

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ABANDONED VEHICLES

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*GENERAL PROVISIONS***§ 90.01 PURPOSE.**

The purposes of this chapter are as follows:

- (A) To ensure the quality of urban attractiveness and the aesthetic appearance of the town;
- (B) To protect property values throughout the town;
- (C) To preserve the liveability and attractiveness of neighborhoods;
- (D) To promote tourism, conventions, and other opportunities for economic development for the town;
- (E) To ensure the attractiveness of the town's thoroughfares and commercial roads which present the primary, public visibility to visitors and to passers-by of the town; and
- (F) To promote the comfort, happiness, and emotional stability of occupants of property in the vicinity of junked motor vehicles.
(Ord. passed 1-20-1997)

§ 90.02 ENFORCEMENT.

The Police Department and Town Building Inspector shall be responsible for the administration and enforcement of this chapter. The Police Department shall be responsible for administering the removal and disposition of vehicles determined to be abandoned on the public streets and highways within the town, and on property owned by the town. The Town Building Inspector and the Police Department shall be responsible for administering the removal and disposition of abandoned, nuisance or junked motor vehicles located on private property. The town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this chapter and applicable state laws. Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the Town Police Department, Fire Department and Code Enforcement Officer in enforcing other laws or in otherwise carrying out their duties.
(Ord. passed 1-20-1997)

§ 90.03 DEFINITIONS.

For the purposes of this chapter, certain words and terms are defined as herein indicated:

ABANDONED VEHICLE. As authorized and defined in G.S. § 160A-303, an abandoned motor vehicle is one that:

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking;
- (2) Is left on a public street or highway for longer than 7 days;
- (3) Is left on property owned or operated by the town for longer than 24 hours; or
- (4) Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than 2 hours.

AUTHORIZING OFFICIAL. The supervisory employee of the Police Department or the Town Building Inspector, respectively, designated to authorize the removal of vehicles under the provisions of this chapter.

JUNKED MOTOR VEHICLE. As authorized and defined in G.S. § 160A-303.2 the term **JUNKED MOTOR VEHICLE** means a vehicle that does not display a current license plate lawfully upon that vehicle and that:

- (1) Is partially dismantled or wrecked;
 - (2) Cannot be self propelled or moved in the manner in which it originally was intended to move;
- or
- (3) Is more than 5 years old and appears to be worth less than \$100.

MOTOR VEHICLE or **VEHICLE.** All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

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

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over 8 inches in height;
- (3) A point of collection of pools or ponds of water;

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- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, and the like;
- (6) So situated or located that there is a danger of it falling or turning over;
- (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;
- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;
or
- (9) Any other vehicle specifically declared to be a health and safety hazard and a public nuisance by the Board of Commissioners.
(Ord. passed 1-20-1997)

REMOVAL AUTHORIZATION**§ 90.15 ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.**

(A) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow the vehicle to be abandoned as the term is defined herein.

(B) Upon investigation, proper authorizing officials of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

(Ord. passed 1-20-1997) Penalty, see § 10.99

§ 90.16 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

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

(B) Upon investigation, the Town Building Inspector or the designated supervisory employee of the Police Department may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

(Ord. passed 1-20-1997) Penalty, see § 10.99

§ 90.17 JUNKED MOTOR VEHICLE REGULATED; REMOVAL AUTHORIZED.

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

(B) It shall be unlawful to have more than 1 junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.

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

(D) Subject to the provisions of division (E) below, upon investigation, the Town Building Inspector or the designated supervisory employee of the Police Department may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. The finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting among other relevant factors that may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; and
- (5) Promotion of the comfort, happiness and emotional stability of area residents.

(E) Permitted concealment or enclosure of junked motor vehicles:

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

(a) The Town Building Inspector or the designated supervisory employee of the Police Department has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision.

(b) The covering must remain in good repair and must not be allowed to deteriorate.

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(c) The covering or enclosure must be compatible with the objectives stated in § 90.01.

(2) *More than 1 junked motor vehicle.* Any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations. (Ord. passed 1-20-1997) Penalty, see § 10.99

IMPOUNDMENT, REDEMPTION PROCEDURES

§ 90.30 REMOVAL OF ABANDONED, NUISANCE OR JUNKED MOTOR VEHICLES; PRE-TOWING NOTICE REQUIREMENTS.

(A) Except as set forth in § 90.31 below, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed, and the date mailed. If the names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the town on a specified date (no sooner than 7 days after the notice is affixed). The notice shall state that the vehicle will be removed by the town on a specified date, no sooner than 7 days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

(B) With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, the appeal shall be made to the Board of Commissioners in writing, heard at the next regularly scheduled meeting of the Board of Commissioners, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided. (Ord. passed 1-20-1997)

§ 90.31 EXCEPTIONS TO PRIOR NOTICE.

(A) The requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare.

(B) The findings shall, in all cases, be entered by the authorizing official in the appropriate daily records.

(C) Circumstances justifying the removal of vehicles without prior notice include:

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

- (a) Obstructing traffic;
- (b) Parked in violation of an ordinance prohibiting or restricting parking;
- (c) Parked in a no-stopping or standing zone;
- (d) Parked in loading zones;
- (e) Parked in bus zones; or
- (f) Parked in violation of temporary parking restrictions imposed under code sections.

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

(Ord. passed 1-20-1997)

§ 90.32 REMOVAL OF VEHICLES; POST-TOWING NOTICE REQUIREMENTS.

(A) Any abandoned, nuisance or junked motor vehicle which has been in a no-stopping or standing zone; in loading zones; in bus zones; or ordered removed may, as directed by the town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform services for the town. Whenever a vehicle is removed, the authorizing town official shall immediately notify the last known registered owner of the vehicle, the notice to include the following:

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

(B) The town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in division (A) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his or her agent.

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

(D) Whenever an abandoned, nuisance or junked motor vehicle is removed, and the vehicle has no valid registration or registration plates, the authorizing city official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him or her of the information set forth in division (A) above.

(Ord. passed 1-20-1997)

§ 90.33 RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE.

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

(Ord. passed 1-20-1997)

§ 90.34 REDEMPTION OF VEHICLE DURING PROCEEDINGS.

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

(Ord. passed 1-20-1997)

§ 90.35 SALE AND DISPOSITION OF UNCLAIMED VEHICLE.

(A) Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle.

(B) Disposition of a vehicle shall be carried out in coordination with the town and in accordance with G.S. Ch. 20.

(Ord. passed 1-20-1997)

§ 90.36 CONDITIONS ON REMOVAL OF VEHICLES FROM PRIVATE PROPERTY.

As a general policy, the town will not remove a vehicle from private property if the owner, occupant or lessee of the property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the town from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the Town Building Inspector or the designated supervisory employee of the Police Department. The town may require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the town against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

(Ord. passed 1-20-1997)

§ 90.37 PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle, for disposing of the vehicle as provided in this chapter.

(Ord. passed 1-20-1997)

§ 90.38 EXCEPTIONS.

Nothing in this chapter shall apply to any vehicle:

(A) Which is located in a bona fide automobile graveyard or junkyard as defined in G.S. § 136-143, in accordance with the Junkyard Control Act, G.S. § § 136-141 *et seq.*;

(B) Which is in an enclosed building;

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

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

(Ord. passed 1-20-1997)

§ 90.39 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE.

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

(Ord. passed 1-20-1997) Penalty, see § 10.99

CHAPTER 91: ANIMALS

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GENERAL PROVISIONS**§ 91.01 DEFINITIONS.**

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

ANIMAL. Any dog, cat or other animal or reptile that is owned, kept or harbored by an owner.

AT LARGE. Being off the premises of the owner and not restrained by leash or lead, not to exceed 6 feet in length, by the owner or member of his or her family, or any other person at the request of and under the direction of the owner.

AUTHORIZED AGENT. Any employee designated by the Board of Commissioners to perform duties described in this chapter. The authorized agent in performance of his or her duties shall have the powers, authorities and immunities granted under this chapter and by the general laws of this state to enforce the provisions of this chapter and state law, which relates to the care, treatment or impounding of animals, but shall not have the power of arrest.

CAT. Any feline, male or female.

DOG. Any canine, male or female.

NEUTERED. Rendering an animal, either male or female, incapable of reproduction.

OWNER. Any person owning, keeping or harboring an animal; and the head of the household shall be deemed the owner of any animal kept or harbored by any person or persons residing in the household and kept on the premises thereof.

PARK AREAS. All park areas leased or owned by the town.

PUBLIC NUISANCE. Any animal or group of animals that are found at large, or any animal that:

- (1) Damages the property of anyone other than its owner, including but not limited to turning over garbage containers or damaging gardens, flowers or vegetables;
- (2) Is a vicious animal;
- (3) Causes fouling of the air by odors;
- (4) Causes unsanitary conditions of enclosures or surroundings;

- (5) By virtue of number and type, is offensive or dangerous to the public health, safety or welfare;
- (6) Barks, whines or howls continuously for 10 minutes;
- (7) Is diseased and dangerous to the public health; or
- (8) Habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles or vehicles.

VICIOUS ANIMAL. Any animal which constitutes a physical threat to human beings or other animals by virtue of attacks of the number and severity as to cause property damage or physical injury.
(1997 Code, § 4-1)

§ 91.02 RUNNING AT LARGE.

(A) It shall be unlawful for a person owning or having custody of any animal to willfully permit or allow the animal to run at large in the town; including the park areas of the town.

(B) Any person or persons owning or having custody of any animal shall be held responsible for the actions of the animal when it is off the owner's property.
(1997 Code, § 4-5) Penalty, see § 91.99

§ 91.03 LOUD OR HABITUAL NOISES.

It shall be unlawful for any person to keep or maintain on any premises or lot any animal that, through loud barking, whining or howling continuously for 10 minutes, constitutes a neighborhood or public nuisance. Failure to abate the nuisance after warning from the Chief of Police, or any authorized agent, shall be unlawful and punishable according to § 91.99.
(1997 Code, § 4-6) Penalty, see § 91.99

§ 91.04 ANIMALS IN HEAT.

Every female animal while in heat shall be confined in a building or secure enclosure in a manner that she will not be in contact with another animal nor create a nuisance by attracting other animals. This shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal being bred.
(1997 Code, § 4-7) Penalty, see § 91.99

§ 91.05 MUZZLES REQUIRED.

The owner of every fierce, dangerous or vicious animal shall confine the animal within a building or secure enclosure and not take it out of the building or secure enclosure unless it is securely muzzled. (1997 Code, § 4-8) Penalty, see § 91.99

CATS AND DOGS**§ 91.20 REGISTRATION OF DOGS AND CATS; TAGS, VACCINATION AND FEES.****(A) *Collars and tags.***

(1) No person or entity shall own or keep any dog or cat over the age of 6 months in the town, unless that person has provided a collar and tags for each dog as herein provided.

(2) The collar shall contain a current rabies vaccination tag and an identification tag with the owner's name and telephone number imprinted upon it.

(B) *Vaccination.*

(1) It shall be unlawful for the owner of any dog or cat to keep the dog or cat, unless it is vaccinated by a licensed veterinary surgeon with antirabies vaccine as required by the General Statutes of North Carolina.

(2) Proof of rabies inoculation must be attached to the collar of the dog or cat.

(C) *Impound.*

(1) Any dog or cat not displaying the tag shall be impounded by the Chief of Police, or any authorized agent, or by the County Animal Control Officer.

(2) The impounded dog or cat may be reclaimed by the owner or custodian, upon furnishing the proof as is required by the County Animal Control Officer.

(Ord. 02-10-04, passed 10-21-2002; Am. Ord. 2006-8, passed 4-17-2006)

§ 91.21 REMOVAL OF COLLAR OR ANIMAL FROM PROPERTY PROHIBITED.

It shall be a misdemeanor for any person, other than the owner or lawful possessor, to remove the collar, license tag or rabies vaccination tag from the neck of the dog or cat or to entice any dog or cat out of any enclosure or house on the premises of its owner or lawful possessor, or to seize or molest any dog while held or led by its owner or lawful possessor.

(1997 Code, § 4-12)

§ 91.22 RESPONSIBILITY OF OWNER TO PREVENT NUISANCE.

It shall be the responsibility of the owner or custodian of a dog or cat to take the measures as are reasonable so as to prevent the dog or cat from becoming a public nuisance.

(1997 Code, § 4-13)

§ 91.23 NUMBER OF CATS AND DOGS PERMITTED ON PREMISES.

(A) *Limitation on number.* No person shall keep more than 4 animals over the age of 4 months on any 1 lot or premises within the corporate limits of the town.

(B) *Investigation; notice.* Upon receipt of a written and signed complaint of a person or persons alleging that more than 4 animals are being kept on a single lot or premises within the corporate limits, and specifying the address and location of the lot or premises, the Police Department shall investigate to determine if there is a violation of this section. If the Police Department determines that division (A) above is being violated, the Police Department shall notify the person or persons keeping the dogs and/or cats of the violation. The notice shall be in writing and shall be served upon the person keeping the dogs and/or cats in violation of this section by delivering a copy of the notice to the lot or premises and leaving the notice with a responsible party. Upon the notice from the Police Department, the person keeping more than 4 animals on any 1 lot or premises, shall remove from the lot or premises all dogs and/or cats in excess of 4 within 5 calendar days of the date of notification.

(C) *Investigation without complaint.* The Police Department may investigate any suspected violation of division (A) above on its own volition, without having received a written complaint. If the Police Department determines that a violation has occurred, then notice procedures and requirements for removal of all dogs and/or cats in excess of 4 as set forth in division (B) shall apply.

(D) *Failure to abate.* Any person failing or refusing to remove from the premises all dogs and/or cats in excess of 4 within 5 calendar days of the date of written notification shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding \$50, or shall be subject to imprisonment not exceeding 30 days, as provided by G.S. § 14-4.

(E) *Exceptions.* This section shall not apply to dogs or cats which are less than 4 months of age so long as the dogs or cats less than 4 months of age are kept within a residence on the lot or premises in question.

(Ord. 01-06-02, passed 6-18-2001)

§ 91.24 ALTERNATE PROCEDURE FOR ABATEMENT OF NUISANCE CREATED BY DOGS OR CATS.*(A) Declaration of nuisance.*

(1) The running at large of any dog, especially one having dangerous or destructive propensities indicated by the turning over of garbage receptacles, the destruction of shrubs, flowers, grass and other plants grown, the destruction of other property or the killing of other animals or the attacking of persons or other similar acts is hereby declared to be a public nuisance, and shall be abated as provided in this section.

(2) Any person keeping, within the corporate limits of the town, 1 or more dogs which by prolonged and habitual barking, howling, or whining cause serious annoyance to neighboring residents and interfere with the reasonable use and enjoyment of the premises occupied by the residents shall be guilty of maintaining a nuisance.

(B) Complaint; notice. Upon written, detailed and signed complaint being made to the Police Department by any resident that any person is maintaining a public nuisance as described in division (A) above, the Chief of Police shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing by the investigating officer.

(C) Abatement. If the written findings of the investigating officer indicate that the complaint is justified, then the Chief of Police shall cause the owner or keeper of the dog in question to be so notified in writing and ordered to abate the nuisance within 48 hours by destruction or removal of the dog, or by penning, fence or otherwise restraining the dog from running at large at any time. In the event the owner or keeper of the dog is unknown and cannot be ascertained, the notice and order, along with a general description of the dog, shall be posted for 48 hours at the town hall.

(D) Same misdemeanor. If any owner or keeper of a dog for which an order of abatement has been issued, shall fail or refuse to abate the nuisance as ordered, he or she shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine not exceeding \$50, or shall be subject to imprisonment not exceeding 30 days, as provided by G.S. § 14-4.

(E) Alternate remedy. This section shall be construed as an alternate remedy for the abatement of a nuisance and shall not be construed to limit other sections of this chapter.

(Ord. 01-06-02, passed 6-18-2001)

§ 91.25 KENNEL PROHIBITED IN RESIDENTIAL DISTRICTS.

(A) It shall be unlawful for any person to keep or maintain a kennel to house or confine dogs being held for sale or being raised for any purpose or as a boarding kennel in any area zoned for residential purposes.

(B) A violation of this section shall subject the violator to the penalty provisions contained in § 91.99 and the abatement of nuisance provisions contained in § 91.23(D).

(Ord. 01-06-02, passed 6-18-2001) Penalty, see § 91.99

LIVESTOCK

§ 91.40 KEEPING HOGS OR PIGS.

It shall be unlawful for any person to keep or maintain any hog pen or pig pen, or keep any hogs or pigs within the corporate limits of the town.

(1997 Code, § 4-3) Penalty, see § 91.99

§ 91.41 KEEPING LIVESTOCK OR POULTRY.

It shall be unlawful for any person to keep within the corporate limits of the town any livestock, animals or poultry other than house pets. This prohibition shall be interpreted to include horses, cows, goats, sheep, chickens and turkeys; but this list is not to be deemed all inclusive.

(1997 Code, § 4-4) Penalty, see § 91.99

IMPOUNDMENT; REDEMPTION

§ 91.55 IMPOUNDMENT PROCEDURES; FEES.

(A) Dogs found running at large, and any animals in violation of this chapter, shall be picked up by the Chief of Police, or any authorized agent, and impounded in the shelter designated as the town animal shelter.

(B) When a dog is found running at large but cannot be caught and the ownership is known to the Police Chief, or any authorized agent, it need not be impounded; but the agent shall cite the owner to appear in court to answer to charges of violating this chapter.

(C) The Police Chief, or any authorized agent, upon receiving the animal, shall make a complete registry, entering the color, and the breed and sex if known, of each animal. When an animal is impounded, the owner shall be contacted, if possible, and informed that his or her animal has been impounded and by what means he or she may regain custody of the animal.

(D) Impounded animals shall be confined in an humane manner for not less than 3 days, and if not claimed, may thereafter be disposed of in an humane manner.

(E) The Chief of Police, or any authorized agent, may transfer any animal held at the shelter after the legal detention period has expired to the county animal control officer if not claimed.

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(F) The owner of any animal so impounded may reclaim the animal upon payment of all costs and charges incurred by the town in regard to the impounding of the animal, which charges will be set from time to time by the Board of Commissioners; and a schedule of the charges is on file and available in the town offices. Proof of rabies inoculation is required before release from impoundment.

(G) For each animal that is impounded more than 1 time within a 3-month period, a civil penalty of \$30 shall be imposed upon the owner of the animal, due and payable within 48 hours of issuance of the civil citation. This penalty is in addition to the charge for keeping the animal.

(H) If no owner shall appear within 3 days, or if the owner appearing shall refuse, fail or neglect to pay all the sums herein prescribed, then it shall be the duty of the Chief of Police, or any authorized agent, to request the proper agency of the county to impound and keep the animal, or otherwise dispose of the animal, as provided by law.

(I) If an animal is turned over to the county agency it shall be unlawful for the owner or keeper of the animal to take the animal from that agency without first complying with all reclaiming requirements of this chapter.

(J) The owner of an impounded animal not redeemed within the required holding period shall be responsible for the fees incurred whether or not the animal is claimed.
(1997 Code, § 4-9)

§ 91.56 INTERFERING WITH OFFICERS.

It shall be unlawful for any person to forcibly interfere with an officer in order to hinder him or her in the performance of his or her duties while he or she is attempting to catch any animal, as authorized in this chapter, or to release or attempt to release any animal from impoundment.
(1997 Code, § 4-10) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of \$25 per day. A citation for the civil penalty shall be issued by the Police Department or the Town Building Inspector. Each citation for a civil penalty must be paid within 72 hours of issuance.

(B) Every day the violator continues in violation shall be a separate and distinct offense.

(C) The Zoning Enforcement Officer is one designated by the Board of Commissioners.
(1997 Code, § 4-2) (Am. Ord. 00-12-10, passed 12-18-2000)

CHAPTER 92: FIRE PREVENTION

Section

General Provisions

- 92.01 Burning trash on streets and rights-of-way prohibited
- 92.02 Fires to be watched while burning
- 92.03 Accumulation of combustible or flammable articles on lots prohibited

Fire Prevention Code

- 92.15 Adoption of code by reference
- 92.16 Enforcement authorities
- 92.17 Definitions
- 92.18 Establishment of limits of districts in which manufacture and storage of fireworks is to be prohibited
- 92.19 Establishment of limits of districts in which storage of flammable liquids in outside aboveground tanks is to be prohibited
- 92.20 Establishment of motor vehicle routes for vehicles transporting explosives and blasting agents
- 92.21 Establishment of motor vehicle routes for vehicles transporting hazardous chemicals or other dangerous articles
- 92.22 Establishment of fire lanes on private property devoted to public use
- 92.23 Amendments
- 92.24 Modifications
- 92.25 Appeals
- 92.26 New materials, processes or occupancies which require permits

- 92.99 Penalty

GENERAL PROVISIONS**§ 92.01 BURNING TRASH ON STREETS AND RIGHTS-OF WAY PROHIBITED.**

No person shall burn or cause to be burned any trash, refuse, shavings, paper, leaves, litter or other material of any kind on any street or right-of-way within the town limits.

(1997 Code, § 14-1) Penalty, see § 92.99

§ 92.02 FIRES TO BE WATCHED WHILE BURNING.

All persons who shall burn or set fire to any brush, grass or other material whereby any property may be endangered or destroyed shall keep and maintain a careful and competent watchman in charge while burning. Fire escaping from the burning shall be prima facie evidence of neglect of this chapter.

(1997 Code, § 14-2) Penalty, see § 92.99

§ 92.03 ACCUMULATION OF COMBUSTIBLE OR FLAMMABLE ARTICLES ON LOTS PROHIBITED.

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

(1997 Code, § 14-3) Penalty, see § 92.99

FIRE PREVENTION CODE**§ 92.15 ADOPTION OF CODE BY REFERENCE.**

(A) The following code is hereby adopted by reference as though it were copied fully herein: 1996 Edition Volume V-Fire Prevention.

(B) Any matters in the Fire Prevention Code that are contrary to existing ordinances of the city shall prevail.

(1997 Code, § 14-31)

§ 92.16 ENFORCEMENT AUTHORITIES.

(A) The Building Inspector shall be deemed to be the responsible official insofar as enforcing the provisions of the Fire Prevention Code adopted in § 92.15 are concerned, and shall have the title of Cape Carteret Fire Inspector.

(B) The Town Fire Inspector shall recommend any amendments to the Fire Prevention Code that in his or her judgment are desirable.

(C) The Fire Inspector may request and shall receive so far as may be necessary in the discharge of his or her duties the assistance and cooperation of other officials of the town.

(D) The Zoning Enforcement Officer is one designated by the Board of Commissioners.
(1997 Code, § 14-32) (Am. Ord. 00-12-00, passed 12-18-2000)

§ 92.17 DEFINITIONS.

The following words, terms and phrases, when used in the Fire Prevention Code, as adopted in § 92.15, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CORPORATION COUNSEL. The attorney for the town.

MUNICIPALITY. The Town of Cape Carteret, North Carolina.
(1997 Code, § 14-33)

§ 92.18 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH MANUFACTURE AND STORAGE OF FIREWORKS IS TO BE PROHIBITED.

The limits referred to in § 2002 of the Fire Prevention Code, as adopted in § 92.15, in which the manufacture and storage of fireworks is prohibited, are hereby established as follows: the area encompassed by the municipal limits.
(1997 Code, § 14-34)

§ 92.19 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS TO BE PROHIBITED.

(A) The limits referred to in § 902 of the Fire Prevention Code, as adopted in § 92.15, in which the storage of flammable liquids in outside aboveground tanks is prohibited, are hereby established as follows: in accordance with NFPA30.

(B) The limits referred to in § 906 of the Fire Prevention Code, as adopted in § 92.15, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: all areas within the corporate limits of the town.
(1997 Code, § 14-35)

§ 92.20 ESTABLISHMENT OF MOTOR VEHICLE ROUTES FOR VEHICLES TRANSPORTING EXPLOSIVES AND BLASTING AGENTS.

The routes referred to in § 1903 of the Fire Prevention Code, as adopted in § 92.15, for vehicles transporting explosives and blasting agents are hereby established as follows: only upon State Highway 24 and State Road 1120 (Taylor Notion Road).
(1997 Code, § 14-36)

§ 92.21 ESTABLISHMENT OF MOTOR VEHICLE ROUTES FOR VEHICLES TRANSPORTING HAZARDOUS CHEMICALS OR OTHER DANGEROUS ARTICLES.

The routes referred to in § 2201 of the Fire Prevention Code, as adopted in § 92.15, for vehicles transporting hazardous chemicals and other dangerous articles are hereby established as follows: only upon State Highway 24 and State Road 1120 (Taylor Notion Road).
(1997 Code, § 14-37)

§ 92.22 ESTABLISHMENT OF FIRE LANES ON PRIVATE PROPERTY DEVOTED TO PUBLIC USE.

The fire lanes referred to in § 602.6.5 of the Fire Prevention Code, as adopted in § 92.15, are hereby established as follows: as designated and marked by appropriate signs.
(1997 Code, § 14-38)

§ 92.23 AMENDMENTS.

Wherever records are required by the Fire Prevention Code to be kept in the offices of the Bureau of Fire Prevention, they shall be kept in the offices of the Town Fire Inspector.
(1997 Code, § 14-39)

§ 92.24 MODIFICATIONS.

The Board of Commissioners, with the approval of the State Board of Fire Code Officials, shall have the power to modify any of the provisions of the Fire Prevention Code, as adopted in § 92.15, upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are

practical difficulties in the way of carrying out the strict letter of the Fire Prevention Code, provided that the intent of the Fire Prevention Code shall be observed, public safety secured, and substantial justice done. The particulars of any modification when granted or allowed and the decision of the Board thereon shall be entered upon the records of the town, and a signed copy shall be furnished to the applicant.
(1997 Code, § 14-40)

§ 92.25 APPEALS.

Whenever the Fire Inspector shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Fire Prevention Code, as adopted in § 92.15, do not apply or that the true intent and meaning of the Fire Prevention Code have been misconstrued or wrongly interpreted, the applicant is permitted to appeal from the decision of the Fire Inspector to the Board of Commissioners within 30 days from the date of the decision appealed.
(1997 Code, § 14-41)

§ 92.26 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH REQUIRE PERMITS.

The Mayor and the Fire Inspector shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the Fire Prevention Code, as adopted in § 92.15. The Fire Inspector shall post the list in a conspicuous place in his or her office and distribute copies thereof to interested persons.
(1997 Code, § 14-42)

§ 92.99 PENALTY.

(A) Any violation of any provision of this chapter or any provisions of the Fire Prevention Code adopted in § 92.15 shall subject the violator to a civil penalty in the sum of \$25 per day. A citation for the civil penalty shall be issued by the Police Department or the Town Building Inspector. Each citation for a civil penalty must be paid within 72 hours of issuance. Every day the violator continues in violation shall be a separate and distinct offense.

(B) The imposition of 1 penalty for any violation shall not excuse the violation or permit it to continue, and all persons shall be required to correct or remedy the violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate and distinct offense.

(C) The application of the penalty provided in division (A) above shall not be held to prevent the enforced removal of prohibited conditions.

(D) The provisions of this chapter and the Fire Prevention Code may be enforced by mandatory or prohibitory injunction or order of abatement from a court of competent jurisdiction or by any other equitable remedy as provided by G.S. § 160A-175.

(E) The Zoning Enforcement Officer is one designated by the Board of Commissioners.
(1997 Code, § 14-4) (Am. Ord. 00-12-10, passed 12-18-2000)

CHAPTER 93: NOISE

Section

- 93.01 Loud, unnecessary noises prohibited
- 93.02 Prohibited acts enumerated

§ 93.01 LOUD, UNNECESSARY NOISES PROHIBITED.

It shall be unlawful for any person to create or assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the town. Noise of the character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.
(1997 Code, § 12-66) Penalty, see § 10.99

§ 93.02 PROHIBITED ACTS ENUMERATED.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter. The following enumeration shall not be deemed to be exclusive:

(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 if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any signal device of any reasonably loud or harsh sound; and the sounding of the device for an 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 use or operation of any piano, manual or automatic, radio, phonograph, loudspeaker, or any other instrument, or sound amplifying devices so loudly as to disturb persons in the vicinity thereof, or in a manner as renders the same a public nuisance; however, upon application to the Board of Commissioners, permits may be granted to responsible organizations to produce programs in music, speeches or general entertainment;

(D) 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;

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

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

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

(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 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the Town Clerk, which permit may be renewed for a period of 3 days or less while the emergency continues;

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

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

(L) The creation of loud and excessive noise in connection with loading or unloading any vehicle, or 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 disturbs the quiet or repose of persons in the vicinity;

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

(O) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale or display of merchandise except upon receiving specific permission from the Board and a certificate stating the same from the Clerk;

(P) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific permission is received from the Board and a certificate stating the same from the Clerk;

(Q) The operating, conducting 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 9:00 p.m. and 7:00 a.m.; or

(R) The firing or discharging of squibs, crackers, gunpowder or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance, except by permit from the Board.
(1997 Code, § 12-67)

CHAPTER 94: NUISANCES

Section

- 94.01 Conditions constituting a public nuisance
- 94.02 Investigation and determination of conditions
- 94.03 Notice of public nuisance
- 94.04 Owner may request hearing
- 94.05 Abatement by town
- 94.06 Appeal to Town Board
- 94.07 Cost of removal by owner; lien

- 94.99 Penalty

§ 94.01 CONDITIONS CONSTITUTING A PUBLIC NUISANCE.

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

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

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

(3) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health; and

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

(B) Naturally wooded lots that have never been cleared or otherwise altered are not required to meet the requirements of division (A)(1) above. Once a lot is cleared it must comply with division (A)(1) above. (1997 Code, § 12-31) (Am. Ord. 03-12-04, passed – -)

§ 94.02 INVESTIGATION AND DETERMINATION OF CONDITIONS.

(A) The Building Inspector or the Chief of Police, upon notice from any person or upon the Inspector's or Police Chief's own investigation of the existence of any of the conditions described in § 94.01, shall determine whether, in fact, the conditions exist which constitute a public nuisance as declared in § 94.01.

(B) The Zoning Enforcement Officer is one designated by the Board of Commissioners.
(1997 Code, § 12-32) (Am. Ord. 00-12-10, passed 12-18-2000)

§ 94.03 NOTICE OF PUBLIC NUISANCE.

(A) Upon a determination that conditions described in § 94.01 constituting a public nuisance exist, the Building Inspector or Chief of Police shall notify, by certified mail, the owner, occupant or person in possession of the premises in question, of the conditions constituting the public nuisance and shall order the prompt abatement thereof within 30 days from the receipt of the written notice.

(B) The Zoning Enforcement Officer is one designated by the Board of Commissioners.
(1997 Code, § 12-33) (Am. Ord. 00-12-10, passed 12-18-2000)

§ 94.04 OWNER MAY REQUEST HEARING.

(A) *Request for hearing.* Within 7 days from receipt of the notice provided for in § 94.03, the owner, occupant or person in possession of the premises may request a hearing before the official who ordered the abatement of the alleged nuisance. The official, upon receipt of the hearing request, shall fix a time for the hearing, and the initial abatement order shall be temporarily suspended pending the hearing.

(B) *Hearing.* At the hearing, the individual affected by the order shall be given the opportunity to present evidence to refute the findings which supported the abatement order.

(C) *Completion of hearing.* Upon completion of the hearing, the officer conducting the hearing shall:

- (1) Affirm the original order of abatement;
- (2) Modify the original abatement order; or
- (3) Revoke the initial abatement order.

(1997 Code, § 12-34)

§ 94.05 ABATEMENT BY TOWN.

(A) Upon the occurrence of either of the following conditions, the Building Inspector or Chief of Police shall cause the condition to be removed or otherwise remedied by having employees or agents of the town to go upon the premises and remove or otherwise abate the nuisance under the Inspector's or Police Chief's supervision:

(1) A hearing is requested and held under § 94.04, resulting in either an affirmation of the original order of abatement or modification of the order, and either the order is not complied with;

(2) Having considered an appeal from the order of the Building Inspector or the Chief of Police, the Town Board of Commissioners, pursuant to § 94.06 has affirmed the original order, or modified the same, but the abatement order has not been complied with; or

(3) No hearing has been requested or, the owner, occupant or person in possession of the premises having requested the hearing fails to attend, and the person having been ordered to abate a public nuisance fails, neglects, or refuses to abate or remove the condition constituting the nuisance within 30 days from the receipt of the order.

(B) Any person who has been finally ordered to abate a public nuisance may, within the time allowed by this chapter, request the town in writing to remove the condition, the cost of which shall be paid by the person making the request. However, the town is not obligated to remove the condition, even if requested by the person subject to the abatement order, and the person requesting removing of the condition by the town is not relieved of his or her obligation to act by requesting town action.

(C) The Zoning Enforcement Officer is one designated by the Board of Commissioners.
(1997 Code, § 12-35) (Am. Ord. 00-12-10, passed 12-18-2000)

§ 94.06 APPEAL TO TOWN BOARD.

(A) Within 7 days from the receipt of the decision of the official conducting a hearing pursuant to § 94.04, the person ordered to abate a public nuisance may request in writing filed with the Town Clerk a hearing before the Town Board of Commissioners. Obtaining a hearing pursuant to § 94.04 is a prerequisite to a request for a hearing under this section.

(B) The Town Clerk will forward a copy of the request to the Mayor who shall fix a time for the hearing.

(C) The abatement order issued by the official conducting the hearing under § 94.04 shall remain in full force and effect unless temporarily suspended by the Mayor pending the Town Board hearing.

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(D) At the hearing, the individual affected by the order shall be given the opportunity to present evidence to refute the findings which supported the abatement order. Upon completion of the hearing, the Town Board shall:

- (1) Affirm the abatement order;
- (2) Modify the abatement order; or
- (3) Revoke the abatement order.

(1997 Code, § 12-36)

§ 94.07 COST OF REMOVAL BY OWNER; LIEN.

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

(B) In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after receipt of a statement of charges as provided for in § 94.05, the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

(1997 Code, § 12-37)

§ 94.99 PENALTY.

(A) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of \$25 per day. A citation for the civil penalty shall be issued by the Police Department or the Town Building Inspector. Each citation for a civil penalty must be paid within 72 hours of issuance. Each day that the violator continues in violation shall be a separate and distinct offense.

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

(C) The Zoning Enforcement Officer is one designated by the Board of Commissioners.

(1997 Code, § 12-38) (Am. Ord. 00-12-10, passed 12-18-2000)

CHAPTER 95: PARKS AND RECREATION

Section

- 95.01 Findings
- 95.02 Use of facilities limited

§ 95.01 FINDINGS.

The Board of Commissioners hereby finds that by the division of the deeds of gift to the town from the donor, it is provided that the use of the town recreational facilities and park areas, described in the deeds of gift shall be used only by town residents or owners of property within the town, and the deeds of gift further provide for a forfeiture in the event that this provision of the deeds of gift is violated.
(1997 Code, § 22-1)

§ 95.02 USE OF FACILITIES LIMITED.

Use of restricted recreational facilities is hereby limited to residents and owners of property of the town, and then only upon the following conditions:

(A) Parking will be permitted only in areas designated as parking areas and identified with appropriate parking signs. The signs shall be lettered PARK HERE.

(B) (1) Only automobiles which display a valid town automobile license or a valid decal shall be allowed to park in the parking areas of the park facilities.

(2) Parking in violation of this section shall subject the violator to the following civil penalties:

<i>Parking Violation</i>	<i>Penalty</i>
No parking zone	\$25
Double parking	\$25
Blocking driveway	\$25
Private property	\$25

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<i>Parking Violation</i>	<i>Penalty</i>
Wrong side of street	\$25
Parking in loading zone	\$25
Obstructing traffic	\$25
Blocking street	\$25
Unauthorized parking	\$25

(C) No person using park areas shall be intoxicated, nor shall any person carry on any activity in park areas that shall constitute a public nuisance or that shall disturb a person of ordinary sensibilities, nor shall any person using park areas carry out any activity which shall become a nuisance, nor shall any person make any loud noise that shall be audible beyond the boundaries of the park area. However, the usual noises incident to the operation of motor vehicles or motor-powered vessels shall not be prohibited by the provisions of this chapter.

(D) No person shall place or leave or cause to be placed or left temporarily or permanently any trash, refuse or garbage in any of the park areas, except in receptacles provided by the town, or at its behest, specifically for the use. Signs, which shall be lettered DO NOT LITTER, shall be placed in the park areas. (1997 Code § 22-2) Penalty, see § 10.99

CHAPTER 96: STREETS AND SIDEWALKS

Section

General Provisions

- 96.01 Damage to bridges, culverts, ditches and drains
- 96.02 Injuring or removing of signs, lights or other municipal property
- 96.03 Toy vehicles in streets

Obstructions

- 96.15 Obstructions on streets or rights-of-way
- 96.16 Assembly on streets
- 96.17 House moving

Excavations, Repairs and Construction

- 96.30 Permit to dig in streets
- 96.31 Construction permit
- 96.32 Street to be put in good condition upon repair
- 96.33 Barricades and warning lights
- 96.34 Board approval of new streets

GENERAL PROVISIONS

§ 96.01 DAMAGE TO BRIDGES, CULVERTS, DITCHES AND DRAINS.

No person shall injure or misplace any part of any bridge, culvert, ditch, 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.

(1997 Code, § 34-1) Penalty, see § 10.99

§ 96.02 INJURING OR REMOVING OF SIGNS, LIGHTS OR OTHER MUNICIPAL PROPERTY.

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

(1997 Code, § 34-2) Penalty, see § 10.99

§ 96.03 TOY VEHICLES IN STREETS.

Riding of tricycles, small wagons and the use of small toys in the street of the town is prohibited. This provision excludes bicycles, roller skates and roller blades.

(1997 Code, § 34-3) Penalty, see § 10.99

OBSTRUCTIONS**§ 96.15 OBSTRUCTIONS ON STREETS OR RIGHTS-OF-WAY**

No building materials or merchandise obstructing the free passage of persons and vehicles shall be placed or suffered to lie in any of the streets or rights-of-way of the town.

(1997 Code, § 34-31) Penalty, see § 10.99

§ 96.16 ASSEMBLY ON STREETS.

All persons are forbidden from assembling or collecting and standing so as to obstruct any right-of-way or street, and all persons so collecting and standing shall disperse and move upon demand of any Police Officer.

(1997 Code, § 34-32) Penalty, see § 10.99

§ 96.17 HOUSE MOVING.

No person shall move any house or building upon or across the public streets or rights-of-way without the written consent of the Board of Commissioners and the deposit of a good and sufficient bond in a sum to be determined by the Board to cover damage done to the street or right-of-way or to any property of any person.

(1997 Code, § 34-33) Penalty, see § 10.99

EXCAVATIONS, REPAIRS AND CONSTRUCTION

§ 96.30 PERMIT TO DIG IN STREETS.

It shall be unlawful for any person to dig any hole, ditch or excavation of any kind whatsoever on any street or right-of-way in the town without first securing a permit therefor in writing from the Town Clerk upon authorization of the Board of Commissioners.

(1997 Code, § 34-61) Penalty, see § 10.99

§ 96.31 CONSTRUCTION PERMIT.

(A) No construction of any description shall be built on street rights-of-way without written permit from the Town Clerk upon authorization of the Board of Commissioners. This section excludes mailboxes and newspaper containers.

(B) Final plat approval by the Board of Commissioners or final commercial site plan approval by the Board of Commissioners shall be deemed to be compliance with the permit requirements of this section.

(1997 Code, § 34-62) (Am. Ord. 2006-13, passed 8-21-2006)

§ 96.32 STREET TO BE PUT IN GOOD CONDITION UPON REPAIR.

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

(1997 Code, § 34-63)

§ 96.33 BARRICADES AND WARNING LIGHTS.

It shall be unlawful for any person making any excavation for any purpose in any of the streets or rights-of-way to fail to securely cover the excavation with planks or to place ropes around the excavation 3 feet from the ground or shall fail to place a sufficient number of red lights around the excavation before dark and to keep the light burning all night around the excavation every night the excavation shall be open.

(1997 Code, § 34-64) Penalty, see § 10.99

§ 96.34 BOARD APPROVAL OF NEW STREETS.

Before any new street offered for dedication to the town is accepted as such and officially recognized as a town-maintained street, the Board of Commissioners must give its approval, finding that the street complies with engineering standards set by the Board and that the best interest of the town would be served by accepting the street as a town street.

(1997 Code, § 34-65)