, PICKET LINES AND GROUP DEMONSTRATIONS

PROCLAMATION
   State of emergency
      Cessation upon mayor's proclamation . . . . 14-46

PROPERTY
   Definitions and rules of construction . . . . 1-2
   Emergencies
      Generally . . . . 14-41 et seq.
      See: EMERGENCIES
   Junked, abandoned and nuisance vehicles
      Conditions on removal of vehicles from private property . . . . 18-122
   Property tax write-off policy of town . . . . 2-101 et seq.
      See: FINANCES
   Weeds, grass and refuse nuisance regulations . . . . 18-81 et seq.
      See: NUISANCES

PUBLIC BUILDINGS, PLACES, ETC.
   Entrances
      Parking prohibitions . . . . 58-101(a)(9)
   Firearms
      Concealed handguns prohibited in recreational facilities; posting required . . . . 10-3
      Possession or display of firearms prohibited . . . . 10-4
      Smoking prohibited in . . . . 18-1(b)

PUBLIC NUISANCES. See: NUISANCES

PUBLIC PATHS. See: STREETS, SIDEWALKS GREENWAYS AND OTHER PUBLIC PATHWAYS

PUBLIC WORKS AND IMPROVEMENTS
   Fire prevention code
      Generally . . . . 22-36 et seq.
      See: FIRE PREVENTION
   Flood hazard reduction
      General regulations . . . . 26-36 et seq.
      See: FLOOD DAMAGE PREVENTION
   Local improvements
      Ordinances not affected by Code . . . . 1-9(9)

PURCHASES

CDi:30
Parks and recreation advisory committee
   Powers and duties . . . . 38-48(b)(3)

PUSH CARTS
   Traffic regulations, persons propelling push carts subject to . . . . . 58-6

QUIET ZONES
   Traffic regulations . . . . 58-67

RADIOS
   Noises
      Expressly prohibited . . . . . 18-43(a)(3)

RAILROADS AND TRAINS
   Parking prohibitions . . . . . 58-101(a)(5)

REAL PROPERTY. See: PROPERTY

RECORDS AND REPORTS
   Street address numbering system . . . . . 54-71 et seq.
      See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS
   Taxicabs
      Vehicle service and maintenance records . . . . . 67-37

RECREATION. See: PARKS AND RECREATION

REFUSE. See: GARBAGE AND TRASH

RESERVE PARKING SPACES. See also: MOTOR VEHICLES AND TRAFFIC
   Generally . . . . . 58-99

RESIDENTIAL DISTRICTS
   Noises . . . . . 18-41 et seq.

REVENUES OF TOWN. See: FINANCES

RIGHT OF ENTRY
   Flood hazard reduction standards . . . . . 26-89(d)

RIGHTS
   Ordinances not affected by Code . . . . . 1-9

RIOTS
   Emergencies

CDi:31
Generally . . . . . 14-41 et seq.
See: EMERGENCIES

ROADS. See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

ROUTES
   Parade route, definition . . . . . 54-46(f)

RUBBISH. See: GARBAGE AND TRASH

SAFETY
   Abandoned structures . . . . . 18-146 et seq.
      See: NUISANCES
   Emergencies
      Generally . . . . . 14-41 et seq.
      See: EMERGENCIES

SAFETY ZONES
   Markers, obedience to . . . . . 58-65

SALES
   Junked vehicles, sale and disposition of unclaimed vehicles . . . . . 18-121

SANITARIUM
   Entrances
      Parking prohibitions . . . . . 58-101(a)(9)

SCHEDULES
   Building permit fee schedule . . . . . 10-2

SCHOOLS
   Speed limit in vicinity of . . . . . 58-42
      Zones . . . . . 58-69

SERVICE VEHICLES
   Warning devices, service vehicles to be equipped with . . . . . 58-92

SHALL; MAY
   Definitions and rules of construction . . . . . 1-2

SHOUTING
   Peddlers, Beggers, barkers, etc.
      Noises
         Expressly prohibited . . . . . 18-44(6)
SHOWS. See also: PARADES, PICKET LINES AND GROUP DEMONSTRATIONS
   Drums and loudspeakers to attract attention
      Noises
         Expressly prohibited . . . . 18-43(a)(13)

SHRUBBERY. See: TREES AND SHRUBBERY

SIDEWALKS. See also: STREETS, SIDEWALKS, GREENWAYS AND OTHER PUBLIC PATHWAYS
   Modes of Transportation Regulated .......... 58-121 et seq.

SIGNATURE OR SUBSCRIPTION
   Definitions and rules of construction . . . . 1-2

SIGNS AND BILLBOARDS
   Traffic-control signs, signals, devices and markings . . . . 58-122 et seq.
      See: MOTOR VEHICLES AND TRAFFIC

SITE PLAN
   Fire prevention code
      Site plan approval . . . . 22-44

SMOKE AND SMOKING
   Restricted
      Conflict of laws . . . . 18-1(e)
      Definitions . . . . 18-1(a)
      Municipal buildings, prohibited in . . . . 18-1(b)
      Municipal vehicles, prohibited in . . . . 18-1(c)
      Penalty . . . . 18-1(d)

SOLICITORS. See: PEDDLERS, CANVASSERS AND SOLICITORS

SOLID WASTE
   Construction debris . . . . 50-1

SOUND AMPLIFIERS
   Noises . . . . 18-44

SPEED LIMITS
   Transportation on Sidewalks and Greenways . . . . 58-123(D)
   Town Streets . . . . 58-42
   Through highways and state-maintained streets . . . . 58-41

STATE
   Definitions and rules of construction . . . . 1-2
   Speed limits on state-maintained streets . . . . 58-51
STATE OF EMERGENCIES
Emergency . . . . 14-41 et seq.
See: EMERGENCIES

STATUTE REFERENCES. See: G.S. (General Statutes of North Carolina)

STOP ORDERS
Flood hazard reduction standards . . . . 26-89(b)

STORM DRAINAGE. See: DRAINS AND DRAINAGE

STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS
Flood hazard reduction standards . . . . 26-90

STREETS, SIDEWALKS, GREENWAYS AND OTHER PUBLIC WAYS
Abandoned structures . . . . 18-146 et seq.
See also: NUISANCES
Bicycles
Prohibited in No Parking Lane......... 58-101
Regulations . . . . 58-121 et seq.
Racing................58-123 (C)
See: MOTOR VEHICLES AND TRAFFIC
Dedicating, naming, establishing, etc.
Ordinances not affected by Code . . . . 1-9(6)
Definitions and rules of construction . . . . 1-2
Fire prevention code
Generally . . . . 22-36 et seq.
See: FIRE PREVENTION
Flood hazard reduction
General regulations . . . . 26-36 et seq.
See: FLOOD DAMAGE PREVENTION
Grades
Ordinances not affected by Code . . . . 1-9(15)
Junked, abandoned and nuisance vehicles . . . . 18-111 et seq.
See: NUISANCES
Modes of Transportation on Sidewalks and Greenways Regulated..... 58-121 et seq.
Parades, picket lines and group demonstrations . . . . 54-36 et seq.
See: PARADES, PICKET LINES AND GROUP DEMONSTRATIONS
Parking regulations . . . . 58-91 et seq.
See: MOTOR VEHICLES AND TRAFFIC
Play streets . . . . 58-68
Quiet zones . . . . 58-67
Recreational streets . . . . 58-70
Shouting of peddlers, beggers, etc.
Noises Prohibited. . . . . 18-44(6)
Speed limits
  Non-highway streets and in vicinity of schools . . . . . . 58-42
  Through streets and state maintained streets . . . . . 58-41
Street address numbering system
  Administration and application . . . . . . 54-73
  Definitions . . . . . 54-71
  Display of street address number . . . . . 54-74
  Enforcement . . . . . 54-75
  Purpose and intent . . . . . 54-72
Temporary street closings and designation of parking or no parking zones due to special events . . . . . 58-71
Through streets
  Stop before entering . . . . . 58-31
Traffic and vehicles
  Generally . . . . . 58-1 et seq.
    See: MOTOR VEHICLES AND TRAFFIC
Trees and shrubs
  Generally . . . . . 66-36 et seq.
    See: TREES AND SHRUBBERY
Vehicles
  Commercial vehicles prohibited on certain streets . . . . . 58-40
  Driven on sidewalks . . . . . 58-39
  Traffic and vehicles . . . . . 58-1 et seq.
    See: MOTOR VEHICLES AND TRAFFIC
STRIKES
  Parades, picket lines and group demonstrations . . . . . 54-36 et seq.
    See: PARADES, PICKET LINES AND GROUP DEMONSTRATIONS
STRUCTURES. See: BUILDINGS
STUMPS
  Removal of . . . . . 66-40
SUBDIVISIONS
  Flood hazard reduction
    General regulations . . . . . 26-36 et seq.
      See: FLOOD DAMAGE PREVENTION
    Subdivision proposals, flood hazard reduction standards for . . . . . 26-86(4)
    Ordinances not affected by Code . . . . . 1-9(10)
    Plats
      Ordinances not affected by Code . . . . . 1-9(11)
      Regulations generally . . . . . 46-1
SUNDAYS
Noises

Exceptions..........................18-48
Expressly prohibited . . . . 18-45 (2)

SUPERIOR COURTS

Abandoned structures
Petition to superior court by owner . . . . 18-150(d)

SURVEYS, MAPS AND PLATS

Dedicating or accepting subdivision plats
Ordinances not affected by Code . . . . 1-9(11)
Street address numbering system . . . . 54-71 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

SWEAR OR SWORN. See: OATH, AFFIRMATION, SWEAR OR SWORN

TAX

Local improvements
Ordinances not affected by Code . . . . 1-9(9)
Ordinances not affected by Code . . . . 1-9(14)
Tax write-off policy of town . . . . 2-101 et seq.
See: FINANCES

TAXICABS

Regulations re . . . . 67-31 et seq.
See: VEHICLES FOR HIRE
Same block, taxicabs parked in . . . . 58-100

TECHNICAL CODES

Fire prevention code
Generally . . . . 22-36 et seq.
See: FIRE PREVENTION

TELECOMMUNICATIONS

Cable
Access
Funding . . . . 56-47
Utilization . . . . 56-48
Application
Bond . . . . 56-37
Fee . . . . 56-37
Channels, new developments and access utilization . . . . 56-48
Definitions . . . . 56-36
Emergency alert override system . . . . 56-45
Fees

CDi:36
Franchise and other . . . . 56-41
Franchise
  Additional town rights in . . . . 56-43
  Fees . . . . 56-41
  Limitations of . . . . 56-42
  Term of . . . . 56-38
  Termination and expiration . . . . 56-39
Interconnection . . . . 56-46
Liability and indemnification . . . . 56-50
Miscellaneous provisions . . . . 56-52
Regulatory agencies, filing and communications with . . . . 56-51
Rights
  Additional town rights in franchise . . . . 56-43
  Individuals, of . . . . 56-49
  Service area, initial . . . . 56-44
  Transfer of cable telecommunications system . . . . 56-40

TENANT OR OCCUPANT
  Definitions and rules of construction . . . . 1-2

TENEMENTS. See: PROPERTY

TENSE
  Definitions and rules of construction . . . . 1-2

THROUGH STREETS
  Speed limits on . . . . 58-41
  Stop before entering re vehicles . . . . 58-31

TIME
  Computation of time
    Definitions and rules of construction . . . . 1-2
  Official time standard
    Definitions and rules of construction . . . . 1-2

TIRES
  Public Nuisance. . . . . 18-83(2)
  Noises
    Motor Vehicles . . . . . 18-47

TOPPING
  Tree topping . . . . 66-40

TOWING
  Junked, abandoned and nuisance motor vehicles
Post-towing notice requirements . . . . 18-118
Removal of; pretowing notice requirements . . . . 18-116

TOWN
Boundaries
Ordinances not affected by Code . . . . 1-9(12)
Definitions and rules of construction . . . . 1-2
Extraterritorial planning and zoning jurisdiction . . . . 2-1
Nuisance abatement
General penalty; enforcement of ordinances; continuing violations re nuisances . . . . 1-6(c)
Tax write-off policy of town . . . . 2-101 et seq.
See: FINANCES
Town property
Concealed handguns prohibited in recreational facilities; posting required . . . . 10-3
Possession or display of firearms regulated . . . . 10-4

TRASH. See: GARBAGE AND TRASH

TREES AND SHRUBBERY
Definitions . . . . 66-36
Interference with town employees or officials . . . . 66-41
Permits required . . . . 66-42
Purpose . . . . 66-37
Stumps, removal of . . . . 66-40
Tree topping . . . . 66-39

TRUCKS
Mechanical loudspeakers or amplifiers on
Noises
Expressly prohibited . . . . 18-43(a)(14)

TURNS AND TURNING
Traffic regulations . . . . 58-35 et seq.
See: MOTOR VEHICLES AND TRAFFIC

UNITS
Persons; definitions and rules of construction extended and applied to . . . . 1-2

UNSAFE STRUCTURES
Abandoned structures . . . . 18-146 et seq.
See: NUISANCES
General penalty; enforcement of ordinances; continuing violations . . . . 1-6(c)

UTILITIES
Fire prevention code
   Generally . . . . 22-36 et seq.
   See: FIRE PREVENTION
Flood hazard reduction standards re utilities . . . . 26-86(3)

VARIANCES
   Flood damage prevention . . . . 26-70

VEGETATION
   Trees and shrubs . . . . 66-36 et seq.
   See: TREES AND SHRUBBERY
   Weeds, grass and refuse nuisance regulations . . . . 18-81 et seq.
   See: NUISANCES

VEHICLES FOR HIRE
   Taxicabs
      Appeal from refusal . . . . 67-40
      Compliance with traffic and other laws . . . . 67-38
      Conduct of drivers . . . . 67-34
      Definitions . . . . 67-32
      Enforcement and penalties . . . . 67-39
      Hiring with intent not to pay . . . . 67-41
      Inspection decal . . . . 67-35
      Permit required for taxicab service . . . . 67-33
      Purpose . . . . 67-31
      Vehicle inspections and certification by the chief . . . . 67-36
      Vehicle service and maintenance records . . . . 67-37

VENDORS. See: PEDDLERS, BEGGERS, CANVASSERS AND SOLICITORS

VIADUCTS. See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

WAKE COUNTY. See: COUNTY

WARNING DEVICES
   Service vehicles to be equipped with . . . . 58-92

WATER SUPPLY AND DISTRIBUTION
   Assessments. See herein: Water and Sewer Extension Policies
   Conservation measures; water shortage . . . . 18-2

WEAPONS. See: FIREARMS AND WEAPONS

WEEDS AND BRUSH
   Nuisance regulations . . . . 18-81 et seq.
   See: NUISANCES
Trees and shrubs
Generally . . . . 66-36 et seq.
See: TREES AND SHRUBBERY

WHINING
Dogs
Noises
Expressly prohibited . . . . 18-44(9)

WINE. See: ALCOHOLIC BEVERAGES

WRITTEN AND IN WRITING
Definitions and rules of construction . . . . 1-2

YEAR
Definitions and rules of construction . . . . 1-2

ZONING
Extraterritorial planning and zoning jurisdiction . . . . 2-1
Flood hazard reduction
General regulations . . . . 26
See: FLOOD DAMAGE PREVENTION
Ordinances not affected by Code . . . . 1-9(10)
Regulations generally . . . . 46-1