

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS AND FOWL

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GENERAL PROVISIONS**§ 90.01 PURPOSE.**

Pursuant to authority granted by the North Carolina General Assembly, this chapter is enacted to:

(A) Prohibit, regulate or restrict, if necessary, animals;

(B) To protect the public from unvaccinated, diseased, stray, roaming, dangerous, wild, or exotic animals;

(C) To make unlawful acts of animals that interfere with the enjoyment of property or the peace and safety of the community;

(D) To protect animals from abuse or conditions harmful to their well-being;

(E) To support the Caldwell County Animal Shelter operated by Caldwell County; and

(F) To carry out any other lawful duties authorized by state laws and applicable ordinances. (Prior Code, § 10-1) (Am. Ord. 146, passed 6-17-1996)

§ 90.02 JURISDICTION.

This chapter shall be applicable within the corporate limits of the Town of Granite Falls. No town employee, or their designee, shall have the authority to enforce provisions of this chapter within any other corporate limits or jurisdictions.

(Prior Code, § 10-2) (Am. Ord. 146, passed 6-17-1996)

§ 90.03 DEFINITIONS.

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

ANIMALS. Every vertebrate nonhuman species of animals, wild or domestic, male or female, including, but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians, and fish.

ANIMAL CONTROL. Caldwell County Animal Control shall be responsible for working with the town and picking up any caged animal, dangerous animal, and the like.

CAT. A domestic feline of either sex.

DANGEROUS/POTENTIALLY DANGEROUS. Any animal (dog, cat, and the like) whose behavior constitutes an unreasonable risk of injuring a human, animal or damaging personal or real property.

(1) That behavior includes, but is not limited to, an animal's biting or attacking or attempting to attack a human or another animal, or one in which a propensity to attack humans without provocation exists and the propensity is known or ought to be reasonably known to the owner.

(2) However, this definition shall not apply to any animal that has been subject to provocation or if the victim has been trespassing, as defined herein, upon the animal owner's premises.

DOG. A domestic canine of either sex.

DOMESTICATED. Those species of animals that are indigenous to Caldwell County and normally and customarily share human habitat in Caldwell County and are normally dependent on humans for food and shelter, such as, but not limited to, dogs, cats, cattle, horses, swine, fowl, sheep and goats.

EXPOSED TO RABIES. Any animal or human bitten by or exposed to any animal known or suspected to have been infected with rabies.

HARBORING AN ANIMAL. An animal shall be deemed to be harbored if it is fed or sheltered 3 days or more, unless the animal is being boarded for a fee.

INOCULATION. The vaccination of dog or cat with antirabic vaccine approved by the U.S. Bureau of Animal Industry, the North Carolina Department of Agriculture and the North Carolina State Board of Health at the time or times as shall be required by the General Statutes of North Carolina, the North Carolina Board of Health and/or the local health director.

NEUTERED MALE. Any male dog or cat which has been rendered sterile by a surgical procedure (orchietomy).

OWNER. Any person, group of persons, firm, organization, association, society, club, lodge, partnership, syndicate, trustee or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal for 3 or more consecutive days, unless the animal is boarded for a fee.

PREMISES. A definite portion of real estate, including land with its appurtenances, a building or part of a building.

SPAYED FEMALE. A female dog or cat which has been rendered sterile by surgical means (ovario-hysterectomy).

TRESPASS. The victim has (common law definition of trespass) remained on the property after being asked to leave or has come on property after being forbidden to do so.

(1) The cause of the individual to be on the property and any other relevant circumstances shall be considered in order to determine whether or not a trespass has occurred.

(2) A child under the age of 8 shall not be deemed to be a trespasser.

TOWN. The Town of Granite Falls, North Carolina.
(Prior Code, § 10-3) (Am. Ord. 146, passed 6-17-1996)

§ 90.04 KEEPING OF LIVESTOCK AND ANIMALS.

(A) The keeping of sheep, mules, hogs, pigs, swine, or goats in any building, pen, enclosure or other place within the corporate limits of the town is hereby declared a nuisance and injurious to adjoining property owners and to the public, and the keeping of hogs, pigs, swine and goats within the corporate limits is, for the protection of the public health, prohibited, except those allowed in divisions (B) and (C) below.

(B) One and only 1 goat may be kept as a family pet, provided that:

(1) There is available on the premises where it is kept pasture of at least 2 acre or more for the use of the goat;

(2) Any stable or other structure in which the goat is kept shall be maintained in a clean and sanitary condition and the stable or shelter shall not be located nearer than 75 feet from any residence other than the residence of the owners of the goat; and

(3) The conditions and surroundings where the goat is kept shall be maintained in a manner approved by the Chief of Police or his or her designee with assistance from the Caldwell County Animal Control Officer.

(C) One and only 1 pig may be kept as a family pet, provided:

(1) The pig shall not weigh more than 100 pounds and be of the strain or type of pig known as Sus, species scrofa, variety f. domestica (popularly known as Vietnamese pot-bellied pig); and

(2) That the place where the pig is kept shall be maintained in a clean and sanitary condition and maintained in a manner approved by the Caldwell Animal Control Officer and the Chief of Police and/or his or her designee, and shall further be kept in a manner that no odors from the pig shall be offensive or disturbing to residents of surrounding or adjoining properties.

(3) The owners or possessors of the pigs shall comply with the provisions of §§ 90.06 and 90.07 if the pigs are kept in any lot, pen or stable and that the pigs shall not be permitted to run at large.

(Prior Code, § 10-4) (Am. Ord. 146, passed 6-17-1996)

§ 90.05 LOCATION OF STABLES, LOTS, PENS, AND THE LIKE NEAR RESIDENCES.

No person shall erect, locate or maintain upon any lot within the town any stable or any chicken lot, pen or shelter nearer than 100 feet to any adjoining residence. However, the owner's residence may be closer than 100 feet.

(Prior Code, § 10-7) (Am. Ord. 146, passed 6-17-1996) Penalty, see § 90.99

§ 90.06 MAINTENANCE OF PENS, COOPS, AND THE LIKE.

(A) Any person who owns or maintains pens, coops or shelters in which chickens, turkeys, ducks or other fowl are kept shall maintain the pens, coops or shelters in a sanitary condition.

(B) Manure accumulating in the pens, coops, or shelters shall be placed in a bin which shall be watertight and so constructed that it is flyproof, or in a watertight barrel with a tightfitting lid, and must be adequately disposed of every 3 days.

(C) Owners of fowl are responsible for removing the manure off the property and disposing of it in an acceptable manner to the town.

(D) Effective fly control methods, such as the use of an approved insecticide, shall be practiced during the fly breeding period from April 15 to November 1 of each year.

(Prior Code, § 10-5) (Am. Ord. 146, passed 6-17-1996) Penalty, see § 90.99

§ 90.07 HUMANE SHELTER AND ADEQUATE CARE REQUIRED.

(A) The owners of dogs, cats and other animals shall provide humane shelter from heat, cold, rain, wind, and snow and shall provide food and water adequate to keep the animals in good health and comfort.

(B) All dogs must be given opportunity for vigorous daily exercise.

(C) All dogs must be provided by their owners with veterinary care when needed to prevent suffering.

(Prior Code, § 10-16) (Am. Ord. 146, passed 6-17-1996) Penalty, see § 90.99

§ 90.08 ANIMAL WARDENS.

The Town Manager is hereby authorized, in his or her discretion, to appoint 1 or more town animal wardens to assist the Caldwell County Animal Control Officer and the Granite Falls Police Department. The Town Manager may, in his or her discretion, designate any animal warden as an officer with police powers.

(Prior Code, § 10-10) (Am. Ord. 146, passed 6-17-1996)

§ 90.09 AUTHORITY OF POLICE OFFICERS.

Members of the Granite Falls Police Department shall be empowered to perform the duties of the Animal Control Officer.

(Prior Code, § 10-24) (Am. Ord. 146, passed 6-17-1996)

§ 90.10 OWNER RESPONSIBLE FOR ACTS OF ANIMALS.

Owners of animals are fully responsible for the acts of their animals. The owner of any animal which commits a nuisance upon the property of another person or which damages another person's property, is fully responsible and accountable for these acts.

(Prior Code, § 10-11) (Am. Ord. 146, passed 6-17-1996) Penalty, see § 90.99

§ 90.11 COLLAR IDENTIFICATION; RABIES VACCINATION TAG.

(A) Every owner is required to see that his or her dog, when off the owner's property, is wearing a collar with the owner's name and address stamped on or otherwise firmly attached to it.

(B) The collar shall be worn at all times.

(C) Every owner is required to see that his or her dog is currently vaccinated for rabies.

(D) Any animal caught not wearing identification as prescribed in this section shall be immediately turned over to the Caldwell County Animal Control Officer.

(Prior Code, § 10-18) (Am. Ord. 146, passed 6-17-1996)

§ 90.12 FOWL RUNNING AT LARGE.

No person within the town shall permit chickens, guineas, turkeys, geese, ducks, pigeons, or other domesticated fowl to run at large.

(Prior Code, § 10-8) (Am. Ord. 146, passed 6-17-1996)

§ 90.13 DOGS, CATS, AND OTHER ANIMALS AT LARGE.

(A) It shall be unlawful for a dog and/or cat owner to permit a dog and/or a cat to run at large in the town.

(B) The presence of a dog when off-premises often creates substantial anxiety and concerns for people regarding safety and free movement and therefore the owner has an obligation to the citizens of Granite Falls for the effective confinement of one's dog.

(C) The possibility of a dog bite is a serious anxiety for citizens, neighborhoods and areas in Granite Falls; and therefore, owners have an obligation to prevent the creation of that apprehension and concern.

(D) A dog owner has a particular responsibility for being conscious of and sensitive to any possible dangers for children under the age of 8 who, at that age, are unable to fully appreciate the possible danger presented by a dog's reaction to a child under the age of 8.
(Prior Code, § 10-9) (Am. Ord. 146, passed 6-17-1996) Penalty, see § 90.99

§ 90.14 BARKING DOGS.

It shall be unlawful for any dog owner to keep or have within the town a dog that habitually or repeatedly barks, howls or whines in the manner or to the extent that it is a public nuisance.
(Prior Code, § 10-12) (Am. Ord. 146, passed 6-17-1996) Penalty, see § 90.99

§ 90.15 PUBLIC NUISANCES.

(A) An animal may be determined by Animal Control Officer or the Chief of Police or his or her designee, to be a public nuisance when it commits any of the following acts 2 or more times, or any combination of 2 or more of the following acts 1 or more times:

- (1) Chases, snaps at, attacks, or otherwise molests pedestrians, bicyclists, motor vehicle passengers, farm stock or domestic animals;
 - (2) Turns over garbage pails;
 - (3) Damages gardens or other foliage or other real or personal property;
 - (4) Habitually or continuously barks, whines, or howls in an excessive fashion;
 - (5) Habitually or continuously loiters on school grounds or official town recreation areas;
- and/or
- (6) Commits other acts that constitute a public nuisance.

(B) It shall be unlawful for any owner to keep a dog in a manner as to create a nuisance on the owner's premises, or:

(1) To allow the nuisance to remain on his or her premises;

(2) To allow anything that causes an offensive odor or causes injury or damage to the health or life of any other person; and/or

(3) To allow anything that interferes with the peaceful enjoyment of surrounding property owners' property.

(Prior Code, § 10-13) (Am. Ord. 146, passed 6-17-1996) Penalty, see § 90.99

§ 90.16 CONFINEMENT OF FEMALE DOGS IN HEAT.

(A) Every female dog, while in heat, shall be confined in a building or secure enclosure in a manner that it will not be in contact with another dog, nor create a nuisance by attracting other animals.

(B) This section 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.

(Prior Code, § 10-14) (Am. Ord. 146, passed 6-17-1996)

§ 90.17 HORSES.

(A) It shall be unlawful for any person to own (house) more than 2 horses on their property within the corporate limits.

(B) A horse must be maintained on a minimum of 1 acre of property dedicated for the sole use of the horse. In the instance of 2 horses, a minimum of 2 acres of property must be dedicated for the sole use of the horses. The horses must be provided with a stable and/or other adequate shelter.

(C) There shall be provided a bin or pit which shall be watertight and so arranged that it is flyproof, or a watertight barrel with a tightfitting lid. Manure accumulating in the stable shall be placed in the bin, pit or barrel each day, and the same shall be removed from the stable at intervals not longer than 5 days, beginning on March 15 and continuing until the following November 1, and at intervals of 1 week from each November 2 to the following March 15.

(Prior Code, § 10-6) (Am. Ord. 146, passed 6-17-1996) Penalty, see § 90.99

§ 90.18 POISONING, MAIMING, OR ABANDONING DOGS/CATS PROHIBITED.

(A) No person shall poison or maim a dog, nor may a dog or cat be abandoned.

(B) Unwanted animals may be given to the Caldwell County Animal Control to be given away or destroyed in a humane manner.

(Prior Code, § 10-17) (Am. Ord. 146, passed 6-17-1996) Penalty, see § 90.99

§ 90.19 DISPOSAL OF ANIMAL CARCASSES.

(A) The Public Works Director, upon request of any person or otherwise, may pick up and dispose of any animal carcass within the area of his or her jurisdiction.

(B) When the owner of an animal, the carcass of which is disposed of by the town, can be identified he or she shall be billed for the cost of the disposition of the carcass in the amount of \$50.

(Prior Code, § 10-15) (Am. Ord. 146, passed 6-17-1996)

WILD, EXOTIC, OR DANGEROUS ANIMALS

§ 90.30 WILD OR EXOTIC ANIMALS.

(A) It shall be unlawful to keep or permit to be kept on premises any venomous reptile or any other wild or exotic animal.

(B) The prohibition of venomous reptiles and wild exotic animals is primarily based upon a concern to protect the health, safety and welfare of the citizens of the Town of Granite Falls.

(C) A wild or exotic animal shall be defined as:

(1) One which would ordinarily be confined to a zoo;

(2) One which would ordinarily be found in the wilderness of this or any other country;
and/or

(3) One which is a species of animal not indigenous to the United States or to North America.

(D) This section shall not be construed to apply to duly licensed or permitted zoological parks, performing animal exhibitions, or circuses.

(Prior Code, § 10-19) (Am. Ord. 146, passed 6-17-1996) Penalty, see § 90.99

§ 90.31 DANGEROUS/VICIOUS DOGS.

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

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DANGEROUS DOG. A dog that without provocation has killed or inflicted injury on a person or is determined by the person or board designated by the Granite Falls Town Council to be dangerous or potentially dangerous because the dog has engaged in 1 or more of the behaviors listed herein.

OWNER. Any person or legal entity that has a possessory property right in the dog.

OWNER'S REAL PROPERTY. Any real property owned or leased by the owner of the dog, but does not include any public right-of-way or a common area of a condominium apartment complex, or townhouse development.

POTENTIALLY DANGEROUS DOG. A dog that the person or board designated by the town determines to have:

(a) Inflicted a bite on a person or other animals so as to cause abrasions or break the skin, break bones, cause disfiguring lacerations or required cosmetic surgery or hospitalization;

(b) Killed or inflicted severe injury upon a domestic animal when not on the owner's real property;

(c) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack; and/or

(d) Chases, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicle passengers, or farm stock or domestic animals.

SEVERE INJURY. A physical injury that results in broken bones, disfiguring lacerations, requires cosmetic surgery or hospitalization.

(B) The provisions of this section do not apply to:

(1) A dog being used by law enforcement to carry out the Law Enforcement Officer's official duties; or

(2) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, or had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(C) The Town Council hereby designates the Caldwell Animal Control Officer to be responsible for determining when a dog is a "potentially dangerous and/or dangerous dog" and shall designate a separate Board to hear any appeal.

(1) The person or board making the determination that a dog is a "dangerous or potentially dangerous dog" must notify the owner in writing, giving the reasons for the determination, before the dog may be considered potentially dangerous or dangerous under this section.

(2) The owner may appeal the determination by filing written objections with the appellate Board within 3 days.

(3) The appellate board will schedule a hearing within 10 days of the filing of the objections.

(4) Any appeal from the final decision of the appellate board shall be heard in the general court of justice.

(5) The appeal shall be heard de novo before a judge sitting in the county in which the appellate board whose ruling is being appealed is located.
(Prior Code, § 10-20) (Am. Ord. 146, passed 6-17-1996)

§ 90.32 PRECAUTIONS AGAINST DOG ATTACKS.

It is unlawful for an owner to:

(A) Leave a dangerous or potentially dangerous dog unattended on the owner's real property unless the dog is confined indoors in a securely enclosed and locked pen, or in another structure designed to restrain the dog;

(B) Permit a dangerous or potentially dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled, or is otherwise securely restrained and muzzled; and/or

(C) If the owner of a dangerous or vicious dog transfers ownership or possession of the dog to another person, the owner shall provide written notice to:

(1) The authority that made the determination under the chapter, stating the name and address of the new owner or possessor of the dog; and

(2) The person taking ownership or possession of the dog, specifying the dog's dangerous behavior and the authority's determination.

(Prior Code, § 10-21) (Am. Ord. 146, passed 6-17-1996) Penalty, see § 90.99

§ 90.33 OUTLINE FOR CONTAINMENT OF DANGEROUS OR POTENTIALLY DANGEROUS DOGS.

The Town of Granite Falls hereby establishes the following condition for housing a potentially dangerous or dangerous dog:

(A) Chain link fence of 9 gauge wire with a height of 6 feet must be constructed to house the animal;

(B) The fence must be cemented at ground level so as to keep animal from escaping under fence;

(C) A lock must be kept on the gate of the fence and must be engaged at all times; and

(D) A barrier must be placed over the entire top of the facility, or in the alternative, barbed wire must be installed along the top of the fence to keep the animal from escaping.
(Prior Code, § 10-23) (Am. Ord. 146, passed 6-17-1996)

§ 90.99 PENALTIES.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Violation of § 90.36 is a misdemeanor punishable by a fine not to exceed \$100 or imprisonment for not more than 30 days or both.
(Prior Code, § 10-21C)

(C) The owner of a dangerous dog that attacks a person and causes physical injuries requiring medical treatment in excess of \$100 shall be guilty of a misdemeanor punishable by a fine of up to \$1,000, imprisonment up to 6 months, or both.
(Prior Code, § 10-22)

(D) (1) If any person, firm or corporation shall violate any provision or section of §§ 90.35 *et seq.*, he or she shall upon conviction be guilty of a misdemeanor and punished by a fine not to exceed \$50 or be imprisoned for a period not to exceed 30 days, or both, as provided in G.S. § 14-4 unless stated otherwise.

(2) A violation of any of the provisions of §§ 90.35 *et seq.* shall also subject the offender to a civil penalty of \$50. If the offender fails to pay this penalty within 15 calendar days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of a debt.

(3) Each day that any violation continues, after a person has been notified that the violation exists and that he or she is subject to the penalties specified in divisions (D)(3) and (4) hereof, shall constitute a separate violation or offense.

(4) Sections 90.35 *et seq.* may also be enforced by any appropriate equitable action, including injunctions or orders of abatement.

(5) The town may enforce §§ 90.35 *et seq.* by any 1 or any combination of the foregoing remedies.
(Prior Code, § 10-26)

CHAPTER 91: CEMETERIES

Section

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GENERAL PROVISIONS

§ 91.01 FUNERALS.

All funerals, on reaching the cemetery, shall, at the option of the town be under the control of the Public Works Director, or his or her assistants.

(Ord. passed - -)

§ 91.02 CASKETS; DISTURBANCE OF.

Once a casket containing a body is within the confines of the cemetery, no funeral director, or his or her embalmer, assistant, employee or agent, shall be permitted to open the casket or to touch the body without the consent of the legal representative of the deceased, or a relative in charge of the funeral, or without a court order.

(Ord. passed - -) Penalty, see § 91.99

§ 91.03 OTHER LAWS APPLY.

Besides being subject to these rules and regulations, all interments, disinterments and removals are made subject to the orders and laws of the properly constituted authorities of the county and state.

(Ord. passed - -)

§ 91.04 TIME; CHARGES.

All interments, disinterments, and removals must be made at the time and in the manner and upon such charges as fixed by the town.

(Ord. passed - -) Penalty, see § 91.99

§ 91.05 HOLIDAYS.

The town shall have the right, at its option, to refuse to make interments, disinterments or removals on Sundays or holidays.

(Ord. passed - -)

§ 91.06 NOTICE.

The right is reserved by the town to insist upon at least 24 hours' notice prior to any interment and at least 1 week's notice prior to any disinterment or removal.

(Ord. passed - -) Penalty, see § 91.99

§ 91.07 APPLICATION.

The town reserves the right to refuse interment in any plot, and to refuse to open any burial space for any purpose, except on written application by the plot owners of record.

(Ord. passed - -)

§ 91.08 LOCATION.

When instructions regarding the location of an interment space in a plot cannot be obtained, or when for any reason the interment space cannot be opened where specified, or when, in the opinion of the Public Works Director, the same has been improperly designated, the Public Works Director may, in his or her discretion, open it in the location in the plot as he or she deems best and proper, and the town shall not be liable for damages for any errors so made, or for opening the space in location other than specified by plot owner.

(Ord. passed - -)

§ 91.09 ORDERS NOT IN WRITING.

The town shall not be held responsible for any order given by telephone, or for any mistake occurring from the want of written, precise and proper instructions as to the particular space, size and location in a plot where interment is desired.

(Ord. passed - -)

§ 91.10 ERRORS; CORRECTION OF.

The town reserves and shall have the right to correct any errors that may be made by it, either in making interments, disinterments, or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the town, or in the sole discretion of the town, by refunding the amount of money paid on account of the purchase. In the event the error shall involve the interment of the remains of any person in the property, the town reserves, and shall have, the right to remove and transfer the remains so interred to such other

property of equal value and similar location as may be substituted and conveyed in lieu thereof. The town shall also have the right and opportunity to correct any errors for which it may be legally responsible, and when so corrected, no claim shall lie against it on account thereof.

(Ord. passed - -)

§ 91.11 DELAYS.

The town shall be in no way liable for any delay in the interment of a body where a protest to the interment has been made, or where the rules and regulations have not been complied with; and, further, the town reserves the right, under such circumstances, to refuse to accept such body for interment, or, if it has one, it may, but shall not be compelled to place the body in its receiving vault until all rights of the parties have been determined. The town shall be under no duty to recognize any protests of interments unless they be in writing and filed in the office of the Town Clerk.

(Ord. passed - -)

§ 91.12 PERMIT; IDENTITY.

The town shall not be liable for the interment permit nor for the identity of the person sought to be interred.

(Ord. passed - -)

§ 91.13 PAYMENTS; ARREARS.

No interment shall be permitted in any property unless all payments on purchase price thereof and all fees and charges due from purchasers have been fully paid, except by special consent of the town in writing, in each and every case, and, in the event consent is given, any and all interments placed in the property shall be considered as temporary, and a note shall not be considered as payment, and no rights shall be acquired by the plot purchaser until the property is fully paid for in case, including principal and interest. In case the purchaser of any plot shall fail to meet all payments when due, then the town, after 15 days from date of mailing notice thereof to last known address of plot owner, may re-enter the property and hold the same as of its former estate. The town thereupon, shall be released from all obligations under the contract of purchase of the plot, and it may retain payments as may have been made toward the purchase of the property as liquidated damages. The town reserves the right, and shall have the right immediately, or at any time thereafter, upon five days' notice to lot owner's last known address, at its discretion, to remove to single graves, to be chosen by the town, each of the remains then interred in the property, or, in its sole discretion it may, after notice as aforesaid, cancel the defaulting purchaser's contract and sell the unused portion of his or her plot to other purchasers. The town shall also have the right to remove, without liability any memorial that may have been placed on the property.

(Ord. passed - -)

§ 91.14 MULTIPLE INTERMENT PROHIBITED.

Not more than 1 body shall be interred in 1 grave except that one set of cremains, being the remains of a body that has been cremated, may be buried along with 1 casket burial. The cremains (urn) shall be located at the foot of the grave. The 1 cremains may have proper identification with a regulation size memorial marker approved by the town.

(Ord. passed - -) Penalty, see § 91.99

§ 91.15 CREMAINS; BURIAL.

Two cremains, being the remains of 2 bodies that have been cremated, may be buried in a gravesite without a casket burial. The 2 cremains may have proper identification with regulation size memorial markers for each deceased.

(Ord. passed - -)

§ 91.16 REMOVAL FOR PROFIT PROHIBITED.

Removal by the heirs, or a body so that the plot may be sold for profit to themselves, or removal contrary to the expressed or implied wish of the original plot owner, is repugnant to the ordinary sense of decency and is absolutely forbidden.

(Ord. passed - -) Penalty, see § 91.99

§ 91.17 REMOVAL; REASONABLE CARE.

The town shall exercise reasonable care in making interment or removal, but it shall have no liability for damage to any body, casket or burial case or urn incurred in making the interment or removal. If the undertaker remains in control of interment or disinterment, the town shall have no liability in connection therewith.

(Ord. passed - -)

§ 91.18 CHARGES; PAYMENT.

The charges for the cemetery services must be paid at the time of the issuance of the order of interment or disinterment, and removal.

(Ord. passed - -)

§ 91.19 PLOT INALIENABLE BY INTERMENT.

Whenever an interment is made in a plot as to which the right of interment therein has been transferred by deed or certificate of ownership to an individual owner by the town and is held as a separate plot, it shall be indivisible; and the whole of burial plot thereby becomes inalienable and shall be held as the family burial plot of the owner, in which 1 grave may be used for the owner's interment, 1 for the interment of the surviving husband or wife, if any, of the owner, who, by law, has a vested right of interment therein, and in event there has been no written designation by plot owner of those whom he or she authorizes to be interred therein, filed with the town, the parents, and/or children of the deceased owner, may be interred in the plot in the order of need, without the consent of any person claiming any interest therein. In the event there shall be no parent or child surviving the deceased person, the right of interment therein shall go to the next heirs at law of the deceased owner as specified by the statutes of descent. Any surviving husband or wife, and any parent, child or heir of the deceased owner, may waive his or her right to interment in the plot in favor of any other relative of the deceased owner, or of his or her wife, and, upon the waiver, the body of the person in whose favor the waiver is made may be interred therein.

(Ord. passed - -)

§ 91.20 INTERMENT; RIGHT OF; DESCENT.

If no interment has been made in a plot which has been transferred by deed or certificate of ownership to an individual owner by the town, or if all the bodies have been lawfully removed therefrom, in the absence of the specific disposition thereof by the owner's last will and testament, the right of interment therein, except the one grave, which must be reserved to the surviving husband or wife of the owner, shall, upon the death of the owner, descend in regular line of succession to the heirs at law of the owner.

(Ord. passed - -)

§ 91.21 INDEBTEDNESS TO TOWN; EFFECT.

The town may refuse to consent to a transfer or to an assignment as long as there is any indebtedness due the town from the record plot owner, or person owning right of interment therein.

(Ord. passed - -)

§ 91.22 SUBDIVISION PROHIBITED.

The subdivision of plots is not allowed, and no one shall be buried in any plot not having any interest therein, except by written consent of record plot owner, or owner of right of interment in the plot, and the town.

(Ord. passed - -) Penalty, see § 91.99

§ 91.23 WORK; DONE BY TOWN.

(A) The town retains control and supervision of all plots which are sold; and the town retains the right to have its Public Works Director enter upon any lot and prohibit, modify or remove any structure, object, improvement or adornment on the lot, which may have been placed thereon in violation of the rules; or which may be considered objectionable or injurious to the lot, adjoining lots, or to the park in general.

(B) No work may be done upon lots, except by the regular employees of the town, except by permission of the Public Works Director. Orders for special work in anticipation of Memorial Day, Christmas Day, or any other similar occasion, must reach the office not later than 10 days before the occasion occurs. If received later, orders will be filled in the order of their receipt after the holiday rush is over.

(C) Baskets, glass, crockery, wire, metal or any other kind of receptacle for flowers, glass cases, boxes containing artificial flowers, wreaths, and the like, will not be permitted upon any lot.

(D) Metal emblems or markers, flags and guidons are prohibited on plots or graves, except at Memorial Day and Veterans Day. They may be placed by authorized representatives of lodges, posts, camps, and the like, not to exceed 2 days before Memorial Day and Veterans Day, and removed not later than 3 days thereafter. Thereafter, the emblems will be removed from the plot by town employees at no risk to the town. It is preferable that the organization or individual placing them removes the emblems.
(Ord. passed - -) Penalty, see § 91.99

§ 91.24 IMPROVEMENTS.

All improvements or alterations of individual property in the cemetery shall be under the direction of, and subject to the consent, satisfaction and approval of the Public Works Director; and, should they be made without his or her written consent, he or she shall have the right to remove, alter or change improvements or alterations at the expense of the plot owner, and, in any event, when at any time, in his or her judgment, they become unsightly.

(Ord. passed - -)

§ 91.25 PROPERTY; RIGHTS RESERVED TO TOWN.

The right to enlarge, reduce or change the boundaries or grading of the cemetery, or of the section or sections, from time to time, including the right to modify and change the locations of or remove or regrade roads, drives and walks, or any part thereof, is hereby expressly reserved. The right to lay, maintain and operate, or alter, or change pipe lines and gutters for sprinkling systems, drainage, lakes, and the like, is also expressly reserved, as well as is the right to use cemetery property, not sold to

individual plot owners, for cemetery purposes or for anything necessary, incidental or convenient thereof. The care of grass, including the seeding and mowing, will be provided by the town. The funeral home is responsible for filling the grave with dirt and seeding the grave following the funeral.

(Ord. passed - -)

§ 91.26 ORNAMENTS PROHIBITED.

The placing of vases, rocks, small stones, shells, toys, balloons, ornamental flags, singing cards, various solar lights and designs, metal designs, stone and rock monuments of homemade nature, ornaments, chairs, settees, glass, wood designs, iron cases, fences or walls, bordering or similar designs, and articles or planting of flowers or shrubs upon plots shall not be permitted for safety reasons and if so placed the town reserves the right to remove the same. Flowers, ornaments of any nature or design, frames and baskets shall be removed from grave or plot at any time at the discretion of the Public Works Director. Vases are for flowers only.

(Ord. passed - -) Penalty, see § 91.99

§ 91.27 FLOWERS.

Flowers in wire stands are allowed only in the winter months and will be removed when unsightly, broken or damaged or when necessary to cut grass in a safe manner. Vases are to be used only for flowers for safety reasons.

(Ord. passed - -)

§ 91.28 PUBLIC WAYS.

No easement or right of interment is granted to any plot owner in any road, drive, alley or walk within the cemetery, but the road, drive, alley or walk may be used as a means of access to the cemetery or buildings as long as the town devotes it to the purpose.

(Ord. passed - -) Penalty, see § 91.99

§ 91.29 WALKWAYS.

Persons within the cemetery grounds shall, as nearly as practicable, use only the avenues, walks, alleys and roads, and shall not walk upon or cross the grass or any portion of the cemetery other than the avenues, walks, alleys or roads.

(Ord. passed - -) Penalty, see § 91.99

§ 91.30 OWNERS BOUND BY RULES.

Regardless of whether the right of interment in the cemetery is evidenced by deed of conveyance, or by instrument conveying only right of interment, the owner of any plot conveyed, or owner of right of interment shall be bound by all the town rules and regulations now or hereafter in force.

(Ord. passed - -)

§ 91.31 NOTICES; ADVERTISEMENTS PROHIBITED.

No signs or notices or advertisements of any kind shall be allowed in the cemetery.

(Ord. passed - -) Penalty, see § 91.99

§ 91.32 GRATUITIES PROHIBITED.

No person, while employed by the town shall receive any fees, gratuity or commission, except from the town, either directly or indirectly, under penalty of immediate dismissal.

(Ord. passed - -) Penalty, see § 91.99

§ 91.33 TOWN NOT LIABLE.

(A) The town shall take reasonable precaution to protect property rights of plot owners within the cemetery, from loss or damage; but it shall not be liable, and distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially, from damage caused by the elements, an Act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether damage be direct or collateral.

(B) The town will use reasonable care in engaging competent and experienced workpersons and in seeking that they do their work with customary carefulness. The town shall not have any responsibility or liability for accidents or damages resulting from the ordinary hazards of cemetery work. The town shall not have any liability for accident or damage to persons or property due to defects or machinery, implements, tools, and equipment used in its work and to the falling in of graves.

(Ord. passed - -)

§ 91.34 INTERMENTS; GENERAL REQUIREMENTS.

(A) The number of interments which may properly be made upon a plot is definitely fixed at the time of purchase and no more will be permitted.

(B) No interment may be made unless a burial permit as provided by law accompanies the body.
(Ord. passed - -) Penalty, see § 91.99

§ 91.35 MARKERS AND MONUMENTS.

(A) (1) Headstones and footstones standing on end are prohibited.

(2) Foundations for all markers shall be built from materials selected by the company, under the supervision of the town, and in all cases, the top of the marker shall be flushed and flat with the ground, and set to the contour of the ground and in alignment.

(B) It is not permitted to change the grade of a lot to conform to a monument. The base of the monument must be of sufficient depth to meet the grade established.

(C) No fences or walls will be allowed within the cemetery, either of concrete, stone, wood or iron, or coping, or curbing of concrete, brick stone, or any other material.

(D) Hedges, wooden or iron trellises, posts and chains for the purpose of enclosure, railings, steps, boxing or borders are prohibited.
(Ord. passed - -) Penalty, see § 91.99

§ 91.36 GRAVE LINES.

The town requires all gravesites to have grave liners. These liners can be concrete, vault type, plastic or fiberglass. No burial will be allowed without proper grave liners as of January 1, 2007.
(Ord. passed - -; Am. Ord. passed 12-18-2006)

§ 91.37 LOTS; PURCHASE OF; RESIDENT RATE.

(A) Effective June 8, 1998, each adult resident (an “adult” is defined as a person being at least 18 years old under the state statutes) of the town may purchase 1 cemetery lot at Sunset Hills Cemetery at the inside rate. Example: 1 or 2 adults living in the same household (an individual, a husband and wife, 2 sisters, 1 brother and 1 sister, and the like) may purchase 1 cemetery lot each. Each adult resident will be required to prove residency. The Town Manager and/or the Chairperson of the Council’s Cemetery Committee shall have the discretion, in case of a disaster or death of a minor child living in the household, (husband, wife and children killed in an automobile accident, and the like) to exceed the maximum of 1 per adult. Any further purchases by the same resident shall be at the outside rate.

(B) If a resident has previously purchased cemetery lots in Sunset Hills Cemetery prior to the effective date of this policy, additional purchases shall be at the outside rate.
(Ord. passed 6-8-1998)

§ 91.38 BURIAL ONLY IN CEMETERIES.

No person may bury or cause to be buried the body of any deceased person within the town limits in any place other than a church cemetery or a cemetery operated by a governmental entity or a private cemetery licensed or specifically exempted from licensing according to the North Carolina Cemetery Act (G.S. Ch. 65, Art. 9).

(Prior Code, § 13-3) Penalty, see § 91.99

§ 91.39 DISRUPTIVE ACTIVITY PROHIBITED.

No person may intentionally disrupt any funeral services or disturb the quiet and good order of any cemetery by extremely loud or boisterous conduct. Except in the case of military funerals and veterans or military commemorative exercises, no person may carry or discharge firearms in any cemetery.

(Prior Code, § 13-4) Penalty, see § 91.99

§ 91.40 DESECRATION OF PUBLIC AND PRIVATE CEMETERIES.

(A) As provided in G.S. § 14-150.1, if any person shall willfully commit any of the acts set forth in the following divisions, he or she shall be guilty of a misdemeanor and shall be fined not more than \$100 or imprisoned for not more than 30 days, or both, in the discretion of the court.

(1) Throwing, placing, or putting any refuse, garbage, trash, or articles of similar nature in or on a public or private cemetery where human bodies are interred.

(2) Destroying, removing, breaking, damaging, overturning, or polluting any flower, plant, shrub, or ornament located in any public or private cemetery where human bodies are interred without the express consent of the person in charge of the cemetery.

(B) Provided nothing contained in this section shall preclude operators of such cemeteries from exercising all the powers reserved to them in their respective rules and regulations relating to the care of such cemeteries.

(Prior Code, § 13-5)

§ 91.41 REMOVING OR DEFACING MONUMENTS AND TOMBSTONES.

As provided in G.S. § 14-140, if any person shall, unlawfully and on purpose, remove from its place any monument of marble, stone, brass, wood, or other material, erected for the purpose of designating the spot where any dead body is interred, or for the purpose of preserving and perpetuating the memory, name, fame, birth, age or death of any person, whether situated in or out of the common burying ground, or shall unlawfully and on purpose break or deface such monument, or alter the letters,

marks or inscription thereof, he or she shall be guilty of a misdemeanor. Provided that nothing contained in this section shall preclude operators of public or private cemeteries from exercising all the powers reserved to them in their respective rules and regulations relating to the use and care of such cemeteries.

(Prior Code, § 13-6) Penalty, see § 91.99

§ 91.42 TREES, PLANTINGS, LANDSCAPING.

(A) No person may plant, prune, or remove any tree, shrub, flower, grass or other plant of any kind except with the consent of and in accordance with the directions of the cemetery administrator.

(B) The cemetery administrator may enter any lot and remove or trim any tree, shrub, or other plant that encroaches upon any other lot or any walkway, driveway, or other part of the cemetery.

(C) The cemetery administrator may remove from the cemetery all floral designs, flowers, weeds, or plants of any kind from the cemetery as soon as they deteriorate or otherwise become unsightly.

(Prior Code, § 13-8) Penalty, see § 91.99

§ 91.43 DEFINITIONS.

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

ADMINISTRATOR. The person designated by the Town Manager to perform the functions and exercise the responsibilities assigned by this chapter to the **ADMINISTRATOR**.

LOT. A plot of ground within the town cemetery consisting of 1 or more burial spaces, as shown on the official cemetery map.

MARKER. A plaque installed at ground level at the site of a grave to indicate the name, date of birth, and date of death of the person buried there.

(Prior Code, § 13-1)

§ 91.44 APPLICATION OF PROVISIONS.

The following sections apply to all cemeteries within the town: §§ 91.38 through 91.41. The remaining sections of this chapter apply only to cemeteries owned or operated by the town.

(Prior Code, § 13-2)

*RULES OF CONDUCT***§ 91.50 HOURS OF OPERATION.**

The cemetery is open to visitors from 7:00 a.m. to sunset, from April 1 to October 31 and from 8:00 a.m. to 5:00 p.m. from November 15 to March 31.

(Ord. passed - -)

§ 91.51 TRAFFIC RULES.

(A) Visitors are admitted to the cemetery only at the discretion of the town.

(B) No person will be allowed to enter the cemetery except through regular entrance maintained for the public for such purpose.

(C) The use of roads and paths in the cemetery as thoroughfares or public highways, either in vehicles or on foot, is prohibited.

(D) There shall be no driving allowed over the lots or upon the lawns under any pretense whatsoever.

(E) Omnibuses, or heavy conveyances, will not be allowed to enter the grounds, except by special permission of the Public Works Director.

(F) Promiscuous walking upon the lawns is not permitted.

(G) Visitors will not be permitted to sit or lie upon the grass nor in the shrubbery.

(H) No person shall sit upon or occupy any private lot, not his or her own, or belonging to a member of the family.

(I) Admission of vehicles upon the roads will be permitted as a privilege and not as a right inherent in the ownership of a lot, or otherwise. As a privilege, it is restricted to those who observe the traffic rules adopted.

(J) The speed limit for automobiles is limited to 15 miles per hour.

(K) Visitors upon foot have the primary right to the use of the roads, and all vehicle drivers are requested to observe their right by careful driving and a strict adherence to the rules.

(L) Funeral processions must obey the traffic rules the same as individual drivers.

(M) Heavy trucking in the cemetery is permitted only in connection with work therein, and a permit must be first obtained from the Public Works Director.

(N) Florists and undertakers deliveries shall be made only through a main entrance, and directions must be obtained from the proper office of the town, who may detain the driver until his or her destination is known.

(O) Any driver who runs any vehicle upon the lawns, across gutters, or anywhere else where damage results therefrom, shall be required to make good such damages.

(P) The sounding of horns, sirens or other automobile signals within the cemetery, except in case of emergency, is prohibited.

(Ord. passed - -) Penalty, see § 91.99

§ 91.52 CHILDREN.

Children will be excluded at any time, unless accompanied by an adult who will be responsible for their conduct. Children, when accompanied by an adult, must not be permitted to play upon the lots or lawn, nor climb upon headstones, monuments, or mausoleums.

(Ord. passed - -) Penalty, see § 91.99

§ 91.53 FLOWERS AND PLANTS.

(A) All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubbery or plants, or disturbing the birds.

(B) All persons are strictly prohibited from plucking any plants, whether wild or cultivated, disturbing water fowl or other birds, breaking or injuring any trees or shrub, marring any monument or landmark, or in any way defacing the grounds.

(Ord. passed - -) Penalty, see § 91.99

§ 91.54 LOUD TALKING.

No loud talking shall be permitted on the cemetery grounds within hearing distance of funeral services.

(Ord. passed - -) Penalty, see § 91.99

§ 91.55 LITTERING.

The throwing of rubbish on the drives and paths, or any part of the grounds, is prohibited.
(Ord. passed - -) Penalty, see § 91.99

§ 91.56 TOY VEHICLES AND MOTORCYCLES.

No bicycles, skateboards, roller skates, or recreational equipment of the like, or motorcycles shall be admitted to the cemetery, except such as may be in attendance at funerals or on business.
(Ord. passed - -) Penalty, see § 91.99

§ 91.57 PEDDLING OR SOLICITING.

Peddling of flowers or plants, or soliciting the sale of any commodity, is positively prohibited within the confines of the cemetery.
(Ord. passed - -) Penalty, see § 91.99

§ 91.58 FIREARMS.

No firearms shall be permitted within the cemetery.
(Ord. passed - -) Penalty, see § 91.99

§ 91.59 DOGS.

Dogs shall not be allowed on the cemetery grounds.
(Ord. passed - -) Penalty, see § 91.99

§ 91.60 IMPROPRIETIES; VISITOR CONDUCT.

(A) It is of the utmost importance that there should be strict observance of all the properties, whether embraced in these rules or not and no improprieties shall be allowed. The Public Works Director shall have power to prevent improper assemblages and such improprieties as may come to his or her attention.

(B) All visitors are expected to respect the solemnity of the place and strictly observe the rules established for the purpose of securing quiet and good order at all times within the grounds.

(C) No person with firearms, dogs, refreshments or liquors shall be permitted to enter the grounds.

(D) Casual visitors to the cemetery, who are not members of a funeral procession or party are forbidden to intrude upon a funeral party, or to loiter about an open gate.

(E) Nothing may be brought into or removed from the park without permit from the Public Works Director. This rule is designed to prevent theft and unauthorized entrance upon lots or graves.
(Ord. passed - -) Penalty, see § 91.99

DESIGNATION AND SALE OF CEMETERY LOTS AND SPACES

§ 91.70 CEMETERY MAP REQUIRED.

(A) There shall be maintained in the Town Clerk's office an official cemetery map which shall depict, as accurately as possible, the boundaries of the town cemetery and the location and dimension of all lots and spaces within the cemetery.

(B) Burial rights in all lots and spaces shall be sold in reference to the official cemetery map.
(Prior Code, § 13-11)

§ 91.71 PURCHASE OF BURIAL RIGHTS.

(A) The town shall sell burial rights in cemetery lots and spaces in accordance with a schedule of charges fixed and amended from time to time by resolution of the Council. This schedule of charges shall be maintained in the office of the Town Clerk. Differential fees shall be charged according to whether the person purchasing the burial right is a bona fide resident of the town at the time such right is purchased.

(B) A Certificate of Burial Right, identifying the purchaser and the specific lots or spaces to which the certificate applies, shall be issued to the person who purchases a burial right in accordance with this section. This certificate entitles the purchaser to use the designated lot or space as a place of burial, subject to the terms and conditions of this chapter and subject to the town's authority to operate, regulate, control, and abandon cemeteries.
(Prior Code, § 13-12)

§ 91.72 TRANSFER OF BURIAL RIGHTS.

(A) The purchaser of burial rights may not transfer the same. However, the town may refund, without interest, any sum paid for burial rights if requested to do so in writing by the purchaser of such

rights prior to the opening of a grave in the grave space purchased. No refund may be made until the purchaser surrenders his or her Certificate of Burial Right.

(B) Upon the death of the owner of a burial right, the owner's heirs, legatees, or devisees shall succeed to all rights evidenced by the Certificate of Burial Right.
(Prior Code, § 13-14)

BURIALS

§ 91.80 NO BURIAL WITHOUT PERMISSION.

(A) No grave may be opened and no burial may take place without the permission of the cemetery administrator.

(B) The person requesting permission for burial shall provide the information necessary to create the record required by § 91.81.

(C) The permission required by this section shall be granted if the applicant provides the information specified in this section and if all fees and charges authorized by this chapter have been paid.
(Prior Code, § 13-21) Penalty, see § 91.99

§ 91.81 RECORDS OF PERSONS BURIED REQUIRED.

The cemetery administrator shall keep complete and accurate records of the name, age, sex, date of death, and date of burial of every person buried in the town cemetery, as well as the particular space where such person is buried.
(Prior Code, § 13-22)

§ 91.82 MINIMUM DEPTH OF GRAVES.

(A) No grave may be opened to a depth of less than 5 feet to the bottom thereof.

(B) All graves shall be level with the surrounding areas and no mounds shall be allowed.
(Prior Code, § 13-23)

§ 91.99 PENALTY.

(A) A violation of this chapter shall constitute a misdemeanor, unless otherwise provided, punishable as provided in G.S. § 14-4.

(B) Violations shall also subject the offender to a civil penalty of \$50, unless otherwise provided. If a person fails to pay this penalty within 10 days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(C) The town may seek to enforce this chapter through any appropriate equitable action.

(D) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(E) The town may seek to enforce this chapter by using any 1 or any combination of the foregoing remedies.

(Prior Code, § 13-26)

CHAPTER 92: CONCEAL AND CARRY ON TOWN PROPERTY

Section

- 92.01 Possession, Display or Carrying a Concealed Handgun
- 92.02 Posting and Location of Signs
- 92.03 Exemptions

§ 92.01 POSSESSION, DISPLAY OR CARRYING A CONCEALED HANDGUN.

The unauthorized possession, display or carrying of a handgun, either openly or concealed, is prohibited at all local government buildings and their appurtenant premises located in the Town of Granite Falls, as well as the following specifically designated municipal recreational facilities in the Town of Granite Falls. A person who possesses a handgun pursuant to and in compliance with a lawful and duly issued concealed handgun permit pursuant to G.S. 14-415.11 may nevertheless secure the handgun in a locked vehicle within the trunk, glove box or other enclosed compartment or area within or on the motor vehicle located at the Town of Granite Falls buildings, premises or facilities. The Town Manager of the Town of Granite Falls shall post, or cause to be posted, signs prohibiting the carrying of a concealed handgun, as defined in G.S. sec. 14-415.10, at all government buildings in the Town of Granite Falls; and with respect to municipal recreational facilities in the Town of Granite Falls, the Town Manager shall make such posting at the following recreational facilities pursuant to G.S. 14-415.23:

- (A) The Granite Falls Recreation Center (also known as the Shuford Recreation Center) at 56 Pinewood Road, Granite Falls, NC 28630 (19.12 acres).
- (B) Town Park on Sterling Street, Granite Falls, NC 28630 (.85 acres).
- (C) Lakeside Park on Lakeside Avenue, Granite Falls, NC 28630 (75.71 acres).

§ 92.02 POSTING AND LOCATION OF SIGNS.

The Town Manager shall post conspicuous signage at appropriate locations on or within each recreational facility and each building or portion of a building owned, leased as lessee, operated, occupied, managed or controlled by the town, as well as the appurtenant premises to the buildings, indicating that carrying a concealed handgun is prohibited therein.

(A) Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building.

(B) The Town Manager shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and recreational facilities.
(Ord. 141, passed 11-6-1995)

§ 92.03 EXEMPTIONS.

The following individuals are exempt from this chapter:

(A) Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;

(B) Civil and law enforcement officers of the United States;

(C) Officers and soldiers of the militia and the National Guard when called into actual service;

(D) Officers of the State, or of any county, city, town, or company police agency charged with the execution of the laws of the State, when acting in the discharge of their official duties;

(E) Any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney and who has a concealed handgun permit issued in accordance with Article 54B G.S. 14-415.10 or considered valid under G.S. 14-415.24; provided that the person shall not carry a concealed weapon at any time while in a courtroom or while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body. The district attorney, assistant district attorney, or investigator shall secure the weapon in a locked compartment when the weapon is not on the person of the district attorney, assistant district attorney, or investigator;

(F) Any person who meets all of the following conditions:

1. Is a qualified retired law enforcement officer as defined in G.S. 14-415.10.
2. Is the holder of a concealed handgun permit in accordance with Article 54B, G.S. 14-415.10.
3. Is certified by the North Carolina Criminal Justice Education and Training Standards Commission pursuant to G.S. 14-415.26.

(G) Detention personnel or correctional officers employed by the State or a unit of local government who park a vehicle in a space that is authorized for their use. In the course of their duties may transport a firearm to the parking space and store that firearm in the vehicle parked in the parking space, provided that: (i) the firearm is in a closed compartment or container within the locked vehicle, or (ii) the firearm is in a locked container securely affixed to the vehicle.

(H) Sworn law-enforcement officers, when off-duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's body.

CHAPTER 93: FIRE PROTECTION

Section

- 93.01 Adoption of the A.I.A. Code
- 93.02 Inspection of premises for fire hazards
- 93.03 Fire Chief
- 93.04 Open burning
- 93.05 Interference with firefighters; false alarms
- 93.06 Riding on Fire Department apparatus
- 93.07 Congregation at fires
- 93.08 Fire limits

- 93.99 Penalties

§ 93.01 ADOPTIONS OF THE A.I.A. CODE.

(A) The NC State Building Fire Code - 2006 recommended by the American Insurance Association is hereby adopted by reference, subject to the additions and modifications set forth in this article. The term "municipality" as used in the Fire Code shall mean the Town of Granite Falls, and the term "Corporation Counsel" shall mean the Town Attorney.

(B) The A.I.A. Fire Code, herein adopted by reference, shall not apply to the extent that any of its provisions are superseded or preempted by the North Carolina State Building Code.

(C) A copy of the A.I.A. Fire Code shall be made available to any person requesting it at the office of the Town Clerk.
(Prior Code, § 12-10)

§ 93.02 INSPECTION OF PREMISES FOR FIRE HAZARDS.

(A) As provided in G.S. Chapter 58, Art. 9, the Fire Chief or his or her duly authorized agent may enter into all buildings and premises during reasonable hours to inspect for combustible materials or flammable conditions dangerous to the safety of the building or premises.

(B) When any officer making an inspection in accordance with division (A) above discovers combustible materials in flammable conditions, he or she shall order the occupant or person in charge of the premises to remove or remedy the materials or conditions.

(C) Unless the person to whom the order is directed appeals to the Commissioner of Insurance within 24 hours, as provided in G.S. Chapter 58, Art. 9, the order shall be complied with forthwith.

(Prior Code, § 12-9)

§ 93.03 FIRE CHIEF.

When used in this chapter, the term "Fire Chief" refers to the town Fire Chief or to any other person designated by the Manager to perform the duties assigned to the Fire Chief by this section.

(Prior Code, § 12-17)

§ 93.04 OPEN BURNING.

No person, other than a member of the town's Public Works Department or Fire Department acting on official business, may burn or cause to be burned any material outside of a building.

(Prior Code, § 12-12)

§ 93.05 INTERFERENCE WITH FIREFIGHTERS; FALSE ALARMS.

(A) As provided in G.S. Chapter 58, Art. 82, no person may willfully interfere in any manner with firefighters engaged in the performance of their duties.

(B) As provided in G.S. § 14-286, no person may wantonly and willfully give a false alarm or damage fire alarm, detection, or extinguishing equipment.

(Prior Code, § 12-1)

§ 93.06 RIDING ON FIRE DEPARTMENT APPARATUS.

No person other than a member of the Fire Department may mount or ride upon 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, except by permission of the Fire Chief.

(Prior Code, § 12-2)

§ 93.07 CONGREGATION AT FIRES.

It shall be unlawful for persons to congregate on the streets, sidewalks, or other areas adjacent to a fire so as to interfere with the operations of members of the Fire Department.
(Prior Code, § 12-3) Penalty, § 93.99

§ 93.08 FIRE LIMITS.

(A) The primary fire limits shall be shown on the fire zone map as approved and modified from time to time by the Council. A copy of this map shall be maintained in the office of the Town Clerk.

(B) As provided in G.S. § 160A-436, within the primary fire zone no frame or wooden building or structure or addition thereto may be erected, altered, repaired or moved (either into the limits or from one place to another within the limits), except in accordance with a building permit issued by the Building Inspector and approved by the Commissioner of Insurance.
(Prior Code, § 12-16)

§ 93.99 PENALTIES.

(A) A violation of §§ 93.02, 93.04, 93.05, 93.06, and/or 93.07, as well as the provisions of the Fire Code adopted by reference in § 93.01 shall constitute a misdemeanor, punishable as provided in G.S. § 14-4.

(B) A violation of any of the sections listed in division (A) above shall also subject the offender to a civil penalty of \$100.

(C) If a person fails to pay this penalty within 10 days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(D) The town may seek to enforce this chapter through any appropriate equitable action.

(E) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(F) The town may seek to enforce this chapter by using any 1 or any combination of the foregoing remedies.
(Prior Code, § 12-18)

CHAPTER 94: STREETS AND SIDEWALKS

Section

General Provisions

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- 94.02 House and building numbers
- 94.03 Administrator

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GENERAL PROVISIONS**§ 94.01 DAMAGING STREET SURFACES, STREET SIGNS, OR OTHER FACILITIES.**

(A) No person may intentionally mutilate, deface, remove, damage, or in any manner interfere with any of the street name signs, traffic control signs and devices, and other signs erected by any public body.

(B) No person may drag, run, or cause to be dragged or run upon any public street any harrow or other implement, machine or tool likely to injure or cut the surface of the street.

(C) No person may intentionally damage, injure, obstruct or otherwise interfere with any street, sidewalk, bridge, culvert, ditch or drain owned or maintained by the town.
(Prior Code, § 7-31) Penalty, see § 94.99

§ 94.02 HOUSE AND BUILDING NUMBERS.

(A) The owner of every house and every principal building shall display or cause to be displayed on the front thereof, or on the grounds in a position easily observed from the street, the number assigned to his or her house or building by the town.

(B) No person may display or cause to be displayed on any house or building any number other than the number assigned by the town.

(C) No person may remove, obliterate, or destroy any number displayed in accordance with division (A) above.
(Prior Code, § 7-32) Penalty, see § 94.99

§ 94.03 ADMINISTRATOR.

As used in this chapter, the term **ADMINISTRATOR** refers to the Public Works Director or any other person designated by the Town Manager to perform the responsibilities assigned to the Administrator by this chapter.
(Prior Code, § 7-33)

OBSTRUCTION

§ 94.15 OBSTRUCTIONS PROHIBITED.

(A) Except as otherwise authorized by statute or ordinance (including §§ 94.35 and 94.36 of this chapter), and except to the extent required by the performance of some function authorized or mandated by a statute or ordinance, no person may obstruct or impede travel in the public streets or sidewalks within the town by placing or leaving any object within the traveled portion of the public right-of-way.

(B) Except as provided in this division, division (A) applies, but is not limited to, goods, wares, or merchandise displayed for sale.

(C) Partial obstruction of a public sidewalk for a sidewalk sale is permissible in accordance with a permit issued by the Administrator upon a finding that:

(1) The sale will not extend for more than 3 consecutive days;

(2) The obstruction will take place only during daylight hours; and

(3) The permit, together with any other permits issued to the same applicant or to other applicants for sale at the same location, will not authorize an obstruction for more than 10 days during any 365 day period; and

(4) The sidewalk will only be partially obstructed in a manner that does not seriously inconvenience the public or threaten the public safety.

(D) Division (A) above shall not apply to temporary obstructions caused by persons engaged in construction work on abutting property when proper warning devices are maintained in accordance with § 94.18.

(Prior Code, § 7-1)

§ 94.16 OVERHANGING OR PROTRUDING TREES, SHRUBS, FENCES AND THE LIKE.

(A) No person may cause or allow from property under his or her control any tree limb, bush, shrub, or other growth or any trellis, fence or other obstruction to overhang a public street at a distance of less than 12 feet above the traveled portion of the street, or a public sidewalk at a distance of less than 7 feet above the sidewalk.

(B) No person may cause or allow grass, vines, weeds, or other vegetation to grow from property under his or her control over, onto, or across any public street or sidewalk.

(C) Any violation of division (A) or (B) is declared to be a public nuisance, and if not corrected by the responsible person within 3 days after being notified of the violation by the Administrator, the town may summarily abate the nuisance.

(Prior Code, § 7-2)

§ 94.17 DRAINAGE RELATED INTERFERENCE WITH SIDEWALKS.

(A) No person may cause or permit gutters, ditches, ducts, or drain pipes to be constructed or placed on property under his or her control in a manner that the water from the gutters, ditches, ducts, or drain pipes empties onto or runs across a public sidewalk.

(B) Subject to the next sentence, all owners of property abutting concrete, brick, or other permanently improved public sidewalks shall grade the property or construct a retaining wall in a manner as to prevent the washing of dirt, grass, gravel, or other material upon the town sidewalks.

(C) If the town constructs a sidewalk, it shall be responsible initially for taking the necessary steps to prevent the washing of materials upon the sidewalk.

(Prior Code, § 7-3) Penalty, see § 94.99

§ 94.18 WARNINGS REQUIRED FOR OBSTRUCTION.

(A) All persons engaged in doing work that creates any dangerous condition or obstruction in the public right-of-way of any street or sidewalk shall take whatever action is necessary, including the placement of barricades and warning signs or devices, to warn the traveling public of the condition or obstruction.

(B) No person may remove, destroy, injure, or tamper with any barricade, sign, lantern, torch, or other device placed in any street or sidewalk to warn or give notice to the traveling public of any dangerous condition or obstruction.

(Prior Code, § 7-4) Penalty, see § 94.99

§ 94.19 DEPOSITING INJURIOUS MATERIALS ON STREET.

(A) No person may throw or deposit upon any street or public right-of-way any glass bottle, nails, tacks, wire, paper containers, cans, or any other substance likely to injure any person, animal or vehicle.

(B) Any person who deliberately or inadvertently causes or allows any of the materials specified in division (A) above to be deposited on any public street or right-of-way shall immediately remove the materials or cause them to be removed.

(Prior Code, § 7-5) Penalty, see § 94.99

§ 94.20 SNOW AND ICE REMOVAL.

Every occupant of a store building, in front of which the sidewalk is paved with stone, brick, asphalt, or cement, shall remove snow, ice, or other similar obstruction from the sidewalk at the earliest possible time and as soon as the weather permits.
(Prior Code, § 7-6)

DRIVEWAYS AND EXCAVATIONS

§ 94.35 DRIVEWAYS.

(A) Except as otherwise provided in this section, no person may open, construct, alter, or relocate any driveway across any public sidewalk or into any street, or cut any curb for such purpose without having obtained a written permit from the Administrator.

(B) Any person who receives a permit under this section shall be responsible for repairing any damage to the sidewalk or street (including curb and gutter) caused by the driveway construction.

(C) The Administrator shall review the driveway construction and design plans and shall issue the permit unless he or she finds the driveway, if constructed as proposed, will substantially interfere with or pose a danger to persons using the street or sidewalk intersected by the driveway, or public facilities (including utility poles, traffic signal standards, and the like), or will fail to comply with any of the provisions of this section.

(D) No driveway may be constructed closer than 3 feet to a fire hydrant or catch basin or closer than 30 feet to the right-of-way line of a street that intersects with the street the driveway opens onto.

(E) If the driveway crosses a drainage ditch on a lot that abuts a street without curb or gutter, then piping of sufficient size and strength (as approved by the Administrator) shall be installed beneath the driveway surface so the drainage capability of the drainage ditch is not materially impaired.

(F) This section shall not apply to driveways that open into state-maintained streets to the extent that the state has approved the driveway. Nor shall a person be required to obtain a permit under this section to the extent that the driveway is being constructed in accordance with plans approved pursuant to a review process authorized by a zoning or subdivision ordinance.
(Prior Code, § 7-11)

§ 94.36 EXCAVATIONS.

(A) Except as otherwise provided in this section, no person may dig in or excavate any street or sidewalk within the town without having obtained a written permit from the Administrator.

(B) Any person who receives a permit in accordance with this section shall be responsible for putting the street or sidewalk where any excavation is made in as good a condition as it was prior to the excavation.

(C) Before granting a permit pursuant to this section, the Administrator shall determine that the applicant has made arrangements to comply with division (B) above, and if the town is to do the necessary repair work, the permit shall not be issued until the applicant makes a deposit equal to the estimated costs of repair.

(D) This section shall not apply to any utility to the extent that the same subject matter is covered in a franchise ordinance applicable to that utility.

(E) Nor shall this section apply to any excavation made in a state-maintained street to the extent that the state has given its permission for an excavation to be made, except that the person making the excavation shall still be responsible for notifying the Administrator of the intended excavation 48 hours before the work begins.

(Prior Code, § 7-12)

§ 94.37 TOWN INDEMNIFIED.

Any person obtaining a permit authorized by §§ 94.35 and 94.36 agrees as a condition of the permit to indemnify the town for and hold the town harmless from any expense (including but not limited to attorneys' fees, litigation costs and judgments) incurred as a result of claims made for damages arising out of operations conducted by the permit recipient pursuant to the permit.

(Prior Code, § 7-13)

STREET EVENTS**§ 94.45 ACTIVITIES COVERED.**

(A) This subchapter applies to all street fairs, festivals, carnivals, parades, marches, rallies, demonstrations, and other activities or public events that require the temporary closing or obstruction of all or a portion of any street or other public right-of-way or that substantially hinders or prevents the normal flow of vehicular or pedestrian traffic along any street or other public right-of-way.

(B) Any such activity covered by this subchapter shall hereafter be referred to as "the event."

(Prior Code, § 7-16)

§ 94.46 PERMIT REQUIRED.

No person may run, operate, or sponsor any event in any public street or right-of-way without a permit obtained from the Council in accordance with this subchapter.

(Prior Code, § 7-17) Penalty, see § 94.99

§ 94.47 PERMIT APPLICATION.

Applications for the permit authorized by this subchapter shall be submitted on a form provided by the Town Manager and shall contain the following information:

(A) Name, address, and telephone number of the person, organization or entity seeking to conduct or sponsor the event;

(B) Name, address, and telephone number of the individual in charge of the event;

(C) The proposed date and time period when the event will be conducted;

(D) A sketch-map showing:

(1) The area where the event is to take place;

(2) Any streets to be closed or obstructed;

(3) Any barriers or traffic control devices that will be erected;

(4) The location of any concession stand, booth, or other temporary structures or facilities; and

(5) The location of proposed fences, stands, platforms, benches, or bleachers.

(E) The approximate number of people expected to attend the event;

(F) When applicable, a request that the town provide specified services and/or that the town close identified streets or portions of streets for a particular period;

(G) Sufficient proof of liability insurance in accordance with § 94.50; and

(H) Any other information determined by the Town Manager to be necessary to insure compliance with this subchapter.
(Prior Code, § 7-18)

§ 94.48 NOTICE AND PUBLIC HEARING.

(A) Before issuing a permit under this subchapter, the Council may hold a public hearing on the permit application. This hearing may be held at any regular or special meeting.

(B) Notice of the public hearing shall be published in a manner determined by the Administrator to be reasonably calculated to inform the following persons of the date, time, and place, as well as the subject matter of the hearing:

(1) The applicant; and

(2) All persons occupying property that abuts any street where the event is to take place.
(Prior Code, § 7-19)

§ 94.49 STAFF REVIEW.

Upon receipt of the permit application, the Administrator shall circulate it to the Police Chief, the Fire Chief, the Public Works Director, and other appropriate persons for their comment. The Administrator may arrange to have a conference on the application with the applicant and 1 or more department heads.
(Prior Code, § 7-20)

§ 94.50 INSURANCE.

(A) The Council may require as a condition precedent or subsequent to issuance of the permit that the applicant obtain a comprehensive general liability insurance policy or comparable special events liability insurance policy issued by an insurance company authorized to do business in this state, with coverage that includes the entire area of the event.

(B) If a policy is required, the town shall be named as an additional insured on the policy. The policy limits of the insurance shall be not less than:

(1) Property damage \$50,000 for each occurrence; and

(2) Bodily injury or death \$100,000 for each person \$300,000 for each occurrence.
(Prior Code, § 7-21)

§ 94.51 FEES; COSTS INCURRED BY TOWN.

(A) A basic minimum fee sufficient to cover the cost of advertising the public hearing in accordance with § 94.48(B) and to provide the notification required by § 94.53(D) shall be paid by the applicant.

(B) The amount of this fee shall be based upon an estimate of the expenses that will actually be incurred to provide the required notices.

(C) In addition, if the town is requested to provide extraordinary services or equipment or the town administration otherwise determines that extraordinary services or equipment should be provided for reasons related to public health or safety, the Council shall take whatever action is necessary under the Local Government Budget and Fiscal Control Act, being G.S. Chapter 159, Article III, to make available the necessary funds for the provision of the services or equipment.

(D) The Council may require the applicant to pay to the town a fee sufficient to reimburse the town for the costs of any extraordinary services or equipment provided unless the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

(Prior Code, § 7-22)

§ 94.52 STANDARDS FOR ISSUANCE OF PERMIT.

(A) The Council shall issue the permit authorizing the event unless it finds that:

(1) Conduct of the event will require the assignment of so many police officers that the remainder of the town cannot adequately be protected;

(2) The event will interfere with the movement of emergency vehicles to the extent that adequate police, fire, or other emergency services cannot be provided throughout the town;

(3) The applicant has failed to obtain any necessary permits or licenses, including any required building permit or privilege license, or the applicant is otherwise in violation of any town ordinance;

(4) The event will work a severe hardship on persons occupying property adjacent to the site, location, or route of the event as a result of the denial of access to property or for other substantial reasons;

(5) The event, if held at the time or at the location or along the route proposed, will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic;

(6) The applicant has failed to comply with any of the provisions of this section, including the payment of any fees required.

(B) If a permit is issued in accordance with division (A) above, the Council may attach to it any reasonable conditions.

(C) If the Council finds that it cannot issue the permit for reasons specified in division (A) above, it may request the applicant to modify its application to remove any objections to the issuance of the permit, and the applicant may do so without further notice or hearing.

(D) Any event conducted pursuant to a permit issued under this section shall be conducted strictly in accordance with the terms of the permit, including any conditions attached thereto. (Prior Code, § 7-23)

§ 94.53 STREET CLOSINGS.

(A) If the Council finds that the permit should be issued and that to conduct the event it is necessary to close a street or to reroute traffic, it may pass a resolution authorizing this to be done.

(B) No resolution shall be passed affecting streets that are part of the state street system without the approval of the state's Department of Transportation.

(C) The resolution shall identify the street or portion thereof to be affected and shall indicate the date and time when the street or portion thereof is to be closed or traffic thereon is to be limited in some way.

(D) The resolution shall also direct the Town Manager to have appropriate traffic control devices installed to give notice of the temporary traffic controls.

(E) No person may operate any vehicle contrary to the traffic control devices installed in accordance with division (D) above.

(F) The Administrator shall, by any adequate means, notify persons occupying property abutting the street where the event is to take place of the contents of any resolution passed in accordance with this section.

(Prior Code, § 7-24)

§ 94.54 SPONSOR RESPONSIBLE FOR CLEANUP.

(A) The sponsor of the event shall be responsible for cleaning up any litter caused by the event, removing all temporary obstructions, and in general returning the area where the event takes place to the condition that existed prior to the event.

(B) The Council may require the sponsor to post a bond or other sufficient security to guarantee compliance with this section.
(Prior Code, § 7-25)

§ 94.99 PENALTIES.

(A) A violation of any of the following sections shall constitute a misdemeanor, punishable as provided in G.S. § 14-4: §§ 94.01, 94.02, 94.15, 94.16, 94.17, 94.18, 94.19, 94.20, 94.35, 94.36, 94.37, 94.46, 94.52(D), 94.53(E), and 94.54.

(B) A violation of any of the sections listed in division (A) shall also subject the offender to a civil penalty of \$25.

(C) If a person fails to pay this penalty within 10 days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(D) The town may seek to enforce this chapter through any appropriate equitable action.

(E) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(F) The town may seek to enforce this chapter by using any 1 or any combination of the foregoing remedies.
(Prior Code, § 7-34)

CHAPTER 95: PARKS AND RECREATION

Section

95.01 Town park hours

§ 95.01 TOWN PARK HOURS.

(A) The town park located in the downtown business district at Park Square shall be closed to the public from the hours of 7:00 p.m. until 6:00 a.m.

(B) No trespassing signs shall be posted advising the citizenry.

(C) Police are authorized to arrest under G.S. Chapter 114.
(Prior Code, § 5-9) (Am. Ord. passed 8-18-1986)

