

Section

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§ 80.01 DEFINITIONS.

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

"ABANDONED VEHICLE." A vehicle shall be deemed to have been abandoned for the purposes of this chapter in the following circumstances:

- (A) It has been left upon a street or highway in violation of a law or ordinance prohibiting parking;
- (B) The vehicle fails to display a current license plate;
- (C) It is partially dismantled or wrecked;
- (D) It is incapable of self-propulsion or being moved in the manner for which it was originally intended;
- (E) It is left on property owned or operated by the town for a period of 24 hours or longer;
- (F) It is left on private property without the consent of the owner, occupant, or lessee thereof for a period of two hours or longer; or
- (G) It is left on any public street or highway of this town for a period of seven days or longer.

§ 80.02 DUTY OF MOTOR VEHICLE OWNER.

It shall be unlawful for any period of time to abandon a vehicle falling within the definition contained in § 80.01. No person shall leave or allow to remain any abandoned, junked, or otherwise discarded vehicle on property under his control. If a motor vehicle is abandoned on a public street or upon property owned or operated by the town, it shall be the duty of the owner of such vehicle, after due notice, to cause the removal of such vehicle immediately and to pay all costs incident to such removal.

§ 80.03 IMPOUNDMENT.

When any motor vehicle is abandoned on the public streets or public grounds of the town or is abandoned upon privately owned property without the permission of the owner, lessee, or occupant thereof, any such vehicle may be removed for safekeeping by or under the direction of a police officer or other officer designated by the Town Clerk, to a storage garage or area. However, no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee, or occupant of the premises unless the same has been declared by the Board of Aldermen to be a health or safety hazard. When such a vehicle is removed from privately owned property at the request of the owner, lessee, or occupant thereof, the person at whose request such vehicle is removed shall be required to pay or otherwise indemnify the town against loss or expense incurred by reason of the removal, storage, or sale thereof.

§ 80.04 NOTICE TO REGISTERED OWNER; SALE OF UNREDEEMED VEHICLE.

(A) The designated official or the police officer in charge of directing the removal of such vehicle shall make a diligent search to ascertain the identity or whereabouts of the owner of said vehicle. Such search shall include an inquiry directed to the State Department of Motor Vehicles. Written notice by mail of such removal shall be promptly given to the registered owner of the vehicle, if his identity is known. Said owner may regain possession of such vehicle upon the payment to the town of all reasonable costs incidental to the removal, storage, and locating the owner of the vehicle.

(B) Should such owner fail or refuse to pay the costs, or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made and after notice to him at his last known address and to the holder of any lien of record in the office of the Department of Motor Vehicles against the vehicle, the designated law enforcement officer of the Police Department may, after holding the vehicle for 30 days, and after having the value of such vehicle determined by three disinterested automobile dealers or garagemen, and after 20 days' notice has been given to the Department of Motor Vehicles before the date of sale, dispose of the same by public or private sale, or in the event of an appraised value of less than \$50, by other means in the discretion of the Board of Aldermen, and the proceeds of any sale shall be forwarded to the Town Clerk.

§ 80.05 DISPOSITION OF PROCEEDS OF SALE.

(A) The Town Clerk shall pay from the proceeds of any sale, the cost of removal, storage, investigation as to ownership and sale, and liens, in that order. If after the sale, the ownership thereof at the time of removal is established satisfactorily by the person claiming such ownership, he shall be paid so much of the proceeds from the sale as remains after paying the costs designated above, and including any liens on said vehicle. However, if the owner cannot be ascertained, any remaining proceeds shall be deposited to the General Fund of the town.

§ 80.06 JUNKED VEHICLES.

(A) Defined. Whenever a vehicle is found to be an abandoned motor vehicle as defined in § 80.01 and, in addition, is found to be inoperable, dismantled, or damaged, five years old or older, and worth less than \$50, such abandoned vehicle shall be deemed to be a "JUNKED VEHICLE."

(B) Removal. A junked motor vehicle may be removed from any public or private property under the direction of an official designated by the Town Clerk or a designated member of the Police Department to a storage area or garage, provided that no such vehicle shall be removed from private property without the written request of the owner, occupant, or lessee of the property on which the vehicle is located, unless the same has been declared a health or safety hazard by the town.

(C) Notice to owner. The Board of Aldermen shall take no action nor shall they adopt a resolution declaring a motor vehicle located on private property to be abandoned or a safety or health hazard unless at least ten days prior to the date on which the Board shall consider such action or resolution a notice shall have been personally served upon the registered owner of said motor vehicle if his name can be ascertained. If the name of the registered owner cannot be ascertained, said notice shall be given to the owner of the property upon which the vehicle is located. Said notice shall advise of the time and place of the meeting at which the resolution shall be considered, and shall state that the person to whom the notice is directed shall have the right to appear at said meeting and be heard. Further, the notice shall be given by registered mail, return receipt requested, in lieu of personal service; however, in the event said person entitled to notice is unknown, or known and his whereabouts are unknown, or is a nonresident of this state, then said notice shall be deemed adequate if a copy is posted on the premises and published in a newspaper having a general circulation in the town at least five days prior to the date set for the hearing.

(D) Payment of expenses of removal. When a junked motor vehicle is removed from private property at the request of the owner, occupant, or lessee thereof, the person at whose request such vehicle is removed from privately owned property shall pay or otherwise indemnify the town against any loss or expense incurred by reason of the removal, storage, sale, or destruction of said vehicle. Any junked vehicle so removed shall be held at least 15 days.

(E) Reclamation by owner. The owner of any such junked motor vehicle may reclaim the vehicle during the 15-day retention period by exhibiting proof of ownership to a designated official or a designated officer of the Police Department and paying all reasonable costs incident to the removal and storage of the vehicle and administrative expenses.

(F) Disposition of unclaimed vehicle. If, after holding the vehicle for 15 days, it remains unclaimed, said vehicle may be destroyed or otherwise disposed of as provided by ordinance or resolution of the Board of Aldermen. Any proceeds derived from the disposition of a junked motor vehicle shall be retained for deposit in the General Fund. The designated officer referred to herein shall give notice within 15 days after final disposition to the State Department of Motor Vehicles that such vehicle has been deemed a junked motor vehicle and has been disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can reasonably be determined.

§ 80.07 DISCLAIMER OF LIABILITY.

No person duly acting in accordance with the provisions of this chapter shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost, or stolen vehicle, for the removal or disposition of such vehicle in accordance with the provisions of this chapter.

§ 80.08 EXCEPTIONS.

Nothing contained in this chapter shall be construed to apply to any vehicle in an enclosed building; a vehicle on the premises of a business enterprise being operated in a lawful place and manner which vehicle is necessary to the operation of said business; or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner.

CHAPTER 84: MISCELLANEOUS OFFENSES

Section

- 84.01 Weapons
- 84.02 Disturbing public meetings
- 84.03 Injuring town property
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- 84.06 Indecent exposure
- 84.07 Impersonating town officers
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- 84.09 Loitering

§ 84.01 WEAPONS.

(A) No person shall shoot or discharge, within the corporate limits of the town any firearms, guns, rifles, pistols, air rifles, spring guns, or compressed air rifle or pistol, or other similar device or weapon which impels or discharges with force any bullet, shot, or pellet of any kind. Provided, however, that this section shall not apply to any law enforcement officer of any governmental unit, or representative of any governmental agency or body, charged with the duties of protecting life or property, or enforcing laws and regulations while engaged in the performance of his official duty. It is further provided that this section shall not apply in defending one's self or property, or the safety and property of others. Provided further that this section shall not apply to a firing range operated or supervised by an individual, club, or organization for educational or sporting purposes, if the firing range shall have been first inspected and approved by the Police Department.

(B) The Chief of Police, or any member of the Police Department, is hereby authorized to seize, hold, and confiscate, subject to order of the court, any such firearm, weapon, air rifle, or similar device mentioned in division (A) above, which shall be shot, or discharged within the town in violation of this section.

(Ord. 105, passed 10-19-70) Penalty, see § 10.99

§ 84.02 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.

Penalty, see § 10.99

§ 84.03 INJURING TOWN PROPERTY.

It shall be unlawful to injure, damage, deface, trespass upon, break, or injure any property belonging to the town.

Penalty, see § 10.99

§ 84.04 UNNECESSARY NOISE.

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 such character, intensity, and duration as to be detrimental to the life or health of any individual is prohibited. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but the enumeration shall not be deemed to be exclusive, namely:

(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 such signal device of any unreasonably loud or harsh sound; and the sounding of such 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, phonograph, radio, loudspeaker, or any other instrument, or sound amplifying devices so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance, however, on application to the Mayor, 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;

(E) The use of any automobile, motorcycle, or other vehicle so out of repair or 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 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 excavating), 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 Building Inspector, which permit may be renewed for a period of three 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 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;

(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 of 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 thereof;

(N) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood; or anyone shouting within the corporate limits so as to disturb the peace and quiet 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;

(P) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the Board of Commissioners; and

(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 11:00 p.m. and 7:00 a.m.  
Penalty, see § 10.99

Statutory reference:

Authority to regulate noises, see G.S. 160A-184

§ 84.05 ABANDONED REFRIGERATORS.

It shall be unlawful for any person to place, keep, leave or maintain in any location accessible to children, any abandoned, unused or discarded iceboxes, refrigerators or other containers having an airtight door and being equipped with a lock, clasp, or snaplock or other device securing the doors which, when so secured, may not be released or opened from the inside of such iceboxes, refrigerators or other containers. However, the provisions of this section shall not apply to any icebox, refrigerator or other container from which the door-securing device has been removed or rendered inoperative, nor shall the provisions hereof apply to any such icebox, refrigerator or

other container which has been so secured by locking or chaining or otherwise as to prevent the opening thereof, or if opened, the closing thereof.

Penalty, see § 10.99

§ 84.06 INDECENT EXPOSURE.

It shall be unlawful for any person to willfully expose his person or private parts in the presence of one or more persons of the opposite sex, or to take part in any immoral show, exhibition or performance where indecent, immoral or lewd dances or plays are conducted.

Penalty, see § 10.99

§ 84.07 IMPERSONATING TOWN OFFICERS.

It shall be unlawful for any person to wear a badge or emblem purporting to signify his authority to otherwise purport to act as an officer of the town, unless he has been duly given such right by the proper town authorities.

Penalty, see § 10.99

§ 84.08 OFFENSES AGAINST THE PUBLIC PEACE.

It is intended by this section to prohibit the commission of, and to provide punishment pursuant to § 10.99 of this Code, for the following specific acts:

- (A) Disturbing the peace.
  - (B) Resisting arrest, and resisting any officer of the town in the lawful performance of his duties.
  - (C) Assembling for purposes of gambling.
  - (D) Committing a breach of the peace.
  - (E) Violent or boisterous conduct calculated to disturb the peace and quiet of other persons.
  - (F) Appearing in an intoxicated condition outside the offender's own home.
  - (G) Making unusual or unnecessary noises calculated to disturb the peace and good order.
  - (H) Using profane or obscene language toward others in such manner as to be offensive.
  - (I) Committing riotous acts.
  - (J) Maliciously interfering with pedestrians or traffic.
  - (K) Indecent acts in the presence of others.
- Penalty, see § 10.99



§ 84.09 LOITERING.

It shall be unlawful for any person to loiter upon the streets, sidewalks or crossings, or in any manner to obstruct the streets, sidewalks or crossings.  
Penalty, see § 10.99

## Section

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- 81.02 Dangerous dogs; barking
- 81.03 Dogs running at large
- 81.04 Cruelty to animals
- 81.05 Female dogs in heat
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§ 81.01 DEFINITIONS.

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

"PROPER ENCLOSURE." A building or other structure from which an animal cannot escape, or an outside area enclosed by a fence at least six feet in height secured to the ground in a manner so that an animal cannot escape.

"DOG HAVING DANGEROUS OR DESTRUCTIVE PROPENSITIES." A dog which constitutes a physical threat to humans or other animals, or a dog which habitually turns over garbage receptacles, 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.

§ 81.02 DANGEROUS DOGS; BARKING.

(A) The keeping or maintenance outside a proper enclosure of any dog having dangerous or destructive propensities is declared to be a public nuisance, and shall be abated as provided in this chapter.

(B) The keeping or maintenance of any dog 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 such residents, or with the reasonable use and enjoyment of the public streets, sidewalks or other public areas, is declared to be a public nuisance, and shall be abated as provided in this chapter.

Penalty, see § 10.99

§ 81.03 DOGS RUNNING AT LARGE.

(A) Running at large prohibited. It shall be unlawful for any dogs to be running at large on the streets or sidewalks of the town unless under the control of the owner or a member of his immediate family either by leash, collar, chain or otherwise.

(B) Duty of Police Department. It is hereby declared the duty of the Police Department to notify the owner of any dog found running at

large on the street or sidewalks to place same under proper control or confinement, except that any dog or fierce, dangerous or vicious propensities or any dog which appears to be suffering from rabies, hydrophobia, or other infectious dangerous disease, or any dog attacking person, or persons, may be slain by any police officer. (Ord. 200, passed 4-2-73) Penalty, see § 10.99

§ 81.04 CRUELTY TO ANIMALS.

It shall be unlawful for any person willfully or through neglect to overdrive, overload, wound, injure, torment, torture, deprive of necessary sustenance or shelter, cruelly beat, needlessly mutilate, or kill any animal or cause any of the aforesaid things to be done. Penalty, see § 10.99

§ 81.05 FEMALE DOGS IN HEAT.

It shall be unlawful for the owner or keeper of any female dog to permit the same to run at large in the streets, alleys, thoroughfares, or public places of the town while said female dog is in heat. Penalty, see § 10.99

§ 81.06 STOCK PENS; ANIMAL ENCLOSURES.

To allow any stock or animal pen or enclosure to remain in an unsanitary condition so as to emit an unpleasant odor is declared a nuisance. Penalty, see § 10.99

§ 81.07 BIRD SANCTUARY.

The entire area within the corporate limits of the town shall be, and the same is hereby designated and established as a bird sanctuary. No person shall hunt, kill, trap, or decoy birds or rob their nests of eggs or young in the town. It shall also be unlawful for any person to shoot at any bird with a gun, pistol, "BB" gun, air rifle, slingshot, or other instrument of like kind, or strike or throw any object at a bird. Penalty, see § 10.99

§ 81.08 ENFORCEMENT.

(A) Complaint and notice. On receipt of a written detailed and signed complaint being made to the town by any resident that any person is maintaining any animal which is a public nuisance as described in this chapter, the Clerk shall cause the owner or keeper of the animal to be notified that a complaint has been received, and shall cause the situation complained of to be investigated and a report and findings written.

(B) Abatement. If the written findings of the investigation indicate that the complaint is justified, then the Clerk shall cause the owner or keeper of the animal in question to be so notified in writing, and ordered to abate the nuisance within 48 hours by destruction or removal of the animal, or by construction of a proper enclosure, as the case may necessitate. In the event the owner or

keeper of the animal is unknown and cannot be ascertained, the notice and order, along with a general description of the animal, shall be posted for 48 hours at the town hall.

(C) Impoundment on failure to abate; destruction. If any person being the owner or keeper of any animal hereinabove described, shall fail or refuse to abate the nuisance on order of the town within the specified time, the Clerk shall cause the animal in question to be apprehended and impounded in a suitable place, and the owner or keeper shall be notified in writing of the impoundment. If the owner or keeper shall so request, the animal shall be released to him on his execution of a written agreement to comply with the abatement order. If no such request and execution is made by the owner or keeper within five days after written notice, the Clerk shall cause the animal to be destroyed. In the event the owner or keeper is unknown, the Clerk shall cause apprehension and impoundment to be carried out if no one claims the animal within 48 hours after the notice, order, and description were posted, and shall cause a notice of impoundment, along with a general description of the animal, to be posted for five days at the town hall. If no request for release of the animal and execution of agreement to comply with the order of abatement respecting the animal is made within the five-day period, the Clerk shall cause the animal to be destroyed.

§ 81.09 NUMBER OF DOGS TO BE KEPT.

(A) It shall be unlawful for any person to keep on any one lot or premises within the corporate limits more than two dogs. Provided, however, this limitation shall not apply to dogs which are less than six months of age.

(B) Any person wishing to keep more than two dogs on any lot or premises shall apply to the Mayor for a license to operate a dog kennel, and prior to issuing a dog kennel license the Mayor shall determine if the location and construction of such kennel is in compliance with the zoning ordinance, rules and regulations of the County Board of Health, and all other ordinances of the town applicable thereto.

(C) Upon written and signed complaint being made to the Police Department by a person specifying the location where more than two dogs are being kept in other than a licensed kennel, the Police Department shall investigate and, if it is determined that division (A) of this section 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 person shall remove from the premises the number of dogs in excess of two which are prohibited by division (A) above within 48 hours from the time of notification.

(D) Any person failing or refusing to remove from the premises the number of dogs required to comply with division (A) above within 48 hours from the time of notification shall be guilty of a misdemeanor and, upon conviction, shall be subject to imprisonment not exceeding 30 days as provided by G.S. Ch. 14, § 4.

(Ord. 202, passed 4-2-73)