

## **CHARTER AND REVISIONS**

Article

- 1. INCORPORATION, CORPORATE POWERS AND BOUNDARIES**
- 2. MAYOR AND BOARD OF COMMISSIONERS**
- 3. ELECTIONS**
- 4. ORGANIZATION AND ADMINISTRATION**



## THE CHARTER

*Editor's Note: This charter is derived from House Bill 853, Chapter 621, of the 1989 Session of the General Assembly of North Carolina.*

Section 1.

### **ARTICLE 1. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.**

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AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF BRIDGETON AND TO REPEAL PRIOR LOCAL ACTS.

Section 1. The Charter of the Town of Bridgeton hereby is revised and consolidated to read as follows:

“THE CHARTER OF THE TOWN OF BRIDGETON.

**“ARTICLE 1. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.**

“Sec. 1.1. **Incorporation.** – The Town of Bridgeton, North Carolina, in Craven County, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the ‘Town of Bridgeton’, hereinafter at times referred to as the ‘Town’.

“Sec. 1.2. **Powers.** – The Town of Bridgeton shall have and may exercise all of the powers, duties, rights, privileges and immunities, which are now, or hereafter may be conferred, either

expressly or by implication, upon the Town of Bridgeton specifically, or upon municipal corporations generally, by this Charter, by the State Constitution, or by general or local law.

“Sec. 1.3. **Corporate Limits.** – The corporate limits of the Town of Bridgeton shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the Town, and as the same may be altered from time to time in accordance with law. An official map of the Town, showing the current Town boundaries, shall be maintained permanently in the office of the Town Clerk, and shall be available for public inspection. Appropriate changes to the official map of the Town shall be made after any alterations of the corporate limits made pursuant to law.

**“ARTICLE 2. MAYOR AND BOARD OF COMMISSIONERS.**

“Sec. 2.1. **Governing Body.** – The mayor and Board of Commissioners, elected and constituted as herein set forth, shall be the governing body of the Town. On behalf of the Town, and in conformity with applicable laws, the Mayor and Board may provide for the exercise of all municipal powers,

and shall be charged with the general government of the Town.

**“Sec. 2.2. Board of Commissioners; Composition; Terms of Office.** – The Board of Commissioners shall be composed of four members, each of whom shall be elected for terms of two years in the manner provided by Article 3 of this Charter, to serve until their successors are elected and qualified.

**“Sec. 2.3. Election of the Mayor; Term of Office; Duties.** – The mayor shall be elected directly by the voters of the Town in the manner provided by Article 3 of this Charter for a term of two years; provided, the Mayor shall serve until his successor is elected and qualified. The mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Commissioners. He shall have the right to vote only if there are an equal number of votes in the affirmative and the negative on any matter before the Board. The mayor shall exercise such powers and perform such duties as presently are or hereafter may be conferred upon him by the General Statutes, by this Charter, and by the ordinances of the Town.

**“Sec. 2.4. Mayor pro Tempore.** – In accordance with applicable State laws, the Board of Commissioners shall appoint one of its members to act as Mayor pro tempore to perform the duties of the Mayor in the Mayor's absence or disability. The Mayor pro tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

**“Sec. 2.5. Meetings of the Board.** – In accordance with the General Statutes of North Carolina, the Board of Commissioners shall establish a suitable time and place for its regular meetings. Special meetings may be held according to the applicable provisions of the General Statutes.

**“Sec. 2.6. Ordinances and Resolutions.** – The adoption, amendment, repeal, pleading, or proving of Town ordinances and resolutions shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter.

**“Sec. 2.7. Voting and Quorum Requirements.** – Official action of the Board of Commissioners shall in every instance be by majority vote, provided that a quorum, consisting of a majority of

the actual membership of the Board is present. Vacant seats are to be subtracted from the normal Board membership to determine the actual membership.

**“Sec. 2.8. Qualifications for Office; Vacancies; Compensation. –**

The compensation of the Board members, the filling of vacancies on the Board, and the qualifications of Board members shall be in accordance with applicable provisions of the General Statutes.

**“ARTICLE 3. ELECTIONS.**

**“Sec. 3.1. Regular Municipal Elections; Conduct and Method of Elections. –**

Regular municipal elections shall be held in the Town every two years in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Mayor and members of the Board of Commissioners shall be elected according to the nonpartisan plurality method of elections. Municipal elections shall be conducted by the County Board of Elections.

**“Sec. 3.2. Election of the Board of Commissioners. –**

At the regular municipal elections in 1989 and biennially thereafter, there shall be elected a Mayor and four

commissioners to fill the seats of those officers whose terms are then expiring.

**“ARTICLE 4. ORGANIZATION AND ADMINISTRATION.**

**“Sec. 4.1. Form of Government. –** The Town shall operate under the Mayor-Council form of government, in accordance with the applicable provisions of the General Statutes.

**“Sec. 4.2. Town Attorney. –** The Board of Commissioners shall appoint a Town Attorney to serve at its pleasure and to be its legal adviser.

**“Sec. 4.3. Town Clerk. –** The Board of Commissioners shall appoint a Town Clerk to keep a journal of the proceedings of the Board, to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Board of Commissioners may direct.

**“Sec. 4.4. Town Finance Officer. –** The Board of Commissioners shall appoint a Town Finance Officer to perform the duties of the finance officer as required by the Local Government Budget and Fiscal Control Act.

“Sec. 4.5. **Town Budget Officer.** – The Board of Commissioners shall appoint a Town Budget Officer to perform the duties of the budget officer as required by the Local Government Budget and Fiscal Control Act.

“Sec. 4.6. **Town Tax Collector.** – The Board of Commissioners shall appoint a Town Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the Town, subject to the General Statutes, the provisions of this Charter and the ordinances of the Town. The Town Tax Collector shall diligently comply with and enforce all the laws of North Carolina relating to the collection of taxes by municipalities.

“Sec. 4.7. **Consolidation of Functions.** – The Board of Commissioners may consolidate any two or more positions as Town Clerk, Town Tax Collector, Town Budget Officer and Town Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions, subject to the Local Government Budget and Fiscal Control Act.

“Sec. 4.8. **Other Administrative Officers and Employees.** – Consistent with

applicable State laws, the Board of Commissioners may establish other positions, provide for the appointment of other administrative officers and employees, and generally organize the Town government in order to promote the orderly and efficient administration of the affairs of the Town.”

Sec. 2. The purpose of this act is to revise the Charter of the Town of Bridgeton and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify, or in any manner affect any acts, portion of acts, or amendments thereto, validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind, whether or not such acts, portions of acts, or amendments are expressly set forth herein.

Sec. 4. The following acts or portions of acts, having served the purposes for which they were enacted, or having been

consolidated into this act are hereby repealed:

Chapter 208, Private Laws of 1907  
Chapter 403, Private laws of 1907  
Chapter 327, Privates laws of 1909  
Chapter 80, Private Laws of 1925  
Chapter 58, Private laws of 1935  
Chapter 177, Public-Local Laws of 1937

Chapter 647, Session Laws of 1953  
Chapter 240, Session Laws of 1957  
Chapter 1119, Session Laws of 1959  
Chapter 190, Session Laws of 1961

Sec. 5. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interest (whether public or private):

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act;

(2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(1) The repeal herein of any act repealing such law, or

(2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7.

(a) All existing ordinances and resolutions of the Town of Bridgeton and all existing rules or regulations of departments or agencies of the Town of Bridgeton, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified or amended.

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

Sec. 8. If any of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.



Sec. 9. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed or superseded, the reference shall be deemed amended or refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

Sec 10. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 11<sup>th</sup> day of July, 1989.



## **TITLE I: GENERAL PROVISIONS**

Chapter

### **10. GENERAL REGULATIONS**



## CHAPTER 10: GENERAL REGULATIONS

### Section

- 10.01 Title of code
- 10.02 Interpretation
- 10.03 Application to future ordinances
- 10.04 Captions
- 10.05 Definitions
- 10.06 Rules of interpretation
- 10.07 Severability
- 10.08 Reference to other sections
- 10.09 Reference to offices
- 10.10 Errors and omissions
- 10.11 Official time
- 10.12 Reasonable time; computing time
- 10.13 Ordinances repealed
- 10.14 Ordinances unaffected
- 10.15 Effective date of ordinances
- 10.16 Repeal or modification of ordinances
- 10.17 Ordinances which amend or supplement code
- 10.18 Section histories; statutory references
- 10.99 General penalty

#### **§10.01 TITLE OF CODE.**

This codification of ordinances by and for the Town of Bridgeton shall be designated as the Code of Bridgeton, North Carolina and may be so cited.

#### **§10.02 INTERPRETATION.**

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of state law.

#### **§10.03 APPLICATION TO FUTURE ORDINANCES.**

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

#### **§10.04 CAPTIONS.**

Headings and captions used in this code other than the title, chapter and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

#### **§10.05 DEFINITIONS.**

(A) *General rule.* Words and phrases shall be taken in their plain,

or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CHARTER.** The Charter of the Town of Bridgeton, North Carolina.

**CODE, THIS CODE or THIS CODE OF ORDINANCES.** This municipal code as modified by amendment, revision and adoption of new titles, chapters or sections.

**COUNTY.** Craven County, North Carolina.

**GOVERNOR.** The Governor of North Carolina.

**JOINT AUTHORITY.** All words giving a joint authority to 3 or more persons or officers shall be construed as giving the authority to a majority of those persons or officers.

**MAY.** The act referred to is permissive.

**MONTH.** A calendar month.

**OATH.** An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words *SWEAR* and *SWORN* shall be equivalent to the words *AFFIRM* and *AFFIRMED*.

**OFFICER, OFFICE, EMPLOYEE, COMMISSION or DEPARTMENT.** An officer, office, employee, commission or department of this municipality unless the context clearly requires otherwise.

**OWNER.** Applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of the property.

**PERSON.** Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms *PERSON* or *WHOEVER* as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

**PERSONAL PROPERTY.** Every species of property except real property.

**PRECEDING or FOLLOWING.**

Next before or next after, respectively.

**PROPERTY.** Includes real and personal property.

**REAL PROPERTY.** Includes lands, tenements and hereditaments.

**SHALL.** The act referred to is mandatory.

**SIDEWALK.** Any portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

**SIGNATURE or SUBSCRIPTION.** Includes a mark when the person cannot write.

**STATE.** The State of North Carolina.

**STREET.** Any public way, road, highway, street, avenue, boulevard, parkway, dedicated alley, lane, viaduct, bridge and the approaches thereto within the Town, and shall mean the entire width of the right-of-way between abutting property lines.

**SUBCHAPTER.** A division of a chapter, designated in this code by a heading in the chapter analysis

and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

**TENANT OR OCCUPANT.** When applied to a building or land, shall include any person who occupies the whole or a part of the building or land, whether alone or with others.

**TOWN.** The Town of Bridgeton, North Carolina.

**TOWN COUNCIL.** The governing body of the Town.

**WRITTEN.** Any representation of words, letters or figures, whether by printing or otherwise.

**YEAR.** A calendar year, unless otherwise expressed.

**§10.06 RULES OF INTERPRETATION.**

The construction of all ordinances of this Town shall be by the following rules, unless the construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

(A) **AND or OR.** Either conjunction shall include the other

as if written "and/or," if the sense requires it.

(B) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular. The use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

#### **§10.07 SEVERABILITY.**

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

#### **§10.08 REFERENCE TO OTHER SECTIONS.**

Whenever in 1 section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

#### **§10.09 REFERENCE TO OFFICES.**

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of this Town exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

#### **§10.10 ERRORS AND OMISSIONS.**

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to



express the intent, the spelling shall be corrected and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

#### **§10.11 OFFICIAL TIME.**

The official time, as established by applicable state and federal laws, shall be the official time within this Town for the transaction of all municipal business.

#### **§10.12 REASONABLE TIME; COMPUTING TIME.**

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including

the last. If the last day be Sunday, it shall be excluded.

#### **§10.13 ORDINANCES REPEALED.**

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

#### **§10.14 ORDINANCES UNAFFECTED.**

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

#### **§10.15 EFFECTIVE DATE OF ORDINANCES.**

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

**§10.16 REPEAL OR MODIFICATION OF ORDINANCES.**

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision, unless it is expressly provided.

**§10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.**

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

(B) Amendments to any of the provisions of the code shall be made by amending such provisions by specific reference to the section number of this code in language substantially similar to the following: "Section \_\_\_\_ of the Code of Ordinances, Town of Bridgeton, North Carolina, is hereby amended as follows. [...]" The new provisions shall then be set out in full as desired.

(C) If a new section not heretofore existing in the code is to be added, language substantially

similar to the following shall be used: "The Code of Ordinances, Town of Bridgeton, North Carolina, is hereby amended by adding a section, to be numbered \_\_\_\_\_, which section shall read as follows: [...]" The new section shall then be set out in full as desired.

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

#### **§10.18 SECTION HISTORIES, STATUTORY REFERENCES.**

(A) As histories for the code sections, the specific number and passage date of the original ordinance and the amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Am. Ord. 15, passed 1-1-1970; Am. Ord. 20, passed 1-1-1980; Am. Ord. 25, passed 1-1-1985)

(B)

(1) A statutory cite included in the history indicates that the text of the section reads substantially the same as the statute. Example:

(G.S. § 160A-11) (Ord. 10, passed 1-17-1980; Am. Ord. 20, passed 1-1-1985)

(2) A statutory cite set forth as a "statutory reference" following the text of the section indicates that the reader should refer to that statute for further information. Example:

#### **§ 39.01 PUBLIC RECORDS AVAILABLE**

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

##### **Statutory Reference:**

*Inspection of public records, see G.S. §§ 139-1 et seq.*

(C) If a section of this code is derived from the previous code of ordinances of the Town published in 1962 and subsequently amended, the prior code section number shall be indicated in the history by "(1962 Code, § )."

#### **§10.99 GENERAL PENALTY**

(A) In accordance with G.S. Section 160A-175, any act constituting a violation of the provisions of this Code or a failure to comply with any of its requirements shall subject the offender to a civil

penalty of \$500.00, or any lesser amount if so stated in the citation. If the offender fails to remedy the violation and pay any civil penalty within ten days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than ten days), the civil penalty may be recovered in a civil action in the nature of a debt.

(B) This Code may also be enforced by any appropriate equitable action authorized by law, including injunctive relief, whether or not there is an adequate remedy at law.

(C) Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section. In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial

citation and requirement that the civil penalty be paid within the time prescribed therein shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violations after the date of the citation.

(D) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Code.

(E) Violations of the provisions of this Code or failure to comply with any of its requirements shall not constitute a misdemeanor as provided in G.S. 14-4, unless any specific penalty elsewhere provides to the contrary.

(Ord. 2-12-2008, passed 2-12-2008; Am. Ord. passed 5-10-2011).

**Statutory Reference:**

*Enforcement of ordinances, see G.S. § 160A-175.*

## **TITLE III: ADMINISTRATION**

### Chapter

- 30. BODY OF GOVERNMENT**
- 31. OFFICIALS AND TOWN ORGANIZATIONS**
- 32. FINANCES**
- 33. PUBLIC SAFETY**
- 34. IDENTITY THEFT PREVENTION PROGRAM**



## CHAPTER 30: BODY OF GOVERNMENT

### Section

- 30.01 Regular Meetings
- 30.02 Special Meetings
- 30.03 Conduct of meetings
- 30.04 Ordinances and resolutions
- 30.05 Committees
- 30.06 Council meetings; closed sessions

constitute a quorum to do business, and the Mayor shall preside at all meetings but shall not vote on any question before the Council except in the case of a tie vote deadlocking a decision of the Council.

(B) Except as otherwise provided by law or ordinance, the procedure of business shall be governed by Robert's Rules of Order, and unless otherwise specified by the Council the order of business shall be as follows:

### § 30.01 REGULAR MEETINGS.

There shall be a regular meeting of the Council at the Town Hall on the second Tuesday in each month at 7:00 p.m. unless the Council shall designate at a regular or special meeting some other day or time for its regular meeting. (1962 Code, Ch. A Art. I § 1) )AM. Ord. -, passed 12-6-2004)

- (1) Call to order;
- (2) Roll call of Council members;
- (3) Reading and approving of minutes;
- (4) Reception of petitions;
- (5) Reports of committees;
- (6) Unfinished business;
- (7) New business; and
- (8) Adjournment.

### § 30.02 SPECIAL MEETINGS.

Special meetings, other than regular meetings, shall be called by the Clerk/Finance Officer upon written or oral request of the Mayor or 2 members of the Council. (1962 Code, Ch. A Art. I § 2)

(1962 Code, Ch. A Art. I § 3)

### § 30.03 CONDUCT OF MEETINGS.

(A) A majority of the members elected to the Council shall

**§ 30.04 ORDINANCES AND RESOLUTIONS.**

Ordinances and resolutions shall be introduced, enacted and take effect as specified in the General Statutes of North Carolina and the Charter of the Town. Each enacted ordinance or amendment thereto shall be inserted in this code in the proper chapter in the manner determined by the Mayor.  
(1962 Code, Ch. A Art. I § 4)

**§ 30.05 COMMITTEES.**

The Council may establish committees of the Council as it may from time to time deem best.  
(1962 Code, Ch. A Art. I § 5)

**§ 30.06 COUNCIL MEETINGS; CLOSED SESSIONS.**

(A) *Minutes sealed.* All meeting minutes of closed sessions shall be sealed consistent with the provisions of G.S. § 143-318.10(e).

(B) *Review to determine unsealing of minutes.* The Board of Commissioners of the Town designates the Mayor, the Town Attorney, and the Town Clerk to review closed session minutes and general accounts periodically to determine if such minutes and general accounts no longer frustrate the purpose of the closed session and should therefore be opened to the public. A list of those minutes will be available to the Board of Commissioners at their request. At a regular meeting of the Board of Commissioners, the Board will unseal the list of closed session minutes and general accounts. The Clerk to the Board is to keep a log of all closed sessions with the date of the meeting and the topic of discussion.  
(Res. 5-13-2008-01, passed 5-13-2008; Am. Res. 5-13-2008-02, passed 5-13-2008)



## CHAPTER 31: OFFICIALS AND TOWN ORGANIZATIONS

Section

### **Officials**

- 31.01 Officers and employees;  
oath
- 31.02 Annual appointments

### **Planning Board**

- 31.15 Establishment and  
jurisdiction
- 31.16 Composition; terms of  
office
- 31.17 Powers and duties
- 31.18 Suggested operating  
guidelines for  
Planning/Zoning Board

### **Cross-reference:**

*Board of Adjustment, see §§  
155.130 through 155.133*

## **OFFICIALS**

### **§ 31.01 OFFICERS AND EMPLOYEES; OATH.**

The Council shall appoint all officers and employees as are required by the Charter who shall perform those duties prescribed by the Charter and by the Council. All officers and employees appointed by the Council shall serve at the pleasure of the Council and receive for their services compensation as may be

established annually in the budget ordinance. Before beginning their duties, the Council shall prescribe the required bond for each officer or employee that it deems necessary to be bonded, and all officers shall take the following oath:

“I, \_\_\_\_\_, do solemnly swear (affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as \_\_\_\_\_, so help me God.”

(1962 Code, Ch. A Art. II § 1)

### **§ 31.02 ANNUAL APPOINTMENTS.**

The Town Clerk, Assistant Town Clerk, Town Attorney, Finance Officer, Budget Officer, Tax Collector and Police Chief shall be appointed annually in December, each for a 1-year term. Notwithstanding these appointments, each such position shall remain as “at will” appointments, and the individuals holding such positions may be removed at any time with or without cause.

(Res. Passed 3-4-2002; Am. Ord. 10-11-2005-01, passed 10-11-2005)

## **PLANNING BOARD**

### **§ 31.15 ESTABLISHMENT AND JURISDICTION.**

There is hereby established a board to be known as the Bridgeton Planning Board, whose jurisdiction shall include the area within the corporate limits of the Town.

(Ord. passed 7-30-1979)

### **§ 31.16 COMPOSITION; TERMS OF OFFICE.**

(A) The Bridgeton Planning Board shall be composed of five members; four of whom shall be residents of the Town of Bridgeton. One member of the Planning Board may (but is not required to) reside outside of the corporate limits of the Town of Bridgeton, so long as he/she both owns and operates a business located within the Town of Bridgeton; however, the Chairperson of the Planning Board shall be a resident of the Town of Bridgeton. All members of the Planning Board shall be appointed by the Bridgeton Town Council.

(B) The initial appointments to the Planning Board shall be as follows:

(1) Three members shall be appointed for three (3) years; and

(2) Two members shall be appointed for two (2) years.

(C) Following the initial appointments, the terms of all members shall be for three (3) years, except that in the case of a vacancy occurring during a term, the same shall be filled by the Council for the unexpired portion of the term. (Ord. passed 7-30-1979, Am. Ord. 2-08-2011-01 passed 2-8-2011)

### **§ 31.17 POWERS AND DUTIES.**

(A) It shall be the duty of the Planning Board to coordinate the plans of the municipality and those of others so as to bring about the coordinated and harmonious development of the area. The Planning Board is hereby designated as the planning agency for the preparation of a zoning plan for the Town under the authority of G.S. § 160A-387.

(B) In addition, the Planning Board is empowered:

(1) To acquire and maintain in current form the basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in these conditions;

(2) To prepare and, from time to time, amend and revise a comprehensive and coordinated plan for the physical development of the area;

(3) To establish principles and policies for guiding action in the development of the area;

(4) To prepare and recommend ordinances promoting orderly development of the area along the lines indicated in the comprehensive plan;

(5) To determine whether specific proposed developments referred to it by governmental or private agencies in the area conform to the principles and requirements of the comprehensive plan for the area and to make recommendations concerning them;

(6) To keep the Town Council and the general public informed and advised as to these matters;

(7) To make any other recommendations which it sees fit for improving the development of the area; and

(8) To perform any other duties which may be lawfully assigned to it.

(C) In carrying out these powers and duties, the Planning Board:

(1) May authorize its agents or employees or members, in performance of their official duties, to enter upon lands and make examinations or surveys and maintain necessary monuments thereon; and

(2) May perform any of the actions authorized for municipal planning boards by G.S. Chapter 160A, Article 19 as amended.

(Ord. passed 7-30-1979)

### **§ 31.18 SUGGESTED OPERATING GUIDELINES FOR PLANNING/ZONING BOARD.**

(A) Planning/Zoning Board members are expected to attend regularly scheduled meetings. If a member misses three (3) regularly scheduled meetings in a row, that member may be replaced by the Council. A letter from the member may be presented to the Council explaining extenuating circumstances if the member wishes to remain active.

(B) The Chairperson will vote in tie-breaking situations and if the vote of the Chairperson is necessary in order to form a quorum.

(C) If a member cannot fill his or her full term, the Council will appoint a new member to serve out that term.

(D) A quorum shall consist of a majority of the members of the Planning Board, excluding vacant seats.

(E) The Planning Board shall elect a Chairperson, Vice-Chairperson and a Secretary, each serving in that capacity for one (1) year.

(1) The Chairperson shall conduct the meetings, assure that meetings are run in an orderly manner, and shall provide an agenda for each

meeting, which shall be followed.

(2) The Vice-Chairperson shall assume the duties of the Chairperson in the absence of the Chairperson.

(3) The Secretary shall keep the minutes of each meeting and submit a copy to the Town Hall after they have been approved. The Secretary shall send out notices of meetings with agenda included, and shall keep a record of attendance of members. The Secretary is in charge of communication for the Planning Board (the Town will provide stationery and stamps).

(Ord. passed 8-7-2000, Am. Ord. 2-08-2011-01 passed 2-8-2011)

## CHAPTER 32: FINANCES

Section

### **Policies**

- 32.01 Finance and purchasing policy
- 32.02 Purchase order system
- 32.03 Procedure for disposing of personal property

### **Fees**

- 32.30 Fee schedule; adopted by reference

### **Policies**

#### **§32.01 FINANCE AND PURCHASING POLICY.**

The collection, disbursement and custody of funds, the procedure for purchasing supplies, materials and equipment and for awarding contracts shall be in accordance with the General Statutes of North Carolina.

(1962 Code, Ch. A Art II § 2)

#### **§32.02 PURCHASE ORDER SYSTEM.**

(A) In order to ensure control of and to be able to track the flow of spending, the following purchase order procedure is established.

(1) No purchase shall be made without first obtaining a purchase order number from the Clerk/Finance Officer.

(2) No purchase order shall be given without the Clerk/Finance Officer first ensuring that there are sufficient funds available in the appropriate budget for the purchase.

(3) Purchases in the amount of \$500 or less may be approved by the Mayor upon satisfaction of available funds in the budget by the Clerk/Finance Officer.

(4) Purchases over the amount of \$500 must be approved by the Council upon satisfaction of available funds in the budget by the Clerk/Finance Officer.

(B) This section to establish a purchase order system shall be utilized by all departments and/or individuals making purchases on the behalf of the Town and shall be in full force and effect from and after its enactment.

(Ord. passed 9-9-2002, Am. Ord. 7-14-2009)

**§32.03 PROCEDURES FOR DISPOSING OF PERSONAL PROPERTY VALUED AT LESS THAN \$30,000.**

Section 1. The Town Clerk is hereby authorized to dispose of any surplus personal property owned by the Town of Bridgeton whenever:

(a) the Board of Commissioners directs him or her to do so; and,

(b) the Town Clerk determines, in his or her discretion, that:

i. the item or group of items has a fair market value of less than thirty thousand dollars (\$30,000.00); and,

ii. the property is no longer necessary for the conduct of public business; and,

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

Section 2. The Town Clerk may dispose of any such surplus personal property by any means which he or she judges reasonably calculated to

yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in Article 12 of N.C. Gen. Stat. Chapter 160A. Such sale may be public or private, with or without notice or minimum waiting period, and with or without publishing notice of said sale in the newspaper.

Section 3. In the event that offers are solicited by, or received from, more than one potential buyer, the surplus property shall be sold to the party who tenders the highest offer (subject to any minimum sales price established by the Board of Commissioners), or exchanged for any property or services useful to the Town of Bridgeton if greater value may be obtained in that manner, and the Town Clerk is hereby authorized to execute and deliver any applicable title documents. Subject to contrary direction from the Board of Commissioners, if no offers are received or accepted within a reasonable time, the Town Clerk may retain the property, obtain any reasonably available salvage value, or cause it to be discarded. No surplus property may be donated to any individual or organization except by resolution of the Board of Commissioners.

Section 4. The Town Clerk shall keep a record of all property sold under authority of this Resolution and that record shall generally describe the property sold or exchanged, to whom it was sold or with whom exchanged, and the amount of money or other consideration received for each sale or exchange. (Ord. 12-09-2014-01, passed 12-09-2014)

## **FEES**

### **§ 32.30 FEE SCHEDULE; ADOPTED BY REFERENCE.**

The Town's schedule of fees is hereby adopted by reference as if set out in full herein. A copy is available through Town offices.





## CHAPTER 33: PUBLIC SAFETY

### Section

#### **Police Department**

- 33.01 Creation
- 33.02 Chief of Police
- 33.03 Supervision and control of Department
- 33.04 Duties of Department
- 33.05 Uniforms and equipment
- 33.06 Oath of office

#### **Fire Provisions**

- 33.15 Fire District

#### **Hazard Mitigation**

- 33.25 Adoption of the County Multi-Jurisdictional Hazard Mitigation Plan

#### **Police Department**

### **§ 33.01 CREATION.**

A Police Department is hereby created, consisting of a Chief and as many officers as the Chief and the Council may deem necessary. (Ord. passed 3-4-2002)

### **§ 33.02 CHIEF OF POLICE.**

The Council shall annually appoint a Chief of Police who shall

perform those duties as assigned by the Council. The appointment shall be made at the Council's regular meeting in December.

Notwithstanding this appointment, the position shall remain as "at will" appointment, and the individual holding this position may be removed at any time with or without cause.

(Ord. passed 3-4-2002; Am. Ord. 10-11-2005-01, passed 10-11-2005)

### **§ 33.03 SUPERVISION AND CONTROL OF DEPARTMENT.**

(A) *General.* The Chief of Police shall have immediate direction and control over the Police Department under the direct supervision of the Council.

(B) *Reports to the Council.* The Chief of Police shall keep the Council informed of the Department's activities and make reports to the Council as it may request.

(C) *Appointment of a Liaison Officer.*

(1) A member of the Council shall be appointed to act as a Liaison Officer between the Chief of Police and the Council strictly to facilitate the flow of information between the Chief of Police and the Mayor and Council.

(2) The Mayor may when deemed appropriate and necessary appoint other collateral duties to the Liaison Officer.

(D) *Suspension or dismissal of members.* The dismissal of members of the Police Department shall be in accordance with the Town and police procedures. The Chief of Police, at any time, may suspend from employment any member of the Police Department. The Chief of Police shall report in writing within 24 hours to the Council any such suspension. Nothing contained herein shall create any vested or contractual right of employment. All members of the Police Department shall be at-will employees.  
(Ord. passed 3-4-2002)

**§ 33.04 DUTIES OF DEPARTMENT.**

The Police Department shall, under the supervision of the Chief of Police:

(A) Seek to protect persons and property from harm;

(B) Seek to preserve the peace and keep order in the Town;

(C) Seek to prevent crime and detect and apprehend any and all persons suspected of crimes or criminal activity;

(D) Regulate traffic upon the streets and highways within the Town's municipal limits;

(E) Enforce all laws and ordinances of the Town and the state;

(F) Take custody of lost and stolen property;

(G) Maintain proper and accurate records of crimes and investigations related thereto; and

(H) Perform all duties consistent with the police function as may be required from time to time.  
(Ord. passed 3-4-2002)

**§ 33.05 UNIFORMS AND EQUIPMENT.**

All police officers shall wear a uniform and shall keep the uniform in a neat and clean condition. They shall surrender all uniforms and equipment upon leaving the police service of the Town if the uniform and equipment were furnished by the Town. The Chief of Police shall be responsible for the control and regulation of all equipment belonging to the Police Department. (Ord. passed 3-4-2002)

**§ 33.06 OATH OF OFFICE.**

Each person appointed or employed as Chief of Police or police officer shall take and subscribe before a person authorized by law to administer oaths, the oath of office required by law. The oath shall be filed with the Town Clerk/Finance Officer. (Ord. passed 3-4-2002)

**FIRE PROVISIONS**

**§ 33.15 FIRE DISTRICT.**

The fire district of the Town is hereby established as that area encompassed within the area of the corporate limits of the Town. (1962 Code, Ch. C Art. III § 1)

**HAZARD MITIGATION**

**§ 33.25 ADOPTION OF THE COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN.**

(A) The Town adopts the Craven County Multi-Jurisdictional Hazard Mitigation Plan, and separately adopts the sections of the plan that are specific to the Town.

(B) The Town vests the Mayor with the responsibility, authority, and the means to:

(1) Inform all concerned parties of this action.

(2) Cooperate with federal, state, and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to the management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

(C) The Town appoints the Mayor to assure that, in cooperation with the county, the hazard mitigation plan is reviewed annually and in greater detail at least once every five years.

(D) The Town agrees to take other official action as may be reasonably necessary to carry out the strategies outlined within the 2010 multi-jurisdictional hazard mitigation plan. (Res. 7-13-2010-01, passed 7—13-2010)

## CHAPTER 34: IDENTITY THEFT PREVENTION PROGRAM

### Section

- 34.01 Program adoption
- 34.02 Definitions
- 34.03 Identification of red flags
- 34.04 Detecting red flags
- 34.05 Preventing and mitigating identity theft
- 34.06 Program updates
- 34.07 Program administration

### § 34.01 PROGRAM ADOPTION.

This Identity Theft Prevention Program ("Program") is adopted pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C.F.R. 681.2. (Ord. 10-14-2008-01, passed 10-14-2008)

### § 34.02 DEFINITIONS.

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

#### **COVERED ACCOUNT**

(1) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes,

that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, checking account, or savings account; and

(2) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

**CUSTOMER.** A person that has a covered account with the Town.

**IDENTIFYING INFORMATION.** As defined under the Rule, as amended from time to time. As of the effective date of this chapter, it means "any name or number that may be used, alone or in conjunction with any other information, to identify a specific person," and shall include: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration

number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

**IDENTITY THEFT.** Fraud committed using the identifying information of another person.

**PERSON.** A natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

**PROGRAM ADMINISTRATOR.** That person designated by the Town Council for the administration and enforcement of this chapter, or his designee.

**RED FLAG.** A pattern, practice, or specific activity that indicates the possible existence of identity theft.

**TOWN.** The Town of Bridgeton.

**UTILITY.** Any board, commission, district, department, provider, or other agency or department of the Town that provides any type of public utility service, or which is otherwise subject to the Rule.  
(Ord. 10-14-2008-01, passed 10-14-2008)

### **§ 34.03 IDENTIFICATION OF RED FLAGS.**

(A) In order to identify relevant red flags, the utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with identity theft.

(B) The utility identifies the following red flags, in each of the listed categories:

*(1) Notifications and warnings from credit reporting agencies.*

(a) Report of fraud accompanying a credit report;

(b) Notice or report from a credit agency of a credit freeze on a customer or applicant;

(c) Notice or report from a credit agency of an active duty alert for an applicant; and

(d) Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

(2) *Suspicious documents.*

(a) Identification document or card that appears to be forged, altered or inauthentic;

(b) Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;

(c) Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and

(d) Application for service that appears to have been altered or forged.

(3) *Suspicious personal Identifying Information.*

(a) Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);

(b) Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);

(c) Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;

(d) Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);

(e) Social security number presented that is the same as one given by another customer;

(f) An address or phone number presented that is the same as that of another person;

(g) A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and

(h) A person's identifying information is not consistent with the information that is on file for the customer.

(4) *Suspicious account activity or unusual use of account.*

(a) Change of address for an account followed by a request to change the account holder's name;

(b) Payments stop on an otherwise consistently up-to-date account;

(c) Account used in a way that is not consistent with prior use (example: very high activity);

(d) Mail sent to the account holder is repeatedly returned as undeliverable;

(e) Notice to the utility that a customer is not receiving mail sent by the utility;

(f) Notice to the utility that an account has unauthorized activity;

(g) Breach in the utility's computer system security; and

(h) Unauthorized access to or use of customer account information.

(5) *Alerts from others.* Notice to the utility from a customer, identity theft victim, law enforcement, or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft. (Ord. 10-14-2008-01, passed 10-14-2008)

#### **§ 34.04 DETECTING RED FLAGS.**

(A) *New Accounts.* In order to detect any of the red flags identified above associated with the opening of a new account, utility personnel will

take the following steps to obtain and verify the identity of the person opening the account:

(1) Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license, or other identification;

(2) Verify the customer's identity (for instance, review a driver's license or other photo identification card);

(3) Review documentation showing the existence of a business entity; and Independently contact the customer.

(B) *Existing Accounts.* In order to detect any of the red flags identified above for an existing account, utility personnel will take the following steps to monitor transactions with an account:

(1) Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);

(2) Verify the validity of requests to change billing addresses; and

(3) Verify changes in banking information given for billing and payment purposes.

(Ord. 10-14-2008-01, passed 10-14-2008)



**§ 34.05 PREVENTING AND MITIGATING IDENTITY THEFT.**

In the event utility personnel detect any identified red flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the red flag:

*A. Prevention and mitigation.*

- (1) Continue to monitor an account for evidence of identity theft;
- (2) Contact the customer;
- (3) Change any passwords or other security devices that permit access to accounts;
- (4) Not open a new account;
- (5) Close an existing account;
- (6) Reopen an account with a new number;
- (7) Notify the Program Administrator for determination of the appropriate step(s) to take;
- (8) Notify law enforcement; or
- (9) Determine that no response is warranted under the particular circumstances.

*B. Protect customer identifying information.* In order to further prevent

the likelihood of identity theft occurring with respect to utility accounts, the utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

- (1) If applicable, ensure that its website is secure or provide clear notice that the website is not secure;
- (2) Ensure complete and secure destruction of paper documents and computer files containing customer information;
- (3) Ensure that office computers are password protected and that computer screens lock after a set period of time;
- (4) Keep offices clear of papers containing customer information;
- (5) Request only the last 4 digits of social security numbers (if any);
- (6) Ensure computer virus protection is up to date;
- (7) Access to customer accounts shall be limited to Town personnel only; and
- (8) Require and keep only the kinds of customer information that are necessary for utility purposes.

(Ord. 10-14-2008-01, passed 10-14-2008)

### **§ 34.06 PROGRAM UPDATES.**

This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the utility from identity theft. At least once per year, the Program Administrator will consider the utility's experiences with identity theft situation, changes in identity theft methods, changes in identity theft detection and prevention methods, changes in types of accounts the utility maintains and changes in the utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of red flags, are warranted. Thereafter, he or she shall update the Town Council with his or her recommended changes, if any, and the Town Council will make a determination of whether to make any changes to the Program.

(Ord. 10-14-2008-01, passed 10-14-2008)

### **§ 34.07 PROGRAM ADMINISTRATION.**

A. *Oversight.* Responsibility for developing, implementing, and updating this Program lies with an identity theft committee for the utility. The committee is headed by a Program Administrator, who may be the head of the utility or his or her appointee. Two or more other individuals appointed by the head of

the Utility or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of utility staff on the Program, for reviewing any staff reports regarding the detection of red flags, and the steps for preventing and mitigating identity theft, determining which steps of prevention and mitigation should be taken in particular circumstances, and considering periodic changes to the Program.

#### *B. Staff training and reports.*

(1) Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of red flags, and the responsive steps to be taken when a red flag is detected. The utility should include in its Program how often training is to occur. Staff shall provide reports to the Program Administrator on incidents of identity theft, the utility's compliance with the Program, and the effectiveness of the Program at least annually.

(2) The reports should address material matters related to the Program and evaluate issues such as: the effectiveness of the policies and procedures of the creditor in

addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts; service provider arrangements; significant incidents involving identity theft and management's response; and recommendations for material changes to the Program.

*C. Service provider arrangements.*

In the event the utility engages a service provider to perform an activity in connection with one or more accounts, the utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft:

(1) Require, by contract, that service providers have such policies and procedures in place; and

(2) Require, by contract, that service providers review the utility's Program and report any red flags to the Program Administrator.

*D. Specific program elements and confidentiality.* For the effectiveness of identity theft prevention Programs, the red flag Rule envisions a degree of confidentiality regarding the utility's

specific practices relating to identity theft detection, prevention, and mitigation. Therefore, under this Program, knowledge of such specific practices are to be limited to the identity theft committee and those employees who need to know them for purposes of preventing identity theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation, and prevention practices are listed in this document. (Ord. 10-14-2008-01, passed 10-14-2008)



## **TITLE V: PUBLIC WORKS**

Chapter

**50. GARBAGE AND REFUSE**

**51. SEWERS**



## CHAPTER 50: SOLID WASTE MANAGEMENT

### ARTICLE 1 In General

#### § 50.1 - Definitions.

The following terms used in this Chapter have the meanings indicated in this Section unless the context of this Chapter clearly requires otherwise:

**Agreement** means any franchise and contract awarded by the Town under this Chapter.

**Building Rubbish** means debris related to construction, remodeling or repair operations on houses, commercial buildings and other structures.

**Board** means the Board of Commissioners of the Town of Bridgeton.

**CRSWMA** means the Coastal Regional Solid Waste Management Authority.

**Cart/container** means a receptacle for the storage and collection of solid waste pursuant to this article. Additionally, the container may be used to store solid waste collection bags and may hold 33, 64 and 90 gallons by volume or

50, 100 and 150 pounds by weight, respectively.

**Collection** means the act of removing solid waste or recyclable solid waste materials from a point of generation to a central storage point or to a disposal site and from a central storage point to a disposal site.

**Commercial** means any primary use of a property that is commercial in nature or any property that utilizes a dumpster.

**Curbside** means that six (6) feet portion of the right of way immediately adjacent to the paved or traveled roadway of a public street and on private roadways set aside for public use and delivery of services.

**Customer** means the beneficiary of curbside collection services provided by a franchisee.

**Dumpster** means stationary solid waste containers which require mechanical pick-up by customized

loading vehicles, including roll-off containers.

**Effective date** means and refers to the effective date of a franchise granted hereunder.

**Franchisee** means a person who has been granted a franchise for the collection of solid waste or recyclable solid waste materials pursuant to Article 2 of this Chapter.

**Hazardous waste** includes, but is not limited to, any amount of waste listed or characterized as hazardous by the United States Environmental Protection Agency or any state agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended, and including any future amendments thereto, and any other applicable law, and any solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or

B. Pose a substantial present or potential hazard to human health or the environment when improperly

treated, stored, transported, or disposed of, or otherwise managed.

**Industrial solid waste** means solid waste generated by manufacturing or industrial processes that is not hazardous waste.

**Landfill** means the CRSWMA landfill, currently located at Tuscarora, Craven County, North Carolina.

**Noncommercial** means any primary use of a property that is not commercial in nature. Noncommercial uses include, but are not limited to, residences (rental or otherwise), governmental facilities, schools, churches, not-for-profit organizations, apartments, Townhomes and duplexes. Provided however, that properties utilizing dumpster services shall be excluded from the term "Noncommercial" regardless of the primary use of the property.

**Ordinance** means this Chapter 50 of the Town of Bridgeton Code of Ordinances, as may be amended from time to time.

**Person** means an individual, corporation, company, association, partnership, limited liability company, unit of local government,



state agency, federal agency or other legal entity.

**Recyclable solid waste material** means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste. These items include, but are not necessarily limited to, newspaper (with inserts), aluminum cans and aluminum foil products, PETE and HDPE (#1 and #2) plastic containers including natural and pigmented containers such as blue, white and red colored plastics, clear, green and brown glass containers, corrugated cardboard (OCC), steel food cans, steel aerosol cans and steel paint cans.

**Recycling** means any process by which solid waste or materials which would otherwise become solid waste are collected, separated or processed, and reused or returned to use in the form of raw materials or products.

**Recycling container** means a container provided by the Town or its designee for collection of specified recyclable solid waste materials or any container used by a Commercial or Noncommercial property and clearly designated to contain such specified recyclable solid waste materials.

**Roadway** means a common vehicular means of access to three or more customers connected to a state or municipal road and which is reasonably accessible by solid waste collection vehicles, taking into consideration roadway surface conditions and turnaround space for the vehicles.

**Solid waste** means any nonhazardous solid waste generated in the Franchise Area that is not excluded by the provisions of this Agreement. Solid Waste shall not include any Excluded Waste, including, but not necessarily limited to, Recyclable Solid Waste Material.

**Solid waste collection bag** means a bag designated for collection of solid waste pursuant to this Chapter with a capacity not to exceed 33 gallons by volume and 50 pounds by weight.

**Solid waste collection sticker** means a perforated adhesive sticker authorized for use by the Town to be placed on solid waste collection bags or containers indicating that it is permissible for such bag or container, with a sticker attached, to be collected by a franchisee or received at a staffed convenience center for disposal. One, two and three stickers are required for 33, 64 and 90 gallons by volume and up to

50, 100 and 150 pounds by weight respectively.

**Town** means the Town of Bridgeton, a municipal corporation of the State of North Carolina.

**§ 50.2 - Purpose and intent.**

It is the purpose and intent of this Chapter to protect public health and private property by granting exclusive and/or non-exclusive franchises for the collection and disposal of solid waste and the collection of recyclable solid waste materials to responsible persons equipped to render adequate and continuing service throughout the Town and to regulate the collection and disposal of solid waste and recyclable solid waste materials from Noncommercial and Commercial properties within the Town. The services rendered are to be under the supervision and regulation of the Town, both as to the means and method of collection, and also as to the sanitary disposition of solid waste and recyclable solid waste materials.

**§ 50.3 - Effect.**

This Chapter shall govern the collection of recyclable solid waste materials and solid waste for Commercial and Noncommercial properties throughout the Town,

pursuant to the provisions of G.S. 160A-317, 130A-309A through 130A-309C, and 160A-319.

**§§ 50.4 - 50.9 Reserved.**

**ARTICLE 2  
Franchises**

**§ 50.10 - Category classifications.**

In order to ensure adequate solid waste collection and recyclable solid waste material collection service in the Town, the Board may grant exclusive or non-exclusive solid waste franchises and recyclable solid waste material collection franchises under four types of franchises:

A. *Exclusive Recycling Franchise.* This franchise shall provide the franchisee the exclusive right to collect recyclable solid waste materials within all or a specified portion of the Town from Noncommercial properties.

B. *Non-Exclusive Recycling Franchise.* This franchise shall provide the franchisee the non-exclusive right to collect recyclable solid waste materials within all or a specified portion of the Town from Commercial properties.

C. *Exclusive Solid Waste Franchise*. This franchise shall provide the franchisee the exclusive right to collect all solid waste (other than recyclable solid waste materials) within all or a specified portion of the Town from Noncommercial properties.

D. *Non-Exclusive Solid Waste Franchise*. This franchise shall Provide the franchisee the non-exclusive right to collect all solid waste (other than recyclable solid waste materials) within all or a specified portion of the Town from Commercial properties.

#### **§ 50.11 - Terms.**

Each franchise granted under the provisions of this Article shall exist for the term so granted unless the franchisee sooner voluntarily surrenders the grant of the franchise, or unless the franchise is suspended, revoked, terminated, or otherwise altered for cause, or renewed as enumerated in any recycling franchise agreement or any solid waste franchise agreement. Provided however, in no event shall a franchise be granted hereunder for more than ten (10) years.

#### **§ 50.12 - Application for Franchise**

The application for a franchise shall:

- (1) Specify the type of franchise applied for.
- (2) Contain the name, address, and telephone number of the applicant, and if the applicant is a business, the names and addresses of its officers, directors, owners, and partner, and in addition, if the applicant is a corporation, a certified copy of its articles of incorporation shall be filed with the application.
- (3) Set forth the manner and means by which the applicant proposes to service the franchised area.
- (4) Be submitted in duplicate to the Town Clerk.
- (5) Contain any other relevant information requested by the Town.

#### **§ 50.13 - Conditions of franchise.**

All franchises are and shall be granted upon the following terms and conditions:

A. Each franchisee shall execute a franchise agreement. Such agreement shall be executed in duplicate, one copy to be retained by the franchisee and the original to be returned to the Town. Unless the agreement is returned within two weeks after the grant of the franchise, such franchise may be terminated by the Board, unless such time is extended for cause.

B. Each franchisee shall render continuous service on a regular schedule approved by the Town to every Noncommercial property and, if applicable, Commercial property in the area in which the franchisee is franchised to do business. The Town shall work with the franchisees and shall determine and establish the schedules and routes within each franchised area. Each customer shall receive a minimum of one pickup per week on a regularly scheduled basis, unless otherwise approved by the Town.

C. All vehicles used for collection shall be cleaned regularly.

D. In the event of equipment breakdown, the franchisee must have an alternate method of pickup arranged in order that the service will not be interrupted.

E. Solid waste shall be transported in the collection vehicle directly to the CRSWMA landfill or a disposal area designated by the Board.

F. Each franchisee shall furnish to the Town, upon request, records related to the operation of the franchise with accurate and current information as requested.

H. The franchisee shall allow the Town to conduct an annual inspection of all vehicles, facilities, and equipment of the franchisee.

I. Failure to comply with inspection procedures described herein without good cause shall constitute just cause for termination of a franchise.

K. A franchisee may sublease, subcontract, convey, or otherwise transfer his franchise or any portion thereof but only with written approval and consent of the Board, which consent shall not be arbitrarily or unreasonably withheld, and which consent may be given upon motion duly made and passed at any regular meeting of the board, without the necessity of amending this Article. Before any franchise may be subleased, subcontracted, conveyed, or otherwise transferred, the transferee must submit an

application, as provided for in this Article, and must meet all requirements of this article.

L. Each franchisee under this Article shall maintain an office and shall equip the office with a telephone providing local telephone service from the New Bern, North Carolina area. The franchisee shall assign qualified personnel to be in charge of the service rendered pursuant to the franchise and provide the names of such personnel to the Town. Such personnel shall be qualified and available to receive and handle complaints and to receive and respond to communications from the coordinator according to procedures established by the Town.

M. Any other condition required by the Board.

**§ 50.14 - Insurance.**

A. The franchisee shall carry and keep current workers' compensation and unemployment insurance as required by the State of North Carolina. General liability, personal property damage, personal injury, and automobile liability coverage shall be not less than those amounts that may be required by the Board.

B. Each franchisee shall furnish proof of existence of such coverage to the Town at least ten days prior to the effective date of the franchise and from time to time thereafter as the Town reasonably may request. The Town shall be designated as an additional insured on all insurance policies providing the required coverages for purposes of this contract. Each such policy shall contain a clause that the insurer will not cancel or modify the insurance coverage without first giving the Town a minimum of thirty (30) days advance written notice.

**§§ 50.15 -- 50.19 - Reserved.**

**ARTICLE 3  
Collection and Disposal**

**§ 50.20 - General regulation.**

Each Commercial and Noncommercial property located within the Town shall dispose of solid waste and recyclable solid waste materials in the manner provided in this Article.

**§ 50.21 - Curbside collection.**

The Town shall provide for the curbside collection of solid waste and recyclable solid waste materials for Noncommercial properties in the Town at a minimum of one curbside

collection per week. Every person producing or having solid waste or recyclable solid waste material shall provide and keep on the premises or property occupied or used by said person sufficient cart/container or dumpster, as applicable, to handle all accumulation of solid waste or recyclable solid waste material on the premises or property in the interval between collections by the franchisee.

**§ 50.22 - Collection procedure.**

Noncommercial properties disposing of solid waste within the Town shall cause such solid waste to be collected by placing it in a solid waste collection bag(s) with the appropriate number of solid waste collection stickers for collection by franchisees authorized to collect solid waste pursuant to this Chapter. Noncommercial properties disposing of recyclable solid waste material shall cause such recyclable solid waste material to be collected by placing it in recycling container for collection by the franchisees authorized to collect recyclable solid waste material pursuant to this Chapter. Commercial properties with a current business license may contract for the collection of solid waste or recyclable solid waste material with any authorized franchisee. Commercial properties

shall be permitted a dumpster up to 8 cubic yards. Dumpsters shall be serviced on a regular basis and neither solid waste nor recyclable solid waste material shall be allowed to accumulate on top of or around the dumpster. Dumpsters shall not be permitted on single-family residential properties other than for the purpose of construction waste. Any dumpster located at a single-family residential property for longer than 30 days must obtain a permit from the Town. Construction sites with current building permits shall be exempt from the dumpster permit process. Any dumpster currently located within the Town limits shall have 30 days to comply with this section.

**§ 50.23 - Physically incapacitated customers.**

Collection of solid waste and recyclable solid waste materials shall be provided to a physically incapacitated customer who is unable to place a solid waste collection bag or recycling container at the curbside for collection. The collection shall be approved on a case-by-case basis by the Town, considering the availability of a public right of way or easement, roadway surface conditions and turn around space for the collection equipment.

**§ 50.24 - Construction and Demolition Material.**

Building rubbish shall be collected, removed, and disposed of by the contractor or builder, or in the event of their failure, by the owner of the property, in accordance with applicable ordinances and with regulations not in conflict therewith to be promulgated by the Mayor or Town Council.

**§ 50.25 - Leaf and Limb.**

The Town shall provide leaf and limb collection services. Any person desiring to place tree trimmings, hedge cuttings, or similar materials for collection shall place the same for collection at the curb line at the street on the area between the sidewalk and the curb; provided no refuse of any kind shall be placed on any street or sidewalk or the area between the street and sidewalk in the Town on either Saturday or Sunday. Any person who burns leaves, shrubs, tree limbs, and the like on the streets or sidewalks of the Town shall be in violation of this Chapter. No person shall throw any leaves, shrubs, debris, refuse, solid waste nor recyclable solid waste material into any catch basin or manholes in the Town.

**§ 50.26 - Storage of refuse.**

Every owner or occupant of any building, premises or vacant property in the Town shall keep the same in a clean and orderly condition and shall not permit the deposit or accumulation of refuse of any kind thereon except as may be necessary or proper in preparing the same for collection by the franchisee or the Town, as applicable. No person shall throw, drop or deposit, or cause to be thrown, dropped or deposited on any premises or vacant property in the Town any leaves, shrubs, debris, refuse, solid waste, recyclable solid waste material, nor anything injurious to health; provided, however, that the prohibition contained in this section shall not apply to the deposit of such materials not injurious to health on a public dump where permission to make the deposit is granted by the Mayor, nor to the filling in or grading of property with earth, mud or similar material, nor to the depositing of solid waste or recyclable solid waste material as permitted in this Chapter. No person shall throw, drop or deposit, or cause to be thrown, dropped or deposited on any street, avenue, alley, highway, footway, sidewalk, park, or other public place or space in the Town, any leaves, shrubs, debris, refuse, solid waste, recyclable solid waste material, nor

anything injurious to health; provided, however, that building rubbish and materials used in building, construction, repair, remodeling, and excavating operations may be deposited in the aforesaid places in accordance with applicable ordinances. If any person, while transporting or hauling or causing to be transported or hauled any leaves, shrubs, debris, refuse, solid waste, recyclable solid waste material, earth excavation, coal, or anything injurious to health, shall throw, drop or deposit, or cause to be thrown, dropped or deposited said material in violation of the provisions of this Chapter, the person must immediately clean up and remove the material in a manner satisfactory to the Mayor, failing which the Town may clean up and remove the material, and the Town may collect the cost of the cleaning up and removal from the person responsible.

**§ 50.27 - Regulations.**

The Town may make and from time to time alter and amend

regulations as are expressly required by the provisions of this Chapter; may make and from time to time alter, amend, or revoke other regulations as to the application, administration, interpretation and enforcement of this Chapter as are necessary or expedient to execute and make effective its provisions; provided that no regulations shall be in conflict with the provisions of this Chapter. This section shall not in any way limit the Town's ability to amend the text of this Chapter as it deems appropriate.

**§ 50.28 - Penalty.**

Any person who violates any provision of this Chapter for which no penalty is provided shall be subject to the terms of Title I, Chapter 10, Section 10.99 of the Town of Bridgeton Code of Ordinances.

**§ 50.29 Reserved.**

(Ord. passed 1-8-2013)



## CHAPTER 51: SEWERS

### Section

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**General Provisions**

**§ 51.001 PURPOSE AND POLICY.**

(A) This chapter sets forth uniform requirements for direct and indirect discharges into the wastewater disposal system for the Town and enables the Town Council to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 C.F.R. pt. 403).

(B) The objectives of this chapter are:

(1) To prevent the discharge of pollutants into the wastewater disposal system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the discharge of pollutants into the wastewater disposal system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludge from the system; and

(4) To provide for equitable distribution of the cost of the wastewater disposal system.

(C) This chapter provides for the regulation of direct and indirect discharges to the POTW through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the

setting of fees for the equitable distribution of cost resulting from the program established herein.

(D) This chapter shall apply to the Town and to the persons outside the Town limits who are, by contract or agreement with the Town, users of the POTW. Except as otherwise provided herein, the Town's designated representative shall administer, implement, and enforce the provisions of this chapter. (Ord. passed 3-2-1922, § 1.1)

#### **§ 51.002 DEFINITIONS.**

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

**ACT.** The Federal Water Pollution Control Act of 1972 and its subsequent amendment.

**APPROVAL AUTHORITY.** The State Environmental Director in and NPDES state with an approved state pretreatment program, or the Administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

**AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER.** May be:

(1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or

(3) A duly authorized representative of the individual designated above if the representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

**BILLABLE EXCESS AMMONIA NITROGEN (NH<sub>3</sub>-N).** A user's loading in mg/l of NH<sub>3</sub>-N calculated using the billable flow and concentration of NH<sub>3</sub>-N in the wastewater in excess of 25 mg/l.

**BILLABLE EXCESS BIOCHEMICAL OXYGEN DEMAND (BOD).** A user's loading in pounds of BOD calculated using the billable flow and concentration of BOD in the wastewater in excess of 250 mg/l.

**BILLABLE EXCESS TOTAL PHOSPHORUS.** A user's loading in pounds of P calculated using the

billable flow and concentration of P in the wastewater in excess of 10 mg/l.

**BILLABLE EXCESS TOTAL SUSPENDED SOLIDS (TSS).** A user's loading in pounds of TSS calculated using the billable flow and concentration of TSS in the wastewater in excess of 250 mg/l.

**BILLABLE FLOW.** A user's recorded water usage as metered by the appropriate water utility, plus metered water from backup wells and other sources, and less any sewer-exempt metered data, time the Town Council's approved percentage factor for the wastewater entering the wastewater disposal system out of the metered water. Residential users shall be on the metered central water system and users with meters producing no reasonable **BILLABLE FLOW** shall have their **BILLABLE FLOW** estimated by averaging the **BILLABLE FLOW** of other residential users of the same class.

**BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of oxygen, expressed in milligrams per liter (mg/l) utilized in the biochemical oxidation of organic matter under standard laboratory procedures in 5 days at 20° C.

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which received sanitary or industrial wastewater only as is located inside the walls of a building and conveys the wastewater to the building sewer, which begins 5 feet outside the building wall.

**BUILDING SEWER.** The extension from the building drain to the public sewer and conveys only domestic sanitary wastewater.

**CAPITAL RESERVE FUND.** Creates funds for the expansion of the central wastewater facilities. The setting aside of this reserve fund will help the Town to have some matching funds to avoid being placed on a sewer moratorium by the state. A moratorium simply states that no more sewer expansion can be made to a sewer system.

**CATEGORICAL STANDARDS.** National Categorical Pretreatment Standards or Pretreatment Standards as defined by EPA and published from time to time in the Federal Register.

**CHEMICAL OXYGEN DEMAND (COD).** The total amount of oxygen required to oxidize all of the organic matter in waste to carbon dioxide, water, and ammonia nitrogen by

potassium dichromate under acid conditions as described in *Standard Methods*.

**CLASSES OF USERS.** The division of POTW customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, industrial or governmental.

**COLLECTION SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharge.

**COMMERCIAL USE.** A user engaged in the purchase or sale of goods or in a transaction or business or who otherwise renders a service.

**COMMERCIAL WASTE.** Wastewater discharged from a business (gas station, car lot and the like) that is used to generate income, but is discharging waste strengths considered equivalent to domestic wastewater.

**COMPATIBLE POLLUTANT.** Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria; plus any additional pollutants identified in the POTW NPDES permit, where the POTW is designed to treat the pollutants and, in fact, does treat the

pollutants to the degree required by the NPDES permit.

**CONTROL AUTHORITY.** Refers to the approval authority, defined hereinabove; or the appointed representative of the Town with an approved pretreatment program under the provisions of 40 C.F.R. pt. 403.11.

**COOLING WATER.** The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

**COUNCIL.** The Town Council.

**COUNTY HEALTH DEPARTMENT OFFICER.** Any person designated by the county to be responsible for maintaining sanitary conditions and reporting violations.

**DIRECT DISCHARGE.** The discharge of treated or untreated wastewater directly to the water of the state.

**DIVISION OF ENVIRONMENTAL MANAGEMENT (DEM).** The North Carolina environmental review and compliance agency (and any predecessor evolving thereof); or the term may also be used to designate the State DEM Director or other duly

authorized representative of the agency.

**DOMESTIC WASTE.** Wastewater discharged from a house, mobile home or apartment used solely for the purpose of a domicile.

**EASEMENT.** An acquired legal right for the specific use of land owned by others.

**ENVIRONMENTAL PROTECTION AGENCY or EPA.** The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of the agency.

**FLOATABLE OIL.** Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility. A wastewater shall be considered free of **FLOATABLE OIL** if it is properly pretreated and the wastewater does not interfere with the wastewater disposal system.

**GARBAGE.** The animal or vegetable wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.

**HOLDING TANK WASTE.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

**INCOMPATIBLE POLLUTANT.** All pollutants other than compatible pollutants as defined in this section.

**INDIRECT DISCHARGE.** The discharge or the introduction of nondomestic pollutants from any source regulated under §307 (b) or (c) of the Act (33 U.S.C. §1317) into the POTW (including holding tank waste).

**INDIVIDUAL SYSTEMS.** Wastewater treatment systems that are privately owned. For the purpose of this chapter, the term **INDIVIDUAL SYSTEMS** shall refer to the septic tank and connecting piping existing in the ground.

**INDUSTRIAL USER.** A manufacturing or processing facility which is engaged in a production or profit-making venture. A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to §402 of the Act (33 U.S.C. §1342).

**INDUSTRIAL WASTE.** Wastewaters discharged from a business (rest home, restaurant,

manufacturing plant, salon and the like) that produces wastes with strengths normally (but not always) exceeding that of domestic wastewaters. The **INDUSTRIAL WASTES** may contain other parameters of waste concentrations not normally found in domestic wastewaters.

**INFILTRATION.** The water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as but not limited to defective pipes, pipe joints, connections or manhole covers.

**INFILTRATION/INFLOW.** The total quantity of water from both infiltration and inflow without distinguishing the source.

**INFLOW.** The water discharge into the public sewer system, including building drains and sewers, from such sources as but not limited to: roof leaders; cellar, yard and area drains; foundations drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross-connections from storm sewers and/or combined sewers; catch basins; storm sewers; surface runoff; street wash waters, or drainage.

**INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater to a treatment facility.

**INTERFERENCE.** The inhibition of disruption of the POTW treatment processes or operations which contributes to a violation of any requirements of the POTW's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with §405 of the Act (33 U.S.C. §1345), or any criteria, guidelines or regulation developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, The Toxic Substances Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA, being 42 U.S.C. §§6941 *et seq.*) applicable to the method of disposal or use employed by the POTW.

**LARGE VOLUME FLOWS.** Any multi-unit developments for housing or single-unit discharge (commercial, institutional, industrial) exceeding the normal prescribed 5,000 gallon/month flow for a single house (see §§51.105 through 51.109).

**MAY.** The action referred to is permissive.

**MULTI-UNIT DEVELOPMENTS.** Developments planned for more than 1 unit, to be built on the entire platted property.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §307(b) and (c) of the Act (33 U.S.C. §1317) which applies to a specific category of industrial users.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION PERMIT (NPDES).** A permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge of wastewaters to the navigable waters of the United States.

**NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD.** An regulation developed under the authority of §307(b) of the Act, being 33 U.S.C. §1317(b), and 40 C.F.R. pt. 403.5.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake, or other surface water or groundwater.



**NEW SOURCE.**

(1) Any source, the construction of which is commenced after the publication of proposed regulations prescribing a §307(c) of the Act (33 U.S.C. §1317) categorical pretreatment standard which will be applicable to that source, if the standard is thereafter promulgated within 120 days of the proposal in the Federal Register.

(2) Where the standard is promulgated later than 120 days after proposal, a **NEW SOURCE** means any source, the construction of which is commenced after the date of the promulgation of the standard.

**OPERATION AND MAINTENANCE COSTS.** All costs, direct and indirect, not including debt service and capital related expenditures, attributable to the administration, monitoring, inspections, reviewing applications, maintenance of equipment, and treatment and collection of wastewaters, necessary to ensure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long-term facility management.

**ORIGINAL PROJECT.** The original installation of the sanitary sewer collection system in the areas defined in Town. The **ORIGINAL PROJECT** also included the treatment facility. The **ORIGINAL PROJECT** was funded by FMHA.

**OVERLOADED SEWER LINE.** A sewer line whose capacity to receive and transport sewage has been used up, or is at or near capacity.

**PERSON.**

(1) Any individual, partnership, copartnership, firm, company, association, joint stock company, trust, estate, governmental entity or any legal entity, or their legal representatives, agents or assigns.

(2) The masculine gender shall include the feminine, and the singular shall include the plural where indicated by context.

**pH.** The term used to express the intensity of the acid or base condition of a solution as determined by *Standard Methods*.

**PRETREATMENT.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of

discharging or otherwise introducing the pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes of other means, except as prohibited by 40 C.F.R. pt. 403.6(d).

**PRETREATMENT REQUIREMENTS.**

Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

**PRIVATE SEWER.** A sewer which is not owned by the Town. This shall also include the service lateral line from the street right-of-way to within 5 feet of the building plumbing connection.

**PUBLIC SEWER.** A sewer which is owned and controlled by the Town, and is separate from and does not include sewers owned by other governmental units. Normally these occur within street rights-of-way or across easements granted on private land.

**PUBLICLY OWNED TREATMENT WORKS (POTW).** A treatment work as defined by §212 of the Act (33 U.S.C. § 1292) which is owned by the Town. This definition includes any sewers that convey wastewater to the **POTW** treatment plant, but does not

include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, **POTW** shall also include any sewers that convey wastewater from persons outside the Town, who are, by contract or agreement with the Town, users of the **POTW**.

**REPLACEMENT COSTS.** The capital expenditures for obtaining and installing equipment, accessories, or appurtenances necessary during the service life of the POTW to maintain the capacity and performance for which the works were designed and constructed.

**SANITARY SEWER.** A sewer which carries sanitary and/or industrial wastewater from residences, commercial buildings, industrial plants and institutions, **SANITARY SEWERS** are separate and distinct from storm sewers and are not intended to carry surface runoff or groundwater.

**SHALL.** The action referred to is mandatory.

**SIGNIFICANT INDUSTRIAL USER.** Any industrial user of the POTW who:

(1) Has a flow greater than 2,500 gallons per day of the flow in the POTW;

(2) Has in his or her wastes toxic substances as defined pursuant to §307 of the Act, being 33 U.S.C. §1317 or (state) statutes and rules; or

(3) Is found by the Town, Division of Environmental Management (DEM) or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

**SLUG.** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period duration longer than 15 minutes or more than 5 times the average 24-hour concentration or flow during normal operation, and shall adversely affect the wastewater disposal system so as to prevent attainment of effluent limitations or to substantially increase operations and maintenance requirements.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC).** A classification pursuant to the *Standard Industrial Classification Manual* issued by the Executive Office of the President, Office of Management and Budget, 1972.

**STANDARD METHODS.** The laboratory procedures set forth in the following sources: *Standard Method for the Examination of Water and Wastewater*, fourteenth edition, as amended, prepared and published jointly by the American Public Health Association, American Waterworks Association, and Water Pollution Control Federation; *Methods for Chemical Analysis of Water and Wastes*, 1971, prepared and published by the Analytical Quality Control Laboratory, U.S. Environmental Protection Agency; "Guidelines Establishing Test Procedures for the Analysis of Pollutants," enumerated in 40 C.F.R. pt. 136.1 *et seq.* (1975), as amended; and/or any other procedures recognized by the U.S. Environmental Protection Agency and the North Carolina Division of Environmental Management.

**STATE.** State of North Carolina.

**STATUTORY AVERAGE FLOW.** The wastewater design flow rate

established by, and determined in accordance with, 15 N.C.A.C. 02T.0114, or its successor, as applied to the property to which sewer service is being provided.

**STORM SEWER.** A sewer that carries only storm waters, surface runoff, street wash and drainage, and to which sanitary and/or industrial wastewater is not intentionally admitted.

**TOTAL SUSPENDED SOLIDS (TSS).** Total suspended matter that either floats on the surface of or is in suspension with water, wastewater, or other liquids, and is removable by laboratory filtration as prescribed in *Standard Methods*.

**TOWN'S DESIGNATED REPRESENTATIVE.** The Town Council sitting as the governing body of the Town, or its authorized deputy, agent or representative.

**TOWN LIMITS.** The area covered by the Town of Bridgeton, Craven County, North Carolina.

**TOXIC SUBSTANCES.** Any substances, whether gaseous, liquid or solid, which when discharged into the wastewater disposal system in sufficient quantities may tend to interfere with any wastewater treatment process, or to constitute a

hazard to recreation in the receiving waters of the effluent from the POTW. These substances include but are not limited to those listed as toxic in regulations promulgated by the EPA under the provisions of §307(a) of the Clean Water Act, being 33 U.S.C. §1317(a) or other acts.

**UNPOLLUTED WATER.** Water of a quality equal to or better than the effluent criteria in effect, or water that is of sufficient quality that it would not be in violation of federal or state water quality standards if the water were discharged into navigable waters of the state.

**USEFUL LIFE.** The anticipated term in years of physical and/or functional productivity of elements and/or the whole of the wastewater disposal system.

**USER.**

(1) Any person who contributes, causes or permits the contribution of wastewater into the POTW.

(2) **USERS** are defined in the following classes: Residential, Commercial, Institutional, and Industrial.

(a) *Residential.* A domicile which serves as the permanent

address for a person(s) and from which only domestic waste is generated.

(b) *Commercial.* A business establishment (i.e. store, restaurant).

(c) *Institutional.* A building(s) where the principal activity is providing for multitudes of people (i.e. school, rest home, hospital and the like).

(d) *Industrial.* An establishment that discharges water used to produce a product.

**USER CHARGE SYSTEM.** The system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities as well as debt retirement of the POTW.

**UTILITY DISTRICT.** The First Craven Sanitary District (a municipal corporation) serving the Town with water and acting through its Council.

**WASTEWATER.** The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water and

unintentionally admitted infiltration/flow.

(1) **INDUSTRIAL WASTEWATER.** A combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment, and shall include the wastes from pretreatment facilities and polluted cooling water.

(2) **SANITARY WASTEWATER.** The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

**WASTEWATER DISCHARGE PERMIT.** As set forth in §§51.055 through 51.065 of this chapter.

**WASTEWATER DISPOSAL SYSTEM.** The structures, equipment and processes owned and controlled by the Town (unless specified otherwise) required to collect, transport, and treat domestic and industrial waste and to dispose of the effluent and accumulated residual solids.

**WATERS OF THE STATE.** All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all

other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.  
(Ord. passed 3-2-1922, §1.2; Am. Ord. 3-18-2008-01, passed 4-8-2008)

### § 51.003 ABBREVIATIONS.

The following abbreviations shall have the designated meanings.

**BOD.** Biochemical oxygen demand.

**C.F.R.** Code of Federal Regulations.

**CWA.** Clean water Act.

**DEM.** Division of Environmental Management, Department of Natural Resources and Community Development of the State of North Carolina.

**EPA.** Environmental Protection Agency.

**l.** Liter

**mg.** Milligrams

**mg/l.** Milligrams per liter

**NH<sub>3</sub>-N.** Ammonia nitrogen.

**NPDES.** National Pollutant Discharge Elimination System.

**P.** Phosphorus.

**pH.** Hydrogen ion potential

**POTW.** Publicly owned treatment works.

**SIC.** Standard Industrial classification.

**SWDA.** Solid Waste Disposal Act, 42 U.S.C. §§ 6901 *et seq.*

**U.S.C.** United States Code.

**TSS.** Total suspended solids.  
(Ord. passed 3-2-1992, §1.3)

### § 51.004 AUTHORITY.

This chapter is adopted under the authority granted by G.S. Chapter 160A.  
(Ord. passed 3-2-1992, Art. 9)

### REGULATIONS

#### § 51.015 USE OF PUBLIC SEWERS REQUIRED; CONNECTION WITH CENTRAL WATER SYSTEM.

(A) It shall be the policy of the Town that sewer connection to the

Town's central sewer system shall also be coupled with connection to the central public water system. Exceptions that will allow only a sewer connection without a connection to a central public water system may be granted only in the case of extenuating health circumstances resulting from failure in the existing sewer system. Once a user is connected to the central sewer system, he or she shall not be allowed to disconnect from the central sewer system or from the central public water system if any. Furthermore, any applicant who submits a petition to connect to the central sewer system for the property located outside of the municipal limits of the Town shall also submit a petition for voluntary annexation into the Town. Until the Town adopts an annexation ordinance in response to such a petition, the Town has no obligation to provide sewer service to such property. The Town may refuse to adopt an annexation ordinance for any reason satisfactory to itself. Further, the Town may, but is not required to, waive the requirement that the property be annexed prior to providing sewer services in the following circumstances.

(1) The applicant is the United States, the State of North Carolina or an agency thereof, or a

unit of local government as defined in G.S. §160A-20(h).

(2) The property is noncontiguous to the Town and the nearest point of the property is more than three miles from the corporate limit of the Town, or the property is noncontiguous to the Town and is closer to another municipality such that the property may not be annexed without the consent of the other municipality. In either such event, the Town may provide sewer service upon certain findings and conditions including but not limited to:

(a) That connection to the central sewer system without annexation is not contrary to the public health, safety and welfare, and the request does not violate the spirit and intent of this chapter of the code.

(b) That connection to the central sewer system without annexation will not impair the operations, capacity or financial condition of the Town's sewer operations.

(c) The applicant submit a "standing" and irrevocable petition for annexation, signed by all of the owners of the property. Such petition shall be filed with the Craven

County Register of Deeds, along with an indenture agreement binding all future owners of said property to the “standing” and irrevocable petition for annexation. In the event that such a petition is deemed to be invalid or otherwise unenforceable, the Town may disconnect sewer to all or any portion of the property without any remuneration or compensation to the owners of the property.

(d) If all or any portion of the property to be developed, such that it is subject to restrictive covenants, said covenants shall also explicitly state that the “standing” and irrevocable petition for annexation is a binding covenant on all current and future property owners.

(e) Assessment of an additional fee to be established by the Town, in addition to those fees set forth in the Town’s Sewer Rate Schedule, but only the extent such an additional fee is necessary and directly proportional to protect and preserve the operations, capacity and financial condition of the central sewer system.

(f) Any other terms, conditions and requirements imposed by the Town in order to preserve and protect the public

health, safety and welfare, and to preserve and protect the operation of the central sewer system.

(B) The owner of all new houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town limits and abutting any street, alley or right-of-way in which there is now located or may in the future be, is hereby required to connect the facilities directly with the central public sewer. This includes plumbing all wastewater (grease traps and the like) into the central sewer lateral.

(C) The owner of all existing houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town limits and abutting any street, alley or right-of-way in which there is now located or may in the future be, and has a failing sewage treatment system, must connect to the central sewer system. All existing wastewater discharges (septic tanks, grease traps and the like) shall be discontinued and plumbed to discharge into the single discharge lateral to the Town.

(D) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary



manner on public or private property within the Town any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and with regulations of the Division of Environmental Management, Department of Natural Resources and Community Development of the state and the EPA.

(Ord. passed 3-2-1992, § 2.1; Am. Ord. 09-12-2006-01, passed 9-12-2006)

**§ 51.016 RIGHT TO ACCESS TO PUBLIC SEWERS ON PRIVATE PROPERTY.**

Property owner(s) shall grant to the Town or its designated representative right of access at all reasonable hours to the premises of the owner(s) for the purpose of installing, maintaining and operating, inspecting, monitoring, rehabilitating, and replacing or removing the Town's equipment, and other purposes incident to performance under or termination of the Town's agreement with the property owner(s), and in such performance shall not be liable for trespass.

(Ord. passed 3-2-1992, § 2.2)

**§ 51.017 PRIVATE WASTEWATER DISPOSAL.**

(A) Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter. Before commencement of construction of a private (individual) wastewater disposal system, the owner(s) shall first obtain written approval by the Town's designated representative. The applicant shall provide any plans, specifications and other information that are deemed necessary by the Town's designated representative. A review fee may be charged the applicant as may be set by the Town. The private wastewater disposal system installation shall be completed to the satisfaction of the state. The Town's designated representative shall be allowed to inspect the work at any stage of construction. The type, capacities, location and layout of the private wastewater disposal system shall comply with all the recommendations of the Division of Environmental Health/Division of Environmental management of the state and the Town. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facility where the area of the lot is less than

15,000 square feet. No septic tank shall be permitted to discharge to any natural outlet. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.

(B) At such time as a public sewer becomes available to a property served by a private (individual) wastewater disposal system, a direct connection (Combining all plumbing into 1 lateral discharge line) shall be made to the public sewer within 60 days. Under unusual and/or special circumstances the Town may waive this provision.

(Ord. passed 3-2-1992, §2.3

### **§ 51.018 BUILDING SEWERS AND CONNECTIONS.**

(A) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining written approval from the Town's designated representative. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the Town for all existing users who made their application within the initial signup period. The owner(s) shall indemnify the Town from any

loss or damage that may directly or indirectly be occasioned by the installation of the building sewer; provided, however, that this indemnification shall not extend to loss or damage due solely to willful misconduct or negligence on the part of the Town. Excluding industrial plant sites or other sites which have written approval from the Town for single discharge points, a separate and independent building sewer shall be provided for every building; except that where 1 building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoin alley, courtyard or driveway, the front building may be extended to the rear building and the whole considered as 1 building sewer; but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any single connection aforementioned. Old building sewers may be used in connection with new building only when they are found, on examination and test by the Town's designated representative, to meet all requirements of this chapter. Existing building sewers may be kept in service if, in the opinion of the Town's designated representative, they are in acceptable structural condition and operate satisfactorily.

The Town shall charge the property owner the actual cost of inspection services that are rendered. All new building sewers including any necessary replacement of existing building sewers must comply with the North Carolina State Building Code, Volume II, Plumbing. No connection to the public sewer shall be made directly by the owner(s) without the prior approval of the Town.

(B) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of infiltration/inflow to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

(C) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the appropriate authority.

(D) It shall be the responsibility of the property owner to keep and maintain the building sewer connected to the public sewer in good repair. Upon completion and acceptance of the FMHA-funded sewer installation, a 1-year warranty

shall be provided for the service lateral's material and installation. The owner(s) shall be responsible for making necessary repairs, at his or her own expense, after the 1-year warranty period, to the remainder of the building sewer when notified in writing by the Town that the repairs are necessary. Should the owner fail to repair the building sewer within 60 days after receiving written notification by the Town that the repairs are necessary, the Town may make the necessary repairs to the building sewer and shall assess the owner(s) for the cost of the repairs.

(E) After completion of the FMHA-funded system, each new sewer system connection requested shall be the total responsibility of the property owner. Thus the entire cost of the building sewer (lateral) installed between the building and the central sewer tap shall be borne by the owner. The Town shall bear maintenance responsibility for the sewer tap only between the sewer and the right-of-way easement (street or private).

(F) Grease, oil and sand traps shall be provided when, in the opinion of the Town's designated representative, they are necessary for the proper handling of liquid wastes containing floatable oil/grease in excessive amounts,

sand or other harmful ingredients; except that the traps shall not be required for private living quarters or dwelling units. However, all commercial (restaurant and the like), institutional (schools and the like) or industrial dischargers having a kitchen/lunchroom shall have a minimum of at least a 1,000 gallon-type grease trap to prevent grease, oil and sand from inhibiting the performance of the pumping stations, collection lines and treatment systems. All traps shall be of a type and capacity approved by the Town's designated representative, and shall be located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand traps shall be maintained by the owner at his or her expense in continuously efficient operation at all times. In the maintaining of these traps, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Town's designated representative. Any removal and hauling of the collected material not performed by the owner's/owners' personnel must be performed by currently licensed waste disposal firms.

(G) Existing multi-residential users (trailer courts, apartment buildings, duplex apartments and the like) and small commercial establishments (shopping centers and the like) being served with 1 water meter may, at the discretion of the Town's designated representative, be served with a single or multiple connection(s) to the sewer system. All new sewer taps requested after initial FMHA-funded installation shall only be to buildings on individual water meter service.

(H) However, for billing purposes the total monthly flow of a multi-unit measured through a single water meter shall be billed individually to each unit, by dividing the total flow equally by the number of units and billing according to §§ 51.105 through 51.109 of this chapter or billing a minimum of 3,000 gallon per month flow (whichever is larger). (Ord. passed 3-2-192, §2.4)

(I) (1) The sewer fees charged shall be the legal obligation of the owner(s) of the premises served when the property or premises is leased or rented to more than 1 tenant and services rendered to more than 1 tenant are measured by the same meter (per G.S. § 160A-314). If the property owner, however, wishes for each tenant to

be responsible for his or her own bill, the owner must have separate meters installed for each tenant served.

(2) Separate meters shall be installed 6 months from the date of enactment of this section. (ord. 10-06-2003-1, passed 10-6-2003)

**§ 51.019 INSTALLATION, OWNERSHIP AND MAINTENANCE RESPONSIBILITIES (AFTER INITIAL FMHA-FUNDED CONSTRUCTION).**

Installation, right of ownership and maintenance responsibilities shall be delineated as follows:

(A) The property owner(s) shall bear the responsibility for:

(1) The installation and maintenance of the building sewer after the initial construction period which may include a septic tank; holding tank where required; and grease, oil and/or sand trap where required;

(2) The ownership and maintenance of a holding tank where required; grease, oil and/or sand trap where required; and all incidental service lines and pretreatment units;

(3) Submit plans and specifications to the Town for review and approval by the Town's Engineer for unit(s) to receive sewer service prior to construction. All plans and specifications approved by the Town, for multi-unit systems, shall be submitted to the appropriate division of the N. C. Department of Environment, Health, and Natural Resources Engineering Permit Section. This submittal must be transmitted to DEM, with the required DEM applications, for a permit to be issued in the name of property owner; and

(4) Where an owner requests a sewer tap be placed on a vacant lot/building, he or she shall pay the minimum monthly sewer charge (see §§ 51.105 through 51.109) as established by the Town.

(B) The Town shall bear the responsibility for:

(1) The installation and connection of service laterals for those who signed up during the initial (FMHA construction) signup period, to include making sewer taps to sewer lines; and

(2) The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the

connection (installation), repair and/or rehabilitation of the public system to the owner's building sewer; provided, however, that the indemnification shall not extend to loss or damage due solely to willful misconduct or negligence on the part of the Town.

(Ord. passed 3-2-1992, § 2.5)

**§ 51.020 EXTENSIONS TO TOWN COLLECTION SYSTEM.**

(A) Extensions to the collection system may be allowed (upon application) subject to approval of the Town. Collection system extensions shall meet the following criteria:

(1) After approval of application, plans and specifications for all extensions shall be submitted for review and approval to the Town and the North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Management;

(2) All lines shall be installed in accordance with state-approved plans and specifications, and the Town's designated representative shall be allowed to inspect the work at any and/or stages of construction;

(3) All rights-of-way, easements, permits, franchises and

authorization or other instruments needed for the installation, operation and maintenance of the lines shall be deeded to the Town prior to or upon completion of the sewer extension;

(4) Cost involved in the sewer main extension shall be paid by the person(s) requesting the extension, and that person(s) shall not be reimbursed by the Town for the cost of the extension; and

(5) Upon completion of construction of the sewer extension and prior to sanitary sewer service commencing, the sewer main shall be dedicated in writing to the Town for ownership and maintenance as described in § 51.019(B)(1) and (2).

(B) (1) The submittal of a set of plans and specifications is deemed completed only after all of the following actions in their respective order:

(a) Payment of appropriate capital reserve fees, tap fees when applicable, and required security deposits and inspection fees;

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(b) Tentative review and final submittal of plans and specs to the Town staff and their Engineer;

(c) Acquisition of all required permits (DEM, DHS, DOT, railroad, CAM A and the like); and

(d) The final approval by the Council.

(2) The Council is ultimately responsible for all decisions, but may delegate tentative approval of development to the Town's designated representative. Multi-unit dwellings/large volume establishments shall only be approved by the Council.

(3) Until final approval is granted by the Council, no extension is deemed approved, except as may be delegated.

(4) The developer shall pay the cost of any and all permit review fees (DEM, railroad easements and the like) and the actual cost of the Town in reviewing plans and specs/supporting information prior to transmittal to the permitting agency(s) and recommendation to the Council. In cases involving the Attorney, his or her fees shall also be paid by the developer.

(C) Where existing lines may have to be replaced in the future resulting from the project, the developer shall post a letter of credit/bond for the full estimated

cost of that future line with the Town. This letter of credit/bond shall remain valid and on deposit until the time as the line is installed or deemed not required by the Engineer and the Council. If immediate expansion/enlargement of the existing sewerage system is required, the developer shall pay the Town to perform a detailed study and cost estimation related to the impact of his or her planned development. The developer shall then pay all costs related to the required sewer system expansion. Where it is determined that a sewer line expansion is required, at some time in the future, the expansion shall occur at 50% of developer's projected development, or within a period not to exceed 2 years, whichever comes first, or if the sewer line is determined, by the Town's Engineer, to be at 75% of capacity.

(D) If a sewer line becomes overloaded, as determined by the Town's Engineer, the developer shall not be allowed to build another dwelling until the overloaded line is corrected. If the developer (within 60 days) refuses to correct the condition, the letter of credit on file with the Town shall become the property of the Town to pay for actual cost (design, inspection, construction, permits and the like) of line replacement measures required

to correct the problem. The developer shall be allowed to build new dwellings after adequate sewer carrying capacity is restored to the Town. Where a sewer extension occurs, the developer shall install all required service taps to existing and immediate development (no sewer tap fee will be required in this case although required sewer security deposits must still be mandated). In other areas (vacant lots), service taps shall be installed by the developer on an as-needed basis. The cost shall be subject to change as may be set by the Council.

(E) Where multi-unit projects will be phased, sewer line sizes shall be designed adequately to handle flows for the entire development regardless of the timetable for completing ("building out") a proposed development project. In new developments, taps and meter boxes shall be flush with the existing ground surface, not below grade, or buried. Meter boxes also shall not be placed in depressions where water will tend to accumulate over the box and cause damage (freezing, filling box with water and the like) to the box and/or meter. If excessive time is required to locate a meter box by the Town staff, the owner/security depositor shall be subject to an assessment of actual cost of

manpower and equipment prorated charges.

(F) Sewer service is to be provided only with installation of a water service to the same address. Additionally, water and sewer taps must be a minimum of 10 feet apart horizontally.

(Ord. passed 3-2-1992, § 2.6)

**§ 51.021 PROCEDURE FOR  
INSTALLATION OF SEWER MAINS BY  
OWNER/DEVELOPER; REIMBURSEMENT  
COST CRITERIA.**

(A) The Town's Engineer shall determine the size of any proposed sewer mains, pumps and force main lines. The depth and locations at which they shall be installed shall be performed by the developer's engineer and properly illustrated through required plans and specifications passing through prescribed review and approval activities.

(B) The following procedure shall be used for reimbursing the property owner(s) who obtained the original permit required above, for a portion of the cost incurred by him or her. This procedure shall be used only for multi-unit dwellings/establishments located along the road or roads in which the main or mains have been located.



All others shall be handled on an individual, negotiated basis.

(1) Prior to the installation of the sewer mains, at the expense of the property owner as set out above, the Town's Engineer shall compute the total sewer line capacity from which shall be determined the unit cost reimbursement fee which can be served from the main(s) which will be installed. In calculating the unit cost reimbursement factor, a capacity use will be assigned the proposed sewer line in terms of number of housing units (based on 5,000 gallons/month) the line could service. These factors may be adjusted in equivalent housing units (see §§ 51.105 through 51.109) for large volume dischargers connecting to the sewer. Commitments on the Town's part shall be limited only to the phase or number of units approved, for which capital reserve fees have been paid, provided, however, in determining total project cost. The Town may, at its discretion, deduct a portion of the cost attributable to excessive sizing for the good of the overall system (i.e., the Town chooses to pay upsizing cost of installing a larger sewer line than is required).

(2) Final approval of the total project and cost per unit

reimbursement in any project shall be by the Council, and with receipt of all actual project installed cost.

(3) If within a period of 10 years from the date of completion of the project, connections are made by intervening property owners to the sewer system, constructed at the expense of the property owner who obtained the original permit required above, the intervening property owner shall pay to the Town a 1-time charge, determined by the approved (by the Town) number of units to be built, multiplied by the unit reimbursement cost factor assigned to that original construction, as specified above. That portion of the charge to the intervening property owner which represents a portion of the original cost of the project, shall be immediately refunded by the Town to the property owner who bore the original cost of the extension of the subject sewer mains, if the property owner shall be living, or in the case of a corporate owner, shall still be in existence; provided, however, if any portion of the cost of the extension of the sewer mains shall have been borne by the Town, for any reason, the payment by the intervening property owner shall be prorated between the property owner and the Town, in accordance with the initial investment each had.

(4) In the event the project shall have been constructed by the original property owner who requested the extension, the Town may, in determining the unit cost reimbursement factor, reduce the total cost of the project if, in its discretion, the cost thereof shall appear to have been excessive.

(5) Nothing herein contained shall be construed in any event to require the Town to permit any intervening property owner to tap on to any sewer main.

(6) Required reimbursement is not applicable for a single-dwelling connection, just to multi-unit development/large volume dischargers.

(C) When the system or systems shall have been completed by the permittee, the same shall be immediately conveyed to the Town, together with a permanent utility easement no less than 20 feet in width, in form satisfactory to the Town, the centerline of which shall be the sewer lines; for so long as it shall continue to furnish sewer service through the lines, and the Town shall maintain them. The easement shall provide that the Town shall have full access over and upon same for the purpose of repairing, maintaining and servicing

the sewer lines and replacing the same, if necessary, and shall be in perpetuity.

(D) A sewer line extension project is considered, for written acceptance by the Town with the actual receipt of: appropriate legal dedications/easements (outlined above); 2 blue-line copies and 1 reproducible "as-built" set of plans, all copies of sewer testing reports on lines, concrete tests and the like required of contractors in construction of the project as outlined in the specification by appropriate permitting agency regulations. A written 12-month warranty of the new utility shall also be provided to the Town.

(E) Any sewer line (collection or house service lateral) that is to be covered by concrete or asphalt shall be protected by installing a casing pipe around the existing sewer line under the affected area. Dwellings/paving structures shall not be constructed/placed over sewer line collection or house laterals. (Ord. passed 3-2-1992, § 2.6A)

**§ 51.022 PERMANENT DISCONNECTION BY PROPERTY OWNER; RECONNECTION.**

The following steps must be followed in order to accomplish a complete

and permanent disconnection by a property owner from the Town sewer system:

(A) A property owner wishing to disconnect must appear before the Town Clerk/Finance Officer at the Town Hall with proper identification and proof of ownership of the property to be disconnected from the system.

(B) A disconnection form must be filled out entirely by the property owner and notarized.

(C) Once a request for disconnection has been properly executed by the property owner, there will be no monthly fee for service.

(D) If reconnection of service is requested by property owner, a charge of the minimum sewer tap fee per unit, per Town ordinance at the time of the request, must be paid before sewer service is allowed to be restored.

(Ord. 09-08-2003-1, passed 9-08-2003)

### **DISCHARGES**

#### **§ 51.035 PROHIBITED DISCHARGES.**

(A) It shall be unlawful for any person to discharge or cause to be discharged any pollutant or

wastewater which will interfere with the operation and/or performance of the POTW. These general prohibitions apply to all users of the POTW, whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(B) A user may not discharge the following substances to the POTW:

(l) Any unpolluted waters such as infiltration/inflow to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers or to a natural outlet approved by the Town's designated representative and DEM. Unpolluted industrial cooling water or process waters may be discharged on approval of the Town's designated representative and DEM to a storm sewer or natural outlet. No polluted waters such as sanitary wastewater shall be disposed of through any storm sewer system;

(2) (a) Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to

the operation of the POTW. At no time shall 2 successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5 % nor any single reading over 10% of the lower explosive limit (LEL) of the meter.

(b) Materials specifically prohibited from discharge into the POTW include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Town, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(3) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: floatable oil, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from

refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes. (Oil and grease shall be limited to 100 mg/l discharge);

(4) Any wastewater having a pH less than 6.0 or greater than 9.0, unless the POTW is specifically designed to accommodate that wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW;

(5) Any wastewater containing toxic substances in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a categorical pretreatment standard;

(6) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair;

(7) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to fail to be in compliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used;

(8) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards;

(9) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions;

(10) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at

the introduction into the POTW which exceeds 40° C (104° F) unless the POTW treatment plant is designed to accommodate that temperature;

(11) Any pollutants, including oxygen demanding pollutants (BOD); suspended solids and the like in excess of 250 mg/l by weight. Excess pounds above prescribed limits shall be subject to monthly surcharges. In certain cases, the Town may require pretreatment in lieu of surcharges where the Town cannot treat the excess organic waste strength. In no case shall a sludge load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes, more than 3 times the average 24-hour concentration, quantities or flow during normal operation;

(12) Any wastewater containing any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the Town in compliance with applicable state and/or federal regulations;

(13) Any wastewater which causes a hazard to human life or creates a public nuisance;

(14) Any waters or wastes containing suspended solids of such

character and quantity that unusual attention or expense is required to handle the materials at the POTW;

(15) Any water or wastes containing more than 200 mg/l of chlorides, provided that up to 350 mg/l may be discharged by Town permit authorization;

(16) Any water or wastes having an ammonia concentration excess of 25 mg/l by weight when expressed as nitrogen. Surcharge may be allowed up to 30 mg/l to be discharged if approved by the Town via a permit authorization;

(17) Any water or wastes having a total phosphorus concentration in excess of 10 mg/l. Surcharge may be allowed up to 15 mg/l if approved by the Town via permit authorization; or

(18) Any groundwater or surface water, including surface runoff water.  
(Ord. 12-02-96-02, passed 12-2-1996)

(C) The permit authorization to exceed the maximum limitation in divisions (B)(15) through (17) will be issued by the Town. Permit authorization may be denied or conditioned by the permitting authority, if in the judgment of the permitting authority the issuance of

permit authorization would be detrimental to sewage collection or wastewater treatment facilities.

(D) When the Town determines that a user(s) is discharging any of the above enumerated substances in amounts as to interfere with the operation of POTW, the Town shall:

(1) Advise the user(s) of the impact of the discharge; and

(2) Develop a specific timetable for the user to correct the discharge.

(Ord. passed 3-2-1992, § 2.7)

#### **§ 51.036 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.**

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, is more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The Town shall notify all affected users of the applicable reporting requirements under 40 C.F.R. pt. 403.12.

(Ord. passed 3-2-1992, § 2.8)

**§ 51.037 MODIFICATION OF PRETREATMENT STANDARDS.**

Where the POTW achieves consistent removal of pollutants limited by federal pretreatment standards. the Town may apply to the approval authority for modification of specific limits in the federal pretreatment standards. **CONSISTENT REMOVAL** shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW to a less toxic or harmless state in the effluent which is achieved by the system 95 % of the samples taken when measured according to the procedures set forth in 40 C.F.R. pt. 403.7(c)(2). "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Town may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 C.F.R. pt. 403.7 are fulfilled and prior approval from the approval authority is obtained. (Ord. passed 3-2-1992. § 2.9)

**§ 51.038 SPECIFIC POLLUTANT LIMITATIONS.**

(A) No discharge shall contain pollutant concentrations exceeding the following prohibitive limits (maximum for any day based on composite samples):

<b>Constituent</b>	<b>Maximum Concentration Avg. Day (mg/l)</b>	<b>Maximum Avg. Daily Value – 30 Consecutive Days (mg/l)</b>
Antimony	1.0	0.50
Arsenic	0.10	0.10
Boron	10.00	10.00
Barium	0.50	0.50
Cadmium	1.20	0.50
Chloroform	1.00	1.00
Chromium	7.00	2.50
Copper	2.00	0.80
Cyanide	0.80	0.23
Lead	0.50	0.25
Mercury	0.0005	0.0005
Nickel	4.0	1.80
Phenol	10.0	10.0
Selenium	0.01	0.005
Silver	1.20	0.50
Vanadium	0.50	0.50
Zinc	0.50	0.20

(B) The Town shall require a monthly surcharge payment to cover the costs of handling and treating the pollutants in excess of BOD = 250 mg/l; TSS = 250 mg/l; NH3-N = 25 mg/l; and P = 10 mg/l. (Ord. passed 3-2-1992, § 2.10)

**§ 51.039 STATE REQUIREMENTS.**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter. (Ord. passed 3-2-1992, § 2.11)

**§ 51.040 TOWN'S RIGHT OF REVISION.**

The Town reserves the right to establish by amendment more stringent limitations on requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 51.001 of this chapter. (Ord. passed 3-2-1992, § 2.12)

**§ 51.041 DILUTION PROHIBITION.**

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitations developed by the Town or state. (Ord. passed 3-2-1992, § 2.13)

**§ 51.042 ACCIDENTAL DISCHARGE.**

(A) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this

protection shall be submitted to the Town for review, and shall be approved by the Town before construction of the facility. All existing users shall complete such a plan. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants until accidental discharge procedures have been approved by the Town. Review and approval of these plans and operating procedures shall not relieve the responsibility to modify the facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Town's designated representative of the accident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(B) Within 5 days following an accidental discharge, the user shall submit to the Town's designated representative a detailed written report describing the cause of the discharge and the measures to be taken to prevent similar future occurrences . This notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of



damage to the wastewater disposal system, fish kills, or any other damage to person or property; nor shall this notification relieve the user of any fines, civil penalties or other liability which may be imposed by this subchapter or other applicable law.

(C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause such a discharge to occur or suffer from the discharge are advised of the emergency notification procedure.

(Ord. passed 3-2-1992, § 2.14)

### **DISCHARGE OF INDUSTRIAL WASTEWATER**

#### **§ 51.055 APPLICATION REQUIREMENTS.**

(A) Any person who is now discharging any industrial wastewater into the wastewater disposal system or who desires to discharge any industrial wastewater shall complete an official application and file it with the Town. Approval shall be evidenced by written notice from the Town's designated representative. Any

person desiring to commence discharging industrial wastewater shall complete and file an application in order to obtain discharge permission from the Town prior to commencing the discharge of the wastes into the wastewater disposal system.

(B) The permit shall be for 12 months' duration, and at the end of the permit period, an application must be made to reissue the permit. (Ord. passed 3-2-1992, § 3.1)

#### **§ 51.056 APPLICATION CONTENTS.**

(A) The application shall contain the following:

(1) Name, address, and location (if different from the address);

(2) SIC number according to the *Standard Industrial Classification Manual*, Bureau of the Budget, 1972, as amended;

(3) Wastewater constituents and characteristics including but not limited to those mentioned in §§ 51.035 and 51.038 as determined by a qualified laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Act (33 U.S.C. § 1314)

and contained in 40 C.F.R. pt. 136, as amended;

(4) Time and duration of discharge;

(5) Average daily and 3-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all building drains, building sewers, and appurtenances by the size, location and elevation;

(7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local government, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

(9) (a) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide the additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard .

(b) The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and the like);

2. No increment referred to in division (A)(9)(b)1 above shall exceed 9 months without prior approval of the Town; and

3. Not later than 14 days following each date in the schedule and the final date for compliance,

the user shall submit a progress report to the Town including, as a minimum, whether or not it complied with the increment of progress to be met on the date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Town.

(10) Each product produced by type, amount, process or processes and rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number of type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment; and

(13) Any other information as may be deemed by the local government to be necessary to evaluate the application.

(B) The Town's designated representative will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the

data provided, the Town will grant permission to discharge subject to the terms and conditions provided herein.

(C) Significant industrial users which through changes in the use of the premises or water usage cause a significant change in wastewater volume, strength or characteristic shall require a new application filed prior to making the change or alteration.

(Ord. passed 3-2-1992, § 3.2)

#### **§ 51.057 PERMIT MODIFICATIONS.**

Within 9 months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to the standards shall be revised to require compliance with the standard within the time frame prescribed by the standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by § 51.055, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the local government within 180 days

after the promulgation of an applicable federal categorical pretreatment standard the information required by § 51.056(A)(8) and (9). (Ord. passed 3-2-1992, § 3.3)

**§ 51.058 CONTROL STRUCTURE.**

(A) The owner of any property served by a building sewer carrying nonresidential wastewater, including commercial and industrial users, shall build a control structure in the building sewer from his or her premises just prior to the entrance of the building sewer into the public sewer suitable for flow composite sampling. Instrumented flow measuring of wastewater shall be a part of this structure. Plans for this structure shall be approved by the Town. There shall be ample room and pre installed flow monitoring equipment in or near the sampling facility to allow accurate sampling and collection of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the owner.

(B) Each sampling chamber shall contain a Parshall flume, weir or similar device with a recording and totalizing register for measuring liquid quantity discharged by the industrial

plant. In order to equalize flows over a 24-hour period, each person discharging a waste into sanitary sewers having a volume in excess of 2,500 gallons in any 1 day shall construct and maintain at his or her own expense a suitable storage tank as determined by the Town. This tank shall have a capacity of at least 80% of the normal volume of one 24-hour production period of waste and an outlet to the sewer that is controlled by a water works-type rate controller or other approvable devices. The setting of the rate controller shall be directed by the Town's designated representative.

(C) All commercial establishments serving food shall install a grease trap having a capacity of at least 80 % of the normal volume of one 24-hour production period of waste prior to discharging to the Town's sewer system. If food establishments wish to use an existing grease trap, they must first have the tank pumped and the waste hauled and disposed at their expense in a manner acceptable to state and federal regulations. The tank shall then be inspected by the Town's authorized representative, who will then determine if the tank requires any repair, needs replacement, or can be used as it exists in the ground. (Ord. passed 3-2-1992, § 3.4)

**§ 51.059 AUTHORITY OF TOWN TO FURNISH TECHNICAL ADVICE.**

The Town is authorized to consult with and furnish technical assistance and advice to industrial users of the wastewater disposal system in order to assist them in devising procedures and constructing equipment to reduce or eliminate from industrial wastewater objectionable characteristics or properties which may not otherwise be discharged into the wastewater disposal system under this chapter. However, it is the owner's sole responsibility to meet standards set by the Town.

(Ord. passed 3-2-1992, § 3.5)

**§ 51.060 NOTICE OF PROCESS CHANGE/INTERRUPTION OF OPERATION.**

Notice by the user shall be given to the Town in advance or at the earliest possible time when normal operations of the industry will be interrupted for 24 hours or longer, when wastes will not be available for discharge, or prior to implementation of a process change which will alter demands on the POTW.

(Ord. passed 3-2-1992, § 3.6)

**§ 51.061 USER RECORDS.**

Any user shall maintain and retain for 3 years all plant records relating to wastewater discharges as specified by the Town and afford the Town access thereto. These records include but are not limited to production records, wastewater self-monitoring records, and state and EPA required records.

(Ord. passed 3-2-1992, § 3.7)

**§ 51.062 TRANSFER OF DISCHARGE PERMISSION.**

Wastewater discharge permission is issued to a specific industrial user for a specific operation. Wastewater discharge permission shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Town. Any succeeding owner or user shall also comply with the terms and conditions of the chapter. Written requests to cease or to reapply for discharge permission shall be made to the Town's designated representative.

(Ord. passed 3-2-1992, § 3.8)

**§ 51.063 CONFIDENTIALITY.**

(A) Information and data on a user obtained from reports,

questionnaires, discharge applications and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Town that the release of the information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public. It will, however, be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that these portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information.

(B) Information accepted by the Town as confidential shall not be given to any governmental agency

or to the general public by the Town until and unless a 10-day notification is given to the user.

(Ord. passed 3-2-1992, § 3.9)

#### **§ 51.064 PRETREATMENT.**

(A) Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the Town shall be constructed, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town's designated representative for review, and shall be acceptable to the Town before construction of the facility. The review of the plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Town prior to the user's initiation of the changes.

(B) The Town shall annually publish in the local newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(C) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA, the state or other approval authority upon request.

(Ord. passed 3-2-1992, § 3.10)

### **§ 51.065 SPECIAL INDUSTRIAL DISCHARGES.**

No person shall be allowed to empty septic tank or grease trap sludge or wastes from chemical toilets or wastes from any containments such as ponds into the Town's wastewater treatment facility.

(Ord. passed 3-2-1992, § 3.11)

### **SAMPLING AND MONITORING**

#### **§ 51.075 RIGHT OF ENTRY.**

(A) Whenever it shall be necessary for the purposes of this chapter and upon presentation of

proper credentials and identification, Town personnel shall be permitted to enter upon any property of wastewater disposal system users for the purpose of inspection, observation, measurement, sampling or testing in the area of control and/or sampling facility. Any person completing and filing an application to discharge wastewater under §§ 51.055 through 51.065 shall thereby grant the Town permission to enter his or her premises for those purposes. Where a user has security measures in force which would require proper identification and clearance before entry into his or her premises, the user shall make necessary arrangements with the security guards so that upon presentation of suitable identification, Town personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(B) Nothing in this chapter shall be construed to relieve any person from liability in the event that the personnel is injured, involved in a mishap and the like while performing the inspections, observations, measurement, sampling and testing on the property.

(Ord. passed 3-2-1992, § 4.1)

**§ 51.076 COMPLIANCE DETERMINATION.**

(A) Compliance determinations with respect to prohibitions and limitations of §§ 51.015 through 51.021 and 51.035 through 51.042 shall be made on the basis of flow composite samples of wastewater. Time composite samples may be taken over a 24-hour period or over a longer time span, as determined necessary by the Town's designated representative.

(B) The volume of flow used in computing sewer user charges and sewer surcharges shall be based upon metered water consumption as shown in the records of water meter readings. In the event that an industrial sewer user discharging wastes into the sanitary sewer system produces evidence to the Town that more than 10 % of the total annual volume of water used for all purposes does not reach the sanitary sewer, an estimated percentage of total water consumption to be used in computing Charges may be agreed upon between the Town and the industry discharging industrial wastes into the sewers. In the event that the Town determines that the volume of industrial waste being discharged is more than 90%

greater than the metered water consumption, the industrial waste charges shall be based upon the volume discharged as measured by a volume measuring device approved by the Town such as a flow meter installed within the control structure as provided in § 51.058.

(Ord. passed 3-2-1992, § 4.2)

**§ 51.077 ANALYSIS OF INDUSTRIAL WASTEWATER.**

(A) All measurements, tests and analyses of the characteristics of properties of waters and wastes to which reference is made in this chapter shall be made in accordance with *Standard Methods*, herein defined, and shall be performed by a qualified state certified laboratory .

(B) The determination of the character and concentration of the industrial wastes by the Town shall be binding as a basis for charges.

(C) Total costs incident to the supervision, inspection, sampling and analyzing of wastes shall be included in the charge made to persons discharging wastes into the sanitary sewers.

(Ord. passed 3-2-1992, § 4.3)



**§ 51.078 SAMPLING FREQUENCY.**

Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and limitations of §§ 51.015 through 51.021 and 51.035 through 51.042 will be done at intervals as the Town's designated representative may designate. However, it is the intention of the Town to conduct compliance sampling or to cause the sampling to be conducted for all significant industrial users at least twice in every 1-year period. (Ord. passed 3-2-1992, § 4.4)

**ENFORCEMENT**

**§ 51.090 PROHIBITED ACTIONS.**

(A) No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances or equipment which is a part of the wastewater disposal system.

(B) If a public sewer becomes obstructed or damaged because of any substances improperly discharged into it, the person(s) responsible for the discharge shall be billed and shall pay for the expenses incurred by the Town in cleaning out, repairing or rebuilding the sewer as

well as damages incurred by the Town arising from claims of private property owners which are caused by the obstruction or damage. (Ord. passed 3-2-1992, § 5.1)

**§ 51.091 REVOCATION OF PERMISSION TO DISCHARGE.**

The Town may order a permission to discharge be revoked upon finding that the discharger has violated a provision of this chapter. A user whose permission to discharge has been revoked shall immediately stop all discharges of any liquid carried wastes. The Town may disconnect or permanently block from the wastewater disposal system the private sewer of any discharger whose permission to discharge has been revoked if the action is necessary to ensure compliance with the order of revocation. Included in the Town's options is the locking of the water meter to cease water into the facility and thus sewer discharge. A user whose permission to discharge has been revoked shall apply for new permission to discharge and pay all delinquent fees, charges, penalties and other sums as may be due to the Town. All costs incurred to revoke the prior permission to discharge and disconnecting the private sewer shall be paid for by the discharger before

new permission to discharge shall be granted.  
(Ord. passed 3-2-1992, § 5.2)

**§ 51.092 REASONS FOR REVOCATION.**

(A) Any user who violates the following conditions of this chapter or applicable state and federal regulations is subject to having his or her permission to discharge revoked in accordance with the procedures in § 51.091 of this chapter.

(B) The conditions are as follows:

(1) Failure of a user to factually report the wastewater constituents and characteristics of his or her discharge;

(2) Failure of a user to report significant changes in operations, or wastewater constituents or characteristics;

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;

(4) Violation of §§ 51.035, 51.038, 51.041 and 51.042 of this chapter;

(5) Failure to secure a permit for discharging into the Town's collection system; or

(6) In situations where an actual or threatened discharge from any person may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or where the discharge could cause interference with the sanitary sewers or the wastewater treatment plant receiving the sewage, the Town may immediately disconnect the person's connection with the sewer system or water system, or take other measures sufficient to prevent the discharge from occurring or continuing to occur.

(Ord. passed 3-2-1992, § 5.3)

**§ 51.093 OTHER REQUIRED PERMITS.**

The issuance of a permit to connect to the public sewer does not relieve the owner from the responsibility of obtaining all other required county, state and federal permits/approvals that may be required. Copies of other permits received by the owner shall be submitted to the Town prior to the installation of the proposed sewer connection. These permits will be related to the specific activity with regards to the property to receive sewer service (i.e. Town Planning Approval, building permits, County

Health Department, DOT, CAMA and the like).  
(Ord. passed 3-2-1992, § 5.4)

**§ 51.094 TRANSFER OF DISCHARGE PERMISSION.**

Wastewater discharge permission is issued to a specific domestic user or applicant. Wastewater discharge permission shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the Town. Any succeeding owner or user shall also comply with the terms and conditions of the chapter. Written requests to cease and reissue the discharge permission shall be made to the Town's designated representative identifying the proposed new owner. It shall be the responsibility of the existing owner to show the new owner (buyer) that sewer capacity has been committed by the Town to the specific property.  
(Ord. passed 3-2-1992, § 5.5)

**REVENUE SYSTEM**

**§ 51.105 PURPOSES.**

(A) Fees shall be assessed to users for wastewater discharges into the POTW and for executing or

enforcing the provisions of this chapter. These charges shall be developed by the Town's designated representative in conjunction with the Town's Engineer; certified by the Town's Engineer as to appropriateness, adequacy and reasonableness; reviewed by the Board and recommendations made by the Board to the Town; and approved by the Town no less frequently than annually in accordance with the user charge system and other ordinances and policies of the Town and applicable statutes of the state.

(B) Charges may be developed for the following purposes:

(1) Industrial monitoring, inspection, and surveillance procedures;

(2) Reviewing accidental discharge procedures and construction;

(3) Reviewing industrial discharge permit applications and for reviewing application, plans and specifications for collector force mains and the like;

(4) Reviewing appeals;

- (5) Special industrial discharges;
- (6) Toxic substance discharges to the POTW;
- (7) Recovering capital-related expenditures;
- (8) Recovering cost of debt retirement;
- (9) Recovering cost of taps;
- (10) User charges based on billable flow and excessive pollutant discharges to the POTW, necessary to recover the operation,, maintenance and replacement cost of the wastewater disposal system (these shall apply to any sewer tap for an occupied dwelling, unoccupied dwelling or vacant lots);
- (11) Other charges incidental to executing or enforcing the provisions of this chapter;
- (12) A Capital Reserve Fund charge for new connections, or existing connections which have an increase in Statutory average flow at the property being served. For new connections, the Capital Reserve Fund charged shall be determined at a rate of \$16 per gallon of the statutory average flow. For existing connections where there is an

increase in the statutory average flow at the property, the Capital Reserve Fund charged shall be determined at a rate of \$16 per gallon for the increased amount of flow only, determined as the statutory average flow immediately after the increased flow less the statutory average flow immediately prior to the increased flow. The Town reserves the right to deviate from the statutory average flow in determining the Capital Reserve Fund charged in those circumstances where it believes that the use, operation, and/or occupancy at the property being served is atypical. The Town may request additional documentation or information from any applicant hereunder to determine whether the anticipated flow is atypical from the statutory average flow. The Capital Reserve Fund charged hereunder shall be due as determined by the Town, but in no event later than the new connection is made, or the flow increased; and

(13) Inspection costs.

(C) It is the intent of user charges to distribute the cost of operation and maintenance of publicly owned treatment works to the pollutant source and to promote self-sufficiency of treatment works

with respect to operation and maintenance costs. The term **OPERATION AND MAINTENANCE** includes replacement costs. (Ord. passed 3-2-1992, Art. 6; Am. Ord. 3-18-2008-01, passed 4-8-2008)

**§ 51.106 BASIS FOR FEES.**

(A) Charges for items § 51.105(B)(1) through (6) shall be based on the actual cost to the Town for each specific user or incident. However, a fixed rate may be proposed by the Town's designated representative, subject to the Town's approval, for those procedures that are repetitive and do not differ substantially within each class of user. Charges for items § 51.105(B)(7) through (10) shall be developed and assessed in accordance with the user charge system. The Town may, under applicable state statutes and utility district ordinances, levy ad valorem taxes for general obligation bond principal and interest payments, and any other purpose provided by law, not related to the operation and maintenance costs of the wastewater disposal system.

(B) Item § 51.105(B)(9) may be waived during the initial project by the Town.

(C) The charges and fees developed in accordance with the provisions of this subchapter shall be adopted by the Town in the form of the user charge system as amended from time to time by the Town. The terms and conditions of the user charge system are incorporated by reference herein.

(Ord. passed 3-2-1992, Art. 6)

**§ 51.107 FORMULAS FOR FEE CALCULATION.**

The following formulas from the user charge system shall be used to calculate items § 51. 105(B)(8) and (10):

(A) *Domestic*. The user charge for domestic (only) customers shall be:

$$C_u = \frac{V_u}{V_T}(CT) + \frac{CF}{\text{Number of sewer customers}}$$

whereby:

(1)  $C_u$  = A user's charge for operation and maintenance (O&M) per unit of time;

(2)  $C_T$  = Total variable O&M cost per unit

(3)  $C_F$  = Total fixed O&M cost per unit of time;

(4)  $V_U$  = Volume contribution from a user charge per unit of time; and

(5)  $V_T$  = Total volume contribution per unit of time.

(B) *Industrial.*

(1) The user charge for Industrial customers shall be calculated on the same basis as a residential customer unless pollutant loadings exceed those concentrations in normal domestic sewage and are above the baseline pollutant concentrations established in this report. Where so determined, a surcharge, added to the base charge for domestic customers, shall be levied.

(2) The formula shall be

$$C_S = [B_C(B) + S_C(S) + P_C(P)]V_U$$

whereby:

(a)  $C_S$  = A surcharge for wastewaters of excessive strength;

(b)  $B_C$  = O&M cost for treatment for a unit of biochemical oxygen demand (BOD);

(c)  $B$  = Concentration of BOD from a user above a base level;

(d)  $S_C$  = O&M cost for treatment of a unit of suspended solids;

e)  $S$  = Concentration of SS from a user above a base level;

(f)  $P_C$  = O&M cost for treatment of a unit of any pollutant;

(g)  $P$  = Concentration of any pollutant above a base level; and

(h)  $V_U$  = Volume contribution from a user per unit of time.

(3) Appendix A attached to the sewer use ordinance passed March 2, 1992 provides sample calculations for domestic and industrial user charges. (Ord. passed 3-2-1992, Art. 6)

**§ 51.108 SECURITY DEPOSIT REQUIRED.**

(A) A security deposit shall be required of all applicants for sanitary sewer service. The deposit shall be paid to the utility district at the time the user agreement is signed.

(1) The minimum deposit shall be equal to the minimum monthly user fee for at least 1 month.

(2) The individual in whose name the deposit is made shall be responsible for payment of all bills

incurred in conjunction with the service furnished.

(3) A security deposit receipt shall not be negotiable and shall be redeemed only at the Town's office.

(4) Where the Town finds that the request for deposit refund is questionable, the Town may require the applicant for refund to produce the security deposit receipt properly endorsed.

(B) In the event that the Town shall for any reason refuse, or be unable, to furnish the applicant with sewer service within 24 months of the date that construction commences, the Town shall release and refund the deposit to the applicant without the applicant's request for the refund.

(Ord. passed 3-2-1992, Art. 6)

**§ 51.109 SEWER RATES; ADOPTION BY REFERENCE.**

The sewer use rates, sample calculations, forms, and specifications relating to the control manhole, contained in Appendices A, B and C attached to the sewer use ordinance passed March 2, 1992, are hereby adopted by reference as if set out in full herein.

(Ord. passed 3-2-1992, Appx A, B, C; Am. Ord. passed 8-5-2002; Am. Ord. passed 9-9-2002)

**METER READING, BILLING AND COLLECTION**

**§ 51.120 METER READINGS.**

(A) Monthly billings shall be based on billable flow and excessive pollutant discharges to the POTW as taken from the customers' water meter readings.

(B) Meters shall be read and bills rendered as follows: Read from the fifteenth to the end of the month, billed from the first to the fifth of the month.

(C) The Town reserves the right to vary the dates on length of period covered, temporarily or permanently if necessary or desirable  
(Ord. passed 3-2-1992, § 7.1)

**§ 51.121 BILLING.**

(A) Bills for sewer service shall be figured in accordance with the Town's published effective rate schedule and shall be based on the amount consumed for the period covered by the meter readings.

(B) Minimum bills for sewer service commence when the tap is

made, completed and service is available, whether used or not (vacant building, occupied, vacant lot and the like).

(C) Each service shall be billed individually, irrespective of the fact that the service may be for the same users, or for the same services.

(Ord. passed 3-2-1992, § 7.2)

**Cross-reference:**

*Reconnection fee for violation hereof, see § 51.136(B)*

**§ 51.122 COLLECTION.**

(A) Bill is due and payable on the date it is mailed, and shall be delinquent after the due date on the face of this bill. Delinquent amounts must be paid in full no more than fifteen calendar days past due date or service shall be suspended.

(Ord. 11-18-2014-01, passed 11-18-2014)

(B) Failure to receive bills or notices shall not prevent the bills from becoming delinquent or relieve the user from payment.

(C) All payments shall be applied first to late penalties and then to the oldest outstanding bill or bills for sewer services.

(Ord. passed - -)

**WITHHOLDING SERVICE**

**§ 51.135 DISCONNECTION FOR LATE PAYMENT.**

(A) It is the policy of the Town to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The Town's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill;

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cut-off notice that if the bill is not paid within 20 days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counselor any other person of his or her choosing and may present orally



or in writing his or her complaint and contentions to the Town official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the Town to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a reconnection fee, the amount of which shall be established by the Board of Commissioners from time to time.

(D) In accordance with the inter-governmental contract entered into between the Town and First

Craven Sanitary District on December 10, 1991, the Town shall have the right to cut off or otherwise terminate water service to any Town sewer customer who fails to pay to the Town any required sewer deposit, or who fails to pay any other fees or charges imposed by the Town for sewer service, or who otherwise violates a provision of the Town sewer ordinance (or other rules or regulations governing the sewer system) authorizing termination of sewer service.

(Am. Ord. 12-14-2010-01, passed 12-14-2010)

#### **§ 51.136 CONSEQUENCES OF VIOLATION; DELINQUENCY.**

(A) When service is discontinued for fraudulent use of service, the Town before restoring service may require the user to make at the user's own expense all changes in piping or equipment necessary to eliminate illegal use and to pay an amount reasonably estimated as the deficiency in revenue resulting from the fraudulent use.

(B) Before service will be restored to any user found to be in violation of the provisions of §§ 51.122 or 51.135, the user shall pay a reconnection fee, the amount of which shall be established by the

Board of Commissioners from time to time.

(C) When monthly sewer bills for sewer taps installed on vacant lots/buildings are allowed by the owner to become defaulted, the owner, in addition to being held responsible for delinquent bills, may lose the rights to the tap and have to pay the then current sewer tap fee to restore the property to sewer service availability.

(Ord. passed 3-2-1992, § 8.2; Am. Ord. 12-14-2010-01, passed 12-14-2010)

#### **§ 51.137 COMPLAINTS, ADJUSTMENTS.**

If the user believes his or her bill to be in error, he or she shall present his or her claim, in person, at the Town's office before the bill becomes delinquent. The claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The user may pay the bill under protest and the payment shall not prejudice his or her claim.

(Ord. passed 3-2-1992, § 8.3)

#### **§ 51.138 ABRIDGEMENT OR MODIFICATION OF RULES.**

(A) No promise, agreement or representation of any employees of

the Town shall be binding upon the Town except as it shall have been agreed upon in writing, signed and accepted by the acknowledged Council.

(B) No modifications of rates or any of the rules and regulations shall be made by any agent of the Town. (Ord. passed 3-2-1992, § 8.4)

#### **§ 51.999 PENALTY.**

For penalties for any violation(s) of this chapter, see § 10.99, in addition:

(A) Any person found to be violating any provision of this chapter except §§ 51.022, 51.035(18), 51.090 and 51.122 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, cease all violations,

(B) Any person who is found to have unlawfully discharged surface water or groundwater into the sanitary sewer system as provided in § 51.035(18) shall be subject to § 10.99 and shall be subject to refusal or discontinuance of further sewer service by the Town. Any person, property owner, or person in charge

of the property who removes a cleanout cap to a sewer pipe comprising part of the POTW or that flows to the POTW to permit groundwater, surface water or any other liquid or semi-liquid to enter the Town system or who permits the cleanout cap to be removed and left unattended shall be presumed to have unlawfully discharged groundwater or surface water into the sanitary system,  
(Ord. 12-02-96-02, passed 12-2-1996),

(C) Any person violating § 51.090(A) shall be subject to immediate arrest. In addition, those persons shall be liable to reimburse the Town for any damages resulting from such violation.  
(Ord. passed 3-2-1992, §5.1)



## **TITLE VII: TRAFFIC CODE**

### Chapter

- 70. GENERAL REGULATIONS**
- 71. TRAFFIC REGULATIONS**
- 72. STOPPING, STANDING AND PARKING**
- 73. BICYCLES, MOTORCYCLES AND OTHER DEVICES**
- 74. TRAFFIC SCHEDULES**
- 75. PARKING SCHEDULES**



## CHAPTER 70: GENERAL REGULATIONS

Section

### **General Provisions**

70.01 Definitions

### **Obedience to Traffic Regulations and Police Officers**

70.15 Obedience to traffic ordinance

70.16 Obedience to police

70.17 Authority of police and fire personnel in special cases

70.18 Public employees

70.19 Exemptions to authorized emergency vehicles

70.20 Persons propelling push carts or riding bicycles

### **Traffic Control Devices**

70.35 Obedience to official traffic control devices

70.36 No-turn signs and turning markers

70.37 No-parking zone and safety zone markers

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70.55 Boarding or alighting from public conveyances or other vehicles

70.56 Unlawful riding

70.57 Entering, jumping on or riding vehicles without permission

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70.59 Number of persons in front seat

### **GENERAL PROVISIONS**

#### **§70.01 DEFINITIONS**

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

#### **AUTHORIZED EMERGENCY**

**VEHICLE.** Vehicles of the Fire Department, police vehicles and rescue squads, municipal vehicles or any other vehicles authorized by the Chief of Police.

**BLOCK.** A portion of any street located between 2

intersections next adjacent to each other.

**BUSINESS DISTRICT.** The territory contiguous to a road or street where 75% or more of frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

**CROSSWALK.** That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections. Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

**DRIVER.** Every person who drives or is in actual physical control of a vehicle.

**INTERSECTION.** The area embraced within the prolongation of the lateral curb lines or if none, then the lateral boundary lines of 2 or more highways which join one another at an angle, whether or not 1 highway crosses the other.

**MOTOR VEHICLE.** Every vehicle which is self-propelled, every vehicle which is propelled, and every vehicle which is propelled by electric power.

**OFFICIAL TIME STANDARD.**

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

**OFFICIAL TRAFFIC CONTROL DEVICES.** All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of the governing body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

**OFFICIAL TRAFFIC SIGNAL.** Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

**PARK.** The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

**PEDESTRIAN.** Any person afoot.

**PERSON.** Every natural person, firm, copartnership, association or corporation.

**POLICE OFFICER.** Every officer of the Municipal Police Department or any officer authorized to direct or



regulate traffic or to make arrests for violations of traffic regulations. For the purpose of this chapter, firefighters may be substituted as to traffic control at the scene of an emergency.

**PRIVATE ROAD OR DRIVEWAY.**

Every road or driveway not open to the use of the public for purposes of vehicular travel.

**PUBLIC CONVEYANCE.** Any vehicle other than a taxicab or railroad train for transporting for fare.

**RAILROAD.** A carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

**RAILROAD TRAIN.** A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

**RESIDENCE DISTRICT.** The territory contiguous to a street not comprising a business district, where 75% or more of the frontage on the street for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.

**RIGHT-OF-WAY.** The privilege of the immediate use of the roadway.

**ROADWAY.** That portion of a street improved, designed or ordinarily used for vehicular traffic.

**SAFETY ZONE.** The area or space officially set apart within a roadway for the exclusive use of pedestrians, and which is protected or so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

**SIDEWALK.** That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

**STANDING.** Any stopping of a person or vehicle, whether occupied or not.

**STOP.** When required, means complete cessation of movement.

**STOP or STOPPING.** When prohibited, means any stopping of a vehicle except when necessary to avoid conflict with other traffic, or in compliance with the direction of a police officer, traffic control sign or signal.

**STREET or HIGHWAY.** The entire width between property lines of every way or place of whatever nature, when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

**TRAFFIC.** Pedestrians, ridden or herded animals, vehicles, street cars and other conveyances, either singly or together while using any street for the purposes of travel.

**VEHICLE.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks; provided, that for the purpose of this chapter, a bicycle or a ridden animal shall be deemed a vehicle.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. I §1.)

## **OBEDIENCE TO TRAFFIC REGULATIONS AND POLICE OFFICERS**

### **§ 70.15 OBEDIENCE TO TRAFFIC ORDINANCE**

It is a misdemeanor for any person to do any act forbidden, or fail to perform any act required by this chapter.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. III §1)  
Penalty, see 70.60

### **70.16 OBEDIENCE TO POLICE.**

No person shall willfully fail or refuse to comply with any lawful order or direction by a police officer.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. III §2)  
Penalty, see 70.60

### **§ 70.17 AUTHORITY OF POLICE AND FIRE PERSONNEL IN SPECIAL CASES.**

In the event of a fire or other emergency, or when necessary to expedite traffic and safeguard pedestrians, police officers and firefighters may direct traffic as conditions may require, notwithstanding the provisions of this chapter.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. III §3)  
Penalty, see 70.60

### **§ 70.18 PUBLIC EMPLOYEES.**

The provisions of this chapter shall apply to the driver of any vehicle owned or used in the service of the United States Government , this state, county or Town; and it shall be unlawful for any driver to violate any of the provisions of this chapter,

except as otherwise permitted in this chapter, or by state statutes.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. III § 4)  
Penalty, see 70.60

**§ 70.19 EXEMPTIONS TO AUTHORIZED EMERGENCY VEHICLES**

(A) The provisions of this chapter regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles, as defined in this chapter, except as follows: A driver when operating the vehicle in any emergency, except when otherwise directed by a police officer, may:

- (1) Park or stand, notwithstanding the provisions of this chapter;
- (2) Proceed past a red or stop signal, or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Exceed the speed limits so long as he or she does not endanger life or property; or
- (4) Disregard regulations governing direction of

movement or turning in specified directions so long as he or she does not endanger life or property.

(B) The foregoing exemptions shall not, however, protect the driver of any vehicle from the consequences of his or her reckless disregard of the rights and safety of others.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. III § 5)  
Penalty, see 70.60

**§ 70.20 PERSONS PROPELLING PUSH CARTS OR RIDING BICYCLES.**

Every person propelling any push cart or riding a bicycle or an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which, by their very nature, can have no application.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. III § 6)

## **TRAFFIC CONTROL DEVICES**

### **§ 70.35 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES.**

(A) The driver of any vehicle shall obey the directions of any official traffic control device applicable thereto and placed in accordance with the traffic ordinances of this Town, unless otherwise directed by a police officer or firefighter in his or her official capacity, subject to the exceptions granted the driver of an authorized emergency vehicle in § 70.19 of this chapter.

(B) (1) No provision of this chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to an ordinarily observant person.

(2) Whenever a particular section does not state that signs are required, the section shall be effective without signs being placed to give notice thereof.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. IV §1)  
Penalty, see 70.60

### **§ 70.36 NO-TURN SIGNS AND TURNING MARKERS.**

Whenever authorized signs are placed, erected or installed indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any sign, and when authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles traversing or turning thereat, no driver of a vehicle shall disobey the directions of the indications.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. IV § 2)

Penalty, see 70.60

### **§ 70.37 NO PARKING ZONE AND SAFETY ZONE MARKERS.**

Whenever authorized signs or markings are placed, erected or installed indicating no-parking zones or safety zones, no driver of a vehicle shall disobey the regulations in connection therewith.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. IV § 3)

Penalty, see 70.60

### **§70.38 ZONE OF QUIET.**

Whenever authorized signs are placed, erected or installed indicating a zone of quiet, no person

operating a motor vehicle within any zone shall sound the horn or other warning device of the vehicle, except in an emergency.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. IV § 4)

Penalty, see 70.60

### **§ 70.39 PLAY STREETS.**

Whenever authorized signs are placed, erected or installed indicating any street or part thereof as play street, no person shall drive a vehicle upon that street or portion thereof, except drivers of vehicles having business or whose residences are within the closed area; and then the driver shall exercise the greatest care in driving upon the street or portion thereof.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. IV § 5)

No Penalty.

### **§ 70.40 SCHOOL ZONES.**

Whenever authorized signs are placed, erected or installed indicating any street or parts thereof as school zones, all drivers of motor vehicles using the streets or parts thereof shall exercise the greatest care in driving upon the streets or parts thereof, for the protection of children.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. IV § 6)

### **§70.41 TRAFFIC CONTROL SIGNAL LEGEND.**

(A) Whenever traffic is controlled by traffic control signals exhibiting the words "go," "caution" or "stop," or exhibiting different colored lights, successively 1 at a time, the following colors only shall be used.

(B) The terms and lights shall indicate as follows:

(1) *Green alone or "go."*

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left, unless a sign at that place prohibits either turn; but vehicular traffic shall yield the right-of-way to other vehicles and pedestrians, lawfully within the intersection at the time the signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) *Yellow alone, or "caution."*  
*When shown following or overlapping the green or "go" signal.*

(a) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection; but if the stop cannot be made in safety, a vehicle may drive cautiously through the intersection.

(b) No pedestrians facing the signal shall enter the roadway unless he or she can do so safely and without interfering with any vehicular traffic.

(3) *Red with green arrow.*

(a) Vehicular traffic facing the signal may cautiously enter the intersection, only to continue the movement in the direction indicated by the arrow, but shall not interfere with other traffic.

(b) No pedestrian facing this signal shall enter the roadway unless he or she can do so safely and without interfering with any vehicular traffic.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. IV § 7)

Penalty, see 70.60

#### **§ 70.42 FLASHING SIGNALS.**

Whenever flashing red or yellow signals are used, they shall

require obedience by vehicular traffic as follows:

(A) *Flashing red (stop signal).*

When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked; and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(B) *Flashing yellow (caution signal).* When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution. (Ord. 9-08-2003-03, passed 9-8-2003, Art. IV § 8)

#### **MISCELLANEOUS REGULATIONS**

##### **§ 70.55 BOARDING OR ALIGHTING FROM PUBLIC CONVEYANCES OR OTHER VEHICLES.**

No person shall board or alight from any public conveyance or other vehicle while the conveyance or vehicle is in motion.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. VII § 1)

Penalty, see 70.60

**§ 70.56 UNLAWFUL RIDING.**

(A) No person shall ride on any public conveyance or vehicle or any portion thereof not designed or intended for the use of passengers.

(B) This provision shall not apply to any employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in spaces intended for merchandise.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. VII § 2)

**§ 70.57 ENTERING, JUMPING ON OR RIDING VEHICLES WITHOUT PERMISSION.**

No person shall enter, jump on or ride any automobile or other vehicle without the consent of the owner or driver.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. VII § 3)  
Penalty, see 70.60

**§ 70.58 PERSON RIDING MUST STAY INSIDE.**

No person when riding shall allow any part of his or her body to protrude beyond the limits of the

vehicle in which he or she is riding, except to give signals as are by law required. No person shall hang onto any vehicle whatsoever.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. VII § 4)  
Penalty, see 70.60

**§ 70.59 NUMBER OF PERSONS IN FRONT SEAT.**

It shall be unlawful for the driver or the person in charge of any motor vehicle to permit more than 3 persons (including driver) to ride in the front, or driver's seat of a motor vehicle.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. VII § 5)  
Penalty, see 70.60

**§ 70.60 PENALTY**

Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements shall subject the offender to the provisions of Section 10.99; however, a violation of this chapter shall subject the offender to a civil penalty of \$50.00 per offense, not \$500.00 per offense.  
(Ord. 5-10-2011)





## CHAPTER 71: TRAFFIC REGULATIONS

Section

### ***Operation of Vehicles***

- 71.01 Stop before entering a through street or 4-way stop intersection
- 71.02 Stop before certain intersections
- 71.03 stop when traffic obstructed
- 71.04 Yield signs to main-traveled streets
- 71.05 Funeral processions
- 71.06 Limitation on backing
- 71.07 Emerging from alley or private driveway
- 71.08 Driving on sidewalk
- 71.09 Lights on parked vehicles
- 71.10 Leaving parked positions
- 71.11 Speed limit on through highways
- 71.12 Speed limit on certain streets
- 71.13 Roadways laned for traffic
- 71.14 Driving over fire hose
- 71.15 Spinning of auto wheels
- 71.16 U-turns prohibited

### ***Trucks, Tractor Trucks and Trailers***

- 71.30 Truck routes
- 71.31 Truck parking

### ***OPERATION OF VEHICLES***

#### **§ 71.01 STOP BEFORE ENTERING A THROUGH STREET OR 4-WAY STOP INTERSECTION.**

(A) Through streets are designated in Chapter 74, Schedule I.

(B) Intersections declared to be 4-way stop intersections are designated in Chapter 74, Schedule II.

(C) When stop signs are placed, erected or installed upon streets intersecting a through street or upon streets designated as a 4-way stop intersection, at the entrance thereto, or at the entrance to any intersection, every driver of a vehicle shall stop in obedience to the signs before entering the intersection and shall not proceed into or across the through street or 4-way stop street being intersected, until he or she has first determined that no conflict with pedestrian or vehicular traffic will be involved.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. VI §1)

Penalty, see § 71.32

**§ 71.02 STOP BEFORE CERTAIN INTERSECTIONS.**

Those intersections described in Chapter 74, Schedule II are hereby declared to be stop intersections when entered from the streets first named, and when stop signs are placed, erected or installed at the intersections, every driver of a vehicle shall stop in obedience to the signs before entering the intersection, and shall not proceed into or across the through street until he or she has first determined that no conflict with traffic will be involved. (Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 2)  
Penalty, see § 71.32

**§ 71.03 STOP WHEN TRAFFIC OBSTRUCTED.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 3)  
Penalty, see § 71.32

**§ 71.04 YIELD SIGNS TO MAIN-TRAVELED STREETS.**

(A) (1) All main-traveled streets of the Town shall be so designated by erecting at the entrances thereto from intersecting highways or streets appropriate signs notifying drivers of vehicles to yield the right-of-way to drivers of vehicles approaching the intersection of the main-traveled or through street.

(2) Whenever any yield right-of-way signs have been so erected, it shall be unlawful for the driver of any vehicle to enter or cross the main-traveled or through street or streets unless he or she shall first slow down and yield the right-of-way to any vehicle in movement in the main-traveled or through street which is approaching so as to arrive at the intersection at approximately the same time as the vehicle entering the main-traveled or through street.

(B) The intersections described in Chapter 74, Schedule III are hereby declared to be yield right-of-way intersections when entered from the street first named. (Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 4)  
Penalty, see §71.32

**§ 71.05 FUNERAL PROCESSIONS.**

No vehicle shall be driven through a funeral procession except Fire Department vehicles, police patrols and rescue squads, when same are responding to calls.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 5)

Penalty, see §71.32

**§ 71.06 LIMITATION ON BACKING.**

The driver of a vehicle shall not back the same into any intersection or over a crosswalk, and shall not in any event, or at any place, back a vehicle unless the movement can be made in safety, and he or she shall have given ample warning to those who may be behind, by hand and horn or other signal.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 6)

Penalty, see §71.32

**§ 71.07 EMERGING FROM ALLEY OR PRIVATE DRIVEWAY.**

The driver of a vehicle emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving onto a sidewalk or into the sidewalk areas extending across any alleyway; and upon entering the roadway he or she shall yield the right-of-way to all vehicles approaching on the roadway .

(Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 7)

Penalty, see §71.32

**§ 71.08 DRIVING ON SIDEWALK.**

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 8)

Penalty, see §71.32

**§ 71.09 LIGHTS ON PARKED VEIDCLES.**

The displaying of lights upon a vehicle, when lawfully parked at night upon a street of the Town in accordance with this chapter, shall not be required when there is sufficient light to reveal any person within a distance of 200 feet upon the street.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 12)

**§ 71.10 LEAVING PARKED POSITIONS.**

Cars parked shall move out in the direction headed, or if they are parked at an angle with the curb they shall back out on that angle until they have cleared the other cars and shall then proceed in the direction in which they are most nearly headed.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 13) Penalty, see §71.32

**§ 71.11 SPEED LIMIT ON THROUGH HIGHWAYS.**

A vehicle may be operated on any street of the Town, designated elsewhere in this chapter as through highway, at a rate of speed not exceeding 45 mph; provided, however, that at no time shall the speed be greater than is reasonable and prudent under the conditions then existing. (Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 14)  
Penalty, see §71.32

**§ 71.12 SPEED LIMIT ON CERTAIN STREETS.**

No person shall operate a vehicle upon any of the streets described in Chapter 74, Schedule IV at a speed greater than 25 mph. (Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 15)  
Penalty, see §71.32

**§ 71.13 ROADWAYS LANED FOR TRAFFIC.**

All vehicles operated on any roadway which has been clearly marked with lanes for traffic shall be driven as nearly as practical entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety. (Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 16)

**§ 71.14 DRIVING OVER FIRE HOSE.**

No vehicle shall be driven over any hose of the Fire Department when laid down on any street or driveway to be used at any fire, without the consent of the Fire Department Official in command. (Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 17)

**§ 71.15 SPINNING OF AUTO WHEELS.**

It shall be unlawful for any person within the Town to create noise or dust by spinning the wheels of a motor vehicle upon the ground or upon the hard-surfaced pavement. (Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 18)  
Penalty, see §71.32

**§ 71.16 U-TURNS PROHIBITED.**

No driver shall turn any vehicle so as to proceed in the opposite direction in any street intersection or anywhere else in the Town. (Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 19)  
Penalty, see §71.32

**TRUCKS, TRACTOR TRUCKS  
AND TRAILERS**

**§ 71.30 TRUCK ROUTES.**

(A) (1) No through truck as hereinafter defined shall drive over or upon any street in the Town except upon the streets named and specified in Chapter 74, Schedule V, which shall hereafter be designated as through truck routes. All through trucks entering the Town by streets other than those designated as through truck routes, and all trucks on trips originating within the Town with a destination outside the Town shall proceed by the shortest possible route over streets on which truck travel is permitted to use 1 of the through truck routes as herein established, and remain thereon in passing through the Town.

(2) A **THROUGH TRUCK** is defined as one passing through Bridgeton either en route to or from any point outside of the Town to which it has been driven for the purpose of delivering any materials, goods, wares, merchandise or other property or thing.

(B) No motor vehicle of the type designated as a tractor -trailer unit, tandem axle vehicle or any truck rated by the licensing department as being over 1 ton in capacity shall be operated upon the streets named and specified in Chapter 74, Schedule V,

except when the destination of the vehicle is at a point on the street on which it is traveling, or when the trip of the vehicle originates on the street on which it is traveling.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. VIII § 1)

Penalty, see § 71.32

**§ 71.31 TRUCK PARKING.**

It shall be unlawful for any person, firm or corporation to park on the streets of the Town at any time, day or night, any gasoline transport truck, tractor-trailer unit or tandem axle unit.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. VIII § 2)

Penalty, see § 71.32

**§ 71.32 PENALTY.**

Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements shall subject the offender to the provisions of Section 10.99; however, a violation of this Chapter shall subject the offender to a civil penalty of \$50.00 per offense, not \$500.00 per offense.

(Ord. 5-10-2011)



## CHAPTER 72: STOPPING, STANDING AND PARKING

### Section

- 72.01 Stopping in streets prohibited; exceptions
- 72.02 Obstruction of passage
- 72.03 Parking prohibited at all times in designated places
- 72.04 Taxicabs within the same block
- 72.05 Parking parallel to curb
- 72.06 Vehicles backed to curb
- 72.07 Left side to curb
- 72.08 Parking within lines where provided
- 72.09 Unlawful parking
- 72.10 Standing or parking for advertising
- 72.11 Stopping, standing or parking in specified places
- 72.12 Moving into restricted areas
- 72.13 Prohibited parking zones
- 72.14 Towing of vehicles

### **Cross-reference:**

*Emergency vehicle exemptions, see § 70.19*

### **§ 72.01 STOPPING IN STREETS PROHIBITED; EXCEPTIONS.**

No vehicle shall stop in any street except for the purpose of parking as prescribed in this chapter,

unless the stop is made necessary by the approach of fire apparatus, by the approach of a funeral or other procession which is given the right-of-way, by the stopping of a public conveyance, by the lowering of railway gates, by the giving of traffic signals, by the passing of some other vehicle or a pedestrian, or by some emergency; and in any case covered by these exceptions the vehicles shall stop so as not obstruct any footwear, pedestrian aisle, safety zone, crossing or street intersection if it can be avoided.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. V § 1)

Penalty, see § 72.15

### **§ 72.02 OBSTRUCTION OF PASSAGE.**

No vehicle shall so stand on any street as to interrupt or interfere with the passage of public conveyances or other vehicles.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. V § 2)

Penalty, see § 72.15

### **§ 72.03 PARKING PROHIBITED AT ALL TIMES IN DESIGNATED PLACES.**

When signs are placed, erected or installed, giving notice thereof, or the curbing has been painted yellow in lieu of signs, no

person shall park a vehicle at any time where notice is so given.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. V § 3)  
Penalty, see § 72.15

**§ 72.04 TAXICABS WITHIN THE SAME BLOCK.**

Not more than 2 taxicabs owned by the same company shall be parked in 1 block at the same time, except taxicabs as may be parked in established taxi stands as approved by the Council.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. V § 4)  
Penalty, see § 72.15

**§ 72.05 PARKING PARALLEL TO CURB.**

Where not otherwise indicated by this chapter, and where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb and not more than 12 inches therefrom.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. V § 5) Penalty, see § 72.15

**§ 72.06 VEHICLES BACKED TO CURB.**

In no case shall a vehicle remain backed up to curb, except when actually loading or unloading.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. V § 6) Penalty, see § 72.15

**§ 72.07 LEFT SIDE TO CURB.**

No vehicle shall stop with its left side to the curb in the business district, except that on 1-way streets vehicles shall stop headed in the direction of traffic.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. V § 7) Penalty, see § 72.15

**§ 72.08 PARKING WITHIN LINES WHERE PROVIDED.**

On any street which is marked off with lines indicating the parking spaces for cars, the same shall be parked between the lines.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. V § 8) Penalty, see § 72.15

**§ 72.09 UNLAWFUL PARKING.**

No person shall stand or park a vehicle upon any street for the principal purposes of:

(A) Displaying it for sale;

(B) Washing, greasing or repairing the vehicle, except repairs necessitated by an emergency;

(C) Storage thereof by garages, dealers or other persons when the storage is not incident to the bona fide use and operation of the automobile or other vehicles;



(D) Storage of any detached trailer or van, when the towing unit has been disconnected, or for the purpose of transferring merchandise or freight from vehicle to another; or

(E) Leaving the vehicle unattended with the motor running or not running.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. V § 9) Penalty, see § 72.15

### **§ 72.10 STANDING OR PARKING FOR ADVERTISING.**

No person shall stand or park on any street any vehicle for the primary purpose of advertising.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. V § 10) Penalty, see § 72.15

### **§ 72.11 STOPPING, STANDING OR PARKING IN SPECIFIED PLACES.**

(A) No person shall stop, stand or park a vehicle, attended or unattended, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or firefighter acting in official capacity, or with a traffic control device in specified places.

(B) The specified locations for the traffic control device are as follows:

(1) On any public sidewalk;

(2) Within an intersection or in front of a private driveway;

(3) On a crosswalk;

(4) Within 30 feet of any flashing beacon, stop sign or traffic control signal located at the side of a street or roadway;

(5) On underpass approaches. No vehicle shall park on either side of any street approaching a railroad underpass or overhead bridge, within 50 feet in any direction of the outer edge of the underpass or overhead bridge;

(6) On grade crossing approaches. No approaching a grade crossing within 50 feet of the closest rail; provided, that where existing permanent structures are located along the street and closer than 50 feet, parking may be permitted in front of the structures, unless otherwise prohibited, if the parking does not interfere with the view in either direction of an approaching locomotive or train;

(7) Alongside or opposite any street excavation or obstruction, when the stopping, standing or parking would obstruct traffic;

(8) Upon any bridge or other elevated structure;

(9) Within 15 feet in either direction of the entrance to any public building, or a fire hydrant or fire station;

(10) On the roadway side of any vehicle stopped, standing or parked at the edge of curb or a street;

(11) Within 50 feet from the intersection of property lines at an intersection of highways or streets;

(12) Trucks shall not be parked on any residential street between 12:00 a.m. and 6:00 a.m. on weekdays or any time on Sunday; or

(13) Between the paved portion or roadway of any public street and any public sidewalk, except in graveled or paved areas specifically provided by the Town for parking.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. V § 11)

Penalty, see § 72.15

### **§ 72.12 MOVING INTO RESTRICTED AREAS.**

No person shall move a vehicle not owned by that person into any prohibited area, or sufficiently away from curb to make any distance unlawful.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. V § 12)

Penalty, see § 72.15

### **§ 72.13 PROHIBITED PARKING ZONES.**

When signs are placed, erected or installed, giving notice thereof, or curbing has been painted yellow in lieu of the signs, no person shall park a vehicle at any time upon any of the streets or places described in Chapter 75, Schedule I.

(Ord. 9-08-2003-03, passed 9-8-2003, Art. V § 13)

Penalty, see § 72.15

### **§ 72.14 TOWING OF VEHICLES.**

The Police Department and all members thereof are hereby authorized to remove and tow away, or have removed and towed away by a private commercial towing service at the owner(s)' expense:

(A) Any motor vehicle or other vehicle illegally parked in any place where the parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, or may obstruct the movement of any emergency vehicle;

(B) Any motor vehicle or other vehicle parked on any street or other area where parking is specifically prohibited under the provisions of the municipal code may also be removed and towed away as herein provided; and

(C) Motor vehicle or other vehicle so towed away for illegally

parking is specifically prohibited under the provision of the municipal code may also be removed and towed away as herein provided. (Ord. 9-08-2003-03, passed 9-8-2003, Art. V § 14)

**§ 72.15 Penalty.**

Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements shall subject the offender to the provisions of Section 10.99; however, a violation of this chapter shall subject the offender to a penalty of \$50.00 per offense, not \$500.00 per offense. (Ord. 5-10-2011, passed 5-10-2011)



## CHAPTER 73: BICYCLES, MOTORCYCLES AND OTHER DEVICES

Section

### § 73.03 PENALTY.

73.01 Clinging to moving vehicles

73.02 Riding on handlebars prohibited

#### § 73.01 CLINGING TO MOVING VEHICLES.

Any person riding upon any bicycle, motorcycle, coaster, sled, roller-skates or any toy vehicle shall not attach the same, or himself or herself, to any public conveyance or moving vehicle upon any roadway. (Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 9)  
Penalty, see § 73.03

#### § 73.02 RIDING ON HANDLEBARS PROHIBITED.

The operator of a motorcycle, when upon a street, shall not carry any person upon the handlebar, frame, or tank of any vehicle, nor shall any person so ride upon the vehicle. (Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 10)  
Penalty, see § 73.03

Any act constituting a violation of the provisions of this Chapter or a failure to comply with any of its requirements shall subject the offender to the provisions of Section 10.99; however, a violation of this Chapter shall subject the offender to a penalty of \$50.00 per offense, not \$500.00 per offense. (Ord. 5-10-2011, passed 5-10-2011)



## CHAPTER 74: TRAFFIC SCHEDULES

### Schedule

- I. Through streets
- II. Stop intersections
- III. Yield intersections
- IV. Speed limits
- V. Truck routes; prohibited routes
- VI. Penalties

### **SCHEDULE I. THROUGH STREETS.**

The following streets are hereby declared to be through streets: All of U.S. 17 located within the Town limits.  
(Ord. 9-08-2003-03, passed 9-8-2003, Art. VI § 1, Schedule I)

## Traffic Schedules

### SCHEDULES II & III. STOP AND YIELD INTERSECTIONS

The following are stop and yield sign intersections in the Town:

<b>Street</b>	<b>Schedule II Stops at</b>	<b>Schedule III Yields at</b>
A Street		D Street
A Street		Washington
Academy Street	B Street	
Academy Street	C Street	
Academy Street	D Street/Hwy 17	
B Street	D Street	
B Street	Old 55 (SR 1662)	
Bridge Street	A Street	
Bridge Street	B Street	
Bridge Street		C Street
C Street	D Street	
C Street	Old 55 (SR 1662)	
C Street	Mill Street	
D Street	Hwy 17	
Driveway to Eastern Shore Townhouses (A Street Extended)	Mill Street	
E Street	Bridge Street	
Fisher Street	D Street/Hwy 17	
Fisher Street	E Street	
Hickory Street	B Street	
Hickory Street	C Street	
Hickory Street	D Street/Hwy 17	
Line Street	A Street	
Line Street	B Street	
Line Street	C Street	
Mill Street	A Street	
Mill Street	B Street	
Mill Street	C Street	
Mill Street	D Street/Hwy 17	
New Street	A Street	
New Street	B Street	
New Street	C Street	
Pine Street	B Street	
Pine Street	C Street	
Pine Street	D Street/Hwy 17	
South Street	A Street	
South Street	B Street	
Washington Street	B Street	
Washington Street	C Street	

(Ord. 8-13-2013-01, passed 8-13-2013)



## Traffic Schedules

### **SCHEDULE IV. SPEED LIMITS.**

The Town-wide speed limit shall be 25 mph unless otherwise posted.  
(Ord. passed 8·1-1955) Penalty, see Schedule VI

### **SCHEDULE V. TRUCK ROUTES; PROHIBITED ROUTES.**

(A) The following streets are designated as through truck routes: D Street - U.S. 17.

(Ord. 9-08-2003-03, passed 9-8-2003, Schedule V)

(B) Through trucks are prohibited on the following streets:

(1) A Street;

(2) B Street;

(3) C Street (not to include C Street extension from 55 to U.S. 17);

(4) Any portion of Academy Street lying west of U.S. 17; and

(5) Any portion of Mill Street lying west of C Street.

(Ord. 9-08-2003-03, passed 9-8-2003, Schedule VI) Penalty, see Schedule VI

### **SCHEDULE VI. PENALTIES.**

Any act constituting a violation of the provisions of this Chapter or a failure to comply with any of its requirements shall subject the offender to the provisions of Section 10.99; however, a violation of this Chapter shall subject the offender to a penalty of \$50.00 per offense, not \$500.00 per offense.

(Ord. 5-10-2011, passed 5-10-2011)



## CHAPTER 75: PARKING SCHEDULES

### Schedule

- I. No parking
- II. Penalties

### **SCHEDULE I. NO PARKING.**

No parking shall be permitted on the following streets:

<b>Street</b>	<b>Side/Location</b>	<b>Ord. No.</b>	<b>Date Passed</b>
A Street	Either side	9-08-2003-03	9-8-2003
B Street (N.C. Secondary Road 1602)	Either side (north or south) from the intersection of B Street with U.S. 17 to the tracks of the Southern Railway Co. or its successor	9-08-2003-03	9-8-2003
D Street, US 17	Beginning at the corner of Bridge Street and running north approximately 0.2 mile, to approximately the corner of the business of the Bridgeton Poultry Market, hence south to the corner of Bridge Street; in effect from May 20 through August 1 of each year		6-4-1969
Hickory Street	West of the intersection of the eastern right-of-way line of B Street with Hickory Street	9-08-2003-03	9-8-2003

Penalty, see Schedule II

### **SCHEDULE II: PENALTIES**

Any act constituting a violation of the provisions of this Chapter or a failure to comply with any of its requirements shall subject the offender to the provisions of Section 10.99; however, a violation of this Chapter shall subject the offender to a penalty of \$50.00 per offense, not \$500.00 per offense.

(Ord. 5-10-2011, passed 5-10-2011)



## **TITLE IX: GENERAL REGULATIONS**

Chapter

- 90. ANIMALS**
- 91. FIRE PREVENTION REGULATIONS**
- 92. ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES**
- 93. STREETS AND SIDEWALKS**
- 94. HEALTH, SANITATION AND NUISANCES**
- 95. PARK REGULATIONS**



## CHAPTER 90: ANIMALS

### Section

#### ***Animal Control; Dog and Cat Provisions***

- 90.01 Definitions
- 90.02 Office of Animal Control created
- 90.03 Duties of Animal Control Officer
- 90.04 Responsibility of animal custodian
- 90.05 Rabies control
- 90.06 Acts declared public nuisance
- 90.07 Running at large prohibited
- 90.08 Prohibited acts
- 90.09 Impounding animals
- 90.10 Records
- 90.11 Duties of Police Department

#### ***Other Animals***

- 90.20 Animals or poultry in numbers
- 90.21 Cattle, goats or sheep
- 90.22 Penalty

#### ***ANIMAL CONTROL; DOG AND CAT PROVISIONS***

##### **§ 90.01 DEFINITIONS.**

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

**AT LARGE.** Any animal shall be deemed to be **AT LARGE** when it is off the property of its custodian, and not under restraint as defined in this section.

**CUSTODIAN.** The person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal.

**RESTRAINT.** An animal is **UNDER RESTRAINT** within the meaning of this chapter if:

(1) It is controlled by means of a chain, leash or other like device;

(2) It is on or within a vehicle being driven or parked; or

(3) It is within a secure enclosure.

**STRAY DOG.** Any dog within the Town, off the premises of the owner, and not under restraint.

**VICIOUS ANIMAL.** Any animal that has made an attack on a human being by biting or in any manner causing abrasions or cuts of the skin; or one which, without provocation, attacked other pets. (Ord. passed 3-1-1982)

**§ 90.02 OFFICE OF ANIMAL CONTROL CREATED.**

There is hereby created the Office of Animal Control for the Town. It shall be the duty of the Animal Control Officer to perform all of the duties incident to the administration and enforcement of this subchapter, and to perform other duties as by general law or ordinance may be imposed on him or her. He or she shall be assigned to the Bridgeton Police Department, and shall work in cooperation with the County Health Department and the County Animal Control Officer. (Ord. passed 3-1-1982)

**§ 90.03 DUTIES OF ANIMAL CONTROL OFFICER.**

The Animal Control Officer shall be charged with the responsibility of:

(A) Enforcement of the Town laws, ordinances and resolutions relating to the care, custody and control of animals; and

(B) Cooperation with the County Health Director and assistance in the enforcement of the laws of the state with regard to dogs; the vaccination of dogs against rabies; and to the confinement and leashing of vicious animals. (Ord. passed 3-1-1982)

**§ 90.04 RESPONSIBILITY OF ANIMAL CUSTODIAN.**

The custodian of every animal shall be responsible for the care, vaccination and behavior of the animal. (Ord. passed 3-1-1982)

**§ 90.05 RABIES CONTROL.**

(A) *Vaccination.* Every dog or cat 4 months of age or older housed in the Town shall, at all times, be currently vaccinated against rabies. The custodian of all animals shall provide proof of that vaccination upon demand of the Animal Control Officer. Failure to provide this proof may result in the animal being impounded subject to redemption in the manner provided in this subchapter.



(B) *Confinement.* Whenever any person or animal is bitten by a dog, cat or other animal within the Town, the Animal Control Officer shall have the right and authority to examine the animal to determine whether it has hydrophobia. In this case, upon demand of the Animal Control Officer, the custodian of the animal shall deliver it to the Animal Control Officer who may impound the animal during a period as may be necessary to determine whether it has hydrophobia, the period being not less than 10 days. If the Animal Control Officer finds that the animal has hydrophobia or any symptoms thereof, then the Officer shall cause the animal to be destroyed; otherwise it shall be returned to its custodian at the time it was delivered up for examination, provided the custodian shall pay the expense of keeping the animal in confinement. If the custodian fails to pay for the upkeep of the animal upon demand, the Animal Control Officer is empowered to proceed as otherwise provided in this subchapter.

(Ord. passed 3-1-1982) Penalty, see § 90.22

### **§ 90.06 ACTS DECLARED PUBLIC NUISANCE.**

The following acts are hereby declared a public nuisance for

which an animal may be impounded:

(A) Any dog or other animal which by frequent or habitual howling, yelping, barking, fighting, or the making of other noises shall disturb the neighborhood;

(B) Any animal which chases, snaps at, or attacks pedestrians, bicycle riders or vehicles;

(C) Any animal which turns over garbage pails, damages gardens, flowers, vegetables or personal property of another;

(D) A female dog in heat not under restraint;

(E) Any stray dog running at large within the Town;

(F) Any dog off the premises of custodian not wearing rabies vaccination tags if required by this chapter;

(Ord. passed 3-1-1982)

(G) Any animal or group of animals which by virtue of number or type is offensive or dangerous to the public health, safety or welfare;

(H) Any act, noise, odor or condition created which is offensive

to people or destructive of real or personal property;

(I) Any animal found repeatedly at large;

(J) The creation of unsanitary, dangerous or offensive conditions including foul odor;

(K) Interfering with, molesting or attacking person(s) or animal(s);

(L) Inappropriately housing a female dog in heat in a manner so that she attracts other dogs; and/or

(M) Is diseased or dangerous to the public health or to the health of other animals.  
(Ord. 05-01-95-1, passed 5-1-1995)

### **§ 90.07 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 or her immediate family, either by leash, collar, chain or otherwise.  
(Ord. passed 6-8-1978) Penalty, see § 90.22

### **§ 90.08 PROHIBITED ACTS.**

It shall be unlawful for any person within the Town to do any of the following:

(A) To keep or cause to be kept any vicious animal, as defined in this subchapter, unless confined within a secure building or enclosure, or under restraint;

(B) To keep or harbor any dog, cat or other animal which, by frequent or habitual howling, yelping, barking, or the making of other noises, shall annoy or disturb the neighborhood;

(C) To cause, permit or allow a dog to be away from the premises of the owner, or to be in a public place, or on any public property in the Town unless the dog is under restraint;

(D) To have custody in 1 household of more than 4 dogs over the age of 3 months;

(E) To interfere with, hinder or molest the Animal Control Officer, or other authorized officer or person, in the performance of any duty authorized by this subchapter, or to seek to release any animal in the custody of the person;

(F) To have custody of any dog or cat over the age of 4 months which is not currently vaccinated against rabies; or  
(Ord. passed 3-1-1982)

(G) To fail or neglect to remove immediately any dog feces deposited on public or private property, without the consent of the owner of the property, by a dog in the care, charge, control or custody of the person, or owned, possessed or harbored by the person. For purposes of this division (G), dog feces shall be deemed to be **REMOVED IMMEDIATELY** only if it is placed in a closed or sealed container promptly after being deposited by the dog and thereafter is disposed of by depositing the closed or sealed container containing the dog feces in a trash receptacle, sanitary disposal unit, or other closed or sealed container.  
(Ord. 07-06-88-1, passed 7-6-1988)  
Penalty, see § 90.22

#### **§ 90.09 IMPOUNDING ANIMALS.**

(A) Any animal that, in the considered judgment of the Animal Control Officer, has strayed or which is not properly vaccinated for rabies, or is deemed a public nuisance, may be impounded and confined in the animal pound in a humane manner, subject to redemption, adoption or

destruction as provided in current North Carolina law.

(B) Except as otherwise allowed by federal or state law, no person shall trap or capture, any domestic animal, livestock, or wild animal that runs at large. The prohibition contained herein shall not apply to the Animal Control Officer, or any other federal, state, or local official or employee acting under the authority of his/her position.  
(Ord. passed 3-1-1982) Penalty, see § 90.22

#### **§ 90.10 RECORDS.**

It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of:

(A) Impoundment and disposition of all animals picked up by the Animal Control Officer; and

(B) Bite cases, violations and complaints and investigations of same.  
(Ord. passed 3-1-1982)

**§ 90.11 DUTIES OF POLICE DEPARTMENT.**

Any impounding will be done only under the guidance and guidelines of the Craven County Animal Control.  
(Ord. passed 6-8-1978)

**OTHER ANIMALS**

**§ 90.20 ANIMALS OR POULTRY IN NUMBERS.**

It shall be unlawful for any person, firm or corporation to keep or maintain within the Town any animals or poultry in such numbers and so housed as to result in noxious or offensive odors, or loud and disagreeable noises, and thereby to constitute a public nuisance.  
(1962 Code, Ch. K Art. III § 3) Penalty, see § 90.22

**§ 90.21 CATTLE, GOATS OR SHEEP.**

It shall be unlawful for any person, firm or corporation to keep or permit to be kept any cattle, goats, sheep, swine, stables, stalls, or any enclosure within the corporate limits of the Town.  
(Ord. passed 11-7-1949) Penalty, see § 90.22

**§ 90.22 PENALTIES**

For penalties for any violation(s) of this chapter, see § 10.99, in addition:

(A) For violations of the provisions of § 90.08:

(1) Any Town official authorized by the Mayor or his or her designated agent may issue to the known owner or person having custody of any dog, or to any other violator, a ticket giving notice of the violation of § 90.08. Tickets so issued may be delivered in person or mailed by registered mail to the person charged if that person cannot be readily found. The ticket issued shall impose on the owner a civil penalty of \$25.00 which may, in the discretion of the violator, be paid to the Town Clerk within 14 days of receipt in full satisfaction of the assessed penalty.

2) In the event that the owner of a dog or other violator does not appear in response to the above-described ticket, or the applicable civil penalty is not paid within the time period described, a criminal summons may be issued against the

owner or person having custody of a dog for violation of this section and upon conviction, the owner shall be punished as provided by state law. (Ord. passed 3-1-1982)

(B) For violations of § 90.07, the owner of any dog which is found running at large in violation of § 90.07 shall pay a civil penalty in the amount of \$25.00 to the Town within 72 hours after receipt of a citation for violation.

(Ord. passed 6-8-1978)

(C) For violations of provisions of § 90.21, any person, firm or corporation who shall violate § 90.21 shall, upon conviction, be fined the sum of \$25.00 or imprisonment for 30 days; each day of the violation shall constitute a separate offense.

(Ord. passed 11-7-1949)



## CHAPTER 91: FIRE PREVENTION REGULATIONS

Section

### **Fire Prevention Code**

- 91.01 Adoption of code
- 91 .02 Enforcement
- 91 .03 Definitions
- 91.04 Inspection Schedule
- 91 .05 Permits
- 91.06 Fees
- 91.11 New materials,  
processes or  
occupancies

### **Fire Hazards**

- 91.30 Burning trash within fire  
limits prohibited
- 91.31 Deposit of ashes and  
matter liable to  
spontaneous  
combustion
- 91.32 Accumulation of rubbish
- 91.33 Fire extinguishers
- 91.34 Dispensing fuels to  
marine craft at Town-  
owned facilities

### **Cross-reference:**

*Fire district, see § 33.15*

### **FIRE PREVENTION CODE**

#### **§ 91.01 ADOPTION OF CODE.**

There is hereby adopted by the Board of Commissioners for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosions, the most recent edition of the North Carolina Fire Prevention Code as adopted and published by the North Carolina Building Code Council and as amended from time to time, and the same is hereby adopted by reference as fully as though set forth herein as the fire prevention code for the Town of Bridgeton. Not less than one (1) copy of the adopted fire prevention code, amendments and standards adopted by reference shall be filed in the office of the Town clerk and the fire inspector, and the provisions thereof shall be controlling within the limits of the Town and any of its designated extraterritorial jurisdictions.  
(Ord. passed 11-12-2013)

## § 91.02 ENFORCEMENT.

The Fire Prevention Code shall be enforced by the Fire Inspector of the Town of Bridgeton, North Carolina. (Ord. passed 11-12-2013)

## § 91.03 DEFINITIONS.

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

**BULK.** The accumulation of flammable and combustible liquids exceeding 660 U.S. gallons individual capacity.

**CORPORATION COUNSEL.** The Attorney for the Town of Bridgeton.

**MUNICIPALITY.** The Town of Bridgeton.

**PORTABLE TANK.** A closed vessel having a liquid capacity of 60 U.S. gallons, not intended for fixed installations. (Ord. passed 11-12-2013)

## § 91.04 INSPECTION SCHEDULE.

The fire inspector shall schedule and perform inspections of real property throughout the jurisdiction as may be needed and appropriate in furtherance of the goals and objectives of the Fire Prevention Code as outlined in Section 106, Inspection Schedule. (Ord. passed 11-12-2013)

## § 91.05 PERMITS.

(A) Permits as described in Chapter 1, Section 105 of the North Carolina Fire Code shall be required to conduct the activities or operations therein set forth.

(B) Applications for permits shall be made to the fire inspector on forms provided by the Town and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as may be required.

(C) No person shall maintain, store or handle materials or conduct processes which produce conditions hazardous to life or property, or install equipment used in connection with such activities without a permit as required and prescribed in Chapter 1, Section 105 of the North Carolina Fire Code. Before a permit may be issued,



the fire inspector shall cause the inspection and approval of the receptacles, vehicles, buildings, structures, storage areas, devices, processes and conditions related to the permit.

(Ord. passed 11-12-2013)

#### **§ 91.06 FEES.**

Fees and charges for permits required by Chapter 1, Section 105 of the North Carolina Fire Code shall be established from time to time by the Board of Commissioners and set forth and maintained in the Town schedule of fees and charges.

(Ord. passed 11-12-2013)

#### **§ 91.07 BULK STORAGE OF LP GASES.**

Repealed and deleted.

(Ord. passed 11-12-2013)

#### **§ 91.08 HAZARDOUS MATERIAL ROUTES.**

Repealed and deleted.

(Ord. passed 11-12-2013)

#### **§ 91.09 MODIFICATIONS.**

Repealed and deleted.

(Ord. passed 11-12-2013)

#### **§ 91.10 APPEALS.**

Repealed and deleted.

(Ord. passed 11-12-2013)

#### **§ 91.11 NEW MATERIALS, PROCESSES OR OCCUPANCIES.**

The Mayor (or a Council member appointed by the Mayor) and the Fire Inspector shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the code.

(Ord. passed 11-12-2013)

#### **FIRE HAZARDS**

#### **§ 91.30 BURNING TRASH WITHIN FIRE LIMITS PROHIBITED.**

No person shall burn or cause to be burned any trash, refuse, shavings, paper, leaves, litter or other materials of any kind outside any house, or on or in any street, sidewalk, alley, lot or yard within the fire limits.

(1962 Code, Ch. C Art. II § 1) Penalty, see § 10.99

#### **§ 91.31 DEPOSIT OF ASHES AND MATTER LIABLE TO SPONTANEOUS COMBUSTION.**

(A) No person shall deposit ashes, smoldering coals or embers, grease or oily substances or other matter liable to spontaneous ignition, within 15 feet of any wooden or plastered wall, partitions, fence, floor,

sidewalk, lumber, hay, shavings, rubbish or other combustible material, except in metallic or other noncombustible receptacles. These receptacles, unless resting on the ground outside the building, shall be placed on noncombustible stands, and in every case shall be kept at least 2 feet from any wall or partition.

(B) Nothing in this section shall prevent the deposit of cold or wet ashes or cinders for the improvement of any unpaved alley or walkway. (1962 Code, Ch. C Art. II § 4) Penalty, see § 10.99

#### **§ 91.32 ACCUMULATION OF RUBBISH.**

No person shall permit any accumulation of waste paper, weeds, litter or combustible or inflammable waste or rubbish of any kind to remain upon any roof or in any court, yard, vacant lot or other open space. Every owner or occupant of property shall cut down and remove therefrom all

weeds, grass, vines and other growth which endangers the same or any other property or which is likely to be fired.

(1962 Code, Ch. C Art. II § 5) Penalty, see § 10.99

#### **§ 91.33 FIRE EXTINGUISHERS.**

Hand or portable fire extinguishers shall be installed in every store, factory, garage or other buildings where ready inflammable material is stored, handled, kept or sold.

(1962 Code, Ch. C Art. II § 6)

#### **§ 91.34 DISPENSING FUELS TO MARINE CRAFT AT TOWN-OWNED FACILITIES.**

It shall be unlawful to dispense flammable or combustible liquids into the fuel tanks of marine craft from tanker trucks on parks or recreational areas owned by the Town.

(Ord. passed 11-12-2013)

## CHAPTER 92: ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES

### Section

- 92.01 Administration
- 92.02 Definitions
- 92.03 Junked motor vehicles prohibited.
- 92.04 Nuisance Motor Vehicles Unlawful; Removal Authorized.
- 92.05 Procedure for determining whether a vehicle is a junked motor vehicle subject to towing.
- 92.06 Tower's lien.
- 92.07 Option to pay or post bond
- 92.08 Town authorized to enter into contracts.
- 92.09 Liability of person disposing of junked motor vehicles under this Ordinance.
- 92.10 Penalties.

### **§ 92.01 ADMINISTRATION.**

The Town employee appointed by the Board of Commissioners shall be responsible for the administration and enforcement of this chapter. Said Town employee shall be responsible for administering the removal and disposition of vehicles determined to be a "junked motor vehicle" or a "nuisance motor vehicle." Nothing in this Ordinance shall be construed to limit the legal authority or powers of officers of the Town police department in enforcing other law or in otherwise carrying out their duties.

### **§ 92.02 DEFINITIONS.**

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

#### *Town Official.*

The term "Town Official" means the Bridgeton Town employee appointed by the Board of Commissioners or the Mayor to administer the provisions of this Chapter.

*Motor vehicle.*

Any machine designed or intended to travel over land or water by self-propulsion, including watercraft, or while attached to a self-propelled motor vehicle.

*Junked motor vehicle*

(1) The term "junked motor vehicle" means a vehicle that:

A. Does not display a current license plate; and

B. Is either:

1. Partially dismantled

Or wrecked;

2. Cannot be self-propelled or moved in the manner in which it originally was intended to move; or

3. Is more than five years old and appears to be worth less than \$500.00.

(2) The following shall not constitute a "junked motor vehicle" regulated by this ordinance:

A. A vehicle which is kept or stored at a bona fide "Automobile graveyard" or "junkyard," as defined in G.S. 136-143;

B. A vehicle which is located

*such that it is not visible from a public street or highway, or from a private subdivision street or road; or*

*C. vehicle which is used on a regular basis for business or personal use.*

*Nuisance Motor Vehicle*

A motor vehicle on public or private property determined and declared to be a health or safety hazard, a public nuisance, and unlawful by any authorizing official, including a motor vehicle found to be:

(1) A breeding ground or harbor for mosquitoes, insects, rats or other pests;

(2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height;

(3) A point of collection of pools or ponds of water;

(4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;

(5) One having areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.;

(6) So situated or located that there is a danger of its falling or turning over;

(7) A point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or,

(8) One having sharp parts which are jagged or contain sharp of metal.

*Watercraft*

*Any boat, vessel, craft, or other conveyance that is designed to be used, or is made to use, for the transportation of persons, goods, or a combination thereof, upon or under the water; except that, inflatable pool rafts, un-motorized water skis, and other similar small devices are excluded.*

**Section 92.03 Junked motor vehicles prohibited..**

It shall be unlawful to maintain a junked motor vehicle anywhere within the ordinance-making jurisdiction of the Town.

**Section 92.04 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.**

(A) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee or occupant of the real property upon which the

vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(B) Upon investigation, any Town Official may determine and declare that a Motor vehicle is a nuisance motor vehicle and order the motor vehicle removed. Upon determination by the Town that a motor vehicle is a nuisance motor vehicle, the Town may immediately cause such a vehicle to be towed from either public or private property. In the event that a vehicle is towed immediately pursuant to this provision, the Town shall give notice to the owner of the vehicle as required by G.S. 20-219.11(a) and (b).

(C) The actual cost incurred by the Town in removing or otherwise remedying a nuisance motor vehicle shall be charged to the owner of the lot or parcel of land, and it shall be the duty of the Town's Tax Collector to mail a statement of the charges to the owner or other person in possession of the real property with instructions that the charges are due and payable within thirty (30) days from the receipt thereof.

(D) If charges for the removal or abatement of a nuisance motor vehicle are not paid within (30) days

after the receipt of a statement of charges, the charges shall become a lien upon the real property where the nuisance existed, and shall be collected as unpaid taxes, as provided in G.S. 160A-193.

**Section 92.05. Procedure for determining whether a vehicle is a junked motor vehicle subject to towing.**

The Town shall determine whether a vehicle is a junked motor vehicle, and is subject to towing, only as follows:

(1) *Step 1--Determination whether vehicle is a junked motor vehicle.* The Town Official shall personally view the alleged junked motor vehicle. If the Town Official determines that the vehicle is not a junked motor vehicle, then no further action shall be taken. If the Town Official determines that the vehicle is a junked motor vehicle as defined above, then he shall proceed to step 2. In viewing any alleged junked motor vehicle, the Town Official shall first obtain the landowner's consent to enter the property, or otherwise obtain an Administrative Warrant in accordance with the provisions of G.S. Ch. 15, Art. 4A (G.S. 15-27.2).

(2) *Step 2--Balancing of aesthetic benefits vs. private hardship.*

A. After viewing the junked motor vehicle and the surrounding area, the Town Official shall determine the aesthetic benefits of removing the junked motor vehicle outweigh the burdens imposed on the owner of the junked motor vehicle. In making this determination, the Town Official may consider the following, factors:

1. Protection of property values;
2. Promotion of tourism and other economic development opportunities;
3. Indirect protection of public health and safety;
4. Preservation of a character and integrity of the community;
5. Promotion of the comfort, happiness, and emotional stability of area residents; and
6. Any other factors related to the balancing of aesthetic benefits, against burdens imposed upon the owner of the junked motor vehicle.

B. The Town Official must make written findings showing his consideration of the relevant factors, and must make a written findings as to whether the aesthetic benefits of removing the junked

motor vehicle outweigh the burdens imposed on the owner of the junked motor vehicle. If the Town Official finds that the aesthetic benefits of removing the junked motor vehicle do not outweigh the burdens imposed upon the owner of the junked motor vehicle, then no further action shall be taken. If the Town Official finds that the aesthetic benefits of removing the junked motor vehicle outweigh the burdens imposed upon the owner of the junked motor vehicle, then he shall proceed to the next step.

(3) *Step 3--Notice to owner.* If the Town Official has determined that the aesthetic benefits of removing the junked motor vehicle outweigh the burdens imposed upon the owner of the junked motor vehicle, then he shall give notice, or make a diligent attempt to give notice, to the owner of the junked motor vehicle, as follows:

A. If the junked motor vehicle has a North Carolina registration plate or registration, written notice shall be given to the registered owner by certified mail by placing said notice in the mail within 24 hours after the determination is made, and notification by telephonic communication shall be made if the owner's telephone number can be ascertained; or

C. If the junked motor vehicle is not registered in any state, or its state registration cannot be determined, the Town Official shall make diligent efforts to obtain the name, address and telephone number of the owner, mail written notice, and give notice by telephone communication to the owner as soon as the owner's identity can be obtained.

D. If after reasonable diligence the owner cannot be identified, or if the owner otherwise has not been given notice, written notice shall be posted on the windshield, or some other conspicuous place at least seven (7) days prior to towing, after having obtained the landowner's consent or an Administrative Warrant.

E. No pre-towing notice need be given if the junked motor vehicle impedes the flow of traffic or otherwise jeopardizes the public welfare to the extent that immediate towing is necessary.

(4) *Step 4—Contents of written notice.* The written notice required by this section shall include the following information:

A. A description of the vehicle and vehicle identification number, if available;

B. A statement that the Town has determined that the vehicle is a junked motor vehicle in

violation of this ordinance, and the date on which this determination was made;

C. A statement that the Town intends to cause the vehicle to be towed to an automobile graveyard or junkyard no sooner than 30 days after the date of determination;

D. The name and address of the automobile graveyard or junkyard to which the vehicle will be towed; an

E. A description of a procedure which the owner must follow to appeal to a Craven County Magistrate to contest the proposed towing.

(5) *Step 5—Towing.* If the owner of the junked motor vehicle has not filed a written request for a hearing before a Craven County Magistrate within 30 days after the determination that the aesthetic benefits of towing a junked motor vehicle outweigh the burdens on the junked vehicle's owner, as provided in this section, the Town Official may cause the vehicle to be towed immediately upon the expiration of the 30-day period. If the owner makes a timely written request for a hearing before a Magistrate, then the Town Official shall not cause the vehicle to be towed until and unless the Magistrate determines that there is probable cause to believe that the vehicle is a junked motor vehicle

subject to towing pursuant to the terms of this Ordinance. If the Magistrate determines that there is probable cause to believe that the vehicle is a junked motor vehicle subject to towing pursuant to the terms of this Ordinance and the owner appeals to the district court as provided in this section, the Town Official may nonetheless cause a vehicle to be towed pending the decision of the court, but no tower's lien imposed pursuant to section 38-51 shall be enforced until such time as the district court rules on such appeal.

(6) *Step 6—Owner's right to hearing before magistrate.* Within 30 days after the date of the determination that the aesthetic benefits of towing a junked motor vehicle outweigh the burdens on the junked vehicle's owner, the owner of a vehicle which the Town Official has determined to be a junked motor vehicle may make a written request to a Craven County Magistrate to determine whether there is probable cause to believe that the vehicle is a junked motor vehicle subject to towing pursuant to the terms of this Ordinance. Such hearing, if properly requested by the owner, shall be conducted pursuant to G.S. 20-219.11.

(7) *Step 7—Appeal to district court.* Any party aggrieved by the magistrate's decision may appeal



*from the Magistrate's decision to Craven County District Court.*

**Section 92.06 Tower's lien.**

Upon towing a junked motor vehicle at the Town Official's request pursuant to this Ordinance, the tower shall have a lien upon the vehicle for towing and storage fees as by law provided. Such lien may be enforced only in accordance with applicable provisions of G.S. Ch. 44A.

**Section 92.07. Option to pay or post bond.**

At any time the junked motor vehicle has been towed, the owner may obtain possession of the vehicle by:

- (1) Paying the towing fee; or
- (2) Posting a bond for double the amount of the towing fee.

**Section 92.08. Town authorized to enter into contracts.**

For the purpose of facilitating the enforcement of this Ordinance, the Town may enter into contracts with one or more towers, automobile graveyards and/or junkyards for the removal and disposition of junked motor vehicles and nuisance motor vehicles.

**Section 92.09. Liability of person disposing of junked motor vehicles under this Ordinance.**

No person who removes a junked motor vehicle pursuant to this Ordinance shall be held liable for damages for the removal of the vehicle to the owner, lien holder or other person legally entitled to the possession of the vehicle removed, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts upon any person in the removal of such vehicle, may be held liable for damages.

**Section 92.10. Penalties**

Penalties for violations of this Chapter shall be assessed in accordance with the provisions of Section 10.99 of the Town of Bridgeton Code of Ordinances. (ord 1-12-2016-03; passed 1-12-2016)



## CHAPTER 93: STREETS AND SIDEWALKS

Section

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### **GENERAL**

#### **§ 93.01 STREET NAMES.**

The Council shall have the  
power to designate the names of all  
streets in the Town.

(1962 Code, Ch. D Art. IV § 1)

## **CONSTRUCTION ACTIVITIES**

### **§ 93.15 PERMIT TO DIG IN STREETS.**

It shall be unlawful for any person, firm or corporation to dig any hole or ditch or make any excavation of any kind whatsoever, on or under any street in the Town without first securing a permit therefore in writing from the Mayor. (1962 Code, Ch. D Art. I § 1) Penalty, see § 10.99

### **§ 93.16 SIDEWALK CONSTRUCTION.**

No Town sidewalk of any description shall be built by any individual, firm or corporation of any brick, wood, or other material without a written permit from the Zoning Administrator. (1962 Code, Ch. D Art. I § 2) Penalty, see § 10.99

### **§ 93.17 STREET REPAIR.**

It shall be the duty of every person, firm or corporation, who shall open or dig a ditch, trench or hole or make any excavation in or under any street, public alley or sidewalk of the Town, to put the street, public alley or sidewalk in as good condition in all respects as it was before. Every person, firm or corporation violating or failing to

observe the provisions of this section shall be guilty of a misdemeanor. (1962 Code, Ch. D Art. I § 3) Penalty, see § 10.99

### **§ 93.18 EXCAVATIONS; LEAVING UNPROTECTED.**

It shall be unlawful for any person, firm or corporation making any authorized or unauthorized excavation for any purpose whatsoever in or under any of the streets or sidewalks to fail to securely cover the excavations with plank or other suitable covers, place ropes around the same 3 feet from the ground, or fail to place a sufficient number of red lights around the excavation before dark and to keep the light burning all night every night the excavation shall be open. (1962 Code, Ch. D Art. I § 4) Penalty, see § 10.99

### **§ 93.19 STREETS NOT TO BE DAMAGED.**

(A) It shall be unlawful for any person, firm or corporation to drag, run, or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt, bitulithic, warrenite, or other permanently paved street of the Town which shall be likely in any way to injure or cut the surface

thereof, or which does injure or cut the surface thereof.

(B) It shall also be unlawful to injure any dirt street in the same manner.  
(1962 Code, Ch. D Art. I § 5) Penalty, see § 10.99

### **§ 93.20 HOUSE MOVING.**

No person shall move any house or building upon or across the public streets or sidewalks without the written consent of the Zoning Administrator and shall be responsible for any damage done to the streets or to any property of any person.  
(1962 Code, Ch. D Art. I § 6) Penalty, see § 10.99

### **§ 93.21 DAMAGE TO BRIDGES AND CULVERTS.**

No person shall injure or misplace any part of any bridge, culvert, ditch and drain or other property belonging to or used by the Town or place any obstruction in any culvert, ditch or drain, to prevent the free flow of water on or over the streets of the Town.  
(1962 Code, Ch. D Art. I § 7) Penalty, see § 10.99

### **§ 93.22 DAMAGE TO LIGHTS, SIGNS.**

No person shall injure, tamper with, remove or paint upon or deface any sign, sign post, street light, traffic signal or bulletin board or other municipal property upon the streets and sidewalks except employees of the Town in performance of their official duties or the duties assigned by the Town.  
(1962 Code, Ch. D Art. I § 8) Penalty, see § 10.99

### **§ 93.23 DAMAGE TO SIDEWALKS.**

It shall be unlawful for any person, firm or corporation to damage any paved sidewalk in the Town. Any person, firm or corporation damaging any paved sidewalk shall be responsible for the repair or replacement of same. Every person, firm or corporation failing to observe the provisions of this section shall be guilty of a misdemeanor.  
(Ord. passed 5-2-1966) Penalty, see § 10.99

## **OBSTRUCTIONS**

### **§ 93.35 ASSEMBLY ON SIDEWALK.**

All persons are forbidden from assembling or collecting and standing so as to obstruct any sidewalk or street, and all persons so collecting and standing shall

disperse and move upon the demand of any police officer. (1962 Code, Ch. D Art. II § 1) Penalty, see § 10.99

**§ 93.36 DISPLAY OF GOODS PROHIBITED.**

(A) No person shall place for display or sale any goods, wares or merchandise of any kind upon any of the sidewalks of the Town, which shall extend out on the sidewalks.

(B) The provisions of this section shall not apply to churches, church groups, school groups, and other charitable and eleemosynary organizations . (1962 Code, Ch. D Art. II § 2) Penalty, see § 10.99

**§ 93.37 PLACING OBJECTS ON STREET AND SIDEWALKS.**

(A) No brick, stone or wood or other substance obstructing the free passage of persons and vehicles shall be placed or suffered to lie in any of the alleyways, streets or other routes of the Town, nor shall any person place on or in any of the streets, sidewalks or alleyways of the Town any boxes, crates, casks, or barrels of any description, or any other obstruction of any kind.

(B) Provided, that any person erecting a building, may with permission of the Mayor place

building material for immediate use on the streets in a way as to not interfere with the usual traffic.

(C) The provisions of this section shall not apply to churches, church groups, school groups, and other charitable and eleemosynary organizations. (1962 Code, Ch. D Art. II § 3) Penalty, see § 10.99

**§ 93.38 CONSTRUCTION NEAR SIDEWALK.**

Before building or remodeling at any place where the same is in close proximity to the sidewalk, an overhead covered passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage, provided a permit for that has been issued by the Mayor. (1962 Code, Ch. D Art. II § 4) Penalty, see § 10.99

**§ 93.39 SHEDS AND AWNINGS.**

(A) No person shall erect over any sidewalk or street any wooden shed or awning, or any wooden shed for the support of an awning, or erect upon any street or sidewalk any post for the support of any awning. Each day that any forbidden structure shall remain shall constitute a separate violation.

(B) Provided that this shall not be construed to prevent the erection over the sidewalk of cloth or metallic awnings supported upon metallic frames firmly suspended from the building, and at least 7 feet above the level of the sidewalk. (1962 Code, Ch. D Art. II § 5) Penalty, see § 10.99

**§ 93.40 CARTS BLOCKING SIDEWALKS AND DRIVEWAYS.**

No person shall stop or park any push or pull cart, bicycle or other vehicle used for hauling any articles of merchandise for charge or hire upon any sidewalk or between the curb of any street and private property line. (1962 Code, Ch. D Art. II § 6) Penalty, see § 10.99

**USE AND CLEANLINESS**

**§ 93.50 THROWING OR BURNING TRASH ON STREET PROHIBITED.**

No trash, refuse or rubbish may be burned on or upon any sidewalk or street of the Town, nor shall any paper, straw, lemon peel, banana peel, watermelon rind or any trash of any kind be swept or thrown upon any sidewalk or street of the Town except at a reasonable time prior to the scheduled refuse pickup and in

accordance with the rules and regulations concerning the pickup. (1962 Code, Ch. D Art. III § 1) Penalty, see § 10.99

**§ 93.51 TREE TRIMMING.**

It shall be unlawful for any person to place or allow to be placed any tree trimmings, shrubbery trimming, trash, refuse or rubbish on any street or sidewalk so as to obstruct the free passage of vehicles or pedestrians. (1962 Code, Ch. D Art. III § 2) Penalty, see § 10.99

**§ 93.52 SNOW AND ICE REMOVAL.**

Every occupant of a store building, residence or other structure in front of which the sidewalk is paved with stone, brick, asphalt or cement, shall remove snow, ice or other obstruction from the sidewalk at the earliest possible time and as soon as the weather permits. (1962 Code, Ch. D Art. III § 3) Penalty, see § 10.99

**§ 93.53 SELLING ON STREET PROHIBITED.**

It shall be unlawful for any person, firm or corporation to sell, offer to sell, or barter or exchange any fruits, vegetables, farm products, meats, poultry, flowers, potted plants, oysters, seafood, goods,

wares and merchandise or any other thing whatsoever from any automobile, truck, wagon, cart, stand or container parked, placed or standing upon or within any street or sidewalk, or within the area between any street and sidewalk within the Town, unless and until the person, firm or corporation has acquired a privilege license as prescribed by the Town. (1962 Code, Ch. D Art. III § 5) Penalty, see § 10.99

### **PARADES, PICKET LINES AND GROUP DEMONSTRATIONS**

#### **§ 93.65 DEFINITIONS.**

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

**BLOCK.** The portion of any street lying between its intersections with other streets.

**GROUP DEMONSTRATION.** Any assembly together or concerted action between or among 2 or more persons for the purpose of protesting any matter or of making known any position or promotion of a person or of or on behalf of any organization or class of persons or for the purpose

of attracting attention to the assembly.

**PARADE.** Any parade, march, ceremony, show, exhibition or other similar event on public grounds or places.

**PICKET LINE.** Any 2 or more persons formed together for the purpose of making known any position or promotion of those persons or of or on behalf of any organization or class of persons. (Ord. passed 12-3-1979)

#### **§ 93.66 PERMITS REQUIRED.**

It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk, alley or other public place within the Town unless a permit therefor has been issued by the Town in accordance with the provisions of this subchapter. (Ord. passed 12-3-1979) Penalty, see § 10.99

#### **§ 93.67 PERMIT ISSUANCE.**

The Chief of Police or his or her designee is authorized to issue permits as required in § 93.66. In the issuance of the permit he or she shall:



(A) *Application.* Require a written application for a permit to be filed not less than 24 hours in advance of the parade, picket line or group demonstration, which application shall be on a form prescribed by the Chief of Police. The application shall be signed by the applicant. The applicant shall show the proposed time, place, purpose and size of the parade, picket line or group demonstration, and whether or not any minors below the age of 18 years shall participate.

(B) *Grounds for refusal.* Refuse to issue the permit when the activity or purpose stated in the application would violate this code or other ordinances of the Town or statute of the state, or when the activity or purpose would constitute a clear and present danger to the public health or safety or would hinder or prevent the orderly movement of pedestrian or vehicular traffic on the streets, alleys or sidewalks.

(C) *Participation of minors.* Specify in the permit whether or not minors below the age of 18 years will be permitted to participate. The Chief of Police shall pass upon whether or not the minors may participate and shall base his or her determination upon whether or not the purpose or time or place of the

particular activity will be detrimental to or endanger the health, safety or welfare of the minors or will interfere with their education.

(D) *Specification of person in charge; possession of permit.* Require that the application for a permit shall specify and the permit designate the person in charge of the activity. This person shall be required to accompany the parade, picket line or group demonstration and shall carry the permit with him or her at that time. The permit shall not be valid in the possession of any other person.

(E) *Conditions.* The permit may set the starting time, duration, speed of travel and space for any person or vehicle in the parade, picket line or group demonstration, may prescribe the portions or areas of streets, alleys, sidewalks or public places to be used and may impose other reasonable requirements as the Chief of Police or his or her designee may prescribe for the control and free movement of pedestrian or vehicular traffic, or for the health, safety and property rights of the participants and the general public.

(F) *Prerequisites to issuance.*

Among other considerations, consider and find as a requisite to issuance the following:

(1) The activity will not require excessive diversion of police from other necessary duties;

(2) The activity will not interfere with the right of property owners in the area to enjoy peaceful and lawful occupancy and use of their property; and

(3) The activity can be conducted without unreasonable interference of normal pedestrian or vehicular traffic in the area, will not prevent normal police and fire protection to the public, and will not be likely to cause injury to persons or property or to promote disorderly conduct or to create a public disturbance.

(Ord. passed 12-3-1979)

### **§ 93.68 REVOCATION.**

The Chief of Police may revoke any permit granted for a parade, picket line or group demonstration for any of the following causes:

(A) The violation by any participant of § 93.69; or

(B) The failure to comply with the terms and conditions of the permit.

(Ord. passed 12-3-1979)

### **§ 93.69 ACTIVITIES PROHIBITED.**

The following acts or activities when performed or taken in conjunction with or as a part of any parade, picket line or group demonstration are hereby prohibited and declared unlawful:

(A) The carrying on or about the person any firearms or any weapons or articles, including but not limited to blackjacks, nightsticks or flashlights, which by their use might constitute a deadly weapon; and

(B) The taking or keeping of any dog or vicious animal, whether leashed or unleashed.

(Ord. passed 12-3-1979) Penalty, see § 10.99

### **§ 93.70 INTERFERENCE PROHIBITED.**

No person shall hamper, obstruct, impede or interfere with any parade, picket line or group demonstration being conducted

under authority of a permit duly issued by the Chief of Police. (Ord. passed 12-3-1979) Penalty, see § 10.99

**§ 93.71 CONDITIONS ON PICKETING.**

Picket lines and picketing shall be subject to the following additional regulations:

(A) *Place of conduct.* Picketing may be conducted only on the sidewalk reserved for pedestrian movement and may not be conducted on the portion of a street used primarily for vehicular traffic.

(B) *Number of pickets allowed.* Not more than 10 pickets promoting the same object shall be permitted to use either of the 2 sidewalks within a single block at any one time.

(C) *Size and contents of signs, and the like.* Pickets may carry written or printed placards or signs not exceeding 2 feet in width and 2 feet in length promoting the object for which the picketing is done; provided, that the words used are not derogatory or defamatory in nature.

(D) *Marching.* Pickets shall march in single file and not abreast and not march closer together than

15 feet except in passing one another. Pickets shall not be allowed to walk more than 5 feet from the curb line and shall be in continuous motion.

(E) *Use of 1 area by more than 1 group.* If pickets promoting different objectives desire to use the same sidewalk for picketing, and the use would result in the presence of more than 10 pickets thereon, the Chief of Police or his or her designee shall allot time to each group of pickets for the use of the sidewalk on an equitable basis. (Ord. passed 12-3-1979)

**§ 93.72 EXEMPTIONS.**

The provisions of this article shall not apply to:

(A) Funeral processions;

(B) Students going to or from school classes or participating in educational or recreational activities where the activity is under the supervision and direction of proper school authorities; or

(C) Any governmental agency acting within the scope of its functions. (Ord. passed 12-3-1979)



## CHAPTER 94: HEALTH, SANITATION AND NUISANCES

### Section

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#### **HEALTH HAZARDS ON RESIDENTIAL PROPERTY**

##### **§ 94.01 LEGISLATIVE FINDINGS.**

It is hereby found and declared that there exists in the Town, conditions on property constituting fire and health hazards and rendering that property unsafe or unsanitary, and dangerous and detrimental to the health, safety, morals and otherwise inimical to the welfare of the residents of the Town. (Ord. passed 12-3-1979)

**§ 94.02 PURPOSE.**

In order to protect the health, safety and welfare of the residents of the Town and in order to protect property values, promote tourism and preserve the character and integrity of the Town, as authorized by G.S. Chapter 160A including, but not limited to, Article 19, Part 6 and Article 8, it is the purpose of this subchapter to establish minimum standards of responsibilities of owners and occupants of property.

(Ord. 4-08-2014-01 passed 4-08-2014)

**§ 94.03 DEFINITIONS.**

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

**DWELLING.** Any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

**DWELLING UNIT.** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

**GARBAGE.** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**OCCUPANT.** Any person over 12 years of age living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

**OWNER.** Any person who, alone or jointly, or severally with others:

(a) Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(b) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any person thus representing the actual owner shall be bound to comply with the provisions of this subchapter and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

**PLUMBING.** All of the following supplied facilities and equipment: gas pipes; gas-burning equipment; water pipes; mechanical garbage disposal units (mechanical sink grinders); waste pipes; water closets, sinks; installed dishwashers; lavatories, bathtubs; shower baths; installed clothes-washing

machines; catch basins; drains; vents and any other similar supplied fixtures; together with all connections to water, sewer or gas lines.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage and ashes; and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

**SUPPLIED.** Paid for, furnished or provided by or under the control of the owner or operator.

**TOWN.** The Town of Bridgeton.

(B) Whenever the words **DWELLING, DWELLING UNIT, ROOMING HOUSE, ROOMING UNIT, or PREMISES** are used in this sub-chapter, they shall be construed as though they were followed by the words **OR ANY PART THEREOF.**

(Ord. passed 12-3-1979)

#### **§ 94.04 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.**

(A) *Public areas.* Each owner of a dwelling containing 2 or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(B) *Cleanliness.* Each occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he or she occupies and controls.

(C) *Rubbish and garbage.* Each occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish and garbage in a clean and sanitary manner by placing it in appropriate storage facilities.

(D) *Supplied plumbing fixtures.* Each occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.

(E) *Care of facilities, equipment and structure.* No occupant shall willfully destroy, deface or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.

(F) *Care of dwelling and surrounding premises.* Each occupant of a dwelling shall keep the dwelling and surrounding premises, including the real estate upon which the dwelling is located, free of infestation of any insects, rodents or other pests in a number as to constitute a menace to

health, safety or welfare of the occupants or to the public.

(G) *Care of premises.* It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of the residential property (specifically including any vacant lot in a predominately residential neighborhood) for the open storage of any junk motor vehicle, icebox, refrigerator, stove, glass, building rubbish or similar items. It shall be the duty and responsibility of every owner or occupant to keep the premises of the residential property clean and to remove from the premises all abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage and similar refuse, upon notice from the Mayor or his or her designated representative (specifically including the Chief of Police). For the purposes of this section, a **JUNK MOTOR VEHICLE** is one that is partially dismantled or wrecked, such that it cannot be self-propelled or moved in the manner in which it was originally intended to move and which does not display a current license plate. (Ord. passed 12-3-1979)  
Penalty, see § 94.99

**WEEDS AND GRASS; REFUSE AND WASTE;  
BUILDING IN A STATE OF VISIBLE  
DISREPAIR**

**§ 94.15 CONDITIONS DECLARED A  
PUBLIC NUISANCE.**

The existence of any of the following conditions in any building, dwelling or dwelling unit or on any vacant lot or other parcel of land within the corporate limits of the Town hereby is declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(A) The uncontrolled growth of brush, weeds, grass or other growth:

(1) to a height of 12 inches; or

(2) so as to cause, threaten or be likely to cause a fire hazard; or

(3) so as to cause, threaten or be likely to cause bushes and shrubbery to grow beyond the property line and/or in the public right-of-way towards the street in a manner that restricts visibility of traffic passing on the street or impedes the delivery of the U.S Mail or creates an obstruction to vehicular traffic on adjacent roadways; or



(4) so as to cause, threaten or be likely to cause the inhabitation or breeding therein or thereon of rats, mice, snakes, flies, mosquitoes or other pests or vermin of any kind which are or may be dangerous or prejudicial to the public health or safety;

(B) Trees uprooted or severely damaged, including trees that are excessively leaning, or which are detrimental to the public health and safety and/or to any public property;

(C) Any accumulation of papers, rags, rubbish, trash, junk or other matter causing or threatening or likely to cause the accumulation of stagnant water, a fire hazard, or the inhabitation or breeding therein or thereon of rats, mice, snakes, flies, mosquitoes or other pests or vermin of any kind which are or may be dangerous or prejudicial to the public health or safety;

(D) Any accumulation of animal or vegetable matter or waste that is offensive by virtue of odors or vapors, or by the inhabitation or breeding therein or thereon of rats, mice snakes, flies, mosquitoes or other pests or vermin of any kind which are or may be dangerous or prejudicial to the public health or safety;

(E) The open storage of any abandoned ice box, refrigerator, stove,

appliances, glass, building material, building scraps, or similar items. The open storage of inoperable boats or personal watercraft;

(F) Allowing any condition to remain once an authorized federal, state, county or Town official or employee declares it to be detrimental to the public health or safety; and

(G) Allowing a home to be in a state of visible disrepair. It is unlawful for any person owning any property in the Town to maintain such property in such a manner that any of the conditions listed below are found to exist thereon:

(1) Any premise which detrimentally impacts the surrounding neighborhood because of dilapidation, deterioration, decay, or is unsecure or is improperly secured.

(2) Any exterior surfaces not structurally sound, waterproof, weatherproof and vermin proof. All exterior finishes shall be weather tight with no holes, cracks or rotted boards which permit outside air or water to penetrate rooms.

(3) Structures with missing or broken windows or doors which constitute a hazardous condition and/or invite trespassers and/or

malicious mischief. Plywood or other materials used to cover window and/or door space shall not be an acceptable permanent replacement, but are allowable as a temporary covering so long as the permanent covering is installed in a reasonable amount of time.

(4) Building exteriors, walls, roofs, porches, gutters, fences, accessory structures, driveways, sidewalks, walkways, or alleys that exist in a condition of deterioration, neglect, or disrepair.

(5) Any other condition on a property which meets the requirements of subparagraph (a), (b), and/or (c) below:

(a) Is detrimental to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the reasonable comfortable enjoyment of life or property.

(b) Affects an entire community or neighborhood, or any considerable number of persons within the Town.

(c) Is in violation of the North Carolina Building Codes.  
(Ord. 4-08-2014-01 passed 4-08-2014)

#### **§ 94.16 INVESTIGATION OF CONDITIONS.**

The Mayor or his or her designated representative, upon notice from any person of the existence of any of the conditions described in § 94.15, shall cause to be made such investigation as may be necessary to determine whether, in fact, conditions exist as to constitute a public nuisance as declared in § 94.15. The Mayor or his or her designated representative may conduct such investigation in consultation with individuals who have expertise in specific areas addressed in the notice.  
(Ord. 4-08-2014-01 passed 4-08-2014)

#### **§ 94.17 NOTICE TO ABATE NUISANCE.**

Upon a determination that the conditions constituting a public nuisance exist, the Mayor or his or her designated representative, shall notify, by certified mail, return receipt requested, the owner and any other person in possession of the real property in question of the conditions constituting the public nuisance, and shall order the proper abatement thereof within ten (10) days from the date of the written notice. In the discretion of the Mayor or his or her designated representative, such notice may be hand-delivered by

law enforcement officials in lieu of mailing the notice by certified mail, return receipt requested. If either of the 2 methods of notification specified above is attempted without success, then notice hereunder shall be given by posting of the same in a conspicuous place upon the real property in question.

(Ord. 4-08-2014-01 passed 4-08-2014)

### **§94.18 HEARING**

Within seven (7) days from receipt of the notice provided for in § 94.17, the owner, occupant, or person in possession of the real property in question may request a hearing before the Mayor or his designated representative, to be conducted at Town Hall, or other place agreed to by the parties. The Mayor or his designated representative shall fix a time for the hearing, and the initial abatement order shall be temporarily suspended pending the hearing. At the hearing, the individual affected by the order shall be given the opportunity to present evidence to refute the findings which supported the abatement order. Upon completion of the hearing, the Mayor or his designated representative shall consider the evidence before him and shall either revoke the initial order, issue an order which differs from the initial order, or reinstate the initial order of abatement. An aggrieved party may appeal the decision of the Mayor or his

designated representative to the Board of Commissioners of the Town, which appeal shall be heard at the next regularly scheduled meeting of the Board of Commissioners. The appeal process before the Board of Commissioners shall be the same as in the preceding paragraph. Any appeal from a decision rendered by the Board of Commissioners shall be as provided by law.

(Ord. 4-08-2014-01 passed 4-08-2014)

### **§ 94.19 FAILURE TO ABATE NUISANCE.**

If any person, having been ordered to abate the public nuisance through anyone of the above procedures, fails, neglects or refuses to abate or remove the condition or conditions constituting the nuisance within 10 days from service of the notice, then the Mayor or his or her designated representative shall cause the condition to be removed or otherwise remedied by having employees of the Town or independent contractors to go upon the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the Mayor or his or her designated representative.

(Ord. 4-08-2014-01 passed 4-08-2014)

**§ 94.20 NOTICES TO BE FILED; LIEN; STATEMENTS.**

A copy of each notice which was served pursuant to § 94.17, and wherein the Town took action pursuant to § 94.19, shall be filed with the Tax Collector of the Town together with a statement of the actual costs incurred by the Town in removing or otherwise abating and remedying the public nuisance, including the cost of preparing and serving the notice required by § 94.17. The costs incurred by the Town shall be and constitute a lien against the property as of the time the notice is filed with the Tax Collector, and shall be charged to the owner of the lot or parcel of land and other lessees, occupants or persons in charge of the premises as were served with the above-described notice. The Tax Collector promptly shall mail a statement of the costs to the owner of the property and the other persons or entities as were served hereunder. (Ord. 4-08-2014-01 passed 4-08-2014)

**§ 94.21 UNPAID CHARGES TO BE COLLECTED AS UNPAID TAXES ON REAL ESTATE.**

In the event that charges for the removal or abatement of a public nuisance are not paid within 30 days after the mailing of the statement of costs as provided for in § 94.20, the costs shall be collected as unpaid taxes

on real estate. The Tax Collector shall keep an appropriate public record of all costs and any proceedings had under this subchapter. (Ord. 4-08-2014-01 passed 4-08-2014)

**§ 94.22 PENALTIES.**

See § 10.99.

**MOSQUITO CONTROL**

**§ 94.35 COLLECTION OF STANDING OR FLOWING WATER.**

It shall be unlawful to have, keep, maintain, cause or permit, within the incorporated limits, any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless the collection of water is treated so as to effectually prevent the breeding. (1962 Code, Ch. H Art. III § 1) Penalty, see § 94.99

**§ 94.36 DEFINITION.**

Any **COLLECTION OF WATER** considered by § 94.35 shall be held to be those contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters or other similar containers. (1962 Code, Ch. H Art. III § 2)

**§ 94.37 METHOD OF TREATMENT.**

The method of treatment of any collections of water that are specified in § 94.36, directed toward the prevention of breeding places of mosquitoes, shall be approved by the County Health Officer, and may be 1 or more of the following:

(A) Screening with wire netting of at least 16 meshes to the inch each way or with any other material which will effectually prevent the ingress or egress of mosquitoes;

(B) Complete emptying every 7 days of unscreened containers, together with their thorough drying and cleaning;

(C) Covering completely the surface of the water with kerosene, petroleum or paraffin oil once every 7 days;

(D) Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito-destroying fish; and/or

(E) Proper disposal, by removal or destruction, of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water.

(1962 Code, Ch. H Art. III § 3)

**§ 94.38 NOTICE TO REMEDY.**

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there, and failure to prevent the breeding within 3 days after due notice by the Health Officer shall be deemed a violation of this subchapter. (1962 Code, Ch. H Art. III § 4) Penalty, see § 94.99

**§ 94.39 FAILURE TO REMEDY.**

Should the person or persons responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take necessary measures to prevent the same, within 3 days after due notice has been given to them, the County Health Officer is hereby authorized to do so, and all necessary cost incurred by him or her for this purpose shall be a charge against the property owner or other persons offending, as the case may be.

(1 962 Code, Ch. H Art. III § 5)

**§ 94.40 RIGHT OF INSPECTION.**

For the purpose of enforcing the provisions of this subchapter, the County Health Officer, or his or her duly accredited agent, acting under his or her authority, may at all reasonable times enter in and upon any premises within his or her jurisdiction; and any person or persons charged with any of

the duties imposed by this subchapter failing, within the time designated by this subchapter, or within the time stated in the notice of the County Health Officer, as the case may be, to perform those duties or to carry out the necessary measures to the satisfaction of the County Health Officer, shall be deemed guilty of a separate violation.

(1962 Code, Ch. H Art. III § 6) Penalty, see § 94.99

### **MISCELLANEOUS**

#### **§ 94.50 HAULING OFFENSIVE MATTER; PERMIT.**

The following regulations shall govern the hauling of offensive matter in the Town:

(A) No person shall engage in the business of hauling manure, swill, garbage or other offensive matter through the streets of the Town without securing a permit therefor from the Mayor. This permit shall be issued to any person applying for the same who shall provide for that purpose a vehicle strong and tight to prevent the spilling or leak of contents, and so covered as to prevent as far as practicable the escape of offensive odors. In issuing the permit the Mayor shall designate the streets or portion of the Town and on which the same shall be valid.

(B) All vehicles and all implements used in connection therewith shall, as far as practicable, be kept in a clean, sanitary and inoffensive condition. The vehicles shall be kept closed or covered while passing through the streets.

(C) No vehicle shall be allowed to stand unnecessarily in any street or other public place, nor shall any unreasonable lengths of time be consumed in passing through the streets, or in loading or unloading in the Town. Any matter falling from any vehicle shall immediately be returned to the vehicle.

(1962 Code, Ch. H Art. V § 1) Penalty, see § 94.99

#### **§ 94.51 SALE OF FOOD; EATING ESTABLISHMENTS.**

All food offered to the public for sale and all places where food is served to the public shall comply with all regulations of the North Carolina State Board of Health.

(1962 Code, Ch. H Art. V § 2)

#### **§ 94.52 HAZARDOUS CHEMICALS.**

It shall be unlawful for any person, firm or corporation to store any of the following substances in the municipal limits of the Town:

(A) Radioactive material: any material or combination of materials that spontaneously emits ionizing radiation; or

(B) 2,4 Dinitrophenol (1962 Code, Ch. H Art. VI § 1) Penalty, see § 94.99

### **§ 94.65 UNNECESSARY NOISE.**

(A) It shall be unlawful for any person, firm or corporation, to cause, make or contribute to creating any loud, disturbing or unnecessary noise, and noises of a character, intensity and duration as to be detrimental to the life or health of any individual, or such noises as unduly disturb the quiet and peace of the citizens of the Town.

(B) In addition to any other violation of this subchapter, the following acts are specifically declared to be unreasonably loud, annoying, frightening, loud and disturbing or unnecessary noise, the emission of which shall be unlawful. This enumeration shall not be deemed to be exclusive:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal, or if in motion as a danger signal after or as the brakes are being applied and

deceleration of the vehicle is intended, the creation by means of any signal device of any unreasonably loud or harsh sound, and the sound of the device for any unnecessary and unreasonable period of time;

(2) The use of any gong, or siren upon any vehicle other than police, fire, ambulance or other emergency vehicles;

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

(4) 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;

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

(6) The erection (including excavation), demolition, alteration or repair of any building

or other structure in a residential or business district other than between the hours of 7:00 a.m. and 8:00 p.m., except by permit from the Council when, in its opinion, the work will not create objectionable noise. Upon written complaint from the occupant of property near the location of the work, the Mayor shall immediately revoke the permit and the work shall be immediately discontinued;

(7) 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 work of the institution or which disturbs or duly annoys patients in the hospital;

(8) The creation of loud and excessive noise in connection with loading or unloading, any vehicles or the opening or destruction of bales, boxes, crates and containers;

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

(10) 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 or sale or display of merchandise;

(11) The conducting, operating or maintaining of any garage or filling station, or the repair, rebuilding or testing of any motor vehicle in any residential district, so as to cause loud or offensive noises to be emitted therefrom during the nighttime hours;

(12) The discharging or firing of firearms in the streets or elsewhere for the purpose of making noise or a disturbance, except by permit from the Police Department;

(13) The creation of excessive noise by the operation of an airplane over the Town by stunting, diving or otherwise operating an airplane for the purpose of advertising or otherwise;

(14) No person shall keep or maintain or permit the keeping of, on any premises, owned, leased, occupied or controlled by that person, any animal or fowl otherwise permitted to be kept which by habitual or frequent sound, cry, howling,



barking, squawking, meowing, or other noise, shall disturb the quiet, comfort or repose of any person; or

(15) No person shall play, use or operate or permit to be played, used or operated any radio, tape recorder, cassette player or other machine or device for reproducing sound, and is played at an unnecessary noise level, and is located in or on any of the following:

(a) Any public property, including any public street, highway, building, sidewalk, park, thoroughfare, or public or private parking lot;

(b) Any motor vehicle on a public street, highway, public space or within the motor vehicular area of any public or private parking lot or park; and if at the same time the sound generated is audible at a distance of 30 feet from the radio, tape recorder, cassette player, or other machine or device that is producing the sound; or

(c) Any private or residential property.

(C) The following shall not be considered unnecessary noise:

(1) Emergency warning devices or safety signals;

(2) Lawn care equipment and agricultural field equipment used between 7:00 a.m. and 8:00 p.m.;

(3) Equipment being used for construction, provided that all equipment manufacturer's mufflers and noise reducing equipment in use and in proper operating condition;

(4) Parades, fairs, circuses, other similar public entertainment events, sanctioned sporting events, sporting activities taking place in areas set aside for such activities or any activities normally associated with the above;

(5) Bells, chimes and similar devices which operate between 7:00 a.m. and 8:00 p.m. of no longer than 5 minutes in any given period;

(6) Emergency work;

(7) Sixty-cycle electric transformers; and

(8) Emission of sound from any source or sources of public right-of-way.

(Ord. 02-05-96-1, passed 2-5-1996)

Penalty, see § 94.99

#### **§ 94.66 FIREARMS REGULATED.**

It shall be unlawful for any person to discharge any firearm of any type within the corporate limits, except a police officer in the performance of his or her duty or a private citizen in justifiable self-defense.

(1962 Code, Ch. K Art. II § 2)

Penalty, see § 94.99

#### **§ 94.67 ABANDONED WELLS.**

It shall be unlawful for any property owner to allow or permit any unused or abandoned cistern or well to remain on the property without adequately securing the top of the cistern or well so as to prevent any person from falling into or using the cistern or well.

(1962 Code, Ch. K Art II § 3)

Penalty, see § 94.99

#### **§ 94.68 ABANDONED REFRIGERATORS AND CONTAINERS.**

(A) It shall be unlawful for any person, firm or corporation to leave outside of any building or dwelling or any place accessible to children any unattended, abandoned or discarded ice box, refrigerator, or any other

container of any kind, which has an air-tight door which, when closed, may not be released for opening from the inside of the ice box, refrigerator, or other container.

(B) It shall be unlawful for any person, firm or corporation to leave outside any building or dwelling or any place accessible to children any unattended, abandoned, or discarded ice box, refrigerator, or any other container of any kind which has a snap lock or other locking device thereon, which may not be released from the inside without first removing the snap lock or other locking device or the doors from the ice box, refrigerator or other container.

(1962 Code, Ch. K Art. II § 4) Penalty, see § 94.99

#### **§ 94.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) The violation of any provision of §§ 94.01 through 94.04 shall constitute a misdemeanor, as provided by G.S. § 14-4. In addition to any other authority the Council may have under §§ 94.01 through 94.04, expressed or implied, the Council or its designated representative may remove and sell any junk motor vehicle, as hereinabove defined, in

accordance with the procedures provided in Chapter 92 of this code. (Ord. passed 12-3-1979)

(C) (1) In addition to the general penalties provided by § 10.99, § 94.52 may be enforced by any 1, all, or a combination of the remedies

authorized and prescribed by G.S. § 160A-175.

(2) Each day's continuing violation shall be a separate and distinct offense. (1962 Code, Ch. H Art. VI § 2)



## CHAPTER 95: PARK REGULATIONS

### § 95.01 PARK DESIGNATED.

The real property located at 1301 B. Street shall be known as the Bridgeton Community Park, and the real property located on the Neuse River at 907 B Street shall be known as the Vernon J. Blades Park.

### § 95.02 DEFINITIONS.

*The term "Park" means the Bridgeton Community Park and the Vernon J. Blades Park.*

*The term "Amenities or Amenity" means any boardwalk/fishing pier, docks, tables, benches, charcoal cooking stands, gazebo, parking areas, playground equipment, and other personal property and fixtures located at the Parks.*

*The term "Town" shall mean the Town of Bridgeton.*

*The term "temporary mooring" is defined as mooring during daylight hours for no more than five hours at a time.*

### § 95.03 HOURS OF OPERATION.

The Park shall be open from dawn until dusk. No person is permitted in the Park outside of the regular hours of

operation unless prior approval is obtained from the town. However, under no circumstances is anyone permitted in the Park after 11: PM.

### § 95.04 TEMPORARY MOORING AT DOCKING FACILITIES

Only temporary mooring of small craft shall be permitted at the docks constructed at the Park. No such craft, whether locally owned or visiting, shall use the docking facilities for permanent mooring. Commercial fishing vessels may not use the docking facilities for any period of time. Overnight mooring at the docks is prohibited.

### § 95.05 PARKING VEHICLES.

Parking areas for motor vehicles and trailers shall be designated by signs and line markings, and no parking of motor vehicles or trailers is permitted in any other areas of the park. No person shall park a vehicle in any designed parking space located in the Park except for the purpose of using the Park, the Amenities and programs. Parking at the Park shall be for Park patrons only. No person shall park a vehicle on Park property unless the occupants of said vehicle are currently utilizing the Park. In addition to the civil penalties to which any person violating

the provisions of this Chapter is subject, vehicles in violation of this section may be towed pursuant to law.

**§ 95.06 OVERNIGHT CAMPING.**

It shall be unlawful to camp or stay overnight on Park property. Camping shall include, but not be limited to, the erection or use of tents, shelters, huts, bedding. No personal belongings may be stored in the Park outside the regular hours of operation, nor may personal belongings be left unattended in the Park.

**§ 95.07 SWIMMING FROM DOCKING FACILITIES.**

No person shall swim from any Park docking facilities, nor shall any person jump from said docking facilities or from the shoreline into the water.

**§ 95.08 NOTICE OF PROVISIONS OF THIS CHAPTER.**

Appropriate signs shall be posted at the Park to the end that persons utilizing the Park will be made aware that use of the Park is subject to the provisions of this Chapter.

**§95.09 USE OF PARK, RESERVATIONS**

Persons who wish to use the Park or any Amenities may, but not not required to, make reservations for same through the Town of Bridgeton Zoning

Administrator. Proof of reservation forms will be given to applicants when reservations are made. It shall be unlawful for persons without valid proof of reservation forms to deny of any Park Amenities to a person who has properly reserved the same at that particular time, and who has a valid proof of reservation form for the same. Anyone using Park Amenities who has not reserved the same shall relinquish it immediately to persons with valid reservations forms.

**§ 95.10 NOISE CONTROL.**

Loud music and noise, which can be heard beyond the immediate area of the picnic shelter from which it originates, is prohibited. This includes, but is not limited to, radios, loudspeakers, amplifiers, and musical instruments.

**§ 95.11 FIRES RESTRICTED.**

No person shall start a fire in the Park other than in existing, fixed outdoor cooking stands, and under no circumstances may fires be left unattended.

**§ 95.12 INTERFERENCE WITH PARK ACTIVITIES PROHIBITED.**

(A) No person may willfully interrupt, disturb, or interfere with any program or activity being conducted at the Park. Upon being directed to leave a Park by the Zoning Administrator, the Chief of Police or law enforcement personnel, the person being directed shall immediately vacate the Park.

(B) Any person who willfully interrupts, disturbs, or interferes with any program or activity being conducted at the Park, or willfully engages in disruptive or disorderly conduct in or about such premises may be denied use of the Park by the Zoning Administrator, the Chief of Police or law enforcement personnel for a period not to exceed ten days for the first offense, 60 days for the second offense, and for an indefinite period for any subsequent offense. Notice of such denial (suspension of privileges) shall be reduced to writing in the form of a letter to the offender and shall be served upon the person to whom it is directed by hand delivery, certified mail, return receipt requested, or, in the event the two aforementioned methods prove ineffective, by regular U.S. mail.

**§ 95.13 LITTERING.**

It shall be unlawful for any person to place, discard, dispose or leave any trash, refuse or garbage on Park property unless such garbage, refuse or trash is placed in a designed location or

container for removal by a specific garbage or trash service collector. placed in a designated location or container for removal by a specific garbage or trash service collector.

Any person who violates this section may be punished by a civil penalty of fifty dollars (\$50.00) for each offense.

**§ 95.14 PROHIBITION OF SEX OFFENDERS ENTERING PARK.**

No person or persons registered as a sex offender with the state of North Carolina or any other state or federal agency may knowingly enter into or on any Park operated or maintained by the Town of Bridgeton.

**§ 95.15 UNLAWFUL USE OF PARK FACILITIES.**

It shall be unlawful for anyone to destroy, tamper with, or remove, without permission from the Zoning Administrator, any Amenity located in the Park or any sign or notice posted in the Park by the Town of Bridgeton.

**§ 95.16 WEAPONS PROHIBITED.**

The open carry of firearms in the Park is prohibited. Individuals are prohibited from carrying concealed firearms in the Park unless they possess a valid conceal carry permit issued by the State of North Carolina.

**§ 95.17 ALCOHOLIC BEVERAGES PROIBITED.**

It shall be unlawful for any person to consume or possess open containers of any malt beverage, spirituous liquor, fortified wine, or unfortified wine, as those terms are defined in North Carolina General Statute §18B-101, on Park grounds.

**§ 95.18 PENALTY.**

Any person who violates any provision of this Chapter for which no penalty is provided shall be subject to the terms of Title I, Chapter 10, Section 10.99 of the Town of Bridgeton Code of Ordinances. In addition to the penalties set forth in Section 10.99 any person who violates the provisions of this Chapter may be denied the right to use Park facilities in accordance with the procedure set forth in Section 95.12 (B). (ord. 1-12-2015-02, pass 1-12-2016).



**TITLE XI: BUSINESS REGULATIONS**

Chapter

**110. BUSINESS AND PRIVILEGE LICENSES**

**111. MASSAGE PARLORS, HEALTH SALONS AND RELATED BUSINESSES**

**112. ADULT ESTABLISHMENTS**

**113. HEAVY EQUIPMENT LEASE OR RENTAL**

**114. BUSINESS REGISTRATION**



## CHAPTER 111: MASSAGE PARLORS, HEALTH SALONS AND RELATED BUSINESSES

### Section

- 111.01 Scope
- 111.02 Definitions
- 111.03 Licensing of massage business operators
- 111.04 Licensing of massagist
- 111.05 Employer to use only licensed employees
- 111.06 Posting of license
- 111.07 Notice and hearing
- 111.08 Hours of operation
- 111.09 Patronage by minors; employment of minors
- 111.10 Privilege license is annual
- 111.11 Massage of private parts for hire prohibited
- 111.99 Penalty

### § 111.01 SCOPE.

To protect public health, safety, welfare and morals, the following privilege license provisions and regulations are ordained for the privilege of carrying on the business, trade, or profession of massagist and for the operation or carrying-on of the businesses, trades or professions commonly known as massage parlor, health salons, physical culture studios or similar establishments wherein massage or physical manipulation of the human body is carried on or practiced. The provisions of this chapter shall not apply to a regularly established and licensed

hospital, sanitarium or nursing home, nor to an office or clinic operated and regularly used by a duly qualified and licensed medical practitioner, osteopath or chiropractor in connection with the practice of medicine, chiropractic or osteopathy . (Ord. passed 11-5-1979)

### § 111.02 DEFINITIONS.

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

**BUSINESS OR PROFESSION OF MASSAGE.** Includes the massage or treatment of any person for a fee or in expectation of a gratuity from the person massaged.

**MASSAGE.** The manipulation of body muscle or tissue by rubbing, stroking, kneading or tapping, by hand or mechanical device.

**MASSAGE BUSINESS.** Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, and massage studios.

**MASSAGIST.** Any person engaged in the business or profession of massage. A male **MASSAGIST** may sometimes hereinafter be referred to as a masseur. A female **MASSAGIST** may sometimes hereinafter be referred to as a masseuse.  
(Ord. passed 11-5-1979)

**§ 111.03 LICENSING OF MASSAGE BUSINESSOPERATORS.**

(A) No person, partnership, corporation or association shall operate a massage business as herein defined unless the person, partnership, corporation or association shall have first applied for and received the privilege license provided by this section.

(B) Every application for the privilege license prescribed herein shall be upon a form approved by the Town Manager and shall be filed with the Town Clerk/Finance Officer. Every application shall be made under oath and shall contain the following information:

(l) If the applicant is a person, the name and residence address of that person. If the applicant is a partnership, corporation or association, the name and residence address of all persons having any legal or beneficial interest in the applicant;

(2) The address of the premises where the massage business shall be located;

(3) A complete statement of all convictions of any person whose name is required to be given in division (B) (l) above for any felony, sex-related crime and/or prostitution, or any violation of the law relative to prostitution or other sex-related crime;

(4) A complete statement of any revocation, by any governmental unit, of any license to operate a massage business or to engage in the business or profession of massage held by any person whose name is required to be given in division (B)(l) above;

(5) A complete statement of any conviction of any person whose name is required to be given in division (B)(l) above for violation of any statute, law, ordinance or regulation of any government concerning the operation of a massage business or the business or profession of massage;

(6) The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in

division (B)(I) above wherein the business or profession of massage is carried on;

(7) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant; and

(8) A copy of the license issued by the State Licensing Board shall be submitted.

(C) The Town Clerk/Finance Officer shall transmit a copy of the application to the Police Department for an investigative report; and to the inspections division to determine compliance with all zoning and building regulations and ordinances. The Police Department shall, within a reasonable time, not to exceed 45 days, report the results of its examination to the Town Clerk/Finance Officer.

(D) An application in proper form, accompanied by all reports required by this section, shall be submitted to the Council, which shall approve the application if the Council determines that:

(1) The application contains no misstatement of fact;

(2) The applicant, or any person having any legal or beneficial

ownership interest in the applicant, has not been convicted of any crime involving sexual misconduct, including but not limited to violating § 111. 11 of this chapter, or of any federal statute relating to prostitution, or of any violation of any law or ordinance of any governmental unit concerning or related to the business or profession of massage;

(3) The applicant conforms to all requirements of applicable zoning, building and fire prevention codes; and

(4) The applicant or any person having a legal or beneficial ownership interest in the applicant has not, for the 3-year period preceding the application, had a previously issued license for engaging in the business or profession of massage revoked.

(E) A license issued pursuant to this section shall be revoked by action of the Council if the Council determines that:

(1) The licensee has violated any provisions of this chapter;

(2) The licensee or any agent of the licensee employs or permits to be on the premises of the applicant's massage business any

person practicing the business or profession of massage who has not been issued the privilege license required by § 111.04 hereof, or whose license under § 111.04 has been revoked;

(3) The licensee or the legal or beneficial owner of any interest in the licensee is convicted of any crime involving sexual misconduct, including but not limited to violating § 111.11 of this chapter;

(4) Any employee of the licensee is convicted of any felony in connection with his or her employment, or is convicted of any crime involving sexual misconduct, including but not limited to violating § 111.11 of this chapter; or

(5) The licensee violates any zoning, building or fire prevention ordinance.

(F) A license issued pursuant to this chapter is void if the licensee moves or ceases operating a massage parlor at the location required to be stated in the application for license pursuant to this section.

(Ord. passed 11-5-1979) Penalty, see § 111.99

## **§ 111.04 LICENSING OF MASSAGIST.**

(A) No person shall engage in the business or profession of massage unless the person shall have first applied for and received the privilege license provided by this section.

(B) The application for the license required by this section shall be upon a form approved by the Council and shall be filed with the Town Clerk/Finance Officer. The application shall be given under oath and shall contain the following information:

(1) The name, age, and residence address of the applicant;

(2) A complete statement of the previous business or occupation of the applicant for the 2 years immediately preceding the date of application, including any massage establishment experience;

(3) A complete statement of all convictions of the applicant for any felony or misdemeanor or violation of a local ordinance;

(4) A complete statement of any revocation of any license granted by any governmental unit to the applicant to engage in the

business or profession of massage;  
and

(5) The date and place of applicant's birth, the name of applicant's parents and the residence address or addresses of the applicant for the 5 years immediately preceding the date of application.

(C)

(1) The applicant shall submit, as part of the application required in division (B) above, the following:

(a) Fingerprints of the applicant taken by the Police Department;

(b) Two recent photographs of the applicant's head and shoulders, of a size and quality prescribed by the Council;

(c) A medical certificate signed by a physician licensed to practice in North Carolina, within 7 days of the date of the application. The certificate shall state that the applicant was examined by the certifying physician and that the applicant is free from communicable disease; and

(d) A copy of the license issued by the State Licensing Board shall be submitted.

(2) The additional information required by this division shall be provided at the applicant's expense.

(D) The Town Clerk/Finance Officer shall transmit a copy of the application to the Police Department for an investigative report. The Police Department shall, within a reasonable time, not to exceed 45 days, report the results of its investigation to the Town Clerk/Finance Officer.

(E) An application in proper form shall be submitted to the Council together with all reports required by this section. The Council shall approve the application if the Council determines:

(1) The applicant is at least 18 years of age;

(2) The application contains no misstatement of fact;

(3) The applicant has not been convicted of any crime involving sexual misconduct, including but not limited to violating § 111.11 of this chapter or of any federal statute relating to prostitution, or for violation of any law or ordinance of any governmental

unit concerning or related to the business or profession of massage;

(4) The applicant has not, for the 3-year period preceding the application, had a previously issued license for engaging in the business or profession of massage revoked;

(5) The applicant is free from communicable disease as evidenced by the medical certificate required herein; and

(6) The applicant has not been previously convicted of any violation of any provision of this chapter.

(F) The Council shall have authority to direct that any person licensed under this section submit to a medical examination by a licensed physician approved by the Council. This authority shall be exercised only when the Council has reason to believe that the person has contracted a communicable disease. Refusal to submit to the examination shall be grounds for revocation of the license as provided in division (G) of this section. Notwithstanding the provisions of this division, every person licensed under this section shall file and continue to file with the Town Clerk/Finance Officer a new medical certificate with each application for renewal of the license

prescribed by this section. Failure to file the updated certificates shall be the grounds for revocation of the license as provided in division (G) of this section.

(G) A license issued pursuant to this section shall be revoked by action of the Council if the Council determines:

(1) The licensee has violated any provision of this chapter;

(2) The licensee is afflicted with a communicable disease;

(3) The licensee has failed to be examined by a licensed physician when required by the Council pursuant to division (F) of this section, or has failed to file any medical certificate required by division (F); or

(4) The licensee has been convicted of a felony or any crime involving sexual misconduct, including but not limited to violating § 111.11 of this chapter or of any federal statute relating to prostitution, or for violation of any laws or ordinance of any governmental unit related to the business or profession of massage.

(H) It shall be unlawful for any person holding a license under this section to treat a person of the



opposite sex, except upon the signed order of a licensed physician, osteopath, chiropractor or registered physical therapist, which order shall be dated and shall specifically state the number of treatments, not to exceed 10. The date and hour of each treatment given and the name of the licensee shall be entered on the order by the establishment where the treatments are given and shall be subject to inspection by the police at any reasonable time. The requirements of this division shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath or registered physical therapist, chiropractor or in a regularly established and licensed hospital or sanitarium.  
(Ord. passed 11-5-1979) Penalty, see § 111.99

**§ 111.05 EMPLOYER TO USE ONLY LICENSED EMPLOYEES.**

No person, corporation, partnership, or association licensed under § 111.03 shall allow or permit any person to massage or treat any person upon the premises operated by the licensee unless the person giving the massage or treatment has complied with all requirements of licensing under § 111.04, including periodic medical examinations by a licensed physician. Violation of this section shall be grounds

for revocation of the license issued to the violator pursuant to this chapter.  
(Ord. passed 11-5-1979)  
Penalty, see § 111.99

**§ 111.06 POSTING OF LICENSE.**

(A) Every massagist shall post the license required by this chapter in his or her work area.

(B) Every person, corporation, partnership or association licensed under § 111.03 hereof shall display the license in a prominent place.  
(Ord. passed 11-5-1979) Penalty, see § 111.99

**§ 111.07 NOTICE AND HEARING.**

Before the Council revokes a license issued pursuant to this chapter, or if the Council determines reasonable grounds exist to deny an application for a license pursuant to this chapter, the Council shall cause a written notice to be sent by certified mail to the licensee affected or applicant affected, at the address stated in the license or application. This notice shall advise the affected party of a right to appear before the Council with or without legal counsel, at a stated time and place, for the purpose of presenting any evidence relevant to the revocation or denial, and for the purpose of hearing all evidence submitted and examining or

cross-examining any person providing the evidence.  
(Ord. passed 11-5-1979)

**§ 111.08 HOURS OF OPERATION.**

(A) No person licensed as a massagist under § 111.04 hereof shall massage or treat any person or engage in the business or profession of massage before 8:00 a.m. or after 10:00 p.m., prevailing time.

(B) No person, corporation, partnership or association licensed under § 111.03 hereof shall admit customers or prospective customers, or remain open for business, or allow, or permit or condone any massage or treatment of any person upon the premises before 8:00 a.m. or after 10:00 p.m., prevailing time.

(C) No person in charge of managing a massage business upon the premises shall allow, permit or condone any massage or treatment of any person before 8:00 a.m. or after 10:00 p.m., prevailing time.  
(Ord. passed 11-5-1979) Penalty, see § 111.99

**§ 111.09 PATRONAGE BY MINORS; EMPLOYMENT OF MINORS.**

(A) No person licensed as a masseur or masseuse under § 111.04 hereof shall massage or treat any

person under the age of 18 upon the licensed premises, except upon written order by a licensed physician, osteopath, chiropractor, or registered physical therapist, the order being dated and in the possession of the masseur or masseuse giving the massage or treatment. A violation of this division shall be grounds for revocation of any license issued to the violator pursuant to this chapter.

(B) No person, corporation, partnership or association licensed under § 111.03 hereof shall allow, permit or condone the massage or treatment of any person under the age of 18 upon the licensed premises, except upon written order by a licensed physician, osteopath, chiropractor or registered physical therapist, the order being dated, and a true copy of the order being in the possession of the licensee before administration of any massage or treatment. A violation of this division shall be grounds for revocation of any license issued to the violator pursuant to this chapter.

(C) No person, corporation, partnership or association licensed pursuant to § 111.03 of this chapter shall employ any person under the age of 18 years in the operation of a massage business.  
(Ord. passed 11-5-1979) Penalty, see § 111.99

**§ 111.10 PRIVILEGE LICENSE IS ANNUAL.**

The licenses required under this chapter are annual privilege licenses. The licenses shall be due and payable in the same manner as prescribed for other privilege licenses issued by the Town pursuant to the license and privilege tax ordinance of the Town. (Ord. passed 11-5-1979)

**§ 111.11 MASSAGE OF PRIVATE PARTS FOR HIRE PROHIBITED.**

It shall be unlawful for any person to massage or to offer to massage the private parts of another for hire. **PRIVATE PARTS** means the penis, scrotum, mons

veneris, vulva or vaginal area. The provisions of this section shall not apply to licensed medical practitioners, osteopaths or chiropractors, or persons operating at their direction, in connection with the practice of medicine, chiropractic or osteopathy. (Ord. passed 11-5-1979) Penalty, see § 111.99

**§ 111.99 PENALTY.**

Any person convicted of violating any provisions of this chapter shall be punished by fine or imprisoned as provided by G.S. §14-4. (Ord. passed 11-5-1979)



## CHAPTER 112: ADULT ESTABLISHMENTS

### Section

- 112.01 Findings
- 112.02 Definitions
- 112.03 Establishments prohibited

#### **§ 112.01 FINDINGS.**

The Council finds that adult establishments as herein below defined are readily available within a 20-mile radius of the Town. Within the 20-mile radius are the following establishments, as defined in §112.02, adult book stores and adult mini-motion picture theaters, in addition to establishments selling sexually oriented devices and offering movie-attending patrons the company of so-called studio mates. The Council finds that exclusion of all adult establishments as herein below defined from the Town shall have no impact or effect on the availability of the establishments to those persons desiring to attend same. In order to assist Craven County and other municipal governments within the county to restrict these establishments to a certain area or areas within the county, as an aid to enforcement of state laws and local ordinances prohibiting obscenity and otherwise restricting adult establishments, including but not

limited to G.S. Chapter 14, Article 26, and G.S. Chapter 14, Article 26A, the Council has adopted the following provisions prohibiting any and all adult establishments in the Town. (Ord. passed 11-5-1979)

#### **§ 112.02 DEFINITIONS.**

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

**ADULT BOOKSTORE.** A bookstore having as a preponderance of its publications books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section.

**ADULT ESTABLISHMENT.** An adult bookstore, adult motion picture theater or adult mini-motion picture theater.

**ADULT MINI-MOTION PICTURE**

**THEATER.** An enclosed building with a capacity for less than 50 persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.

**ADULT MOTION PICTURE**

**THEATER.** An enclosed building with a capacity of 50 or more persons used for presenting motion pictures, a preponderance of which are described or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.

**SPECIFIED ANATOMICAL AREAS.**

(1) Less than completely and opaquely covered:

(a) Human genitals, pubic region;

(b) Buttock; or

(c) Female breast below a point immediately above the top of the areola.

(2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES.**

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy; or

(3) Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts.

(Ord. passed 11-5-1979)

**§ 112.03 ESTABLISHMENTS PROHIBITED.**

All adult establishments as hereinabove defined are prohibited in the Town.

(Ord. passed 11-5-1979) Penalty, see § 10.99

## CHAPTER 113: HEAVY EQUIPMENT LEASE OR RENTAL

### Section

- 113.01 Definitions
- 113.02 Tax on gross receipts derived from retail short-term lease or rental
- 113.03 Collection of the tax
- 113.04 Reports and payment of tax
- 113.05 Taxpayer to keep records
- 113.06 Tax Collector to provide forms
- 113.07 Situs
- 113.99 Penalty

### § 113.01 DEFINITIONS.

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

**CUSTOMER.** Any person that leases or rents heavy equipment on a short-term lease or rental basis from a taxpayer.

**FINANCE OFFICER.** That individual appointed pursuant to G.S. § 159-24 and the provisions of the municipal charter to serve as Finance Officer for the Town and any other person authorized to carry

out the duties and functions of such individual.

**GENERAL STATUTES** or **G.S.** The North Carolina General Statutes and any reference to a particular section thereof shall include the same as may be from time to time amended, modified, supplemented, revised, or superseded .

**GROSS RECEIPTS.** The amount that is or would be reported as gross receipts on a business's state income tax return, or on the federal income tax return filed with the state income tax return if the state return does not separately state gross receipts for the most recently completed tax year. Taxes collected hereunder are not subject to the tax herein imposed and are not included in gross receipts.

**HEAVY EQUIPMENT.** Earthmoving, construction, or industrial equipment that is mobile, weighs at least 1,500 pounds, and is either:

- (l) A self-propelled vehicle that is not designed to be driven on a highway; or

(2) Industrial lift equipment, industrial material handling equipment, industrial electrical generation equipment, or a similar piece of industrial equipment. The term includes an attachment for heavy equipment, regardless of the weight of the attachment.

(G.S. § 160A-215.2(a)(1))

**LEASE OR RENTAL.** A transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. The term does not include any of the following:

(1) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments.

(2) A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed that greater of \$100 or 1% of the total required payments.

(3) The providing of tangible property along with an operator for a fixed or indeterminate period of time if the operator is necessary for the equipment to perform as designed. For the purpose of this subdivision, an operator must do more than maintain, inspect, or set up the tangible personal property,

(G.S. § 105-164.3(17))

**LONG-TERM LEASE OR RENTAL.**

A lease or rental made under a written agreement to lease or rent property to the same person for a period of at least 365 continuous days,

(G.S. § 105-187.1(3))

**PERSON.** Any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, company, firm, and any other legal entity.

**SHORT-TERM LEASE OR RENTAL.**

Any lease or rental that is not a long-term lease or rental.

(G.S. §§ 160A-215.2(a)(2) and 105-187.1(7))

**TAX ADMINISTRATOR.** The county tax administrator.



**TAXPAYER.** Any person liable to the county for the collection, reporting, and payment of the taxes imposed by this chapter. (Res. 10-14-2008-01, passed 10-14-2008)

**§ 113.02 TAX ON GROSS RECEIPTS DERIVED FROM RETAIL SHORT-TERM LEASE OR RENTAL.**

A tax is hereby imposed and levied in an amount equal to 0.8% of the gross receipts derived from the short-term lease or rental of heavy equipment at retail. This tax on gross receipts is in addition to the privilege taxes authorized by G.S. § 160A-211. (G.S. § 160A-215.2(b)) (Res. 10-14-2008-01, passed 10-14-2008)

**Statutory reference:**

*Authority, see G.S. § 160A-215.2*

**§ 113.03 COLLECTION OF THE TAX.**

(A) Every person whose principal business is the short-term lease or rental of heavy equipment at retail shall collect at the time of the lease or rental, or at the time of the payment of the consideration thereof, the tax herein levied,

(B) A person is not considered to be in short-term lease or rental business if the majority of the person's

lease and rental gross receipts are derived from leases and rentals to a person who is a related person as defined under G.S. § 105-163.010. (G.S. § 160A-215.2(b))

(C) The tax so collected shall be placed in a segregated account and thereafter remitted to the Finance Officer, or the duly authorized agent, in accordance with the provisions of this chapter. The taxpayer shall include a provision in each retail short-term lease or rental agreement, or other documentation evidencing the transaction, stating that the percentage amount enacted by this chapter of the total lease or rental price, excluding sales tax, is being charged as a tax on gross receipts. The amount of the tax shall be stated separately from the lease or rental and shown separately on the taxpayer's records. The tax shall be paid by the customer to the taxpayer as trustee for and on account of the Town. The taxpayer shall be liable for the collection thereof and for its payment to the Finance Officer, or to the duly authorized agent, and the taxpayer's failure to charge or to collect said tax from the customer shall not affect such liability, (Res. 10-14-2008-01, passed 10-14-2008) Penalty, see § 113.99

**§ 113.04 REPORTS AND PAYMENT OF TAX.**

Taxes levied under this chapter are due and payable when a return is required to be filed, Every taxpayer shall, within the time specified, submit a return to the Finance Officer, or duly authorized agent, on the form prescribed by the Finance Officer, or the duly authorized agent. A return must be signed by the taxpayer or the taxpayer's agent. Returns of taxpayers are due to the Finance Officer, or duly authorized agent, on the last day of the month following the period of time that the return covers. As provided in G.S. § 160A-208.1, a return shall not be considered a public record, and information contained in a return may be disclosed only in accordance therewith. (Res. 10-14-2008-01, passed 10-14-2008) Penalty, see § 113.99

**§ 113.05 TAXPAYER TO KEEP RECORDS.**

The taxpayer shall keep and preserve suitable records of the gross receipts received by such taxpayer in the conduct of business and such other books or accounts as may be necessary to determine the amount of the tax for which such taxpayer is liable under the provisions of this chapter. It shall be the duty of the

taxpayer to keep and preserve for a period of three years all such records of gross receipts and other books and accounts described. All records, books, and accounts herein described shall be open for examination at all reasonable hours during the day by the Finance Officer, or duly authorized agent. (Res. 10-14-2008-01, passed 10-14-2008) Penalty, see § 113.99

**§ 113.06 TAX COLLECTOR TO PROVIDE FORMS.**

The Tax Collector shall design, prepare, print, and make available to all taxpayers operating within the municipal boundaries of the Town forms and instructions for filing returns to insure a full collection of and an accounting for taxes due. The failure of any taxpayer to obtain or receive forms shall not relieve such taxpayer from the payment of the tax at the time and in the manner provided. (Res. 10-14-2008-01, passed 10-14-2008)

**§ 113.07 SITUS.**

Gross receipts from the short-term lease or rental of heavy equipment are subject to the tax imposed by this chapter if the place of business from which the heavy equipment is delivered is located within the municipal boundaries of the Town.

(G.S. § 160A-215.2(b)) (Res. 10-14-2008-01, passed 10-14-2008)

**§ 113.99 PENALTY.**

The provisions with respect to penalties and collection remedies that apply to the payment of sales

and use taxes under G.S. Ch. 105, Art. 5, shall be applicable in like manner to the tax authorized to be levied and collected under this chapter, to the extent that the same are not inconsistent with the provisions hereof. The Finance Officer, or duly authorized agent, may exercise any power the Secretary of Revenue may exercise in imposing these penalties and remedies.

***Statutory reference:***

*Similar provisions, see G.S. § 160A-215.2(d)*



## Chapter 114. – BUSINESS REGISTRATION

### Section

- 114.01 Purpose
- 114.02 Definitions
- 114.03 Registration required;  
fee
- 114.04 Registration  
revocations
- 114.05 Enforcement; Penalty

#### **114.01 Purpose.**

The purpose of this article is to provide for and establish an annual registration program to promote and protect the health, safety and welfare of the individual and business citizens of the Town. As set forth herein, each business located in the Town must submit to the Town certain information regarding the business and pay a registration fee solely to help pay for the Town's administration, coordination and implementation of the program. Among other things, the information collected by the Town through the program will be used to facilitate and enhance the Town's provision of emergency services, including, but not limited to police, to help ensure that important and critical Town notices, such as notices regarding water restrictions, are distributed throughout the business community, to help confirm that local sales and

use taxes have been allocated to the appropriate municipality, to ensure that business are complying with the Town's zoning ordinance, and to promote its business community through business demography.

#### **114.02 Definitions.**

**Business** - means any for-profit or non-profit commercial, industrial, or professional operation, occupation, work or trade, or any other business of any kind, including, without limitation, any sole proprietorship, partnership, limited partnership, joint venture, association, corporation, limited liability company, franchisee, cooperative, and any other entity recognized by law, that owns, leases or occupies any Premises.

**Business manager** - means a person with administrative authority over a business.

**Premises** - means any property, site or place within the Town upon which a Business is operated.

**Register or registration** - means the submission to the Town of a fully completed Registration form that has been approved by the Town.

**Registration fee** - means the fee for registration set forth in Section 114.03, below.

**Registration form** - means a form approved and provided by the Town to be completed by a business and pertaining solely to the business and its location(s) in the Town, including the business's legal name, assumed name(s), telephone number, facsimile number, and street address, the name and telephone number of a person at the business to contact in the event of an emergency, the number of persons employed or otherwise working (whether full time or part time) at the business, the type of business being conducted, and such other information that may be required by the Registration Form.

**Town Clerk** - means the Clerk for the Town of Bridgeton or his/her designee.

### **114.03 Registration Required; Fee.**

(A) All businesses within the Town shall register with the Town and pay a registration fee, on an annual basis, in accordance with this

section on January 1 of each year. Registration and payment of the registration fee must be completed no later than January 31st of each year. However, in the initial year of 2015, the registration and fee payment shall be due on July 31, 2015.

(B) Registration is valid only for the year in which it is issued, and will expire at the end of that year. A new registration is required each year. The fee for registration is \$10.00.

(C) A business that commences its initial operations within the Town after January 1 shall register and shall be required to pay a registration fee. Such registration and fee payment shall be completed not later than (i) 30 days after the business commences its initial operations at its Premises or (ii) the date the Town issues a certificate of occupancy for its Premises, whichever is earlier.

(D) A certificate of occupancy for the Premises of a business may be withheld if a business has not registered, or has not provided the Town with information changes following registration, in accordance with this Chapter.

(E) If during any year any information included within a registration form changes following registration, the business that files the registration shall, within 30 days following the date of such change, notify the Town of the change.

#### **114.04 Registration Revocation.**

If the Town Clerk makes a determination that any information in a business's registration form is false or incomplete, the Town Clerk will give notice to the business of that determination and allow the business not more than 10 days to correct the information. If the business fails to correct the false or incomplete information and provide accurate and complete information, the Town Clerk may revoke the

registration. The Town Clerk shall notify the business of such revocation by certified mail, return receipt requested or by posting notice of same upon any entrance door to the business.

#### **114.05 Enforcement; Penalty.**

(A) The Town may revoke a certificate of occupancy for any business that fails to register and/or pay the registration fee as required by this Chapter.

(B) Failure to comply with the terms of this Chapter shall subject the offender to the terms of Title I, Chapter 10, Section 10.99 of the Town of Bridgeton Code of Ordinances.  
(Ord. 6-09-2015-01, passed 6-09-2015)





**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. GENERAL OFFENSES**

**131. DISORDERLY CONDUCT**

**132. CURFEW FOR MINORS**



## CHAPTER 130: GENERAL OFFENSES

### Section

130.01 Carnivals regulated  
130.02 Surface privies  
130.03 Bird sanctuary  
130.99 Penalty

unhealthy condition and become a menace to public health.  
(1962 Code, Ch. J Art. V § 2) Penalty, see § 130.99

### § 130.01 CARNIVALS REGULATED.

No carnival shall be held in the Town without permission from the Mayor and the Council of the Town and without paying the tax required by law. No permission shall be given for the showing of a carnival in the Town within 30 days of the showing by any other carnival.  
(1962 Code, Ch. J Art. V § 1) Penalty, see § 130.99

### § 130.02 SURFACE PRIVIES.

(A) It shall be unlawful for any person, firm or corporation to build or erect any surface privy within the corporate limits of the Town after September 15, 1957.

(B) It shall be unlawful for any person, firm or corporation to repair, remodel, or in any way use and maintain in the future any surface privy now constructed and in use within the corporate limits of the Town when the privy or privies are found unfit for use, cause an

### § 130.03 BIRD SANCTUARY.

(A) The area embraced within the corporate limits of the Town and all lands owned or leased by the Town outside the corporate limits are hereby designated as a bird sanctuary.

(B) It shall be unlawful to trap, hunt, shoot or otherwise kill, within the sanctuary established by division (A), any native wild bird; provided that it shall be lawful to trap starlings or similar birds or fowls when those birds or fowls are found to be congregating in numbers in a particular locality that they constitute a nuisance or a menace to health or property.

(C) It shall be unlawful for any person, within the area hereby established to shoot or project any stone, rock, shot or other hard substance by means of sling shot, bean shooter, air rifle, pip-gun, bow, or other similar contrivance, or to fire any pistol, gun or other firearm within the area except on archery ranges, firing ranges or in legally established

shooting galleries or ranges, or in the discharge of duty of law enforcement officers; provided that the use of firearms in the destruction of rodents or similar animals or reptiles that are considered a menace to public health or property may be permitted by special permission of the Chief of Police.

(D) The Bird Clubs of the Town are hereby granted permission to erect artistic signs, giving notice of the regulations herein provided, at such places and of such design as may be approved by the Council. (1962 Code, Ch. J Art. V § 3) Penalty, see § 130.99

### **§ 130.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Whoever violates § 130.02 shall be fined \$50 per day and every day any violation continues shall constitute a separate event subject to the \$50 per day fine.

(1962 Code, Ch. J Art. V § 1)

(C) Any person violating the provisions of § 130.03 shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding \$50 per each day of violation.

(1962 Code, Ch. J Art. V § 2)

## CHAPTER 131: DISORDERLY CONDUCT

### Section

- 131.01 General
- 131.02 Vagrants
- 131.03 House of ill fame
- 131.04 Profanity and boisterous conduct
- 131.05 Public drunkenness
- 131.06 Drinking in public
- 131.07 Pool rooms
- 131.08 Face masks regulated

#### **§ 131.01 GENERAL.**

No operator or person in charge of any business shall permit same to be kept in an indecent, offensive or disorderly manner or permit loafers or idle persons to congregate therein or in front thereof.

(1962 Code, Ch. K Art. 1 § 1) (Am. Ord. 10-06-97-01, passed 10-6-1997)

#### **§ 131.02 VAGRANTS.**

Any and all tramps or vagrants who shall be found with no visible means of support, either male or female, shall not be allowed on the streets or other public places.

(1962 Code, Ch. K Art. 1 § 2)

#### **§ 131.03 HOUSE OF ILL FAME.**

No person shall keep a house or other place of ill fame in the Town and no person shall knowingly rent any house to be used as a house of ill fame. All adult persons living in these houses shall be considered as keepers thereof and be subject to the penalties of this code.

(1962 Code, Ch. K Art. 1 § 3) Penalty, see § 10.99

#### **§ 131.04 PROFANITY AND BOISTEROUS CONDUCT.**

It shall be unlawful for any person to use loud and boisterous language so as to become a nuisance or use any form of profanity or indecent language on the street or in a gathering, audience or public assembly, or in any public place whatsoever.

(1962 Code, Ch. K Art. 1 § 4) Penalty, see § 10.99

#### **§ 131.05 PUBLIC DRUNKENNESS.**

It shall be unlawful for any person to be drunk or intoxicated upon the public streets or in any public place in the Town.

(1962 Code, Ch. K Art. 1 § 5) Penalty, see § 10.99

**§ 131.06 DRINKING IN PUBLIC.**

No person shall consume, serve, or drink wine, beer, whiskey, or alcoholic beverages of any kind on the public streets, or in any public building or other public place in the Town. (1962 Code, Ch. K Art. 1 § 6) Penalty, see § 10.99

**§ 131.07 POOL ROOMS.**

It shall be unlawful for any person, not over 16 years of age, to enter a public pool room in the Town; or to play pool or billiards in a pool room or billiard parlor. The proprietor of the place or his or her employee who permits any person less than 16 years of age to enter the pool room or billiard parlor or engage in playing pool or billiards in the public pool room and billiard parlor shall be guilty of a misdemeanor. (1962 Code, Ch. K Art. 1 § 7) Penalty, see § 10.99

**§ 131.08 FACE MASKS REGULATED.**

(A) It shall be unlawful for any person or persons who are masked or hooded and unidentifiable to be or appear or parade on any of the streets, alleys, roads and thoroughfares or in any public place within the Town or in any manner threaten the supremacy of the law.

(B) The Town hereby exercises its police power to protect its citizens from

intimidation, the public from crime by masked and hooded persons, so as to give to its police officers the fullest opportunity to detect, apprehend and bring to justice violators of the law.

(C) For the purpose of this section, the term **MASKED** shall include any mask, hood or device whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer.

(D) The following shall be exempt from the provisions of this section:

(1) All children under the age of 17;

(2) All workers while engaged in a work requiring covering for physical safety and protection against occupational hazards because of the nature of the work in the occupation, trade or profession;

(3) Persons while wearing traditional holiday costumes;

(4) Persons while engaged in theatrical productions or masquerade balls; and

(5) Persons wearing gas masks in civil defense drills and exercises or emergencies.

(1962 Code, Ch. K Art. 1 § 8) Penalty, see § 10.99

## CHAPTER 132: CURFEW FOR MINORS

### Section

- 132.01 Purpose
- 132.02 Definitions
- 132.03 Established

#### § 132.01 PURPOSE.

The purpose of this chapter is to establish a curfew for minors in the Town, thus assisting the parents and guardians of minors in the increasingly difficult task of child rearing, and to promote the health, safety and welfare of both minors and adults in the Town by creating an environment offering better protection and security for all concerned. Unsupervised minors are particularly vulnerable to being induced to participate in drug abuse and other criminal activities during the nighttime. Minors often lack the ability to make informed, mature decisions when faced with the temptation to engage in criminal activities. Also, it is important that parents be encouraged to take an active role in the proper upbringing of their children. Furthermore, there is a need to protect businesses and other persons from vandalism and other types of criminal activities frequently committed by minors. This section will assist parents in the difficult task of child rearing and the

Town in regulating those activities which are detrimental to the health, safety and welfare of citizens and to the peace and dignity of the Town. (Ord. 07-01-96-2, passed 7-1-1996)

#### § 132.02 DEFINITIONS.

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

**CUSTODIAN.** A parent, guardian, stepparent, foster parent, houseparent or other person legally responsible for the care and custody of a minor as defined by this section.

**MINOR.** Any person who has not reached his or her eighteenth birthday and is not married, emancipated or a member of the armed services of the United States. (Ord. 07-08-96-01, passed 7-8-1996)

**PUBLIC PLACE.** Any place which is generally opened to and used by the public, whether it be publicly or privately owned, including but not limited to streets, highways, public vehicular areas, places of business and amusement parks, and other common areas open to the public. (Ord. 07-01-96-2, passed 7-1-1996)

**§ 132.03 ESTABLISHED.**

(A) A curfew applicable to minors is established.

(B) It shall be enforced as follows:

(1) *Time limits.* It is unlawful for any minor to be or remain upon any public place as defined in this section within the Town, or on any property or right-of-way belonging to the Town and located outside the corporate limits of the Town, between the hours of 11:00 p.m. Friday and 5:00 a.m. Saturday; between 11:00 p.m. Saturday and 5:00 a.m. Sunday; or between the hours of 10:00 p.m. and 5:00 a.m. on the following morning of Sunday, Monday, Tuesday, Wednesday or Thursday.

(2) *Exceptions.* The restrictions provided by division (B)(1) above shall not apply to any minor who is:

(a) Accompanied by his or her custodian as defined in § 132.02;

(b) Accompanied by a responsible person over the age of 21 years who has the written permission of the minor's custodian to have the minor under his or her supervision;

(c) Traveling in connection with his or her employment, religious activity or attendance at a function sponsored by the Town or a school;

(d) Temporarily within the Town or on Town property while engaged in interstate travel; or

(e) Attempting to obtain assistance in medical emergency.



*(3) Responsibility of adults.* It is unlawful for any custodian to allow or permit any minor to be in or upon, or remain in or upon a public place within the Town or on any property or right-of-way belonging to the Town and located outside the corporate limits of the Town, within the curfew hours set by division (B)(1), except as provided in division (B)(2) of this section.

*(4) Responsibility of business establishments.* It is unlawful for any person, firm or corporation operating a place of business or amusement to allow or permit any minor to be in or upon, or to remain in or upon the premises of the place of business of amusement within the curfew hours set by division (B)(1) of this section, except as provided in division (B)(2) above.

*(5) Enforcement.* When a minor is found to be in violation of this section, a police officer will check with the communications center of the Town Police Department to determine if the minor is a first time offender.

(a) If the minor is a first-time offender, he or she will be taken to the residence of his or her custodian. A written warning will be given to the custodian and an information report will be taken by the officer. The report shall include the name of the minor and the custodian, the time, date and location of the offense. This report will be turned in to the Police Department records system.

(b) If, upon checking with the communications center, the minor is found to be a repeat offender, he or she will be taken to the residence of his or her custodian and the custodian will be subject to a civil fine as set forth in § 10.99 of the code of the Town. A report will be turned in to the police communications center and entered into the Police Department records system. A copy of the report may be forwarded to the appropriate juvenile authorities or the Department of Social Services as deemed appropriate.

*(6) Aiding and abetting by adult or custodian.* It shall be a violation of this chapter for an adult or custodian or other person, firm or corporation, to allow, permit, encourage, aid or abet a minor in the violation of the curfew established hereunder.

*(7) Refusal of custodian to take custody of minor.* If any custodian refuses to take custody of his or her minor child or ward found in violation of this chapter, the officer with

custody of the minor shall contact the County Department of Social Services and release the minor to that agency, pending further investigation by the Police Department and the Department of Social Services. The adult will be subject to a civil fine as set forth in § 10.99 of the code of the Town. (Ord. 07-01-96-2, passed 7-1-1996) Penalty, see § 10.99

## **TITLE XV: LAND USAGE**

Chapter

**150. GENERAL REGULATIONS**

**151. BUILDING REGULATIONS**

**152. HOUSING CODE**

**153. FLOOD DAMAGE PREVENTION**

**154. RESERVED**

**155. ZONING CODE**



## CHAPTER 150: GENERAL REGULATIONS

### Section

150.01 Development regulations; adopted by reference

150.02 Land Use Plan update; adopted by reference

#### **§ 150.01 DEVELOPMENT REGULATIONS; ADOPTED BY REFERENCE.**

The Development Ordinance of the Town, adopted April 1, 1991, is hereby adopted by reference as if set out in full herein. A copy is available through Town offices. (Ord. passed 4-1-1991; Am. Ord. 03-08-2005, passed 3-8-2005)

#### **§ 150.02 LAND USE PLAN UPDATE; ADOPTED BY REFERENCE.**

The 1995 CAMA Land Use Plan Update, adopted May 6, 1996 and subsequently amended, is hereby adopted by reference as if set out in full herein. A copy is available through Town offices. (Ord. passed 5-6-1996; Am. Res. 11-03-97-01, passed 11-3-1997; Am. Ord. passed 4-7-1998)



## CHAPTER 151: BUILDING REGULATIONS

Section

### ***Building Code***

- 151.01 North Carolina Building Code; adopted
- 151.02 Penalties

### ***BUILDING CODE***

#### **§ 151.01 NORTH CAROLINA BUILDING CODE; ADOPTED.**

The North Carolina Building Code as adopted by the North Carolina Building Code Council and as amended from time to time by the Council shall be in full force and effect in the Town.  
(1962 Code, Ch. F Art. I § 1)

#### **§ 151.02 PENALTIES**

For penalties for any violation(s) of this chapter, in case any building or structure is maintained, erected, constructed, or reconstructed or its purpose altered, so that it becomes in violation of this chapter or of the North Carolina State Building Code, the local enforcement officer with responsibility for enforcing this chapter may, in addition to other remedies, institute any appropriate action or proceeding to: (i) prevent the unlawful maintenance, erection, construction, or reconstruction or alteration of

purpose, or overcrowding, (ii) restrain, correct, or abate the violation, or (iii) prevent the occupancy or use of the building, structure, or land until the violation is corrected. In addition to the civil remedies set out in G.S. 160A-175, the Town of Bridgeton or other political subdivision authorized to enforce the North Carolina State Building Code within its jurisdiction is hereby authorized, for the purposes stated in (i) through (iii) of this section, to levy a civil penalty in accordance with Section 10.99 for violation of the fire prevention code of the North Carolina State Building Code, which penalty may be recovered in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after the offender has been cited for the violation. If the Commissioner or other State official institutes an action or proceeding under this section, a county, city, or other political subdivision may not institute a civil action under this section based upon the same violation. Appeals from the imposition of any remedy set forth herein, including the imposition of a civil penalty by a county, city, or other political subdivision, shall be as provided in G.S. 160A-434.  
(Ord. amended 5-10-2011)





**CHAPTER 152: HOUSING CODE**

Section

**General Provisions**

- 152.01 Definitions
- 152.02 Legislative findings
- 152.03 Purpose
- 152.04 Reserved
- 152.05 Violations
- 152.06 Reserved
- 152.07 Reserved

**Administration and Enforcement**

- 152.20 Enforcement duties of the Housing Code Enforcement Officer
- 152.21 Powers of the Housing Code Enforcement Officer
- 152.22 Reserved
- 152.23 Procedure for enforcement
- 152.24 Complaints and orders; methods of service
- 152.25 Action by Housing Code Enforcement Officer; placarding
- 152.26 Lien
- 152.27 Alternative remedies
- 152.28 Conflict with other provisions
- 152.29 Summary ejectment; summons; notice and the like

**Minimum Standards**

- 152.40 Compliance standards

**GENERAL PROVISIONS**

**§ 152.01 DEFINITIONS.**

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

**BASEMENT.** A portion of a dwelling, dwelling unit, or rooming unit which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

**CELLAR.** A portion of a dwelling, dwelling unit, or rooming unit located partly or wholly underground, having inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

**DETERIORATED.** A dwelling, dwelling unit, or rooming unit diminished or impaired in quality, character, and or value, primarily due to time and neglect, which could, however, be repaired, altered, or

improved to comply with the minimum standards established by this chapter as determined by the Housing Code Enforcement Officer.

**Statutory Reference**

*Authority to determine fitness for habitation, see G. S. § 160A-444*

**DILAPIDATED.** A dwelling, dwelling unit, or rooming unit having fallen into a state of disrepair or deterioration caused through neglect, broken-down, or shabby conditions which cannot be repaired, altered, and or improved to comply with the minimum standards established by this chapter as determined by the Housing Code Enforcement Officer.

**DWELLING.** Any building or structure used and occupied for human habitation or intended to be so used to include any appurtenances belonging thereto or usually enjoyed therewith.

**DWELLING UNIT.** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities used or intended to be used for living, cooking, and eating.

**EXTERMINATION.** The control and elimination of insects, rodents, or other pests:

(1) By eliminating their harborage places by removing or making inaccessible materials that may serve as their food; or

(2) By poisoning, spraying, fumigating, trapping; or

(3) By any other recognized and legal pest elimination methods approved and sanctioned by current state and local laws.

**GARBAGE.** Any food product items resulting from the handling, preparation, cooking, and consumption of food.

**HABITABLE ROOM.** A room or enclosed floor space used or intended to be so used, for the sole purpose of living, sleeping, cooking, or eating.

**INFESTATION.** The presence, within or around a dwelling, of any insects rodents, or other pests in number so as to constitute a menace to the health, safety, or welfare of the occupants therein or to the public in general.

**HOUSING CODE ENFORCEMENT OFFICER.** The public official designated by the Town to enforce the provisions of this chapter.

**OCCUPANT.** Any person living or being cared for, sleeping, cooking or eating in, or having actual possession, renting, or leasing of a dwelling unit or rooming unit.

**OPERATOR.** Any person who has charge, care, or control of a building, or part thereof, in which habitable dwelling units or rooming units are located.

**OWNER.** Every mortgagee of record and any person who alone, jointly, or severally with others, shall have:

(1) Title to any dwelling, dwelling unit, or rooming unit with or without accompanying actual possession thereof; or

(2) Charge, care, or control of any dwelling, dwelling unit, or rooming unit, or as executor, executrix, administrator, trustee, or guardian of the estate of the owner. Any person representing the actual owner shall be bound to comply with the provisions of this chapter and the rules and regulations adopted pursuant thereto to the same extent as if he or she were the actual owner.

**PARTIES OF INTEREST.** All individuals, associations, or corporations who have vested interest(s) in a dwelling, dwelling unit, or rooming unit and any who are in possession thereof.

**PUBLIC AUTHORITY.** Any housing authority or any officer who is in charge of any department or branch of the Town, county, or state relating to health, fire, building regulations, or other activities concerning dwellings in the Town.

**ROOMING UNIT (MULTIPLE FAMILY DWELLING).** Any dwelling or that part of any dwelling, containing one or more rooming units, which space(s) is let through rent or lease by the owner, or his or her representative, to party(ies) for the sole purpose of normal human habitation.

**RUBBISH.** Any combustible or noncombustible waste, except garbage; the term(s) shall include paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, and other such like items.

**SUPPLIED.** Paid for, furnished, or provided by or under the control of the owner, owners agent, or representative.

**TEMPORARY HOUSING.** Any tent, trailer, or other structure utilized for human shelter, which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility(ies) on the same premises for more than 30 consecutive days.

**UNFIT FOR HUMAN HABITATION.** Conditions exist in a dwelling or structure which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

(B) Whenever the words **DWELLING, DWELLING UNIT, ROOMING UNIT, or PREMISES** are used herein, they shall be construed as though they were followed by the words "**OR ANY PART THEREOF.** "

(Ord. 9-09-2008-02, passed 9-09-2008)

#### **§ 152.02 LEGISLATIVE FINDINGS.**

Pursuant to G.S. § 160A-441, it is hereby found and declared that there exists in the Town dwellings, dwelling units, rooming units, and structures that are unfit for human habitation by reason of dilapidation, deterioration, and/or other defects which increase the potential of hazards due to fire, accidents, and/or other calamities, lack of ventilation, light and sanitary facilities, and due to

other conditions rendering the dwellings, dwelling units, rooming units, premises, or structures unsafe, unsanitary, or dangerous and detrimental to the health, safety, morals, and otherwise inimical to the welfare of the Town's residents.  
(Ord. 9-09-2008-02, passed 9-09-2008)

#### **§ 152.03 PURPOSE,**

In order to protect the health, safety, and welfare of the residents of the Town, as authorized by G.S. § 160A-441 *et seq.*, it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings for human habitation as expressly authorized by G.S. § 160A-444.  
(Ord. 9-09-2008-02, passed 9-09-2008)

#### **§ 152.04 RESERVED.**

#### **§ 152.05 VIOLATIONS.**

(A) It shall be unlawful for the owner of any dwelling/dwelling unit, rooming unit, or premises to fail, neglect, or refuse to repair, alter, or improve it, or to vacate and close and remove or demolish it and remove the debris therefrom, upon order of the Housing Code Enforcement Officer, duly made and served as provided for in the aforementioned section within the time specified in the order. Each day

that any failure, neglect, or refusal to comply with the order continues shall constitute a separate and distinct offense.

(B) It shall be unlawful for the owner of any dwelling/dwelling unit, rooming unit, or premises with respect to which an order has been issued as aforementioned to occupy or permit occupancy of the same after the time prescribed in the order for its repair, alteration, or improvement, or its vacating and closing. Each day the occupancy continues after the specified time shall constitute a separate and distinct offense.  
(Ord. 9-09-2008-02, passed 9-09-2008)

**§ 152.06 RESERVED.**

**§ 152.07 RESERVED.**

**ADMINISTRATION AND ENFORCEMENT**

**§ 152.20 ENFORCEMENT DUTIES OF THE HOUSING CODE ENFORCEMENT OFFICER.**

(A) Such person or employee as the Council may appoint shall be the Housing Code Enforcement Officer for the Town and he or she shall possess the powers and perform all the duties and responsibilities as prescribed in G.S. § 160A, Art. 19, Part 6. He or she shall possess further power and perform further duties as may be prescribed by this chapter. It shall be

the duty of the Housing Code Enforcement Officer to:

(1) Investigate the dwellings/dwelling units, rooming units, or premises located within the corporate limits of the Town in order to determine which areas are unfit for human habitation, and for the purpose of carrying out the objectives of this chapter with respect to the aforementioned units and premises.

(2) Take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing and premises which are deteriorated.

(3) Maintain a record of the results of inspections made under this chapter and an inventory of those dwellings/dwelling units, rooming units, or premises that did/do not meet the minimum standards of fitness as prescribed in this chapter.

(4) Perform other duties as may be prescribed in this chapter or as directed by the Town Council.  
(Ord. 9-09-2008-02, passed 9-09-2008)

**§ 152.21 POWERS OF THE BUILDING INSPECTOR.**

The Housing Code Enforcement Officer is authorized to exercise powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter. He or she shall continually investigate the dwelling(s)/dwelling unit(s), rooming unit(s), and premises conditions in the Town to ensure that they are fit for human habitation and when necessary administer oath(s), affirmations, examine witnesses, and receive evidence to substantiate his or her findings. He or she shall be empowered to appoint and fix the duties of officers, agents, and employees as he or she deems necessary to effectively carry out the purposes of this chapter.

(Ord. 9-09-2008-02, passed 9-09-2008)

**§ 152.22 RESERVED.**

**§ 152.23 PROCEDURE FOR ENFORCEMENT.**

(A) *Preliminary investigation.* Whenever a petition is filed with the Housing Code Enforcement Officer by a public authority or by at least five residents of the Town, or on his or her own action, charging that any dwelling/dwelling unit, rooming unit, or premises is unfit for human

habitation or has not been maintained in accordance with § 152.04 of this chapter, or whenever it appears to the Housing Code Enforcement Officer, upon inspection, on his or her own motion, that any dwelling/dwelling unit, rooming unit, or premises does not meet the standards herein established, he or she will in the preliminary investigation disclose the basis for the charges, issue and cause to be served upon the owner of, and any parties of interest in the units, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Housing Code Enforcement Officer or his or her designated agent at a designated place within the Town not less than ten nor more than 30 days following the service of complaint. The owner and/or party(ies) of interest shall have the right to file a response to the complaint and to appear in person or otherwise give testimony at the hearing. Notice of the hearing shall also be given to at least one of the parties signing the complaint. Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall NOT be controlling in hearings before the Housing Code Enforcement Officer.

(B) *Procedure following hearing.* Following the notice and hearing pursuant to division (A) of this section, the Housing Code Enforcement Officer shall state in writing his or her determination as to whether the dwelling/dwelling unit, rooming unit, or premises is unfit for human habitation due to deterioration or being dilapidated or does not comply with the responsibilities as set forth in § 152.04 of this Chapter. If the Inspector determines that the dwelling/dwelling unit or rooming unit is deteriorated, or that the premises is not in compliance with

§ 152.04 of this chapter, he or she shall state in writing his or her findings of fact in support of the determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, or improve the unit to comply with the established standards within a specified period of time, however, not to exceed 90 days. The order may also direct and require the owner to vacate or have vacated the unit until the repairs, alterations, or improvements have been made.

If the Housing Code Enforcement Officer determines that the dwelling/dwelling unit, rooming unit, or premises is dilapidated, or that the premises is not in compliance with § 152.04 of this chapter, he or she shall state in writing his or her findings of

fact in support of the determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to vacate and close the dwelling/dwelling unit, rooming unit, or premises, to remove or demolish it, clear the debris therefrom, or repair, alter, or improve it to comply with established standards within a specified period of time, however, not to exceed 90 days.

(C) *Failure to comply with order.* If the owner of any **deteriorated** dwelling/dwelling unit, rooming unit, or premises shall fail to comply with an order of the Housing Code Enforcement Officer issued pursuant to division (B) of this section, the Housing Code Enforcement Officer shall submit to the Town Council an ordinance ordering that he or she cause the dwelling/dwelling unit, rooming unit, or premises to be vacated and closed or to be repaired, altered, or improved to comply with the minimum standards of fitness established by this chapter. If the owner of a **dilapidated** dwelling/dwelling unit, rooming unit, or premises fails to comply with an order to vacate and close the dwelling/dwelling unit, rooming unit, or premises, and remove or demolish it and clear it, or repair, alter, or improve it to comply with the minimum standards of fitness

established by this chapter within the time specified with the order, the Housing Code Enforcement Officer shall submit to the Town Council an ordinance ordering that he or she cause the dwelling/dwelling unit, rooming unit, or premises to be vacated, closed, and removed or demolished and the debris herefrom cleared and, pending the removal or demolition, to placard the site. This chapter shall be recorded in the office of the county register of deeds and shall be indexed in the name of the property owner in the grantor index.

(D) *Appeal.*

(1) An appeal from any decision or order of the Housing Code Enforcement Officer may be taken by any person aggrieved thereby or by any officer, board, or commission of the Town to the Board of Adjustment. Any appeal from the Housing Code Enforcement Officer shall be taken within ten days from the rendering of the decision or service of the order by filing with the Housing Code Enforcement Officer and with the Board of Adjustment a notice of appeal, which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Housing Code Enforcement Officer shall forthwith transmit to the Board of Adjustment all

papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed. When any appeal is taken from a decision of the Housing Code Enforcement Officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board of Adjustment, unless the Housing Code Enforcement Officer certifies with him or her that, because of the facts stated in the certificate (a copy of which shall be furnished to the applicant), a suspension of his or her requirement would cause imminent peril to life or property. In that case, the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the Inspector by the Board of Adjustment, or by a court of record upon petition made pursuant to division (D)(4) of this section.

(2) The Board of Adjustment shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable period of time. Any party may appear in person or by agent or attorney. The Board of



Adjustment may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and to that end, it shall have all the powers of the Housing Code Enforcement Officer, but the concurring vote of four members of the Board of Adjustment shall be necessary to reverse or modify any decision or order of the Inspector. The Board of Adjustment shall have power also in passing upon appeals, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of the chapter, to adapt the application of the document to the necessities of the case to the end that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done.

(3) Every decision of the Board of Adjustment shall be subject to review by proceedings in the nature of *certiorari* instituted within 15 days of the decision but not otherwise.

(4) Any person aggrieved by an order issued by the Housing Code Enforcement Officer or a decision rendered by the Board of Adjustment, may petition the Superior Court for an injunction restraining the Housing Code Enforcement Officer from carrying out the order or decision,

and the Court may, upon the petition, issue a temporary injunction restraining the Inspector pending a final disposition of the case. The petition shall be filed within 30 days after issuance of the order or rendering of the decision. Hearings shall be given preference over other matters on the Court's calendar. The Court shall hear, determine the issues raised, and shall enter the final order or decree as law and justice may require. It shall not be necessary to file a bond in any amount before obtaining a temporary injunction under this section.

(E) *Alternative procedure.* The Housing Code Enforcement Officer may, at his or her discretion, in lieu of the procedures provided for in this section, institute an appropriate court action or proceeding in the General Court of Justice in the name of the Town for the purpose of enforcing the provisions of this chapter, pursuant to G.S. § 160A-446. A certified copy of this order of the Court shall be recorded in the office of the county register of deeds and shall be indexed in the name of the property owner in the grantor index.

(Ord. 9-09-2008-02, passed 9-09-2008)

**Statutory reference:**

*Ordinance authorized as to repair, closing, and demolition; order of public officer, see G. S. § 160-443*

**§ 152.24 COMPLAINTS AND ORDERS;  
METHODS OF SERVICE.**

Complaints or orders issued by the Housing Code Enforcement Officer shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of the person(s) are unknown and cannot be ascertained by the Inspector in the exercise of reasonable diligence, the Housing Code Enforcement Officer shall make an affidavit to that effect, and then service of the complaint or order upon the person(s) may be made by publishing the complaint or order in a newspaper having general circulation in the Town at least once, no later than the time at which personal service would be required under the provisions of this chapter. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected. A copy of the complaint or order shall be filed in the proper office for the filing of *lis pendens* notices in the county, and the filing of the complaint shall have the same effect as other *lis pendens* notice provided by law.

(Ord. 9-09-2008-02, passed 9-09-2008)

**§ 152.25 ACTION BY HOUSING CODE  
ENFORCEMENT OFFICER;  
PLACARDING.**

After failure of an owner of a dwelling/dwelling unit or rooming unit or like premises to comply with an order of the Inspector issued pursuant to the provisions of this chapter, and upon adoption by the Council of an ordinance authorizing and directing him or her to do so, as provided by G.S. § 160A-443 and this chapter, the Housing Code Enforcement Officer shall proceed to cause the dwelling/dwelling unit, rooming unit, or premises, to be repaired, altered, or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated, closed, removed, or demolished and the debris therefrom removed as directed by the ordinance of the Council, and shall cause to be posted on the main entrance of the dwelling/dwelling unit, rooming unit, or premises, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a dwelling/dwelling unit, rooming unit, or premises so posted shall constitute a misdemeanor.

(Ord. 9-09-2008-02, passed 9-09-2008)

**§ 152.26 LIEN.**

As provided by G.S. § 160A-443, the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition and removal of the debris therefrom, caused to be made or done by the Housing Code Enforcement Officer pursuant to this chapter, shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessments as provided in G.S. § 160A-443(6). If the dwelling/dwelling unit, rooming unit, or premises is caused to be removed or demolished by order of the Housing Code Enforcement Officer, he or she shall sell the materials of the dwelling and shall credit the proceedings of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Superior Court by the Housing Code Enforcement Officer and shall be secured in a manner as directed by the Court, and shall be disbursed by the Court to the person(s) found to be entitled thereto by final order or decree of the Court.  
(Ord. 9-09-2008-02, passed 9-09-2008)

**§ 152.27 ALTERNATIVE REMEDIES.**

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their abatement by summary action or otherwise, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided in this chapter or in other provisions of this code or other Town ordinances or laws.  
(Ord. 9-09-2008-02, passed 9-09-2008)

**§ 152.28 CONFLICT WITH OTHER PROVISIONS.**

If any provision, standard, or requirement of this chapter is found to be in conflict with any other provision of this code or any other ordinance or code of the Town, the provisions which establish the higher standards or more stringent requirements for the promotion and protection of the health and safety of the residents of the Town shall prevail.  
(Ord. 9-09-2008-02, passed 9-09-2008)

**§ 152.29 SUMMARY EJECTMENT;  
SUMMONS; NOTICE AND THE LIKE.**

(A) If any occupant fails to comply with an order to vacate a dwelling, dwelling unit, or rooming unit, the Housing Code Enforcement Officer may file a civil action in the name of the Town to remove the occupant. The action to vacate the dwelling, dwelling unit, or rooming unit shall be in the nature of the summary ejectment and shall be commenced by filing a complaint, naming as party(ies)/defendant, or any person occupying the unit. The Clerk of Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place, not to exceed ten days from the issuance of the summons, to answer the complaint. The summons and complaint shall be served as provided in G.S. § 42-29. The summons shall be returned according to its tenure, and if on its return it appears to have been duly served and if at the hearing the Housing Code Enforcement Officer produces a certified copy of an ordinance adopted by the Council authorizing the officer to proceed to vacate the occupied unit, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering the dwelling/dwelling unit, rooming unit, or premises be vacated

shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. § 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. § 7A-228 and the execution of the judgment may be stayed as provided in G.S. § 7A-227.

(B) An action to remove an occupant of a dwelling/dwelling unit, rooming unit, or the like who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this section unless the occupant was served with notice, at least 30 days prior to the filing of the summary ejectment proceedings, that the Council has ordered the Housing Code Enforcement Officer to proceed to exercise his or her duties under this chapter and this code to vacate and close or remove and demolish the dwelling.  
(Ord. 9-09-2008-02, passed 9-09-2008)

**MINIMUM STANDARDS**

**§ 152.40 COMPLIANCE STANDARDS.**

Should a questionable situation arise regarding a particular dwelling/dwelling unit, housing unit, or premises, said unit(s) shall be considered as being adequate for habitation if found to be structurally

sound, meet the minimum standards for safe and sanitary maintenance, has in place a standard for the control of insects, rodents, and infestations, poses no fire hazardous conditions or safety problems to the surrounding areas, and is in compliance with all existing state and local laws when determined by the Town's Housing Code Enforcement

Officer. No person shall occupy as owner/occupant, or let to another for occupancy or use as a human habitation, any dwelling/dwelling unit, rooming unit, or premises which does not comply with the aforementioned standards.

(Ord. 9-09-2008-02, passed 9-09-2008)



## CHAPTER 153: FLOOD DAMAGE PREVENTION

### Section

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153.48 Adoption Certification

**Cross-reference:**

*Adoption of the Craven County Multi-Jurisdictional Hazard Mitigation*

**STATUTORY AUTHORIZATION, FINDINGS OF FACT. PURPOSE AND OBJECTIVES.**

**§ 153.01 STATUTORY AUTHORIZATION.**

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5 and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of the Town of Bridgeton, North Carolina, does ordain as follows:

**§ 153.02 FINDINGS OF FACT.**

(1) The flood prone areas within the jurisdiction of the Town of Bridgeton are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood prone areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

**§ 153.03 STATEMENT OF PURPOSE.**

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety,



and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging, and all other development which may increase erosion or flood damage; and,

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

#### **§ 153.04 OBJECTIVES.**

The objectives of this ordinance are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business losses and interruptions;

(5) To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and,

(7) To insure that potential homebuyers are notified that property is in a Special Flood Hazard Area.

## **DEFINITIONS.**

### **§ 153.05 DEFINITIONS.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning that they have in common usage and to give this ordinance its most reasonable application.

**Accessory Structure (Appurtenant Structure)** means a structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

**Addition (to an existing building)** means an extension or increase in the floor area or height of a building or structure.

**Appeal** means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

**Area of Special Flood Hazard**  
see Special Flood Hazard Area (SFHA)

**Base Flood** means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)** means a determination as published in the Flood Insurance Study of the water surface elevations of the base flood.

**Basement** means any area of the building having its floor subgrade (below ground level) on all sides.

**Building** see Structure

**Chemical Storage Facility** means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

**Development** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Disposal** defined as in NCGS 130A-290(a)(6).

**Elevated Building** means a non-basement building which has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Encroachment** means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Existing Manufactured Home Park or Manufactured Home Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is pre-FIRM.

**Existing Manufactured Home Site** means a manufactured home site for which the construction of facilities for servicing the site(s) on which the manufactured home(s) are to be affixed (including, at a minimum, the installation of utilities, the construction of streets (if applicable), and/or either final site grading or the pouring of concrete pads) is completed before July 2, 2004.

**Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and,
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

**Flood Boundary and Floodway Map (FBFM)** means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to, and shall be used in conjunction with, the Flood Insurance Rate Map (FIRM).

**Flood Hazard Boundary Map (FHBM)** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

**Flood Insurance** means the insurance coverage provided under the National Flood Insurance Program.

**Flood Insurance Rate Map (FIRM)**

means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

**Flood Insurance Study (FIS)**

means an examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

**Floodplain or Flood Prone Area**

means any land area susceptible to being inundated by water from any source.

**Floodplain Management**

means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain Administrator**

is the individual appointed to administer and enforce the floodplain management regulations.

**Floodplain Regulations**

means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**Flood proofing**

means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

**Flood Prone Area** see Floodplain

**Floodway**

means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Flood Zone** means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

**Floor** see Lowest Floor

**Functionally Dependent Facility** means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

**Hazardous Waste Management Facility** means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS Article 9 of Chapter 130A.

**Highest Adjacent Grade (HAG)** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

**Historic Structure** means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a State inventory of historic places;

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified

(a) By an approved state program as determined by the Secretary of Interior, or

(b) Directly by the Secretary of Interior in states without approved programs.

**Lowest Adjacent Grade (LAG)** means the elevation of the ground, sidewalk, patio slab, or deck support immediately next to the building after completion of the building. For Zone A and AO, use the natural grade elevation prior to construction.

**Lowest Floor** means the subfloor, top of slab or grade of the lowest enclosed area (including basement), An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**Manufactured Home** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

**Market Value** means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear.

Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.

**Mean Sea Level** means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988 or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

**New Construction** means structures for which the "start of construction" commenced on or after the effective date of the original version of this ordinance and includes any subsequent improvements to such structures.

**Nonconforming Building or Development** means any legally existing building or development which fails to comply with the current provisions of this ordinance.

**Non-Encroachment Area** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without

cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance study report.

**Obstruction** includes, but is not limited to, any dam, wall, wharf, Embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, grave, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**Post-FIRM** means construction or other development which started on or after January 1, 1975 or on or after the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

**Pre-FIRM** means construction or other development which started before January 1, 1975 or before the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

**Public Safety** and/or **Nuisance** means anything which is injurious to

the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**"Recreational Vehicle (RV)"** means a vehicle, which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and,
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Reference Level** is the portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of such building. Within Special Flood Hazard Areas designated as zones A1-A30, AE, A, A99, AO, or AH, the reference level is the top of the lowest floor.

### **Regulatory Flood Protection**

**Elevation** means the elevation to which all structures and other development located within the Special Flood Hazard Areas must be elevated. Non-residential structures may be flood proofed in lieu of elevation. Where Base Flood Elevations (BFE) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard except for existing manufactured home sites. For *existing* manufactured home sites, the regulatory flood protection elevation shall be the BFE plus two (2) feet *unless* achieving such elevation causes the lowest horizontal structural member of the manufactured home to exceed thirty-six (36) inches ground clearance. In this case, there are two options that would preclude the home from having to meet the freeboard requirement:

- 1) fill to reduce amount of ground clearance or
- 2) request exemption of freeboard requirement (exemption will be granted provided that the lowest floor and all mechanical, electrical and ductwork is installed at or above the BFE with the intent to achieve the above referenced freeboard requirement). Any nonsubstantial additions to post-firm structures in which

construction commenced on or after May 4, 1987 and prior to July 2, 2004 must be elevated to at least BFE but are exempt from freeboard.

**Remedy a Violation** means to bring the structure or other development into compliance with state or Community floodplain management regulations, or, if this is not possible, to reduce the impact of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

**Retrofitting** means measures, such as flood proofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

**Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Salvage Yard** means property used for the storage, collection, and/or recycling of any type of



equipment whatsoever, whether industrial or noncommercial, and including but not limited to vehicles, appliances and related machinery.

**Special Flood Hazard Area (SFHA)** is the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 153-7 of this ordinance.

**Solid Waste Disposal Facility** means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

**Solid Waste Disposal Site** defined as in NCGS 130A-290(a)(36).

**Start of Construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent

construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**Structure** means a walled and roofed building, a manufactured home, a gas or liquid storage tank that is principally above ground.

**Substantial Damage** means damage of any origin sustained by a structure during anyone year period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent (50%) of the market value of the structure before the damage occurred. See definition of "substantial improvement."

**Substantial Improvement** means any combination of repairs,

reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one year period whereby the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(1) Any correction of existing violations of State or Community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**Variance** is a grant of relief from the requirements of this ordinance.

**Violation** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A

structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

**Watercourse** means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Water Surface Elevation (WSE)** means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

## **GENERAL PROVISIONS.**

### **§ 153.06 LANDS TO WHICH THIS ORDINANCE APPLIES.**

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the Town of Bridgeton.

### **§ 153.07 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.**

The Special Flood Hazard Areas are those identified by the Federal Emergency Management Agency (FEMA) or produced under the

Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for the Town of Bridgeton dated July 2, 2004, which with accompanying supporting data, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this ordinance.

The Special Flood Hazard Areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data:

(1) Generated as a requirement of Article 4, Section 153-27 (11 & 12) this Ordinance;

(2) Preliminary FIRMs where more stringent than the effective FIRM; or

(3) Post-disaster Flood Recovery Maps.

(Ord. 4-08-2014-02, passed April 8, 2014)

### **§ 153.08 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.**

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas as determined in Article 3, Section 153.07.

### **§ 153.09 COMPLIANCE.**

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

### **§ 153.10 ABROGATION AND GREATER RESTRICTIONS.**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict overlap, whichever imposes the more stringent restrictions shall prevail.

### **§ 153.11 INTERPRETATION.**

In the interpretation and application of this ordinance, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and,

(3) Deemed neither to limit nor repeal any other powers granted under State statutes.

**§ 153.12 WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Actual flood heights may be increased by man-made or natural causes, This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Bridgeton or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**§ 153.13 PENALTIES FOR VIOLATION.**

Any person who violates any provision of this Chapter for which no penalty is

provided shall be subject to the terms of § 10.99.

**§ 153.14 - §§ 153-24. Reserved.**

**ADMINISTRATION.**

**§ 153.25 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.**

A Flood Plain Administrator shall be appointed by the Board of Commissioners and shall administer and implement the provisions of this ordinance.

**§ 153.26 FLOODPLAIN DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.**

**Plans and Application**

**Requirements.** Application for a Floodplain Development Permit shall be made to the floodplain administrator on forms furnished by him or her prior to any development activities proposed to be located within flood prone areas. The following items/information shall be presented to the floodplain administrator to apply for a floodplain development permit.

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain

development:

a) The nature, location, dimensions, and elevations of the area of development/disturbance: existing and proposed structures, the location of utility systems, proposed grading/pavement areas, fill materials, storage areas, drainage facilities, and other proposed development:

b) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section 153-7 or a statement that the entire lot is within the Special Flood Hazard Area;

c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section 153-7;

d) The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section 153-7:

e) The Base Flood Elevation (BFE) where provided as set forth in Article 3, Section

153-7; Article 4, Section 153-27 (11 & 12); or Article 5, Sections 153-40, 153-41 (5) and 153-42;

f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;

(2) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

b) Elevation in relation to mean sea level to which any nonresidential structure will be flood proofed;

c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or flood proofed;

(3) If flood proofing, a flood proofing certificate and back-up plans from a registered professional engineer or architect certifying that the non-residential flood proofed

development will meet the flood proofing criteria in Article 5, Section 153-41 (2) and Section 153-40 (11).

(4) A Foundation Plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

a) Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);

b) Should solid foundation perimeter walls be used in floodplains, details of sufficient openings to facilitate the unimpeded movements of floodwaters in accordance with Article 5, Section 153-41 (4);

(5) Usage details of any enclosed space below the regulatory flood protection elevation.

(6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to

be located and constructed to minimize flood damage;

(7) Copy of all other Local, State and Federal permits required prior to floodplain development permit issuance (i.e. Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)

(8) If floodplain development permit is issued for placement of Recreational Vehicles and/or Temporary Structures, documentation to ensure Article 5, § 153.41 (6 & 7) of this code are met.

(9) If a watercourse is proposed to be altered and/or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

**Floodplain Development Permit Data Requirements.**

The following information shall be provided at a minimum on the Floodplain Development Permit to ensure compliance with this code.

- (1) A description of the development to be permitted under the floodplain development permit issuance.
- (2) The Special Flood Hazard Area determination for the proposed development per available data specified in Article 3, Section 153.07.
- (3) The regulatory flood protection elevation required for the reference level and all attendant utilities.
- (4) The regulatory flood protection elevation required for the protection of all public utilities.
- (5) All certification submittal requirements with timelines.
- (6) State that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable.

**Certification Requirements.**

- (1) A preliminary Elevation Certificate shall be submitted to the floodplain administrator prior to the issuance of any building permit.
- (2) A Final As-Built Elevation Certificate (FEMA Form 81-31) or flood proofing Certificate (FEMA Form 81-65) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation or flood proofed elevation of the reference level and all attendant utilities. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the

permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make said corrections required shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(3) If a manufactured home is placed within an A, AO, AE, or A 1-30 zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required per Article 5, Section 153-41 (3).

(4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit

applicant prior to issuance of a floodplain development permit.

(5) Certification Exemptions. The following structures, if located within A, AO, AE or A 1-30 zones, are exempt from the elevation/flood proofing certification requirements specified in items (1) and (2) above:

a) Recreational Vehicles meeting requirements of Art. 5, § 153.41 (6)(0);

b) Temporary Structures meeting requirements of Article 5, § 153.41 (7); and

c) Accessory Structures less than 150 square feet meeting requirements of Art. 5, § 153.41 (8).

### **§ 153.27 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**

Duties of the floodplain administrator shall include, but not be limited to:

(1) Review all floodplain development applications and issue permits for all proposed development within flood prone areas to assure that the



requirements of this ordinance have been satisfied.

(2) Advise permittee that additional Federal or State permits (i.e., Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.

(3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) Prevent encroachments within floodways and non-encroachment areas.

(6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) of all attendant utilities of all new or substantially improved structures, in accordance with Art. 4, § 153.26 (Certification Requirements).

(7) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been flood proofed, in accordance with Art. 4, § 153.26 (Certification Requirements).

(8) Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with Art. 4, § 153-26 (Certification Requirements).

(9) When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 4, Section 153-26 (Certification Requirements) and Article 5, Section 153-41 (2).

(10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for

example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(11) When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section 153-7, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data and/or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, § 153.42 (Certification Requirements), in order to administer the provisions of this ordinance.

(12) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Art. 3, § 153.07, obtain, review, and reasonably utilize any floodway data, and/or non-encroachment area data available from a Federal, State, or other source in order to

administer the provisions of this ordinance.

(13) When the exact location of boundaries of the Special Flood Hazard Areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the floodplain administrator in the floodplain development permit file.

(14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.

(15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of

proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

(16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed.

(17) Revocation of floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or

failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(19) Follow through with corrective procedures of Article 4, § 153.28.

#### **§ 153.28 CORRECTIVE PROCEDURES,**

(1) *Violations to be Corrected:* When the floodplain administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the

building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to their property.

(2) *Actions in Event of Failure to Take Corrective Action:* If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(a) that the building or property is in violation of the Flood Damage Prevention Ordinance;

(b) that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

(c) that following the hearing, the floodplain administrator may issue such order to alter, vacate, or

demolish the building; or to remove fill as appears appropriate.

(3) *Order to Take Corrective Action:* If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) days. Where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

(4) *Appeal:* Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body

shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

**§ 153.29 VARIANCE PROCEDURES.**

(1) The Board of Adjustment as established by the Town of Bridgeton, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.

(2) Every decision of the appeal board shall be subject to review by the superior court by proceedings in the nature of certiorari in accordance with North Carolina General Statutes §§ 160A-388 and 160A-393.

(3) Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(4) In passing upon variances, the appeal board shall consider

all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(a) the danger that materials may be swept onto other lands to the injury of others;

(b) the danger to life and property due to flooding or erosion damage;

(c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) the importance of the services provided by the proposed facility to the community;

(e) the necessity to the facility of a waterfront location, where applicable;

(f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) the compatibility of the proposed use with existing and anticipated development;

(h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(5) A written report addressing each of the above factors shall be submitted with the application for a variance.

(6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary

to further the purposes of this ordinance.

(7) Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.

(8) Conditions for Variances:

(a) Variances may not be issued when the variance will make the structure in violation of other Federal, state, or local laws, regulations, or ordinances.

(b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(c) Variances shall only be issued upon:

i) a showing of good and sufficient cause;

ii) a determination that failure to grant the variance would result in exceptional hardship; and

iii) a determination that the granting of a variance will not result in increased flood

heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(d) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.

(e) The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(9) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that

are located in Special Flood Hazard Areas provided that all of the following conditions are met. A Floodplain Development permit may be issued for such development only if a variance is granted.

(a) The use serves a critical need in the community.

(b) No feasible location exists for the use outside the Special Flood Hazard Area.

(c) The reference level of any structure is elevated or flood proofed to at least the regulatory flood protection level.

(d) The use complies with all other applicable federal, state and local laws.

(e) The Town of Bridgeton has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) days prior to granting the variance.

**§ 153.30 - § 153.39. Reserved.**

**PROVISIONS FOR FLOOD HAZARD  
REDUCTION.**

**§ 153-40 GENERAL STANDARDS.**

In all Special Flood Hazard Areas the following provisions are required:

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(3) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.

(4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork,

electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.), hot water heaters, electric outlets/switches.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(8) Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

(9) Non-conforming structures or other development may not be



enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

(10) New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in Special Flood Hazard Areas. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special

Flood Hazard Area only if the structure or tank is either elevated or flood proofed to at least the regulatory flood protection elevation and certified according to Article 4, Section 153.26 (Certification Requirements) of this code.

(11) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(12) Have adequate drainage provided to reduce exposure to flood hazards.

#### **§ 153.41 SPECIFIC STANDARDS.**

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Art. 3, § 153.07, or Art. 4, § 153.27 (11 & 12), the following provisions are required:

(1) *Residential Construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

(2) *Non-Residential Construction.* New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. Structures located in A AO, AE and A 1-30 Zones may be flood proofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section 153-26(3).

(3) *Manufactured Homes.*

(a) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home

is no lower than the regulatory flood protection elevation.

(b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to NCGS § 143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

(c) All foundation enclosures or skirting shall be in accordance with Art. 5, § 153.41 (4).

(d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or

substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.

(4) *Elevated Buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas that are below the regulatory flood protection elevation shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises, be constructed entirely of flood resistant materials below the regulatory flood protection level in A, AO, AE, and A 1-30 zones and meet the following design criteria:

a) Measures for complying with this requirement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation

must either be certified by a professional engineer or architect or meet the following minimum design criteria:

i) Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

ii) The total net area of all openings must be at least one (1) square inch for each square foot of each enclosed area subject to flooding.

iii) If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter;

iv) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade;

v) Openings may be equipped with screens, louvers, or other opening coverings or devices provided they permit the automatic flow of floodwaters in both directions; and

vi) Foundation enclosures:

1) Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore such skirting does not require hydrostatic openings as outlined above.

2) Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this ordinance.

(b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

*(5) Additions/Improvements.*

(a) Additions and/or improvements to pre-FIRM

structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:

i) are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

ii) are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(b) Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction. Refer to the last sentence of Article 2, Section 153.05 "Regulatory Flood Protection Elevation" for freeboard information.

(c) Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior

modifications to the existing structure:

i) are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction. Refer to the last sentence of Article 2, Section 153.05 "Regulatory Flood Protection Elevation" for freeboard information.

ii) are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(d) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

*(6) Recreational Vehicles.*

Recreation vehicles placed on sites within a Special Flood Hazard Area shall either:

(a) be on site for fewer than 180 consecutive days and

be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions); or

(b) meet all the requirements for new construction, including anchoring and elevation requirements of Article 4, Section 153.26 and Article 5, Sections 153.40 and 153.41 (3).

*(7) Temporary Structures.* Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:

(a) Applicants must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:

i) a specified time period for which the temporary use will be permitted;

ii) the name, address, and phone number of the individual responsible for the removal of the temporary structure;

iii) the time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

iv) a copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and

v) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area to which the temporary structure will be moved.

(b) The above information shall be submitted in writing to the floodplain administrator for review and written approval.

(8) *Accessory Structures*. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special

Flood Hazard Area, the following criteria shall be met:

(a) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);

(b) Accessory structures shall be designed to have low flood damage potential;

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(d) Accessory structures shall be firmly anchored in accordance with Art. 5, § 153.40 (1);

(e) All service facilities such as electrical and heating equipment shall be installed in accordance with Art. 5, § 153-40(4);

(f) Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with Art. 5 § 153.41 (4)(0); and

(g) An accessory structure with a footprint less than 150 square feet does not require an elevation or flood proofing certificate. Elevation or flood proofing certifications are required for all other accessory structures in accordance with Art. 4, § 153-26 (Certification Requirements).

**§ 153.42 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.**

Within the Special Flood Hazard Areas established in Article 3, Section 153.07, where no Base Flood Elevation (BFE) data has been provided, the following provisions shall apply:

(1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty feet each side from top of bank or five times the width of the stream whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If development is consistent with the need to minimize flood damage and Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or flood proofed in accordance with elevations established in accordance with Art. 4, § 153.27 (11 & 12). When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source, the reference level, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

(3) Have Base Flood Elevation (BFE) data provided if development is greater than the lesser of five (5) acres or fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Art. 3, Section 153.07 to be utilized in implementing this code.

**§ 153.43 FLOODWAYS AND NON-ENCROACHMENT AREAS.**

Located within the Special Flood Hazard Areas established in Article 3, § 153.07 are areas designated as floodways or non-encroachment areas. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions shall apply to all development within such areas:

(1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the floodplain administrator prior to issuance of floodplain development permit.

(2) If Article 5, § 153.43(1) is satisfied, all development shall

comply with all applicable flood hazard reduction provisions of this ordinance.

(3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:

(a) the anchoring and the elevation standards of Article 5, § 153.41 (3); and

(b) the no encroachment standards of Article 5, § 153.43(1) are met.

**LEGAL STATUS PROVISIONS.**

**§ 153.44 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.**

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted April 13, 1987, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be



enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the Town of Bridgeton enacted on April 13, 1987, as amended, which are not reenacted herein are repealed.

**§ 153.45 EFFECT UPON OUTSTANDING BUILDING PERMITS.**

Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to passage of this ordinance or any revision thereto, construction or use shall be in conformity with the provisions of this ordinance.

**§ 153.46 FLOOD INSURANCE RATE MAP**

This ordinance also enacts and incorporates the Flood Insurance Rate Map Panels 5580 and 5590 of the Town of Bridgeton.

**§ 153.47 EFFECTIVE DATE.**

This ordinance shall become effective on March 8, 2011.

**§ 153.48 ADOPTION CERTIFICATION.**

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Board of Commissioners of the Town of Bridgeton, North Carolina, on the 8<sup>th</sup> day of March, 2011.  
(Ord. passed March 8, 2011)



**CHAPTER 154: RESERVED**



## CHAPTER 155: ZONING CODE

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**GENERAL PROVISIONS**

**§ 155.001 TITLE.**

This chapter shall be known and cited as the Zoning Ordinance, Bridgeton, N.C., hereinafter this chapter. The Official Zoning Map hereinafter shall be referred to as the map.

(Ord. passed 2-3-1997, § 1.01)

**§ 155.002 PURPOSE AND AUTHORITY.**

To designate zoning districts and to prescribe regulations for land uses, density and bulk; for the administration and enforcement of this chapter as authorized by G.S. § 160A, Article 19, and the policies of the Land Use Plan, all to ensure the health, safety, morals, general welfare and appearance of the Town.

(Ord. passed 2-3-1997. § 1.02)

**§ 155.003 INTENT.**

The Council's general intent is to encourage development and redevelopment in Bridgeton and its immediately surrounding area in a way to ensure an environmentally sound and inviting appearance by:

- (A) Regulating and restricting the use of all lands and structures within the Town limits and areas of

extraterritorial jurisdiction which from time to time may be approved;

(B) Regulating and restricting lot coverage, population density and distribution and the location and size of all structures within the Town limits and within the limits of its aforesaid extraterritorial areas;

(C) Complying with the policies of the Land Use Plan;

(D) Gradually drawing commercial development to the Highway 17 corridor and residential development away therefrom;

(E) Restricting waterfront development to those uses which will meet federal and state standards for estuarine waters and shorelines;

(F) Gradually concentrating manufactured home uses into an attractive Manufactured Home Overlay Districts, except that double-wide structures built to higher, single-family standards will be allowed in certain residential districts;

(G) Within extraterritorial areas that hereafter may be approved, safeguarding estuarine waters and shorelines and ensuring that development is compatible with the standards and requirements adopted for the Town; and

(H) Gradually eliminating nonconforming and deteriorated structures .

(Ord. passed 2-3-1997, § 1.03; Am. Ord. 7-10-2007 -0 1, passed 7-10-2007)

**Cross-reference:**

*Nonconforming uses generally, see § 155.060*

**§ 155.004 DEFINITIONS.**

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

**ABATEMENT.** A reduction in degree or intensity; as used herein, applied to the gradual elimination of a nonconforming use.

**ACCESSORY.** See **USE**.

**ADULT ESTABLISHMENT.** Shall include an adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult live entertainment business, or massage business, all as described in G.S. § 14-202.10.

(1) The phrase **ADULT ESTABLISHMENT** as well as adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult live entertainment business and massage business, shall be

construed consistently with the construction given to the respective identical phrase contained in G.S. § 14-202.10.

(2) For the purpose of this chapter, the phrase **ADULT ESTABLISHMENT** also shall include any **RAP PARLOR**, which means any establishment or business providing nonprofessional conversation or companionship, regardless of whether or not that service may be attendant with the showing of motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in G.S. § 14-202.10.

**APARTMENTS.** Multi-family units that are used for the expressed purpose of rental income.  
(Ord. 05-03-2004-1, passed 5-3-2004)

**AREA OF EXTRATERRITORIAL JURISDICTION.** Area outside Town limits not exceeding a distance of 1 mile, within which the Town, following statutory procedures, may exercise planning and zoning jurisdiction.

**BILLBOARD.** An outdoor sign exceeding 100 square feet on the side of a building, on the side of or mounted on a vehicle or freestanding, and located to be visible from a highway so that it can be read by persons passing along the highway.

**BUFFERING, BUFFER STRIPS.** A strip inside a lot line containing structure or landscape plantings shielding nuisance type of activities such as glare, noise, odors and the like, usually commercial or industrial, from adjacent lots, usually public or residential.

**BUILDING PERMIT.** A certificate issued by the Building Inspector that authorizes the erection, repair, alteration or movement of a structure in accordance with approved plans, with zoning, development and flood damage ordinances, and with the State Building Code.

**CERTIFICATE OF OCCUPANCY** or **CO.** A document issued by the Building Inspector that states that a structure complies with the State Building Code, with this chapter and with the flood zone ordinance, and is approved for occupancy. Also known as **CERTIFICATE OF COMPLIANCE.**



**CHILD CARE.** A commercial business requiring a conditional use permit.

**CONDITIONAL USE.** A use which requires specific approval by the Council per special rules and requirements in §§ 155.045 through 155.049.

**CONDITIONAL USE PERMIT.** The permit issued by the Council per §§ 155.045 through 155.049.

**DULY RECORDED.** Filed with the Craven County Register of Deeds for conveyances (e.g., deeds, easements, plats).

**EASEMENT.** A right, as for a right-of-way, granted a person to make limited use of another person's real property.

**EMINENT DOMAIN.** The right of the government to take title to private property for public purposes, known generally as condemnation.

**ESTUARINE.** Areas where tidal and fresh inland waters mix. Land areas adjoining these waters are subject to environmental restrictions and controls.

**GOVERNING BODY.** The Council, Town of Bridgeton, N.C.

**HOME CHILD CARE.** A home occupation . May not exceed 3 children, including those of the householder.

**HOME OCCUPATION.** Any recognized profession or vocation for gain performed by a family member or householder residing on the premises, the use being incidental and subordinate to the residential use. This does not include a lodging for rent such as a bed and breakfast.

**HURRICANE FORCE WINDS.** Wind speeds in excess of 75 nautical mph. The State Building Code requires that buildings in coastal areas be built to withstand winds up to 125 mph.

**JUNK.** Pre-used or unusable metallic and nonmetallic items that are worn, deteriorated or obsolete, making them unusable in their existing condition, but subject to being dismantled and salvaged.

**LOT.** Land area of defined boundaries available for separate use or occupancy, and recorded in the office of the Craven County Register of Deeds.

**LOT LINES.** The lines marking the boundaries of a lot.

(1) **FRONT LOT LINE.** A line coterminous with the street side line on which the lot fronts.

(2) **REAR LOT LINE.** The line most distant from and opposite the front lot line.

(3) **SIDE LOT LINE.** Any lot boundary line not a front or a rear lot line.

**LOT OF RECORD.** A lot whose boundaries and location are recorded with the Register of Deeds of the county.

**MAINTENANCE.** The act of preserving or keeping in a usable condition; e.g., painting, lubricating, adjusting; see also **REPAIR**.

**MANUFACTURED HOME.** As provided in G.S. § 143-145(7) or any successor statutory definition. In the event that G.S. § 143-145(7) is repealed with no successor definition, the term **MANUFACTURED HOME** shall mean a structure, transportable in one or more sections, which, in the traveling mode, is 8 feet or more in width or is 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to

required utilities, and includes plumbing, heating, air conditioning and electrical systems contained herein. Notwithstanding anything to the contrary hereinabove, for purposes of this Chapter 155, the term **MANUFACTURED HOME** shall also include an **ON-FRAME MODULAR HOME**, as defined herein, but shall not include an **OFF-FRAME MODULAR HOME**, as defined herein.

**MIXED USE.** As applied to a zoning district, permits 2 or more major types of use as in both residential and commercial.

**OFF-FRAME MODULAR HOME.** A factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications for modular homes under the North Carolina State Residential Building Code, bears a seal or label issued by the Department of Insurance pursuant to G.S. § 143-139.1, and which is not transported to its site on a permanent chassis.

**OFF-STREET PARKING.** Parking outside the limits of public rights-of-way.

**ON-FRAME MODULAR HOME.** A factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with

the specifications for modular homes under the North Carolina State Residential Building Code, bears a seal or label issued by the Department of Insurance pursuant to G.S. § 143-139.1, and which is transported to its site on a permanent chassis, or any other type of modular unit that does not expressly meet the definition of **OFF-FRAME MODULAR HOME** as defined herein. [Note: For the purposes of Chapter 155, an **ON-FRAME MODULAR HOME** constitutes a **MANUFACTURED HOME** as well, and is regulated herein as a **MANUFACTURED HOME**].

**PLATTED LOT LINES.** See **LOT LINES**. Lot boundaries or lines shown on county tax maps.

**PRINCIPAL STRUCTURE.** The main or primary structure on a lot whose use is regulated by this chapter. See also **STRUCTURE**.

**REPAIR.** To restore to a sound condition, e.g., re-roof, rewire, replace parts. **REPAIR** entails major rework as opposed to minor adjustments, lubrication, painting and the like. See **MAINTENANCE**.

**SCHOOL.** Any public or private institution for the teaching of children; includes kindergarten and daycare center, but does not include

home child care. See Appendix B, Permitted Uses.

**SETBACK.** The minimum required distance between the abutting street right-of-way line and the building line. Where no right-of-way line is involved, the subject property line and the building line. See Appendix B, Permitted Uses.

**SIGN.** Any surface, fabric or device bearing lettered, pictorial or sculptured matter to convey visual information to public view, and any structure designed to carry that information

(1) **SIGN, BILLBOARD.** A sign exceeding 100 square feet in area on 1 side.

(2) **SIGN, BULLETIN BOARD.** A sign on a premises to announce meetings, programs or generally noncommercial information.

(3) **SIGN, BUSINESS.** A sign which identifies a business, profession or the identity of principals and is located on tile premises.

(4) **SIGN, DIRECTIONAL.** A sign which gives location

information and directions as the way to a parking area.

(5) **SIGN, FREESTANDING.** A sign which is supported by its own structural members anchored in the ground and not attached to a part of a building.

(6) **SIGN, HOME OCCUPATION.** A signs which identifies the occupant and his or her profession or occupation.

(7) **SIGN, MOBILE.** A sign which is mounted or painted on a trailer, sled or other mobile device.

(8) **SIGN, OFF-SITE.** Any sign other than on-site.

(9) **SIGN, ON-SITE.** A sign whose subject matter relates to the premises on which it is located.

(10) **SIGN, OUTDOOR ADVERTISING.** A sign which displays information about products or services for sale; it may be mobile.

(11) **SIGN, PORTABLE.** A sign not permanently attached to the ground or other permanent structure and is designed to be transported, e.g., a mobile sign on wheels.

(12) **SIGN, TEMPORARY.** A sign that is only used for a short term and is not permanently mounted, e.g., a political event sign.

(13) **SIGN, WALL.** A sign that is attached to, painted on or erected against any wall of a building or structure so that the exposed face of the sign is parallel to the wall and does not extend more than 12 inches from the wall.

(Ord. passed 12-2-2002)

**SITE PLAN.** A drawing to scale showing the location on a parcel of land of all improvements, land forms, vegetation, water courses, easements and the like, as specified in the Town's Development Ordinance.

**SPECIAL FLOOD HAZARD AREA.** Area predicted to be inundated by the 100-year flood and shown on the Flood Insurance Rate Map, Craven County, N.C., November 17, 1978. In Bridgeton, the 100-year flood level is 9 feet above the National Geodetic Vertical Datum (NGVD), i.e., mean low water.

**STORAGE STRUCTURE.** An accessory structure such as a shipping/storage container or shed

whose primary purpose is for the storage of non-hazardous material or equipment.  
(Ord. 2-14-2012, passed 2-14-2012)

**STRUCTURE.** Anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground. Includes **BUILDING**.

**TEMPORARY OFFICE.** An office (business, professional, governmental, and institutional) designed and intended to be temporary in nature, not permanently erected at or upon the property so located, and regardless of the nature or type of the structure.

**TOWNHOUSES/TOWNHOMES.** A 2- to 3-story dwelling of individually-owned units, usually 3 to 5 units, which are joined with a common wall. These units share a common green area, which is owned by all homeowners.

**TOWNHOUSES/TOWNHOMES** should be placed on large lots of at least 30,000 square feet with standard setbacks and lot overage. The property the **TOWNHOUSE** is built upon is deeded to individual unit owners.  
(Ord. 05-03-2004- 1, passed 5-3-2004)

**TRAVEL TRAILER.** A towed recreational vehicle designed for temporary dwelling, not over 40 feet long and 8 feet wide.

**USE.** The purpose for which land or structure thereon is designed, arranged or intended to be occupied or used, or for which it is occupied maintained, rented or leased.

(1) **USE, ACCESSORY.** A use incidental to and customarily associated with the use-by-right (Appendix B) and located on the same lot with the use-by-right (i.e., principal use) and operated and maintained under the same ownership with the principal use.

(2) **USE, NONCONFORMING.** A use of land or structure that does not comply with the regulations of the district in which situated.

**VARIANCE.** A moderation or exception to the requirements of this chapter pertaining to lot dimensions, size, setbacks and heights, but not use.

**ZONING PERMIT.** A certificate issued by the Zoning Administrator of the Town, or in the case of the Zoning

Administrator being the requestor of the certificate issued by the Mayor of the Town, that a proposed use complies with the regulations of this chapter. May also be used in areas of territorial jurisdiction to state that a planned action to use a parcel of land or to erect, alter, move or repair a structure located within the area complies with these regulations. (Ord. passed 2-3-1997, § 1.03; Am. Ord. 9-08-2003, passed 9-8-2003; Am. Ord. 7-10-2007-01, passed 7-10-2007; Am. Ord. 5-13-2008-03, passed 5-13-2008)

### ***DISTRICTS; ZONING MAP***

#### **§ 155.015 ZONING DISTRICTS; INTENT.**

For each district herein the purposes the Council intends to achieve are as follows:

(A) *R-5, Residential.* A medium high density of approximately 8 dwelling units per acre, set back and buffered from U.S. 17 by Highway-Commercial, gradually phasing out incompatible and unsightly uses.

(B) *Waterfront-Residential.* Larger lots fronting on the Neuse River, allowing vistas from the interior, permitting only water-related uses that comply with N.C. Administrative Code T15:07h, 0200, §§ 0208 and 0209.

(C) *Highway-Commercial.* To enhance the visual image of Bridgeton and the approach to New Bern by phasing out unsightly and nonconforming uses; to encourage that development along U.S. 17 which will fulfill the needs of the motoring public; and to minimize the clutter from too many signs.

(D) *Business-Residential.* In the former business district surrounding the intersection of Bridge and B Streets to provide a mixed-use district encouraging the development of a village atmosphere of shops, dwellings and offices.

(E) *Waterfront-Commercial.* The intent is to encourage the establishment of river-related commercial development in this zone.

(F) *Industrial.* To retain the existing district for uses which because of their nature are detrimental to neighboring properties' higher use classifications. Buffering will be required to shield adjacent properties from noise, glare, fumes and dust, and landscaping along U. S. 17 to beautify the approach to the Town will be emphasized.

(G) *Manufactured Home Overlay Districts.* To provide attractive areas in which high density, low cost housing may be clustered for owners and renters.

(H) *Agricultural.* To allow the use of land for agricultural purposes, including but not limited to crop production, gardening, orchards, forestry logging , and the necessary equipment used for packing, treating or storing the product.

(Ord. passed 2-3-1997, § 3.01; Am. Ord. 5-08-2007-01, passed 5-8-2007; Am. Ord. 7-10-2007-01, passed 7-10-2007; Am. Ord. 3-09-2010-01, passed 3-9-2010)

**§ 155.016 ZONING MAP.**

(A) *Zoning districts.* The Town is hereby divided into zoning districts as shown on the Official Zoning Map of the Town, hereinafter the map, which together with all explanatory matter thereon is hereby adopted by reference and declared to be a part of this chapter. It shall be certified by the signature of the Mayor and attested by the Clerk/Finance Officer. Regardless of copies which may be made or published, the map located in the Town Hall shall be the final authority as to the current zoning status of lands and structures in the Town.

(B) *Changes.* Changes shall be entered in a table thereon captioned as follows:

Date	Change No.	Authority	Attest: Clerk
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(C) *Replacement map.* In the event that the map is lost, damaged, destroyed or difficult to interpret, the Council by ordinance shall adopt a replacement map which shall be the same in every detail as the map it replaces, and shall be certified by the signatures of the Mayor and Clerk/Finance Officer as stated above.

(D) *Boundaries.* Where uncertainty exists about the location of boundaries shown on the map, the following shall apply:

(1) Boundaries along streets, highways and railways shall be construed as following the centerlines thereof;

(2) Boundaries along platted lot lines shall be construed as following these lines exactly;

(3) Boundaries along Town limits shall be construed as following the lines exactly;

(4) Boundaries along shorelines shall be construed as following the shorelines exactly, and in the event of shoreline change

shall move with the actual shoreline;

(5) Boundaries in division (D)(4) above as extensions of or parallel to indicated features shall be so construed. Distances not specifically marked on the map shall be determined by the scale of the map;

(6) In the event of ambiguity about the location on the ground of boundaries shown on the map, the Board of Adjustment shall interpret the district boundaries; and

(7) Where a district boundary divides a lot in single ownership which existed at the time this chapter was adopted, the Council may, by conditional use, permit either portion of the lot to extend into the adjacent zone up to 50 feet, provided that the remainder of the lot be not less than the minimum for the district in which it is located.

(E) *Maintaining the map.* The Town Clerk/Finance Officer is responsible for maintaining and revising the map. (Ord. passed 2-3-1997, § 3.02; Am. Ord. 3-09-2010-01, passed 3-9-2010)

## **§ 155.017 REGULATIONS FOR ZONING DISTRICTS.**

(A) In addition to district regulations in §§ 155.015 through 155.017 and Appendices A and B to this chapter, this section shall apply to all districts within the Town limits and any extraterritorial areas which may be established. After the effective date of this chapter, no land shall be used or occupied, and no structure shall be used, built, moved, altered or occupied except in compliance with this chapter.

(B) The additional regulations are as follows:

(1) *Flood hazards.* The entire Town being located in the Special Flood Hazard Area, no zoning or building permit or certificate of occupancy shall issue that does not comply with the Flood Damage Prevention Ordinance adopted April 13, 1987 and amendments thereto.

(2) *No reduction in lot size.* Except by eminent domain, no lot existing on the date this chapter is adopted shall be reduced in dimension or area below the minimums specified in Appendix A to this chapter.



(3) *Lots complete.* No part of any lot or its improvements shall be counted toward meeting the requirements for any other lot.

(4) *Only 1 principal use.* Only 1 principal (i.e., main) use and only 1 principal structure, with its customary accessory structures where allowed, shall be permitted on any lot.

(5) *Lots must front on street.* Any lot created after the adoption of this chapter must front on a public right-of-way, and no structure requiring a building permit may be erected on any lot which does not abut a public right-of-way or a private street or easement which has been duly recorded.

(6) *Sight distance at intersections.* On a corner lot which abuts state- or Town-maintained rights-of-way, no planting, structure or any other obstruction to vision that is more than 3 feet high shall be placed or maintained within the triangular area formed by the intersecting street sidelines with a straight line connecting points on those street sidelines, each of which is 25 feet distant

from the point where the sidelines intersect.

(7) *Fences.* No fence or wall exceeding 8 feet in height shall be erected within the Town limits. Fences owned jointly by abutting lot owners shall be placed on the lot line. A fence owned exclusively by 1 neighbor shall not encroach on the abutting neighbor's property.

(8) *RVs on lots.* A travel trailer, motor home or a towed boat may be stored in side or rear yards in all districts provided it is not lived in, does not obstruct free passage by emergency vehicles and has a current motor vehicle license or a boat registration decal.

(9) *Prohibited use.* If either a use or class of use is not specifically indicated as permitted in a district either as of right or as a conditional use, then the use or class of use shall be prohibited within the district.

(Ord. passed 2-3-1997, § 4.01)  
Penalty, see § 155.999

**§ 155.018 U.S. HIGHWAY 17  
CORRIDOR OVERLAY DISTRICT.**

*(A) Purpose.*

(1) The U.S. Highway 17 Corridor Overlay District (the "overlay district") is an overlay district designed to visually enhance and provide for the orderly development of the Town's urban core and primary connector and arterial streets which serve as "gateways" into the Town. The overlay district overlays existing zoning districts for the primary connector and arterial streets that are located within the Town's center and which can be described generally as the parcels of real property lying between C Street and 250 feet north and south of the center of the current D Street (U.S. Highway 17) right-of-way, as referenced in the U.S. Highway 17 Corridor Overlay District Standards Appendix C ("Standards") attached to the Ordinance 9-09-2008-01 and incorporated fully herein by reference.

(2) A site plan review process will regulate the development of structures and sites within the overlay district in an effort to minimize potential problems and nuisances and encourage architecturally and aesthetically integrated development in accordance with

the adopted architectural and site design standards.

*(B) Standards.* Standards for the overlay district are as set forth in Appendix C. Principal goals and areas of interest to be served by the overlay district are reflected in the standards and shall apply to (i) existing development, (ii) vacant properties, (iii) new construction, and (iv) any annexed property into the Town that is also in the overlay district. The principal goals and areas of interest include:

(1) Protection of property values;

(2) Balancing landowner's rights to use land with the corresponding right of abutting and neighboring landowners to live without nuisances such as noise, smoke, fumes, odors, and glare of lights and visual pollution;

(3) Convenience and safety of vehicular and pedestrian movement within the overlay district and adjacent areas or roads;

(4) Minimizing the area over which existing vegetation is to be removed and, where removal is necessary, to emphasize replacement of vegetation;

(5) Integration of proposed development into existing landscape, or creation of new "image" streetscape through design features such as vegetative buffers, roadside plantings, and the retention of open space;

(6) Establishment of building setbacks, area, and location of parking, architectural compatibility, and compatibility with surrounding developments and the natural landscape; and

(7) General safety issues.

(C) *Site plan review process.*

(1) Site plan review shall be required for all development projects involving the construction, exterior alteration, relocation, occupancy, or change in use of any building within the overlay district. Site plans shall be reviewed by the Planning Board and approved by the Board of Commissioners.

(a) Site plan review approval shall include proposals for commercial, office, institutional, utility, multiple-dwelling residential developments, or recreational uses.

(b) Site plan review shall not be required for the construction, enlargement, or use of any single-family or two-family dwelling, or building accessory to such structures.

(2) Site plan review also shall be required for the resumption of any use discontinued for more than the allotted time frame allowed by a building permit that involves an exterior change or for the expansion of any use. **EXPANSION** shall include any activity that requires a building permit and results in an increase in square footage of at least 25%, or a change in occupancy that requires a new certificate of occupancy.

(D) *Site plan review procedure.*

(1) An application for site plan review in the overlay district shall be filed with the Town Clerk at least ten calendar days prior to the regularly scheduled meeting of the Planning Board with five copies of the site plan documents drawn to a scale not to exceed one inch equals 100 feet on standard 24-inch by 36-inch sheets. The Town Clerk shall acknowledge receipt of these plans by endorsing them with a signature and a date. The Planning and Zoning Board shall review the site plan documents for compliance with the submission data requirements listed in division (E) of

this section below and provide the submitted documents to the Board of Commissioners, together with recommendations of the Planning Board and Zoning Board.

(2) The Board of Commissioners shall review the proposed site plan and take final action on the proposal. The date of consideration of site plan proposals shall be based upon the submission schedule established by the Board of Commissioners. The Board of Commissioners shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the principal goals and areas of interest listed in division (B) of this section and the standards. The final action of the Board of Commissioners, rendered in writing, shall consist of either:

(a) Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this section; or

(b) Approval of the site plan subject to any conditions, modifications, and restrictions as required by the Board of Commissioners which will ensure that the proposed

project meets the listed principal goals and areas of interest; or

(c) Disapproval of the site plan based upon a determination that the proposed project does not meet the standards set forth in this section.

*(E) Site plan submission requirements.*

(1) Site plans shall be prepared by a registered professional surveyor, landscape architect, architect, engineer, or other professional with demonstrated skills to complete said site plan at a scale not to exceed one inch equals 100 feet, on standard 24-inch by 36-inch sheets, with continuation sheets on 8- 112-inch by 11-inch sheets as necessary for written information. The number of pages submitted will depend on the proposal's size and complexity.

(2) (a) Site plans shall include the following data, details, and supporting plans:

1. Name of project, boundaries, north arrow, scale, square footage or acreage in tract, and site plan vicinity map;

2. Name and address of owner, developer, and seal of

architect or other similar professional, if applicable;

3. Names and addresses of all abutting property owners;

4. All existing and proposed lot lines, easements, and rights-of-way;

5. Location of all existing buildings and structures;

6. Location of all existing and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, and walls;

7. Location, type, and screening details for waste disposal containers;

8. Location, dimension, and sketch of all proposed signage;

9. A planting plan showing all existing natural land features, trees, and water resources, and all proposed changes to those features including size and type of plant material;

10. Zoning district classifications of the site and abutting properties;

11. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site ;  
and

12. Elevation plans to a minimum scale of 1/8 inch equals 1 foot for all exterior facades of proposed or existing structures and additions.

(b) All such requirements must be met in each site plan with notations explaining the reasons for any omissions.

(F) *Enforcement.* The Zoning Administrator may revoke any zoning, special use, or conditional use permit or the Building Inspector may refuse to issue any certificate of occupancy to ensure compliance with the approved site plan and stated conditions of approval. The Zoning Administrator may also suspend any permit or license when work is not performed within two years after approval of the site plan.  
(Ord. 9-09-2008-01, passed 9-09-2008)

## **CONDITIONAL USES**

### **§ 155.045 APPLICATION.**

Where a conditional use permit is required in Appendix B (Permitted Uses) or this subchapter, written application therefore to the Town Clerk/Finance Officer must be made at least 10 days before the next regular Planning Board meeting (usually on the fourth Wednesday of the month). There will be an application fee, per the current Town of Bridgeton schedule of fees, for processing a conditional use permit. In addition, cost for advertising of the quasi-judicial hearing will also be incurred. The application must state where in Appendix B or in this subchapter a conditional use permit is required. Where the lot would require approval under Development Ordinance procedures (e.g., > 1 acre or improvements required) the applicant shall fill in a checklist per Annex B of that ordinance. But if at first he or she elects only the Preapplication Conference per § 401 of the Development Ordinance, he or she need only prepare a sketch plat.

(Ord. passed 2-3-1997, § 5.01 Am. Ord. 2-14-2012)

### **§ 155.046 PLANNING BOARD ACTION.**

The Planning Board shall review the application and advise appropriate action. If a formal site plan is required, review the steps the applicant must take per the Development Ordinance; at this point the applicant may wish to obtain the Council's approval in principal before completing all the work required for a site plan. If so, the Board may recommend to the Council if appropriate that it grant a use permit conditioned on obtaining a final site plan approval. If a site plan is not required, recommend a decision for the Council including any additional conditions and safeguards the Board feels are indicated. (Ord. passed 2-3-1997, § 5.02)

### **§ 155.047 PUBLIC AND QUASI-JUDICIAL HEARINGS; NOTICE**

The council may issue conditional use permits in accordance with the principles, conditions, safeguards, and procedures specified in this chapter and may impose reasonable and appropriate conditions upon these permits, and, where appropriate, such conditions may include, but are not limited to, requirements that street and utility right-of-ways be dedicated to the public and that provisions be made for recreational

space and facilities. When deciding whether or not to grant a conditional use permit application, the council shall follow quasi-judicial procedures. A majority vote shall be required for the council to issue a conditional use permit. For the purposes of this section, vacant positions on the council and members who are disqualified from voting on a quasi-judicial matter shall not be considered as "members of the Board" for calculation of the requisite majority. In addition to the quasi-judicial hearing referenced above, if either the planning board or the Town Council desire, a public hearing may be held on the applicant's conditional use permit application. Once the applicant submits his/ her permit application to the Town clerk/finance officer and has paid all fees required by this chapter, the clerk/finance officer shall set a quasi-judicial hearing, the clerk/finance Officer shall:

1) post notice of the date, location, time and purpose of the hearing by placard upon the property that is subject of the conditional use permit application,

2) mail notice of the hearing to the applicant, which notice shall contain substantially the same information contained on the placard, and

3) mail notice of the hearing to all properties located within one hundred (100) feet of the property for which the permit is being applied. (Am. Ord. 2-14-2012, passed 2-14-2012)

### **§ 155.048 GOVERNING BODY.**

Before it shall grant a conditional use permit, the Council shall make a written finding that the proposed use:

(A) Will not adversely affect the zoning plan and will not be detrimental to the area;

(B) Will not adversely affect the health and safety of residents and workers in the area;

(C) Will not be detrimental to adjacent properties and other neighborhood uses;

(D) Will not be affected adversely by existing uses;

(E) Will comply with space (Appendix A) and parking (§§ 155.075 *et seq.*) requirements of this chapter and, if required, will comply with the Development Ordinance;

(F) Will not constitute a nuisance or hazard because of the

number of persons who will use the facility; i.e., traffic, noise, pollution or dangerous type of physical activity; and

(G) Will comply with standards set forth for each particular use for which a permit is or may be granted.

(H) (1) If the conditional use application is for a temporary office, the following additional conditions shall apply:

(a) The conditional use permit may initially be granted for a period not to exceed one year; and

(b) The conditional use permit may be renewed once for an additional one-year period; and

(c) The conditional use permit may be renewed a second time for an additional six-month period.

(2) The conditional use permit may not be renewed under any circumstances after the second extension.

(Ord. passed 2-3-1997, § 5.04; Am. Ord. 5-13-2008-03, passed 5-13-2008)

## **§ 155.049 NONCONFORMING TO CONDITIONAL USE.**

(A) When a nonconforming structure exists that, due to unique physical or structural characteristics cannot be adapted economically for a use which is permitted in the district in which it is located, the Council may issue a conditional use permit so that the structure can be used for any purpose that the Council finds to be suitable, provided the following conditions are met.

(B) The conditions are:

(1) The structure must be in sound condition;

(2) The proposed use must not be detrimental to the general character of the neighborhood in which it is located;

(3) (a) The Council shall attach conditions and safeguards to the permit to ensure that the proposed use will have the minimum negative impact on the neighborhood including specific requirements for formal site plan approval if required (not required where the lot in question is less than 1 acre; see Development Ordinance).



(b) Otherwise the following requirements apply:

1. *Parking and loading;*
2. Screening and buffering;
3. Lighting;
4. Number of employees;
5. Signs; and
6. Hours of operation.

(4) Should any of the conditions and safeguards attached to the permit be violated, the permit shall be void immediately and of no effect.

(Ord. passed 2-3-1997 , § 5.05)

### **NONCONFORMING USES**

#### **§ 155.060 INTENT.**

Where there may be uses and dimensions of lots or structures which were legal prior to adoption of this chapter, but not thereafter, it is the Council's intent to permit the uses to continue but to encourage their cessation or conformance with the regulations in this chapter. To avoid undue hardship, nothing herein shall be deemed to require a change in the lawfully approved plans, the construction or use of any structure for which the plans or permits have been duly approved more than 30

days prior to the Planning Board's resolution recommending the adoption of this chapter.

Notwithstanding the foregoing, if at the time of adoption there exists actual construction on a development which does not conform to the regulations herein, the owner may apply to the Council for a conditional use permit per §§ 155.045 through 155.049.

(Ord. passed 2-3-1997, § 6.01)

#### **§ 155.061 NONCONFORMING LOTS OF RECORD.**

(A) In Districts R-5 and W-R, at the time this chapter is adopted, a dwelling may be erected on any lot of record where the lot has smaller area or dimension than required herein provided setbacks, percentage of lot coverage and heights are observed, but where this is impossible; a variance may be requested from the Board of Adjustment.

(B) Where there exist 2 or more contiguous lots of record under single ownership at the time of adoption, 1 or more of which is undersize, the lots involved shall be considered as 1 parcel, and no subdivision or sale shall be made which creates a lot of smaller size or dimension than the minimum

specified herein for the district in which located.  
(Ord. passed 2-3-1997, § 6.02)

**§ 155.062 NONCONFORMING USES OF LAND.**

(A) At the time of adoption of this chapter where lawful use of lands exists which is not permitted herein, and where the use involves no individual structure whose assessed valuation exceeds \$1,000, the use may be continued so long as it remains otherwise lawful, subject to the following restrictions.

(B) The restrictions are as follows:

(1) The use shall not be enlarged, increased or occupy a greater area than at the time of adoption of this chapter;

(2) The use shall not be moved in whole or in part to any other location or parcel than where located at the time of adoption; and/or

(3) If any use ceases for any reason for a period of more than 30 days, any subsequent use shall conform to the regulations herein for the district in which located.  
(Ord. passed 2-3-1997, § 6.03)

**§ 155.063 NONCONFORMING STRUCTURES.**

A lawful structure which exists on the date this chapter is adopted, but which would not be permitted under regulations herein may remain as long as it remains lawful, provided:

(A) It may not be enlarged or altered in a way which increases its nonconformity, but it may be altered to decrease its nonconformity;

(B) If it be damaged or destroyed to an extent of more than 50% of its assessed value, it may then be reconstructed only in accordance with regulations herein;

(C) It may be moved only if it then conforms with the regulations herein for the district to which moved; and/or

(D) A single-wide manufactured home outside the Manufactured Home Overlay Districts may not be replaced except by a conforming dwelling.  
(Ord. passed 2-3-1997, § 6.04; Am. Ord. 7-10-2007-01, passed 7-10-2007)

**§ 155.064 NONCONFORMING USES OF STRUCTURE OR PREMISES.**

Lawful uses at the time this chapter is adopted may continue so long as they remain otherwise lawful, provided:

(A) Any structure used in a manner may not be enlarged, moved, reconstructed or structurally altered except in changing its use to one permitted herein;

(B) A nonconforming use may be extended within a structure as it existed on the date of adoption, but it shall not extend beyond the exterior of the structure, nor shall there be any alterations within the structure to facilitate the extension;

(C) When a nonconforming use is discontinued, or is changed to a conforming use, the nonconforming use shall not then be resumed;

(D) When a nonconforming use is abandoned or discontinued for 2 consecutive months, or for 12 months in any 2-year period (except when government action has blocked access to the premises), the use shall not then be resumed; and/or

(E) Where a nonconforming use is conducted in or from a structure, removal or destruction of

the structure shall constitute abandonment of the nonconforming use. Where the structure is damaged to an extent of more than 50% of its assessed value, it shall be considered destroyed and shall not be restored or used except for a permitted use. (Ord. passed 2-3-1997, § 6.05)

**§ 155.065 REPAIRS AND MAINTENANCE.**

(A) On any nonconforming structure or portion thereof containing a nonconforming use, repairs not exceeding 10% of the assessed value are permitted over a 6-month period on walls, fixtures, wiring and plumbing, provided that the cubic space employed by the nonconformance shall not be enlarged.

(B) If the Building Inspector declares that a nonconforming structure is uninhabitable due to physical condition and lack of repairs, it shall not thereafter be repaired, restored or rebuilt except in conformity with the regulations herein.

(Ord. passed 2-3-1997, § 6.06)

## **PARKING**

### **§ 155.075 OFF-STREET PARKING; GENERAL PROVISIONS.**

(A) At the time of erection of any structure, or at the time any structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, floor area, or when converting from 1 zoned use or occupancy to another, permanent off-street parking spaces shall be provided according to the requirements of this chapter.

(B) (1) Each parking space shall have a minimum length of 20 feet and a minimum width of 8 feet. It shall have access to a public right-of-way in conformance with regulations of the North Carolina Department of Transportation.

(2) Except for residences, sufficient maneuvering area shall be provided so that no vehicle shall be forced to back onto a public right-of-way.

(3) Required off-street parking spaces shall not be used for any other purpose, and the removal or elimination of a required space shall immediately revoke the occupancy permit for the use

for which the parking space is required.

(4) For uses not specifically listed herein, the Planning Board or the Zoning Administrator where indicated shall determine the required spaces, generally compatible with § 155.060 herein.

(5) All space requirements which are based upon employment shall be computed on the basis of the greatest number of persons on any shift.

(6) Each application for a site plan, zoning permit or certificate of occupancy shall include a sketch to scale of proposed parking area showing spaces, aisles, entrances and exits with calculations for required spaces.

(7) The required spaces for any number of separate uses may be combined on 1 lot, but the space required for a use may not be used by any other use except that 1/2 the spaces required for churches, meeting halls and businesses whose attendance will be at night or on Sundays may be assigned

to a use which will be closed at night or on Sundays.

(8) If the off-street parking required by this chapter in any district except residential cannot be practically provided on the same lot where the principal use is located, the space may be provided on any lot, excluding residential, within 400 feet of the main entrance to the principal use. In that case the applicant for the principal use shall submit with his or her application an instrument duly recorded with the County Register of Deeds which subjects the lot for parking by the principal use for which it is made available for a period of 10 years with option to renew for a second 10 years.

(9) Off-street parking required by a residential use shall be provided on the same lot with the use for which it is required. (Ord. passed 2-3-1997, § 7.01.1)

**§ 155.076 PHYSICAL REQUIREMENTS FOR PARKING LOTS.**

(A) *Setback.* No parking lot shall be closer than 5 feet from a public right-of-way.

(B) *Lighting.* Shall be so arranged as to direct light and glare away from streets and adjacent property.

(C) *Surfacing.* Where practical, surfacing shall be permeable, but shall be designed to withstand the type traffic for which the lot is intended.

(D) *Drainage.* Surface (includes storm) drainage shall not run on to or across a public right-of-way or onto or across adjacent property. It must be channeled into a natural waterway or a drainage easement.

(E) *Entrances.* On comer lots, vehicle entrances and exits shall be located at least 15 feet from the right-of-way lines (side lines) of intersecting streets or rights-of-way. (Ord. passed 2-3-1997, § 7.01.2)  
Penalty, see § 155.999

**§ 155.077 MINIMUM PARKING REQUIREMENTS.**

(A) The number of off-street parking spaces required by this section shall be provided on the same lot with the principal use, except as provided in § 155.075(B)(7) and (8) of this chapter, and shall be considered as the absolute minimum.

(B) The requirements are as follows:

**SIGNS**

<b>Use</b>	<b>Required Space</b>
Residential	2 per dwelling unit; garaged space counts
Motels	1 per rental room, plus 1 for each 3 employees
Home occupation	2 per dwelling unit, plus 1 per employee; see note 12 of Appendix B
Offices (see Appendix B)	1 per 300 sq. ft. of gross floor area, plus 1 for each 2 employees
Restaurant	1 per each 3 customer seats, plus 1 per each 3 employees
Supermarket, hardware, furniture, small retail store	1 per 300 sq. ft. of gross floor area, plus 1 per employee
Churches	1 per each 4 seats in the sanctuary
Building supply, lumber, auto, boat sales and service	1 per 200 sq. ft. of gross floor area, plus 1 per employee, plus 1 per each 500 sq. ft. of outside display storage
Industrial, manufacturing	2 per each 3 employees on the largest shift
Elementary school	1 per each classroom or administrative office

(Ord. passed 2-3-1997, § 7.01.3)

**§ 155.090 SIGN REGULATIONS.**

The Council intends sign regulations for the following purposes:

(A) To enhance the Town's visual appeal, especially along U.S. 17 and the approaches to New Bern;

(B) To improve commercial opportunities by encouraging businesses to inform the motoring public in tasteful and attractive ways about their goods and services; and

(C) To convey safety, location, identity and directional information for the public convenience. (Ord. passed 2-3-1997, § 7.02)

**§ 155.091 GENERAL.**

Any sign erected, placed, structurally altered or moved after the effective date of this chapter shall conform to the regulations herein; and for freestanding signs to the current edition of the North Carolina Building Code.

(A) *Building permit.* Except as required in § 155.092, a building permit shall be required to erect, move, place or structurally alter a freestanding sign 15 square feet or

larger, anchored to the ground or to a building.

(B) *Prohibitions.* No sign shall be erected, placed or continued that:

(1) Obstructs the sight distance along a public right-of-way or intersection. No sign shall be within 5 feet of a right-of-way or within 50 feet of an intersection. This setback shall be measured from the leading edge of the sign;

(2) Is in a public right-of-way (does not apply to government traffic signs);

(3) Because of its shape, color, location or content possibly can be confused with a government traffic sign or signal, or with the flashing light of an emergency vehicle;

(4) Uses words or symbols such as "go," "slow," "danger" and the like in a manner which could be confused with traffic signs or signals;

(5) Obstructs visibility at a corner or driveway between a height of 2 and 10 feet;

(6) Obstructs entrance or exit of any window, door, fire escape, stairway or opening

required by law (includes building code) for access to any building or room;

(7) Is attached to any tree or utility pole;

(8) Advertises a political candidate or issue after 10 days following an election; or

(9) Violates any law of the state about outdoor advertising.

(C) *Illuminated Signs.*

Illuminated signs shall require a building and electrical permit. They shall be placed so as to minimize glare on adjacent properties and public rights-of-way. No flashing or intermittent illumination shall be permitted on any advertising sign or structure, except the numerals on time and temperature sign.

(D) *Safety.* Signs and their supports, braces, guys and anchors shall be kept in a structurally safe state of repair and preservation.

(E) *Temporary signs.* Temporary signs, including portable signs, shall be removed within 30 days from the date of initial installation.

(F) *Max size.* Signage area shall conform to the following measurements:

(1) Establishments shall have a maximum wall sign area of 0.50 square feet of sign per each linear foot of building footage; and

(2) No sign shall exceed 100 square feet on 1 face.

(G) *Number.* Except for directional signs, the number of freestanding signs shall be 2. However, this does not apply to a shopping center directory displaying the names of tenants.  
(Am. Ord. passed 12-2-2002)

(H) *Off-site.* No more than 1 off-site sign is permitted per individual business or profession.

(I) *No billboards.* After adoption of this chapter, freestanding billboards and any sign larger than 100 square feet mounted or painted on a structure within the Town limits are prohibited.

(J) *Inspections.* Each sign requiring a permit is subject to an annual inspection by the Zoning Administrator for the purpose of ensuring that signs are kept in a safe and neat condition. A fee shall be charged for this service per a schedule to be maintained in Town Hall.

(K) *Time limits.* After the effective date of this chapter, any existing sign which would not be permitted as a new sign will be classified as nonconforming and must be removed or brought into compliance within 7.5 years. Illuminated signs must be brought into compliance within 6 months after the effective date of this chapter.  
(Ord. passed 2-3-1997, § 7.02.1)  
Penalty, see § 155.999

### **§ 155.092 EXCEPTIONS.**

The following signs do not require a permit provided they comply in all respects with the regulations and sizes of this section:

(A) *Residential zones.* Unlighted or low-voltage lighted name signs not over 2 square feet containing only name of occupant and location number.

(B) *Business, Highway-Commercial, Water Commercial and Industrial zones.*

(1) Unlighted signs painted on walls, windows or roofs;

(2) One unlighted sign 8 square feet or less per business location; and



(3) Small signs not exceeding 2 square feet displayed for direction, safety or convenience: e.g., restroom, telephone, parking, entrance/exit and the like.

(C) *All zones.*

(1) Unlighted government, traffic, legal and the like;

(2) Flags or emblems not used for commercial ads;

(3) Memorial plaques, cornerstones, historical tablets/markers and similar devices; and

(4) Unlighted mobile signs painted on vehicles or trailers advertising 1-time events.

(Ord. passed 2-3-1997, § 7.02  
.2)

## **ADMINISTRATION AND ENFORCEMENT**

### **§ 155.110 INTENT.**

(A) The Council intends this chapter primarily for the use and guidance of the Town Zoning Administrator as well as other Town officials and the general public in the observance and, if necessary, the enforcement of zoning regulations contained herein.

(B) It is further intended that all questions arising in connection with the administration of this chapter shall be presented first to the Zoning Administrator, and that these questions be presented to the Board of Adjustment only on appeal from the Zoning Administrator. Recourse from decisions of that Board shall be appealed to the courts as provided in law. The Council will not hear and decide on disputed questions arising from enforcement of this chapter, but shall consider only proposed amendments or repeal of this chapter or the zoning map. (Ord. passed 2-3-1997, § 8.01)

### **§ 155.111 ZONING ADMINISTRATOR.**

The Council shall appoint the Zoning Administrator, hereinafter the Administrator, and alternates and assistants as necessary to assure coverage and continuity. The Administrator shall enforce this chapter, the Development Ordinance, and ensure compliance with the Flood Damage Prevention Ordinance. He or she shall issue zoning permits, conduct inspections, issue written notices of violations with orders for corrective action and coordinate with the Town Inspection Department for Building Code enforcement.

(Ord. passed 2-3-1997, § 8.02; Am. Ord. 9-22-2008-01, passed 9-22-2008)

### **§ 155.112 BUILDING INSPECTOR.**

The Town Building Inspection Department Inspector provides building inspection services following provisions of G.S. § 160A-422 through 160A-434 and this chapter, using standards of the current edition of the North Carolina State Building Code. A set of fees shall be established for this service and are adopted by reference.

(Ord. passed 2-3-1997, § 8.03; Am. Ord. 9-22-2008-01, passed 9-22-2008)

### **§ 155.113 PERMITS.**

After this chapter is adopted:

(A)

(1) No change in the use of land or structure, nor any construction, alteration, major repair, movement of structure, demolition or site work shall begin without a zoning and, if required, a building permit.

(2) An exception shall be made in that the demolition or removal of structures to clean a vacant property does not require a zoning permit.

(Am. Ord. 05-03-2004-1, passed 5-3-2004)

(B) No permit shall issue for any of the conditional uses listed in Appendix B herein without a conditional use permit.

(C) No zoning or building permit shall issue until a satisfactory plan is submitted for the removal or closing of underground chemical/fuel storage tanks and septic systems.

(D) No newly completed structure, alteration or move which required a building permit shall be occupied without a certificate of occupancy (CO) issued by the Town Inspection Department (also known as certificate of compliance). If the structure involved is part of a subdivision or a site plan, no certificate of occupancy shall issue without the satisfactory completion of required site work, or acceptance by the Council of guarantees as specified in the Development Ordinance. To alleviate hardship which might result from withholding the certificate of occupancy, the Council may authorize the Inspection Department to issue a temporary certificate following procedures of the Development Ordinance.

(E) On a parcel 1 acre or more in area no construction or site work

shall begin, and no building permit shall issue without an approved Sedimentation and Erosion Control Plan.

(F) There will be imposed an additional \$35 fee for all zoning permits not obtained prior to the beginning of any construction. This will be in addition to the current \$15 zoning permit fee - a total of \$50. (Ord. passed 2-3-1997 § 8.04, Am. Ord. 11-07-2005-01, passed 11-7-2005, 9-22-2008-01, passed 9-22-2008.01) Penalty, see § 155.999

**Statutory reference:**

*Similar provisions, see G.S. § 160A-417(b)*

**§ 155.114 APPLICATION FOR PERMITS; PROCEDURE,**

Owners, occupants or contractors apply to the Town Clerk/Finance Officer for a zoning permit which when approved may be presented to the Town Inspection Department with application for a building permit.

(Ord. passed 2-3-1997, § 8.05; Am. Ord. 9-22-2008-01, passed 9-22-2008)

**§ 155.115 EXPIRATION OR REVOCATION OF BUILDING PERMITS.**

(A) Preliminary approval of a site plan or subdivision vests the rights specified therein for a period of 2

years, but this right does not extend to building permits. If the work specified in a building permit has not begun within 6 months from the date of issue, or if work once begun is suspended for a period of 6 months, the permit shall expire, and no work may be performed without obtaining a new permit.

(B) The Town Inspector may revoke a permit for any substantial departure from the approved application; from the plans or specifications; from failure to comply with applicable state or local law; or from false statement or representation in securing the permit. He or she also may revoke a permit mistakenly issued in violation of a state or local law.

(Ord. passed 2-3-1997, § 8.06; Am. Ord. 9-22-2008-01, passed 9-22-2008) Penalty, see § 155.999

**§ 155.116 ENFORCEMENT.**

(A) The Town Inspector shall make periodic inspections of buildings and structures to ascertain their compliance with the State Building Code, and when he or she finds defects in construction, unsafe conditions or other violations of applicable codes, he or she shall take corrective action, to include condemnation when necessary. Any owner of a building or structure who

fails to comply with an order to take corrective action shall be guilty of a civil offense.

(B) The Administrator shall give written notice of ordinance violations to owners of property within his or her jurisdiction by certified mail stating:

(1) The act or failure to act which constitutes the violation;

(2) The ordinance section which is being violated;

(3) Actions necessary to achieve compliance;

(4) Deadline for completing the action; and

(5) The consequences of failure to comply.

(Ord. passed 2-3-1997, § 8.07; Am. Ord. 9-22-2008-01, passed 9-22-2008) Penalty, see § 155.999

### **§ 155.117 APPEALS.**

(A) Appeals from Building Inspector's order to take corrective action may be taken to the Council by giving notice in writing to the Inspector and to the Town Clerk/Finance Officer within 10 days following the issuance of the Inspector's order.

(B) Appeals from Administrator's notice of violation may be taken to the Board of Adjustment by letter delivered to the Town Clerk/Finance Officer within 30 days of the date of the notice. (Ord. passed 2-3-1997, § 8.09; Am. Ord. 2-14-2012)

#### **Statutory reference:**

*Similar provisions, see G.S. § 160A-430*

### **BOARD OF ADJUSTMENT**

#### **§ 155.130 ESTABLISHED.**

A Board of Adjustment, hereinafter named the Board, is hereby established. It shall have 5 regular members and 3 alternates, all to be appointed from citizens of the Town by the Council. Initially, they shall be appointed for staggered terms: 1 for 1 year, 2 for 2 years each and 1 for 3 years; the alternates shall be for 3 years each. Re-appointments shall be for 3 years. Vacancies shall be filled for expired terms only. The Council may remove any member for cause upon written changes and after public hearing. (Ord. passed 2-3-1997, § 9.01; Am. Ord. passed 1-7-2002)

### **§ 155.131 CHAIRPERSON.**

Annually, the Board shall elect 1 of its members as chairperson, and 1 as vice-chairperson, both to serve for 1 year. The Administrator shall serve as Board Secretary. The Board shall adopt rules and regulations as necessary to carry out the duties assigned herein.

(Ord. passed 2-3-1997, § 9.02; Am. Ord. passed 6-5-2000)

### **§ 155.132 MEETINGS; OFFICERS**

The Board shall elect one (1) of its members as Chair, one (1) of its members as a Vice Chair, and shall appoint a Secretary and other subordinates as it deems in its best interest. The Board shall adopt any rules of procedure under which it will operate. Meetings of the Board shall be held at the call of the Chair, or in his absence the Vice-Chair, or at least two (2) members of the Board. All meetings of the Board shall be open to the public. The Board shall keep full and accurate minutes of its proceedings.

### **§ 155.133 POWERS AND DUTIES**

The Board shall have the following powers and duties:

(A) *Administrative Review.* To hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcement of this Ordinance.

(B) *Interpretation.* To interpret the terms of this Ordinance and zoning maps and to pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of this Ordinance,

(C) *Subpoena.* To subpoena witnesses and compel the production of evidence, through the chair, or in the chair's absence anyone acting as the chair, may subpoena witnesses and compel the production of evidence, To request issuance of a subpoena, persons with standing under G.S. § 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena, Decisions regarding

subpoenas made by the chair may be appealed to the full Board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(D) *Oath.* The chair of the Board, or any member acting as chair, and the clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board, willfully swears falsely is guilty of a Class 1 misdemeanor.

(E) *Variance.* When unnecessary hardships would result from carrying out the strict letter of this Ordinance, to vary any of the provisions of the ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of this Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, Size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(4) The requested variance is consistent with the spirit, purpose, and intent of this Ordinance, such that public safety is secured, and substantial justice is achieved.

Provided, however, no change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

(F) *Decision*. As used in this Ordinance, the term "decision" includes any final and binding order, requirement, or determination. The Board shall follow quasi-judicial procedures when deciding appeals and requests for variances. The Board shall hear and decide all matters upon which it is required to pass under any statute or this Ordinance.

### **§ 155.134 NOTICE OF HEARING**

Notice of hearings conducted pursuant to this Ordinance shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or unified development ordinance. In the absence of evidence to the contrary, the Town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an

adjacent street or highway right-of-way.

### **§ 155.135 VOTING**

(A) The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this Section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members. Abstentions by a member not otherwise excused from voting shall be counted as a vote in favor of any motion or action.

(B) A member of the Board shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational

relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(C) The Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made.

### **§ 155.136 QUASI-JUDICIAL DECISIONS AND JUDICIAL REVIEW**

(A) The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other

office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

(B) Every quasi-judicial decision shall be subject to review by the Craven County Superior Court by proceedings in the nature of certiorari pursuant to G.S. § 160A-393. A petition for review shall be filed with the Clerk of Craven County Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with Section 8.8(a). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

### **§ 155.137 APPEALS**

The Board shall hear and decide appeals from decisions of administrative officials charged with enforcement of this Ordinance, pursuant to all of the following:

(A) Any person who has standing under G.S. § 160A-393(d) or



the city may appeal a decision to the Board. An appeal is taken by filing a notice of appeal with the Town Clerk and payment of any applicable fees. The notice of appeal shall state the grounds for the appeal.

(B) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

(C) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

(D) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property

that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.

(E) The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(F) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of this Ordinance. In that case, enforcement proceedings shall not

be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

(G) Subject to the provisions of subdivision (F) of this section, the Board shall hear and decide the appeal within a reasonable time.

(H) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing.

The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

(I) When hearing an appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. § 160A-393(k).

(J) The parties to an appeal that has been made under this Ordinance may agree to mediation or other forms of alternative dispute resolution.

## **LEGAL**

### **§ 155.150 AMENDING THIS CHAPTER.**

(A) The Council, on its own initiative or on motion by the Planning Board or the Board of Adjustment, or on petition by any citizen of the Town and after due notice, public hearing and recommendation by this Board, may amend this chapter or the map. Procedures regarding notice, advertising and hearings depend upon the properties affected and the circumstances leading to the necessity for change. The legal

requirements including pertinent court decisions are contained in G.S. § 160A-364 and G.S. §§ 160A-381 through 160A-387, on file in Town Hall.

(B) Essential actions but not necessarily in order are:

(1) If initiative comes from citizens, file an application containing accurate details with the Town Clerk/Finance Officer with a fee to cover legal and advertising costs. Amount of fee prescribed in separate schedules.

(2) Study and recommendation by Planning Board which may conduct a hearing.

(3) Determination by Council. A hearing after proper notice is mandatory. Its decision must be referred to the Planning Board if the Board has deferred its recommendation until after the hearing, but the Council does not have to follow the Board's recommendation.

(4) Proper notice depends upon the change. If particular property or properties are being rezoned, owners must be notified by certified mail, the properties posted, and in some

cases, half-page maps advertised in the paper. When changes are more general, notices in 2 successive weeks are adequate.

(Ord. passed 2-3-1997, § 10.01)

### **§ 155.151 PROTEST AGAINST AMENDMENT.**

Where at least 20 % of property owners in an area being affected by a proposed amendment, or of lots within 100 feet of a particular property being affected, sign the protest, adoption of the amendment shall require the affirmative votes of 3/4 of the entire Council. The protest must be written and signed by the requisite owners, and must be delivered to the Town Clerk/Finance Officer not less than 2 working days prior to the date set for the public hearing.

(Ord. passed 2-3-1997, § 10.02)

### **§ 155.152 OUTSTANDING PERMITS, SITE PLANS AND SUBDIVISIONS.**

(A) Except as noted herein, nothing in this chapter shall require the change in any plan or action currently being taken on authority of a permit duly issued prior to the chapter's adoption. But when no action has been taken on a permit issued prior to the adoption, and

such inactivity has continued for 6 months, the permit is void.

(B) The preliminary or final approval of a site plan or subdivision plan per the Development Ordinance vests the rights granted therein for 2 years from the time of Council's acceptance of the developer's guarantees. (Ord. passed 2-3-1997, § 10.03)

### **§ 155.153 INTERPRETATION, PURPOSE AND CONFLICTS.**

The provisions of this chapter shall be held to be the minimum requirements for achieving the purpose as stated in § 155.002. It is not intended that this chapter conflict with any other laws or abrogate any easement, covenant or other agreement between parties. Where this chapter imposes stricter requirements or limitations on the use of property than are imposed by other laws or regulations, the regulations herein shall govern; where other laws or regulations impose stricter standards, they shall apply. (Ord. passed 2-3-1997, § 10.04)

### **§ 155.154 COMPLAINTS.**

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint with the

Administrator who shall record the complaint, immediately investigate and take appropriate action. The complainant must understand however, that assessment of penalties for certain types of offenses requires a credible witness to the act. (Ord. passed 2-3-1997, § 10.05)

## **MANUFACTURED HOMES**

### **§ 155.155 STANDARDS.**

In addition to other requirements contained in this chapter, manufactured homes shall meet all of the following standards:

(A) The pitch of the roof has a minimum vertical rise of 5 feet for each 12 feet of horizontal run (5:12) and the roof is finished with a type of shingle that is commonly used in standard residential construction;

(B) The manufactured home is set up in accordance with the standards set by the North Carolina Building Code and with a continuous foundation consisting of masonry, stone or wood, un-pierced except for required ventilation, storm-water control, and access, installed under the perimeter of the manufactured home; and

(C) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code.  
(Ord. 7-10-2007-01, passed 7-10-2007)

**§ 155.156 PLACEMENT.**

In addition to other requirements contained in this chapter, the placement (original location, relocation or otherwise) of a manufactured home that is 10 years or older within the Manufactured Home Overlay District shall be prohibited. It is the intent of this section to require that, following the enactment of this section all manufactured homes coming into a Manufactured Home Overlay District for the first time shall have been manufactured within the 10 years immediately preceding the placement of the manufactured home within the district.

(Ord. 07-10-2007-01, passed 7-10-2007)

**§ 155.999 Penalty**

For penalties for any violation(s) of this chapter, see § 10.99. In addition to those other penalties and remedies contained in § 10.99, if a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises.  
(Ord. 310-2015-01 passed 3-10-2015)



## APPENDIX C: U.S. HIGHWAY 17 CORRIDOR OVERLAY DISTRICT STANDARDS

### Creation

The creation of these standards is intended to supplement all land use plan requirements. These standards are created as an overlay zoning district known as the "U.S. Highway 17 Corridor Overlay District." Property within the U.S. Highway 17 corridor can be generally described as the block of property between C and D Street (U.S. Highway 17) extending 250 feet from the center of the Highway 17 right-of-way both north and south. These properties shall be subject to all provisions herein. The Town Board of Commissioners shall, at its discretion, expand the overlay district boundaries from time to time in order to achieve the desired goals of creating an architectural urban form and enhancing property values within the Town limits.

### Goal

The goal of creating these overlay standards is to enhance the urban redevelopment of the Town core by promoting the enhancement of existing development and creating new development standards so the urban core may have a cohesive architectural and aesthetic form, consequentially attracting new businesses and enhancing the economic viability.

### Purpose

The purpose of these overlay standards is to ensure that the designated corridor is developed in a manner which:

1. Insures that property within the corridor is developed into a well-organized urban core, which entices new businesses to the area and enhances property values for the entire Town;
2. Provides uniform design standards to establish high quality development;
3. Prevents visual pollution caused by unplanned and uncoordinated uses, buildings, and structures;
4. Maximizes traffic circulation functions from the standpoint of safety, roadway capacity, vehicular, and non-vehicular movement;
5. Promotes pedestrian circulation;
6. Maintains and enhances property values;
7. Preserves natural features to the extent practicable; and

8. Recognizes and maintains allowances for existing uses and buildings.

## **ARTICLE 2. DEVELOPMENT STANDARDS**

### **1.0 Existing Development**

For purposes of this overlay district, existing development shall be defined as lands that are currently developed or being used for public purposes. Provisions for vacant lands are included in these standards, as it is understood that the maintenance of vacant properties can greatly affect the overall aesthetics of the community. Protection of property rights and current enjoyment of private property will be maintained to the greatest extent possible. However, it is understood that in order to increase the overall value of properties within the Town and to achieve the goals of the overlay district, restrictions and enhancements to developing properties must be incorporated into these standards. The following standards will be used to evaluate development and introduce remedies that enable the overall enhancement of the downtown core.

#### **1. Commercial uses:**

a. Commercial uses will maintain property in a manner consistent with the corridor overlay district standards. Broken fences are to be repaired or replaced, trash

removed, landscaping maintained, and any other maintenance performed in order to represent an aesthetically pleasing downtown core .

b. All outdoor storage of materials and equipment will be screened from view of U.S. Highway 17 by landscaping, walls, or other acceptable buffering.

c. In order to reduce glare, site lighting will be modified so that building lights are not directed towards travel lanes on U.S. Highway 17.

#### **2. Residential uses:**

a. All residential homes within the overlay district will be required to maintain property in a manner that complies with the corridor overlay standards.

b. Outdoor storage of boats, cars, or other equipment will be screened from view of the Highway 17 public right-of-way.

c. All trash will be removed from back, front, and side yards.

d. Landscaping will be maintained.



e. Signage or other means of identifying a business within the home must comply with existing Town ordinances and standards as stated within.

3. Vacant properties:

a. All property owners of lands within the overlay district that are currently vacant will be required to maintain property in a manner that complies with the corridor overlay standards.

b. All trash and debris, including fallen trees and dead vegetation, will be required to be removed.

c. No outdoor storage of materials will be allowed.

d. All fencing will need to be repaired and maintained.

**1.1 New Construction:**

The following provisions will apply to all new construction or where the cost of remodeling of an existing building exceeds 30% of the appraised value of the building. This will not apply to the remodeling of existing residential units.

*Architectural controls:*

Standards for architectural character and materials must be included in order

to create a viable urban core. The following standards will be applied to all new construction.

1. Exterior building materials and finishes:

a. The materials and architectural styles used during the development of the Town should reflect the character of the downtown urban core. The Town shall utilize specific standards and the Planning and Zoning Board to provide guidance to the Town Board of Commissioners on proposed construction within the overlay district.

b. The following building materials will be encouraged within the overlay district:

- i. Brick.
- ii. Stucco
- iii. Hardy plank
- iv. Wood

c. The following is a list of prohibited materials for use on the facades of buildings within the overlay district:

- i. Exposed metal
- ii. Unfinished concrete block
- iii. Other materials that do not keep within the aesthetic

character established by this overlay district and any reused materials.

d. The following fencing materials will be encouraged:

- i. Wrought iron
- ii. Aluminum picket
- iii. Decorative PVC
- iv. Split rail, privacy fence

e. The following fencing materials will be prohibited:

- i. Chain link
- ii. Barbed wire
- iii. Any material, if not otherwise approved, is prohibited.

1. Wood fencing will be allowed provided it is a maximum of 4 feet in the front yard (open pickets) and 8 feet in the side and rear yards.

*Building setbacks:*

The Town's zoning ordinances shall apply to building setbacks.

*Building height:*

The Town's zoning ordinances shall apply to building heights.

*Required corridor buffer and buffer design along Highway 17:*

1. For areas where a parking lot or vehicular use area is located in the front yard, the following shall apply:

a. A landscape buffer at least 20 feet in width shall be provided abutting the designated roadway right-of-way lines.

b. The developer/property owner shall be responsible for the purchase, installation, maintenance, and irrigation of all required landscaping.

c. The buffer shall be planted with canopy trees of 4-inch diameter at breast height (dbh) at time of planting. A minimum of four sub-canopy trees per one hundred feet of road frontage shall be planted in and abut access points and intersections.

d. No existing, dedicated, or reserved public or private right-of-way shall be included in calculation of the buffer width.

e. Storm water retention areas shall not be placed in the buffer area.

f. A continuous shrub hedge shall be planted in an arrangement to insure that a height of 3 feet will be attained within one year of planting so as to screen a

minimum of 75% of the parking area, to that height, as viewed from the right-of-way.

g. Existing vegetation shall be used where possible to meet these requirements.

2. For properties where the front yard of the building does not contain parking, the following criteria shall be used:

a. Street trees will be installed consisting of 4-inch diameter at breast height (dbh) at time of planting. The trees shall be planted every 40 feet. A solid shrub hedge may be planted at the base of the building or in planters used to provide plantings along the building frontage.

*Parking areas:*

Parking lots within the overlay district shall be designed and landscaped according to the following criteria:

1. Landscape requirements. A minimum of 10% of all parking areas and entryways shall be landscaped.

2. Parking bays. Parking bays shall not be larger than 40 spaces.

3. Landscaping breaks.

a. Perimeter landscaped parking breaks shall be a maximum of 200

square feet in area, planted with one canopy tree with a dbh of 2-3 inches and a maximum of 20 spaces apart.

b. Internal landscape breaks shall be a minimum of 400 square feet planted with one canopy tree, with a dbh 2-3 inches for every landscape break, and a minimum of three shrubs for every landscape break. Internal breaks shall be a maximum of 20 spaces apart.

c. Diamond landscape breaks shall be placed every ten spaces internally, shall be 8 feet by 8 feet, and shall be placed with one canopy tree.

4. Preservation. Existing vegetation shall be preserved where possible.

5. Lighting. Parking lot lighting shall be designed as follows.

a. Illumination onto adjacent properties shall not exceed 0.5 foot-candles.

b. Cut-off fixtures are required to conceal the actual source of the light, reducing the glare and directing the light to specific areas while shielding other areas.

c. The maximum height of the light pole shall be 16 feet, including the base.

*Signage:*

Signs shall be erected or installed according to these criteria:

1. Wall signs:

a. The maximum allowable wall sign area shall be two square feet per one linear foot of building frontage.

b. Total sign area shall be the sum of all sign areas excluding window signs or opening banners.

c. No individual wall sign shall exceed 200 square feet in size for a building with less than 200 linear feet of building frontage.

d. For buildings with frontage exceeding 200 linear feet, no individual sign shall exceed 400 square feet in size.

2. Ground signs:

a. Only one ground sign shall be allowed per parcel with 200 feet or less road frontage.

b. If a parcel's road frontage exceeds 200 feet and is less than 1,000 feet, then a maximum of

two ground signs shall be allowed, but no closer than 300 feet apart.

c. If a parcel's road frontage exceeds 1,000 feet, then a maximum of three ground signs shall be allowed, but no closer than 300 feet apart. For the purpose of this part, a parcel does not have to be a legally subdivided lot.

d. Vertical supports.

i. Vertical structural supports for ground signs shall be concealed in an enclosed base.

ii. A planter structure shall enclose the foot of the base.

iii. The planter shall be between 2 feet and 3 feet in height above the ground, with a minimum length equal to the width of the sign and a minimum width of three feet.

iv. The base and planter shall be of brick.

e. Lighting sources.

i. Any external above ground light source shall be located and hidden within the planter bed.

ii. Light sources located outside the planter bed shall be in a burial fixture.

f. The maximum height of the entire sign structure shall be 8 feet above the elevation of the nearest sidewalk.

g. The planter setback shall be a minimum of 5 feet from the right-of-way.

h. The maximum allowable ground sign area shall be one square foot per one linear foot of building frontage but shall not exceed 100 square feet. This calculation excludes ground sign base, sides and top.

i. In no case shall the sum of the total wall sign square footage plus total ground sign square footage exceed two square feet per one linear foot of building frontage on any given parcel.

i. Movement. No ground sign or its parts shall move or rotate.

j. Illumination. Sign lights shall be focused, directed, and so arranged as to prevent glare or direct illumination or traffic hazard from said lights onto residential districts or onto the

abutting roadways. No flashing or pulsating lights shall be permitted on any sign.

3. Prohibited signs. Off-premise signs, portable signs, pole signs, and temporary signs.

4. Exempted signs. Small real estate signs.

5. Flags. Flags are permitted as follows: a maximum of one state, one federal, and one local/county flag per parcel, each a maximum of 35 square feet.

6. Opening banners. Opening banners shall be allowed from two weeks prior to opening until one month after opening.

*Utility lines:*

All new or relocated utility lines within the designated corridor shall be constructed and installed beneath the surface of the ground unless it is determined otherwise by the Town Board of Commissioners in exercising the public's proprietary rights over publicly owned rights-of-way.

*Walls:*

All free-standing walls, sound barriers, ground sign enclosures, planters, etc., fronting the designated roadway or its major intersections shall be of brick construction.

*Additional zoning variance criteria:*

1. Landscape buffer width. The width may be reduced to a minimum of 8 feet only if the lot is less than 200 feet deep.
2. Ground signs. In order for ground signs along intersecting roadways greater than 250 feet from the corridor road way right-of-way to be approved, it must be demonstrated that the sign is not visible from the corridor roadway and that the sign is directed in such a manner as to be predominantly viewed from the intersecting street.

*Parking/storage of major recreational equipment, personal vehicles, and certain commercial vehicles:*

1. Within the commercial zoning district, boats, trailers, recreational vehicles, and other recreational equipment may be stored in any yard under the following conditions.
  - a. Recreational equipment must not be used for living, sleeping, or housekeeping purposes while parked or stored.
  - b. Recreational vehicles or equipment must not exceed 35 feet in length.
  - c. Recreational vehicles or equipment must not be parked,

stored, or encroach in any right-of-way easement.

*Bicycle parking requirements:*

1. Provisions for the safe and secure parking of bicycles shall be furnished to 5% of requirements for motor vehicles.
  - a. Not to exceed a maximum of 15 total bicycle parking spaces.
  - b. A minimum of two bicycle parking spaces are required.

2. Design.

- a. Each parking space is to have a minimum of three feet of clearance on all sides of the bike rack.
- b. Bicycle spaces will be surfaced with the same or similar materials approved for the motor vehicle parking lot.
- c. These spaces are to be lighted and located no greater than 100 feet from the main entrance of buildings.

*Dumpsters and recycling:*

1. Trash container location requirements:

a. Dumpsters and their enclosures may be located within a required yard provided that they do not encroach into a required landscape area and that there is no blockage of view of motorists or pedestrians that would constitute a safety hazard.

b. For multi-family residential developments having more than one structure, no dumpster shall be located more than 250 feet from the structure that it is intended to serve (unless a compactor is used for service).

c. Container screening. Except as noted below, all dumpster receptacles shall be screened on at least three sides from view of adjacent property owners and from adjacent streets on the first-floor level. All enclosures must have a concrete pad as the floor of the enclosure. This screening shall not be subject to height limitations for fences, provided that the vision of motorists on adjacent streets remains unobstructed.

d. Curbside pickup.

The Town may approve curbside pickup in lieu of dumpsters or compactors for individually owned multi-family residences.

*Sidewalks and bike lane requirements:*

1. Sidewalks and bike lanes, where applicable, must be constructed contiguous to public and private roadways, in conformance with the following criteria.

a. Bike lanes must be provided on collector and arterial streets.

b. Sidewalks six feet in width must be provided on both sides of collector and arterial streets.

i. In certain circumstances the sidewalk and bike lane may serve the same purpose.

c. Sidewalks five feet in width will be provided on both sides of local streets.

d. All bicycle lanes must have signage and be marked in accordance with the latest edition of the *U. S. D. O. T. Federal Highway Administration Manual on Uniform Traffic Control Devices*.

e. Sidewalk  
construction/materials.

i. All sidewalks shall be constructed of Portland cement concrete, or paved brick in conformance with the standard right-of-way cross sections in locations illustrated on an approved site development plan.

ii. All bike lanes are to be designed and constructed in accordance with the most current *North Carolina Bicycle Facilities Design Standards* and standards requirements.

(Ord. 9-09-2008-01, passed 9-09-2008)