CODE OF ORDINANCES
TITLE 1 THROUGH TITLE 8

TOWN OF RICHLANDS,
NORTH CAROLINA

Adopted February 17, 1987
including Amendments through August 2007

Special Note: This copy of the Code of Ordinances is based on the available Code of Ordinances and amendments thereto. It represents a compilation of work that has been performed since 1986. While it is believed that this Code of Ordinances is accurate and complete, confirmation through the Town Clerk's office should be obtained prior to any action being taken in reliance on this version.

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ADOPTING ORDINANCE

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE TOWN OF RICHLANDS, NORTH CAROLINA; PROVIDING FOR THE REPEAL OF ORDINANCES NOT CONTAINED THEREIN WITH CERTAIN EXCEPTIONS; PROVIDING WHEN SAID CODE OF ORDINANCES SHALL BECOME EFFECTIVE; AND FOR OTHER PURPOSES.

BE IT ORDAINED, by the Mayor and Board of Aldermen for the Town of Richlands, North Carolina, in regular session:

Section 1 Purpose

The following compilation of ordinances is hereby adopted as the official Code of Ordinances of the Town of Richlands, North Carolina.

Section 2 Code Instructions

a) All ordinances of a general and permanent nature of the Town enacted before November 11, 1986 and not included within this Code, or recognized and continued in force by reference herein, are hereby repealed from and after the effective date of this ordinance, except as provided in Section 3.

b) To the extent that ordinances or portions of ordinances included within this Code are the same in substance as ordinances in effect prior to the adoption of this Code, it is intended that they be treated as continuations and not as new enactments or amendments, in order that all rights and liabilities that have accrued are preserved and may be enforced.

Section 3 Exemptions

This Code of Ordinances contains all of the general and permanent ordinances of the Town of Richlands, but it does not contain, and is not intended to affect, the following classes of ordinances or actions having the effect of ordinances:

a) Administrative ordinances of the Town not in conflict or inconsistent with the provisions of such Code;

b) Annexation ordinance;

c) Any contract or obligation of the Town;

d) Any ordinance promising, guaranteeing or authorizing the payment of money by or for the Town or authorizing the issuance of bonds or other evidences of indebtedness;

e) Budget ordinances or amendments thereto;

f) Bond Orders and Ordinances;

g) Ordinances amending the charter of the Town of Richlands, pursuant to Article 5, Part 4 of Chapter 160A, General Statutes of North Carolina;

h) Ordinances establishing or amending a position classification new pay plan for municipal employees; and

i) Ordinances establishing or amending the boundaries of zoning districts;

j) Ordinances granting a franchise;

k) Ordinances of any type which are not normally or customarily codifies, including but not limited to, ordinances of limited interest or ordinances of a transitory nature;

l) Ordinances or resolutions establishing or amending the boundaries of wards or election districts;

m) Ordinances or resolutions pertaining to the levy of special assessments;

n) Ordinances or resolutions pertaining to the exercise of the power of eminent domain;

o) Ordinances, regulating traffic at specific locations,

p) Ordinances, resolutions, or orders naming, renaming or closing a street;

q) Resolutions of any type.

Section 4 Current Interest

No provision of this ordinance is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provision of an ordinance repealed by the adoption of this Code; and/or

b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any ordinance repealed by the adoption of this Code.

Section 5 Pending Actions

No action or proceeding of any nature (whether civil or criminal, judicial or administrative or otherwise) pending on the effective date of this ordinance by, or against the Town of Richlands or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Code.

Section 6 Penalties

That whenever in such Code, an act is prohibited, or is made or declared to be unlawful, or an offense or a misdemeanor, or whenever in such Code the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of such Code shall be punished by a fine of not exceeding fifty (50) dollars, or by imprisonment for not exceeding thirty (30) days, as provided in Section 1-1-06 of this Code.

Section 7 Amendment Penalties

That in case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in Section 6 of this ordinance and Section 1-1-06 of this Code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 8 Separability

If any portion of this Code or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Code which can be given effect without the invalid provision or application, and to this end the provisions of this Code are declared to be severable.

Section 9 Ordinance Revisions and Publications

Ordinances adopted after the date of passage of this ordinance shall be codified in the "Code of Ordinances for the Town of Richlands," and shall be of such form as specified in said code. Ordinances shall have section headings and numbers corresponding to the respective title, chapter and article where it shall henceforth be found in said code. No ordinance shall be adopted unless it is in such form.

Section 10 Amendments

That any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the Town Board to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to Code of Ordinances, Town of Richlands, North Carolina, shall be understood and intended to include such additions and amendments.

Section 11 Town Clerk to File Copy

A copy of this Code shall be kept on file in the office of the Town Clerk and it shall be the express duty of the Clerk, or someone authorized by the Clerk, to insert in their designated places all duly adopted amendments to this Code, and to extract from this Code all provisions which may be from time to time duly repealed. A copy of this Code shall be available for all persons desiring to examine it during reasonable times, under the supervision of the Town Clerk.

Section 12 Unlawful to Amend the Codes without Vote of the Board

It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this Code, or to alter or tamper with the Code in any manner whatsoever which will cause the ordinances of the Town to be misrepresented thereby. Any person violating this Section shall be guilty of a misdemeanor, and shall be punished as provided in Section 14-4 of the General Statutes of North Carolina.

Section 13 Conflicting Ordinances

That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 14 Effective

This ordinance, and the Code of Ordinances which it adopts, shall be in full force and effect from and the first day of January 1987.

Town of Richlands

By:----------
Mayor

ATTEST;

Clerk

CHARTER

Session Laws of the General Assembly - 1880 A.D., Chapter 8

AN ACT TO INCORPORATE THE TOWN OF RICHLANDS IN ONSLOW COUNTY

The GENERAL ASSEMBLY of NORTH CAROLINA DO ENACT;

Section 1. That the town of Richlands, in Onslow county, be and the same is hereby incorporated by the name and style of the "Town of Richlands," and shall be subject to all provisions contained in chapter one hundred and eleven (111) Battle's Revisal, not inconsistent with the constitution and laws of this state and the United States.

Section 2. That the corporate limits of said town shall be as follows: beginning at the center of the Methodist church, and running one-half mile north, south, east and west, comprising one mile square.

Section 3. That until their successors are elected under the laws of the state, L. W. Harget shall act as mayor, and Uzza Mills, S. J. Veach, F. D. Koonce, shall act as commissioners and M. B. Steed shall act as marshal of said town.

Section 4. That it shall be the duty of the persons elected under the laws of the state to go before some justice of the peace for said county and take an oath prescribed by law within five (5) days after their election.

Section 5. That all fines collected for violation of any town ordinance shall go into the town treasury for the benefit of the town.

Section 6. That no licenses shall be granted to sell spirituous liquors within the corporate limits of the town by the commissioners.

Section 7. This act shall be in force from and after its ratification.

Read three times in general assembly, and ratified the 29th day of March, A.D. 1880.

REVISED CHARTER

Session Laws of the General Assembly - 1905 A.D., Chapter 417

AN ACT TO INCORPORATE THE TOWN OF RICHLANDS IN THE COUNTY OF ONSLOW

The GENERAL ASSEMBLY of NORTH CAROLINA DO ENACT;

Section 1. That the Town of Richlands in the county of Onslow be and continue to be, as it heretofore has been, and is hereby declared to be incorporated into a body politic and corporate by the name and style of the "Town of Richlands," and shall have the usual powers of such corporations, and under said corporate name may sue and be sued, plead and be impleaded, contract and be contracted with, and may acquire, hold, own, possess and convey property, real and personal, for the use and benefit of said town, and may make all needful rules, regulations, by-laws and ordinances for the government, improvement, health and welfare of the inhabitants of said Town, not inconsistent with the laws and Constitution of the United States and of the State of North Carolina.

Section 2. That the corporate limits of said Town shall be as follows, viz: Beginning at the center of the Methodist Church Building in said Town and running north one-half mile and running from the center of said building east one-half mile, and running from center of said building south one-half mile, and running from center of said building west one-half mile, and shall comprise one mile square.

Section 3. That on the first Tuesday in May, one thousand nine hundred and five, and every two years thereafter, an election shall be held at the usual voting place in said Town by the qualified voters therein as hereinafter prescribed for a mayor and five aldermen and a town constable for said town, who shall hold their offices for two years from their election and until their successors are elected and qualified; and every person elected as mayor or aldermen or town constable who shall willfully neglect or refuse to qualify on the first Monday following his election, and willfully neglect or refuse to perform the duties of the office to which he may have been chosen after being duly notified of his election thereto by a written notice given within three days from the date of such election by the pollholders (and) registrar of said election, shall forfeit and pay the sum of twenty-five dollars to the use and benefit of said town, which may be recovered before any justice of the peace of Onslow County in the name of the "Town of Richlands" for the use and benefit of said town, or, in failure to pay said penalty, shall be deemed guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days: Provided, that no person shall be eligible to the office of mayor or aldermen of said town who is not qualified voter thereof and freeholder therein and who has not been a bona fide resident of the town for ninety days before the day of election. No person shall be required to serve in any of said offices two terms in succession:

Provided further, that no person shall be qualified to vote at any election for officers of said town unless such person shall be duly registered upon the book of registered voters of said town, and in addition to being qualified voter for members of the General Assembly of North Carolina, shall have been a bona fide resident of said town for ninety days prior to the date of the election. And in case of a vacancy in the office of mayor, for any cause, after his election, the board of aldermen shall appoint a qualified person to serve as mayor until the next ensuing election and until the person then elected a mayor shall be duly sworn, qualified and inducted into office. And

in case of a vacancy in the office of alderman, the board shall elect a qualified person to act as alderman until the next ensuing election and until the person then elected as alderman shall be duly sworn, qualified and inducted into office.

Section 4. That the aldermen of the town shall give notice shall be posted at three public places in the corporate limits of the town at least ten days before the time of holding said election; and all elections for officers of said town shall be held by two persons styled pollholders of the election and the registrar of the qualified voters of the town, and who shall be appointed for that purpose by the aldermen of the town; and shall be duly sworn by the mayor or other person authorized to administer oaths to truly, fairly, honestly, impartially and lawfully hold and conduct said election; and at its close announce the result thereof. It shall be the duty of the aldermen to cause a registration to be made of all the qualified voters residing in said town and entitled to vote therein under the rules and regulations prescribed for the registration of voters for general election; and in case of a vacancy for any cause in the office of registrar, the mayor of said town shall be authorized and empowered to fill the vacancy by appointing some suitable person to act; and in case either one of the pollholders should fail to attend at the time, and place for holding the election, the registrar and the pollholders present may appoint some suitable person to act in place of the absent pollholders; and in the absence of both pollholders, the registrar and mayor may appoint suitable persons to act; and said pollholders and registrar, after being duly sworn as hereinbefore prescribed, shall open, hold and close said election in the manner directed by the general election laws of the State, and declare the result at the close thereof. The pollholders and registrar shall within three days thereafter transmit to the Register of Deeds of Onslow County an abstract of the votes cast, and for whom, and for what offices, and the names of the persons declared elected to the several offices, and shall also within three days deposit and file with the aldermen of the town the pollbook and registrations of said elections; and the said pollholders and registrar shall also within three days from the holding of said election give notice in writing to the several persons elected to the respective offices, who shall meet and qualify and enter upon the performance of the duties of their respective offices on the Monday following. All outgoing or retiring officers of said town shall yield, surrender and deliver to their successors all property and rights of property, moneys, books, accounts, records, writings, papers, and other things in their keeping, belonging to said town; and on failure or refusal to do so, after demands made by their successors, shall be deemed guilty of a misdemeanor, and upon conviction in a court of a justice of the peace of Onslow County be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Section 5. The person elected or appointed mayor of the town, before entering upon the performance of his duties, shall, on the Monday following the notification of his election or appointment, take and subscribe an oath to support the Constitution and laws of the United States and the Constitution and laws of North Carolina, and to well, truly and faithfully perform the duties of mayor of said town to the best of his ability, which oath shall be administered by a justice of the peace of Onslow County or other officer duly empowered to administer oaths for general purposes, and shall be filed with the board of aldermen. The Mayor of the Town of Richlands while acting as such is hereby constituted an official court with the same jurisdiction and powers in criminal offenses committed or occurring within the limits of said town as now are or hereafter may be given by law to justices of the peace. The mayor shall also have full jurisdiction to hear and determine all misdemeanors consisting of a violation of any of the ordinances of said town. The proceedings in said court shall be the same as now are or hereafter shall be provided for courts of justices of the peace, and in all cases there shall be a right of appeal from the mayor's court to the superior court of the county. And in all cases wherein a defendant may be adjudged to be imprisoned it shall be competent for the mayor to also adjudge

that the said defendant shall work during the period of his confinement upon the public streets or other public work of said town. The mayor may issue his precepts to the Chief of Police and to such other officers to whom a justice of the peace may direct his precepts.

Section 6. That the mayor shall keep a full, true and perfect record of all precepts issued by him and of all his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a justice of the peace.

Section 7. That the mayor when present shall preside at all meetings of the Board of Aldermen, and when there is an equal division upon any question or in the election of officers by the board, he shall decide the matter by his vote; he shall vote in no other case. If he shall be absent at any meeting of the board, the aldermen may appoint one of their number to preside pro tempore and exercise the duties of the mayor of said meeting, as well as during the absence of the mayor from the town, or his inability.

Section 8. That every person elected as alderman or appointed as such shall, before entering upon the performance of duties of his office and on the Monday following his election or appointment, take and subscribe an oath to support the Constitution and laws of the United States and of the State of North Carolina, and to well, truly and faithfully perform the duties of alderman of said town to the best of his ability, which oath may be administered by the mayor or a justice of the peace of Onslow County, and filed with the mayor. That the aldermen shall form one board, and a majority of them shall be competent to perform all the duties prescribed, unless otherwise provided. At their first meeting they shall fix stated days of meetings for the year, which shall not be less than one time in every month; special meetings of the aldermen may also be held on the call of the mayor or by the call of a majority of the aldermen; and of every such meeting, when called by the mayor, all the aldermen shall be notified of the time of meeting, and when called by a majority of the aldermen, such as shall not join in the call shall be notified of the time of meeting.

Section 9. That the Board of Aldermen when convened shall have power to make and provide for the execution and carrying out of such ordinances, by-laws, rules, and regulations for the government, improvement, health and welfare of the inhabitants of said town as they may deem necessary, not in conflict with this act nor with the laws of the land; and to affix penalty thereto for violation thereof; to make by-laws, rules and regulations for the proper conduct and government of these corporate meetings, with the penalties attached; to cause to be erected necessary prison-house, market-house, and provide for keeping the same cleanly and in good sanitary condition; to provide for constructing and keeping in good order public pumps and wells of drinking water; to appoint inspectors of wood, and for weighing and inspection of cotton, tar, and other products of the country; to provide how such weight and inspection shall be paid; to appoint town watchmen or patrols and to do all other acts and things which in their judgment may be necessary for the improvements, welfare, health, and good government of the inhabitants of said town; and the said by-laws, rules, regulations and ordinances from time to time to alter, change, amend or discontinue, when they or the majority of the said aldermen shall deem the same necessary, and publish and post all such as are passed ten days before going into effect.

Section 10. That the violation of any ordinance of said town shall be a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars nor exceed imprisonment for thirty days.

Section 11. That the Board of Aldermen shall have the power to open, lay out and widen any

street, lane or avenue within the limits of said town whenever deemed necessary by them, and shall have power to enlarge, extend, change or discontinue any street or streets or any part thereof in the corporated limits of the town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owners of said land. In case the owners of the land and the aldermen do not agree as to the amount of damages, then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a resident of the town; and in case the owner of the land shall refuse to choose such arbitrator, the sheriff of the county shall select one for him; and in case the two arbitrators chosen as prescribed do not agree they shall select an umpire whose duty it shall be to examine the land condemned and ascertain the amount of damages sustained, and the benefit accruing to the owner in consequence of the change; and the award of the arbitrators or umpire shall be conclusive of the rights of the parties, and shall vest in the aldermen the right and power to use the land for the purposes specified; and all damage agreed upon by the aldermen or awarded by the arbitrators or umpire shall be paid as other town liabilities, by taxation: Provided, either party may appeal to the Superior Court of the county as provided by law.

Section 12. That among the powers hereby conferred upon the Board of Aldermen are the powers to order a new registration of voters at any and all town elections if they deem it proper to do so; to take all proper means to prevent and extinguish fires; to appoint and regulate a police force; to make regulations to cause the due observance of Sunday; to provide for repairing and cleansing the streets and building bridges at necessary points; to provide suitable places for imprisonment of persons adjudged guilty of violations of town ordinance; to regulate the markets; to execute such precepts as the mayor and other authorized persons may lawfully issue to them; to declare, suppress and abate all nuisances; to preserve the health of the inhabitants of the town from exposure to contagious or infectious diseases; to preserve the peace and order of the town; to prohibit the firing of guns, pistols, gunpowder, fire-crackers, or other explosives, combustible or dangerous materials, within the corporate limits of the town; to impose annually a tax per capita on all dogs running at large or kept within the corporate limits of the town, not exceeding five dollars upon each dog; to prohibit all horses, mules, cattle, swine, geese, sheep and goats from running at large upon the streets, public grounds or in any public place in the corporate limits of the town; and to declare all such animals and fowls so running at large a nuisance, and may at their option impose a fine upon the owner or owners of such animals and fowls so running at large not to exceed ten dollars for each animal and one dollar upon each fowl, or may treat the same as nuisances and abate or suppress the same as other nuisances are abated or suppressed. And the owner of any dog who shall fail or refuse to pay the tax imposed upon such dog running at large within the corporate limits of the town shall be guilty of a misdemeanor and fined not exceeding twenty dollars or imprisoned not exceeding thirty days. And the owner or owners of such animals and fowls as are found running at large within the corporate limits of said town, who shall fall or refuse to pay the fine imposed in this section, shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Section 13. The Board of Aldermen shall have power to appoint and provide for the pay and prescribe the duties of all such subordinate officers of said town as may be necessary. The Board of Aldermen shall also have power to make contracts in the name of the “Town of Richlands,” and as such to become the owners or part owners of electric light plants and water plants, and to contract with persons or corporations for light and water supplies for the inhabitants of said town, and shall have the power to sell and grant franchises to any persons or corporation, upon such terms and conditions as may be agreed to by the said Board of Aldermen of the one part and the contracting persons or corporation of the other part. But no mayor, nor aldermen, nor other

officer of said town shall directly or indirectly become a contractor for any work to be done by said town, or for its improvement; and any officer of said town violating this provision shall be removed from office, and be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days. That said Board of Aldermen shall have power to appoint from time to time special police, who shall be subject to the control and direction of the mayor.

Section 14. That the Board of Aldermen of said town shall have the same powers over levying, collecting and settling of the taxes of said town as the Commissioners of the County of Onslow have over the taxes of the county: Provided, that the taxes levied by said Board of Aldermen shall not exceed thirty three and one-third cents on each one hundred dollars valuation of real and personal property and one dollar on each poll.

Section 15. That the Board of Aldermen of said town shall at some meeting held not later than the first Monday of August, one thousand nine hundred and five and every year thereafter, appoint three discreet freeholders, residents of said town, who shall list and assess the real and personal property in said town for taxation; said assessors shall ascertain the true valuation in money of every lot or parcel of land or other real property with the improvements thereon, and also all personal property, and assess the same in accordance with said valuation; said assessors are authorized to administer oaths in all cases necessary to obtain full and accurate information concerning taxable real and personal property in said town.

Section 16. Said board of assessors shall make a complete return of the assessments, embracing an abstract of taxable property and taxable polls of said town, to the Board of Aldermen on or before the second Monday in September of each year, and annex the following affidavit, sworn to and subscribed before some official authorized to administer oaths, viz: "We, the Assessors of the Town of Richlands in the County of Onslow, make oath the foregoing list contains, to the best of our knowledge and belief, all the real and personal property and the number of polls required by law to be assessed in said town, and that we have assessed every tract or parcel of land, or other real and personal property at its true valuation in money and have endeavored to do equal justice to the public and tax-payers concerned."

Section 17. That the Board of Aldermen of said town shall constitute a board of equalization of said town and shall be subject to the same rules and regulations as the county board of equalization of said county of Onslow.

Section 18. That in addition to the persons and subjects of taxation mentioned in section fourteen of this act, the Board of Aldermen of said town shall have the power to levy and collect as herein specified a special license or privilege tax on the following persons and subjects of taxation, viz: On all itinerant or resident merchants, peddlers and auctioneers, an annual tax of ten dollars; on each express company, each telegraph office, each railroad company having an office or depot in the limits of the town, an annual tax of twenty dollars; each photograph artist and persons taking the likeness of the human face by whatsoever art, each broker, each bank, or banking office, each cotton buyer, each dealer in patent rights, each sewing machine agent, each commission merchant and each commercial broker, each livery-stable, each dairy, each hotel, each fire or life insurance agent, each dealer in buggies, wagons or other vehicles not manufactured in the town, each dealer in horse, mules, and cattle, an annual tax of twenty-five dollars, to be levied and collected quarterly, monthly or yearly, at the option of the Board of Aldermen of said town as designated in their ordinances.

Section 19. That in addition to the persons and subjects of taxation mentioned in sections

fourteen and eighteen of this act, the Board of Aldermen may also levy a tax on the following subjects: the amount of such tax when fixed shall be collected by the tax collector immediately: Upon every company of circus riders who shall exhibit within the town, a tax not exceeding thirty dollars for each separate exhibition, to be paid before the exhibition takes place; if not so paid, the tax to be doubled. Upon each show or exhibition of any kind and upon each concert or lecture for reward, five dollars for each lecture or exhibition: Provided, that when the proceeds arising from any concert, lecture or exhibition are to be devoted to any religious or charitable use such tax shall not be imposed or collected.

Section 20. That the tax list of the town, when made out, completed and delivered to the tax collector, shall have the force and effect of a judgment and execution against the property of the person or persons charged in such list and may be enforced in the same manner by said collector as sheriff of the county collect and enforce county and State taxes; and said collector shall settle with the Board of Aldermen every month and account to them for all moneys collected by him up to the day of such settlement, and for his services shall receive such fees and commissions as may be allowed by the Board of Aldermen, not to exceed in any case in the aggregate two dollars per day.

Section 21. All taxes upon persons and property authorized in section 14 of this act shall be due on the first Monday in October in each year, and when paid the tax collector shall execute and deliver a proper receipt for the amount of such tax, and note the judgment and the date thereof on the tax list against the name of the party paying the same; and if the tax collector fails to fully account with the Board of Aldermen for the amount of such taxes collected by him every month, and oftener when required, he shall be guilty of a misdemeanor and removed from office by the Board of Aldermen.

Section 22. The tax collector shall attend during the month of November in each and every year at some stated place in said town for receiving and collecting said taxes, of which fifteen days' notice shall be given by advertisements posted at three or more public places in said town: Provided, that if the taxes shall not be paid before the first day of December the tax collector may after that day levy and sell property to satisfy the amount of the taxes owing by such persons as may have not previously paid the same; but he shall not advertise not sell before the first day of January following.

Section 23. That the Board of Aldermen shall have authority to put at work and keep at work upon the streets or upon the public grounds of the town any person or persons who shall fail or refuse to pay any fines, penalty, or forfeiture which may have been imposed by the mayor of the town; and the said aldermen shall have authority by the ordinances and by-laws of the town to confine, manage and control such person or persons until the fine, penalty, or forfeiture, together with the cost thereof, shall be fully paid and satisfied, under such rates for labor and board as the aldermen may establish.

Section 24. That the town constable shall be the tax collector of said town. Before entering upon the performance of any duty he shall take the oath prescribed for public officers and an oath that he will faithfully and impartially discharge the duties of his office according to law. He shall take this oath before a justice of the peace of Onslow County or other person duly empowered to administer oaths for general purposes. As a peace officer the town constable shall have within the town all the powers of a constable in the county, and as a ministerial officer he shall have the same power as a constable in the county to execute all precepts and process that may be issued by the mayor or other lawful authority of the county and to enforce the ordinances and regulations of

the aldermen as they may direct. He shall have the same powers to collect the town taxes imposed by the aldermen as sheriff's have to collect the taxes imposed by County Commissioners, and he shall execute a bond payable to the State of North Carolina with good and sufficient surety in such sum as the Board of Aldermen may prescribe, which shall not be less than double the amount of the annual tax levied upon the taxable persons and taxable property of the towns upon which the Board of Aldermen may institute suit and prosecute the same to final judgment, for any default made or suffered by the town constable. The bond herein required to be executed and delivered by the town constable shall be duly proved before the mayor and aldermen and recorded in the office of the Register of Deeds of Onslow County.

Section 25. That it shall be lawful for the town constable to serve and execute all civil or criminal process that may be directed and delivered to him by any court in the County of Onslow under the same regulations and penalties as prescribed by law in the case of other constables.

Section 26. That policeman of the town shall have the same authority to make arrests and execute criminal process within the corporate limits of the town as is vested by law in a sheriff.

Section 27. The Board of Aldermen shall annually publish an accurate statement of the taxes levied and collected in the town, together with a statement of the amount expended by them and for what purposes. And on failure to comply with this section the said Board of Aldermen shall forfeit and pay one hundred dollars, for which they shall be personally liable, and be guilty of a misdemeanor. The penalty herein prescribed shall be recoverable by any person who will sue for the same, and shall come to his own use and benefit.

Section 28. That any person violating any of the by-laws, rules, regulations or ordinances of the Town of Richlands shall not only be subject to the penalties thereto attached, but also in addition thereto be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned in the county jail or a town lock-up not exceeding thirty days.

Section 29. The mayor may issue his precepts to the town constable or to any policeman of the town or to such other officers to whom a justice of the peace may direct his precepts, and no preliminary affidavit shall be necessary to give the mayor final jurisdiction over the offenses against the by-laws, rules, regulations or ordinance of the said town.

Section 30. That the expenses incurred in holding town election shall be borne by the town, and every person shall be allowed to inspect the election returns deposited with the Board of Aldermen as herein before provided, and also to inspect and examine all journals, records, books, papers, and writings in the custody of the Board of Aldermen, relating to the government of the town and the administration of its affairs in any way connected there with.

Section 31. That the Town of Richlands through the Board of Aldermen is hereby vested with all the powers, rights, privileges and immunities as are enacted in chapter sixty-two, volume two of The Code of North Carolina, not inconsistent with the provisions of this act.

Section 32. That the present town government of the Town of Richlands now in existence and comprising the mayor and three commissioners shall continue in existence until the election, qualification and induction into office of those provided for in this act and to be chosen on the second Tuesday in May, one thousand nine hundred and five, and L.W. Harget and Lee Mills shall be added to the number of Town Commissioners, who shall henceforth be styled the Board of Aldermen of the Town of Richlands, and said L.W. Harget and Lee Mills shall qualify as

aldermen of said town within twenty days after the ratification of this act. The Mayor and Board of Aldermen shall provide for the holding of the town election as prescribed in this act. The mayor now in office and the Board of Aldermen as constituted by this section shall hold their offices until their successors are elected, qualified and inducted into office. They and their successors may continue in force the present method and system of keeping the streets in good order until the first of November, one thousand nine hundred and five.

Section 33. That prohibition of the sale of spirituous and malt liquors, wines, and cider with intoxicating qualities or powers within two miles of Richlands Academy in said town, having been adopted and established by a vote of the people upwards of forty five years and pursuant to legislative authority and been in force ever since, such prohibition is hereby ratified and confirmed, and any persons, firm or corporation selling, or offering for sale, within two miles of Richlands Academy in said town, any spirituous or malt liquors, wines or cider with intoxicating qualities, or medicated bitters with intoxicating effect, shall be guilty of a misdemeanor and upon conviction fined for each and every offense not exceeding fifty dollars or imprisoned not exceeding thirty days.

Section 34. That all laws and clauses of laws in conflict with this act shall be and the same are hereby repealed.

Section 35. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March A. D. 1905.

CHARTER AMENDMENTS

1912
1927
1931
1947
1949
1951
1955
1957
1965
1965

Session Law of 1913, Chapter 387

AN ACT TO AMEND THE CHARTER OF THE TOWN OF RICHLANDS, IN ONSLOW COUNTY, BEING CHAPTER 417 OF THE PRIVATE LAWS OF 1905.

THE GENERAL ASSEMBLY of NORTH CAROLINA DO ENACT:

Section 1. That section nineteen, chapter four hundred and seventeen, Private Laws of one thousand nine hundred and five, be amended as follows: After word "doubled," in line eight, section nineteen, add the following: "And the Board of Aldermen of said town shall have the power and authority to annually levy and cause to be collected for the necessary expenses of the town such special or privilege tax or taxes as may seem to them fair and equitable on every trade, calling, or business, of whatever nature, carried on in said town: Provided, the said tax is not prohibited by the general law of the State."

Section 2. That section twenty-six, chapter four hundred and seventeen, Private Laws of one thousand nine hundred and five, be amended as follows: After the word "that," in line one of said section and before the word "a" in said line and section, add the following: "The mayor of said town of Richlands shall have the power to appoint"; and after the word "town" and before the word "shall," in said line in said section, insert the word "who."

Section 3. That section twenty-seven, chapter four hundred and seventeen, Private Laws of one thousand nine hundred and five, be amended as follows: After the word "annually," in line one of said section, and before the word "publish," in line one of said section, insert the following words: "on or before the second Tuesday in May"; and at the end of said section twenty-seven add the following words: "The fiscal year of said town shall end on the second Tuesday in May."

Section 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Ratified this the 8th day of March, A. D. 1913.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF RICHLANDS, ONSLOW COUNTY, CHAPTER 417, PRIVATE LAWS, SESSION 1905.

The GENERAL ASSEMBLY of NORTH CAROLINA DO ENACT;

Section 1. That section fourteen of chapter four hundred and seventeen of Private Laws of North Carolina, session nineteen hundred and five, be and the same is hereby amended by striking out the words, “thirty-three and one-third,” in the fifth line of said section and inserting in lieu thereof the words, “sixty-six and two-thirds.”

Section 2. This act shall in force from and after its ratification.

Ratified this the 16th day of February, A. D. 1927.

AN ACT TO PROVIDE FOR ELECTION IN THE TOWN OF RICHLANDS, ONSLOW COUNTY

WHEREAS, the charter of the Town of Richlands, Onslow County, Chapter four hundred and seventeen of the Private Laws of North Carolina, session nineteen hundred and five, provides that town elections shall be held on the second Tuesday of the month of May in odd years; and

WHEREAS, owing to the general statutory provision calling for such election on the first Tuesday of May, some confusion has arisen as to which date is correct, and no election has been held on either date in May, nineteen hundred and thirty one; and,

WHEREAS, at a town meeting duly held on April, twenty-fourth, nineteen hundred and thirty one, a ticket for Mayor and Town Aldermen was duly nominated, and election officers were duly appointed: now, therefore,

The GENERAL ASSEMBLY of NORTH CAROLINA DO ENACT:

Section 1. That the election for said Town of Richlands shall be held on June sixteenth, nineteen hundred and thirty one, in lieu of the regular May election; and hereafter the election date for said town shall be the first Tuesday of May.

Section 2. That the present Mayor and Aldermen of the Town of Richlands shall provide printed ballots for such election to town meeting of April twenty fourth, shall be the names printed on such official ballots; and said election shall be held and conducted in all respects as provided in said charter of said Town of Richlands, insofar as the same is not in conflict with the provisions of this act.

Section 3. That the same registrar and pollholders appointed originally for said election shall act for the election of June sixteenth, provided any vacancy may be filled as provided in said charter.

Section 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of May, A. D., 1931.

AN ACT TO AMEND SECTION 14 OF THE CHARTER OF THE TOWN OF RICHLANDS, AS AMENDED BY CHAPTER 28 OF THE PRIVATE LAWS OF 1927, RELATING TO RAISING REVENUES IN THE TOWN OF RICHLANDS IN ONSLOW COUNTY

The GENERAL ASSEMBLY of NORTH DO ENACT;

Section 1. That Section 14 of Chapter 417 of the Private Laws of 1905, the same being the charter of the Town of Richlands in the County of Onslow, as amended by Chapter 28 of the Private Laws of 1927, be and the same is hereby further amended so that said Section shall read as follows:

Sec. 14. For the purpose of raising revenues for defraying the expenses incident to the proper government of the Town of Richlands, the Board of Aldermen shall have the power and it is hereby authorized to levy and collect an annual ad valorem tax on all taxable property in the Town of Richlands at such rate on the one hundred dollars ($100.00) valuation of said property as is or may be from time to time provided by the general law of the State. In addition to the foregoing, the Board of Aldermen shall have the power and it is hereby authorized to levy and collect a tax ad valorem upon all property then subject to taxation in the town, sufficient to pay the principal of and interest on all bonds of the town as such principal and interest shall become due, and to levy and collect such license, privilege, franchise and other taxes as the Board of Aldermen deem proper and as the board is authorized and permitted to levy and collect by the general law.

Section 2. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

Section 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

AN ACT FIXING THE DATE ON WHICH THE MUNICIPAL OFFICERS OF THE TOWN OF RICHLANDS, ONSLOW COUNTY, N. C., SHALL BEGIN THEIR TERMS OF OFFICE.

The GENERAL ASSEMBLY of NORTH CAROLINA DO ENACT:

Section 1. The Mayor, the Board of Aldermen, and all other elective officials of the Town of Richlands elected in the general municipal election during the month of May 1949 shall be inducted into and assume the duties of their respective offices on the first day of July 1949, and biennially thereafter the municipal officers elected in the general municipal election shall be inducted into and assume the duties of their respective offices on the first day of July following the date on which they are elected.

Section 2. The governing body of said town is authorized to pay the mayor a salary not to exceed twenty five dollars ($25.00) per month out of the town's general fund.

Section 3. Each of the members of the governing body of said town shall be paid the sum of two dollars ($2.00) for each regular or special meeting of said board attended by such member, said sum to be paid out of the town's general fund.

Section 4. The fiscal year of the Town of Richlands shall begin on the first day of each July hereafter and end on the thirtieth day of each following June.

Section 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949

AN ACT TO AUTHORIZE AND EMPOWER THE TOWNS OF JACKSONVILLE, HOLLY RIDGE, RICHLANDS, AND SWANSBORO IN ONSLOW COUNTY TO LIST AND ASSESS ALL TAXABLE PROPERTY WITHIN THEIR CORPORATE LIMITS FOR AD VALOREM TAXATION

The GENERAL ASSEMBLY of NORTH CAROLINA DO ENACT;

Section 1. In order to equalize the valuation of taxable property within the Towns of Jacksonville, Holly Ridge, Richlands, and Swansboro in Onslow County, the governing boards of said towns are hereby authorized to reassess and revalue all taxable property within said towns for the purposes of ad valorem taxation. In carrying out such reassessment and revaluation, the governing boards of the towns shall be governed by the provisions of subchapter II of Chapter 105 of the General Statutes and the governing boards of the towns shall perform the duties and functions of boards of county commissioners as set out in subchapter II of Chapter 105 of the General Statutes. The town clerks or any other person designated by the town boards shall act as tax supervisors and shall have all the powers, duties and authority given to tax supervisors by subchapter II of Chapter 105 of the General Statues. The governing boards of the towns shall act as boards of equalization and review in the same manner and with the same powers and duties as county boards of equalization and review, and appeals may be taken from the governing boards of the towns sitting as boards of equalization and review in the same manner as appeals are taken from county boards of equalization and review.

The reassessment and revaluation herein authorized may be made as of January 1, 1952, or in any regular quadrennial reassessment year as fixed by Section 300 of the Machinery Act, being Chapter 310 of the Public Laws of 1939, as amended.

Section 2. Notwithstanding the provisions of this Act, the governing boards of the Towns of Jacksonville, Holly Ridge, Richlands, and Swansboro may continue to obtain the town tax lists from the county records without securing lists signed by the taxpayers and may continue to accept the valuation fixed by the county authorities as provided in Section 105-333 of the General Statutes. In the event any of the municipalities named in this Act shall assess or reassess and revalue the taxable property of such municipalities, such assessed valuation shall be applicable to ad valorem taxation of such municipalities only.

Section 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

AN ACT TO PROVIDE FOR THE EXERCISE OF POWERS BY POLICE OFFICERS BEYOND THE CORPORATE LIMITS OF THE TOWNS OF SWANSBORO AND RICHLANDS IN ONSLOW COUNTY.

The GENERAL ASSEMBLY of NORTH CAROLINA DO ENACT;

Section 1. The members of the town police of the Towns of Swansboro and Richlands, in Onslow County, shall have, in all that territory embraced within one mile in all directions of the present corporate limits of said towns, all the power and authority which they now exercise within the corporate limits of said town, provided, however, that the power and authority herein granted shall not extend beyond the boundary of Onslow County.

Section 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1957.

AN ACT TO AMEND CHAPTER 160 OF THE GENERAL STATUES TO EXTEND THE AUTHORITY TO ARREST AND EXECUTE CRIMINAL PROCESS BY TOWN POLICEMEN TO TERRITORY OUTSIDE THE TOWN LIMITS, BUT WITHIN THREE MILES THEREOF, AS THE SAME PERTAINS TO THE TOWN OF RICHLANDS IN ONSLOW COUNTY.

The GENERAL ASSEMBLY of NORTH CAROLINA DO ENACT:

Section 1. G. S. 160-21 is amended by striking out "within the town limits" and substituting in lieu thereof "within or without, but within a radius of three miles of, the limits of the Town of Richlands in Onslow County,"

Section 2. The provisions of this Act shall be applicable only to the Town of Richlands in Onslow County.

Section 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Section 4. This act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1965.

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF RICHLANDS TO EMPLOY PERSONS WHO ARE NOT QUALIFIED VOTERS OF THE TOWN.

The GENERAL ASSEMBLY of NORTH CAROLINA DO ENACT:

Section 1. The governing body of the Town of Richlands in Onslow County is hereby authorized and empowered to employ in any capacity, including as Chief of Police and other police officers of the Town, persons who reside outside of the corporate limits of the municipality and who are not qualified voters thereof.

Section 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1965.

AN ACT TO LEGALIZE AND VALIDATE THE MUNICIPAL ELECTION OF THE TOWN OF RICHLANDS, IN ONSLOW COUNTY, FOR THE YEAR 1955, WHICH SAID ELECTION, DUE TO INADVERTENCE AND MISTAKE, WAS NOT HELD ON THE DATE REQUIRED BY LAW.

WHEREAS, the time fixed by law for the election of the municipal officials of the Town of Richlands, in Onslow County, is the first Tuesday in May in all odd years; and

WHEREAS, through some oversight, mistake and inadvertence on the part of the municipal officials of the Town of Richlands it was considered and thought that said election should be held on the first Saturday in May, or, that is, on the 7th day of May, 1955; and

WHEREAS, all necessary preparations for said municipal election of the Town of Richlands have been made, including the opening of the registration books, registration and all legal requirements preliminary to a municipal election, including the printing of the official ballots; and

WHEREAS, there have been expenses incurred, and said election should be held, and it is the regular year for such municipal election, and it is desired that proper officers shall be elected in a legal manner to administer the municipal government of the Town of Richlands: Now, therefore,

The GENERAL ASSEMBLY of NORTH CAROLINA DO ENACT;

Section 1. The municipal election for the Town of Richlands for the election of the municipal officers of said town, held or to be held on May 7, 1955, shall in respects be deemed to be the proper, legal and valid date of election for said Town of Richlands for the year of 1955. That all preliminary registrations, preparations of election records and books, of printing of official ballots and other steps taken for the holding of said election on May 7, 1955, shall be deemed to be legal, proper and valid, and any and all such preliminary procedures and steps are hereby declared to be lawful and are hereby validated.

Section 2. That any and all municipal officers elected in the Town of Richlands, or to be elected on May 7, 1955, are hereby declared elected or to be elected in a legal, proper and valid election, and such persons, when properly inducted into office, shall be deemed to hold their offices with legal and valid status in any and all respects and with the same force and effect as if said election had been held on Tuesday, May 3, 1955.

Section 3. That all future elections to be held for the Town of Richlands, for the election of municipal officials, shall be held on the first Tuesday in May in accordance with the charter and special laws governing said election for said Town of Richlands.

Section 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

TITLE 1

AN ORDINANCE ESTABLISHING REGULATIONS AND GUIDELINES FOR THE USE OF THE CODE OR ORDINANCES FOR THE TOWN OF RICHLANDS, NORTH CAROLINA, AND ADDITIONS OR ALTERATION THERETO, AND PENALTIES FOR VIOLATIONS OF THE SAME.

CHAPTER 1 USE OF THE CODE AND PENALTIES

Section 1-1-01 How Code Designated and Cited
Section 1-1-02 Definitions and Rules of Construction
Section 1-1-03 Provisions Considered as Continuations of Existing Ordinances
Section 1-1-04 Section Designations
Section 1-1-05 Effect of Repeal or Expiration of Ordinances
Section 1-1-06 Criminal Penalty , not Exclusive Remedy; Continuing Violations
Section 1-1-07 Severability of Parts of Code
Section 1-1-08 Amendments to Code; Effect of New Ordinances; Amendatory Language
Section 1-1-09 Damaging Ordinances Prohibited
Section 1-1-10 through 1-1-19 Reserved

Section 1-1-01 How Code Designated and Cited

The provisions embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Richlands, North Carolina," and may be so cited.

State Law Reference: As to admission of code into evidence, G.S. 160-79.

Section 1-1-02 Definitions and Rules of Construction

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 Board of Aldermen or the context clearly requires otherwise.

a) Board - Means the Board of Aldermen of the Town.

b) 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, that day shall be excluded.

c) County - Means the County of Onslow, in the State of North Carolina, except as otherwise provided.

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

e) Joint Authority - All words giving a joint authority to three (3) or more persons or officers shall be construed as giving authority to a majority of persons or officers.

f) Mayor - Means the Mayor of the Town.

g) Month - Means a calendar month.

h) Number - Words used in the singular include the plural, and words used in the plural

include the singular number.

i) 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 certain cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed”.

j) Owner - When applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of the building or land.

k) Person - Includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

l) Personal Property - Includes every species of property except real property as herein defined.

m) Preceding, following - The words “preceding” and “following” shall mean next before and next after respectively.

n) Property - Includes real and personal property.

o) Real Property - Includes lands, tenements and hereditaments.

p) Sidewalk - Means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

q) Signature - The words “signature” or “subscription” include a mark when the person cannot write.

r) Street - Means and includes any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct or bridge and the approaches thereto within the Town.

s) Tenant - The words “tenant” or “occupant” applied to a building or land shall include any person who occupies the whole or a part of the building or land whether alone or with others.

t) Time - Words used in the past or present tense include the future as well as the past and present.

u) Town - Means the Town of Richlands, in Onslow County, North Carolina, except as otherwise provided.

v) Writing - The words “writing” and “written” shall include printing and any other mode of representing words and letters.

w) Year - Means a calendar.

State Law Reference: Rules of construction, G. S. 12-3; computation of time, G. S. 1-593.

Section 1-1-03 Provisions Considered as Continuations of Existing Ordinances

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

Section 1-1-04 Section Designations

The headings following the section designations of this code are intended to act as descriptions of the full contents of the section, and shall not be deemed or taken to be in any manner limiting the scope of the paragraphs that act as the text of the section.

Section 1-1-05 Effect of Repeal

a) The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the ordinance expired.

b) When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

Section 1-1-06 Criminal Penalty, not Exclusive Remedy; Continuing Violations

a) In accordance with G. S. 160A-175, and unless this code of ordinances provides otherwise, violation of any provision hereof shall be a misdemeanor as provided in G. S. 14-4, punishable upon conviction by a fine not exceeding $50.00 or by imprisonment not exceeding 30 days. An ordinance may provide by express statement that the maximum fine or term or imprisonment to be imposed for its violation shall be some figure or number of days less than the maximum penalties prescribed by G. S. 14-4.

b) By express statement, an ordinance contained herein may provide for its enforcement by other remedies, as authorized in G. S. 160-175, including the imposition of civil fines, the ordering of appropriate equitable relief, including injunctions, or a combination of remedies.

c) An ordinance may provide, when appropriate, that each day's continuing violation shall be a separate and distinct offense.

State Law Reference: G. S. 160A-175, authorizing municipalities to employ alternate remedies in the enforcement of local ordinances.

Section 1-1-07 Severability of Parts of Code

It is hereby declared to be the intention of the Board of Aldermen 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, the unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code since the same would have been enacted by the Board without the

incorporation in this code of any unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 1-1-08 Amendments to Code; effect of New Ordinances; Amendatory Language

a) All ordinances passed subsequent to this code of ordinances which amend, repeal or in any way effect this code of ordinances, shall be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected hereby. The subsequent ordinances as numbered and printed, or omitted, in the case of repeal, shall be prima facie evidence of subsequent ordinances until a time that this code of ordinances and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the Board.

b) Amendments to any of the provisions of this code may be made by amending these provisions by specific reference to the section number of this code in the following language: "That section 0-0-00 of the Code of Ordinance, for the Town of Richlands, North Carolina, is hereby amended to read as follows:
The new provisions shall then be set out in full as desired.

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

Section 1-1-09 Damaging Ordinances Prohibited

No person shall tear or deface any of the Town Ordinances.

Section 1-1-10 through 1-1-19 Reserved

TITLE 2

AN ORDINANCE ESTABLISHING THE ADMINISTRATIVE GUIDELINES FOR THE OPERATION OF THE TOWN GOVERNMENT FOR THE TOWN OF RICHLANDS, NORTH CAROLINA, AND PROVIDING FOR ANY AMENDMENTS TO THE SAME.

Chapter 1 Governing Body
Chapter 2 Administrative Organization
Chapter 3 Departmental Operating Organization
Chapter 4 Financial Administration

CHAPTER 1 GOVERNING BODY

Article A General Provisions

Section 2-1-01 Governing Body
Section 2-1-02 Powers and Duties Generally
Section 2-1-03 Mayor; Duties
Section 2-1-04 Selection of Mayor Pro-Tem
Section 2-1-05 Power of Board Over Employees
Section 2-1-06 Committees
Section 2-1-07 Resignation of Members
Section 2-1-08 Compensation
Sections 2-1-09 through 2-1-20 Reserved

Article B Meetings

Section 2-1-21 Regular Meetings
Section 2-1-22 Special Meetings
Section 2-1-23 Adjourned Meetings
Section 2-1-24 Order of Business
Section 2-1-25 Rules of Procedure
Section 2-1-26 Meetings Open to Public
Sections 2-1-27 through 2-1-2-40 Reserved

Article C Ordinances

Section 2-1-41 Procedure, Form, Publication
Section 2-1-42 Effective Date
Section 2-1-43 Official Copy
Section 2-1-44 Ordinance Book
Section 2-1-45 Ordinances Adding to the Code
Section 2-1-46 Improper Amendments Void
Section 2-1-47 Ordinance Confined to One Subject
Section 2-1-48 through Section 2-1-59 Reserved

Article D Committees

Section 2-1-60 Purpose

Section 2-1-61 Prior Practice Abolished-Committee System Adopted
Section 2-1-62 Procedure for Setting up Committees
Section 2-1-63 Meetings
Section 2-1-64 through 2-1-69 Reserved

ARTICLE A GENERAL PROVISIONS

Section 2-1-01 Governing Body

The governing body for the town shall consist of a Mayor and a Board of Aldermen of five (5) members, elected according to the uniform municipal election laws of the State of North Carolina. The governing body shall be charged with the general government and administration of the affairs of the Town.

Section 2-1-02 Powers and Duties Generally

The powers and duties of the governing body shall be as those set out in the General Statutes of the State of North Carolina, the Town charter, and the Code of Ordinances of the Town.

Section 2-1-03 Mayor; Duties

The Mayor shall be the chief elected officer of the Town, and as such, shall perform the following duties, unless otherwise directed by the Board of Aldermen:

(a) Keep informed as to the Town's business;

(b) Preside over the meeting of the Board of Aldermen;

(c) Sign all contracts, ordinances, resolutions, franchises, and all other documents as authorized by the Board;

(d) Appoint all committees and outline their duties, under the general direction of the Board;

(e) Make recommendations to the board concerning the affairs of the Town, and require reports from such committees and departments as may be necessary to carry out the affairs of the town, but at minimum shall require a report to the board from each department within thirty (30) days after the close of each fiscal year;

(f) Represent the Town at ceremonies and other official occasions;

direct and assist, as the representative of the Board, the Town Administrator in his duties as prescribed in Section 2-2-02(d),(f) & (h); and

(g) Perform other duties as authorized by the General Statutes of the State of North Carolina, the Town charter, and this Code of Ordinances.

State Law Reference; Duties of the Mayor - G. S. 160A-69

Section 2-1-04 Selection of Mayor Pro-Tem

At the first meeting after their election, the Board of Aldermen shall select one of their members to act as Mayor Pro-Tem. The Mayor Pro-Tem shall have no fixed term of office, but as such, shall perform all the duties of the Mayor in the Mayor's absence or disability.

State Law Reference; Mayor Pro-Tem - G. S. 160A-70

Section 2-1-05 Power of Board over Employees

In exercising its general supervisory authority over Town employees, the Board shall be expressly authorized to:

(a) Prescribe rules - Prescribe rules and regulations as it shall deem necessary or expedient for the conduct of employees subject to its authority and shall have the power to revoke, suspend or amend any rule or regulation;

(b) Investigate - Either by itself or any officer or person designated for the purpose by it, investigate and examine or inquire into the affairs or operation of any department, division or employee; and shall have the power to employ consultants and professional counsel to aid in investigations, examinations or inquires.

(c) Overrule officials - Set aside any action taken by Town administrative officials and may supersede them in the functions of their offices.

(d) Delegate duties - Direct any official, department, division, or employee to perform the work for any other official, department, division or employee.

(e) Provide for administrative committees - Designate committees as it shall find necessary for the proper consideration of administrative problems. The committees shall meet at the request of the Board and shall make recommendation on matters referred to them as they shall find necessary for the best interests of the Town.

(f) Summon employees - Require any employee of the Town to appear before and report to the Board at any meeting.

Provided, however, nothing in this Section shall be construed to allow any individual member of the Board to direct any employee in the performance of his duties and functions as an employee of the Town.

State Law Reference: Authority of the Board to adopt personnel regulations, G.S. 160A-164; to conduct investigations, G.S. 160A-80.

Section 2-1-06 Committees Appointed by Mayor; Reports; Compensation

Committees shall, unless otherwise ordered, be appointed by the Mayor. All committees shall make reports to the Board upon request, and committee members shall receive any compensation for extra and special service as the Board may designate.

Section 2-1-07 Resignation of Members

Resignation of any member of the Board shall be in writing, and the resignation shall lie on the table until the next regular meeting unless accepted by the unanimous consent of all members of the board.

Section 2-1-08 Compensation

The compensation of Board members shall be as provided in the annual budget ordinance, and as

the same may be amended from time to time.

State Law Reference: Compensation of Mayor and Board members, G. S. 160A-64.

Sections 2-1-09 through 2-1-20 Reserved

ARTICLE B MEETINGS

Section 2-1-21 Regular Meetings

The regular meetings of the Mayor and Board of Aldermen of the town shall be held on the second Tuesday of each month, at 7:00 PM, at the Richlands Town Hall, 302 Wilmington Street, Richlands, NC.

State Law Reference: Quorum, G.S. 160A-74; voting, G.S. 160A-75.

Section 2-1-22 Special Meetings

Special meetings of the Board may be held in accordance with the provisions set out in the applicable General Statutes.

State Law Reference: Special Meetings, G.S. 160A-71.

Section 2-1-23 Adjourned Meetings

Any meeting of the Board may be continued or adjourned from day to day, or for more than one (1) day, but no adjournment shall be for a longer period than until the next regular meeting thereafter.

Section 2-1-24 Order of Business

Unless the Board agrees in advance otherwise, the business of the Board shall be taken up for consideration and disposition at regular meetings in the following order:

(a) Call to order

(b) Reading and disposition of minutes of the previous meeting

(c) Reports of boards or standing committees

(d) Reports of special committees

(e) Unfinished business

(f) New business

(g) Announcements

(h) Adjournment

If the Board directs any matter to be the special business of a future meeting, the matter shall have precedence over all other business at the meeting.

Section 2-1-25 Rules of Procedure

Agenda - All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Board should be delivered or submitted to the Board should be delivered or submitted to the Town Administrator according to policies established by the Town Administrator. The materials shall be submitted at least four (4) days prior to the meeting, but the Town Administrator may require a greater number of days so long as the number of days does not exceed ten (10) days. The Town Administrator shall prepare this material for submission to the board, including the preparation of an agenda according to the order of business and furnish each member of the Board and the town attorney with a copy prior to the Board meeting and as far in advance of the meeting as time for preparation will permit.

Amended March 8, 1994

Rules of debate and decorum

(a) Manner of speaking - Every member desiring to speak shall address the chair and upon recognition by the Mayor shall confine himself to the question under debate, avoiding all offensive or indecorous language.

(b) Interrupting the speaker - A member, once recognized, shall not be interrupted when speaking, unless it is to call him to order or as herein otherwise provided. If a member, while speaking, is called to order, he shall cease speaking until the question of order is determined and, if in order, he shall be permitted to proceed.

(c) Closing debate - The member moving for the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(d) Motion to reconsider - A motion to reconsider a vote may be made only at the same or any adjourned meeting to that at which the vote is taken, or upon notice by one voting with the majority that a motion to reconsider will be made at the next regular meeting. The motion must be made by a member of the Board voting on the prevailing side, but may be seconded by any other member and may be made at any time and have precedence over all other motions or while a member has the floor.

(e) Request to have statement abstracted - A member may request from the mayor the privilege of having an abstract of his statement on any subject under consideration by the Board entered in the minutes.

(f) Request to record synopsis of discussion in the minutes - The Town Clerk may be directed by the Mayor, with consent of the Board, to enter in the minutes a synopsis of the discussion on any question coming before the Board.

(g) Addressing the Board - Any person desiring to address the Board shall first secure the permission of the Mayor. Any interested parties or their authorized representatives may address the Board on matters listed on the agenda of the Board without first securing the permission of the Board to do so.

(h) Manner of addressing Board; time limit - Every person addressing the Board

shall attempt to limit his remarks to 10 minutes. All remarks shall be addressed to the Board as a body and not to any member thereof. No person, other than Board members and the person having the floor, shall be permitted to enter into any discussion either directly or through a member of the Board. No question shall be asked a member except through the Mayor.

(i) Questions of order - All questions of order shall be decided by the Mayor without debate, subject to an appeal to the Board.

(j) "Roberts' Rules of Order" - When a point of procedure shall arise not covered by this chapter, the latest revised edition "Roberts' Rules of Order" shall determine the question of procedure.

Section 2-1-26 Meetings Open to Public

Except as provided in the "Open Meetings Law" of the state, all meetings of the Board shall be open to the public.

State law reference: Open meetings law, G.S. 143-318.1 et seq.

Sections 2-1-27 through 2-1-40 Reserved

ARTICLE C ORDINANCES

Section 2-1-41 Procedure, Form; Publication

Every Ordinance amending or repealing any ordinance and every new ordinance shall be proposed in writing and shall be approved as to form by the town attorney. Ordinances shall have ordinance and section captions.

Section 2-1-42 Effective Date

All ordinances shall be effective after the ratification thereof except ordinances specifying some other effective date or ordinance required by state law to be effective only after having met specific statutory time requirements.

Section 2-1-43 Official Copy

A true copy of an ordinance, which has been duly enacted by the Board, signed by the Mayor, and attested to by the Town Clerk shall be known as an official copy of any ordinance for the Town.

State Law Reference: Pleading and proving municipal ordinances, GS 160A-79.

Section 2-1-44 Ordinance Book

The Town Clerk shall file a true copy of each ordinance, both in the Board's official minute book, and in an ordinance book separate and apart from the Board's minute book. The ordinance book shall be appropriately indexed and maintained for public inspection in the office of the Town Clerk.

State Law Reference: Similar requirements on the ordinance book, GS 160A-78.

Section 2-1-45 Ordinance Adding to Code

Any ordinance which is proposed to add to the code a new chapter, article or section shall indicate, with reference to the arrangement of this code, the proper number of the title, chapter, article or section.

Cross Reference: Specific form for amending this code, Section 1-1-08.

Section 2-1-46 Improper Amending Void

It shall be unlawful for members of the Board to annul, abridge, modify or in any way change any ordinance of the Board except at a regular or special meeting of the Board.

Section 2-1-47 Ordinances Confined to One Subject

All ordinances shall be confined to one subject except appropriation ordinances, which shall be confined to the subject of appropriations only.

Sections 2-1-48 through 2-1-59 Reserved

ARTICLE D COMMITTEES

Section 2-1-60 Purpose

The purpose and intent of this ordinance is to formally set out the organization of Town government and to replace the former Departmental Commissioner System with a Department Committee System to aid the Town Administrator in the efficient handling of Town business while keeping the proper Town officials and aldermen advised and involved in Town government.

Section 2-1-61 Prior Practice Abolished: Committee System Adopted

The prior practice whereby the Mayor appointed one Alderman to head up each of five town departments is hereby abolished in favor of a committee system as outlined herein.

Section 2-1-62 Procedure for Setting Up Committees

(a) At the first regular meeting following election of the Board of Aldermen, the mayor shall designate the committees by title and department head.

(b) The Mayor shall then designate two aldermen to serve as aldermen members to each committee, in a roughly proportionate number of committees as compared to all other aldermen.

(c) Each committee shall consist of the Town Administrator as chairman, the working department head and the two aldermen appointed to the committee by the Mayor.

Section 2-1-63 Meetings

(a) The committee shall have a regularly scheduled meeting not less than quarterly at a date set by the Chairman with notice of not less than 10 days to all committee members. Department heads will attend but employees will only be required to attend in the event the Chairman feels their presence is necessary.

(b) The Chairman or either one of the committee aldermen may call a meeting upon giving 3 days notice to the other members of the committee.

(c) Emergency meetings may be called at the discretion of the Chairman with only as much notice as is necessary to personally contact each committee member.

(d) Meetings shall be presided over by the Chairman and any action or recommendation proposed must be approved by a majority vote of all committee members.

(e) Regular reports of the committee meeting shall be made to the full Board of Aldermen by the Chairman at the next regularly scheduled meeting of the Board. Any report covering information which would normally be discussed in Executive Session as provided in the North Carolina Open Meetings Law will be provided only during an executive session.

(f) No action by a committee shall be taken that would normally be subject to a vote by the full Board of Aldermen. However, the committee may study the situation, gather

information and present a recommendation or report to the Board at the next regularly scheduled or called meeting.

Sections 2-1-64 through 2-1-69 Reserved

CHAPTER 2 ADMINISTRATIVE ORGANIZATION

Article A Administrative Offices

Section 2-2-01 Town Attorney
Section 2-2-02 Town Administrator/Clerk
Sections 2-2-03 through 2-2-10 Reserved

Article B Other Administrative Provisions

Section 2-2-11 Employees Serve at Pleasure of Board
Section 2-2-12 Interest of Town Officers or Employees in Town Contracts
Section 2-2-13 Consolidation of Offices
Section 2-2-14 Employee Bonds
Sections 2-2-15 through 2-2-19 Reserved

ARTICLE A ADMINISTRATIVE OFFICES

Section 2-2-01 Town Attorney

The Board shall appoint a Town Attorney whose duties shall be to:

(a) Prosecute or defend any and all suits or actions at law or equity to which the town may be a party, or in which it may be interested, or which may be brought against, or by any officer of the town, or in the capacity of the person as an officer of the town.

(b) See to the full enforcement of all judgments or decrees rendered or entered in favor of the town.

(c) See to the completion of any special assessment proceedings and condemnation proceedings.

(d) Draft or review any contract, lease or other document or instrument to which the town may be a party, and approve all ordinances and resolutions of the Board as to form.

(e) At the request of the Board, draft ordinances covering any subjects within the power of the Town.

(f) Attend meetings of the Board upon request.

(g) Perform any other duties required of him by GS 160A-173 and other laws and ordinances.

State Law Reference: Duties of attorney, GS 160A-173.

Section 2-2-02 Town Administrator

The Board of Aldermen shall appoint a Town Administrator. The duties of the Town Administrator are as follows:

(a) Be the chief administrative officer of the town government responsible to the Board of Aldermen and Mayor (as a body of one) for the performance of his duties. The Town Administrator shall perform or supervise the performance of all administrative affairs of the Town as he may be authorized and directed to do by the Board;

(b) Attend all regular meetings of the Board of Aldermen. In addition, the Town Administrator shall attend all committee meetings of the Board of Aldermen on an as needed basis or as a member of the department committees, depending on the wishes of the Board;

(c) Make investigations and reports concerning town government affairs to the Board and Mayor (as a body of one) as they may direct and as the Town Administrator shall from time to time deem necessary. Reports may include recommendations for adopting such measures as the Town Administrator may deem best for the good government of the municipality;

(d) Coordinate the activities of each department and direct superintendents and other Town employees in the performance of their duties and functions as may be required;

(e) Make any other reports that the Board may require concerning the operations of the Town departments, offices, and agencies subject to his direction and control;

(f) Direct and supervise the administration of departments, offices, and agencies of the Town, subject to the general direction and control of the Board, except as otherwise provided by law;

(g) The Town Administrator shall be responsible to the Board of Aldermen for the administration of the personnel program. The Town Administrator shall appoint and suspend or remove all town officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the town attorney, town clerk, police chief and public works director, in accordance with such general personnel rules, regulations, policies, or ordinances as the board may adopt;

(h) Make recommendations to the Board to carry out such disciplinary measures as may be necessary concerning town employees, after receiving the recommendation of the department head and making such investigations concerning such matters as be necessary. The Richlands Board of Aldermen shall be the final authority for carrying out all adverse personnel actions;

(i) See that all laws of the State of North Carolina and the Town of Richlands, including the Town Charter, Ordinances, Resolutions and regulations of the Richlands Board of Aldermen are faithfully performed and carried out;

(j) Prepare and subject the annual budget and capital program to the Board of Aldermen;

(k) Shall annually submit to the Board and make available to the public a complete report on the finances and administrative activities of the Town as of the end of the fiscal year;

The superintendents or operating heads of the various Town departments shall be directly responsible to the Town Administrator, who in turn shall be directly responsible to the Board of Aldermen. It is the intent of this section to establish a line of responsibility from the superintendent or operating department head through the Town Administrator to the Board of Aldermen. The Town Administrator is responsible for maintaining fiscal control of the budgeted items of the various departments.
The appointment of the Town Administrator shall be made with regard to merit, experience and education. The Mayor or any member of the Board of aldermen shall not be eligible for appointment as the Town Administrator, until a period of one year has elapsed since the last meeting at which the said person last served as an elected member of the governing body.
The Town Administrator shall hold office at the pleasure of the Board of Aldermen and the compensation for the Town Administrator shall be set by the Board of Aldermen at least annually.

ARTICLE B OTHER ADMINISTRATIVE PROVISIONS

Section 2-2-11 Employees Serve at the Pleasure of the Board
All employees elected or appointed by the Board of Aldermen shall hold their office at the

pleasure of the Board and may be removed at any time by the Board.

Section 2-2-12 Interest of Town Officers or Employees in Town Contracts

No member of the Board or other officer or employee of the Town shall be peculiarly interested, directly or indirectly, in any contract made or entered into by the Board, nor in any matter where the rights or liabilities of the Town are, or may be, involved.

State Law Reference: Conflicts of interest, GS 14-234.

Section 2-2-13 Consolidation of Offices

Except as otherwise provided by law, the Board may in its discretion consolidate any two (2) or more offices and assign the duties of both offices to one (1) or more persons.

Section 2-2-14 Employees' Bonds

The Town Clerk, Town Administrator and other offices or employees required by the Board shall, before entering upon their duties, post bond in amounts specified by the Board. All bond premiums shall be paid from town funds. Provided, that when two (2) officers are combined, such as clerk and administrator, only one (1) bond shall be required.

CHAPTER 3DEPARTMENTAL OPERATING ORGANIZATION

Section 2-3-01 Departments Enumerated

The organization of the Town shall be divided into the following departments:

(a) Administrative Department
(b) Public Works Department
(c) Police Department

Section 2-3-03 Town Clerk

The Town of Richlands shall appoint a Town Clerk who shall carry out the functions of the office as set forth in NCGS 160A-171 and carry out the functions as follows:

(a) Perform such duties and functions, or direct others to perform such duties and functions as required by the NC General Statutes for the Town Clerk to the governing Board, not otherwise provided herein;

(b) Record, or cause to be recorded, minutes of all official meetings of the Board of Aldermen and other official Town committees as directed by the governing board;

(c) Give notice of all official meetings of the Board of Aldermen and its committees and advisory boards;

(d) Be custodian of all official Town documents, papers and records, in accordance with the General Statutes;

(e) Prepare, file and distribute correspondence as necessary to conduct Town business and to keep the Board informed;

(f) Be responsible for the timely filing of reports and statements as required by the NC General Statutes;

(g) Perform such other duties and functions as the Board of Aldermen may prescribe.

CHAPTER 4FINANCIAL ADMINISTRATION

ARTICLE A PURCHASING

Section 2-4-01 Disbursement of Funds
Section 2-4-02 Purchasing Agent
Section 2-4-03 Purchase Order
Section 2-4-04 through 2-4-10 Reserved

ARTICLE B PRIVILEGE LICENSE TAXES

Section 2-4-11 Definitions
Section 2-4-12 License Tax Levied
Section 2-4-13 Tax Collector; Duties
Section 2-4-14 License; Due Date
Section 2-4-15 Application; False Statement Thereon
Section 2-4-16 Proration of Tax; Seasonal Businesses
Section 2-4-17 Multiple Businesses
Section 2-4-18 Separate Places of Business
Section 2-4-19 Display of License
Section 2-4-20 Change in Place of Business
Section 2-4-21 No Abatement of Tax
Section 2-4-22 Effect of License
Section 2-4-23 Exemptions
Section 2-4-24 Unlawful to Conduct Business Without a License
Section 2-4-25 Collection of Unpaid Tax
Section 2-4-26 Schedule of License Taxes
Sections 2-4-27 through 2-4-40 Reserved

ARTICLE C FISCAL PROCEDURES

Section 2-4-42 Countersigned by a Designated Officer of the Town
Section 2-4-43 Disposal of Certain Surplus Property

ARTICLE A PURCHASING

Section 2-4-01 Disbursement of Funds

(a) In accordance with the Local Government Budget and Fiscal Control Act, no bill or claim against the Town may be paid unless it has been approved by the officer or employee responsible for the function or agency to which the expense is charged. No check or draft of the town shall be valid unless it bears on its face the certificate of the finance officer as follows: "this disbursement has been approved as required by the Local Government Budget and Fiscal Control Act."

(b) No contract, agreement or purchase order shall be valid unless it bears the finance officer's certificate as follows: "This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act."

State Law Reference: Preaudit of disbursements required, GS 159-28, as amended.

Section 2-4-02 Purchasing Agent

The Town Administrator shall serve as purchasing agent and as such shall:

(a) Make or approve all purchases of material, equipment and supplies authorized by the Board at the most favorable price for the town and shall see that the material, equipment and supplies delivered are correct in number or amount and comply with the standards and specifications agreed to at the time of purchase;

(b) Establish sets of standards and specifications to control purchases by the Town;

(c) Prepare and publish specifications and notices to bidders;

(d) Prepare standardized purchasing manual as a guide to all purchases made by the Town of Richlands;

(e) Advise the board as to anticipated needs for purchases and make purchases in advance of needs as authorized by the Board;

(f) Store material, equipment and supplies in advance of actual need;

(g) Keep records of all purchases made by him and of the destination or ultimate use of the material, equipment and supplies; and

(h) Cause to be kept an inventory of all municipal property in the custody of the other officers and employees of the Town.

State Law Reference: Public purchasing and contracts, generally, GS 143-129 et seq.

Section 2-4-03 Purchase Order

(a) Before any order is given for items to be paid by the Town or any purchase made by any town employee, a purchase order must first be obtained from the Town Administrator.

(b) Any town employee purchasing goods without a purchase order from the Town Administrator may be held responsible for the cost of the goods. Exceptions to this shall be in circumstances where the emergency purchase procedure must be followed.

Sections 2-4-04 through 2-4-10 Reserved

ARTICLE B PRIVILEGE LICENSE TAXES

State Law References: Privilege license taxes, GS 160A-211. See also Schedule B of the Revenue Act of 1939, as amended (GS 105, Article 2) which specifies whether a city or town may levy a license tax on businesses taxed under this schedule.

Section 2-4-11 Definitions

The following words, whenever they are used in this article, shall be deemed to have the following meanings:

(a) Business - means any trade, occupation, profession, business, franchise or calling of any kind, subject by the provisions of the General Statutes of the State of North Carolina to a license tax, and not excepted by those applicable General Statues.

(b) Engaged (or engaging) in business within this Town - A person is "engaged in business within the town" when he engages in business activity of any type, either as owner or operator of the business by:
   1) maintaining a business location within the Town;
   2) soliciting business within the Town; or
   3) performing services within the Town.

(a) Person - Includes any individual, trustee, executor, other fiduciary, corporation, association, partnership, company, firm or other legal entity or agent thereof.

(b) Seasonal in nature - A business is "seasonal in nature" when it is taxed under this article on an annual basis, but is operated within the Town for less than six (6) months of the year.

Section 2-4-12 License Tax Levied

A license tax is hereby levied on the privilege of engaging in every business within this town which is listed in the schedule of taxes provided for in Section 2-4-26 of this article. Any person so engaged in business shall be responsible for making certain that the applicable license tax is paid.

Section 2-4-13 Tax Collector; Duties

(a) The Town Administrator is hereby designated as the proper town official to collect license taxes and to issue privilege license.

(b) The Town Administrator shall make any investigation necessary to determine the tax liability of persons engaged in business within the Town. If necessary, the Town Administrator is authorized to enter upon the premises of any business during normal business hours for the purpose of determining whether this article has been complied with.

Section 2-4-14 License; Due Date

(a) Unless otherwise provided in the schedule of taxes in Section 2-4-26, each privilege license issued shall cover the 12 month period beginning July 1 of each calendar year and ending June 30 of the subsequent calendar year.

(b) The privilege license tax is due on July 1 of each year. If, however, a person begins a business after July 1, the tax for that year must be paid before the business is begun.

Section 2-4-15 Application; False Statement Thereon

Every person desiring to obtain a license for the privilege of engaging in a business within this Town shall make application therefor in writing to the Town Administrator. The application, to be made on a form provided by the Town Administrator, shall contain the following information:

(a) name and nature of the business for which the license is sought;

(b) the address where the business is conducted, and a mailing address for the business, if different;

(c) the name and address of the person filling out the application, and his relationship to the business;

(d) the gross receipts of the business for the most recently completed tax year, if applicable; and

(e) any other information which the Town Administrator determines to be necessary.

Any person who willfully makes a false statement on a license application shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than $50.00, or imprisoned for not less that 30 days.

Section 2-4-16 Proration of Tax; Seasonal Businesses

(a) Except when a tax is based on a gross receipts, if a business is begun after January 31 but before July 1, the tax shall be one-half (1/2) of the amount of tax otherwise due.

(b) Except when a tax is based on gross receipts, a person engaged in a business which is seasonal in nature is liable for one-half (1/2) of the amount of tax otherwise due.

Section 2-4-17 Multiple Businesses

If a person is engaged in more than one (1) business made subject to a license tax under this article, the person shall pay the license tax prescribed in the tax schedule in Section 2-4-26 of this article for each business, even if the businesses are conducted at the same business location.

Section 2-4-18 Separate Places of Business

Unless otherwise provided by state law or by the tax schedule provided for in Section 2-4-26 of this article, if a person engages in a business in two (2) or more separate places, a separate license tax shall be required for each place of business. For purposes of this section, if a person engages in the same business at two (2) or more locations within the Town, which locations (1) are contiguous; (2) communicate with and open directly into each other, and (3) are operated as a unit, the person is liable for only one (1) license tax.

Section 2-4-19 Display of License

Each person issued a license under this article shall post the license in a conspicuous place in his regular place of business. If there is no regular place of business, the license shall be kept where it may be inspected at appropriate times by the Town Administrator. If a machine or other item of personal property is licensed, the license shall be affixed to the machine or item.

Section 2-4-20 Change in Place of Business

If a person who has obtained a license for a business taxed under this article desires to move from one (1) business location to another within the Town, the license which has issued shall be valid for the remainder of the license year at his new location, and no additional tax need be paid. Within a reasonable time after the change in location, however, the person shall inform the Town Administrator of the change in address.

Section 2-4-21 No Abatement of Tax

If a license discontinues a business before the end of the period for which the license was issued, the license tax shall not be abated nor shall a refund of any part of the license tax be made.

Section 2-4-22 Effect of License

The issuance of a license under this article does not authorize the carrying on of a business for which additional licenses or qualifications are required by state or local law, nor does the issuance of a license prevent the Town from enacting additional regulations applicable to the licensee.

Section 2-4-23 Exemptions

(a) any person who engages in business within this town for religious, educational or charitable purposes shall be exempt from paying any privilege license tax levied by this article.

(b) any blind person engaging in business within this town shall be exempt from paying any privilege license tax levied by this article to the extent provided by GS 105-249.

(c) any person serving in any branch of the armed forces of the United States or in the merchant marine, and desiring to engage in business within this town, shall be exempt from paying any privilege license tax levied by this article during the period of service, to the extent provided GS 105-249.

Section 2-4-24 Unlawful to Conduct Business Without a License

(a) It shall be unlawful for any person to engage in a business within this town upon which a privilege license tax is imposed by this article, without having paid the license as alluded to in Section 2-4-26 herein. Violators shall be guilty of a misdemeanor and, upon conviction, shall be fined not more that $50.00, or imprisoned for not more than 30 days. Each day that a person engages in business in violation of this Section constitutes a separate offense.

(b) The Town may seek an injunction against any person engaging in business in violation of this Section.

(c) A conviction under this Section does not relieve a person of his liability for the license tax or taxes imposed by this article.

Section 2-4-25 Collection of Unpaid Tax

(a) If a person begins or continues to engage in a business taxed under this article without payment of the required privilege license tax, the Town Administrator may use either of the following methods to collect the unpaid tax;

    1) the remedy of levy and sale, or attachment and garnishment, in accordance with GS 160A-207; or

    2) the remedy of levy and sale of real and personal property of the taxpayer, in accordance with GS 105-109(d).

(a) Any person who begins, or continues to engage in a business taxed under this article without payment of the tax, is liable for an addition tax of five percent (5%) of the original tax due, for each thirty days, or portion thereof that the tax is delinquent.

Section 2-4-26 Schedule of License Taxes

Taxes shall be levied and collected on the trades, professions, agencies, business operations and other subjects as set out in the schedule of license taxes, as approved by the Board of Aldermen, which is on file in the Town Hall. Privilege licenses shall be issued without charge.

Sections 2-4-27 through 2-4-40 Reserved

ARTICLE C FISCAL PROCEDURES

Section 2-4-41 Countersigned by a Designated Officer of the Town

All checks and drafts issued by the Town, regardless of amount, must be signed by the Town Clerk, and countersigned by the Mayor, the Town Administrator, or a designated alderman.

State Law Reference: Dual signatures on check, GS 159-25.

Section 2-4-43 Disposal of Certain Surplus Property

.1 Authority
The Town Administrator is hereby authorized, pursuant to G.S. 160A-266(c), to dispose of any surplus personal property owned by the Town of Richlands, whenever he determines, in his discretion, that:

1. The item or group of items has a fair market value of less than $1,000;
2. The property is no longer necessary for the conduct of public business; and

Sound property management principles and financial considerations indicate that the interests of the Town would best be served by disposing of the property.

.2 Means of Disposal
The Town Administrator may dispose of any such surplus personal property by any means which he judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in Article 12 of G.S. Chapter 160A. Such sale may be public or private, and with or without notice and minimum waiting period.

.3 Sale to Highest Bidder
The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the Town if greater value may be obtained in that manner, and the Town Administrator is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the Town Administrator may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No surplus property may be donated to any individual or organization except by resolution of the Board of Aldermen.

.4 Reporting Requirements

The Town Administrator shall, on or before the first day of February, report in writing to the Board of Aldermen on any property disposed of under these provisions from July 1 through December 31 of the previous year, and shall, on or before the first day of August, report in writing to the Board of Aldermen on any property disposed of under these provision from January 1 through June 30 of that year. The written report shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange since the last such report was submitted.

Sections 2-4-44 through 2-4-49 Reserved

TITLE 3

AN ORDINANCE ESTABLISHING THE REGULATIONS AND GUIDELINES FOR THE OPERATION OF PUBLIC SAFETY AGENCIES IN THE TOWN OF RICHLANDS, NORTH CAROLINA, AND PROVIDING FOR AMENDMENTS AND SUPPLEMENTS TO THE SAME.

Chapter 1 Law Enforcement
Chapter 2 Fire Protection and Prevention
Chapter 3 Emergency and Rescue

CHAPTER 1 LAW ENFORCEMENT

ARTICLE A POLICE DEPARTMENT, IN GENERAL

Section 3-1-01 Creation
Section 3-1-02 Composition of Department
Section 3-1-03 Police Officers' Duties
Section 3-1-04 Personnel
Section 3-1-05 through 3-1-10 Reserved

ARTICLE B POLICE DEPARTMENT OPERATING REGULATIONS

Section 3-1-11 Control and Supervision
Section 3-1-12 Power and Authority
Section 3-1-13 Uniforms
Section 3-1-14 Conditions of Employment
Section 3-1-15 Requirements of Employment
Section 3-1-16 Specific Functions of the Chief
Section 3-1-17 through 3-1-30 Reserved

ARTICLE C POLICE RESERVE

Section 3-1-31 Authorized
Section 3-1-32 Workmen's Compensation Benefits
Section 3-1-33 Compensation
Section 3-1-34 Liability of Town
Section 3-1-35 through 3-1-39 Reserved

ARTICLE A POLICE DEPARTMENT; IN GENERAL

Section 3-1-01 Creation

The Town Police Department is hereby created subject to the terms, authority and conditions set out in Sections 3-1-01 through 3-1-39 of this Code.
State Law reference: Municipal law enforcement in general, G.S. 160A-281 et seq.

Section 3-1-02 Composition of Department

The Police Department of the Town shall consist of a chief of Police and Policemen of a designated grade as the Town Board deems necessary, from time to time, all of whom shall hold office at the pleasure of the Town Board and shall receive compensation as the Town Board shall direct.

Section 3-1-03 Police Officers' Duties

a) The Chief of Police and the members of the Police Department shall have the duty of enforcing all ordinances of the Town and the laws of this state within the Town, and other duties as may be prescribed by ordinance, and to abide by rules and regulations as the Town Board may prescribe.

b) It shall be the duty of each member of the Police force, upon information furnished him, or upon his knowledge of any violation of the ordinances of the Town or of the laws of this state, to secure proper warrants for the arrest and trial of offenders against any ordinances or laws.

Section 3-1-04 Supervision of Department

The Chief of Police shall have immediate direction and control of the members of the Police Department, subject however, to the supervision of the Town Administrator, Town Board and to rules, regulations and order that the Town Board may prescribe.

Section 3-1-05 Personnel

The Town Board shall have the duty of hiring persons as may be necessary to man the police force of the Town and to provide the Town with adequate police protection, together with the duty of discharging the members.

Sections 3-1-06 through 3-1-10 Reserved

ARTICLE B POLICE DEPARTMENT OPERATING REGULATIONS

Section 3-1-11 Control and Supervision

The Chief of Police of the Town, subject to the general supervision of the Town Board, is held responsible for the discipline, good order and proper conduct of the department and the various duties thereof, and for the proper enforcement of the laws of the state and of the Town.

Section 3-1-12 Power and Authority

a) The persons exercising police powers shall have all the power and authority now, or which may hereafter be invested in local law enforcement officers for the preservation of the peace of the Town and for suppressing disturbances and arresting offenders.

b) Except when pursuing an offender of the law or happening upon persons in the act of committing some offense, or when directed by a superior officer or when acting pursuant to official request for assistance, the police shall carry out their duties when on duty within the law enforcement jurisdiction of the Town.

State Law reference: Jurisdiction of policemen, G.S. 160A-286, 15A-402.

Section 3-1-13 Uniforms

All Police Officers except the Chief shall wear uniforms as shall be provided by the Town and shall keep such uniforms in a neat and clean condition, and shall surrender all uniforms and equipment upon leaving the police service of the Town if the uniforms and equipment were furnished by the Town. The Chief may wear a uniform provided by the Town, if he so desires.

Section 3-1-14 Conditions of Employment

Members of the Police Department shall be appointed by the Town Board after due examination by the Board and based upon the results of the examination. Unless provided otherwise by the Board, members of the Police Department shall be subject to the general personnel policies of the Town.

Section 3-1-15 Requirements of Employment

Every person appointed as a law enforcement officer shall:

a) Be a citizen of the United States;

b) Be at least 20 years of age;

c) Be of good moral character and possess correct habits;

d) Be fingerprinted and a search made of local, state, and federal fingerprint files;

e) Not have been convicted of a felony or an offense involving moral turpitude;

f) Have a high school diploma or its equivalent;

g) Pass an examination conducted by a physician; and

h) Be interviewed and approved by the Town Board.

State Law reference: State law now requires that local law enforcement officers be certified by the Criminal Justice Training and Standards Council, G.S. 7A et seq.

Section 3-1-16 Specific Functions of the Chief of Police

The functions of the Chief of Police in the Town are:

a) To issue to the force under his command any orders and directives as may be necessary to preserve the public peace, prevent crime, arrest offenders and to protect public and private property and person in the Town;

b) To enforce the laws, ordinances, police regulations and executive orders applicable to his jurisdiction;

c) Upon the direction of the Board, to suspend from duty, any members of the department for incompetence, neglect of duty, immorality, drunkenness, drinking intoxicants when on duty, or who shall be found unfit for duty when called on for emergency service, or who fail to obey orders given by proper authority, and in addition for any just or reasonable cause in the judgment of the Town Board;

d) To require the proper submission and handling of the necessary and required reports.

Section 3-1-16(e) Curfews for Minors

a) The purpose of this section shall be to establish a curfew for minors in the Town of Richlands and to promote the health, safety, and welfare of both minors and adults in the Town of Richlands and in recognition of:

1. the particular vulnerability of our youth to nighttime and drug related crime;

2. the inability of many young people to make critical decisions in an informed, mature manner;

3. the importance of the parental role in child rearing.

b) As used in this section the following definitions shall apply:

1. Public Place: Areas such as, but not limited to, common areas open to all for common use; alleys, streets, or public places, or places of business and amusement; public vehicular areas, highways, and parks; establishment open to the public for the conduct of business.

2. Guardian: One who legally has the care and management of the person of a child defined as minor by this ordinance.

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

c) A curfew applicable to minors is established and shall be enforced as follows:

1. Time Limits. It is unlawful for any minor to be or remain upon any pubic place as defined in this ordinance in the Town of Richlands between midnight Friday and five o'clock a.m. on Saturday, or between midnight Saturday and five o'clock a.m. on Sunday, or between the hours of eleven o'clock p.m. and five o'clock a.m. of the following morning on Sunday, Monday, Tuesday, Wednesday, or Thursday.

2. Exceptions. The restrictions provided by subsection (c)1 shall not apply to any minor who is accompanied by a guardian, parent or other person charged with the care and custody of such minor, or other responsible person over eighteen (18) years of age, nor shall the restriction apply to any minor who is traveling between him home and his place of employment, church, municipal building or school where a function is being held.

3. Responsibility of Persons charged with the Care and Custody of Minors. It is unlawful for any parent, guardian, or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon, or remain in or upon a public place within the Town of Richlands within the curfew hours set by subsection (c)1, except as otherwise provided in subsection (c)2.

4. Responsibility of Business Establishments. It is unlawful for any person, firm, or corporation operating a place of business or amusement to allow or permit any minor to be in or upon, or to remain in or upon, any place of business or amusement operated by them within the curfew hours set by subsection (c)1, except as otherwise provided in subsection (c)2.

5. Enforcement.

   a) When a minor is found to be in a public place during the prescribed times, the police office on duty will check the Record Book kept in the Police Department of the Town of Richlands to determine if the minor is a first offender. If the minor is a first offender, he will be taken to the residence of his parent or guardian. A written warning will be given to that adult and an information report taken by the officer to include the name of the minor and adult, and the time, date and location of the offense. This report will be entered into the Police Department Record Book.

   b) If, upon checking the Record Book or the Computer System, the minor is found to be a repeat offender, he will be taken to the residence of his parent or guardian and the adult will be subject to a criminal citation pursuant to subsection (c)6 of this article. A report will be entered in the record book.

   c) If the minor is under twelve (12) years of age a report will be made and a copy forwarded to the Onslow County Department of Social Services.

6. Aiding and Abetting by Adult, Guardian, or Parent. It shall be a violation of this ordinance for an adult, guardian, or parent to allow, permit, encourage, aid or abet a minor in the violation of subsection (c)1 of this ordinance, except as otherwise provided in subsection (c)2.

7. Refusal of Guardian or Parent to Take Custody of a Minor. If any guardian or parent refuses to take custody of his minor child found in violation of this ordinance, the officers with custody of said minor shall contact the Onslow County Department of Social Services and release the minor to that agency, pending further investigation by the Police Department and the Department of Social Services. The adult will be subject to a criminal citation pursuant to subsection (c)6 of this article.

8. Emergency Curfew. Under the authority of N.C.G.S. 14-288-12, whenever the Mayor of the Town of Richlands deems that an emergency exists, and there is a clear and present danger to the preservation of the public peace, health, life or safety or to public or private property in the Town necessitating expansion of the curfew provisions set forth in section (c)1, the Mayor may effect such expansion effective for the period of the emergency by proclamation. The proclamation shall contain a statement of the reasons for such necessity, the period of the expanded curfew, and provide that no minor under the age of sixteen shall be upon or about or remain upon of about public places as defined by this ordinance in the Town between the hours of 8:00 PM and 5:00 AM of the following morning unless accompanied by his parent, guardian, or responsible adult. Said proclamation may further provide that no parent or guardian of any minor under the age of sixteen shall allow the child to be upon or about or remain upon or about any public place as defined by this ordinance in the Town between the hours of 8:00 PM and 5:00 AM of the following morning unless the child is under direction or protection of some adult person with authority and consent of such parent or guardian for his being there. Said proclamation shall become effective for thirty (30) minutes after being publicly announced by the Mayor for the said period or until rescinded by the Mayor or repealed by Council in the manner in which ordinances are repealed. As soon as is reasonably possible the proclamation shall be published and reported in the local media and posted conspicuously about the Town of Richlands.

9. Punishment. The punishment for violation of this ordinance shall be a fine of up to $500.00 and/or imprisonment for up to six (6) months.

Sections 3-1-17 through 3-1-30 Reserved

ARTICLE C POLICE RESERVE

Section 3-1-31 Authorized

The Board of Aldermen may provide for the organization, recruiting, training, equipping and appointing of auxiliary policemen, to be known as "Richlands Police Reserve" for the Town.

Section 3-1-32 Workmen's Compensation Benefits

Duly appointed police reserves, while training and while performing duties on behalf of the Town incidental to their appointment, shall be entitled to workmen's compensation benefits to the same extent as regular town employees; which benefits shall be determined in accordance with Section 97-2 of the General Statutes of North Carolina. (Code 1968, Section 19-2)

Section 3-1-33 Compensation

Reserve policemen shall not be entitled to remuneration for their services unless called into active duty because of an emergency, in which event they may receive such compensation for their services as shall be fixed by the Town Board. Reserve policemen shall not be entitled to any benefits of compensation other than those provided by or pursuant to this section; provided, however, that this section shall not in any manner affect the rights of any person to benefits provided by the state or by at of Congress for civilian defense workers or auxiliary policemen.

Section 3-1-34 Liability of Town

The Town shall be entitled to the same immunities with respect to the action of auxiliary policemen in the performance of their duties, or training or otherwise, to which it is entitled with respect to the actions of regular policemen in the performance of their duties.

Sections 3-1-35 through 3-1-39 Reserved

CHAPTER 2 FIRE PROTECTION AND PREVENTION

ARTICLE A FIRE DEPARTMENT

Section 3-2-01 Generally
Section 3-2-02 Reserved
Section 3-2-03 General Authority
Section 3-2-04 Following Fire Equipment
Section 3-2-05 Interfering with Firemen or Fire Apparatus
Section 3-2-06 Only Firemen and Policemen May Ride on Trucks without Permission
Section 3-2-07 Interfering with Fire Alarm Apparatus
Section 3-2-08 Giving False Alarm of Fire Forbidden
Section 3-2-09 Protection of Fire Hose
Sections 3-2-10 through 3-2-19 Reserved

ARTICLE B FIRE PREVENTION AND HAZARDS

Section 3-2-20 Definition
Section 3-2-21 Notification
Section 3-2-22 Restrictions - Hours
Section 3-2-23 Nuisances
Section 3-2-24 Safety
Section 3-2-25 Penalty
Section 3-2-26 Adoption of Fire Prevention Code
Section 3-2-27 Lots Kept Free from Fire Hazard
Section 3-2-28 Certain Fires to be Guarded by Watchman
Sections 3-2-29 through 3-2-40 Reserved

ARTICLE C FIRE LIMITS

Section 3-2-41 Description
Section 3-2-42 Regulations within Fire Limits

ARTICLE A FIRE DEPARTMENT

Section 3-2-01 In General

In accordance with the applicable General Statutes, the Town of Richlands may make such arrangements as it deems necessary to provide fire protection to the residents of the Town of Richlands.
State Law reference: Fire protection generally, G.S. 160A-291 et seq.

Section 3-2-03 General Authority

a) The officer in command shall have authority to summon aid and no citizen so summoned may refuse to help in extinguishing the fire or in protecting exposed property.

b) During the continuance of a fire, the fire chief, his assistant or the Mayor shall have authority to call upon any citizen to render assistance in pulling down or demolishing any building or in danger of fire, but not without the consent of the officer of the fire department or the police department who may be in charge.

c) It shall be unlawful to congregate on the streets or alleys near a fire in a manner which would interfere with the activities of the fire department.

d) In the event of an alarm of fire the apparatus of the fire department, responding to it, shall have the right-of-way in and upon all streets, lanes, alleys and other public ways.

e) The drivers of vehicles, upon the approach of fire apparatus, shall immediately bring their vehicle to a stop on the right hand side of the street in the direction in which they are facing and shall not move their vehicle until the apparatus has passed.

Section 3-2-04 Following Fire Equipment

It shall be unlawful to follow any fire apparatus which is responding to a call, by automobile or any other vehicle, unless the apparatus is used for transporting firemen to the scene of the fire, at a distance closer than one (1) city block, or to pass the apparatus or to park within the same block in which a fire is in process.

Section 3-2-05 Interfering with Firemen or Fire Apparatus

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

Section 3-2-06 Only Firemen and Policemen May Ride on Trucks without Permission

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

Section 3-2-07 Interfering with Fire Alarm Apparatus

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

Section 3-2-08 Giving False Alarm of Fire Forbidden

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

Section 3-2-09 Protection of Fire Hose

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

Sections 3-2-10 through 3-2-19 Reserved

ARTICLE B FIRE PREVENTION AND HAZARDS

Section 3-2-20 Definitions

Open burning shall be defined as the burning by fire or smoke of any trash, garbage, junk, debris, leaves, branches or other articles on public or private property within the corporate limits of the Town of Richlands, NC.

Section 3-2-21 Notification

Persons planning to burn large amounts of materials shall notify the Richlands Police Department and the Richlands Fire Department prior to commencing with burning. At that time, the person requesting to burn shall be advised as to the expected fire danger rating.

Section 3-2-22 Restrictions - Hours

Open burning shall be restricted to after 1:00 p.m. and before sunset or 8:00 p.m., whichever is later, only during times when the fire danger rating is low and only in such places as are five (5) feet form any street.

Section 3-2-23 Nuisances

If the Richlands Police Department, Town Administrator or Richlands Fire Department receive complaints about persons burning, the Richlands Police Department shall be notified and shall investigate. If said burning could be construed to be a nuisance, the party burning shall be notified to extinguish the fire immediately.

Section 3-2-24 Safety

Persons burning in the Town of Richlands shall at all times attend the fire. On hand shall be a metal rake, a metal shovel and a working water hose in the event of an emergency.

Section 3-2-25 Penalties

Persons found violating this ordinance shall be guilty of a misdemeanor, and shall be punishable upon conviction by a fine not to exceed fifty ($50.00) dollars or by imprisonment of not more than thirty (30) days for each violation.

Section 3-2-26 Adoption of Fire Prevention Code

The 1991 edition of Volume 5 of the State Building Code, entitled “Fire Prevention Code” is hereby adopted by reference as fully as though set forth herein as the fire prevention code for the Town. An official copy of the code shall be kept on file in the office of the Town Clerk.

Section 3-2-27 Lots Kept Free From Fire Hazard

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

Section 3-2-28 Certain Fires to be Guarded by Watchman

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

Sections 3-2-29 through 3-2-40 Reserved

Sections 3-2-41 through 3-2-42 missing from ordinance book.

CHAPTER 3EMERGENCY AND RESCUE

State Law reference: Authority of Mayor during states of emergency, G.S. 14-288.12.

Section 3-3-01 State of Emergency; defined
Section 3-3-02 Curfew
Section 3-3-03 Same; limited Application
Section 3-3-04 Same; Termination
Section 3-3-05 Same; Violations
Section 3-3-06 Penalty
Sections 3-3-07 through 3-3-09 Reserved

Section 3-3-01 State of Emergency; defined

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.

Section 3-3-02 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 of the Town is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency and, in order to more effectively protect the lives, safety and property of people within the Town, to define and impose a curfew applicable to all persons within the jurisdiction of the Town.

Section 3-3-03 Same; limited Application

The Mayor is hereby authorized and empowered to limit the application of such 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 policemen, firemen, doctors, nurses and any 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.

Section 3-3-04 Same; Termination

The Mayor shall proclaim the end of such state and curfew as soon as circumstances warrant or when directed to do so by the Town Board.

Section 3-3-05 Same; Violations

During the existence of a proclaimed state of emergency when a curfew has been imposed, it shall be unlawful for anyone subject to the curfew:

a) To 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;

b) To possess off one's own premises, buy, sell, give away or otherwise transfer or dispose of any explosives, firearms, ammunition or dangerous weapon of any kind;

c) To sell beer, wines or intoxicating beverages of any kind; or to possess or consume the same off one's own premises; and/or

d) To sell gasoline or any other similar petroleum products, or any other inflammable substances, except as expressly authorized by the provisions of the curfew imposed.

Section 3-3-06 Penalty

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding $50.00 or imprisonment not exceeding 30 days, as provided by G.S. 14-4.

Sections 3-3-07 through 3-3-09 Reserved

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TITLE 4

AN ORDINANCE TO ESTABLISH THE GUIDELINES AND REGULATIONS FOR PROVIDING PUBLIC WORKS SERVICE TO THE RESIDENTS OF THE TOWN OF RICHLANDS, NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SAID REGULATIONS, AND ANY AMENDMENTS TO THE SAME.

Chapter 1 Streets and Sidewalks
Chapter 2 Solid Waste Ordinance
Chapter 3 Utility Poles

CHAPTER 1 STREETS AND SIDEWALKS

ARTICLE A ACCEPTANCE AND IMPROVEMENT OF PUBLIC STREETS

Section 4-1-01 Policy Established.
Section 4-1-02 Requirements for Petition; Costs to be Paid by Property Owners.
Section 4-1-03 Costs to be Borne by Town.
Section 4-1-04 Assessment Procedure.
Section 4-1-05 Penalties and Interest for Failure to Pay Assessment.
Section 4-1-06 Required Length of Street Improvement.
Section 4-1-07 Standards and Specifications of Improvements.
Sections 4-1-08 through 4-1-10 Reserved.

ARTICLE B Excavation and Repair

Section 4-1-11 Permit to Dig in the Right-of-Way.
Section 4-1-12 Provisions of Permit.
Section 4-1-13 Restoration of Streets.
Section 4-1-14 Excavations; Leaving Unprotected.
Section 4-1-15 Streets Not to be Damaged.
Section 4-1-16 House Moving.
Section 4-1-17 Damage to Bridges and Culverts.
Section 4-1-18 Damage to Lights, Signs.
Section 4-1-19 Supervision and Control.
Section 4-1-20 Negligence in Excavating on a Lot Contiguous to a Street
Section 4-1-21 through 4-1-29 Reserved.

ARTICLE C Miscellaneous

Section 4-1-30 Drainage and Utilities Easements.
Section 4-1-31 Driveways and Curb Cuts.
Section 4-1-32 Right-of-way Maintenance.
Sections 4-1-33 through 4-1-39 Reserved.

ARTICLE A ACCEPTANCE AND IMPROVEMENT OF PUBLIC STREETS

Section 4-1-01 Policy Established.

The Board will consider the construction of curb and gutter, street, and sidewalk improvements along any public street only when a petition is presented to the Board by the abutting property owners requesting such improvement. No petition for curb and gutter, street, and sidewalk improvements will be considered unless such petition is signed by no less than fifty one (51) percent of the property owners who represent at least fifty one (51) percent of the lineal footage abutting such improvement..

Section 4-1-02 Requirements for Petition; Costs to be Paid by Property Owners.

In order to receive consideration, a petition submitted to the Board shall specify that the property owners requesting the improvement will pay five dollars ($5.00) per front foot for curb-gutter, etc., of the total cost of such improvements, and two dollars and fifty cents ($2.50) per foot for sidewalk paving if sidewalk is requested.

Section 4-1-03 Costs to be Borne by Town.

The Town will bear the remaining total costs of any curb and gutter, street, and sidewalk, project and the total cost of constructing such improvement at street intersections.

Section 4-1-04 Assessment Procedure.

When a curb and gutter, street, or sidewalk improvement petition is approved and when funds are available, the Board may undertake such curb and gutter, street, and sidewalk improvement, and they shall assess the abutting property owners for their proportionate share of such improvements in accordance with the assessment procedure as specified in G. S. 160A through 160A-238, at an equal rate per front foot.

Section 4-1-05 Penalties and Interest for Failure to Pay Assessment.

Property owners who fail or refuse to pay their assessment for curb and gutter, street or sidewalk improvements at the time the assessment becomes due shall pay their assessment in five (5) equal annual installments and shall be charged interest thereon at the rate of six percent (6%) per annum as required by G.S. 160A-232 and 233.

Section 4-1-06 Required Length of Street Improvement.

No petition for curb and gutter, street, and sidewalk improvements will be considered by the Board unless the improvements extends for a distance of not less than one (1) normal residential block and includes both sides of a street.

Section 4-1-07 Standards and Specifications of Improvements.

Construction of curb and gutters, street, and sidewalk improvements and the construction or reconstruction of culverts, ditches, other drainage structures and driveway entrances shall be constructed in accordance with the written standards and specifications that may now or hereafter be adopted by the Town, and all work shall be done under the supervision of the Town official

appointed for this purpose by the Board.

Sections 4-1-08 through 4-1-10 Reserved.

ARTICLE B EXCAVATION AND REPAIR

Section 4-1-11 Permit to Dig in the Right-of-Way

It shall be unlawful for any person to make any excavation or do any other work which may cause a dangerous condition in or on any street, alley, sidewalk, public way or public place in the Town, unless a written permit therefor shall have been first obtained from the Town Administrator or his assign. No permit shall be issued in any case where a bond is required, until a bond shall have been executed and filed with the Town Administrator. The officers having authority to grant the desired permit may refuse to grant the same for good and sufficient cause, but the applicant therefor shall have the right to appeal such refusal to the Board of Aldermen.

Section 4-1-12 Provisions of Permit

Every permit for excavations in, or work upon, the streets, alleys, sidewalks or public places of the Town shall specify the location, character and extent of the proposed excavation or work, the name of the person to whom the same is granted, and the name of the person by whom the excavation is to be made or the work to be done. The permit shall also specify that the same shall become void if the excavation or work authorized therein shall not be begun and completed within a time to be specified therein, and shall require that notice of the proposed work be given to the police communications center 24 hours in advance of beginning the work. In an emergency, such notice shall be given as soon as possible. Such permit shall further provide that the same is subject at any time to be revoked by the Board of Aldermen, Director of Public Works, or Town Administrator of the Town of Richlands. It shall be unlawful for any person to neglect or refuse to comply with the provisions of such permit, or to make any excavation, do any work or continue the excavation of work after the expiration or revocation of the permit.

Section 4-1-13 Restoration of Streets

When any part of any street, sidewalk, alley or public place of the Town shall be torn, dug up or taken up, for any purpose, the person doing the same shall immediately upon the completion of such purpose, and as speedily as practicable during the accomplishment thereof, return the earth, ram and water-tamp or puddle the same to firm and solid bearing, in such manner as will entirely prevent the settling of such earth; and shall replace the surface of the street, sidewalk, alley or public place and restore the same to a condition as good in all respects as before the excavation was made, all of which shall be done according to the directions of the Director of Public Works and the Town Administrator, and to their satisfaction. Any person neglecting, refusing or failing to comply with any provision of this section shall be guilty of a violation thereof, and where such neglect, refusal or failure is continued, after notice from the Town Administrator, every day's continuance thereof shall constitute a separate and distinct offense.

Persons who make excavations or perform other work in or on any street or public way shall traffic control and warning measures in compliance with the guidelines in the Manual on Uniform Traffic Control Devices published by the U. S. Department of Transportation, and the Construction and Maintenance Operations Supplement (to the MUTCD) published by the N. C. Department of Transportation.

Section 4-1-14 Excavations; Leaving Unprotected

It shall be unlawful for any person, firm or corporation making any excavation for any purpose whatsoever in any of the streets or sidewalks to fail to securely cover such excavations with planks, or place ropes around the same three (3) feet from the ground or to fail to place a sufficient number of red lights around such excavation before dark and to keep such lights burning all night every night such excavation shall be open.

Section 4-1-15 Streets Not to be Damaged

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

Section 4-1-16 House Moving

No person shall move any house or building, except a mobile home, as defined in this code, upon or across the public streets or sidewalks without the written consent of the Board and the deposit of a good and sufficient bond in the sum of five hundred dollars ($500) to cover damage done to such street or sidewalk or to any property of any person.

Section 4-1-17 Damage to Bridges and Culverts.

No person shall injure or misplace any part of any bridge, culvert, ditch and drain or other property belonging to or used by the Town, or shall place any obstruction in any culvert, ditch or drain, to prevent the free flow of water on or over the streets of the Town.

Section 4-1-18 Damage to Lights, Signs.

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

Section 4-1-19 Supervision and Control.

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

Section 4-1-20 Negligence in Excavating on a Lot Contiguous to a Street.

Every person is forbidden to make or cause to be made any excavations on any lot contiguous to any street or sidewalk so negligently that the same, by caving in or otherwise, may in any manner endanger or injure such street or sidewalk, or persons using the same.

Sections 4-1-21 through 4-1-30 Reserved.

ARTICLE C MISCELLANEOUS

Section 4-1-31 Drainage and Utilities Easements.

Easements for installation and maintenance of utilities and street drainage facilities are reserved as shown on recorded property plats. Within these easements, no structures, planting or other materials should be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through the drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those specific improvements for which a public authority or utility company is responsible.

Section 4-1-32 Driveways and Curb Cuts.

No person shall install a driveway, service alley or similar connection with a Town street nor cut or otherwise disturb or damage the street curb or side drainage without a permit from the Town Administrator.

Section 4-1-33 Right-of-Way Maintenance.

That portion of the street right-of-way not in active use, by installation of roadway, sidewalks or other improvements or services, by the Town shall be maintained by the abutting property owner.

Sections 4-1-34 through 4-1-39 Reserved.

CHAPTER 2 SOLID WASTE ORDINANCE

ARTICLE A IN GENERAL

Section 4-2-01 Definitions
Section 4-2-02 General Prohibitions
Section 4-2-03 Duty of Property Owner
Section 4-2-04 Contents of Notice
Section 4-2-05 Abatement by City
Section 4-2-06 Payment of Costs
Section 4-2-07 Criminal Action, Other Civil Remedies
Sections 4-2-08 through 4-2-09 Reserved

ARTICLE B PRECOLLECTION AND COLLECTION POLICIES

Section 4-2-10 Containers
Section 4-2-11 Access to Containers
Section 4-2-12 Special Applications
Section 4-2-13 Prohibited Contents of Containers
Section 4-2-14 Access to Private Property
Section 4-2-15 Accumulation Prohibited
Section 4-2-16 Collection
Sections 4-2-17 through 4-2-19 Reserved

ARTICLE C CHARGES AND ENFORCEMENT

Section 4-2-20 Determination of Charges
Section 4-2-21 When Payment Due
Section 4-2-22 Failure to Pay
Section 4-2-23 Responsibility for Use of Service
Section 4-2-24 Payment Application
Section 4-2-25 Enforcement
Section 4-2-26 Penalty for Violation
Section 4-2-27 through 4-2-39 Reserved.

ARTICLE A IN GENERAL

Section 4-2-01 Definitions

Words and phrases as used in this chapter are defined as follows:

I. Bulk container means a waterproof metal container of not less than four (4) cubic yards, nor more than eight (8) cubic yards in size, designed for solid waste storage and to be lifted and emptied by mechanical means into a solid waste transportation vehicle.

II. Bulky Wastes means large items of solid waste, such as furniture, appliances, parts of appliances, white goods or other items either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors with the equipment available therefor.

III. Construction and demolition waste means discarded or unused construction materials resulting from the construction, demolition, reconstruction, remodeling, and repair of houses, commercial buildings and other structures. Such waste shall include, but not be limited to, excavated earth, stones, brick, plaster, lumber, concrete shingles, insulation, stumps, trees, brush, fixtures and waste parts generated by installation and replacements of structures and facilities, or from land clearing activities.

IV. Dwelling means any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating. The definition of dwelling unit shall include mobile homes, recreation vehicles, campers and other vehicles capable of human occupancy with facilities for sleeping and cooking.

V. Hazardous waste means waste or combination of wastes, in any form, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or which poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

VI. Medical waste means waste generated in connection with the testing, treatment or care of medical patients who have or may have communicable diseases, such as bedding or clothes, used instruments or utensils, pathological specimens or other similar material.

VII. Mobile solid waste containers means rolling, plastic and metal refuse containers with a capacity of ninety (90) gallons, designed for storage of residential and small business refuse and capable of being automatically dumped by the town's residential collection equipment.

VIII. Occupant means any person who, alone or jointly with others, is in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

IX. Solid waste means unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, refuse, rubbish, animal waste, agricultural waste, trash and yard waste.

A. Commercial solid waste means solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment and multiple-housing facilities with more than four (4) dwelling units and which cannot be serviced by 3 or less mobile solid waste containers.

B. Residential solid waste means solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities with four (4) or more dwelling units which cannot be serviced by 3 or less mobile solid waste containers. Commercial solid waste which can be serviced by 3 or less mobile solid waste containers may be treated as residential solid waste.

X. Solid waste collector means employee of the town or a solid waste collection agency operating under a contract with the town who collects and transports solid waste.

XI. Solid waste container means receptacle, including a bulk container, used by any person to store solid waste for collection by the town or an authorized waste collection agency. said containers shall be of a type approved by the town. Containers shall be leak proof, waterproof, and shall be properly covered at all times, except when deposing waste therein or removing the contents thereof. There shall be two (2) types of containers:(1) residential -- mobile roll-out containers which hall be not less than ninety(90) gallons in size and a design to be rolled; (2) commercial -- a metal bulk container which is dumped mechanically.

XII. Waste means useless, unwanted, or discarded materials resulting from community activities, including solids, liquids and gases.

XIII. Yard waste means grass clipping, leaves, tree trimmings, shrubbery trimmings, and other yard maintenance waste.

Section 4-2-02 General Prohibitions

It shall be unlawful for any person to:

1) Deposit solid wastes in any solid waste container which is not assigned to that person without the consent of the possessor of such container;

2) Leave outside any building in a place accessible to children an appliance such as a lock or door from the appliance; provided, however, that this prohibition shall not apply to appliances which are created, strapped or locked in such manner that a child cannot obtain access to the airtight compartment thereof;

3) Interfere in any manner with solid waste collectors or solid waste collection and transportation equipment;

4) Dispose of solid waste in any manner not authorized by this ordinance;

5) Engage inn the business of collecting, transporting, processing or disposing of solid wastes within the corporate limits of the town without a contract, permit or franchise from the town;

6) Permit any dirt, rocks, sand, brick, broken concrete, lumber, tree trucks, limbs or trimmings, cinders, plaster, gravel, or ashes to fall, be scattered or blown upon any street from any vehicle transporting such materials, or to fail to remove such materials immediately from the street is such materials fall upon the street;

7) Place any solid waste or solid waste container or other objects in, upon or over any storm drain opening;
8) Place, discard, dispose or leave any garbage or solid waste upon a street or highway with the town, or upon any property owned or operated by the town unless such garbage or solid waste is placed in a designated location or in a solid waste container.

9) Place, discard, dispose or leave any garbage, refuse, solid waste, construction waste or bulky waste upon private property within the town except solid waste stored in approved containers placed for immediate pickup and disposal off-premises, not to exceed a period of seven (7) days. This include privately owned property, and applies to the landowner as well as the general public and tenants.

10) Permit grass, yard waste, clippings to fall on or be placed on the street, curb, gutter, sidewalks and storm drain opening.

11) Place or allow mobile solid containers of recycling bins to remain curbside for more than 24 hours prior to or following regular solid waste collection or recycling collection.

Section 4-2-03 Duty of Property Owner

Whenever trash or debris is found in the public streets, parks, or alleys, it shall be the responsibility of the fronting property owner to remove said trash or debris upon written notice by the code enforcement officer.

Section 4-2-04 Contents of Notice

The notice shall contain:

a) An order to remove the trash or debris from the street, park or alley within two (2) days of the notice.

b) The statement that if the trash or debris is not removed from the street, park, or alley within the prescribed time, the city will abate such nuisance and assess the cost thereof against such person.

Section 4-2-05 Abatement by City

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter to abate the same, he city shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

Section 4-2-06 Payment of Costs

Upon completion of the abatement of the nuisance herein described by this city under the provisions of this chapter, the code enforcement officer shall deliver to the city finance officer a statement including the costs of labor, hauling, and other necessary times of expense for such abatement. The city finance officer shall thereupon mail to the owner of the lot a bill covering the costs. As provided in G.S. 160A-193, the amount of the bill shall become a lien upon said property and if not paid within thirty (30) days shall be collected in the same manner as provided for the collection of delinquent taxes.

Section 4-2-07 Criminal Action, Other Civil Remedies

The abatement of any nuisance in accordance with the procedure prescribed by this chapter shall

not prevent the city from proceeding in a criminal action against any person violating the provisions of this chapter. Violations of this chapter may be subject to abatement summarily by appropriate injunction issued by a court of competent jurisdiction.

Sections 4-2-08 through 4-2-09 Reserved

ARTICLE B PRECOLLECTION AND COLLECTION POLICIES

Section 4-2-10 Containers

All dwelling units, businesses and other occupants or owners of property located within the town which generate solid waste shall obtain from the town or its duly authorized contractor, solid waste containers in order to receive municipal solid waste collection services.

Section 4-2-11 Access to Containers

All mobile solid waste containers shall be placed within ten (10) feet of the paved portion of the street or road serving the property by 7:00 a.m. on the days of collection. town employees or solid waste contractors shall not retrieve or empty any solid waste container which is not street-side except as to those residential customers who cannot roll the container to the street because of illness or age. Any person requesting to be exempt from the requirements of rolling the containers to the street shall make application to the Town Administration who shall rule on each requested exemption.

Section 4-2-12 Special Applications

a) Dangerous Items. Any solid wastes which are dangerous to handle by solid waste collectors, such as fluorescent tubes, vacuum tubes, light bulbs, sharp pieces of metal, or hypodermic syringes, shall be securely wrapped and marked with a visible warning.

b) Wet Garbage. All wet garbage shall have the liquid drained off and shall be wrapped in paper, or other combustible material before it is placed in the solid waste container, thus preventing smell and the breeding of flies in summer and freezing and adhesion to the container in winter.

c) Yard Waste. Any person desiring to place yard waste for collection shall cause the same to be securely bagged or tied in bundles, not heavier than fifty (50) pounds, and no longer than six (6) feet in length and ten (10) inches in diameter. Yard waste shall be placed for collection at the curb side at the street and shall be collected, upon notification, at the town's convenience.

d) Construction and Demolition Waste. Construction and demolition waste shall be collected, removed and disposed of by the construction contractor or builder, or in event of their failure by the occupant of the property, in no less than seven (7) days if said waste is not stored or contained in a bulk container located on the site. A bulk container shall be installed on site if the volume of waste being generated on the site. Bulk containers containing construction and demolition waste shall be emptied by the construction contractor, builder, or occupant of the property, as necessary. All costs associated with the installation and/or disposal of the contents of the bulk containers shall be borne by the property owner or construction contractor.

e) Industrial Waste. Industrial waste shall be collected, removed and disposed of by the operator of the factory, plant, operation or enterprise creating or causing the industrial waste.

f) Commercial Solid Waste. Commercial solid waste shall be stored in bulk containers

which are compatible with the town's or the solid waste collector's waste collection equipment. The containers shall be waterproof, lead proof, and shall be covered at all times except when depositing waste therein or removing the contents thereof.

g) Bulky Waste. Bulky waste shall be collected upon request to the director of public works. Bulky waste shall not be deposited in mobile solid waste containers, but shall be deposited for collection at the curb side, to be picked up at the town's convenience, and charged to the customer according to a schedule on file in the office of the town clerk.

h) Ashes. Ashes shall be placed in a separate container and allowed to cool at least twenty-four (24) hours before being placed for removal in mobile solid waste containers, in their own separate bag or other suitable container, properly closed and fastened to prevent spillage.

i) Tires. Ties shall not be placed in mobile solid waste containers and will not be picked up for disposal by the Town or the town's duly authorized collection contractor. Tires should be disposed of by the owner in accordance with state and county regulations.

Section 4-2-13 Prohibited Contents of Containers

The following items are prohibited to be placed in authorized solid waste containers that are part of the regular solid waste collection system of the town or tot be placed on public or private property for more than 7 days:

1) Motor vehicle tires;
2) Construction and demolition wastes;
3) Hazardous, radioactive or medical wastes;
4) Burning or smoldering materials or any other materials which would create a fire hazard; or
5) Rocks, dirt, sod, paint, or motor oil;
6) White goods, appliances, or parts of white goods or appliances.

Section 4-2-14 Access to Private Property

Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.

Section 4-2-15 Accumulation Prohibited

No property owner or occupant shall allow the accumulation of garbage, refuse, solid waste, construction wastes or bulky wastes upon property owned or occupied by him so that such accumulation is dangerous or prejudicial to the public health. Nor shall any person permit any type of waste to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit the waste in an approved manner, in accordance with this ordinance, in any event, not to exceed 14 days.

In the event that an accumulation of waste exists and remains on property longer than is reasonably necessary to remove and deposit the waste as required herein or more than 14 days, the town may, without further notice to the owner or occupant, remove or remedy the

accumulation and charge the expense of the removal and disposal to the owner or occupant of the property responsible. Such charges shall be billed within thirty (30) days of removal and if not paid, shall be a lien upon the land or premises where the accumulation occurred and shall be collected as unpaid taxes.

Section 4-2-16 Collection

Mobile solid waste containers and bulk containers shall be collected by the town or its solid waste collector in accordance with a schedule kept on file in the office of the town clerk and available for public inspection.

Sections 4-2-17 through 4-2-19 Reserved

ARTICLE C CHARGES AND ENFORCEMENT

Section 4-2-20 Determination of Charges

The rates and charges for waste disposal service and/or the future charges for waste collection service provided by the Town or its duly authorized solid waste collector shall be as determined by the Town Board from time to time and on file in the office of the Town Clerk.

Section 4-2-21 When Payment Due

All bills for sanitation services furnished by the Town or its duly authorized solid waste collector, shall be due and payable prior to midnight of the fifteenth day following the date of such bill; provided, however, that if such due date shall fall on a Sunday or a legal holiday observed by the Town, then such bill shall be due and payable by midnight of the following business day.

Section 4-2-22 Failure to Pay

a) Late charge. In the event any customer of sanitation services furnished by the Town or its duly authorized solid waste collector fails to pay their bill when due, a penalty of ten (10) percent of the amount due and owing shall be imposed and added to such bill.

b) Discontinuance of Service. In the event bills for sanitation services are not paid within an additional period of ten (10) days, the Town shall have the right to discontinue all sanitation services furnished by the Town or its duly authorized solid waste collector to the customer in arrears.

c) Reinstatement after discontinuance of service. In the event sanitation service is discontinued for nonpayment of the bill, the customer shall have the right to have service reinstated only upon the payment of the amount due and such additional reinstatement fee as is prescribed by the Town Board from time to time.

Section 4-2-23 Responsibility for Use of Service

All improved premises located within the Town limits of the Town of Richlands shall be presumed to be using the Town sanitation or service, and the occupants or owners of the premises shall be charged for this service. If there is not a tenant or other service customer of record, the owner shall be considered the occupant and shall be responsible for all payment for sanitation services.

Section 4-2-24 Payment Application

All payments for utility services and sanitation services shall be applied to the customer's accounts, whether full payment or partial payment, in the following order:

1) First, to sanitation late charges.
2) Second, to sanitation arrears charges.
3) Third, to sanitation current charges.
4) Fourth, to water late charges.
5) Fifth, to sewer late charges.
6) Sixth, to water arrears charges.

7) Seventh, to sewer arrears charges.
8) Eighth, to sewer current charges.
9) Ninth, to water current charges.

In the event of partial payments, the utility charges will be considered outstanding and the disconnection for nonpayment, section 5-1-06 of the Town's water and sewer ordinance shall be enforced.

Section 4-2-25 Enforcement

Administration and enforcement of this ordinance shall be the duty of the Public Works Director of the Town of Richlands.

Section 4-2-26 Penalty for Violation

Violation of any of the provisions of sections 4-2-03, 4-2-06, 4-2-13 or 4-2-15 by any firm, person or corporation shall constitute a misdemeanor and upon conviction shall be punished by a fine not to exceed $500.00 or of imprisonment by no more than six (6) months, or both. Each and every violation shall constitute a separate and distinct defense.

Section 4-2-27 through 4-2-39 Reserved

CHAPTER 3 UTILITY POLES

Section 4-3-01 Permit Required
Section 4-3-02 Use of Poles by Other
Section 4-3-03 Duty to Keep in Safe Condition
Section 4-3-04 Use by Town
Section 4-3-05 Cutting, Painting, etc., Utility Poles Prohibited; exception
Section 4-3-06 through 4-3-09 Reserved

Section 4-3-01 Permit Required

No poles for electric, telegraph, telephone, or other purposes shall be placed on any street without a permit.

Section 4--3-02 Use of Poles by Others

Whenever any electric, telephone or telegraph Company shall desire to place a line of wires along any particular street upon which it does not have a line of poles, but upon which street there exists a line of poles owned by another company, then such companies may maintain their wires upon the same poles. If an agreement cannot be reached between the companies owning the poles and the companies desiring to place wires thereon, then the companies may submit the question of compensation to three (3) disinterested persons for arbitration or they may submit the same to the Board of Aldermen for determination. This section shall apply to poles owned by the Town, as well as poles owned by companies operating under franchises.

Section 4-3-03 Duty to Keep in Safe Condition

It shall be the duty of the owners of all poles supporting electric, telephone or telegraph wires to keep the same in a safe condition, and for that purpose inspect the same once every three (3) months.

Section 4-3-04 Use by Town

One duct in all underground conduit systems shall be provided, free of charge, for the Town police or fire alarm, telegraph system when required, and the Town shall have the use of any and all poles on streets for the same purposes.

Section 4-3-05 Cutting, Painting, etc., Utility Poles Prohibited; exception.

It shall be unlawful for any person to deface, injure by cutting, painting, posting of bills or other materials on, any telegraph, telephone, electric light or power pole on any street or public place in the Town; provided that nothing herein shall be construed to apply to any officer or employee of the Town, or of the utility company removing any pole in the discharge of his duty.

Section 4-2-06 through 4-2-09 Reserved

TITLE 5

AN ORDINANCE ESTABLISHING WATER AND SEWER REGULATIONS AND GUIDELINES FOR THE TOWN OF RICHLANDS, NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SAID REGULATIONS, AND ANY AMENDMENTS TO THE SAME.

Chapter 1 Water Service
Chapter 2 Sewer Service

CHAPTER 1 WATER ORDINANCE

§5-1-01 Board to Regulate Water and Sewer System
§5-1-02 Connections to Town Water and Sewer System
§5-1-03 Separate Connections
§5-1-04 User Accounts
§5-1-05 Termination of Service
§5-1-06 Responsible Parties
§5-1-07 Water System User Charges
§5-1-08 Nonconforming Connections
§5-1-09 Meters
§5-1-10 Unlawful Uses
§5-1-11 Resale of Water
§5-1-12 Access to Property
§5-1-13 Construction
§5-1-14 Fire Hydrants
§5-1-15 Adjustments
§5-1-16 Town Liability
§5-1-17 Restricting Use
§5-1-18 Maintenance of Lines and Connections
§5-1-19 through §5-1-29 Reserved

§5-1-01 Board to Regulate Water and Sewer Systems

.1 Duty of Board and Town Administrator

The water and sewer systems of the Town shall be under the control of, and the duty of prescribing and enforcing a full compliance with all rules and regulations governing all connections with the water and sewer systems shall be vested in, the Board of Aldermen or its authorized agent. The administration and operation of the water and sewer systems shall be the responsibility of the Town Administrator pursuant to the Town of Richlands Code of Ordinances.

§5-1-02 Connections to Town Water and Sewer Systems

.1 Application

No person, firm or corporation shall connect or commence any work upon any part of the water or sewer systems to connect any property, dwelling or other structure with the water and/or sewer systems of the Town of Richlands without first having made application in writing and having received approval for such connection with the Town Administrator or designee. This application shall be made in a manner and on a form

determined by the Town Administrator.

.2 Plans

No application for connection shall be approved without being accompanied by detailed plans and specifications showing compliance with the NC Plumbing Code.

.3 Fees

No application shall be approved until the owner of said property pays a "connection" fee for the installation of a connection and a "capacity charge" for the privilege to receive water from and discharge into the Town's systems. Such fees shall be determined annually by the Board of Aldermen. The schedule of fees shall be maintained and posted in the office of the Town Clerk.

.4 Construction/Installation

Upon approval of any application for sewer or water connection, the Town shall do the excavating, lay the pipe, install a meter where necessary, make the connections to the main, fill the excavation and replace the surface of the street or shall approve and supervise such construction if done by one other than the town. The Town shall approve all materials used by another in such construction. All water and sewer lines installed in the Town of Richlands and its planning jurisdiction shall be installed in accordance with the "Standard Specifications for the Installation of Water and Sewer Improvements" to the Town of Richlands as published.

.5 Penalties

Any person, firm or corporation connecting or attempting to connect to the water or sewer systems of the Town without complying with the provisions of this Chapter shall be liable for a civil fine of up to five hundred ($500) dollars, plus applicable tap-on fees, payable prior to the initiation of service to the property. Further, upon violation of this section, water and/or sewer service to the illegally connected property shall be terminated and no further services shall be made available until this section has been complied with by the owner of said property.

§5-1-03 Separate Connections

.1 Defined

After the effective date of this ordinance, each residential or commercial unit connected to the water system of the Town of Richlands shall be connected to said system by a separate, metered connection from the main lines of the municipal system. For the purpose of this section, each mobile home, apartment or other unit occupied by one other than the record owner of said property or a member of his or her immediate family shall constitute a residential or commercial unit; likewise, any unit or part of a building or unit occupied by one who stands in the relationship of tenant to the record owner of said property, and which has a separate entrance or access controlled exclusively by said tenant shall be considered a residential or commercial unit; likewise, any separate residential structure located upon the same parcel of land as that upon a primary residence is located, and occupied by anyone other than the record owner of said property shall constitute a commercial or residential unit.

.2 Violations

After the effective date of this ordinance, no extension of service from existing lines of

the water or sewer system of the Town of Richlands shall be made unless made in conformity with the provisions of this ordinance, and a violation of this section shall cause service by any illegal extension to be terminated together with service to the property from which service was illegally extended. Service to said property shall be resumed upon payment of the reconnection fee set forth herein, penalties as defined in §5-1-02 above, and applicable tap-on fees.

§5-1-04 User Accounts

.1 Accounts

Prior to receiving water and/or sewer service from the Town of Richlands, all potential users must establish an account with the town by a submitting a completed application and receiving approval from the Town Administrator or designee, such application to be in a manner and form determined by the Town Administrator. Service shall not commence until such time as approval has been received from the Town Administrator or designee.

.2 Security Deposits

Prior to approval of water service, all applicants shall render a security deposit to the town in the amount of seventy-five dollars ($75.00) for the purpose of securing the payment of fees and rates pursuant to this ordinance.

.3 Waiver of Security Deposits

A security deposit may be waived at the discretion of the Town Administrator if the applicant is currently receiving water and/or sewer service and has paid all fees in a timely manner for a period not less than twelve months prior to the application date. Users who have had water and/or sewer service terminated shall not be considered as currently receiving water and/or sewer service. The security deposit may also be waived upon presentation of a letter of credit from a water system or other utility with which the customer has been a user indicating that all fees have been paid in a timely manner for a period of time not less than twelve months prior to the application date.

.4 Return of Security Deposits

The security deposit may be returned to the user upon request if the user has made all payments in a timely manner for a period of at least one year prior to the request. Upon any termination of service, whether voluntary or involuntary, the security deposit shall be credited to the user's account and the balance, if any, of said deposit shall be forwarded to the user at their last known address. Further, in the case of an involuntary termination of service, said deposit shall be applied to the balance of the account 90 days after the termination of service. In cases of voluntary termination, the deposit shall be applied immediately to the balance of the account unless the town receives a letter indicating some other treatment is preferred, such treatment to be approved by the Town Administrator.

.5 Water and Sewer Bills

All water meters shall be read monthly and bills for water, sewer, and garbage service shall be rendered monthly and shall be due and payable to the "Town of Richlands" on the fifteenth day of the month or the first business day following the fifteenth if the fifteenth falls on a weekend or town holiday. This section shall not be construed to indicate that the town is responsible for advising users of amounts due, the responsibility of which lies with the user.

.6 Late Penalty
If any bill for water, sewer and/or garbage services shall remain unpaid as of the due date, a penalty in the amount of ten percent of the amount due shall be assessed and added to said bill.

.7 Suspension Notices
If any bill for water, sewer and/or garbage service shall remain unpaid as of the seventh calendar day after the due date or the first business day following if this day falls on a weekend or town holiday, a notice shall be sent on that day or as soon as is practicable to the user such notice to be in a form and manner determined by the Town Administrator or designee.

.8 Suspension of Accounts
If any bill for water, sewer and/or garbage service shall remain unpaid as of the tenth calendar day after the due date or the first business day following if this day falls on a weekend or town holiday, the user's account shall be suspended, except as provided in this ordinance. Any user with a suspended account shall not be considered to be currently receiving services from the Town of Richlands.

.9 Exception to Suspension of Accounts
If any user shall be subject to the provisions of §5-01-04.8 and such user has paid all bills in a timely manner during the preceding twelve month period, the account shall not be suspended, but rather the balance due may be carried forward to the next billing period. This treatment shall not be considered as paying in a timely manner in future instances.

.10 Restoration of Account After Suspension
If any user's account shall be suspended, the account shall not be restored until such time as a suspension fee of $25.00 has been paid to the "Town of Richlands," the late penalty pursuant to this section paid, and any unpaid balance paid. Should the town receive a partial payment, the amount of the payment shall be applied to the suspension fee, late penalties, garbage fees, sewer fees and water fees due in that order.

.11 Pro rata Fees
Any account opened on a day other than the first day of a billing cycle shall have all fees for the initial period of service based on a pro rata share based on the number of days in the billing cycle.

§5-1-05 Termination of Service

.1 Involuntary
Any user whose account is determined to be in a suspended status shall have their service terminated within a reasonable period of time not to exceed three business days after the date of suspension.

.2 Voluntary
Any user may request that service be terminated voluntarily. Such requests shall be made in person at the Richlands Town Hall. Such request shall be approved only if the user's account is currently paid in full and shall not be for a period of less than one month except to effect repairs to water lines.

.3 Reconnection - Involuntary Termination
Any user whose service has been terminated involuntarily shall not have service reconnected until such time as all amounts due the Town of Richlands have been paid, an account established for water and/or sewer services, and all other provisions of this ordinance have been complied with.

.4 Reconnection - Voluntary Termination
Any user whose service has been disconnected voluntarily shall not have service reconnected until such time as a fee of $10.00 has been paid to the Town of Richlands.

.5 Reconnection - Temporary Requests Pursuant to Landlord
For the purposes of this section, any property owner/landlord desiring temporary service to a rental unit may request service be provided on a temporary basis not to exceed five business days. Approval of such request shall not be granted until such time as the applicant has paid a fee of $10.00 to the Town of Richlands and completed an application, such application to be in a form and manner determined by the Town Administrator or designee. This application and fee shall be for the purpose of establishing a temporary account and the applicant shall be responsible for all water usage fees incurred, such fees to be paid in accordance with the provisions of this ordinance.

§5-1-06 Responsible Parties

.1 Primary Responsibility
Any person, firm, or corporation under whose name an account is established shall be responsible for the payment of all bills, fees, and amounts due pursuant to this ordinance.

.2 Property Owner/Landlord Responsibility
Regardless of any provision of this ordinance to the contrary, any property owner/landlord shall be responsible for all water/sewer usage at any property or service address owned by them and used for rental purposes during such time that the Town of Richlands does not have an open account for a tenant for said property or service address. An open account for this section shall be defined as an account for service which has been opened and for which service has not been terminated, either voluntarily or involuntarily. Further, upon any termination of service to a service address or property by a tenant, whether voluntary or involuntary, the Town shall notify the property owner of said termination of service.

.3 Notification Assistance
Any person, firm or corporation with an established account may designate a second party to receive copies of all bills and notices sent to the user pursuant to this ordinance. Such designated party shall not be construed as having any responsibility or duty for the payment of any dues or fees on behalf of the user or for making any notifications to the user.

§5-1-07 Water System User Charges

.1 User Charges
A user charge shall be levied on all users including, but not limited to, persons, firms, corporations or governmental entities that receive water from the Town of Richlands.

(a.) The user charge shall reflect at least the cost of any debt service, operation, maintenance, and replacement of the water system.

(b.) Each user shall pay its proportionate cost based on volume of flow.

(c.) The Town Administrator shall review annually the water usage of users, the total costs of debt service, operation, maintenance and replacement of the water system or any component thereof and will make recommendations to the Town Board for adjustments in the schedule of charges and fees as necessary. Each user shall be notified annually, in conjunction with a regular bill, of the rate for the user charge which is attributable to water system services.

(d.) Charges for flow from the water system not directly attributable to the users shall be distributed among all users of the water system based upon the volume of flow of all the users.

.2 Rates

Rates for water distribution provided to property owners and other users located within the town limits shall be to recover operation, maintenance, replacement and debt service of the Town's water system.

.3 User Classifications

Users shall be classified into one of three categories based on use: residential, commercial, and industrial. The rates for each classification shall be as follows:

User Classification	Fixed Charge	Variable Charge
Residential	1 x current rate	1 x current rate
Commercial	1 x current rate	1 x current rate
Industrial	1 x current rate	1 x current rate

.4 Fixed Charge

Fixed charge is the minimum monthly sewer charge for each user classification. No volume allowance is incorporated into this minimum charge. The fixed charged shall be based on the fixed expenses incurred by the water system.

.5 Variable Charge

Variable charge is the rate per each one thousand (1,000) gallons of metered water consumption for each user classification.

§5-1-08 Nonconforming Connections

.1 Existing Nonconformity

Any connection to the water and/or sewer systems of the Town of Richlands which fails to comply with the provisions of this ordinance, but which is being serviced by water and/or sewer as of the effective date of this ordinance, shall be allowed to remain in use until the earlier of the following occurs, at which time all provisions of this ordinance must be complied with before resumption of services shall be allowed:

(a) service is terminated by the Town of Richlands by reason of a violation of any applicable provision of this ordinance by the owner of the property served or the recipient of said services; or,

(b) substantial modification or renovation of the existing water and/or sewer systems serving said property, which shall include any modification or alteration affecting the lines connecting said property to the main water or sewer lines of the Town of Richlands.

§5-1-09 Meters

.1 Permitted Meters

It is the express intent of the Board of Aldermen of the Town of Richlands that each and every commercial or residential unit served with water service by the Town of Richlands shall be equipped with an accurate and functioning water meter to measure the use of water by each of its water users. Therefore, each and every connection to the water

system of the Town of Richlands shall be made through an accurate and functioning water meter, of a make and style determined by the Town, installed by or under the supervision of the agents or employees of the Town of Richlands. Any connection made after the effective date of this ordinance shall comply with this section, and any reconnection shall also comply with this section.

.2 Tampering

It shall be unlawful for any person, other than those duly designated by Town officials, to tamper with, turn on, remove, replace or otherwise disturb any meter belonging to the Town of Richlands or operating on the system owned by the Town of Richlands. This section shall include persons who turn meters on after the Town has cut them off for non-payment of bills, persons who construct systems to bypass or avoid the meters, who construct systems to be put in place of the meter when it is removed, and person who turn meters on when no active account exists for the dwelling or business, but nothing in this section shall be deemed to limit this section to these examples.

.3 Remain Property of Town

All meters, meter boxes, pipes and other equipment furnished and used by the Town or other agency in installing any water or sewer connection shall be and remain the property of the Town.

§5-1-10 Unlawful Uses

.1 Defined

It shall be unlawful for any person, firm, or corporation to do or allow to be done on or from property owned by him or it, any of the following things:

(a) To dump, deposit or otherwise discharge into the water or sewer system of the Town of Richlands any toxic chemical or other toxic waste material that is potentially harmful to animal or plant life or destructive of the lines and connections of said system;

(b) To allow any person, firm or corporation to do any of the things enumerated in subsection (a) hereof;

(c) To install or maintain any system for the heating or cooling of any commercial or residential structure that as a product of its operation discharges waste water or other effluents into the water or sewer system of the Town of Richlands without the prior consent and approval of the Board of Aldermen of the Town of Richlands.

(d) To remove, haul, or otherwise transport, by any means whatsoever, from any property served with water services by the Town of Richlands, water in excess of one hundred (100) gallons per billing period for use by anyone on property other than that served by the water system of the Town of Richlands; provided that this prohibition shall in no way be applicable to emergency transportation of water by authorized emergency personnel, such as volunteer firemen, rescue attendants or other persons authorized to act in emergencies, in conditions of actual emergencies threatening life or property;

(e) To allow any person, firm or corporation to do any of the things enumerated as prohibitions in subsection (d) hereof.

§5-1-11 Resale of Water

.1 Prohibited

No residence, or firm or corporation shall furnish water for any other residence, firm or corporation through any one (1) meter, by way of piping or tubing. Each additional residence, firm or corporation must have its own separate water meter, if it is to be served by the Town.

§5-1-12 Access to Property

.1 Defined

The Director of Public Works or his assistant shall at all reasonable hours have free access to all premises for the purposes of examinimg hydrants, fixtures or connections on which Town water pressure is maintained.

§5-1-13 Construction

.1 Regulation

Upon approval of any application for sewer or water connection, the Town shall do the excavating, lay the pipe, install a meter where necessary, make the connections to the main, fill the excavation and replace the surface of the street or shall approve and supervise such construction if done by one other than the Town. The Town shall approve all materials used by another in such construction. All water and sewer lines installed in the Town of Richlands and its planning jurisdiction shall be installed in accordance with the "Standard Specifications for the Installation of Water and Sewer Improvements" to the Town of Richlands as published.

.2 Safety

All excavations for building water installation shall be adequately guarded with barricades and lights so as to protect the public from hazards pursuant to applicable OSHA standards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

§5-1-14 Fire Hydrants

.1 Prohibition Against Taking Water From

No person, except employees of the Town or other persons authorized by the Mayor or Town Administrator shall take water from any public hydrant, plug, street washer, draw cock, hose pipe or fountain, except for fire purposes, nor shall anyone in any way use or take water for private use unless such person shall pay for the privilege and receive a permit from the Mayor or Town Administrator.

§5-1-15 Adjustments

.1 Testing of Meters

Any user may request that the water meter at their service be tested for accuracy. The fee for such testing shall be $25.00. This fee shall be borne by the Town in the event the meter is found to be in error. The fee shall be borne by the user if the meter is found to not be in error. Before any adjustments may be made to a user's account on the basis of an alleged meter error, the meter must be tested.

.2 Meter Error

If a meter is found to be in error, the user's account may be adjusted to correct inequitable and abnormal water bills. This adjustment may only be available for the billing cycle during which the meter was tested and the immediately prior and following billing cycle. The bills for any applicable months shall be calculated based on the previous twelve month average or, if service has existed for a shorter amount of time, for the entire account history. Any difference between this amount and the amount billed shall be credited to the user's account.

.3 No Meter Error

If no meter error is determined to exist, or the user does not allege meter error, the user shall be responsible for determining the existence of any leaks on the user's side of the meter. If a leak is determined to exist, the user shall be responsible for its repair. Upon the finding of the existence of a leak on the user's side, the Town Administrator shall be authorized to make an adjustment to the user's account. This adjustment shall be for sewer fees only. The average sewer fees shall be determined using the past twelve month period, or the entire account history if less than twelve months exist, and the difference between this amount and the amounts charged for the month for sewer charges shall be credited to the user's account. This adjustment shall only be applied to the user's account during the month the leak is discovered, the previous month's amount and the following month's amount. Further, upon presentation of evidence that sewer service was not received for a given amount of metered water usage, a user may request an adjustment for sewer fees as outlined above. This section shall in no way be construed so as to require the Town to make adjustments to a user's account.

.4 Appeals

User's may appeal the decision of the Town Administrator regarding adjustments to the Utility Adjustments Board of the Town of Richlands. The Utility Board of Adjustment shall be authorized to grant an adjustment upon a finding that a meter error existed or that the town policy regarding adjustments was not properly followed. The decision of the Utility Board of Adjustment shall be final and no appeals to any other town personnel, committee or Board of the town may be made.

.5 Appeals Process

Upon receiving a request for an appeal, the Town Administrator shall mail via certified mail a letter to the user explaining the process, a form to be completed by the user detailing the nature of the appeal, and a copy of the applicable ordinances regarding adjustments and appeals. The user shall have ten calendar days from the date the letter is mailed to return the materials to the Town Administrator. The Town Administrator shall schedule a meeting of the Utility Board of Adjustment to consider the request, such meeting to be scheduled within 15 business days of receipt of the materials by the Town

Administrator. The Town Administrator shall forward all materials relevant to the case to the Utility Board of Adjustment. During the appeal the Town Administrator shall present a summary of the facts, after which the user, under oath or affirmation, shall be allowed to present any information to the committee members. After such information is presented, the committee may ask questions of the Town Administrator, other town employees, and the user to gain further information. The committee shall consider all information available, apply the applicable ordinances, and render a decision. An adjustment shall only be granted upon a majority vote of the committee.

.6 Utility Board of Adjustment

For the purpose of hearing appeals of requests for adjustments, the Town of Richlands shall form a Utility Board of Adjustment. This Board shall meet on an as needed basis to hear appeals of water and sewer bills pursuant to this ordinance. The Board shall be composed as follows: one member from the Public Works Committee, one member from the Finance Committee, the Mayor, and two members of the public. Each committee shall nominate a member to serve on the Utility Board of Adjustment. The members of the public shall be appointed by the Board of Aldermen for terms of three years. Should a member resign prior to the completion of the term, the position shall be filled with a new appointment by the Board of Aldermen. Any member of the Utility Board of Adjustment appointed from the public shall be a citizen of the Town of Richlands. The Mayor shall serve as the chairperson of the Board and shall have the power to vote only in the case of a tie vote.

§5-1-16 Town Liability

.1 Burst Water Mains

It is expressly stipulated by and between the Town and consumers of water that no claims shall be made against the Town as a result of the bursting or breaking on any main or service pipe, or any attachments to such waterworks.

.2 Failure to Furnish Water

The Town shall not be liable to consumers, owners or any person for the failure to furnish water for any purpose or under any conditions, or for the quality of the water furnished, or for any damage that may result from the shutting off of water from the mains or reservoirs, even though no notice of the shutting off of water shall have been given. All permits and contracts for the use of water from the water system of the town are hereby expressly made subject to the provision hereof.

.3 Interruption of Service

The Town reserves the right to cut off any utility service without notice in case of emergencies. When an interruption in service is necessary for the maintenance and improvement of the utility system, affected customers will be notified as circumstances permit.

§5-1-17 Restricting Use

.1 Emergencies

The Town hereby reserves the right to at any time restrict or prevent the use of any utility service furnished by the Town during periods of emergency or circumstances demanding such restriction or prevention of use.

§5-1-18 Maintenance of Lines and Connections

.1 User Responsibility

All lines and connection to the water and sewer systems of the Town of Richlands located upon private property shall be maintained in good working order at the expense of the owner of the property served. In the event that lines are not so maintained, and the conditions existing in said lines result in unnecessary use of water or injury to the lines and water and sewer systems in the Town of Richlands, notice shall be given to the owner of said property to repair said condition and in the event said repairs are not made within three (3) week days after such notice is given, the Town of Richlands shall have the right to repair said lines and connections and to assess the cost of said repairs to the owner of the property served upon the next billing date for water and/or sewer services. In the event said assessments remain unpaid beyond the past due date for payment of regular charges, the Town shall have all rights and remedies due it upon failure of an owner to pay the normal charges under the terms of this ordinance, including disconnection of service until such time that all fees and/or assessments have been paid..

§5-1-19 through §5-1-29 Reserved

CHAPTER 2 SEWER SERVICE

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§5-2-01 Definitions

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

(a) Building drain - That part of the lowest horizontal piping of a drainage system which receives the discharge from soil waste, and other drainage pipes inside the walls of the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(b) Building Sewer - The extension from the building drain to the public sewer or other place of disposal.

(c) Combined sewer - A sewer receiving both surface runoff and sewage.

(d) Easement - An acquired legal right for the specific use of land owned by others.

(e) Garbage - solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(f) Inspector - The Town Administrator, or his authorized deputy, agent or representative of the Town of Richlands.

(g) Natural Outlet - Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(h) Properly Shredded Garbage - The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than on-half inch (1.27 centimeters) in any dimension.

(i) Public Sewer - A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(j) Sanitary Sewer - A sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(k) Sewage - A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground surface, and storm waters as may be present.

(l) Sewage Treatment Plant - Any arrangement of devices and structures used for treating sewage.

(m) Sewage Works - All facilities for collecting, pumping, treating, and disposing of sewage.

(n) Sewer - A pipe or conduit for carrying sewage.

(o) Slug - Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(p) Storm Drain (sometimes termed “storm sewer”) - A sewer which carries storm

and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(q) Suspended solids - Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(r) Watercourse - A channel in which a flow of water occurs, either continuously or intermittently.

§5-2-02 When Connection to Public Sewers Required

.1 Requirements
The owner of all houses, building, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, easement, or right-of-way in which there is now located or may in future, be located a public sanitary or combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

§5-2-03 Private Facilities Restricted

.1 Prohibited
Except as hereinafter provided, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

§5-2-04 Certain Discharges into Sanitary Sewers Prohibited

.1 Cooling/Industrial Process Waters Prohibited
No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

§5-2-05 Discharges into Storm Sewers, Natural Outlets

.1 Storm Sewers
Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined or storm sewers, or to a natural outlet approved by the Board of Aldermen.

.2 Cooling/Industrial Process Waters Discharge
Industrial cooling water or unpolluted process waters may be discharged, on approval of the Board of Aldermen, to a storm sewer, combined sewer, or natural outlet; providing that a National Pollutant Discharge Elimination System (NPDES) permit has been issued from the North Carolina Department of Natural Resources and Community Development, Division of Environmental Management.

§5-2-06 Prohibited Wastes Enumerated

.1 Prohibited

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant; including but not limited to, cyanides in excess of five-hundredths (0.05) mg/l as CN in the wastes as discharged to the public sewer;

(c) Any waters or wastes have a pH lower than six point zero (6.0), or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(d) Solid or viscous substances in quantities or of such size capable obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, paunch manure, hair, and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;

(e) Any fish offal, garbage, dead animals, or similar types of waste;

(f) Corrosive substances of any kind;

(g) Any motor oils, or greases, or similar substances;

(h) Any trade waste containing oily and greasy substances, likely to cause accretion on the sides of the sewers.

§5-2-07 Restricted Substances - Enumerated

.1 Prohibited

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Board of Aldermen that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, can otherwise endanger life, limb, public property, or constitute a nuisance. The substances so restricted are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius);

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or

not, in excess of one hundred (100) mg/l or containing substances which may solidify of become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (Zero (0) and sixty-five (65) degrees Celsius);

(c) Any garbage that has not properly been shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Board of Aldermen;

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(e) Any waters or wastes containing iron, chromium, copper. zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials;

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the wastewater superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters;

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations;

(h) Any waters or wastes having pH in excess of nine point zero (9.0);

(i) Materials that exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, sodium chloride and sodium sulfate);

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(3) Unusual Biological Oxygen Demand (BOD), chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

(4) Unusual volume of flow or concentration of wastes constituting slugs.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§5-2-08 Maximum Concentrations Allowed

.1 Prohibited

All sewage service customers are prohibited to discharge the following above their indicated concentrations at any time:

(a)	Cyanide	0.050 mg/l
(b)	Arsenic	0.020 mg/l
(c)	Cadmium	0.030 mg/l
(d)	Total Chromium	0.010 mg/l
(e)	Copper	0.300 mg/l
(f)	Lead	0.200 mg/l
(g)	Mercury	0.002 mg/l
(h)	Nickel	0.200 mg/l
(i)	Silver	0.040 mg/l
(j)	Zinc	0.300 mg/l
(k)	Total Phosphorous	10.000 mg/l
(l)	Ammonia Nitrogen	10.000 mg/l
(m)	Total Nitrogen	10.000 mg/l

§5-2-09 Garage Discharges

.1 Sedimentation Basin Required

No person operating a garage or filling station, who offers as service, the washing of automobiles, trucks, or other vehicles, shall release into the sanitary sewer or storm sewer system, water so used, without first providing a settling basin of sufficient size to permit the sedimentation o the solids from such operation. Such basin or pit shall be maintained in good working condition and shall be cleaned as often as required to remove the major portion of mud and other refuse that may be accumulated therein.

§5-2-10 Discharges into Natural Outlets Restricted

.1 Prohibited

It shall be unlawful for any person to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

§5-2-11 Deposit of Objectionable Wastes

.1 Prohibited

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town or in any that are under the jurisdiction the Town, any human or animal excrement, garbage, or other objectionable waste.

§5-2-12 Interceptors

§5-2-13 Control Manhole

.1 Required

When required by the in the opinion of the Town Administrator, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with plans approved by the Board of Aldermen. The manhole shall be installed by the owner at his expense, and shall be maintained by him as to be safe and accessible at all times.

§5-2-14 Sewer User Charge System

.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from users of the Town's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Town's schedule of charges and fees.

.2 User Charges

A user charge shall be levied on all users including, but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the POTW.

a. The User charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the POTW.

b. Each user shall pay its proportionate cost based on volume of flow.

c. The Town Administrator shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW and will make recommendations to the Town Board for adjustments in the schedule of

charges and fees as necessary. Each user shall be notified annually, in conjunction with a regular bill, of the rate for the user charge which is attributable to the wastewater treatment services.

d. Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.

e. The user charge system shall take precedence over any terms or conditions of agreements, or contracts which are inconsistent with the requirements of §204(b)(1)(A) of the Clean Water Act.

.3 Rates

The rates for wastewater collection and treatment services provided to property owners and consumers located within the town limits shall be to recover operation, maintenance and debt service of the Town's sewer system and shall be determined as follows:

User Classification	Fixed Charge*	Variable Charge**
Residential	1 x current rate	1 x current rate
Commercial	1 x current rate	1 x current rate
Industrial	1 x current rate	1 x current rate

.4 Fixed Charges

Fixed Charge is the minimum monthly sewer charge for each user classification. No volume allowance is incorporated into this minimum charge.

.5 Variable Charges

Variable Charge is the rate per each one thousand (1,000) gallons of metered water consumption for each user classification.

.6 Multiple Users

All multiple users served by bulk or single water meter shall be charged as single users within their classification (that is each apartment or townhouse will be charged as a single family residence, each business currently served by a bulk meter will be charged as a commercial user etc.).

§5-2-15 Surcharges

.1 General

The Town of Richlands, through its Board of Commissioners, shall adopt a schedule of charges and fees designed to cover the wastewater system costs including operation, maintenance and replacement, and which will enable the Town to comply with the revenue requirement of the North Carolina State Clean Water Grant Program and Public Law 92-500.

Any user of the Town of Richlands' sewage works having a discharge flow of 10,000 gallons or more per month (based on average of preceding 12-month metered water consumption) or any user determined by the Town to have significant impact upon the sewage works by the discharge of an excessive strength waste into the sewers of the town

shall be rendered a monthly bill as a surcharge for this excessive flow/strength wastewater.

The schedule of charges and fees shall provide a User charge system whereby each User which discharges excessive pollutants to the sewer system, or causes an increase in the cost of managing the effluent or sludge form the treatment works shall pay for such increased costs.

.2 Explanation of Surcharges

The surcharge shall cover the entire costs incurred by the Town for treating all wastes having a biochemical oxygen demand (BOD) in excess of two hundred forty (240) parts per million or milligrams per liter by weight, all wastes having a suspended solids (TSS) concentration in excess of two hundred forty (240) parts per million or milligrams per liter by weight, ammonia nitrogen/TKN in excess of twenty five (25) parts per million or milligrams per liter by weight, or fats, oils or grease (FOG) concentrations in excess of two hundred (200) parts per million or milligrams per liter by weight. This surcharge shall be invoked in addition to any other sewer charge imposed. The surcharge may include but not be limited to:

a) All fixed charges and amortization costs of additional plant capacity for treating said excessive strength wastes; and

b) A charge covering the actual cost of operation and maintenance incurred by the Town in treating said wastes in the POTW.

.3 Specific Pollutant Limitations

No user shall discharge wastewater containing pollutants at levels which exceed the levels associated with domestic sewage. For the following parameters, “exceeding domestic sewage levels” shall mean in excess of:

240	mg/l	BOD
240	mg/l	TSS
400	mg/l	COD
25	mg/l	TKN
0.000215	mg/l	arsenic
0.004	mg/l	cadmium
0.037	mg/l	copper
0.005	mg/l	cyanide
0.031	mg/l	lead
0.00052	mg/l	mercury
0.189	mg/l	nickel
0.01	mg/l	silver
0.006	mg/l	total chromium
0.119	mg/l	zinc
200	mg/l	oil or grease fat soluble
200	mg/l	chlorides
5-9	pH	
200		grease

Domestic sewage levels for pollutants not listed above shall be determined by the Town

and shall be based on either actually measured local domestic sewage levels or literature values.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those set forth herein.

The Town reserves the right to establish limitations and requirements of Domestic Sewage dischargers and Commercial Users which are more stringent than those required by either State or Federal regulation.

.4 Grease

Grease and oil traps or other interceptors shall be provided at the User's expense, when such User operates an establishment preparing, processing, or serving food and/or food products. Grease interceptors can be required in other industrial or commercial establishments when they are necessary for proper handling of liquid wastes containing oil and/or grease in amounts in excess of two hundred (200) mg/l by weight fat soluble, or for any flammable wastes. All such traps, tanks, chambers or other interceptors shall be of a type and capacity approved by the building inspector and shall be readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced and emptied of the waste content as required but not less often than every thirty (30) days, in order to maintain their minimum design capability to intercept oils and greases from the wastewater discharged to the publicly owned sanitary sewer. Failure to comply can result in the implementation of the enforcement procedures as outlined in the town's sewer use ordinance.

Wastes removed from grease interceptors shall not be discharged into the town's sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.

A facility must keep interceptor cleaning records on file a minimum of three (3) years. The following information must be maintained: clean out date, person responsible for cleaning, name of firm performing the clean out, disposal method for and destination of material removed.

.5 Inspection, Sampling and Analysis

a) Compliance Determination
Compliance determination with respect to prohibitions and limitations shall be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a 24 hour period, or over a longer or shorter time span, as determined necessary by the Town to meet the needs of specific circumstances.

b) Analysis of Excessive Strength Wastewaters
Laboratory analysis of wastewater samples shall be performed in accordance with the current edition of "Standard Methods", "Methods for Chemical Analysis of Water and Waste", published by the Environmental Protection Agency or the "Annual Book of Standards, Part 23, Water, Atmospheric Analysis" published by the American Society for Testing Materials. Analysis of those pollutants not covered by these publications shall be performed in accordance with procedures established by the State performed

in accordance with procedures established by the State Department of Environment, Health, and Natural Resources. The determination of the character and concentration of the wastes by the Town shall be binding as a basis for charges.

c) Sampling Frequency
Sampling of excessive strength wastewater for the purpose of compliance determination with respect to prohibitions and limitations will be done at such intervals as the Town shall designate. It is the intention of the Town to conduct compliance sampling or to cause such sampling to be conducted for all major contributing establishments at least once each year.

In the event additional sampling is required or requested, the cost associated with the collection and testing of the additional sampling will be borne by the User.

.6 Amount of Surcharge
The sewer surcharge shall be determined in the following manner:

a) The Town shall compute and recommend the rate to be charged during each fiscal year for biochemical oxygen demand (BOD) in excess of two hundred (240) parts per million or milligrams per liter or a suspended solids (TSS) concentration in excess of two hundred (240) parts per million or milligrams per liter or ammonia nitrogen/TKN in excess of twenty-five (25) parts per million or milligrams per liter which is discharged into the Town POTW based upon the operating cost and the amortization and fixed costs that the POTW experienced at said plant during the preceding fiscal year.

b) The Town shall review the recommended rate and adopt a rate or rates to be charged during the ensuing fiscal year or until revised.

c) The combined surcharge, shall be billed and payable monthly on a bill rendered to the proper persons by the Town. Surcharges imposed shall be collected in the same manner as other utility charges and nonpayment or delinquency shall subject the customer to the same penalties, including termination of service, as those for other utility services.

d) Surcharge Calculation:

$$Cs = [Bc\ (B) + Sc\ (S) + Pc\ (P)]\ Vu$$

Where:

Cs = Surcharge for wastewaters of excessive strength

Bc = O&M cost for treatment of a unit of BOD

B = Concentration of BOD from a user above the base level

Sc = O&M cost for treatment of a unit of suspended solids

S = Concentration of SS from a user above the base level

Pc = O&M cost for treatment of a unit of any pollutant

P = Concentration of any pollutant from a user above the base level

Vu = Volume contribution from a user per unit of time

.7 Harmful Contribution

The Town shall suspend the wastewater treatment service when suspension is necessary, in the opinion of the Town, in order to stop an actual or threatened discharge which presents or shall present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the Town to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to any individual. The Town shall reinstate the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any further occurrence shall be submitted to the Town within 15 days of the date of occurrence.

All costs incurred by the Town incident to the severance and/or reinstatement of a User's sewer connection shall be borne by the User.

.8 Protection from Damages

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, disconnect, deface or tamper with any equipment or materials belonging to the Town used for the purpose of making tests or examinations that shall be left upon the premises of a person discharging wastes into the POTW

§5-2-16 Entry onto Easement Property

.1 Town Employees

The duly authorized employees of the Town shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of , but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§5-2-17 Protection from Damage

.1 Prohibited and Penalties

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Town's wastewater treatment system. Any person(s) violating this provision, shall, upon conviction, be punished as provided for under §14-4 of the General Statutes of North Carolina.

§5-2-18 Pretreatment of Wastewater

.1 Procedure

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all National categorical pretreatment standards, local limits, and the prohibitions set out in §5-2-06- §5-2-08 of this ordinance within the time limitations as specified by EPA and the State whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review, and shall be approved by the Town before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Town prior to the user's initiation of the changes.

§5-2-19 through §5-2-29 Reserved

ARTICLE B BUILDING SEWERS AND CONNECTIONS

§5-2-30 Permits

.1 Required

No unauthorized person shall uncover, make any connections with or opening into, use alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Administrator or his designee.

.2 Classification

There shall be two (2) classes of building sewer permits, as follows:

a) For residential and commercial service, and

b) For service to establishments producing industrial wastes.

.3 Application

The owner or his agent shall make application for a permit required by the provisions of this division on a special form furnished by the Town. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town.

.4 Fees

The permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the Town at the time the application is filed.

§5-2-31 Liability for Costs

.1 Expense of the Owner

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly be occasioned by the installation of the building sewer.

§5-2-32 Separate Connections

.1 Exception to Requirement

A separate and independent building sewer shall be provided for every building; except where one building stand at the rear of another or on an interior lot, and no private sewer is available or can be constructed to the rear building through and adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building.

§5-2-33 Use of Old Sewers

.1 When Permitted

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works director, to meet all requirements of this ordinance.

§5-2-34 Construction Specifications

.1 Applicable Codes
The size, slope, alignment, materials of construction of building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of Town.

.2 Other Applicable Codes
In absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No 9 shall apply.

.3 Location
Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor.

.4 Lift Facilities
In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharges to the building sewer.

.5 Miscellaneous
The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and material must be approved by the Town before installation.

.6 Taps and Laterals
The construction of taps and laterals for the connection of sewer or water pipes on any lot with sewer or water pipes in any street, and the necessary excavation therefore shall be done by the Town or by another with the approval of the Town and under the supervision of the Town.

.7 Safety Requirements
All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards pursuant to applicable OSHA standards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

§5-2-35 Runoff Waters, Wastes Prohibited

.1 Prohibited
No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§5-2-36 Inspection

.1 Notice to Town

The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and connection to the public sewer.

§5-2-37 Supervision of Connection

.1 Reserved for Town

The connection of the building sewer shall be made under the supervision of the Town.

§5-2-38 Extension Outside Town

.1 Requirements

All applications for water and sewer extensions outside the corporate limits shall be made in the same manner and under the same requirements as provided for in §5-1-02.

§5-2-39 through §5-2-59 Reserved

ARTICLE C PRIVATE SEWAGE DISPOSAL

§5-2-60 Private Systems

.1 Permitted
Where a public sanitary sewer is not available under the provisions of this ordinance, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

.2 Permit Required
Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit. The application for such permit shall be made on a form furnished the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Town. A permit and inspection fee shall be paid to the town at the time the application is filed.

.3 Inspection, Approval
A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Public Works Director. He shall be allowed to inspect the work at any stage of construction and, in any event, the application for the permit shall notify the Public Works Director when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the Public Works Director.

.4 Restrictions
The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Public Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where it conflicts with county health department standards. No septic tank or cesspool shall be permitted to discharge into any natural outlets.

§5-2-61 Abandonment

.1 Public Sewer Available
At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials.

.2 Time Limitation
When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days.

.3 Cleaning Private System
The private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

.4 Billing

Within sixty (60) days after public sanitary sewer becomes available to a property, the property shall, for billing purposes, be considered connected to the sewer and shall pay all appropriate sewer user charges for that class of customer.

§5-2-62 Maintenance

.1 Expense of Owner

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at his own expense.

§5-2-63 Penalties

.1 Defined

Any User who is found to have violated this Ordinance or who willfully or negligently failed to comply with any provision of these Regulations, and the orders, rules regulations and permits issued hereunder, shall be fined not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

§5-2-64 Severability

.1 Defined

If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provision, paragraphs, works sections and chapters shall not be affected and shall continue in full force and effect.

§5-2-65 through §5-2-69 Reserved

TITLE 6

AN ORDINANCE REGULATING CERTAIN ACTIVITIES AND PROVIDING GUIDELINES FOR PROVIDING FOR LICENSING AND ENFORCEMENT OF THE SAME WITHIN THE CORPORATE LIMITS OF THE TOWN OF RICHLANDS, NORTH CAROLINA, AND PROVIDING FOR AMENDMENTS TO THE SAME.

Chapter 1 Businesses and Trades
Chapter 2 Street and Sidewalk Use and Regulation
Chapter 3 Intoxicating Liquors
Chapter 4 The Display of Sexually Explicit Material
Chapter 5 Game Rooms, Pool Halls, Bowling Alleys

CHAPTER 1 BUSINESSES AND TRADES

ARTICLE A TAXICABS

Section 6-1-01 Definitions
Section 6-1-02 Unlawful to Operate without Certificate
Section 6-1-03 Application Required
Section 6-1-04 Board Issues Certificates
Section 6-1-05 Duration of Certificate
Section 6-1-06 Determination of Convenience and Necessity
Section 6-1-07 Hearing; Notices
Section 6-1-08 Burden of Proof
Section 6-1-09 Failure to Begin Operations
Section 6-1-10 Transfer
Section 6-1-11 Revocation of Certificates
Section 6-1-12 Substitution of Vehicles
Section 6-1-13 No Person to Hold More than One Certificate
Sections 6-1-14 through 6-1-19 Reserved

ARTICLE B PEDDLING AND SOLICITING

Section 6-1-20 Definition
Section 6-1-21 Registration
Section 6-1-22 Door-to-Door Activities Prohibited
Sections 6-1-44 through 6-1-49 Reserved

ARTICLE A TAXICABS

State Law Reference: Regulation of taxicabs, G.S. 160A-304

Section 6-1-01 Definitions

a) Persons - When used in this article shall mean and include both singular and plural, and shall also mean and include persons, individuals, firms, corporations, partnerships and associations;

b) Taxicab - When used in this article shall be defined as any motor vehicle seating nine (9) or fewer passengers, operated upon any street or highway on call or on demand, accepting or soliciting passengers indiscriminately for hire between those points along streets or highways as may be directed by the passenger or passengers so being transported, and shall not include motor vehicles or motor vehicle carriers as defined in subsection 62-3(17) of the General Statutes of the State of North Carolina.

Section 6-1-02 Unlawful to Operate Without Certificate

It shall be unlawful for any person to operate a taxicab upon and over the streets of the Town without first having applied for and secured from the Board of Aldermen a certificate of convenience and necessity as hereinafter set forth.

Section 6-1-03 Application Required

Every person desiring to operate a taxicab upon and over the streets of the Town shall file on forms supplied by the Town Clerk an application for certificate of convenience and necessity. It will then be the Police Chief's responsibility to check references of the person involved, and recommend approval or disapproval to the Board of Aldermen.

Section 6-1-04 Board Issues Certificates

The Town Board shall have the power, and it will be its duty to order certain certificates issued, or refuse to issue certain certificates or to issue certificates for partial exercise of the rights granted only that certificate under such terms and conditions as in its judgment the public convenience and necessity may require.

Section 6-1-05 Duration of Certificate

A certificate shall constitute a franchise form the Town for the operation of taxicabs within the Town, subject to the provision of this article for one (1) year, unless a shorter period of time is specified in the certificate. Applications for renewal shall be filed annually and a hearing conducted as herein provided.

Section 6-1-06 Determination of Convenience and Necessity

a) In determining whether the public convenience and necessity require the franchising of the taxicab or taxicabs, the Town Board shall among other things, take into consideration the following factors:

    1) Whether or not the public convenience and necessity require the proposed or additional taxicab service within the Town;

    2) The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible and satisfactory;

    3) The number and condition of equipment;

    4) The schedule of proposed rates, if required by the Town Board to be charged;

    5) The number of taxicabs now operated and the demand for increased service, if any, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved, and whether or not adequate provision has been made for off-street parking of the cabs;

    6) The experience of the applicant in the taxicab business; and

    7) Any other relative facts as may be deemed necessary and advisable.

b) Before making any decision with respect to the issuance of a certificate of convenience and necessity, the Town Board, or a committee threof, shall make a full and complete investigation of all facts, if it so desires, subpoena witnesses and utilize the services of the Chief of Police or any other officer or employee of the Town.

Section 6-1-07 Hearing; notices

Each application for certificate of convenience and necessity shall be scheduled for a hearing not later than 30 days after the same is filed, and the applicant shall be notified by the Ton Clerk by mail to the business address set forth in the application oft the date and time of the hearing, the notification to be sent at least 10 days before the date set for the hearing. The Town Clerk shall also, within the same time, notify all persons who at the time hold certificates of convenience and necessity for the operation of taxicabs within the municipality, of the date and time for the hearing, and the name of the applicant. In addition, the Town Board shall have the power to have published at least once in a newspaper of general circulation at least 10 days before the hearing, a notice setting forth the name of the applicant and the date and time of hearing. The cost of the publication to be paid by the applicant.

Section 6-1-08 Burden of Proof

The burden of proof shall be upon the applicant to establish the existence of public convenience and necessity for the operation of the taxicab or taxicabs specified in his application, and all other facts required for the granting of a certificate.

Section 6-1-09 Failure to Begin Operations

If a certificate is granted to an applicant, and the applicant shall fail, in accordance with the provisions of the certificate, to begin operations within 60 days after the date of the certificate, then the certificate shall become null and void, and no refund of any amount paid by the applicant will be made by the Town.

Section 6-1-10 Transfer

A certificate is not transferable without the consent and approval of the Town Board. Applications for a permit to transfer shall be filed in the same manner as an application for a certificate of convenience and necessity. The proceeding upon the application for a transfer shall be the same as those prescribed for the issuance of a certificate, except that the question of public convenience and necessity need not be proved. No certificate will be issued to any applicant unless the applicant be the holder in due course and for value of the title to the taxicab, and the holder of the certificate only shall be permitted to operate the taxicab, and the applicant shall not be allowed to engage the services of any person to operate this taxicab for him or in his stead at any time.

Section 6-1-11 Revocation of Certificate

a) The Town Board may at any time after a public hearing revoke any certificate issued by authority of this article for any one (1), or more, or the following causes:

    1) Failure to operate the taxicab specified in the certificate in a manner as to serve the public adequately and efficiently;

    2) Failure to maintain motor equipment in good repair;

    3) Failure to carry liability insurance or bond as required by law;

4) Failure to pay to the Town taxes or license fees of $15.00 imposed upon the taxicabs;

5) Repeated and persistent violation by the taxicab drivers of traffic and safety ordinances, or state laws relating to alcoholic beverages or prostitution;

6) Failure to report accidents; and

7) Willful failure to comply with any provision of this article or other ordinances or state laws relating to the operation of taxicabs, whether such ordinances and laws be now in force or hereafter enacted into ordinances and into laws.

b) No certificate shall be revoked until the owner has had at least five (5) days notice by personal service or registered mail of the charges against him, and of the time and place of the hearing. If, after the hearing, it is found that owner is guilty of one (1) or more of the offenses listed herein, the Board shall have the power to revoke the certificate or to condition a revocation upon compliance of its order within any time fixed by it.

Section 6-1-12 Substitution of Vehicles

The person to whom a certificate has been issued may, by proper endorsement theron by the Town Clerk substitute another vehicle, or other vehicles, for the vehicle or vehicles for which certificate was granted, In such instance, the liability insurance or bonds shall also be transferred to such substitute vehicle or vehicles.

Section 6-1-13 No Person to Hold More than One Certificate

The Town Board reserves the right to issue only one such certificate to any one person, and the person holding such certificate shall be required to operate his taxicab himself and shall have no power or authority by virtue of his certificate to delegate the operation of such taxicab to any person.

Sections 6-1-14 through 6-1-19 Reserved

ARTICLE B PEDDLING AND SOLICITING

Section 6-1-20 Definitions

For the purpose of this article the following terms shall have the meanings respectively ascribed:

a) Peddler - Any person who transports goods form place to place and sells or offers for sale the goods, or who, without traveling from place to place, sells or offers for sale any goods form any vehicle or device; provided, that any person who separates the acts of sale and delivery for the purpose of evading the provisions of this article shall be deemed a peddler.

b) Solicitor - Any person who travels form place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance, and any person who uses or occupies any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance.

c) Transient Vendor - Any person who engages in a temporary business of selling and delivering goods and who, for this purpose, uses or occupies any building or premises; provided, that no person shall be relieved from complying with the provision of this article merely by conducting a transient business in association with any permanently established merchant.

Section 6-1-21 Registration

Each and every person doing business in the Town as a peddler, solicitor or transient vendor shall file with the Town Clerk, on a form to be provided for that purpose, a statement setting forth the following information:

a) Name and address of individual filing statement;

b) Name and address of principal or employer if individual is an agent or employee;

c) Credentials showing relationship of agent or employee;

d) Description of individual filing statement including height, weight, sex, age, color and distinguishing characteristics, if any;

e) The goods to be sold or offered for sale, or the type of services to be rendered;

f) The period of time during which the business will be carried on in the Town; and

g) Description of automobile or other vehicle to be used in the business, including the make, model, body style, color and license number;

Section 6-1-22 Door-to-door Activities Prohibited

It shall be unlawful for any peddler, solicitor or transient vendor or other seller of merchandise to go in or upon private residences or the premises thereof, unless they have been requested or invited to do so by the owner or occupant of private residences in the Town, for the purpose of advertising, peddling or selling merchandise. Exceptions to this shall be for members of service organizations based within the Town of Richlands, in conjunction with the non-profit activities of their organization.

State Law Reference: Regulation of solicitations and itinerant merchants authorized, G.S. 160A-178.

CHAPTER 2 STREET AND SIDEWALK USE AND REGULATION

ARTICLE A OBSTRUCTING STREETS AND SIDEWALKS

Section 6-2-01 Assembly on Streets and Sidewalks
Section 6-2-02 Display of Goods Prohibited
Section 6-2-03 Placing Objects on Streets and Sidewalks
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Section 6-2-05 Repair of Motor Vehicles
Section 6-2-06 Games, etc., in Streets
Section 6-2-07 Burning in Streets and Sidewalks Prohibited
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Section 6-2-09 Use of Coasters and Toy Vehicles
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ARTICLE D REGULATION OF SPEED AND TRAFFIC ON TOWN STREETS

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ARTICLE A OBSTRUCTING STREETS AND SIDEWALKS

Section 6-2-01 Assembly on Streets and Sidewalks

Except as provided in Article C of this chapter, it shall be unlawful for crowds or assemblages of persons to congregate on the streets or sidewalks of the Town in such a way as to unnecessarily interfere with pedestrian or vehicular traffic. Any person refusing to disperse upon being so ordered by a police officer shall be guilty of a misdemeanor.

Section 6-2-02 Display of Goods Prohibited

It shall be unlawful for any person, firm or corporation to place or set out for exhibition any goods, wares, or merchandise directly connected with the business transacted by him, on the sidewalk in front of a place by business, store or building owned, controlled or occupied by him.

Section 6-2-03 Placing Objects on Streets and Sidewalks

No brick, stone or wood or other substances obstructing the free passage of persons and vehicles shall be placed or suffered to lie in any of the alleyways, streets or other routes of the Town, nor shall any person place on or in any of the streets, sidewalks, or alleyways of the Town any vehicles, boxes, crates, vending machines, casks or barrels of any description or any other obstruction of any kind. Provided that, in the operation of any business, goods and wares may be placed upon the sidewalks of the Town in such a manner for pedestrian traffic, and further provided that such displays and machinery are maintained in good repair and do not unduly detract form the general appearance of the surrounding area.

Section 6-2-04 Construction Near Sidewalk

Before building or remodeling at any place where the same is in close proximity to the sidewalk, a passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

Section 6-2-05 Repair of Motor Vehicles

It shall be unlawful for any person, firm or corporation to repair a motor vehicle on a paved street of the Town except in case of emergency.

Section 6-2-06 Games, etc., in Streets

No person shall play baseball, football or any other game of ball, or shall pitch or catch a ball on any street or sidewalk within the corporate limits of the Town.

Section 6-2-07 Burning in Streets and Sidewalks Prohibited

It shall be unlawful for any person, firm or corporation to burn trash, garbage, junk, debris, leaves, branches, or other articles on any street or sidewalk of the Town.

Section 6-2-08 Use of Skateboards, Roller Skates, and Scooters

No person shall skateboard, roller-skate or ride a non-motorized scooter upon any street except while crossing at a crosswalk or intersection. No person shall skateboard, roller-skate or ride a non-motorized scooter upon any sidewalk between the hours beginning one hour before sunset and ending one hour after sunrise. No person shall skateboard, roller-skate or ride a non-motorized scooter upon the premises of any municipal building or of any municipal parking facility, unless designated by the town as a skating area, or to ride any of such devices on any sidewalk located in the central business district of the town, hereby defined as being:

1. along Hargett Street from the western intersection of Hargett Street and Wilmington Street to the eastern intersection of Hargett Street and Academy Street,

2. along Wilmington Street form the southern intersection of Wilmington Street and Foy Street to the northern intersection of Wilmington Street and Franck Street.

Section 6-2-09 Use of Coasters and Toy Vehicles

No person shall ride on a coaster, sled, toy wagon, tricycle, or toy vehicle on any street except while crossing at a crosswalk or intersection.

Section 6-2-10 Yield to Pedestrians

On sidewalks in which skateboarding, roller skates and non-motorized scooters are permitted, riders shall at all times yield the right-of-way to pedestrians.

Section 6-2-11 Riding Bicycle on Sidewalk

No person shall ride a bicycle on any sidewalk within town.

Section 6-2-12 Clinging to Motor Vehicle

It shall be unlawful for any person riding a bicycle, sled, roller skates, skateboard or any non-motorized vehicle to attach it or himself to a vehicle which is in motion on a street.

Section 6-2-13 Protective Gear Required

(a) All persons under the age of sixteen who operate a bicycle, skateboard, roller skate or non-motorized scooter on a public street or sidewalk shall wear a helmet that is securely fastened under the chin and which meets the

1. Standards established by the American National Standards Institute (ANSI), or
2. Standards established by the Snell Memorial Foundation's 1984 standards for protective gear.

(b) All persons under the age of sixteen who operate a skateboard or similar device on any municipally owned property designated for such use shall, in addition to a helmet, wear protective knee pads and elbow pads.

Section 6-2-14 Penalties

The first offense for violating any section of this Article shall be a warning. The second offense for violating any section of this Article shall be a fine not more than twenty-five dollars ($25.00). The third and subsequent offenses shall be not more than double the previous offense up to a maximum of five hundred dollars ($500.00) fine.

Sections 6-2-15 through 6-2-20 Reserved

ARTICLE B USE AND CLEANLINESS

Section 6-2-21 Littering Prohibited

It shall be unlawful for any person, firm, organization or private corporation to throw or deposit upon any street or sidewalk, or upon any private property, except with written permission of the owner or occupant of such private property, any trash, refuse, garbage, building material, can, bottles, broken glass, paper, tree trimmings, shrubbery, or any type of litter.

Section 6-2-22 Same; from Vehicles

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

Section 6-2-23 Maintenance of Public Areas

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

Section 6-2-24 Same; Receptacles

Suitable receptacles shall be provided in all parking or access areas within the Town of Richlands. Such receptacles shall be plainly marked and constructed to prevent scattering any trash, litter, rubbish or other material deposited therein.

Sections 6-2-25 through 6-2-30 Reserved

ARTICLE D PARADES AND DEMONSTRATIONS

Section 6-2-31 Definitions

For the purpose of Sections 6-2-31 through 6-2-39 the following terms shall have the definitions ascribed:

a) Block - That portion of any street lying between its intersections with other streets.

b) Group Demonstration - Any assembly together or concert of action between or among two (2) or more persons for the purpose of protesting any matter or of making known any position or promotion of the persons, or of or on behalf of, any organization or class of persons, or for the purpose of attracting the attention of the assembly.

c) Parade - Any assemblage of two (2) or more person participating in or operating any vehicle in any march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, alleys, parts or other public grounds or places.

d) Person - Any person, firm, corporation, partnership, association or other organization, whether formal or informal.

e) Picket Line - Any two (2) or more persons formed together for the purpose of making known any position or promotion of the persons or on behalf of any organization or class of persons.

Section 6-2-32 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.

Section 6-2-33 Standards

The Chief of Police shall not issue a permit for the proposed parade if he finds that:

a) The parades, picket lines or group demonstrations are to commence before 6:00 AM or terminate after 5:00 PM;

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

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

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

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

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

g) The conduct of the parade will interfere with the movement of fire-fighting equipment to such an extent that adequate fire protection cannot be provided to the Town.

Section 6-2-34 Requirements and issuance of Permits

The Chief of Police or his designee shall issue permits as required in Section 6-2-32 and in the issuance thereof he shall:

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

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

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

Section 6-2-35 Certain Activities Prohibited

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

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

b) The taking or keeping of any dog or other vicious animal, whether leashed or unleashed.

Section 6-2-36 Revocation of Permit

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

a) The violation by any participant of Section 6-2-35 of this article; and/or

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

Section 6-2-37 Interference Prohibited

No person shall hamper, obstruct, impede or interfere with any parade, picket line or group

demonstration being conducted under authority of a permit duly issued by the Chief of Police.

Section 6-2-38 Additional Regulations Applicable to Picketing

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

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

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

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

ARTICLE D REGULATION OF SPEED AND TRAFFIC ON TOWN STREETS

Section 6-2-50 Definitions.

(a) The words and phrases defined in this subsection shall have the meaning indicated when used in this chapter unless otherwise specifically provided, or unless clearly required by the context:

Bus: Any motor vehicle designed to carry more than fifteen (15) passengers and used for the transportation of persons; and any motor vehicle, other than taxicab; designed for the transportation of persons for compensation.

Truck: For the purposes of this Chapter, the term "truck" shall mean commercial motor vehicles that have the following characteristics:

(1) Tractor-trailer units, with or without trailers attached;
(2) Vehicles exceeding thirty (30) feet in length;
(3) Vehicles exceeding seven (7) feet in width; or
(4) Vehicles with a gross vehicle weight in excess of ten thousand (10,000) pounds.

Section 6-2-51 Trucks and large vehicles prohibited on certain streets.

(a) No person shall drive a truck or bus on the following street(s): Trucks may use the streets described below to the extent necessary for the purpose of loading or unloading goods, merchandise or equipment, or as necessitated by street repairs or other emergencies.

(1) Cox Street

Section 6-2-52 Penalty

(a) A violation of the provisions of this article shall subject the offender to a civil penalty of twenty-five dollars ($25.00).

(b) If any offender fails to pay the civil penalty set forth in subsection (a) within twenty (20) days after being cited for a violation and notified of the penalty, the offender shall be subject to an additional civil penalty of fifteen dollars ($15.00).

(c) If any offender fails to pay the civil penalty set forth in subsection (a) within twenty (20) days after being notified of the penalty, the town may seek to collect it any penalty set forth in subsection (b) in a civil action in the nature of debt.

(d) The town may seek to enforce the provisions of this article through any appropriate equitable action.

(e) Each day that a violation continues after the offender has been notified of a violation shall constitute a separate offense.

Section 6-5-53 through Section 6-5-59 Reserved.

CHAPTER 3 INTOXICATING LIQUORS

Section 6-3-01 Adoption of State Law
Section 6-3-02 Sunday Consumption - On Premises
Section 6-3-03 Sunday Consumption - Off Premises
Section 6-3-04 Consumption in Public
Section 6-3-05 Sale to or Purchase by Minors
Sections 6-3-06 through 6-3-09 Reserved

Section 6-3-01 Adoption of State Law

All the provisions of Chapter 18B of the General Statutes of North Carolina, relating to the licensing and sale of whiskey, beer, win, and other beverages as defined therein which may be enforced by and on behalf of the Town are hereby adopted and made applicable to the Town. The license taxes therein imposed shall be collected by the Town Clerk and the regulations therein imposed shall be enforced by the proper officers of the Town as they may be authorized by said chapter and by this section.

Section 6-3-02 Sunday Consumption - On Premises

It shall be unlawful for any person to sell or offer for sale for consumption on the premises where purchased any beer or wine in the Town during the following hours:

a) Between 2:00 AM and 7:00 AM Monday from the last Sunday in April until the last Sunday in October of each year;

b) Between 1:00 AM and 7:00 AM Monday from the last Sunday in October until the last Sunday in April of the following year.

Section 6-3-03 Sunday Consumption - Off Premises

It shall be unlawful for any person to sell or offer for sale any beer or wine for consumption off the premises where sold between the hours of 1:00 AM and 1:00 PM on Sunday.

Section 6-3-04 Consumption in Public

It shall be unlawful for any person to consume or display any intoxicating liquor or alcoholic beverage in any public park, athletic field, recreation area, public building, or other property owned or under the control of the Town, or any public alley, road, street, sidewalk or highway within the Town.

Section 6-3-05 Sale to or Purchase by Minors

a) It shall be unlawful for:

    1) Any person knowingly to sell or give any malt beverages or give any malt beverages or unfortified wine to any person under twenty-one (21) years of age;

    2) Any person under twenty-one (21) years of age to purchase or possess, or for anyone to aid or abet such person in purchasing, any malt beverages or unfortified wine;

3) Any person knowingly sell or give any alcoholic beverages to any person under twenty-one (21) years of age; or

4) Any person under twenty-one (21) years of age to purchase or possess, or for anyone to aid or abet such person in purchasing any alcoholic beverages.

b) Whenever a sale of malt beverages or unfortified wine is made to a person under the age of twenty-one (21) years it shall be prima facie evidence that the person making the sale had knowledge that the purchaser was under the age of twenty-one (21) years. such prima facie evidence may be rebutted by showing that the purchaser produced for inspection a drivers' license, selective service card, or military identification card showing the age of the purchaser to be twenty-one (21) years or more and the description of the physical appearance of the person the identification card reasonably describes the purchaser. In the absence of such identifications, the prima facie evidence of knowledge of age may be rebutted by the vendor by other evidence which reasonably indicated at the time of sale that the purchaser was twenty-one (21) years of age or more.

State Law Reference: G.S. 18B-302

CHAPTER 4 THE DISPLAY OF SEXUALLY EXPLICIT MATERIAL

Section 6-4-01 Intent
Section 6-4-02 Display of Sexually Explicit Materials
Section 6-4-03 Display
Section 6-4-04 Exemptions
Section 6-4-05 Penalties
Sections 6-4-06 through 6-4-09 Reserved

Section 6-4-01 Intent

It is declared to be the intent and purpose of this ordinance to regulate the direct commercial distribution of certain explicit sexual materials to minors in order to aid parents and guardians in supervising and controlling the access of minors to such material. The Board o Aldermen finds that whatever social value such material may have for minors can adequately be served by its availability to young persons through their parents or guardians.

Section 6-4-02 Display of Sexually Explicit Materials

The words and phrases defined below shall have the meaning indicated when used in this section.

a) Display - to put or spread before the view of those passing within sight distance of the matter displayed, in an ostentatious manner designed to attract attention to or show off the matter displayed. magazines that meet the definition of sexually explicit materials shall be considered displayed if they are placed in a location (e.g., a magazine rack or shelf) accessible to minors and arranged in a manner calculated to encourage minors to view or read such materials. Sexually explicit materials located within any business or commercial establishment shall not be considered displayed if they are placed in a location that is only accessible to adults or if they are located such that they are only available to customers upon request made to a person in charge of or employed by such business or commercial establishment.

b) Minor - any person under the age of eighteen.

c) Nudity - The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered make genitals in a discernibly turgid state.

d) Sadomasochistic Abuse - Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

e) Sexual Conduct - Acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

f) Sexual excitement - The condition of human male or female genitals when in a state of sexual arousal or stimulation.

g) Sexually explicit materials - Materials consisting of:

1) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, or sadomasochistic abuse;

2) Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated above or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse.

Section 6-4-03 Display

Subject to Section 6-4-04, no person, knowing the character of the materials involved, any display or cause or permit the display of any sexually explicit materials in or on any window, showcase, newsstand, display rack, billboard, display board, viewing screen, motion picture screen, marquee or similar place in such manner that the display is visible from any public street, highway, sidewalk, or other public right-of-way, or in any business or commercial establishment where minors as a part of the general public or otherwise, are or will probably be exposed to view all or any part of such materials.

Section 6-4-04 Exemptions

Nothing in this section shall apply to any recognized historical society or museum accorded charitable status by the Federal Government or any library operated by any unit of state or local government.

Section 6-4-05 Penalties

Violation of any of the provisions of this article by any person shall constitute a misdemeanor and, upon conviction, a violator shall be punished by a fine not to exceed fifty dollars ($50.00) or imprisoned for not more than thirty (30) days. Each and every violation shall constitute a separate and distinct offense.

Sections 6-4-06 through 6-4-09 Reserved

CHAPTER 5 GAMES ROOMS, POOL HALLS, BOWLING ALLEYS

Section 6-5-01 Definitions
Section 6-5-02 License Required
Section 6-5-03 Restrictions
Section 6-5-04 Prohibited Conduct
Section 6-5-05 Rules for Operation of Game Rooms
Section 6-5-06 Revocation of License
Section 6-5-07 Penalties
Sections 6-5-08 through 6-5-19 Reserved

Section 6-5-01 Definitions

a) A Game Room - For the purpose of this article shall be any place of business that principally operates mechanical game or pay devices or tables for which charge is made either directly or indirectly.

b) Examples of Game Rooms - by way of illustration and not limitation, game rooms are pool rooms, bowling alleys, billiard halls, amusement centers and the like. Businesses other than those which principally employ mechanical games or pay devised or table for which a charge is made, may be subject to the provisions of this Ordinance, if it is determined by the Board of Aldermen that pay devised, tables and/or games are on the premises, and that the establishment has an equal potential to game rooms to become disruptive and that the actual disruption caused by the business establishment can only be controlled through the applications of the provisions of this Ordinance.

c) Mechanical, electronic or other play-for money tables or machines shall include, but not be limited to, pool tables, video games, pin ball machines and arcades of all types.

d) Operate of Offer for Operation - Shall mean a table or machine placed in a business establishment for use by the general public or any subgroup of the general public greater than the ownership of the establishment and for which a charge is generally made or collected.

Section 6-5-02 Licenses Required

a) Every operator of a game room shall be required to pay a privilege license tax in accordance with privilege ordinances of the Town of Richlands.

b) In addition, every operator of a game room shall apply for and obtain a license from the Town Board to operate a game room. Application for such a license shall be made upon forms provided by the Town Clerk. Every license issued pursuant to this Chapter shall specify the premises for which it is issued, the number of tables of alleys to be operated thereunder, the name of the owner or operator, and the dates upon which the license begins and shall expire. Such license shall be posted in a prominent place on the premises at all times.

c) It shall be unlawful to operate a game room within the Town without a license as required by Subsection (b).

Section 6-5-03 Restrictions

The Town Board shall not issue a license to any applicant who:

a) Has been convicted of unlawfully selling intoxicating liquors of narcotic drugs; or

b) Is not a resident of North Carolina; or

c) Is a habitual user of alcoholic beverages or narcotic drugs.

Section 6-5-04 Prohibited Conduct

Licensees under this Chapter shall not, and neither shall their employees:

a) Suffer or permit any gambling on the licensed premises at any time; nor the sale or use of racing, football, or other parlay cards or gambling boards or devised;

b) Suffer or permit the license premises to become disorderly; or permit any profane, obscene, or indecent language thereon;

c) Employ in carrying on the business any person who has been convicted of unlawfully selling alcoholic beverages or narcotic drugs;

d) Suffer or permit any narcotic drugs to be sold or kept or consumed on the license premises;

e) Suffer or permit any keeley board, keno board, or any other such board or device to be attached to, or placed on any tables.

Section 6-5-05 Rules for Operation of Game Rooms

The following rules shall be observed by all operators of game rooms within the Town:

a) All game rooms shall close at 2:30 AM each morning, Monday through Saturday, and no person other than the owner, operator, or employees shall be permitted on the premises form that hour until 7:00 AM of that morning. All game rooms shall close at 2:30 AM each Sunday morning and no person other than the owner, operator or employees shall be permitted on the premises from that hour until 12:00 Noon on Sunday.

b) No play shall be allowed on any game during the hours a game room is closed pursuant to Subsection (a) above;

c) All game rooms shall be operated only on the ground floor of a building, and plate glass windows shall be in those parts of the building facing any street, so that a clear view inside may be easily had from the street. Total area of plate glass window shall be at least 20 square feet;

d) No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where games are played and the rear wall of such room so that a clear view of the interior may be had from the street;

e) No loud noises, as prescribed by Title 8, Chapter 8, shall be allowed to emanate beyond the licenses premises;

f) There must be an adult (18 years of age or older) managing the business on the premises during hours of operation at all times;

g) No partitions forming rooms, stalls, or other enclosures where the public congregates shall be permitted, provided, this shall not be construed so as to prohibit the maintenance of closets used exclusively for storage purposes, or of toilets;

h) There shall not be permitted or maintained any open or secret connections through doors, windows, trap doors, hidden doors, panels, stairways, or other devices with any place where gambling is conducted or where persons meet or congregate for immoral purposes.

Section 6-5-06 Revocation of License

After giving the operator of a game room adequate notice and an opportunity to be heard, the Town Board may revoke the license of any game room operator who:

a) Violates the provisions of Section 6-5-04 or Section 6-5-05; or

b) Is convicted of unlawfully selling alcoholic beverages or narcotic drugs.

Section 6-5-07 Penalties

In the event of a violation of any section of this Chapter, one or more of the following procedures shall be followed:

a) The individual or individuals in violation of this Ordinance shall be given a citation by Town law enforcement officers. The civil penalty shall be $25.00.

b) The establishment owner shall be given a citation if the operator of any game room is in violation of this Ordinance. The civil penalty shall be $50.00 per violation cited hereunder.

c) Any individual obstructing or attempting to prevent the enforcement of this Ordinance shall be cited as for any other interference with a law enforcement officer in the performance of his duties.

d) Repeated violations of this Ordinance shall invoke the provisions of this Ordinance to the effect that the business establishment may be closed simultaneously with the revocation of the license to operate within the Town limits.

Sections 6-5-08 through 6-5-19 Reserved

ARTICLE B POOL ROOMS AND BOWLING ALLEYS

Section 6-5-20 License Required

No person shall maintain or operate any pool or billiard table, bowling alley, or other table or

alley for any game or play for which a charge is made, either directly or indirectly, unless he shall first have secured a license from the Town Clerk to do so. Such license shall expire on June 30 each year, and shall not be transferable.

Section 6-5-21 Application for License

Applications for such license shall be made upon forms provided by the Town Clerk, and shall contain all information necessary for the Board to act intelligently upon such applications.

Section 6-5-22 When License Refused

The Board shall not issue such license to any person:

a) Who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs; or

b) Who is not a citizen and resident of North Carolina; or

c) Who is of immoral character; or

d) Who is a habitual user of intoxicating liquor or narcotic drugs.

Section 6-5-23 Form and Content of License

Every license issued pursuant to this article shall specify the premises for which it is issued, the number of table or alleys to be operated thereunder, the name of the owner or operator, and the dates upon which the license begins and shall expire. Such license shall be posted in a prominent place on the premises at all times.

Section 6-5-24 Certain Prohibitions to be Observed by License and Employees

Licensee under this article shall not, and neither shall his employees:

a) Suffer or permit any gambling on the licensed premises at any time; nor the sale or use of any racing, football, or other parlay cards or gambling boards;

b) Suffer or permit the licensed premises to become disorderly or permit any profane, obscene, or indecent language thereon;

c) Suffer or permit any intoxicating liquors or narcotic drugs to be sold or kept or consumed on the licensed premises;

d) Suffer or permit any person under age of sixteen (16) years to enter or remain on the licensed premises, unless such person be accompanied by his parent or guardian;

e) Employ in carrying n the business any person who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs;

f) Suffer or permit any keeley board, keno board, or any other such board or device to be attached to, or placed on any tables.

Section 6-5-25 Rules for Operation

The following rules shall be observed by all operators of pool rooms within the Town:

a) All pool rooms shall close at 1:00 AM each morning, Monday through Friday and 12:00 AM on Saturdays and no person other than the owner, operator, or employees shall be permitted on the premises from that hour until 7:00 AM the following morning;
b) No play on any table shall be allowed during the times when pool rooms are required by this article to remain closed;
c) Pool rooms shall remain closed on Sundays;
d) All pool rooms shall be operated only on the ground floor of a building, and plate glass window shall be in those parts of the building facing any street, so that a clear view inside may be had from the street;
e) No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where pool is played and the rear wall of such room. A clear view of the interior from the entrance to the rear of the room must be maintained at all times;
f) No partitions forming rooms, stalls, or other enclosures where the public congregates shall be permitted. Provided this shall not be construed so as to prohibit the maintenance of closets used exclusively for storage purposes, or of toilets;
g) There shall not be permitted or maintained any open or secret connections through doors, windows, trap doors, hidden doors, panels, stairways, or other devices with any place where gambling is conducted or where persons meet or congregate for immoral purposes.

Section 6-5-26 Licensee Responsible

The acts and conduct of the agents and employees of the licensee in the conduct of the business shall be deemed to be the acts and conduct of the licensee.

Section 6-5-27 Revocation of Licenses

A second conviction of a license, or his agent or employee, for any violation of any provision of this article shall be operation of law constitute an automatic revocation of the license of such licensee. In addition, the Board may at any time, for cause, and after hearing, of which such licensee shall be given such reasonable notice as the Board may direct, revoke any license issued pursuant to this article.

Sections 6-5-28 through 6-5-40 Reserved

TITLE 7

AN ORDINANCE REGULATING THE STREET NAMING AND PARKING ON STREETS WITHIN THE TOWN OF RICHLANDS, NORTH CAROLINA, AND PROVIDING FOR THE ENFORCEMENT AND AMENDMENTS TO THE SAME.

Chapter 1 Street Names, Parking Regulations

Article A An Ordinance Designating Prefixes of Certain Streets Within the Town

Section 7-1-01 Purpose
Section 7-2-02 Prefixes for Streets
Sections 7-1-03 through 7-1-09 Reserved

Article B Regulation of Parking of Vehicles in Town

Section 7-1-10 "No Parking" on Public Streets
Section 7-1-11 Same; Specified Periods
Section 7-1-12 Handicapped Spaces
Section 7-1-13 Parking at Fire Hydrants
Section 7-1-14 Parking Near Intersections
Section 7-1-15 Time Limited Parking
Section 7-1-16 Parking Facing Oncoming Traffic
Section 7-1-17 Parking of Oversized Vehicles
Section 7-1-18 Notice to Violator
Section 7-1-19 Contents of Notice
Section 7-1-20 Settlement of Claim
Section 7-1-21 Other Remedies
Section 7-1-22 Fines to be Paid in General
Section 7-1-23 Penalty
Section 7-1-24 through 7-1-29 Reserved

Article C Regulation of Parking in Privately Owned Public Vehicular Areas

Section 7-1-30 Purpose
Section 7-1-31 Definitions
Section 7-1-32 Prohibited; Exceptions
Section 7-1-33 Penalty
Section 7-1-34 Intent
Section 7-1-35 through 7-1-39 Reserved

Article D Property Numbering System for the Town of Richlands

Section 7-1-40 Numbering Document
Section 7-1-41 Numbering System
Section 7-1-42 Owners to Purchase Numbers
Section 7-1-43 Numbers for Future Buildings
Section 7-1-44 Unlawful to Deface Number
Section 7-1-45 Numbers
Section 7-1-46 through 7-1-49 Reserved

CHAPTER 1 STREET NAMES, PARKING REGULATIONS

ARTICLE A AN ORDINANCE DESIGNATING PREFIXES FOR CERTAIN STREETS WITHIN THE TOWN

§7-1-01 Purpose

It is necessary for the Town of Richlands to adopt a comprehensive property numbering system and to designate prefixes for certain streets in the Town. This street designation and numbering system is intended to promote public convenience and general welfare of the citizens of the Town of Richlands.

§7-1-02 Prefixes for Streets

Prefixes for the following names streets or parts thereof are hereby designated as follows:

(a) North and South Prefix Designation - that portion of the streets named below that are lying north of Hargett Street are hereby designated or renamed with the prefix "North" and that portion of the street named below and lying south of Hargett Street are hereby designated or renamed with the prefix "South."

(1) Wilmington Street
(2) Nicholson Street
(3) Onslow Street
(4) Cox Street
(5) Academy Street
(6) Church Street

(b) East and West Prefix Designation - That portion of the streets that are named below and lying east of Wilmington Street are hereby designated or renamed with the prefix "East" and portion of the streets named below and lying west of Wilmington Street are hereby designated or renamed with the prefix "West."

(1) Foy Street
(2) Hargett Street
(3) Franck Street
(4) Richlands Boulevard

Sections 7-1-03 through 7-1-09 Reserved

ARTICLE B REGULATION OF PARKING OF VEHICLES IN TOWN

Section 7-1-10 "No Parking" on Public Streets

It shall be a violation of the parking ordinances of this Article for any person, firm or corporation to park, or allow the parking of any motor vehicle between duly erected municipal sighs indicating "No Parking," or works of like imports, such signs to be erected from time to time as directed by the Board of Aldermen of the Town of Richlands; provided that a list of the areas so designated shall be maintained at all times by the Town Clerk, and to be amended as the Board of Aldermen direct. Such areas of designation are as follows:

(a) North side of West Hargett Street, from Modern Tractor Company, north 400 feet to Academy Street;
(b) North Side of West Hargett Street from Wilmington Street north, 125 feet; in front of the Onslow Museum Building;
(c) South side of West Hargett Street beside Denny's Pizza, from Wilmington Street, 100 feet north;
(d) South side of Cooper Street from Wilmington Street to Onslow Street;
(e) South side of West Foy Street from North Wilmington Street, to a point 350 feet west, on West Foy Street;
(f) Both sides of Franck Street from Cox Street to US 258.
(g) West side of Wilmington Street beginning 92 feet northwardly from the centerline intersection of Franck Street and Wilmington Street and continuing a distance of 45 feet, this being the area in front of the United States Post Office "drop box."

Section 7-1-11 Same, Specified Periods

In addition to Section 7-1-10 above, it shall a violation of the parking ordinances of this Article for any person, firm or corporation to park, or allow the parking of any motor vehicle between duly erected municipal signs which indicate that parking during specified times is prohibited provided that:

(a) such parking takes place between the times specified by such duly erected signs; and
(b) a list of the areas so designated shall be maintained at all times in the office of the Town Clerk, stating the hours in which parking shall not occur, and to be amended as the Board of Aldermen may direct.

Such areas are as follows:

(a) Both sides of Onslow Street from Foy Street to Hargett Street between 7:00 am and 8:30 am, and again from 2:00 p.m. to 3:30 p.m.

(b) East side of Wilmington Street from the intersection of the eastern curb of Wilmington Street with the southern curb of Foy Street sourthwardly 174 feet between 10:00 p.m. and 6:00 am.

(c) South side of Foy Street from the intersection of the eastern curb of Nicholson Street with the southern curb of Foy Street eastwardly .21 miles between 7:30 am and 8:30 am, and again from 2:30 p.m. to 3:30 p.m.

Section 7-1-12 Handicapped Spaces

It shall be a violation of the parking ordinances of this Article for any person, firm or corporation to park, or allow to be parked, any vehicle in a parking space which has been designated and properly marked as reserved to handicapped use, unless such vehicle has a distinguishing plate or placard issued under authorization of the State of North Carolina or any other state in the United States.

Section 7-1-13 Parking at Fire Hydrants

It shall be a violation of the parking ordinances of this Article for any person, firm or corporation to park, or allow to be parked, any vehicle within ten (10) feet of any fire hydrant which is installed as part of the Town of Richlands or any other water system.

Section 7-1-14 Parking Near Intersections

It shall be unlawful for any person, firm or corporation to park, or allow to be parked, any vehicle within twenty-five (25) feet of any intersection within the Town, except as limited hereafter. Due to lack of visibility, it shall be unlawful for any person, firm or corporation to park, or allow to be parked, any vehicle within twenty five (25) feet of the intersection of North Wilmington Street and Foy Street.

Section 7-1-15 Time Limited Parking

It shall be a violation of the parking ordinances of this Article for any person, firm or corporation to park, or allow to be parked, any vehicle for a period longer than may be indicated in a space duly marked with appropriate signs as may be erected under the direction of the Board of Aldermen. A list of such parking areas shall be maintained in the office of the Town Clerk, and amended and updated as the Board of Aldermen may direct. Such areas are as follows:

(a) Fifteen minute parking shall exist in the following locations:
  (1) Directly in front of the Richlands Post Office on the west side of North Wilmington Street, from Franck Street to a point 200 feet North;
  (2) North side of Foy Street from Wilmington Street to a point 250 feet west;

(b) Loading and unloading zones are designated in the following locations:
  (1) North side of West Hargett Street, west of the Onslow Museum to Modern Tractor Company (area where parking is not prohibited in Section 7-1-10);
  (2) South side of West Hargett Street in front of Wiggins Hardware (across from (b-1) above).

Section 7-1-16 Parking Facing Oncoming Traffic

It shall be a violation of the parking ordinances of this Article for any person, firm or corporation to park, or allow to be parked, any vehicle in a manner in which said vehicle is facing oncoming traffic in the immediately adjacent lane of traffic; this provision to apply to the portion of Hargett Street between Modern Tractor Company and Wilmington Street, and on Wilmington Street between Foy Street and Franck Street.

Section 7-1-17 Parking of Oversized Vehicles (5/11/99)

It shall be unlawful to park any motor vehicle in excess of eighty (80) inches in width or in excess of thirty (30) feet in length, or any vehicle with two (2) or more axles, or any trailer, on the streets within the corporate limits of the city at any time except when engaged in loading and unloading, for emergency services or for temporary use at construction sites during the period of active construction

Section 7-1-18 Notice to Violator (2/19/91)

Whenever a member of the Police Department of the Town or other person charged by the Town Administrator to enforce the provisions of the parking ordinances shall find that any of the provisions of the parking ordinances are being, or have been, violated by the owner or operator of any vehicle, such officer or person shall notify the owner or operator of the vehicle of the violation by conspicuously attaching to the vehicle a parking violation notice in such form as the Town Administrator may direct.

Section 7-1-19 Contents of Notice

Such parking violation notice stated in Section 7-1-18 shall among other things, state upon its face the amount of the penalty for the specific violation and indicate the graduated penalties which are imposed for failure to pay within the times established in this Article; notify the offender that a failure to pay the penalty within the last prescribed time established by this Article shall subject the offender to a civil action in the nature of debt for the applicable penalty together with the cost of the action to be taxed by the court; state that the offender may answer the Town parking citation by mailing this citation and the stated penalty to Post Office Box 245, Richlands, North Carolina 28540 or may pay the amount at the Richlands Town Hall, Wilmington Street, Richlands, and that upon payment, the case or claim and right of action by the Town will be deemed compromised and settled.

Section 7-1-20 Settlement of Claim

The Town Administrator or his designated agent is authorized to accept payments in full and final settlement of claim or claims, right or rights of action which the Town may have to enforce such penalty by civil action in the nature of debt. Acceptance of a penalty shall be deemed a full and final release of any and all claims or right of action arising out of contended violations. The Town Administrator or his designated agent may also settle any parking violation notice if he determines that the notice was received as a result of mistake, inadvertence, or excusable neglect.

Section 7-1-21 Other Remedies

Nothing in this Article is intended nor shall be construed to provide that a vehicle parked in violation of any ordinance regulating the parking of vehicles on public streets or parking areas, may not be towed away in accordance with applicable statutes and ordinances.

Section 7-1-22 Fines to be Paid to General Fund

All penalties paid to the Town or as may be recovered in a civil action in the nature of debt as provided in this Article shall be paid to the General Fund of the Town.

Section 7-1-23 Penalty

Violations of the provisions of this Article shall subject the offender to a civil penalty as hereinafter enumerated. These ordinances shall be referred to as parking ordinances. Civil penalties may be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within 30 days of the issuance of notice as prescribed by this Article. In accordance with G.S. Section 160A-175(b), a violation of the parking ordinances shall not be considered a breach of the penal laws of the state.

The following penalties shall be imposed for the following violations:

(a) For parking in a handicapped space as prescribed in Section 7-1-12, the penalty shall be $50.00.

(b) For parking at a fire hydrant as prescribed in Section 7-1-13, the penalty shall be $15.00.

(c) For all other violations of the parking ordinances the penalty shall be $5.00.

Section 7-1-24 through Section 7-1-39 Reserved

ARTICLE C REGULATION OF PARKING IN PRIVATELY OWNED PUBLIC VEHICULAR AREAS

Section 7-1-30 Purpose

Pursuant to G.S. 160A-301(d), this ordinance is enacted to provide for the enforcement of parking regulations governing the use of privately owned public vehicular areas within the corporate limits of the Town of Richlands, in order to preserve the ownership rights of private individual owners of said areas, and to provide for the general welfare of the Town of Richlands though the uniform and orderly regulation of private property opened to the public for limited purposes and for limited hours during the day.

Section 7-1-31 Definitions

(a) Hours of Operation - Those hours during which the business, to which the public use of privately owned public vehicular areas is attached, is open to the public, as determined from time to time by the owner thereof.

(b) Law Enforcement Officer - A duly authorized police officer, full-time or auxiliary, of the Town of Richlands, North Carolina, either on duty or specifically authorized to enforce this ordinance while off duty by the Chief of Police, or Board of Aldermen.

(c) Parking - Parking shall be defined, for the purposes of this section, as the stationary location of a motor vehicle, whether attended or unattended, or whether in operation or not, upon a privately owned public vehicular area, as hereinafter defined.

(d) Privately Owned Vehicular Area - All or part of the premises owned by a private individual, partnership or corporation, and which is used or dedicated for use as driveways, parking spaces, or loading and unloading zones for use by guests or invitees of said owner in the operation of a business upon said premises, which areas are normally open to public use for the above stated purposes during the hours of business operation.

(e) Owner of Vehicle - The registered owner of the vehicle in question, or the authorized agent thereof.

Section 7-1-32 Prohibited; Exceptions

It shall be unlawful for any person, firm or corporation to park, or allow to be parked, any vehicle owned by them, in or upon a privately owned public vehicle area within the corporate limits of the Town of Richlands, without first securing the express prior permission and consent of the owner of said area, any time prior to thirty minutes before the opening or thirty minutes after the closing hours of the business to which the public use of said area is attached; provided that this ordinance shall apply only to those businesses and privately owned public vehicular areas where the owners or general managers of the business have requested in writing that the Chief of Police, enforce this regulation upon their property, and who have provided the Chief of Police with a list of hours of operation for the business to which the public use is attached. A list of such businesses shall be maintained as a separate schedule, and made a part of the official public records of the Town of Richlands; provided further that any owner of a privately owned vehicular area who requests such protection of this section in accordance with the terms herein stated, shall as a condition precedent to the enforcement of this ordinance upon his property, post notices at reasonable places upon his property stating the hours during which the public shall be

prohibited form use of said privately owned public vehicular areas.

Section 7-1-33 Penalty

Any vehicle found in violation of this ordinance shall be towed from said privately owned vehicular area by a law enforcement officer, and stored by the Town of Richlands at the owner's expense, and the owner thereof, if convicted, shall be found guilty of a misdemeanor, and shall pay a fine of up to fifteen (15) dollars plus towing and storage cost, and/or imprisoned for not more that thirty (30) days.

Section 7-1-34 Intent of the Ordinance

It is not intended that these regulations repeal, abrogate, annul, suspend impair or interfere with any existing ordinances of the Town of Richlands, or with alternate rights of owners of private property. However where these regulations impose greater restrictions than those otherwise provided by law, the provisions of these regulations shall govern.

Section 7-1-35 through 7-1-39 Reserved

ARTICLE D PROPERTY NUMBERING SYSTEM FOR THE TOWN OF RICHLANDS

Section 7-1-40 Numbering Document

The property numbering document entitled "Property Numbering System, dated September, 1991, Town of Richlands, NC," is hereby adopted as the official property numbering system for the Town of Richlands, and all property numbers shall be assigned in accordance with the numbering system herein, and no other property numbers shall be displayed in the Town, except those assigned in accordance with the official property numbering system. The property numbering system shall be kept on file in the office of the Town Clerk.

Section 7-1-42 Property Owners to Purchase Numbers

Every property owner of improved property shall, on or before December 31, 1991, purchase and display in a conspicuous place on said property, the number assigned, which shall be of the type approved by the Board of Aldermen.

Section 7-1-43 Numbers for Future Buildings

All residences and building erected after the adoption of this ordinance shall be assigned a number by the Town Administrator in accordance with the property numbering system, and shall purchase and display such number as provided in Section 7-1-42 of this Ordinance within 30 days of the initial occupancy or use of such residence or building.

Section 7-1-44 Violation to Deface Number

It shall be a violation of this Ordinance for any person to alter, deface or take down any number placed on any property in accordance with this Ordinance, except for repair or replacement of said numbers.

Section 7-1-45 Numbers

All numbers shall be at least three (3) inches high, and be of a contrasting color to the residence or building in order to make the number more visible from the street. The numbers shall be located on the front of the residence or building, in proximity to the front doorway.

Section 7-1-46 Notice to Violator

Whenever a member of the Police Department of the Town or other person charged by the Town Administrator to enforce the provisions of the property numbering ordinances shall find that any of the provisions of the property numbering ordinances are being, or have been, violated by the owner or occupant of any residence or building, such officer or person shall notify the owner or occupant of the residence or building of the violation by hand delivery or by certified mail, return receipt requested, of a property numbering violation notice in such form as the Town Administrator may direct.

Section 7-1-47 Contents of Notice

Such property numbering violation notice stated in Section 7-1-46 shall among other things, state upon its face the amount of the penalty for the specific violation; notify the offender that a

failure to pay the penalty within the last prescribed time established by this Article shall subject the offender to a civil action in the nature of debt for the applicable penalty together with the cost of the action to be taxed by the court; state that the offender may answer the Town property numbering citation by mailing this citation and the stated penalty to Post Office Box 245, Richlands, North Carolina 28574 or may pay the amount at the Richlands Town Hall, Wilmington Street, Richlands 28574, and that upon payment, the case or claim and right of action by the Town will be deemed compromise and settled.

Section 7-1-48 Settlement of Claim

The Town Administrator or his designated agent is authorized to accept payment sin full and final settlement of claim or claims, right or rights of action which the Town may have to enforce such penalty by civil action in the nature of debt. Acceptance of a penalty shall be deemed a full and final release of any and all claims or right of action arising out of contended violations. The Town Administrator or his designated agent may also settle any property numbering violation notice if he determines that the notice was received as a result of mistake, inadvertence, or excusable neglect.

Section 7-1-49 Fines to be Paid to General Fund

All penalties paid to the Town or as may be recovered in a civil action in the nature of debt as provided in this Article shall be paid to the General Fund of the Town.

Section 7-1-50 Penalty

Violations of the provisions of this Article shall subject the offender to a civil penalty as hereinafter enumerated. These ordinances shall be referred to as Property Numbering Ordinances. Civil penalties may be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within 30 days of the issuance of notice as prescribed by this Article. In accordance with G.S. Section 160A-175(b), a violation of these ordinances shall not be subject to the penalty provision of G.S. Section 14-4 and shall not be considered a breach of the penal laws of the state.

The following penalties shall be imposed for the following violations:

(a) For defacing a property number as prescribed in Section 7-1-44, the penalty shall be $50.00.

(b) For failure to purchase and display a property number as prescribed in Sections 7-1-41 & 42, the penalty shall be $50.00.

ARTICLE E REGULATION OF SPEED ON STREETS, ETC., WHICH ARE A PART OF THE STATE HIGHWAY SYSTEM

Section 7-1-46 Purpose

Pursuant to N.C.G.S. Sections 160A-296 and 20-141(f), this ordinance is enacted to provide for the enforcement of speed regulations on streets, roads and highways which are a part of the State highway system within the corporate limits of the Town of Richlands, and to provide for the general welfare of the Town of Richlands through the uniform and orderly regulation of its streets and thoroughfares.

Section 7-1-47 Prohibited

It shall be unlawful for any person to operate any vehicle on a street or highway within the corporate limits of the Town of Richlands which is a part of the State highway system in excess of the following speeds:

(a) 45 miles per hour:

(1) on US 258/NC 24 from 0.40 mile South of SR 1003 northward to SR 1302, a distance of 1.37 miles.

(b) 35 miles per hour:

(1) on SR 1308 / Franck Street from the eastern corporate limit to the intersection of SR 1308/ Franck Street with US 258 / NC 24,

(2) on SR 1301 / Rand Road from the northern corporate limits to the intersection of SR 1301/Rand Road with US 258/NC 24.

Section 7-1-48 Penalty

Violation of this ordinance shall be punishable as set out in N.C.G.S. Chapter 20, as amended.

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TITLE 8

AN ORDINANCE ESTABLISHING NUISANCE REGULATIONS FOR THE TOWN OF RICHLANDS, NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SAID REGULATIONS, AND ANY AMENDMENTS TO THE SAME.

Chapter 1 Definition and Authority, Purpose, Enactment
Chapter 2 Animals
Chapter 3 Abandoned/Derelict Vehicles
Chapter 4 Weeds, Hedges, Tall Grass and Other Vegetation
Chapter 5 Rubbish, Litter
Chapter 6 General Health Regulations
Chapter 7 Disorderly Conduct
Chapter 8 Other General Nuisances

CHAPTER 1DEFINITION AND AUTHORITY, PURPOSE, ENACTMENT

ARTICLE A AUTHORITY

Section 8-1-01 Authority
Section 8-1-02 Purpose
Section 8-1-03 Enactment
Section 8-1-04 Conflicting Ordinances
Section 8-1-05 Separability
Section 8-1-06 through 8-1-09 Reserved

ARTICLE B DEFINITIONS

Section 8-1-10 Definitions
Section 8-1-11 Illustrative Enumeration
Section 8-1-12 Prohibited
Section 8-1-13 Notice to Abate
Section 8-1-14 Contents of Notice
Section 8-1-15 Service of Notice
Section 8-1-16 Abatement by Town
Section 8-1-17 Payment of Costs
Section 8-1-18 Criminal Action
Section 8-1-19 Effective Date

ARTICLE A AUTHORITY

Section 8-1-01 Authority

This ordinance and subsequent chapters, is adopted pursuant to the authority granted to North Carolina municipalities through the North Carolina General Statutes Chapter 160A, Article 8.

Section 8-2-02 Purposes

It is the intent of this ordinance and its subsequent chapters, to encourage a clean, healthy and satisfying environment for its citizens, one free from nuisances, eyesores, unhealthy or devaluating conditions. To these ends, this ordinance seeks to regulate, identify and provide a means to enforce the regulations, to protect the health, safety, and welfare of residents and property owners.

Section 8-1-03 Enactment

For the purposes cited above and for the general purposes of promoting the health, safety, and general welfare of the Town of Richlands, the Board of Aldermen of the Town of Richlands does hereby ordain, adopt, and enact this ordinance in its entirety, including text, and all regulations, all of which shall be known as the Richlands Nuisance Ordinance. This ordinance shall apply to all land within the corporate limits of the Town of Richlands.

Section 8-1-04 Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this ordinance or inconsistent with its provisions, specifically including previous ordinances of the Town of Richlands or amendments thereto, are hereby repealed or superseded tot he extent necessary to give this ordinance full force and effort.

Section 8-1-05 Separability

Should any provision of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this ordinance as a whole or any part thereof except that specific provision which was the subject of the declaration.

Section 8-1-06 through 8-1-09 Reserved

ARTICLE B DEFINITIONS/PROCEDURE

Section 8-1-10 Definition

For the purposes of this chapter, the work "nuisance" is hereby defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

a) Injures or endangers the welfare, health or safety of others; or
b) Offends decency; or
c) Creates offensive odors; or
d) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch, or drainage; or
e) In any way renders other persons insecure in life or the use of property; or
f) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

Section 8-1-11 Illustrative Enumeration

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

a) Weeds or vegetation allowed to grow to a height greater than eight (8) inches on the average, or any accumulation of dead weeds, grass, or brush, on any occupied or unoccupied lot or land that may provide safe harborage for rats, mice, snakes, and other vermin;

b) Accumulation of rubbish, trash, refuse, junk, and other abandoned materials, metals, lumber or other things;

c) The carcasses of animals or fowl not disposed of within a reasonable time after death;

d) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;

e) All noises which may annoy or permit others in their enjoyment of the use of their property;

f) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches, including smoke and fires;

g) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
h) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.

i) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.

j) Any method of human excreta disposal which does not conform to the provisions of this Code, state law, or Town ordinance, rule or regulation.

Section 8-1-12 Prohibited

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

Section 8-1-13 Notice to Abate

Whenever a nuisance is found to exist within the Town or within the Town's extraterritorial jurisdiction, the Town Administrator or his assigns shall give written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

Section 8-1-14 Contents of Notice

The notice to abate a nuisance issued under the provisions of this chapter shall contain:

a) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances.

b) The location of the nuisance, if the same is stationary.

c) A description of what constitutes the nuisance.

d) a statement of acts necessary to abate the nuisance.

e) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the Town will abate such nuisance and assess the cost thereof against such person.

The opportunity for a hearing with the Town Administrator shall be granted upon written request, properly delivered to the Town Administrator within the allotted time.

Section 8-1-15 Service of Notice

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

Section 8-1-16 Abatement by Town

Upon the failure of the person upon whom in time notice to abate nuisance was served pursuant to the provisions of this chapter to abate the same, the police chief or other duly designated officer of the Town shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

Section 8-1-17 Payment of Costs

Upon completion of the abatement of any nuisance by the Town under the provision of this chapter, the police department shall deliver to the Town clerk a statement including the costs of labor, hauling or other necessary items of expense for such abatement. The Town Clerk shall thereupon mail to the owner of the lot a bill covering the costs. As provided in G.S. 160A-193, the amount of the bill shall become a lien upon said property and if not paid within thirty (30) days shall be collected in the same manner as provided for the collection of delinquent taxes.

Section 8-1-18 Criminal Action

Violations of this ordinance shall constitute a criminal liability. The procedure set forth in this ordinance shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this ordinance shall not prevent the Town from proceeding in a criminal action against any person, firm or corporation violating the provision of this ordinance as provided in G.S. 14-4. In addition, violators shall be civilly liable for costs incurred by the Town to abate said nuisances.

Section 8-1-19 Effective Date

The sections of this chapter and subsequent chapters of Part 8 of the Code of Ordinances for the Town of Richlands will become effective as of the date of passage.

CHAPTER 2 ANIMALS

ARTICLE A IN GENERAL (Amended February 8, 2005)

Section 8-2-01 Definitions
Section 8-2-02 Territorial Application
Section 8-2-03 Duties of Animal Control Officer
Section 8-2-04 Animal Shelter
Section 8-2-05 Interference or Concealment
Section 8-2-06 Duty of Owner to Control Animals
Section 8-2-07 Running at Large
Section 8-2-08 Animal Waste
Section 8-2-09 Public Nuisances
Section 8-2-10 Mistreatment of Animals Prohibited
Section 8-2-11 Cruel Treatment Prohibited
Section 8-2-12 Notice in Case of Injury
Section 8-2-13 Destruction of Animals that Cannot be Seized by Reasonable Means
Section 8-2-14 Setting Humane Animal Traps and Authority to Receive Trapped Animals
Section 8-2-15 Impoundment
Section 8-2-16 Humane Euthanasia of Injured or Diseased Animals
Section 8-2-17 Handling of Stray Animals by the Public
Section 8-2-18 Wild Animals
Section 8-2-19 Keeping Livestock
Section 8-2-20 Tethering of Horses
Section 8-2-21 Disposal of Dead Animals
Section 8-2-22 Animal; Chicken Fighting Prohibited
Section 8-2-23 Bird Sanctuary Designated
Section 8-2-24 Unlawful to Kill Birds
Section 8-2-25 Same; Weapons Regulated
Section 8-2-26 Same; Signs Permitted
Section 8-2-27 Number of Animals Allowed
Section 8-2-28 Penalties
Section 8-2-29 Reserved

ARTICLE B RABBIES CONTROL

Section 8-2-30 Compliance with State Rabies Laws
Section 8-2-31 Vaccination of Dogs, Cats and other Pets
Section 8-2-32 Wearing of Collar and Tags

ARTICLE A IN GENERAL

Section 8-2-01 Definitions

As used in this ordinance, the following words shall have the meaning ascribed to them in this section unless the context otherwise indicates:

Animal Control Section: The animal control component of the Ordinance which includes the animal control function for the jurisdiction, however denominated.

Animal Control Officers: Any animal control officer employed or authorized by the jurisdiction.

Animal Control Supervisor: The officer or employee placed in supervision of animal control. In Onslow County the animal control supervisor shall report to the Health Director.

Animal Shelter: The animal shelter operated and maintained by Onslow County for the purpose of impounding animals under the authority of the chapter or the General Statutes of North Carolina for the care, confinement, return to owner, adoption, or humane euthanasia.

Breeder Kennel: One who breeds more then one breed of animals(s), where by the animals are bred for sale and or profit.

Cat: A domestic or feral feline of either sex.

Dog: A domestic canine of either sex.

Dog Having Dangerous or Destructive Propensities: means a dog which has been trained or taught to attack humans or other animals, or a dog which habitually turns over garbage receptacle, habitually destroys shrubs, flowers, grass and other plant growth, habitually kills other animals, habitually attacks or attempts to attack persons, or habitually performs other similar acts.

Equine: Horse, mule, donkey, and pony.

Enclosure: Pen, paddock, stall, stable, or pasture with properly hung and marked fence.

Harboring of Animal: An animal shall be deemed to be harbored if it is fed or sheltered seven days or more, unless the animal is being boarded for a fee.

Hazard: Any object above or below ground natural or artificial that could cause harm or injury to the animal.

Hunter Kennel: Dog must be used only for the purpose of hunting.

Impounded: Any animal which is received into custody by the Onslow County Animal Shelter.

Incorporated Area: This term shall apply to the area within the corporate limits of any town or municipality within Onslow County if the governing body of such town or municipality adopts a resolution indicating that it is to be treated as an incorporated area under this chapter.

Keeper: Any person, acting in the capacity of the owner, or at the owner's request, who is

responsible for the care, welfare, and maintenance of the animal.
Neutered Male: Any male dog or cat which has been rendered sterile by a surgical procedure.

Livestock: Any animal(s) (excluding rabbits, dogs, and cats), including riding animals, horses or other beasts of burden, farm animals including but not limited to cattle, swine, goats, sheep, domestic fowl, wild animals, and exotic or unusual animals; or any animal used for breeding purposes.

Owner: Any person, group of persons, firm, partnership, corporation, organization, or association owning, keeping, having charge of, sheltering, feeding, harboring, or boarded any animal for a fee. The owner is responsible for the care, actions and behavior of his animal(s).

Puppymill: An individual or group of individuals that sell or trade to the general public, puppies and dogs of various breeds from a accumulated stock. The characteristics of a puppy mill are unsanitary conditions, and/ or poor quality or quantity of food, and/or minimal veterinary care, and/or overcrowded condition. The intent of a puppy mill is to make a profit with little regard to the welfare of the animals in their custody.

Pet Kennel: Rescue groups with 503© status, someone who fosters animals for a rescue group.

Proper enclosure: means a structure from which a dog cannot escape, or an outside area enclosed by a fence at least six (6) feet high secured to the ground in a manner that the dog cannot escape.

Spayed Female: A female dog or cat which has been rendered sterile by a surgical procedure.

Stray: Any domestic animal that is not under restraint or is not on the property of its owner and is wandering at large, or is lost, or does not have an owner, or does not bear evidence of the identification of any owner.

Vaccination: The administration of rabies vaccine as required by State Law.

Wild Animal: Any animal which can normally be found in the wild state, particularly those feral, exotic, dangerous or non-domestic animals which generally do not live in or about the habitation of humans, including, but not limited to, deer, lions, monkeys, raccoons, skunks, squirrels, tigers and snakes.

Section 8-2-02 Territorial Application

This chapter shall be effective within the corporate limits of the Town of Richlands.

Section 8-2-03 Duties of Animal Control Officer

(a) The animal control officer shall be responsible for the enforcement within respective jurisdictions of all state and local laws pertaining to the ownership and control of animals and shall cooperate with all other law enforcement officers operating within there jurisdiction in fulfilling this responsibility.

(b) The animal control officer shall also serve as Rabies Control Officer. He will implement and enforce the provisions of the state rabies law, including but not limited to the following activities:

(1) Collect and impound stray animals.
(2) Canvass area of the county for vaccination of dog/cats.

(3) Assist practicing veterinarians in the county in conducting rabies clinics.
(4) Maintain the animal shelter, including records of impounded, destroyed, reclaimed and adopted animals.
(5) Provide at the end of each day, upon request, a list containing complete descriptions of all animals impounded.
(6) Investigate reports of animal bites to determine, whether based on the findings, confinement or isolation of the animal is required for the minimum of ten (10) days of observation.
(7) Investigate reports of animal cruelty or abuse.

Section 8-2-04 Animal Shelter

(a) The Onslow County Health Department shall maintain the Onslow County Animal Shelter for the purpose of impounding lost, strayed, abandoned or unwanted animals within the county. These animals are to be held a minimum of five (5) days, unless for specific health reasons the Onslow County Health Director determines it should be reduced to three (3) days, which is the minimum allowed by State Law. The Animal Control office will use every reasonable effort to locate and inform the owners of these animals.

(b) The Animal Shelter may be used for the confinement of an animal following a biting incident or when it becomes vicious or a menace to the public health and the owner does not have a secure place, which is defined by the Health Director. The animal will be quarantined for the appropriate time of observation.

Section 8-2-05 Interference or Concealment

(a) Interference. It shall be unlawful to interfere with, hinder, molest, resist, or obstruct employees of animal control or its agents or veterinarians in the performance of any duty authorized by law or ordinance, including removing animals from traps, cages, or other enclosures, except as specifically provided or authorized by Animal Control.

(b) Concealment of animal. It shall be unlawful for any person to conceal, for the purpose of evading the licensing requirement or rabies vaccination requirement of the law or any applicable ordinance, any unlicensed animal from any employee of Animal Control.

Section 8-2-06 Duty of Owner to Control Animals

All animals within the town shall remain under the immediate control of their owner or keeper. For the purpose of this section, immediate control by owner or keeper shall be construed to mean:

(a) Restrained upon the property of the owner or keeper of the animal either by being tied, chained, within the confines of a fence designed to restrain the animal, or an electronically operated fence sufficient to restrain the animal upon the property or in the presence of the owner or keeper.

(b) While being walked or exercised off the premises or property of the owner or keeper, the animal must be restrained by a leash connected to a collar or harness, sufficient to restrain the animal from breaking loose. Cats shall be exempt from this provision of Section.

Section 8-2-07 Running at Large

(a) For the purpose of this section running at large shall mean: Any animal while roaming, running or self hunting off the property of its owner or keeper and not under the immediate control of its owner or keeper.

(b) While being walked or exercised off the premises or property of the owner or keeper, the animal must be restrained by a leash connected to a collar or harness, sufficient to restrain the animal from breaking loose. Cats shall be exempt from this provision of Section.

Section 8-2-08 Animal Waste

The owner of every animal shall be responsible for the removal of any excreta deposited by his or her animal(s) on public walks, recreation areas, public or private property and school grounds, other than that of the owner or keeper thereof.

Section 8-2-9 Public Nuisances

(a) The actions of an animal constitute a public nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of another person's property.

(b) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute a public nuisance. By way of example and not limited to, the following acts or actions by an owner or possessor of an animal are hereby declared to be a public nuisance and are therefore unlawful:

(1) The keeping or maintenance outside a proper enclosure of any dog or dogs having dangerous propensities.

(2) Having an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with ordinary use and enjoyment of another person's property.

(3) Allowing or permitting an animal to damage the property of anyone other than its owner/possessor, including, but not limited to, turning over garbage containers, or damaging gardens, flowers, or vegetables, or defecating upon the property of another.

(4) Maintaining the animals in an unsanitary environment, which results in offensive odors or is dangerous to the animal or the public health, safety or welfare, or a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease.

(5) Maintaining the owner's property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density, or location of the animals on the property

(6) Allowing or permitting an animal to habitually bark, whine, howl, crow, cackle, or any other noise that might interfere with the reasonable use and enjoyment of neighboring premises between the hours of 10:00pm and 6:00am.

(7) Maintaining an animal that is diseased and dangerous to the public health.

(8) Maintaining an animal that habitually or repeatedly chases, snaps at or attacks, pedestrians, joggers, animals walked on a leash by owners, bicycles, or other vehicles.

(9) Failing to confine a female dog or cat while in heat in a building or secure enclosure in such a manner that she will not be in contact with another dog or cat or attract other animals; provided, this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area.

(10) Upon receiving a complaint for a nuisance described by the complainant, the animal control officer shall endeavor to investigate the complaint within 24 hours. If through investigation these complaints are substantiated, he shall request that the nuisance be corrected within a 24 hour period of notifying the owner/keeper. The animal control officer will make a return visit to determine whether the initial cause for complaint has been corrected and may then institute proper legal procedures if the nuisance has not been abated.

(11) Commercial farms are exempt from this section.

In addition to any other enforcement remedies available under this chapter, if the animal control officer declares an animal to be a nuisance under this section, then the animal control officer has the authority to order the owner to confine the animal in accordance with the animal control officer's instruction. It shall be unlawful for the owner to fail to comply with such an order or with the instructions in the order.

Section 8-2-10 Mistreatment of Animals Prohibited

It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment or to deprive or cause to be deprived any animal of adequate food and water, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions.

(a) Adequate food and water. No person owning or responsible for any animal may fail to supply the animal with sufficient supply of food and water as prescribed in this section.

(1) Adequate food. The provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrients for each animal. Such foodstuff

shall be served in a receptacle, dish, or container that is physically clean.

(2) Adequate water. A constant access to a supply of clean, fresh water provided in a sanitary manner.

(b) Reasonable medical attention. No person owning or responsible for any animal shall fail to provide the animal with reasonable medical attention when the animal is or has been suffering from illness, injury, disease, excessive parasitism, or malformed or overgrown hoof.

(c) Proper shelter, protection from the weather and humanely clean conditions. No person owning or responsible for any animal shall fail to provide the animal with proper shelter, protection from the weather or humanely clean conditions as prescribed in this section.

(1) Outdoor Standards. Minimum outdoor standards of shelter shall be as follows:

a. When sunlight is likely to cause heat exhaustion of an animal tied or confined outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

b. If a dog is tied or confined unattended outdoors for longer then 60 minutes, an artificial shelter with a minimum of four solid sides, with one side having an adequate opening to allow the animal to enter and exit the shelter safely, and firmly attached to a waterproof roof with a floor above ground with sufficient space to allow for normal sitting, standing, turning, stretching and sleeping positions, and appropriate to the local climate conditions for the species concerned, manufactured for the sole purpose of sheltering dogs shall be provided for the health of the animal. All vehicles/vessels are excluded for the use of shelter for all animals. Barrels, Transport cages, Airline crates are not acceptable for use as shelter for animals.

(2) When confinement prohibited. No animal may be confined in a building, enclosure, car, boat, vehicle, or vessel of any kind when extreme heat or extreme cold will be harmful to its health.

(3) Space standards. Minimum space requirements for outdoor enclosures shall include the following:

a. The shelter shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.

b. Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement.

(Inadequate space may be indicated by evidence of overcrowding,

debility, stress, or abnormal behavior patterns.)

(4) Humanely clean conditions. Minimum standards of sanitation necessary to provide humanely clean conditions for outdoor enclosures shall include periodic cleaning to remove excretions and other waste materials, dirt and trash to minimize health hazards.

(5) Properly fitted collars required. An owner or keeper of any animal shall not permit injury to or infliction of pain upon such animal from an improperly fitting or embedded collar, harness, or halter.

(e) It shall be unlawful for any person(s) to operate and or maintain a puppy mill.

Section 8-2-11 Cruel Treatment Prohibited

(a) Molestation, torture, etc. prohibited. It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat or treat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal or to cause or procure such action. The words "torture" and "torment" and the term "cruelly beat or treat" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit an animal control officer, his agents or veterinarians from euthanizing dangerous, unwanted, or injured animals in a humane manner.

(b) Luring, enticing, seizing, molesting, or teasing an animal. It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest, or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on the property of its owner or keeper for the purpose of causing harm to the animal; but such actions of luring, enticing and seizing shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulations of this chapter by duly authorized animal control officers.

(c) Abandonment. It shall be unlawful for any owner or person responsible for any animal to drop or leave such animal on a street, road, highway, or in a public place or on private property with intent to abandon without provision for its continuous care, sustenance, and shelter. No owner of an animal shall abandon such animal except to relinquish the animal to the animal shelter. If the animal control division finds that an animal has been abandoned, the animal may be impounded. When it has been suspected the animal has been abandoned in a house or within a fenced area, the Animal Control Division must make a reasonable effort to locate the owner or manager of the property. The property will be posted for 72 hours at which time the animal will be removed from the property. If the owner contacts the Animal Control Division to reclaim the animal, an explanation for the animal's abandonment must be provided to the satisfaction of the animal control supervisor before the animal is reclaimed by the owner.

(d) Performing animal exhibitions. No person may sponsor, promote, or train a wild or domestic animal to participate in unnatural behavior in which the animal is wrestled, fought, harassed, or displayed in such a way that the animal is abused. This prohibition applies to events and activities taking place in either public or private facilities or property, and apply regardless of the purpose of the event or activities and whether or not a fee is charged to spectators.

(e) Confinement of animals in motor vehicle. No person may place or confine an animal or allow an animal to be placed or confined in a motor vehicle for such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food, or water, and such other conditions as may reasonably be expected to cause suffering, disability or death.

(1) After making a reasonable effort to find the driver of a vehicle in which an animal is confined, an employee of the animal control section, at the direction of a law enforcement officer, may use the least intrusive means to break and enter the vehicle, if necessary, to remove the animal where reasonable cause exists to believe that the animal is in the vehicle in violation of this subsection.

(2) The animal control officer removing the animal shall then impound the animal and leave in a prominent place on the motor vehicle a written notice of the animal's impoundment, a brief description of the animal, and where and when the animal may be reclaimed. The officer may also issue a warning citation for violation of this subsection.

(f) Intentionally striking animals with motor vehicle. It shall be unlawful for any person to intentionally strike an animal with an automobile or other vehicle causing injury or death.

(g) Authority to use force against animals. Nothing in this section shall prohibit use of force against an animal which is in the act of causing severe injury on a human being or a domestic animal.

Section 8-2-12 Notice in Case of Injury

It shall be unlawful for any person who causes injury to an animal (including livestock) including, but not limited to running over or hitting a domesticated animal with any vehicle to fail to notify immediately at least one of the following: the owner(s) or keeper(s) of the animal (if known or ascertainable with reasonable efforts made to locate the owner or keeper), an animal control officer, the appropriate police or sheriffs department, or the animal shelter.

Section 8-2-13 Destruction of Animals that Cannot be Seized by Reasonable Means

Not withstanding any other provision of this chapter, an animal that cannot be seized by reasonable and normal means, retrieved by an animal control officer, trapped in a humane, live-capture animal trap, or tranquilized by animal control, may be humanely destroyed in the field upon the authorization of the animal control supervisor.

Section 8-2-14 Setting Humane Animal Traps and Authority to Receive Trapped Animals

An animal control officer is authorized to place, upon request, live animal traps on private or public property to trap and remove stray, at large, unwanted, or nuisance animals, including cats. It is unlawful for any person other than an animal control officer to remove any animal from the trap, or to damage, destroy, move or tamper with the trap. Animal control is authorized to receive and impound animals that are trapped by other agencies or persons within Onslow County.

Section 8-2-15 Impoundment

It shall be the duty of animal control to seize and impound, subject to the provisions of this chapter, all animals, whether domesticated or non-domesticated, found in violation of the provisions of this chapter whether such animal shall be in the immediate custody of its owner or otherwise.

(a) Each animal impounded shall be identified by permanent records which indicate: date of impoundment, reason for impoundment, sex, color, general description, breed, method of acquisition, identification marks, and note the presence of tattoos.

(b) Any animal impounded which can be traced to its legal owner; the owner will be notified that the animal is in custody of the animal control. Upon payment of the current impoundment fee and daily maintenance fee, the animal shall be returned to its owner unless otherwise so provided for by the owner in writing. However, the payment of such impoundment fees shall not bar the imposition of any fine, which may be imposed for the violations of this chapter.

(c) Animal control officers are hereby authorized to enter upon any unfenced/fenced lot, tract, or parcel of land for the purpose of seizing and impounding any animal found thereon in violation of this chapter.

(d) Any animal which cannot be traced to its legal owner may, after a minimum detainment of five (5) days be placed in an adoptive status. No live animal may be released from the shelter either for sale or for Donation, to research laboratories or related facilities, as breeding stock for puppy mills or wholesales for further resale for use in any illegal entrapment or fighting, or for human consumption. A permanent record describing the final disposition of an animal, date, names, and addresses where applicable, and subsequent fees paid shall be kept at all times.

(e) When an animal is presented by an animal control officer to an attending veterinarian and when in the professional judgment of that attending veterinarian the animal should be humanely euthanized because it is suffering from disease and or injury, then the attending veterinarian in taking action to euthanize the animal shall be acting as an agent for the county and shall not be held professionally liable for his/her decision to euthanize.

(f) If the owner of any animal impounded under this article shall fail to redeem his/her animal within the time allowed for redemption, any other person may, upon complying with all provisions of this article adopt the animal from the shelter and be the lawful owner of the animal thereafter.

Section 8-2-16 Humane Euthanasia of Injured or Diseased Animals

Not withstanding any other provision of this chapter, any animal impounded which is badly injured/wounded or diseased (not rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the animal shelter shall attempt expeditiously to notify the owner or keeper before euthanizing such animal, but if the owner cannot be reached readily and the animal is suffering, the animal control supervisor or his designee may cause the animal to be euthanized at his/her discretion in a humane manner. The animal shelter and animal control section shall have no liability for euthanizing injured/wounded or diseased animals.

Section 8-2-17 Handling of Stray Animals by the Public

It shall be unlawful for any person, without the consent of the owner or keeper, knowingly and intentionally to harbor, keep in possession by confinement or otherwise any animal that does not belong to him/her. Any person in possession of a stray animal shall contact the animal control section within 72 hours to arrange for impoundment or provide notification of the stray animal's description and location and it shall be unlawful for any person, other than the owner or keeper of an animal, to remove the collar,
license tag or rabies tag from around the neck of the animal.

Section 8-2-18 Wild Animals

No person shall keep or permit to be kept on his premises any dangerous wild animal. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

Section 8-2-19 Keeping Livestock

Except as provided in the Richlands Zoning Ordinance, it shall be unlawful for any person, firm or corporation to possess or harbor any livestock within the corporate limits of the Town of Richlands. This section shall not apply to traveling zoos, circuses or other traveling commercial animal exhibitions, bona fide farms as defined in the Richlands Zoning Ordinance or small native wildlife species where possession has been specifically permitted by the North Carolina Wildlife Resources Commission.

Section 8-2-20 Tethering of Horses

No person shall tether or permit to graze or stand any goat, sheep, cow, horse, mule or other beast of burden within 50 feet of any residence, dining room or sleeping apartment.

Section 8-2-21 Disposal of Dead Animals

No person shall deposit, or cause to be deposited, the carcass of any dead animal in the streets, roads, alleys, woods, or waters within the corporate limits of the Town of Richlands.

Section 8-2-22 Animal; Chicken Fighting Prohibited

No person shall incite or cause, any dogs, chickens or other animals to fight within the Town.

Section 8-2-23 Bird Sanctuary Designated

The area embraced within the corporate limits of the Town, and all lands owned or leased by the Town outside the corporate limits, is hereby designated as a bird sanctuary.

Section 8-2-24 Unlawful to Kill Birds

It shall be unlawful to trap, hunt, shoot or otherwise kill, within the sanctuary established by Section 8-2-04, any native wild bird; provided that it shall be lawful to trap starlings or similar birds or fowls when such birds or fowls are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property.

Section 8-2-25 Same; Weapons Regulated

It shall be unlawful for any person, within the area hereby established to shoot or project any stone, rock, shot or other hard substance by means of sling shot, bean shooter, air rifle, pip gun, bow or other similar contrivance, or to fire any pistol, gun or other firearm within the said area, except on archery ranges, firing ranges, or in legally established shooting galleries or ranges, or in the discharge of duty of law enforcement officers; provided, that the use of firearms in the destruction of rodents or similar animals or reptiles that are considered a menace to public health or property may be permitted by special permission of the chief of police.

Section 8-2-26 Same; Signs Permitted

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

Section 8-2-27 Number of Animals Allowed

(a) It shall be unlawful for any person to keep on any lot or premises within the corporate limits more than three (3) dogs, cats or rabbits. This limitation shall not apply to dogs or cats less than six (6) months of age.

(b) Any person wishing to keep more than three dogs shall apply to the Town for a license to operate a dog kennel. Prior to issuing such a license, it shall be determined that the kennel would be in compliance with all Town and State regulations.

(c) Upon receiving a complaint being made to the police department by a person specifying the locations where more than three dogs are being kept in other than a licensed kennel, the police department shall investigate and, if it is determined that Section 8-2-27 in this article is being violated, the police department shall notify the person or persons responsible for keeping such dogs and upon such notice from the police department, the responsible person or persons shall remove from the premises the number of dogs in excess of three within forty-eight (48) hours from the time of notification.

Section 8-2-28 Penalties

(a) Any violation of this article shall be a misdemeanor and any person convicted of

such violation shall be punishable upon conviction by a fine not exceeding fifty dollars ($50) or by imprisonment of not more than thirty (30) days as provided in the General Statutes. Each day's violation of this article is a separate offense. In addition, enforcement of this article may be by appropriate equitable remedy, injunction, or order of abatement issuing from a court of competent jurisdiction, or other remedy provided for in section 160A-175 of the General Statutes.

(b) Citations assessing civil penalties. Any Animal Control Officer/Personnel shall have the authority to investigate alleged or suspected violations of this article and upon the determination by such person, based on observation or other evidence, that a violation has occurred, each such person shall have the authority to issue a written citation for violation of this article and assess a civil penalty in the amount due. Such citation shall be mailed to the violator by an Animal Control Officer/personnel, by certified mail, return receipt requested, addressed to the last known address of the violator, or shall be personally delivered to the violator or to some responsible person at the violator's residence. Service shall be complete upon personal delivery as provided herein or upon execution of receipt for the certified mail by the violator or his agent in the event of such service. If a civil penalty duly assessed is not paid with in 7 days, the Animal Control Officer/personnel shall initiate an action in court of competent jurisdiction to collect such amount due.

(c) Other remedies. In addition to assessment of civil penalties, this article may be enforce by any one or more of the remedies set forth in Chapter 160A or 153A, as applicable, of the North Carolina Statutes.

Section 8-2-29 Reserved

ARTICLE B RABIES CONTROL

Section 8-2-30 Compliance with State Rabies Laws

(a) It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies. (Ref.: G.S. 130A, Art 6, Pt 6)

(b) It is the purpose of this chapter to supplement the state law by providing procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

Section 8-2-31 Vaccination of Dogs, Cats and Other Pets

(a) It shall be unlawful for any person to keep, harbor or have in his custody or control for longer than fourteen (14) days a dog/cat four (4) months old or older unless such dog/cat has been vaccinated with rabies vaccine, approved by the United States Department of Agriculture. A certificate must be signed by a licensed veterinarian specifying the vaccine used, the rabies tag number, the sex and breed of the dog/cat and name of owner.

(b) Should it be deemed necessary by the County Health Director or the County Board of Health that other animals be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for any owner or keeper to fail to provide current vaccination against rabies for the dog/cat and for the animal designated.

(c) All rabies vaccines shall be administered by a licensed veterinarian or a certified rabies vaccinator who may be appointed by the County Health Director.

(d) The owner of a dog or cat not having an attached current rabies vaccination tag must produce a valid and current rabies vaccination tag or form within 72 hours of demand by any animal control officer or law enforcement officer. Failure to produce the tag or form under this subparagraph is a separate offense for each animal owned by such owner.

Section 8-2-32 Wearing of Collar and Tags

(a) It shall be unlawful for any dog or cat owner or keeper to fail to provide the dog or cat with a collar or harness to which a current rabies tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times, except during the time the dogs are performing at show, obedience trials, tracking test, field trials, training school or hunting or other event sanctioned and supervised by a recognized organization.

(b) Impoundment for not wearing tag. In addition to all other penalties as prescribed by law, a dog or cat is subject to impoundment in accordance with the provision of this chapter if the dog or cat is not wearing a current rabies tag or if the owner of the animal cannot produce sufficient written evidence of current rabies vaccination.

(c) Use of another animal's tag prohibited. It shall be unlawful for any person to use for any animal a rabies vaccination tag issued to another animal. (Ref.: 130A-192)

CHAPTER 3 ABANDONED/DERELICT VEHICLES

Section 8-3-01 Definitions
Section 8-3-02 Declared a Health Hazard
Section 8-3-03 Duty of Owner to Remove from Private Property
Section 8-3-04 Duty of Owner to Remove from Public Property
Section 8-3-05 Notification
Section 8-3-06 Removal by Town from Private Property
Section 8-3-07 Removal by Town from Public Property
Section 8-3-08 Reclamation
Section 8-3-09 Sale of Impounded Vehicles

Section 8-3-10 Disposition of Unsold Vehicles
Section 8-3-11 Disposition of Unidentified Vehicles
Section 8-3-12 Proceeds of Sale
Section 8-3-13 Unlicensed Motor Vehicles
Section 8-3-14 Trailers
Section 8-3-15 Penalties
Section 8-3-16 Immunity
Section 8-3-17 Junk Yards
Sections 8-3-18 through 8-3-19 Reserved

Section 8-3-01 Definitions

a) Abandoned Motor Vehicles - mean a motor vehicle shall be deemed to have been abandoned for the purposes of this chapter in the following circumstances:

1) It has been left unattended upon a street or highway in violation of a statutory law or ordinance regulating or prohibiting parking for a period of twenty-four hours; or

2) It is left unaccompanied on property owned or operated by the Town or on any street or highway for a period of forty-eight hours; or

3) It is left unaccompanied on private property for a period of not less than thirty (30) days, in derelict condition.

b) Derelict - a motor vehicle shall be deemed derelict for the purposes of this chapter if the vehicle is: inoperable, partially or wholly dismantled, wrecked, junked, or of similar condition, for a period exceeding thirty (30) days.

c) Unlicensed Motor Vehicle - any vehicle not having a valid license plate and/or registration.

d) Trailer - Anything designed to be towed behind a vehicle.

Section 8-3-02 Declared a Health Hazard

For the purposes of this chapter, the Board of Aldermen authorizes the Town Administrator or his assigns, to declare any abandoned or derelict motor vehicle remaining on private property for in excess of thirty (30) days a health hazard.

Section 8-3-03 Duty of Owner to Remove from Private Property

No person in charge or control of any property within the Town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any wrecked, junked, discarded, partially dismantled or nonoperable motor vehicle to remain on such property for more than thirty days. This section shall not apply to a vehicle in an enclosed building, garage, or carport; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

Section 8-3-04 Duty of Owner to Remove from Public Property

If a motor vehicle is abandoned or derelict on a public street or highway, it shall be the duty and responsibility of the owner of such motor vehicle to cause the removal thereof immediately.

Section 8-3-05 Notification

Upon receipt of a complaint concerning abandoned/derelict vehicles, as defined in this chapter, the Town Administrator or his assigns, will investigate said complaint. If, in his judgment a violation has occurred, the Town Administrator or his assign, shall cause to be delivered or mailed to the owner of the property upon which the condition exist, a notice stating the reasons why the condition may constitute a violation and that a hearing will be held before the Town Administrator at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the delivery or mailing of the notice. The owner , or any party with interest, shall have the right to give evidence at the place and time fixed in the notice. 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 such hearings.

If a determination is made that such conditions constituting a public nuisance exist, the Town Administrator shall notify, in writing the owner of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within thirty (30) days from the receipt of such written notice.

Exceptions to this procedure are abandoned or unlicensed vehicles on public property where action shall be taken within forty-eight (48) hours of notification of the nuisance and unidentified vehicles when corrective action shall be taken by the Police Department immediately.

Section 8-3-06 Removal of Derelict Vehicles on Private Property

The Chief of the Police Department or Town Administrator or their assigns, upon notice of violation, may cause a written notice of such violation to be served upon the owner, tenant, occupant, lessee and/or owner of the motor vehicle, as per Section 8-3-05 of this chapter, that such motor vehicle shall be removed within thirty (30) days after receipt of notice. Any motor vehicle not removed after such notice shall be removed from such land under the supervision o

the Richlands Police Department to an impounding area heretofore designated by the Board of Aldermen and therein impounded.

Section 8-3-07 Removal of Vehicles form Public Property

Whenever any motor vehicle is abandoned on a public street or highway or on property owned or operated by the Town, any such vehicle may be removed and impounded under the direction of the Chief of Police or his assigns, after forty-eight (48) hours to a storage garage or area as designated by the Board of Aldermen.

Section 8-3-08 Reclamation

Upon notification by the Police Department, the owner of an impounded motor vehicle may, upon furnishing satisfactory evidence of his identity and of his ownership of the vehicle, obtain a release form the Police Department, and upon payment of towing and storing charges, and any fines or penalties, remove such motor vehicle from impounding area.

Section 8-3-09 Sale of Impounded Vehicle

should the owner of an impounded motor vehicle fail or refuse to pay the costs above mentioned or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search, and after written notice to him at his last known address if his identity is known, and to the holder of any lien on record in the office of the North Carolina Department of Motor Vehicles against such vehicle, the Chief of Police or his designee may, after holding such vehicle for thirty (30) days and after having the value thereof determined by three disinterested automobile dealers or garagemen and after giving twenty (20) days notice to the North Carolina Department of Motor Vehicles, such notice to include all information which can be reasonably ascertained to identify such vehicle, dispose of the same by private or public sale and shall forward the proceeds of such sale to the Town treasurer.

Section 8-3-10 Disposition of Unsold Vehicles

Whenever any motor vehicle which has been removed pursuant to this chapter shall remain unsold for a period of sixty (60) days form including the day of its removal, such vehicle may be destroyed or otherwise disposed of by the town official charged with its safekeeping. Notice of any such destruction or disposition shall be given to the North Carolina Department of Motor Vehicles, such notice to include all information on which can be reasonably ascertained to identify such vehicle.

Section 8-3-11 Disposition of Unidentified Vehicles

Deleted per 1985 General Assembly.

Section 8-3-12 Disposition of Proceeds of Sale

The proceeds of the sale of a motor vehicle covered in this chapter, after all costs of removal, storage, investigation and sale, and satisfaction of any liens on record on the vehicle have been deducted therefrom and after any fines or penalties have been paid, shall be held by the Town treasurer for up to thirty (30) days and paid to the registered owner, after providing satisfactory evidence of his identity upon demand. If the owner does not appear to claim the remainder of the proceeds within thirty (30) days after disposal of the vehicle, the funds shall be deposited into the Town general fund and the owner's rights therein shall be forever extinguished.

Section 8-3-13 Unlicensed Motor Vehicles

No person shall park, store or leave or permit the parking or storage of any unlicensed motor vehicle of any kind, for a period in excess of forty-eight hours, whether attended or not, upon any private property within the Town, unless the vehicle is enclosed within a building, garage, carport, or further, is connected with and essential to the operation of a business enterprise conducted in a lawful place and manner and properly licensed. The Chief of Police, upon notice of a violation, may cause either personal or written notice of such violation to be served upon the owner, tenant, occupant, lessee and/or the owner of the motor vehicle.

Section 8-3-14 Trailers

The provision of this article shall pertain to trailers, in the same manner as to other vehicles.

Section 8-3-15 Penalties

Any person violating any section of this chapter of the Code of Ordinances for the Town of Richlands shall be guilty of a misdemeanor. For every day such violation shall thereafter exist, it shall be deemed to constitute a separate offense; and if found guilty of said misdemeanor, be punishable upon conviction by a fine not exceeding fifty ($50) dollars or by imprisonment of not more than thirty (30) days for each violation.

Section 8-3-16 Immunity

Neither the Town nor any person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession any abandoned, lost, or stolen vehicle for disposing of such vehicle as contemplated by this chapter, so long as the Town of Richlands complies with the requirements of G.S. 160A-303(f).

Section 8-3-17 Junk Yards

No junk yard shall be permitted within the corporate limits of the Town of Richlands. All such existing junk yards, shall have delivered to them a notice, advising them that they are to cease operations by January 1, 1990. Junk Yards existing beyond this date shall be in violation of this section of the Code of Ordinances for the Town of Richlands, and shall be punishable upon conviction by a fine not exceeding fifty ($50) dollars or by imprisonment of not more than thirty (30) days. Each days violation shall be deemed a separate offense. The exception to this shall be Mobley's junk yard which shall be allowed to remain in operation until such time as the business or land is sold or transferred at which time it shall cease to continue operation.

Sections 8-3-18 through 8-3-19 Reserved

CHAPTER 4 WEEDS, HEDGES, TALL GRASS AND OTHER VEGETATION

Section 8-4-01 Definitions
Section 8-4-02 Weeds or Vegetative Nuisance Unlawful
Section 8-4-03 Enforcement
Section 8-4-04 Abatement by the Town
Section 8-4-05 Trimming Plants at Intersections
Section 8-4-06 Destruction of Trees or Bushes
Section 8-4-07 Trimming Plants Extending Over Streets
Section 8-4-08 Removal of Unsafe Trees by Owner
Section 8-4-09 Assessment of Costs by Town
Section 8-4-10 Penalty

Section 8-4-01 Definitions (Amended 10/14/1997)

Weeds and nuisance vegetation under this Chapter shall include the following which may occur on any lot within the Corporate limits of the Town of Richlands:

a) Weeds or tall grass exceeding an average of eight (8) inches in height, or vegetation providing safe harborage for rats, mice, snakes, and other vermin;

b) Vegetation which obstructs the safe view of traffic at an intersection or driveway;

c) Vegetation which creates a nuisance by its existence (i.e. poison ivy, kudzu);

d) Dead or dying trees or plants which may cause a hazardous situation if they fall.

Section 8-4-02 Weeds or Vegetative Nuisance Unlawful

It shall be unlawful for property owners to permit a weed or vegetative nuisance condition to exist on their property.

Section 8-4-03 Enforcement

The Town Administrator, or his assigns upon notice from any person of the possible existence of any of the conditions described in Section 8-4-01, shall cause an investigation to be made to determine whether conditions exist which may constitute a public nuisance as described in

If it appears that such conditions exist, the Town Administrator or his assign, shall cause to be delivered or mailed to the owner of the property upon which the conditions exist a notice stating the reasons why the conditions may constitute a violation and that a hearing will be held before the Town Administrator or his assign, at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the delivery or mailing of the notice. The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and give evidence at the place and time fixed in the notice. Any person desiring to do so may attend 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 such hearings.

If a determination is made that such conditions constituting a public nuisance exists, the Town Administrator shall notify, in writing, the owner of the premises in question of the conditions

constituting such public nuisance and shall order the prompt abatement thereof within fifteen (15) days form the receipt of such written notice.

Section 8-4-04 Abatement of Town

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

Section 8-4-05 Trimming Plants at Intersections

The owner or occupant of any lot or lands lying and abutting on any intersection of two streets or any combination thereof in the Town and having shrubs or bushes on such lot or lands, shall trim or cause to be trimmed all shrubs and bushes located within twenty-five (25) feet of the intersection and abutting the sidewalk or the normal sidewalk location, so that no bush or shrub shall exceed three (3) feet in height above the surface of either the sidewalk or the normal sidewalk location.

Section 8-4-06 Destruction of Trees or Bushes

No person, except by direction or authority of the Director of Public Works, shall box, bore, cut, break down, deface, injure or destroy any tress, shrubs or bushes on any street or right-of-way.

Section 8-4-07 Trimming Plants Extending Over Streets

The owner or occupant of any lot or lands lying and abutting on any street in the Town and having trees, shrubs or bushes on his lot or lands extending over the property line onto such street shall trim or cause to be trimmed such trees to the clear height of not less than nine (9) feet above the surface of the sidewalk or street.

Section 8-4-08 No Plantings between Street and Sidewalk (June 1998)

A. No plantings of any sort, with the exception of grass or other ground cover, shall be allowed in that area between a street and a sidewalk. On those streets where no sidewalk exists, no plantings of any sort, with the exception of grass or other ground cover, shall be allowed within three (3) feet of the edge of the street pavement.

B. Plantings existing at the time this ordinance is adopted (6/9/1998) shall be allowed to remain subject to the trimming guidelines set out in Sections 8-4-5 & 8-4-7.

Section 8-4-09 Removal of Unsafe Trees by Owner

The Town Administrator shall have the authority, and it shall be his duty to order trimming, preservation or removal of trees or plants upon private property when it is found that such an act necessary to public safety or to prevent the spread of disease or insects in public trees or places.

The procedure whereby this section shall be enforced shall follow the guidelines as set forth in Section 8-4-03. The owner shall not fail to trim, remove or take steps to preserve such tree within thirty (30) days of the order to trim, remove or preserve the tree.

Section 8-4-10 Assessment of Costs by Town

Whenever any tree, plant or shrubbery, or part thereof, or weeds and grass are growing in any street, public place or upon private property contiguous to a street or sidewalk or public place and such is trimmed or removed by the Town, then, after the work is done, the Town Clerk shall give notice, by regular mail, to the owner of such lot or parcel of land at his last known address or best obtainable address, to pay the cost of such trimming or removal trees, plants, shrubbery, grass or weeds, or parts thereof. Such notice shall be accompanied by a statement of the amount of cost incurred, and in the event the same is not paid within thirty (30) days after the mailing of such notice, then the amount shall be certified to the Town Attorney for collection the same as other taxes and assessments are collected. (G.S. 160A-193)

Section 8-4-11 Penalty

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and the Town may carry out the provisions of Section 8-4-09. Each day's violation shall constitute a separate offense, and upon conviction of said misdemeanor, is punishable by a fine not to exceed fifty ($50) dollars or by imprisonment of not more than thirty (30) days for each violation.
State Law Reference - G.S. 160A-193

CHAPTER 5 RUBBISH, LITTER

Section 8-5-01 Definitions
Section 8-5-02 Litter in Public Places
Section 8-5-03 Polluting Rivers
Section 8-5-04 Scattering Rubbish
Section 8-5-05 Placement of Litter in Receptacle so as to Prevent Scattering
Section 8-5-06 Sweeping Litter into Gutters Prohibited
Section 8-5-07 Merchants' Duty to Keep Sidewalks Free of Litter
Section 8-5-08 Litter Thrown by Persons in Vehicles
Section 8-5-09 Truck Loads Causing Litter
Section 8-5-10 Litter in Parks, Lakes and Fountains
Section 8-5-11 Litter on Occupied and Vacant Private Property; Owner's Duty
Section 8-5-12 Clearing of Litter from Private Property to Town
Section 8-5-13 Penalties
Section 8-5-14 through 8-5-19 Reserved

Section 8-5-01 Definitions

For the purpose of this chapter, the following terms, phrases, words, and their derivatives shall be defined as follows:

a) Garbage - means putrescible animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food.

b) Litter - means garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

c) Park - means any park, reservation, playground, beach, recreation center or any other public area in the Town owned or used by the Town and devoted to active or passive recreation.

d) Person - means any person, firm partnership, association, corporation, company or organization of any kind.

e) Private premises - means any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, ground, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

f) Public place - means any and all streets, sidewalks, boulevards, alleys or other public ways and any all public parks, squares, spaces, grounds and buildings.

g) Refuse - means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

h) Rubbish - means nonputrescible solid wastes consisting of both combustible and

noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, leaves, weeds, brush, shrubbery and similar materials.

i) Vehicle - means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

Section 8-5-02 Litter in Public Places

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Town except in public receptacles or in private receptacles for collection.

Section 8-5-03 Polluting Rivers

No person shall deposit any rubbish, paper, paper waste, rags or waste material of any kind in any river, stream or natural waterway or upon the banks of same.

Section 8-5-04 Scattering Rubbish

No person shall deposit in or upon, or scatter over or upon any of the streets, parks or public grounds within the town any paper, paper waste, rags or waste material of any kind. No person who is the owner of lessee of any lot or land within the Town shall deposit upon any such lot or land, or allow to be deposited therein.

Section 8-5-05 Placement of Litter in Receptacle so as to Prevent Scattering

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other grounds within the Town.

Section 8-5-06 Sweeping Litter Into Gutters Prohibited

No person shall sweep into or deposit in any gutter, ditch, street or other public place within the town the accumulation of litter from any building or lot or from the public sidewalks. Nor shall any owner or tenant abutting a public thoroughfare allow or suffer to remain litter upon the adjacent public sidewalk including medians, so that in such manner, litter rubbish and refuse shall not be allowed to pile up or accumulate on such public right of way.

Section 8-5-07 Merchants' Duty to Keep Sidewalks Free of Litter

No merchant or business within the Town shall allow litter to accumulate, and shall clean and otherwise rid his premises, including sidewalks, of waste matter and litter although the same may not have been deposited by him, his agents, or his patrons.

Section 8-5-08 Litter Thrown by Persons in Vehicles

No operator or passenger in any motor vehicle shall throw or deposit litter on any public street, right-of-way, sidewalk or upon private premises while such vehicle is either stopped or in motion.

Section 8-5-09 Truck Loads Causing Litter

No operator of any truck or hauling motor vehicle shall cause to be scattered on or about public or private premises or streets while in motion or stopped, any litter, refuse, mud, dirt, sticky substances or rubbish. All loads shall be secured in such a manner so as to effect compliance with this section.

Section 8-5-10 Litter in Parks, Lakes and Fountains

No camper, spectator, participant, pedestrian, person engaged in recreational pursuit, or other person shall cause litter, rubbish or refuse to be cast, thrown, deposited or scattered in or around public parks, lakes waterways or other public lands, except in containers and receptacles designed for such use.

Section 8-5-11 Litter on Occupied and Vacant Private Property; Owner's Duty

Litter, rubbish or refuse shall not be cast, scattered, thrown, or deposited on or about private property within the corporate limits to the detriment of public health, safety and welfare. The owner, lessees, agents or others in charge of premises within the Town shall rid such lands and abutting sidewalks and medians of such nuisance or place it in an authorized receptacle. It shall likewise be unlawful for any person to dump, place or scatter litter, refuse or rubbish on or about private premises, whether such premises are vacant or inhabited.

Section 8-5-12 Clearing of Litter From Private Property by Town

a) If it appears that such conditions exist, the Town Administrator shall cause to be delivered or mailed to the owner of the property upon which the conditions exits a notice stating the reason why the conditions may constitute a violation and that a hearing will be held before the Town Administrator at a place therein fixed, not less than ten (10) nor more than (30) days after the delivery or mailing of the notice. The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and give evidence at the place and time fixed in the notice. Any person desiring to do so may attend 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 such hearings.

b) If a determination is made that such conditions constituting a public nuisance exist, the Town Administrator shall notify, in writing, the owner of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within seven (7) days from the receipt of such written notice.

Section 8-5-13 Penalties

Any person violating this chapter shall be guilty of a misdemeanor and if found guilty of said misdemeanor, is punishable upon conviction by a fine not exceeding fifty ($50) dollars or imprisonment of not more than thirty (30) days for each violation.
State Law reference G.S. 160A-174

Sections 8-5-14 through 8-5-19 Reserved

CHAPTER 6 GENERAL HEALTH REGULATIONS

Section 8-6-01 Enforcement of this Chapter Under Supervision of County Health Officer
Section 8-6-02 Unlawful to Hinder Health Officer or Assistants
Section 8-6-03 Right to Enter
Section 8-6-04 Property Kept Clean
Section 8-6-05 Human Waste
Section 8-6-06 Stagnant Water
Section 8-6-07 Sale of Food; Eating Establishments
Section 8-6-08 Debris from Construction
Section 8-6-09 Spitting on Sidewalks
Section 8-6-10 Buildings Unfit for Human Habitation
Section 8-6-11 Penalties
Section 8-6-12 through 8-6-19 Reserved

Section 8-6-01 Enforcement of this Chapter Under Supervision of County Health Officer

The enforcement of this chapter shall be under the supervision of the County Health Officer.

Section 8-6-02 Unlawful to Hinder Health Officer or Assistants

It shall be unlawful for any person to hinder, obstruct or delay the health officer or any of his assistants in the lawful discharge of their duties.

Section 8-6-03 Right to Enter

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

Section 8-6-04 Property Kept Clean

Owners or occupants of premises are required to keep the same clean. Every person owning or occupying any premises in the corporate limits shall keep the premises free from weeds, trash, and all other forms of animal or vegetable refuse which may be dangerous or prejudicial to the public health, or which may constitute a public nuisance. No owner or occupant of any premises shall bury therein any animal or vegetable matter which, upon decaying, may become dangerous or prejudicial to the health or may constitute a nuisance.

Section 8-6-05 Human Waste

No person shall urinate or deposit any human waste of any kind on any street, lot or premises except in approved sanitary facilities.

Section 8-6-06 Stagnant Water

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

Section 8-6-07 Sale of Food; Eating Establishments

All person, firms or corporations selling food of any kind or serving prepared meals shall comply with all requirements pertaining thereto of the North Carolina State Board of Health.

Section 8-6-08 Debris from Construction

All refuse and debris, remaining both as a result of the repair of any building or of the erection and completion of any building, shall be removed by the property owner within thirty (30) days from the completion of the aforesaid work.

Section 8-6-09 Spitting on Sidewalks

No person shall spit upon or throw hulls, peelings or other litter upon any of the sidewalks of the Town, nor upon the floor of any church, public hall, theater or other public place.

Section 8-6-10 Buildings Unfit for Human Habitation

The following, if found, shall constitute a dwelling unfit for human habitation:

a) If it is found to exist, within the municipality, the occupation of dwellings which the Board of Aldermen finds to be hazardous to the welfare and dangerous and injurious to the health, safety and morals of the residents of town due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary conditions, or due to other conditions rendering the dwellings unsafe or unsanitary; or

b) It is also found that there exists with the municipality abandoned structures which the Board fins to be hazardous to the health, safety, and welfare of the residents of the Town due to the attraction of insects and rodents; conditions creating a frequent use by vagrants as living quarters in the absence of sanitary facilities.

Therefore, pursuant to the authority granted by G.S. 160A-141, it is the intent of this subchapter to provide for the repair, closing or demolition of any such dwellings unfit for human habitation or abandoned structures in accordance with the provisions and procedures set forth by law.

Section 8-6-11 Penalties

Any person violating this Chapter shall be guilty of a misdemeanor, and if found guilty of said misdemeanor, is punishable upon conviction by a fine not exceeding fifty ($50) dollars or imprisonment of not more than thirty (30) days for each violation.

Sections 8-6-12 through 8-6-19 Reserved

CHAPTER 7DISORDERLY CONDUCT

Section 8-7-01 General
Section 8-7-02 House of Ill Fame
Section 8-7-03 Profanity and Boisterous Conduct
Section 8-7-04 Disturbing Public Meetings
Section 8-7-05 Public Drunkenness
Section 8-7-06 Drinking in Public
Section 8-7-07 Penalties
Sections 8-7-08 through 8-7-19 Reserved

Section 8-7-01 General

No occupant of any house whether residence or business shall permit same to be kept in an indecent and offensive or disorderly manner or permit loafers or idle persons to congregate therein or in front of the same to the annoyance of persons passing by or living in the vicinity.

Section 8-7-02 House of Ill Fame

No person shall keep a house or other place of ill fame in the Town and no person shall knowingly rent any house to be used as a house of ill fame. All adult persons living in such house shall be considered as keepers thereof and be subject of the penalties of this code.

Section 8-7-03 Profanity and Boisterous Conduct

It shall be unlawful for any person to use loud and boisterous language so as to become a nuisance or use any form of profanity or indecent language on the street or in a gathering or audience or assembly, or in any public place whatsoever, or to indecently expose themselves within the corporate limits.

Section 8-7-04 Disturbing Public Meetings

It shall be unlawful to behave in a boisterous or indecent manner or to create any disturbance at or near any public entertainment or meeting.

Section 8-7-05 Public Drunkenness

It shall be unlawful for any intoxicated person to be on or upon any public street or other public place.

Section 8-7-06 Drinking in Public

It shall be unlawful for any person to consume or sell beer, unfortified wine, whiskey, or alcoholic beverages of any kind on any property owned or occupied by the Town of Richlands.

Section 8-7-07 Penalties

Any person violating this Chapter shall be guilty of a misdemeanor, and if found guilty of said misdemeanor, is punishable upon conviction by a fine not exceeding fifty ($50) dollars or imprisonment of not more than thirty (30) days for each violation.

Sections 8-7-08 through 8-7-19 Reserved

CHAPTER 8 OTHER GENERAL NUISANCES

Section 8-8-01 Unreasonably Loud Noise Prohibited
Section 8-8-02 Noises Expressly Prohibited
Section 8-8-03 Firearms Regulated
Section 8-8-04 Posting Bills, Other Advertising
Section 8-8-05 Firebombs and "Molotov Cocktails" Prohibited
Section 8-8-06 Penalties
Sections 8-8-07 through 8-8-09 Reserved

Section 8-8-01 Unreasonable Loud Noise Prohibited

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

Section 8-8-02 Noises Expressly Prohibited

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

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

b) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle.

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

d) The use or operation of any piano, manual or automatic, phonograph, radio, loud speaker, or any other instrument, or sound amplifying device so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance.

e) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

f) The blowing of any steam whistle attached to any stationary boiler except to five notice of the time to begin or stop work or as a warning of danger.

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

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

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

j) The creation of any excessive noise on any street adjacent to any school, institution of learning. or court while the same are in session, or within one hundred fifty (150) feet of any hospital, which unreasonably interferes with the working of such institution, provided, conspicuous signs are displayed in such streets indicating that the same is a school, court or hospital street, without receiving a permit for the same and notification of the town.

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

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

m) The sounding of any bell or gong attached to any building or premises which disturb the quest or repose of persons in the vicinity thereof.

n) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quest and peace of the neighborhood.

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

p) The use of any mechanical loud speakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received form the Board.

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

r) The firing or discharging of squibs, crackers, gunpowder, or other combustible substances in the streets or else where for the purpose of making noise or disturbance.

Section 8-8-03 Firearms Regulated

It shall be unlawful for any person to discharge any firearm of any type within the corporate limits except a peace officer in the performance of his duty, or other persons in self-defense or in the protection of property.

Section 8-8-04 Posting Bills; Other Advertising

No person shall stick, paint, brand, stamp, write or put upon any house, fence, wall, pavement, post or upon any property, owned by any person firm or corporation, or owned by the Town, any printed, written, painted or other advertisement, bill, notice, sign or poster, without first having obtained their permission of the owner of such property.

Section 8-8-05 Firebombs and "Molotov Cocktails" Prohibited

a) Definitions - For the purpose of this section, the following terms shall have the meanings herein ascribed:

1) Molotov cocktail - id defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with a flammable fluid or substance, and which is fitted with a fuse or wick.

2) Firebomb - is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

b) It shall be unlawful for any person or persons to manufacture, possess, transport, or use any molotov cocktail or other firebomb.

c) It shall be unlawful for any person or group of person to possess all the items or material needed to manufacture molotov cocktails or other firebombs, other than on his or their premises.

Section 8-8-06 Penalties

Any person violating this Chapter shall be guilty of a misdemeanor, and if found guilty of said misdemeanor, is punishable upon conviction by a fine not exceeding fifty ($50) dollars or imprisonment of not more than thirty (30) days for each violation.

Sections 8-8-07 through 8-8-19 Reserved